

## AGENDA

### PLANNING COMMITTEE

WEDNESDAY, 24 JUNE 2020

1.00 PM

VIRTUAL MEETING VIA ZOOM VIDEO  
CONFERENCING SYSTEM

Committee Officer: Jo Goodrum  
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### Comment

Due to the Covid-19 outbreak and the restrictions by the Government on gatherings of people, this meeting will be conducted remotely using the Zoom video conferencing system. There will be no access to this meeting at the Council offices, but there will be public participation in line with the procedure for speaking at Planning Committee.

The meeting will be available to view on YouTube: URL: [https://youtu.be/kAoExY\\_MHYA](https://youtu.be/kAoExY_MHYA)

- 1 Appointment of Chairman of the Planning Committee for the Municipal Year 2020 - 2021
- 2 To receive apologies for absence.
- 3 Appointment of Vice Chairman of the Planning Committee for the Municipal Year 2020 - 2021
- 4 Previous Minutes (Pages 5 - 20)

To confirm and sign the minutes from the previous meetings of 13 May and 3 June 2020.

- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 6 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 7 F/YR19/0990/F  
Land South Of Chrysanthemum House, Barton Road, Wisbech, Cambridgeshire. Erect a C2 use care home facility (3-storey, 100-bed) and 5 x dwellings (3 x 2-storey, 3-bed and 2 x 2-storey, 4-bed) with integral garages and formation of 3 x new accesses from Barton Road and 3 x new accesses from Magazine Lane involving the demolition of existing shed (Pages 21 - 58)  
  
To determine the application
- 8 F/YR19/1029/F  
Land West Of Hereward Hall, County Road, March, Cambridgeshire. Erect 19 x 2-storey dwellings with garages Plots 13 & 14 only (comprising of 10 x 2-bed, 7 x 3-bed and 2 x 4-bed) (Pages 59 - 78)  
  
To determine the application.
- 9 F/YR20/0266/F  
Land West Of Meadow Farm, Horseway, Chatteris, Cambridgeshire. Erect a 1.8m (approx.) high post and wire fence, a hen house and the formation of an access (Pages 79 - 92)  
  
To determine the application.
- 10 F/YR20/0269/F  
Land west of Bradley's Farm, Honeyhill Road, Gorefield. Erect 1x dwelling (2-storey 4-bed), 1.8metre high steel fence railings and gate, and extension to existing workshop (B2). (Pages 93 - 106)  
  
To determine the application
- 11 F/YR20/0271/F  
Pescy, High Road, Guyhirn, Wisbech. Erect a 2-storey 4-bed dwelling with garage including the siting of 2no temporary caravans during construction (Pages 107 - 122)  
  
To determine the application.
- 12 Adoption of Planning Validation Requirements (Pages 123 - 128)  
  
To advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.
- 13 Items which the Chairman has under item 5 deemed urgent

Members: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor M Cornwell, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

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## PLANNING COMMITTEE



**WEDNESDAY, 13 MAY 2020 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

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

**P84/19**

**F/YR20/0120/O**

**LAND WEST OF GAULTREE LODGE, LONDON ROAD, CHATTERIS, CAMBRIDGESHIRE, ERECT A DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members and drew their attention to the update report which had been circulated to members.

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

- Councillor Benney expressed the opinion that London Road and Ferry Hill have always been part of Chatteris. He stated that he does not class the proposal as being in an elsewhere location and feels that the proposed location is also in a sustainable position. He added that there is the need for housing in Chatteris to ensure no further services and facilities are lost and expressed the view that it is a good development which he will be supporting.
- Councillor Murphy expressed the opinion that the proposal is in an elsewhere location and is a distance from the built up area of Chatteris. He expressed the view that it cannot be classed as infill development and there is no footpath or lighting on that particular stretch of the road. Councillor Murphy added that the proposal is against the aims and objectives of the National Planning Policy Framework and also against Policies LP3 and LP16 of the current Local Plan.
- Councillor Hay expressed the view that she agrees with Councillor Murphy and stated that although there will be a new Local Plan in time, it is the current Local Plan which members should be considering when determining applications. Councillor Hay stated that the proposal does go against LP3 and LP16 and added that on the site opposite where permission had been granted for 3 dwellings was infill development. She stated that Chatteris Town Council are also recommending refusal because they consider the proposal to be outside of the development area and the fact that it has no footpath or street lighting.
- Councillor Benney expressed the opinion that it is infill development adding that the other property is on Ferry Hill albeit set back in the woods. He stated that when consideration has been given to the proposed new Local Plan, Councillor Hay had put forward that the building line should be taken further down Ferry Hill. He expressed the view that although the proposal may not be fully compliant with the current Local Plan, it will be when the new Local Plan is introduced.
- Councillor Hay stated that Councillor Benney is correct and she did think it would be sensible to move the boundary going forward; however, members still need to abide with the current Local Plan.
- Councillor Sutton stated that he has listened to the other members and he expressed the opinion that this proposal is in an elsewhere location and he will be supporting the officer's

recommendation.

- Councillor Mrs Mayor stated that she will be supporting the officer's recommendation, as the Local Plan policies need to be followed.

**Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor that the application be REFUSED as per the officer's recommendation. This was not supported on a vote by members, which included the use of the Chairman's casting vote.**

**Proposed by Councillor Benney, seconded by Councillor Marks, and agreed, with the use of the Chairman's casting vote, that the application be APPROVED against the officer's recommendation.**

**Members approved the application against officer's recommendation for the following reasons; the development is not classed as an elsewhere location, is a sustainable location and forms part of Chatteris.**

**Members agreed to delegate authority to officers to formulate conditions in consultation with the Chairman, Councillor Benney and Councillor Marks.**

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

**P85/19      F/YR20/0167/O  
LAND NORTH OF THE BARN, HIGH ROAD, BUNKERS HILL, CAMBRIDGESHIRE,  
ERECT UP TO 5X DWELLINGS INVOLVING THE FORMATION OF A NEW  
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT  
OF ACCESS)**

David Rowen presented the report to members and drew their attention to the update report which had been circulated.

David Rowen read out a written representation received from David Broker, the Agent for the application.

Mr Broker, referred members to the executive summary within the officer's report which states that this is an elsewhere location thus being void of all chance of development although there are 25 dwellings in the hamlet of Bunkers Hill. He stated that with regard to the flood risk, only a very small part of the site is within Flood Zone 3, adding that the recommended floor level is 300 mm above ground level and this is typical for all new build properties in Fenland.

Mr Broker stated that with regard to the absence of a Sequential test, why would the owner of this specific site be looking for a site which he didn't own elsewhere. He highlighted aspects of previous applications which had been submitted including a previous application which was refused but under a former development plan.

Mr Broker stated that in previous applications the Planning Officer refers to Bunkers Hill comprising linear development, which is precisely what this is. "Linear Development. He explained that the geometry of the access in question can easily be conditioned for technical detailing as part of a Reserved Matters application stating that a revised plan was sent to County Highways in response to a former comment to which they have not responded, but they do not object in principal to the application.

Mr Broker explained to members that he has made reference to a recent application on the opposite side of the road which came before the Planning Committee in 2019 and was approved although the Planning Officer had put forward an almost identical case why it should be refused.

He added that on that occasion it was recognised that there was the need for future sustainability of rural communities and the need for housing in Rural Areas.

Mr Broker concluded by stating that the applicant owns the land, he is a builder by trade and this is an opportunity to provide business and work for himself and local tradesmen and he asked members to please let common sense prevail.

Member asked officer's the following questions:

- Councillor Meekins asked for clarification with regard to the terminology of visibility splay as contained within the officer's report. David Rowen stated that this means the distance initially set back from the road and by a certain distance down the road, to ensure cars have adequate visibility down the road in either direction.

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

- Councillor Sutton expressed the view that he has concerns over the visibility splay. He stated that he is reluctant to support an application which could put motorists in danger exiting the property and therefore, he will support the officer's recommendation.
- Councillor Hay stated that the visibility splay is drawn through the fence line to the host property and is incorrect and it would be remiss of members to pass this application. She will be agreeing with the officer's recommendation.
- Councillor Benney asked whether the visibility splay could be something that could be conditioned if approval was granted. David Rowen stated that it is an outline application with access included, and therefore, members need to be satisfied that the access they are approving today is safe and adequate.
- Councillor Mrs Mayor stated that she will be supporting the officer's recommendation as the access is not safe.
- Councillor Lynn stated that approval cannot be given to an application where it causes a danger to motorists. He added that if the applicant came back after revisiting the visibility splay issue, then he would look at it with a different perspective.
- Councillor Sutton stated that Councillor Lynn has indicated he would have a different view if the visibility issue was resolved and, therefore, questioned if members agree with the recommendation in totality. He stated that members need to be clear with their reasons for refusal in totality.
- Nick Harding stated that if members are to make a proposal for refusal solely on the grounds of the highway issue, it is important to identify why this application is otherwise acceptable given the recommendation to members by officers.

**Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor that the application be REFUSED as per the officer's recommendation.**

Councillor Benney asked for clarification with regard to the proposal for refusal and asked whether the committee are refusing the application on the grounds of visibility and splay or on the four reasons for refusal as given by officers. Nick Harding clarified that members would be voting to refuse the application in its entirety.

**This was not supported on a vote by members, which included the use of the Chairman's casting vote.**

Nick Harding stated that there needs to be a planning reason which explains why the other reasons for refusal should not be applied in this instance.

- Councillor Benney stated that he does not think the proposal is in an elsewhere location. He

added that although it falls in flood zone 1, 2 and 3, it does mean that flood zone three is going to be built on as it is an outline application.

- Nick Harding stated that in Policy LP3, it specifically list the various settlements that are in different categories and Bunkers Hill is not listed on any of them and therefore is an elsewhere location. He added that with regard to flood risk the Local Plan and the SPD is clear that a sequential test for alternative sites at lesser flood risk should take place. He added that Government policy states that wherever possible development should take place in locations where mitigation is not required with regard to flood risk.
- Councillor Lynn expressed the opinion, why would the applicant carry out a sequential test on this location, when he already owns the land. Nick Harding stated that this a fair point but when you look at it more widely when you look at Government policy, everybody could circumnavigate the sequential test by having a land interest in a parcel of land.

**Proposed by Councillor Benney, seconded by Councillor Lynn and agreed that the application be REFUSED on the grounds of visibility and safe access only.**

**Members did not support officer's recommendation to refuse planning permission on the other three grounds as they feel that the site is not an elsewhere location, would make a positive contribution to the character of the area and flood risk can be mitigated against.**

**P86/19      F/YR20/0182/O  
LAND SOUTH OF NORBROWN, HOSPITAL ROAD, DODDINGTON,  
CAMBRIDGESHIRE, ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION  
WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

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

Mr Cutteridge stated that he is proposing to build 2 average size family properties, however the Council have said that these are not appropriate without a footpath being installed. He stated that the land opposite has had 10 homes recently built and added that the Parish Council have given full support to the proposal with their also being 100 letters of support from the village.

Mr Cutteridge stated that Hospital Road gets at least 40 dog walkers, runners and pedestrians per day and he expressed the opinion that this to be due to his business planting over 10,000 trees in their Woodland and many metres of hedging, making it a more desirable area. He added that there has not been any accident involving pedestrians along this stretch of public highway without a footpath and therefore cannot see why one is needed now questioning whether the Council are suggesting that the road is unsafe for all these regular users?

Mr Cutteridge stated that the Council have also suggested the properties will spoil the landscape but he expressed the view that he cannot see how this can be as they will be situated behind a large native hedge and between an existing bungalow and the large new hospital building. He stated that he is not looking to develop this area to fund his personal lifestyle but to financially help develop his family run business and in turn create new jobs in Fenland along with helping the local economy.

Members asked the applicant the following questions:

- Councillor Marks asked for clarification on where the 10 dwellings that Mr Cutteridge had referred to were and asked whether it was those dwellings on the Benwick Road? Mr Cutteridge confirmed that they have been built on the land opposite the access to the proposed site.



- Councillor Meekins asked for clarity with regard to the nursery business. Mr Cutteridge confirmed that he already has an existing nursery business and he would like to sell the land for the building plots to give a financial increase to the business in order for it to be developed further.
- Councillor Marks asked for confirmation as to whether Mr Cutteridge intends to live in either of the proposed two dwellings? Mr Cutteridge confirmed that is not the intention.

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

- Councillor Hay stated that Hospital Road it is a very narrow road and has very few passing places and added that she is concerned about the increase of another two dwellings. She also noted that on the edge of the site there are also electricity cables which she also has concerns over.
- Councillor Sutton expressed the view that he has mixed feelings over the proposal. He stated that with regard to the 74 letters of support submitted by the Agent, 10 of them had no comment, 29 referred to either affordable housing, first time buyers or lower cost housing and three mentioned a bungalow, making the point that clearly some people are of the opinion that they may be affordable or starter homes, which clearly they are not.
- Councillor Sutton stated he has concerns with regard to accessibility and sustainability, the proposed site is about 9 minutes' walk from the centre of the village. With regard to the footpath, it is quite a short distance from the proposed site to the sheltered housing accommodation and there is a gate there but it does lead to an accessible footpath.
- Councillor Mrs Mayor expressed the opinion that the entrance to the centre of the village has changed over time. She stated that she agrees with Councillor Sutton on some of the points that he has raised. Councillor Mrs Mayor stated that in Fenland there are a number of developments approaching villages, and transport can be an issue but if highways have no objections, to the proposal then she is minded to go against the officer's recommendation.
- Councillor Meekins stated that on the map within the agenda pack, there are no houses opposite the proposal site and it is open land. He referred to the lack of footpath and expressed the opinion that he does think it is a good idea to build further dwellings. Councillor Meekins stated that the application appears to be the same application that was submitted nine months ago and he referred to the officer's summary highlighting the reasons for refusal and he expressed the opinion that he will be supporting the officer's recommendation for refusal.
- Councillor Benney expressed the view that each application is looked at on its own merits. He added that if we want to encourage business and people to move to Fenland, then it is important to have attractive dwellings. He stated that in his opinion that there is the need for individuality and added that if people have surplus funds, they look to reinvest it and along with planning reasons to consider there are also moral reasons to take into account. He added for those reasons, he will fully support the application.
- Councillor Murphy stated that the proposal site is quite a distance down the road and it does mean pedestrians have to step on the verge out of the path of traffic. He added that members cannot be sure what the applicant will do with the proceeds from the sale of the land and he expressed the view that to approve this application would be against many planning reasons.
- Nick Harding stated that whilst the speaker has advised members that the profits from this development will go into his business, the grant of planning permission will not contractually oblige him to do that and there is no guarantee that this will happen.
- Councillor Sutton highlighted to members, the map on page 33 of the officer's report, where he pointed out an access footpath for walkers. He stated that the only issue of accessibility for walkers would be a distance of 150 metres.
- Councillor Lynn stated that if the applicant is unable to raise the funds, then he would not be able to invest the money back into the community. However it would be important to give the applicant the opportunity to do so.
- Councillor Marks expressed the opinion that regard to the investment of money back into

the business, currently all businesses are struggling and members must remember the land has to be sold first.

- David Rowen stated the footpath that Councillor Sutton had highlighted earlier to members is actually an emergency access to the hospital site. He drew members attention to point 5.3 on page 26 of the officers report, where the Highway Authority have stated that Hospital Road is devoid of footways, street lighting and passing bays and the Council should take into consideration the impact of incremental development and the inadequate highway infrastructure to support further development along Hospital Road.
- Councillor Sutton expressed the opinion that members are here to determine whether the land is suitable or not suitable for development and the focus needs to be on planning issues.

**Proposed by Councillor Hay, seconded by Councillor Meekins that the application be REFUSED as per the officer's recommendation. This was not supported on a vote by members.**

**Proposed by Councillor Benney, seconded by Councillor Lynn that the application be APPROVED against the officer's recommendation.**

**Members approved the application against officer's recommendation for the following reasons; the agricultural grounds on the adjacent property were lifted prior to the application, the proposal is within the extremities of the village, there is other development in the area, and it is not felt this proposal is in the open countryside.**

**Members agreed to delegate authority to officers to formulate conditions in consultation with the Chairman, Councillor Benney and Councillor Marks**

**P87/19      F/YR20/0188/F  
LAND SOUTH WEST OF, 32 EASTWOOD END, WIMBLINGTON,  
CAMBRIDGESHIRE, ERECT A 2-STOREY 4-BED DWELLING WITH GARAGE**

David Rowen presented the report to members.

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

Mr Edwards explained that the applicants are long established residents of Eastwood End and that the site is a vacant piece of land positioned on the corner of Eastwood End. He added that the site has had many uses over the years, including accommodation of mobile homes and a workshop, some of which still exist adding that unless developed the site will remain unused. He made the point that there is built up residential development on either side of the highway.

Mr Edwards stated that planning permission was refused on the site in 2017 and as a result was subsequently appealed. He added that the Inspector's key findings were that the principle of the dwelling was acceptable given that the site is not remote from the services or facilities in Wimblington and future residents would support these services.

Mr Edwards stated that the appeal for a dwelling was refused for reasons of the scale, bulk, height and siting on the front part of the site would compromise the sense of space and openness. This was exacerbated by the prominent position within the site where it would be visible from vantage points along Eastwood End.

Mr Edwards stated that the dwelling has been positioned further back within the site to allow for views to the open countryside from the critical vantage point to the west on Eastwood End and it should be noted that that the site is not visible from the east (Hook Road). A single-storey

garage element is positioned to the north of the site, which will allow for views to the countryside beyond and the site is lower than the highway which means that the dwelling will appear less visually intrusive.

Mr Edwards stated that the site is located within flood zones 1, 2 and 3 with the dwelling positioned in flood zone 1, which emphasises the acceptability of the site. He expressed the view that officers have objected to the proposal on the grounds of the site being located outside of an established settlement which goes against what the Planning Inspector had said when he said that the site had access to services and facilities and did not object to the principle of development.

Mr Edwards added that appeals in other parts of the District have been used to object to the proposal in principle, however, in his opinion, this doesn't make sense when there is an appeal relating to this specific site which says that it is within a settlement. He concluded by stating that there have been letters from local residents in support of the application.

Members asked officer's the following questions:

- Councillor Marks asked for clarification with regard to the height of the property once the ground is levelled? David Rowen confirmed that the property would sit slightly higher than that of the existing property if built as shown by the visualisations submitted as part of the application.

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

- Councillor Lynn expressed the opinion that he is in favour of development in Fenland. He expressed the view that he is not in favour of building attractive dwellings which impose on neighbouring dwellings and he will be voting to support the officer's recommendation.
- Councillor Hay expressed the opinion that she considers this proposal as backland development of number 32. She added that she does not feel that the property should be built adjacent to a public right of way. Councillor Hay stated that she is giving great consideration to the views of Wimblington Parish Council, who quite clearly object to the proposal, as they consider it to be in the open countryside. She stated that she will be supporting the officer's recommendation.
- Councillor Meekins stated it does appear that the applicant has taken the comments previously made by the committee and also the Planning Inspector into consideration. He added that the footprint is still the same size and there is just a reduction in the number of bedrooms. The proposal appears to be situated on a hazardous bend in the road and unfortunately, although some notice has been taken into consideration by reducing the height, he will be agreeing with the officer's recommendation.
- Councillor Sutton stated that on several occasions over the last year, he has asked for a more balanced report with regard to Inspector's decisions. He expressed the opinion that the case officer has given a fair balance in this case and congratulated the officer for the quality of the report. Councillor Sutton expressed the view that the applicant and agent have taken notice of the some of the issues raised previously with regard to massing and the photo montage reflects no overlooking.
- Councillor Sutton stated that once the proposed footpath is constructed, it makes the hamlet of Eastwood End more accessible for the pedestrians. He added that he will be voting against the officer's recommendation.
- Councillor Hay stated that Councillor Meekins had stated that the footprint had not altered, however in 10.17 it shows that the footprint has increased albeit not very much, but it has increased.
- Councillor Sutton expressed the opinion that he wants to propose that the application be approved due to the footpath linking the hamlet to the village making it sustainable which it was not before.
- David Rowen stated that the footpath at the other end of Eastwood End has not been provided yet and therefore it is not guaranteed that it will be delivered.

- Nick Harding drew members attention to the Inspector's report and added that that the Inspector makes the comment that the design is not in any way suitable or mitigating to his concern over principle of the impact of the development of the land and therefore if members are minded to grant the application they need to identify why the principle of development in terms of the loss of this site is now acceptable.
- Councillor Sutton stated that whilst he appreciates the comments that Nick Harding has put forward, in his opinion, he feels that the proposal will improve the area and the proposed footpath link will almost certainly be put in place.
- Nick Harding stated that he appreciates Councillor Sutton's comments with regard to Inspector's decisions however there are 4 appeal decisions which all raise concerns over principle of development.

**Councillor Sutton proposed that the application be approved against the officer's recommendation however no seconder was forthcoming.**

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

*(Councillor Mrs Mayor took no part in the vote or the discussion thereon for this application as she lost internet connection during the debate)*

3.16 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 3 JUNE 2020 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

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

## **P88/19      PREVIOUS MINUTES**

The minutes of the meetings held on the 6 and 7 May 2020, were confirmed.

## **P89/19      LOCAL PLAN VIABILITY REPORT**

Nick Harding presented the Local Plan Viability Report to members.

Members asked officer's the following questions;

- Councillor Cornwell expressed the opinion that he is disappointed to see the constraints that the Council are going to have to work with. He referred to 12.63 in the officer's report, where it states that in the northern part of the District, the scope to receive financial contributions from the developer is limited and to that end he questioned whether those provisions will form part of the Garden Town Project in Wisbech? Nick Harding stated that the Garden Town is not a proposal which is going to feature in the allocation within the new Local Plan, due to the lead in time for that development proposal being in excess of the planned period that the new Local Plan is going to be accommodating. He added that some of the work that has been carried out on the new Garden Town has looked at viability and has recognised that a different delivery model would have to be used and it was decided that a development corporation would have to be formed to make that development happen.
- Councillor Sutton referred to 12.51 of the officer's report where it mentions base appraisals and asked whether there is the assumption that this information now overrides the 2014/15 ministerial statement. Nick Harding stated that the document does not override the ministerial statement and the only way we could ask for affordable housing to be provided on sites that are less than 10 dwellings is if we had in our new Local Plan clear evidence that this was needed in order to satisfy affordable housing need and it did not render small sites unviable.
- Councillor Sutton asked for clarity with regard to what kudos should be given to the document if an application is presented which states that the developer pays nothing at all and also what weight would an inspector give to the document, if there was a difference in opinion between the Council and the Inspector. Nick Harding stated that the viability report is generic in terms of its outlook and whilst it has tried to analyse a variety of development types, it can never be as good as a site specific viability assessment.
- Councillor Sutton asked for clarification and stated that when considering the Womb Farm agenda item, according to the officer's report the applicant is going to provide the amount of affordable housing, in line with the viability report being discussed. Councillor Sutton

expressed the opinion that there is nothing to stop the developer coming back at the reserved matters stage with a site specific assessment where there is no affordable housing provided and asked whether he has understood that correctly. Nick Harding stated that there is always that risk and always will be, when dealing with development. He suggested that with any application that is considered, the purpose of the Section 106 Agreement is to mitigate the impact that could be generated by that development. He added that there is not going to be a significant difference from one site to another in terms of its general viability position. There maybe nuances around specific pieces of exceptional costs such as drainage costs which need to be taken into account in terms of viability exceptional costs. He added that generally the costs of building houses, borrowing money, the preparation documentation to get full panning are normally the same wherever you are, it is just whether a site encounters a particular circumstance which would mean the costs would be higher.

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

- Councillor Hay expressed the view that she welcomes the report and is happy to note the outcomes of it. She added that the report clearly sets out that in the north of the district that viability may have to be accepted, however in the south developers will have to prove that it is exceptional, as the report clearly sets out that there is viability in the south of the district.

**Members AGREED to note the viability report which will be taken into consideration when determining planning applications from this point forward.**

*(This item was brought forward in the agenda, to enable members to consider the content, prior to determining the planning application on the agenda.)*

**P90/19**

**F/YR19/0834/O**

**LAND AT WOMB FARM, DODDINGTON ROAD, CHATTERIS, CAMBRIDGESHIRE; ERECT UP TO 248 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) WITH ASSOCIATED SITE INFRASTRUCTURE INCLUDING THE CREATION OF NEW VEHICULAR ACCESSES, INTERNAL ROADS, LANDSCAPING, OPEN SPACE (INCLUDING A NEW PLAY AREA), DRAINAGE AND A NEW OFF-SITE SECTION OF FOOTWAY ALONG THE A141 FENLAND WAY**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Alan Gowler from Chatteris Town Council.

Councillor Gowler stated that overall, the general feeling from Chatteris Town Council is that this is a good development and it is highly welcomed.

He expressed the opinion that it includes affordable housing within it, which is in high demand and stated that the Town Council welcome the proposed improvements to bus stops and the fact that there will be a much needed footpath built to link the Doddington Road area to the Larham Way/Jacks underpass to prevent the need for people, particularly schoolchildren to cross the very busy A141 at Slade End roundabout. He added that the Town Council are slightly disappointed at the width of the path/cycleway.

Councillor Gowler expressed the view that with regard to the busy road, the one major objection that the Town Council have is the proposed access from the southern development directly onto the A141. He added that the submission from Highways in the officer's report at 10.27 and 10.28 is simply astounding and it mentions "No evidence of congestion", "Not give rise to severe

transport impact". He stated that Town Councils have compulsory input in planning matters due to the local knowledge that they hold on the areas likely to be impacted for various reasons and in this case, it is difficult to imagine a worse place to put a junction in the whole of Chatteris.

Councillor Gowler added that the small piece of road between the Jacks roundabout and Slade End roundabout gets extremely congested at both morning and evening rush hour with traffic tailing back sometimes nearly to the previous (Stainless Metalcraft) roundabout. He expressed the opinion that he personally knows of several people who have told him that when they leave both Jacks and places of work on the Honeysome Industrial Estate they turn right at busy times and go all the way through Chatteris Town Centre in order to head towards Doddington, March and Ely.

Councillor Gowler added that basically, Chatteris Town Centre is already being used as a "rat-run" and this entrance will fully exasperate this totally unacceptable situation. He added that he would implore the relevant authorities to investigate this and to consider a course of action to alleviate it including the possibility of a 30mph speed limit. He stated that regarding the Womb Farm development the Town Council would ask for the following solution to be taken into account which would be to have just one entrance to the development from Doddington Road and to use the A141 entrance as the emergency entrance as is currently proposed between the two distinct developments.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr David Miller, the joint applicant for the proposal.

Mr Miller explained that he has prepared and submitted the outline planning application that is before members today in partnership with the site owner.

He added that the application has been developed with considerable care and attention to detail, starting with formal pre-application discussions with the planning officers and those at County level. He stated that following submission of the application in the autumn of last year, various requests for amendments to the technical submission have been requested and these have been made in the interests of the integrity of the scheme and for sound planning reasons.

Mr Miller stated that the planning officers have acted in a most reasonable, open-minded and professional manner and he expressed the opinion that, members have the opportunity today to facilitate the delivery of nearly 250 new market and affordable homes for Chatteris. He stated the proposed new homes will contribute significantly to sustaining and enhancing local shops and services, and in turn then supporting the Council's wider growth and inward investment agenda.

Mr Miller added that there are no barriers to delivery, such as a complicated land ownership position, and there have been expressions of interest from housebuilders, eagerly awaiting the outcome of today's meeting. He stated that whilst he fully endorses the officer's report, and clearly welcome the recommendation of approval, it is worth referencing the scheme's ability to make significant planning contributions, which he is aware has proven to be problematic on the basis of site-specific viability assessments being submitted with individual planning applications for new homes in Fenland.

Mr Miller stated that the scheme will deliver 50 affordable homes and just short of half-a-million pounds in financial contributions to education and library provision. These contributions have been made possible as a direct consequence of the viability report that the Council has commissioned from HDH Planning & Development, which is referenced at paragraphs 10.52-

10.58 of the officer's report. He added that a draft S106 Agreement has been submitted that confirms the intention to offer these planning contributions, which is referenced at paragraph 10.52 in the officer's report and it is simply now a case of completing the agreement if members are minded to grant outline planning permission.

Mr Miller concluded by stating that despite the economic uncertainty created by Covid-19 he remains very confident that the site will be delivered quickly to add to the existing housing offer in Chatteris and to support the wider role that Fenland's market towns will play in delivering the Combined Authority's economic growth agenda.

Members asked Mr Miller the following questions;

- Councillor Hay asked Mr Miller whether any consideration has been given to just having one entrance onto the Doddington Road? Mr Miller responded that one entrance was looked at and the advice that was received from the transportation consultants was to look at dual access scenario with emergency access from one way to the other. He added that this was discussed with the Cambridgeshire County Council Highways Authority and the consensus was this was the sensible approach to take.
- Councillor Cornwell asked for confirmation as to how this emergency access road will be secured to stop unauthorised vehicles using it? Mr Miller stated that there will be a fixed scheme in place, such as removable bollards or posts which will be agreed with the Highways Authority at Cambridgeshire County Council. Cycles and pedestrians will be able to walk through at all times, however unauthorised vehicles will not be able to gain access.
- Councillor Mrs Mayor stated that any fixed scheme must be removable and retractable, so that emergency vehicles have the ability to remove them when needed. Mr Miller agreed they will be retractable bollard system with responders.

Members asked Officers the following questions:

- Councillor Cornwell expressed the view that there is an expectation that virtually the majority of the residents will use the A141 access as the main pedestrian and cycle access to the development. He added that causes serious concerns with children using an access on to the A141. The road is very heavily trafficked and there is the expectation that children will be expected to cross the road and there needs to be a scheme where pedestrians are separated from the traffic. David Rowen stated that the intention of the A141 access point in terms of the pedestrian linkage is to facilitate use of the underpass at the side of the Poundstretcher store, as opposed to pedestrians crossing the road itself.
- Councillor Marks asked whether consideration has been given with regard to introducing a scheme where traffic can only leave the site by turning left onto the A141? David Rowen stated he is unsure whether that type of traffic scheme had been looked at, and the application with an unrestricted access and egress is what the Highways Authority have formed their recommendation on.
- Gavin Taylor stated that the accident data over the last 16 months had been considered and there were no accident clusters identified which were included within that data which had given cause for concern.
- Councillor Marks asked officers to confirm where the accident data is sourced from.? Gavin Taylor stated that the data is available from the County Council website.
- Councillor Mrs Mayor expressed the view that the data may well be historic and there needs to be consideration given for an additional 248 dwellings accessing the A141. She expressed the view that the Local Councillors who know the area well do need to be listened to.



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

- Councillor Murphy expressed the opinion that by reviewing the map within the officer's report, there will be 25% of the houses which will exit the site onto the bypass and 75% of the houses will exit onto the Doddington Road. He added that the development is in very close proximity of the underpass.
- Councillor Benney expressed the opinion that he agrees with Councillor Murphy and it is only 25% of the houses that will come out onto the A141. He added that the proposed cycle way and footpath will prevent accidents and benefit the local residents in the surrounding roads. The footpath has been needed for a long time. Councillor Benney stated that the reinstatement of the footpath will benefit the traveller site and make it safer for the residents of the site.
- Councillor Benney expressed the view that he had been on site with Councillor Connor and they had observed the Apple Green roundabout junction. He expressed the opinion that the road width does not appear to be able to accommodate two vehicles when cars are approaching the roundabout and added that traffic flow at the roundabout appears to be a major problem and in his opinion Councillors need to be lobbying to see a change in the layout of the road.
- Councillor Benney stated he has visited Stainless Metal-Craft, who have stated that they have difficulties retaining staff, as there are not enough suitable homes in Chatteris for the employees. He added that the proposed development will provide much needed homes and in turn support the local businesses and economy. He stated that Aerotron have also recently moved to Chatteris and it is the type of industry that Fenland wishes to encourage.
- Councillor Benney expressed that view that the site where Jacks is has not been utilised to its full potential and the site needs to be developed further expanding into a leisure park and to include a restaurant and a hotel. The more people who live in Chatteris will ensure that the local facilities will grow and develop, which will enhance the area for all concerned. Councillor Benney stated that the training college is due to come to Chatteris, and there will be people looking for homes who wish to work and live in the same area and in his view the application should be passed.
- Councillor Hay expressed the view that there is the need for more houses in Chatteris and she would have welcomed the proposal if there had been just one entrance off Doddington Road. She added that she realises that the footpath and cycle way will help and recognises that the Slade End roundabout will be widened when the Hallam Land proposal comes forward. She expressed the view that she welcomes the fact that the locality of the development, means that the children residing in the area will be able to use the underpass in a safe manner and the type of housing proposed is the type of development to encourage businesses to come to Fenland.
- Councillor Marks expressed the view that Aerotron staff, who are relocating from Gatwick, are struggling to find suitable housing in the Chatteris area and he welcomes the proposal, although he still has concerns regarding the access and the A141.
- Councillor Sutton expressed the opinion that it is a good scheme and fits with planning policy however like other members he does have concerns with regard to the A141. He questioned whether a safety barrier could be considered between the path and the road to allay some of the fears and concerns raised. Councillor Sutton expressed the view that he welcomes the biodiversity aspect of the application, and stated that the development must not be allowed to impact onto the maintenance access strip for the drain.
- Gavin Taylor stated that the bollard design will form part of the detailed matters as part of the reserved matters stage and Highways, Police and Fire and Rescue will all be consulted to ensure that the design and access is agreeable to all. He added that with regard to house type it is an indicative layout and this is not prescriptive at this stage and will be dealt with at the reserved matters stage. Gavin Taylor stated that with regard to the comments in relation to the north and south part of the development, the plans are indicative and the 75% and

25% split noted by Councillors Murphy and Benney are not fixed at this stage but that future reserved matters would set this out and that the highways team would be consulted again to ensure that they are satisfied with all aspects at the reserved matters stage. He added that with regard to Councillor Sutton's concerns over the easement strip, the Middle Level Commissioners will be consulted with to ensure they are agreeable.

- Councillor Benney expressed the view that he agrees with the comment raised by Councillor Sutton with regard to a barrier being placed along the road, is a very good idea to protect the children.
- Councillor Cornwell expressed the view that he would support a barrier to split the footpath and the cycleway from the carriageway. He supports the proposal.
- Gavin Taylor stated that safety is paramount and the design detail will have to be vetted by the transport team at County Council and the conditions proposed require a scheme to provide a footway and members comments are noted to request detail as part of that condition.
- Councillor Sutton expressed the view that he is happy with the development, but has a strong fear of pedestrian safety and therefore with regard to the transport conditions, he would suggest that an additional condition (f) is added which states that at least look into the provision of a safety barrier. David Rowen stated that the proposal to add a point f is reasonable if members are minded to grant planning permission and suggested that the wording of installation of the necessary safety infrastructure be used.

**Proposed by Councillor Sutton, seconded by Councillor Benney and decided that the application be APPROVED with the addition of a condition with regard to safety measures, as per the officer's recommendation.**

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

#### **P91/19      ADOPTION OF PLANNING VALIDATION REQUIREMENTS**

Nick Harding presented the Adoption of Planning Validation report to members.

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

- Councillor Sutton expressed the view that he would like further time to consider the information sent to members and requested a deferment of the item.
- Councillor Cornwell expressed the view that he will not be voting on this item as he requires further information before he can make a decision.

**Proposed by Councillor Sutton, seconded by Councillor Hay and agreed that the item be DEFERRED to the next meeting.**

#### **P92/19      LOCAL PLANNING ENFORCEMENT PLAN**

Nick Harding presented the Local Planning Enforcement Plan report to members.

Members asked officers the following questions;

- Councillor Sutton stated that there are certain scenarios and situations which arise, which mean that the five day notice in the proposed timeline will not be acceptable and therefore he would like to see something in the policy which reflects, that if members have serious issues or concerns then the 5 day timeline is reduced to an immediate response. Nick Harding stated that a revision could be added where it states that the Council will go out sooner where the harm arising is immediate and so significant that it warrants a speedier response

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

- Councillor Sutton stated that he is happy to approve the policy subject to the slight amendment as Nick Harding has suggested. He added that going forward he would like to see a regular enforcement report brought forward to Planning Committee.

**Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor AGREED that the Local Enforcement Plan Policy be adopted with the revision to the five day timeline.**

**P93/19      PLANNING APPEALS.**

David Rowen presented the report to members with regard to appeal decisions over the last few months.

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

- Councillor Benney asked officer's to clarify what the differences were between the appeal decision in Chase Road and the planning application that was recommended for approval on the site at Bevis lane in Wisbech St Mary, which had been discussed at a recent Planning Committee meeting? David Rowen stated that the appeal in Bevis Lane, was a case where there was only one plot being considered which was more comparable than the two plots in another application that had been discussed at Committee for the site in Sealeys Lane in Parson Drove. David Rowen added that the distinct difference is the location site relative distance to the nearest settlement. The site in Chase Road is 2.5 km outside of Benwick and the only access is via a B road which is heavily trafficked. The sites in Sealeys Lane and Bevis Lane are only a kilometre from the nearest village and access is along country roads with less traffic. He added that all three sites are also located in flood zone 3 and flood hazard mapping was available for Bevis Lane and Sealeys Lane which demonstrates what the real risk of flooding would be should there be a breach in defences. In the Chase Road site there is no hazard mapping available and the Inspector decided that he could not apply that information in his decision making
- Councillor Benney asked what the distance is from the appeal site at Bar Drove to the centre of Friday Bridge. David Rowen stated it is approximately a mile from the centre of Friday Bridge.
- Councillor Sutton stated that there does appear to be discrepancies in decisions made by Inspectors.

**Members noted the recent appeal decisions reported.**

3.19 pm

Chairman

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F/YR19/0990/F

**Applicant: Mr J Punton**

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

**Land South Of Chrysanthemum House, Barton Road, Wisbech, Cambridgeshire**

**Erect a C2 use care home facility (3-storey, 100-bed) and 5 x dwellings (3 x 2-storey, 3-bed and 2 x 2-storey, 4-bed) with integral garages and formation of 3 x new accesses from Barton Road and 3 x new accesses from Magazine Lane involving the demolition of existing shed**

**Officer recommendation: Grant**

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

## 1 EXECUTIVE SUMMARY

- 1.1 This scheme will see the delivery of a bespoke care home establishment which will specifically deliver housing to meet the needs of the elderly, as promoted in Policy LP5 of the FLP. Whilst market housing also comes forward as part of the proposal the amount and location of this when viewed in the context of the overall scheme is considered acceptable.
- 1.2 Although this development proposal comes forward in advance of a wider Broad Concept Plan for this strategic allocation it is considered that in this instance, due weight must be given to the contribution that the development will make to the district in terms of housing opportunities and job creation. Mindful of these positive, and significant, attributes and acknowledging that the scheme will not compromise the overall aims of the BCP there are no reasonable grounds to withhold consent in this regard.
- 1.3 Due regard has been given to the matters raised by neighbouring occupiers in terms of character and amenity concerns. However whilst the outlook and character of the area may change as a result of the proposal such change is not considered so significant as to render the scheme unacceptable in terms of Policies LP2 and LP16, especially when due weight is given to the bespoke /specialist accommodation provided by the scheme.
- 1.4 It is most regrettable that the site was cleared prior to the submission of this proposal. However the site was not afforded any statutory protection in terms of planning legislation, notwithstanding any implications in terms of wildlife legislation. Securing the recommendations of the Ecology Report through the imposition of relevant conditions will ensure that the scheme delivers appropriate mitigation and enhancements in this respect going forward.
- 1.5 Matters of flood risk and highway safety have been duly considered and have achieved a positive recommendation from the relevant statutory undertakers, subject to appropriate conditions.

1.6 The evaluation of this proposal, informed by relevant statutory consultees, has raised no issues which would render anything other than a favourable recommendation being forthcoming.

## 2 SITE DESCRIPTION

- 2.1 The site comprises an area of vacant land which was previously an orchard; however the site has been cleared. It is bounded to the east by frontage residential development on Barton Road and the Grove Park park home site which abuts the eastern boundary of the site. There is a 6m easement along the eastern boundary of the site for a water main which goes from the pumping station on Barton road to Magazine Lane. The south of the site abuts residential development on Magazine Lane.
- 2.2 The site is within flood zones 1 and 3 it is noted that there is a 6m easement along the eastern boundary of the site for a water main which goes from the pumping station on Barton road to Magazine Lane.

## 3 PROPOSAL

- 3.1 The scheme comprises two distinct elements the first being the delivery of a care home the second being market housing in the form of 5 dwellings, with three of these properties fronting Magazine Lane and two fronting Barton Road; looking at each element in turn:
- 3.2 The care home element will comprise 100 rooms, each comprising bedroom, bathroom, and open plan living/dining room including small scale kitchen facilities; i.e. sink and counter range circa 2.3 metres long.
- 3.3 Situated into the site along the western boundary the care home is arranged over three floors. The most northerly section is largely two-storey with a single storey element and the central section is three-storey. The most southerly element of the care home is again two-storey with two single storey sections.
- 3.4 There are communal lounges, each with dining areas on the ground and first floors together with treatment rooms and assisted bathrooms.
- 3.5 Visitor parking is provided central to the site and a further parking area for staff is situated alongside the most southerly wing.
- 3.6 A footpath is shown to the east of the site linking Magazine Lane with Barton Road and two cycle shelters are also shown.
- 3.7 The residential dwellings, which are identified in the design and access statement as being proposed to *'part fund the significant development costs of the care home and to ease cash flow in the early stages of development'* comprise three dwellings fronting Magazine Lane and two dwellings fronting Barton Road. The properties on Magazine Lane are chalet style dwellings each having three bedrooms. The footprint of these dwellings will have maximum dimensions of 13.7 metres wide x 10.8 metres deep, including attached single storey garage. The overall ridge height will be 8 metres maximum with eaves heights varying from 2.35 metres - 3.5 metres). Each of these dwellings will be served by an individual access.

- 3.8 The two properties fronting Barton Road will be two storey dwellings with a maximum width of 11.6 metres and maximum depth of 22.6 metres (including a single storey rear outshoot). The maximum ridge height of these dwellings will be 8.9 metres. Each of these properties will feature a two-storey projection to the front delivering a double garage with bedroom over. These properties will be handed and there will be two 1.8 metre high wall sections addressing the main entrance to the care home site along each radii. Individual accesses will serve each dwelling from Barton Road.
- 3.9 Following input from CCC Highways the proposals now also incorporate a minor realignment of the Magazine Lane (ML) carriageway; integral to the delivery of a 2.0m wide footway along the site frontage to ML and proposals to relocate the 30 mph limit which will be agreed at detailed design stage. In addition a crossing point will be provided on ML with dropped kerbs and tactile paving to the existing footway on the opposite side of the road.
- 3.10 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q05DRYHE06P00>

#### 4 SITE PLANNING HISTORY

F/95/0779/O	Erection of 2 no. bungalows with garages Land East Of Silverlea Magazine Lane	Refused Appeal Dismissed 21.02.1996
F/95/0547/O	Erection of 3 no. bungalows with garages Land East Of Silverlea Magazine Lane	Refused 08.11.1995

#### 5 CONSULTATIONS

- 5.1 **Wisbech Town Council:** Originally recommended that the application ‘*be supported, subject to the Local Highway Authority being satisfied with the proposed access arrangements*’. With regard to the re-consultation the Town Council have indicated that they will provide a further response by 16<sup>th</sup> June 2020, this response will be provided in the update report to the Planning Committee.
- 5.2 **Cambridgeshire County Council Highways Authority:** Originally commented that the 100 home care home facility triggers a requirement for a Transport Assessment to be submitted and that the CCC Transport Assessment team would need to review the content of the Transport Assessment and assess the transport impact of the proposed development across the wider highway network. Also noted that
- the footway and footpath widths should be specified along with access geometry etc.
  - *The footpath between Barton Road and Magazine Lane should be 2.0m wide and street lit. [...] further details [can be secured] by pre-commencement condition.*
  - *Magazine Lane carriageway should be widened so it’s suitable for two way vehicle movements along the 3 plot development frontage. This is to ensure suitable access and manoeuvring space is provided for the new accesses proposed.*

Following the submission of further drawings the Highway Officer provided further feedback as follows:

*There appears to be the available land to provide a perpendicular access onto Barton Road. Can you request the agent realigns the first 15m of access road. This will avoid westbound vehicles entering the access, in part, on the opposite side of the access.*

*The widening of Magazine Lane to 4.1m could result in a highway safety problem. The narrow width is likely to give rise to driver uncertainty and two conflicts. Widening the road to a minimum width of 4.8m would overcome this issue. If third party land is an issue then an alternative traffic engineering type of arrangement may be required to reinforce priority/give way traffic flows.*

*The footpath connection with Magazine Lane and Barton Road will require some form of chicane arrangement either end. A note should be added to the plan stating the chicane arrangement to be agreed CCC LHA at detailed stage.*

Further to receiving revised plans CCC Highways Officer has confirmed that there are no highway objections subject to conditions (which are reproduced in the relevant section of this report. As part of recommendations CCC Highways require the applicant to enter into a S106 or unilateral agreement to secure the sum of £1000 (required to cover the cost of the public consultation exercise required for the speed limit and regulatory signage alterations proposed along Magazine Lane.)

- 5.3 **CCC Transport Assessment Team:** Note that they are 'satisfied with the site description outlined within the Transport Assessment. A missing link has been identified in the pedestrian network between the site and Wisbech town centre. A pedestrian crossing point is required from the development site to the existing footway on the opposite side of Barton Road.

*The closest bus stops are situated c290m and 569m from the site. Both stops comprise flag and pole infrastructure with the eastbound stop also comprising timetable information. Both stops serve the No.46 service which operates between March and Wisbech every 90 minutes Monday to Saturday.*

*Accident Analysis - The latest available 60 months accident data obtained from Crashmap has been provided. The study area is agreed. Whilst it should be noted the County Council do not accept data from Crashmap, on this occasion CCC have cross-referenced the Crashmap data with our own accident record and such data is considered acceptable. No accident cluster sites were identified. This is agreed.*

*Trip Generation - TRICS software has been used to obtain multi-modal trip rates for the development. Full TRICS outputs have been provided. The County Council do not accept the trip rates used within this assessment. Ireland sites are not acceptable for use within the TRICS assessment. As such, all Ireland sites should be removed from the TRICS assessments and the TRICS assessments repeated.*

*Site Access - Vehicular access to the Care Home taken off Barton Road is proposed to comprise a 5.5m wide access road with a 1.8m wide footway either side. A 1.8m wide footway will be provided along the northern site frontage*



*between the two private access points to the new dwellings at either side of the northern boundary. A new dropped kerb and tactile paving crossing point to the existing footpath on the northern side of Barton Road will also be provided east of the site. This should be illustrated on the proposed site layout drawing.*

*Vehicular access to the three dwellings at the southern boundary taken off Magazine Lane is proposed to comprise three simple private drive access points. A 1.8m wide footway link will be provided northwards from Magazine Lane to Barton Road. Additionally, a 1.8m wide footway will be provided along the southern site frontage between the western boundary and the existing footway on the southern side of Magazine Lane to the east of the site. A dropped kerb crossing with tactile paving is proposed to provide access to this footway. This should be illustrated on the proposed site layout drawing.*

*Site access details should be agreed with Highways Development Management who will provide separate comments.*

*Car and Cycle Parking Provision -The development is noted to accord to the Parking Standards set out within the Fenland Local Plan (2014).*

*Travel Plan - A Travel Plan will need to be subject to a condition should approval be given. The Travel Plan should include suitable targets and measures.*

*Conclusion - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.'*

Following the submission of ' Additional Information letter dated 5th March 2020, prepared by MTC Engineering' provide further comment as follows:

- 'It is noted in response [to earlier consultation that] the applicant has submitted a revised TRICS assessment excluding Ireland sites. It is noted the vehicular trip generation is lower than what was previously submitted in Table 3.1 of the TA. It is therefore considered the trip generation submitted in the original TA provides a robust assessment and the impacts of 18 vehicle trips in the AM peak and 33 vehicle trips in the PM peak split between both access points would not be considered severe.*
- Site Access Vehicular access to the Care Home is proposed to be taken off Barton Road. A new dropped kerb and tactile paving crossing point to the existing footpath on the northern side of Barton Road will be provided east of the site as illustrated in drawing no. 2412-04 Rev A.*
- Vehicular access to the three dwellings at the southern boundary taken off Magazine Lane is proposed to comprise three simple private drive access points. A 2m wide footway link will be provided northwards from Magazine Lane to Barton Road. Additionally, a 1.8m wide footway will be provided along the southern site frontage between the western boundary and the existing footway on the southern side of Magazine Lane to the east of the site. A dropped kerb crossing with tactile paving is proposed to provide access to this footway as illustrated in drawing no. 2412-04 Rev A.*
- Travel Plan - A Travel Plan will need to be subject to a condition should approval be given. The Travel Plan should include suitable targets and measures.*

*Conclusion The Highway Authority does not wish to object to the proposal subject to [a condition requiring the provision and implementation of a Travel Plan].*

- 5.4 **Environment & Health Services (FDC):** *Note and accept the submitted information and have 'No Objections' in principle, as it is unlikely to have a detrimental effect on local air quality.*

*Given the scale of the proposed development, I would expect the development to be connected to mains drainage, and I would also recommend a condition is imposed in the event that planning consent is granted, for a construction management plan being submitted prior to commencement of development, to ensure that the construction phase does not impact upon any existing nearby dwellings.*

*A contaminated land Phase 1 Geo-Environmental Desk Study has been undertaken by EPS, the report (Ref: UK19.4535) dated 19.07.19 for which has been submitted, and the findings noted and accepted by Environmental Health.*

The desk study recommends that an intrusive ground investigation is undertaken and in response the EP have recommended that a full contaminated land condition to cover the need for this Phase 2 intrusive investigation and any associated remedial strategy and validation/closure report aspects is imposed to ensure that any contamination is satisfactorily addressed.

The EP team also recommend that a full light impact assessment to demonstrate that proposed lighting is in accordance with the Institution of Lighting Professionals Guidance Note [...] is provided. Following submission of this report EP have confirmed.

*'The details provided, including the horizontal illuminance (Lux) level layouts demonstrate that the scheme will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, that being (E2) Rural.*

*EP also note that 'if planning consent is granted and complaints are subsequently received, this service will be duty bound to investigate and ensure that installations are in accordance with those originally proposed, as the granting of planning permission does not indemnify against action by this service where a statutory nuisance is proven.'*

- 5.5 **Environment Agency:** Raise no objection to the proposed development but makes comments re the National Planning Policy Framework Flood Risk Sequential Test. By consulting the EA on this planning application they assume that FDC has applied and deemed the site to have passed the NPPF Sequential Test. Although the EA have raised no objection to this planning application on flood risk grounds this should not be taken to mean that the EA consider the proposal to have passed the Sequential Test.

With regard to the Flood Risk Assessment (FRA) the EA *'have no objection to the submitted application but strongly recommend that the mitigation measures detailed in the submitted flood risk assessment undertaken by MTC Engineering (dated Oct 2019, ref: 2412 - FRA & DS) are adhered to. The FRA states:*

- *Finished floor levels set at a minimum of 3.0m ODN*

- *Flood resilient construction to a height of 600mm above the finished floor level'*

Offer advice to the applicant in respect of flood resilience and flood warning.

In respect of the re-consultation undertaken: *'no further comments to make regarding the amendments submitted'*.

5.6 **CCC (Lead Local Flood Authority):** Initial comments raised an objection to the grant of planning permission for the following reasons:

- *Further infiltration testing required [...] to support the proposals to manage surface water by infiltration. If the applicant is not able to undertake such testing at this stage, a feasible alternative strategy should also be proposed as a fall-back option, such as discharge to a watercourse.*
- *Concerns over increasing risk to adjacent areas: It has been proposed to raise ground levels of up to 680mm to protect the proposed development from fluvial flooding associated with a 1 in 1000 year storm event and breach of fluvial flood defences. There are concerns that this ground raising could create an increased flood risk to adjacent areas, including the existing caravan park and nursery to the east of the site. It should be demonstrate that flood risk can be managed on site without creating an increased risk to adjacent areas.*
- *Scope to reduce development in Flood Zone 3: The site is located in Flood Zone 3, with the central part of the site located in Flood Zone 1. The proposed site plan shows that the majority of the development will be located within flood zone 3, with the visitor parking area positioned in flood zone 1. It is strongly advised that the proposed residential housing/care home development is positioned in flood zone 1 where possible, with the areas of green space and parking areas positioned in flood zone 3. Also provided informatives regarding infiltration, IDB consent and pollution control*

Following re-consultation on amended FRA and drainage strategy the LLFA maintained their objection as follows:

1. *IDB Concerns and watercourse quality issues: The IDB have raised concerns regarding the proposed method of surface water disposal [...]. These concerns relate to the poor condition of the riparian drain on the southern side of Magazine Lane and riparian drain forming the western boundary of the site.*
2. *Whilst the applicant has now proposed to discharge surface water through a single outfall into the drain to the south of Magazine Road, the concerns regarding the condition of this watercourse have not been addressed. Until these concerns have been addressed, and an in principle agreement has been provided from the IDB, we are unable to support the application in its current form.*
3. *Concerns over increasing risk to adjacent areas: It has been proposed to raise ground levels of up to 680mm to protect the proposed development from fluvial flooding associated with a 1 in 1000 year storm event and breach of fluvial flood defences. There are concerns that this ground raising could create an increased flood risk to adjacent areas, including the existing caravan park and nursery to the east of the site. It should be demonstrated*

*that flood risk can be managed on site without creating an increased risk to adjacent areas.*

4. *Scope to reduce development in Flood Zone [as per] previous objection letter*

A revised FRA and Sustainable Drainage Strategy was submitted along with documentation from the North Level Internal Drainage Board and based on these the LLFA have confirmed that they *'can now remove [their] objection to the proposed development as they consider:*

*The [...] documents demonstrate that surface water from the proposed development can be managed through the use of permeable block paving with sub base attenuation, shallow swales and filter strips. Surface water will be discharged into the existing Anglian Water surface water sewer at a rate of 2 l/s for all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change. This sewer then outfalls in a North Level Internal Drainage Board (IDB) drain. The connection has now been agreed by both Anglian Water and the North Level IDB.*

*The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*The site is at very low risk to surface water flooding. Whilst the majority of the site is located within Flood Zone 3, the site is protected by the River Nene flood defences for all events up to and including a 1 in 200 year event. Furthermore, building finished floor levels will be set at 3 metres AOD, providing a 300mm freeboard in such an event that the defences become breached.'*

Request a condition relating to detailed surface water drainage scheme and informatives relating to IDB consent and pollution control.

- 5.7 **Anglian Water Services Ltd:** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary AWS therefore request that text is included in any decision issued to reflect this. AWS also identify that 'the foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows' and that 'the sewerage system at present has available capacity for (used water network) flows' and requests a number of informatives. Highlights that 'the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option'.

Following reconsultation AWS have *'reviewed the additional information submitted and have no further comment to make on this application'*.

- 5.8 **North Level Internal Drainage Board:** Initially commented that they *'had no objections in principle'*, however [did have] *'serious concerns regarding the viability of using soakaways for a development of this size. It is imperative that the application be conditioned to allow a more detailed investigation into the best method of dealing with surface water, including possibility of using the existing Anglian Water surface water sewer in Magazine Lane. I do question sole use of infiltration as I doubt if the infiltration tests were repeated now that they would come up with the same results. I must also raise concerns over potential ground*

*raising as the application must not increase flood risk to existing neighbouring properties. The existing watercourse to the east and west are in riparian ownership and the developer must also be aware of his responsibilities for the future maintenance of this watercourse.'*

Following receipt of the amended Flood Risk Assessment and drainage strategy highlight that their 'concerns are twofold, firstly the riparian drain forming the western boundary to the site is poor quality and to the best of my knowledge does not have an outfall, it merely acts as a soakaway. This is therefore not acceptable as a method of surface water disposal. Furthermore, I would question the use of a cellular storage system for the site as during the wet winter months we are currently experiencing, it is highly likely the ground is already saturated, Finally I must point out that the riparian drain on the south side of Magazine Lane is in extremely poor condition with little or no maintenance and is unfit to take the additional flows from the south of the proposed development. I feel that until the above issues are properly addressed, I must oppose the planning application in its current form.'

- A further consultation response from the NLDB indicated that their objection remained 'as the amended FRA suggests water will be discharged to the riparian drain to the south side of Magazine Lane, via the Anglian Water surface water sewer. I believe the AW surface water sewer discharges to my Board's Cox's Lane Drain, hence confirmation is required. Firstly I will need evidence of sufficient capacity in the Anglian Water Sewer to take the additional flows. The applicant will also require formal land drainage consent to discharge additional water into my Board's drainage network, and a development levy [...] will be payable for dealing with increase in run off from the site'.

*Following further revisions to the FRA/Drainage Strategy the NLIDB have removed their objection subject to a formal application to discharge surface water and payment of a development levy [...] for dealing with the additional run-off from the site.*

- 5.9 **Senior Archaeologist (CCC):** 'Our records indicate that this site lies in an area of archaeological potential, situated on the south side of Barton Road and within the area of the Gardens of Sibald's Holme (Cambridgeshire Historic Environment Record reference MCB19356), an area of landscaped gardens and parkland associated with an early 19th century property to the east overlooking North Brink. Although there has been very little intrusive archaeological investigation in this part of the parish to-date, an area of probable Roman settlement has been identified to the west of the proposed development, south of Barton Road, where Roman greyware pottery has been recovered from land under arable cultivation (02830), and numerous chance finds of Iron Age, Roman and Saxon material including coinage (03882, 03907) are documented in the Barton/North Brink area where it has been suggested that a long history of landownership by wealthy families such as the Peckovers prevented the westward expansion of the town, thereby limiting opportunities for further chance discoveries during building work etc.

*Examination of aerial imagery shows that the application site appears to have been cleared recently, and prior to the determination of this application. Further clearance that does not fall within the scope of an application should be discouraged, to avoid further potential damage to vulnerable archaeological remains that may survive within the development boundary.*

*We do not object to development 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.'*

- 5.10 **Designing Out Crime Officers:** *'I have reviewed this application in terms of promoting community safety and reducing vulnerability to crime - I consider that the proposed layout and design should address this, especially since the residents of the care home could be elderly/vulnerable. I do however wish to make the following observations:*

*The proposed footpath that would link Magazine Lane to Barton Road - whilst it is a very long footpath it is straight but there are concerns regarding access to the rear of properties at the caravan park - this could be improved by defensive planting so should planning approval be given I would wish to comment on any planting schedule and maintenance plan.*

*My other point is by including the footpath it gives persons a reason to be in the area of what is a private area. The developer might like to consider appropriate use of CCTV covering main entrances to the building and the car park and cycle parking areas. This would certainly ensure residents and staff-use the car parks etc and reduce fear of crime for the residents.*

*Additional car park area - 9 spaces - I do have concerns that this area could be used to attract anti-social behaviour as away from the development not easily overlooked by residents of the care home. If they are there to help staff with parking I do think their use will lead to some 'desire lines' across to the care home as there are no direct footpaths from this car park to the care home that could be used.*

*Cycle parking bays should be within direct site of the main building - so I would like to see the cycle shelter that has been positioned by the footpath to be moved - cycles left here are vulnerable to crime as only partial surveillance from the care home building.*

*Lighting across the whole development - I would like to see the external lighting plan when available and it should cover the whole site including car parks and access routes - I would be happy for it to be conditioned.'*

*Following re-consultation on the amended scheme proposals they have confirmed that they 'have reviewed the amendments and clarifications submitted regarding the above Application. [and are] happy that Lighting and provision of CCTV can be conditioned [noting that they] would like to review that when available. Indicates that they are 'supportive of moving of cycle store, community safety has been considered and as stated in my previous comments welcome the opportunity to work with the client to ensure vulnerability to crime will be addressed once planning approval has been obtained.'*

- 5.11 **Housing Strategy (FDC):** *'The applicant states that this is a proposal for a 100 bed care home facility and therefore class C2 use. Having looked at [the drawings] it would appear that the units proposed are self-contained flats comprising a bedroom, a living room with kitchen area and a wet room. On this basis I would ask that planning consider whether this scheme is actually an extra care facility and potentially class C3.*

*In the event that planning are satisfied that this scheme is a care home and C2 use, it does not qualify to provide affordable housing. However, if it is determined that it is C3 use [...] we would expect a contribution of 25% on this site of 105 dwellings. The total number of dwellings we require would be 26.*

*The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 18 affordable rented homes and 8 shared ownership in this instance.*

*On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5, and the changes made by the new NPPF mentioned.'*

**5.12 Head of Environmental Services:** *'In broad principal we have no objection to this development, however the following points would need addressing:*

- *As a residential care home the business would have to pay for their waste collection service either through Fenland District Council or a private waste contractor.*
- *Bin stores would be required to accommodate bins for general waste, recycling, hygiene waste and clinical waste. For weekly collection of general waste and hygiene waste an estimated 15 x 1100 litre four wheeled bins would be required. For a weekly recycling collection an estimated 10 x 1100 litre 4 wheeled bins would be required plus provision for clinical waste collections.*
- *The site would need to be accessible for 11.5m dustcart allowing it to enter and leave the site in a forward gear.*
- *The access road would need to be suitable constructed for 26 tonne dustcart.*
- *Bin stores would need to be accessible and no more than 10m from the roadway.*

*For the 5 dwellings:*

- *Refuse and recycling bins will be required to be provided as an integral part of the development.*
- *Bins will require presenting at the curtilage of the property where it meets the Public Highway on the day of collection.*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide'*

**5.13 Arboricultural Officer (FDC):** *'Grant: The application site has been cleared of any significant vegetation prior to submission of the application. Historical aerial images suggest there were extensive shrub/tree growth and mature hedges likely to have provided foraging and nesting opportunities for wildlife. I note that the proposed site includes significant tree/shrub planting and garden areas. I have no objection to the proposal.'*

**5.14 Cambridgeshire Fire & Rescue Service:** *'Should the LPA be minded to grant approval the Fire Service would ask that adequate provision be made for fire hydrants which may be by way of Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority*

*submits plans to the Water and Planning Manager - Community Fire Safety Group. Where a S106 agreement or planning condition has been secured the cost of Fire Hydrants will be recovered from the developer.*

*The number and location of fire hydrants will be determined following risk assessment and with reference to guidance contained within the National Guidance Document on the provision of water for firefighting 3rd edition published January 2007.*

*Access to facilities for fire service should also be provided in accordance with Building Regulations Approved document B5, section 16.*

*If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains then aerial (high reach) appliance access is required, the details of which can be found in the attached document.'*

- 5.15 **Local Residents/Interested Parties:** A petition from neighbours signed by 14 residents has been submitted along with 8 letters of objection, with two of these originating from signatories of the petition.

#### **Design and Amenity**

- Design accuracy of layout - position of main sewer drain is incorrect
- Design not in keeping with other properties in area - all properties surrounding this plot are single storey this plan for two & three storey development is out of character with the area.
- Proximity to property/Density/overdevelopment/Backfill
- Lack of clarification of build standard - what provision has been made for energy saving and reduction of CO2 impact
- Restriction of light and shadowing to adjoining properties - three storey building plus roof will cause shadowing to homes backing directly onto the site and properties in Grove park and the surrounding area
- Overlooking properties resulting in lack of privacy - residents of the care home will be able to look directly into surrounding properties
- Security of site and adjoining properties - plans indicate that there will be no security checks and anyone could walk along the proposed footpath and enter the care home.
- Lighting of site and impact on residents at mobile home site - no lighting plan has been supplied; this may interfere with residents day to day life and result in light pollution.
- Visual impact on the area/loss of view, which has already been reduced by the removal of the existing woodland
- Possibility of unsocial behaviour on care home site and intrusion to surrounding properties - a footpath running 2 metres from boundary fence could lead to intrusion and vandalism to properties in Grove Park, also parking areas serving the care home could lead to anti-social behaviour.
- Increase in noise to elderly residents on residential mobile home site
- No objections in principal to a Care Home being built concerned about it being three storeys high and overlooking our property.
- Waste and litter/noise

#### **Site Constraints and Policy Considerations**

- Designated agricultural land - many fruit trees have been lost from the site
- Understand that the nursery land on the other side of Grove Park is also agricultural and has been refused planning for houses more than once.



- Ecological and environmental impact - wildlife habitat has already been destroyed through site clearance
- Flooding and drainage - the land is always wet and is at present waterlogged; developer has filled in open dyke and the dyke to the west has been fenced off. There is no surface drainage on Grove Park so water from this site goes into the proposed building plot.
- The ecology report is post site clearance which makes a mockery of the planning system the site is listed as a traditional orchard which is a priority habitat and the application should be refused
- Still see wildlife on the area although it is now clear and flat/environmental concerns

### **Services and Infrastructure**

- Impact on local health services - capacity would be required for at least 130 people
- Additional utility resources required - extra gas and electricity would be required will have a pull on the national grid and putting in the required cables/pylons would cause disruption to others.

### **Accessibility**

- Traffic and highways - Magazine Lane already crowded and width of road where the proposed houses would exit is narrow. Barton Road is not suitable for more traffic.
- Insufficient bus service - the submission states that staff will use the bus service however it is noted that the bus timetable does not cover normal working hours
- Traffic noise and fumes and increased noise from footpath use
- Traffic is already congested in Magazine Lane and two entrances will only worsen this and the poor state of repair of the road
- We understood there was no vehicle access from the Woodcote Park development because of the narrowness of the road
- The section of Magazine Lane which leads to North Brink is very narrow
- Parking arrangements
- Cannot see the point of a footpath from ML to BR as there is already a footpath through the playing field; also notes that it will run along the side boundary of a dwelling and will be a magnet for ASB

### **Other matters**

- Devaluation of surrounding properties
- Would set a precedent - allowing for other orchards, woodland in the area to be cut down and built on
- Build time and sale of properties to finance care home - it appears the developer will build the houses to finance the care home therefore it will be a two phase scheme and access will be via the gap between the two 4-bed homes and Barton Road causing disruption; developer may build houses and then apply to change the planning from a care home to a housing scheme
- Lack of confidence in developer
- Fenland Council lack of commitment to environmental and ecological requirements
- Developer has erected a boundary fence which results in the owners of the Grove Park site being unable to comply with a court order obtained by Fenland Council to ensure they repair and make good the boundary fence as per the park home license.
- Seem to have got away with lots of things and nothing ever done about it.
- Local services/schools unable to cope

- We wonder if an extended consultation period would be appropriate to allow full local awareness of such a change in the area
- Although a need for a care home may be necessary, the scale of this development is not in keeping with the area
- Grove Park is not a caravan park but a residential Park Home site.
- Developer claimed that the sale of the proposed five dwellings will be needed to part fund the main development. However, I doubt they will find it easy to sell the three homes facing Magazine Lane when (if?) any prospective purchasers discover that, number 3 on the plan, will be adjacent to an open air vehicle repair workshop, in operation whenever the rain stops, and the other two are located in the middle of a duck pond [...] the inevitable result of clearing and burning five acres of vegetation and backfilling drainage ditches.

An additional representation has been made which neither objects to/or supports the proposal and has no objection to the new build, however notes that:

- Magazine Lane needs resurfacing and widening to allow cars to pass
- Parking also needs to be created for current cars parked on Magazine Lane as if this is not done with the new accesses there will be congestion.

Following re-consultation a further objection has been received on behalf of three of the original objectors which maintains their earlier objections and raises further objections with regard to:

- Alterations to the Magazine Lane carriageway, noting that
- There is a voluntary one way system already in operation as a result of on-street parking
- The entrance to Grove Park is concealed due to existing vegetation
- The layby opposite entrance to Grove Park causes issues with access to this development. Lack of parking on the Grove Park development necessitates visitors parking on Magazine Lane
- Queries the extent of public highway available
- Delivery vehicles have to park in the middle of the road due to on-street parking
- Any reduction in width of the road will result in road blockage either side of any give way system
- The condition of Magazine Lane is more in keeping with an un-adopted road
- Footpath between Magazine Lane and Barton Road unnecessary and runs along the Anglian Water main.
- Defensive planting along the Grove Park boundary could damage fencing and property and make it impossible to maintain the existing fence (also notes issues with current maintenance due to fencing erected by developer).
- CCTV will be intrusive on the homes backing onto the development from Grove Park
- Security lighting is likely to be intrusive.

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise  
Para. 10 - Presumption in favour of sustainable development  
Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making  
Chapter 4 - Decision Making;  
Paras 39-41 - Pre-application  
Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise  
Paras 54-56 - Planning conditions and the use of planning obligations  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 9 - Promoting sustainable transport  
Para. 127 - achieving well designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.  
Chapter 15 - Conserving and enhancing the natural environment  
Paras. 178 - 179 ground conditions and pollution, risks arising from contamination

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

### **7.3 National Design Guide 2019**

Context C1 - Relationship with local and wider context  
Identity I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive; I3 Create character and identity.  
Built form B1 - Compact form of development; B2 Appropriate building types and forms  
Movement M3 - well-considered parking, servicing and utilities infrastructure for all users  
Uses U1 - a mix of uses  
Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment; H2 - Well-related to external amenity and public spaces, H3 - Attention to detail; storage, waste, servicing and utilities  
Lifespan L3 - A sense of ownership

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP8 – Wisbech  
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

## **8 KEY ISSUES**

- **Principle of Development**
- **Broad Location for Growth**
- **Housing need and justification**

- **Character and design**
- **Residential amenity**
- **Highway safety, access and sustainability.**
- **Flood risk**
- **S106 considerations**
- **Other matters**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The site lies within the urban area of Wisbech, albeit on its periphery. As such development must be considered in accordance with Policy LP3; which in the case of Wisbech, one of the primary market towns, indicates that this location will be host to the majority of the district's new housing and job creation with the aspiration of creating '*strong, sustainable, cohesive and inclusive communities*'.
- 9.2 Notwithstanding the aims of LP3 the site also falls within one of the strategic allocations for growth and this is a material consideration which is considered in detail below; alongside pertinent case law.
- 9.3 Matters of visual and residential amenity, site constraints (to include highway safety, flood risk and contamination) and biodiversity considerations are also material to the consideration of the scheme. These aspects will be balanced against the wider benefits of bringing forward an alternative housing model as promoted in part by Policy LP5 (C) which indicates the need to meet the particular needs of all sectors of the community such as the disabled and the elderly.

### **Broad Location for Growth**

- 9.4 The site falls within the West Wisbech Broad Location for Growth which is identified as having the potential to provide '*high quality living environments and be prominently open space and residential although there may be opportunities for some business use*'
- 9.5 Policy LP7 clearly indicates that the Broad Locations should be planned and implemented in a coordinated way, through an agreed overarching broad concept plan, that is linked to the timely delivery of key infrastructure. It is further identified that '*with the exception of inconsequential very minor development, proposals for development which come forward prior to an agreed broad concept plan being produced will be refused.*
- 9.6 Although the policy steer is clear with regard to the need for BCP areas to come forward in a coordinated manner a recent appeal decision relating to a site within the Wisbech East BCP area is pertinent to the consideration of this present scheme as the Planning Inspector, although dismissing the appeal on other grounds, made a significant point in relation to LP7 and LP8, i.e.

*'Given the scale and form of the wider EWSA and its relationship to the existing built up area of Wisbech, I see no compelling reason why the development of the appeal site in the manner proposed would compromise these aims of the BCP, or FLP policies LP7 and LP8. Having regard to the wider links beyond the appeal site, the appellant has demonstrated how the proposal could be capable of making appropriate provision through, and*

*around the perimeter of, the site to facilitate walking and cycle access to the EWSA and local services and facilities. ‘*

- 9.7 A similar scenario exists with regard to the current proposal as it is clear that the scheme can be brought forward as a stand-alone development that does not impinge upon the strategic planning of Wisbech West BCP (identified as part of Local Plan Policy LP8). Furthermore as the submission indicates the scheme ‘in recognition of the wider masterplan aspirations for the BCP area [the proposal incorporate[s] a permissive path route which links Barton Road to Magazine Lane - which offers a through route for pedestrians and cycles and an alternative walking route to the town centre.

### **Housing need and justification**

- 9.8 In further support of the scheme it is noted that the proposal will address some of the existing and planned demand for elderly persons which contributes to the overall housing need for the district. Detailed information in this regard has been provided within the proposal and this is summarised below.

- 9.9 When this scheme was first mooted as a pre-application enquiry Officers indicated that any subsequent proposal should demonstrate that there was sufficient need for a care home of the scale proposed. In response to this requirement population analysis was provided based on Wisbech (the 7 wards in Wisbech only) albeit it is clear that the catchment for this facility is likely to be wider than the immediate locality. In assessing the population the agents have used the latest census data to identify population growth overall and in particular in the ‘older’ range 65+.

- 9.10 Thereafter the agent’s representative has ‘*applied accepted percentages of the population at these cohorts that were likely to need some form of residential care and this was then compared with the existing provision to demonstrate a significant need for this form of accommodation. Key headlines show that:*

- *In 2016 the population of 65+ constituted 18% of population whereas in 2026 this had risen to 23% of an increasing overall population; by 2026 in Wisbech wards alone this will total 6000 of the projected population of 27000. This rises again in 2031 to 6800.*
- *Therefore, there is a nominal need for additional care facilities for up to 1400 elderly people in Wisbech by 2026 and currently there are approximately 361 places available. With an existing and growing need deficit for all of the following categories of age-related accommodation;*
  - *Age exclusive units*
  - *Sheltered*
  - *Enhanced sheltered*
  - *Extra care’*

- 9.11 The submission goes on to note ‘*(from the Council’s figures from the Housing for Older People Supply Recommendations model (HOPSR) that the unmet and predicted need for age related accommodation and sheltered home is most acute in Fenland with the HOPSR model showing a predicted 2025 deficit of 1669 sheltered places and 1200 age exclusive units (75+) within Fenland as a whole- this figure is larger once the 65+ cohort is included as set out in the Census data’.*

- 9.12 It is therefore considered, based on the justification contained within the submission, that there is significant need for the delivery of such a housing model to meet the current and future needs of elderly persons requiring age-appropriate accommodation in the district.
- 9.13 It is acknowledged that the market housing indicated along both road frontages has limited justification however it does sit alongside the wider scheme proposals in a manner that does not compromise the development of the wider site. It is further acknowledged that recent approvals have allowed for frontage development with outline planning permission having been granted under F/YR18/1016/O for up to 4-dwellings on land east of Barton Green, fronting Barton Road, Wisbech.
- 9.14 The agent for the scheme has also indicated that the residential plots are proposed to part fund the significant development costs of the care home and to ease cash flow in the early stages of development. There is no particular provision within planning legislation to allow for 'enabling development' of this type however it is clear, having due regard to earlier approvals that this aspect of the development proposals represents no issue in terms of the planning policy framework.
- 9.15 Notwithstanding the above due regard must be given to the overall policy backdrop relating to bringing forward the site comprehensively it should be noted that whilst significant weight may be given to this 'specialist housing' proposal a more generalised market housing scheme could be viewed as premature in the context of the BCP. Accordingly it is deemed appropriate to condition any subsequent approval to ensure that the occupation of any of the market dwellings should not occur prior to the commencement of works of the care home element of the proposal.

### **Character and design**

- 9.16 The frontage development proposed along both Magazine Lane and Barton Road maintains the existing pattern of development and the design of these dwellings.
- 9.17 The main care home element is situated into the site with its main length running north/south along the western boundary with staggered ridge heights serving to reduce the overall bulk of development and the three-storey element being a central component of the overall built form. Extensive planting is shown behind the road fronting development and this will further serve to soften the development within the context of the streetscene.
- 9.18 It is considered that the form and character of development is acceptable in the context of the existing location with the orientation and form of the development together with its positioning within the site mitigating its overall impact. It is appreciated that the care home will have a larger footprint than neighbouring properties however its design is such that it will not appear dominant within the existing streetscene. Accordingly it is considered that there are no issues to reconcile in respect of Policy LP16 of the FLP or the National Design Guide.

### **Residential amenity**

- 9.19 Local residents have raised concerns regarding the scale and form of the proposed development and the impact on their properties in terms of overlooking, loss of privacy, loss of light, light pollution, loss of outlook and visual impact. Of

particular concern is the inclusion of three storey development within the complex and the proximity to existing properties.

- 9.20 Matters of scale have been considered above in so far as they relate to the overall character of the area. In terms of the residential amenity impacts associated with the development it is noted that the main bulk of the care home is situated to the western part of the site. The scheme incorporates single storey elements which project to the east of the main building with only the central section, at some circa 57 metres from the common boundary with Grove Park, being three-storey and delivered with a ridge height of 11.8 metres and eaves height of 9 metres.
- 9.21 The two single storey wings to the east of the building are situated 15 metres and 31 metres from the common boundary with Grove Park at with a maximum ridge height of 6 metres. Beyond these wings the care home then increases in height with the form of the complex being two-storey with these elements having a 9 metres ridge height and being 31 metres, 38 metres and 44 metres distant from the common boundary with Grove Park. At these distances it could not be argued that the residential amenity of residents in Grove Park will be significantly compromised, especially not at a level which would warrant refusal of the scheme on residential amenity grounds.
- 9.22 In terms of visual dominance it is considered that the variety of roof heights and the use of off-shoot wings will result in a scheme which will not visually dominate its neighbours and the positioning of building within the site, aligning north -south, will result in no overshadowing arising in respect of Grove Park.
- 9.23 It is noted that FFL of the development shall be set at a minimum of 3.0m ODN albeit the scheme is silent as to whether any additional land raising is proposed. Given that any changes to levels within the site has potential to impact on the residential amenity of neighbouring properties a condition will be imposed to secure details of existing and proposed levels across the site.
- 9.24 To the west of the site is a densely wooded area and whilst the rear elevation of the care home will circa 7.5 metres at its closest point to this common boundary and will contain windows there are no residential amenity considerations to reconcile in this regard.
- 9.25 A scheme for external lighting accompanies the submission, the detail of which has been accepted by both the Designing out Crime team and the FDC Environmental Protection (EP) team. The guidance offered by the EP team indicates that the granting of planning consent does not *'does not indemnify against action by this service where a statutory nuisance is proven.'*
- 9.26 Given the scale of the proposed development a construction management plan will be necessary to ensure that the construction phase does not impact upon any existing nearby dwellings.
- 9.27 With regard to the provision of the 5 market homes it is noted that each of these dwellings makes provision for private amenity space in accordance with the requirements of Policy LP16 (h) and have acceptable relationships with neighbouring properties.
- 9.28 It is considered that there are no significant issues arising from the scheme with regard to residential amenity, whilst the scheme will obviously alter the outlook for

residents, particularly those in Grove Park, it is not considered that there would be material grounds on which to withhold consent in respect of residential amenity impacts and it is concluded that the scheme aligns with the Policy aims of LP2 and LP6 of the FLP (2014) with regard to residential amenity.

### **Highway safety, access and sustainability.**

- 9.29 Matters originally raised by the LHA in respect of the scheme details have been addressed by the agents for the scheme and the proposal is now technically compliant in terms of its detail.
- 9.30 The 'missing' crossing point along Barton Road is now detailed as part of the scheme as per the recommendations of the LHA and whilst the chicane detail initially recommended by the LHA has not been incorporated into the design pedestrian guard rails are to be installed, this detail having been accepted by the LHA. In order to cover the associated costs of the public consultation exercise required for the speed limit and regulatory signage alterations proposed along Magazine Lane the LHA have recommended that the applicant enters into a unilateral agreement to secure the sum of £1000 and the applicants agent has indicated their acceptance of this via email.
- 9.31 Given the scale of the development the application is accompanied by a Transport Assessment which has been reviewed by the CCC Transport Assessment Team who have raised no objection to the proposal subject to a requirement that a travel plan for the site is secured by condition.
- 9.32 The comments of residents prompted by the re-consultation relating to the changes proposed to the Magazine Lane carriageway, specifically the introduction of traffic management which they consider will result in the blockages at either side of any give way system. They note that traffic already operates a voluntary one way system due to on-street parking and highlight issues with accessibility in the vicinity. Also raised are a number of issues relating to the current road environment which relate to the existing Grove Park development and are therefore outside the consideration of this scheme, i.e. vegetation obscuring access and lack of parking.
- 9.33 It is noted that the Highways Officer has raised no objection to the proposals, which will be subject to their own consenting arrangements. Accordingly there would be no highway safety grounds on which consent could reasonably be withheld.
- 9.34 The highway impacts of the scheme have been fully considered and there are no matters that represent any issues in terms of highway safety as such the scheme achieves compliance with Policy LP15 of the FLP.

### **Flood risk**

- 9.35 The application is accompanied by a detailed Drainage Strategy and Flood Risk assessment and given that the site comprises land both within a flood zone 1 (central section) and flood zone 3 location (remainder of site) it is necessary to consider the implications of development in terms of the sequential test.
- 9.36 It is acknowledged that the 'Draft approach to the sequential test for housing (DAST)', adopted by the Council in February 2018, specifically identifies that the Urban Extension Sites identified under Local Plan Policies LP8 to LP11 do not



have to go through sequential testing in terms of the principal of development as this was done at the time the sites were identified for inclusion in the adopted Local Plan. Although it is acknowledged that site specific flood risk assessments should be undertaken so that the higher risk areas within the sites are avoided as far as possible and these can be made safe from flooding and do not cause flooding elsewhere. This FRA which accompanies the submission has been accepted by the Environment Agency and accordingly there are no matters arising regarding the same.

- 9.37 In terms of the exceptions test the DAST highlights that the council will also accept that the first part of the Exception Test, relating to wider sustainability benefits, will be considered to have been passed if the re-development of an existing site within the urban area will be in accordance with the Council's sustainability objectives and be sufficient to outweigh flood risk where pre-development flood hazards in the Level 2 SFRA do not represent danger to most or all.
- 9.38 Against this backdrop, and noting that the second part of the exception test is passed by virtue of an acceptable FRA, it is considered that this proposal which will provide an alternative accommodation which clearly aligns with Policy LP4 - Part C in that it will meet the particular needs of the disabled and elderly through the provision of purpose built care home accommodation satisfies the first part of the exception test.
- 9.39 It is further noted that the scheme has gone through a number of iterations which have concluded in a proposal which has garnered the acceptance of both the Internal Drainage Board and the Lead Local Flood Authority subject to appropriate conditions.
- 9.40 Based on the above evaluation and mindful of the detailed evaluation of the scheme proposals undertaken by the relevant stakeholders it is considered that, subject to the recommended conditions, that the scheme achieves compliance with Policy LP14 of the FLP.

### **S106 considerations:**

- 9.41 In response to the observations of the Housing Strategy team which draws a distinction between an 'extra care facility and potentially class C3 and a 'care home'; and notes that the former would attract a requirement for an element of affordable housing provision to come forward as part of the scheme the agent has provided the following clarification:

*'[It] remains the case- in that it is a single entity 'care home' being applied for not a multitude of unrelated flats with no significant element of care. The change in description was made by FDC in advance of consideration of the material facts of the case.*

*It is clear from the initial submission and analysis of the census data that there is a significant unmet need for this form of development within Wisbech- it is noted that this analysis only covered the urban wards of Wisbech, and clearly, as the catchment for this facility would run much wider than this the need will be significantly more that as set out.*

*The care home will have an on-site 24 hour manager as well as an appropriate level of staffing to meet the care, medical and security needs of the residents - additional facilities such as hairdressers, chiropodists etc will be provided on site as part of the care packages - as will catering and laundry services. Additional services will be bought in by the care home management from local suppliers as needs dictate.'*

- 9.42 Reference is also made within the submission to an appeal decision which the applicants consider relevant to the consideration of their submission. Noting that the appeal quoted takes a pragmatic view to the provision of care/extra care within an overall care home. This appeal decision is considered helpful in respect of this proposal as it has direct parallels with the case currently under consideration and fully explores the critical differences between a C2 (residential accommodation with care) and C3 (dwelling house).
- 9.43 It is noted that the Use Classes Order defines a C2 use as “use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.” Care is defined in the Order as “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and treatment.” In the appeal case quoted it was noted that both parties agreed *‘that there [was] no definitive means by which to establish the use class of Extra Care housing units or [the] specific appeal scheme. Ultimately, this [was] a matter of fact and degree in each individual case.*
- 9.44 The RTPI Good Practice Note 84 and Housing Learning and Improvement Network (LIN) Fact sheet 1 ‘Extra Care Housing - What is it?’ deal specifically with Extra Care Housing and offer some guidance on possible distinctions between C2 and C3 Extra Care accommodation. Key to the distinction is the extent to which communal services are provided and the extent to which care is available to meet the needs of residents. Both documents define Extra Care in line with the Department of Health’s Extra Care Housing Toolkit, as “purpose built accommodation in which varying amounts of care and support can be offered and where some services are shared.”
- 9.45 The submission clarifies that the properties are to be leasehold and the premises will be run as a single entity care home, with different areas of the care home catering for different degrees of care/specialist interventions with the potential for residents to move within the care homes as their personal needs for care change. The minimum age of residents will be 60, however in practice it is likely that the residents will be 70+ and the agent is content for an age restriction (60+) to be applied, either by condition or S106. They further propose that to qualify for occupancy a resident must require at least 2-hours per week of personal care; this being in addition to the shared laundry facilities on site and the communal kitchen and eating area. It is not intended that the scheme will provide 24 hour nursing care. *The submission notes that ‘It is anticipated that most of the care and support services will be in house - however additional services will be bought in from local suppliers as necessary- it is noted however that the appeal decision focuses on what services are available rather than whether they are all in house or sub contracted in.’*
- 9.46 Whilst provision is made for residents to cater for themselves within their accommodation it is anticipated that most will not be able to/want to cater for themselves and will receive their meals through the care package. The

submission further notes that the cookers shown in the first floor units will not be installed and at ground floor facilities will enable a level of independence at varying levels. The catering facilities and dining rooms are seen as essential to the operation of the care home as a whole, with the restaurant providing a meeting place for residents and visitors and forming part of the overall offer.

- 9.47 The scheme concept clearly aligns with the scenario demonstrated in the quoted appeal decision and as such it is accepted that this scheme falls outside general market housing as it is intended to operate as a care home. Against this backdrop it is accepted that it will not be necessary to secure an element of affordable housing in this instance however it will be necessary to secure occupancy by S106 to ensure that residents meet the qualifying criteria expounded in the submission; i.e. over 60 year of age and requiring at least 2-hours per week of personal care in addition to the shared laundry facilities on site and the communal kitchen and eating area.

## **Other matters**

### **Crime and design**

- 9.48 The agent has largely addressed the observations of the Designing out Crime Officer by:
- (i) Relocating the cycle parking provision and
  - (ii) Proposing a comprehensive lighting scheme
  - (iii) Indicating their acceptance to a condition requiring CCTV coverage of the site.
- 9.49 Whilst the agent has not incorporated the suggested revisions relating to relocating the 9 overspill staff parking spaces, incorporating defensible planting along the common boundary with the park home site to the east it is clear that a comprehensive CCTV scheme together with the pedestrian guard rails at each end of the proposed footpath will serve to address the opportunities for anti-social behaviour highlighted by both the DOC and local residents.
- 9.50 Again it is noted that the re-consultation has prompted further comment from neighbouring occupiers in Grove Park who again challenge the need for a footpath between Barton Road and Magazine Lane. They highlight that there is already a footpath a few hundred yards away through the Barton Road Recreation Ground and express concern that the footpath will give access to the rear of their properties. They raise further concern relating to the use of defensible planting and the likely impact of such planting on existing fencing, both in terms of its integrity and future maintenance, and the plinths to their existing dwellings. It is further noted that a fence has been erected by the owner of the site which impinges on the ability of residents to maintain their fence; however this is a civil matter which falls outside the planning process.
- 9.51 With regard to the inclusion of defensible planting as indicated above there are no plans to undertake planting along this boundary and there is nothing to suggest that the CCTV scheme proposed could not serve as an adequate deterrent with regard to ensuring these boundaries are secure. Although neighbours have also raised concern regarding the use of CCTV and the impacts that this would have on existing residents with regard to privacy this is not a planning consideration and the operators of the scheme would have follow data protection law. As such it is contended that the privacy of residents will suitably safeguarded.

9.52 It is considered that the scheme proposals align with the requirement of Policy LP17 of the FLP (2014) and as such there are no matters to reconcile in this regard.

### **Archaeology**

9.53 The CCC Archaeology team have recommended that the site is the subject of an archaeological investigation in accordance with the requirements of the NPPF and Policy LP18 of the FLP; such investigation may be secured through the imposition of the condition as specified in their consultation response. Subject to the requirements of this condition being met the scheme is considered acceptable in the context of Policy LP18 of the FLP.

### **Refuse Collection**

9.54 As indicated in the consultation response from the FDC refuse team the care home operator will have to arrange a private waste collection and make provision for bin storage within the site, no more than 10 metres from the roadway. The storage area will need to be accessible by an 11.5 metre dust cart and the access will need to be constructed to accommodate a 26 tonne refuse vehicle. Whilst the current site layout does not identify an area for bin storage this aspect of the scheme may be conditioned to ensure such details are agreed prior to the occupation of any part of the care home.

9.55 Refuse collection arrangements for the private dwellings will follow standard operating procedures as all dwellings benefit from a road frontage from which kerbside collection will be possible and there is sufficient scope within each property boundary to accommodate the storage of bins.

9.56 It is considered that the scheme raises no issues with regard to refuse collection, subject to additional details being secured in respect of the specific care home collection regime; accordingly the scheme is acceptable in term of Policy LP16 (f) of the Fenland Local Plan (2014)

### **Landscape and biodiversity**

9.57 It is noted in the submitted Phase 1 Habitat survey (HS) that the site was completely cleared of vegetation prior to the survey being undertaken and that *'this [has] rendered the site almost entirely bare ground and ephemeral vegetation, with a large pile of rubble and other detritus in the north of the site. The clearance of the site before the completion of an Ecological Appraisal means that any impacts to ecological receptors as a result of the clearance can only be estimated retrospectively, and on a precautionary basis'*.

9.58 The comprehensive Ecology Report, informed by site inspection and aerial photographs (pre-clearance), indicates that:

- Nesting habitat has been lost
- Site may have provided a suitable habitat for slow worms
- A probable badger excavation was recorded
- The only remaining building on site has negligible bat roost potential but birds could feasibly use the structure to nest in.

- 9.59 The HS goes on to recommend a range of measures, both safeguarding and enhancement, necessitating the production of a Construction Ecological Management Plan (CEMP) and supporting Landscape and Ecology Management Plan (LEMP); in summary these being:

Biodiversity enhancements, to include

- (a) the provision of bat boxes (5 within new dwellings and 3 within the care home building)
- (b) the provision of compensatory habitat
- (c) creation of a wildlife pond

Safeguarding to include:

- (i) pre-commencement walk over of the site and immediate adjacent habitat to west (30 metres) to establish whether badgers are present and appropriate mitigation as required
- (ii) timing of further clearance works to avoid breeding season, if this is unavoidable a check for active nests must first be carried out by a suitably qualified ecologist (both land and building)
- (iii) avoidance of night lighting or using a sensitive approach
- (iv) precautionary working methods relating to Great Crested Newts as records returned in the data search results indicate their presence locally
- (v) compliance with the 'Best Practice Measures' outlined under 7.7 of the HS report

- 9.60 In addition to the specific ecological matters raised above it will also be necessary in parallel to provide a comprehensive landscaping strategy for the site as per the recommendations of the FDC Arboricultural Officer.

- 9.61 Subject to the inclusion of suitable conditions which secure the production of a Construction Ecological Management Plan and Landscape and Ecology Management Plan and ongoing adherence to the same, together with an appropriate landscaping strategy the scheme is considered to meet the requirements of LP19 of the Fenland Local Plan and the National Planning Policy Framework.

### **Economy and Job creation**

- 9.62 The submitted design and access statement indicates that 'It is projected that the care home will ultimately require up to approx. 50 full-time equivalent staff employed in a range of roles including care, management, administration, maintenance, catering and medical services.
- 9.63 Such employment opportunities clearly align with the Fenland Local Plan vision to increase such provision across the district.

### **NHS Provision and services**

- 9.64 It is noted, in response to the comments made by residents relating to health provision that the NHS have been formally consulted with regard to these proposals however no response has been forthcoming.

### **Pre-commencement conditions**

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

The applicant has been consulted on the proposed conditions and their written confirmation is awaited that they are in agreement with the same is awaited, and will be reported to committee

The proposed conditions are as follows;

- (12) Site levels
- (13) Archaeological investigation
- (17) Intrusive ground investigation - contaminated land
- (18) Construction Management Plan
- (19) Construction Environmental Management Plan and Landscape and Ecology Management Plan

Full text is included in the condition section below.

## **10 CONCLUSIONS**

- 10.1 This scheme will see the delivery of a bespoke care home establishment which will specifically deliver housing to meet the needs of the elderly, as promoted in Policy LP5 of the FLP. Whilst market housing also comes forward as part of the proposal the amount and location of this when viewed in the context of the overall scheme is considered acceptable.
- 10.2 Although this development proposal comes forward in advance of a wider Broad Concept Plan for this strategic allocation it is considered that in this instance, due weight must be given to the contribution that the development will make to the district in terms of housing opportunities and job creation. Mindful of these positive, and significant, attributes and acknowledging that the scheme will not compromise the overall aims of the BCP there are no reasonable grounds to withhold consent in this regard.
- 10.3 Due regard has been given to the matters raised by neighbouring occupiers with regard to character and amenity concerns, however whilst the outlook and character of the area may change as a result of the proposal such change is not considered so significant as to render the scheme unacceptable in terms of Policies LP2 and LP16, especially when due weight is given to the matters expressed at 10.1.
- 10.4 It is most regrettable that the site was cleared prior to the submission of this proposal. However the site was not afforded any statutory protection in terms of planning legislation, notwithstanding any implications in terms of wildlife legislation. Securing the recommendations of the Ecology Report through the imposition of relevant conditions will ensure that the scheme delivers appropriate mitigation and enhancements in this respect going forward.
- 10.5 Matters of flood risk and highway safety have been duly considered and have achieved a positive recommendation from the relevant statutory undertakers, subject to appropriate conditions.

## 11 RECOMMENDATION: Grant subject to:

- (i) Prior completion of a S106 agreement relating to occupation and a financial contribution towards the public consultation exercise required for the speed limit and regulatory signage alterations proposed
- (ii) Conditions; OR

Refuse the application in the event that the S.106 agreement referred to above has not been completed within 3 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

### Conditions

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The care home shall not be occupied prior to its related vehicular access and footways (along Barton Road) being laid out in accordance with submitted plan 2412-04 Rev D - Proposed Site Access layout. The access should be sealed and drained in accordance with details to be submitted and approved by the Local Planning Authority and constructed in strict accordance with the approved plans.</p> <p>Reason: In the interest of satisfactory vehicular access and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
3	<p>No occupation of the care home and dwellings shall be permitted until the footpath link between Barton Road and Magazine Lane has been laid out in accordance with submitted plan 2412-04 Rev D - Proposed Site Access layout and constructed and street lit in accordance with the approved details.</p> <p>Reason: In the interest of satisfactory pedestrian access and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
4	<p>None of the dwellings hereby approved fronting Magazine Lane shall be permitted to be occupied until the Magazine Lane carriageway, traffic island and footways have been laid out in accordance with submitted plan 2412-04 Rev D.</p> <p>Reason: In the interest of satisfactory vehicular access and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
5	<p>Prior to the first occupation of any part of the care home its related access road and footway shall be constructed to at least binder course surfacing level in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>

6	<p>Before any of the dwellings hereby permitted are occupied, their related vehicular accesses shall be hard surfaced, sealed and drained away from the highway for a minimum length of 5m from the back edge of the existing footway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
7	<p>The vehicle turning and parking spaces shown on the approved plans shall be provided before the relevant parts of the development are brought into use and shall be retained thereafter.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
8	<p>Prior to first occupation of any part of the development hereby approved, the related 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.</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policy LP15 of the Fenland Local Plan (2014).</p>
9	<p>Prior to first occupation of the care home, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan is to be monitored annually over a 5 year period, with all measures reviewed to ensure targets are met</p> <p>Reason - In the interests of highway safety and sustainable travel in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
10	<p>No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation any part of the development hereby approved.</p> <p>The scheme shall be based upon the principles within the agreed Flood Risk Assessment &amp; Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Limited (ref: 2412 – FRA &amp; DS – Rev C) dated April 2020 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full results of the proposed drainage system modelling in the 1 in 1, 1 in 30 and 1 in 100 year (plus climate change) storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;</li> <li>b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;</li> <li>c) Full details of the proposed attenuation and flow control measures;</li> <li>d) Measures taken to prevent pollution of the receiving surface water</li> </ul> <p>The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG</p>

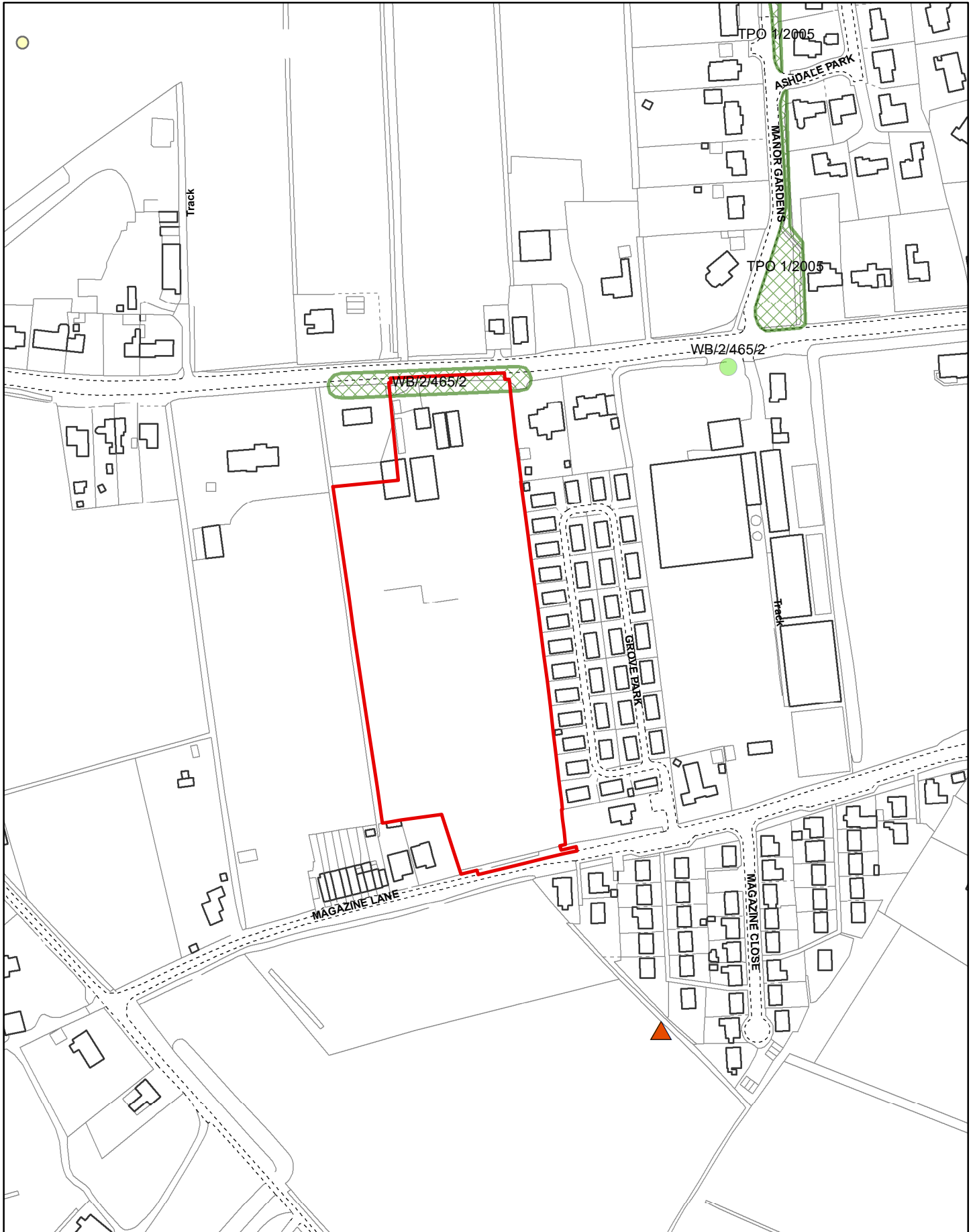


	Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development
11	<p>The mitigation measures detailed in the submitted flood risk assessment ref: MTC Engineering (dated Oct 2019, ref: 2412 - FRA &amp; DS) shall be adhered to in perpetuity.</p> <p>The FRA states:</p> <ul style="list-style-type: none"> <li>- Finished floor levels set at a minimum of 3.0m ODN</li> <li>- Flood resilient construction to a height of 600mm above the finished floor level</li> </ul> <p>Reason - To mitigate against flood risk and ensure compliance with Policy LP14 of the Fenland Local Plan (adopted May 2014)</p>
12	<p>Prior to commencement of development/construction/any works, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels, and cross sections, of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the levels shown on the approved drawing(s).</p> <p>Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
13	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a) the statement of significance and research objectives;</li> <li>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c) The timetable for the field investigation as part of the development programme;</li> <li>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material</li> </ul> <p>Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>Reason - To ensure that the significance of historic environment assets is conserved in line with NPPF section 16 and to achieve compliance with Policy LP18 of the Fenland Local Plan (2014)</p>

14	<p>The external lighting scheme detailed in the Exterior Lighting and Electrical Distribution Design report supplied by L &amp; E Consultancy (Project No: LE1961) dated 28.01.2020 shall be installed prior to commencement of use/occupation of any part of the care home and retained thereafter in perpetuity.</p> <p>Reason: In order to ensure adequate safety and security on site in accordance with Policies LP16 and LP17 of the Fenland Local Plan, adopted May 2014.</p>
15	<p>Within 6-months of the commencement of development, a scheme for the provision of CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to commencement of use/occupation of the care home and retained thereafter in perpetuity.</p> <p>Reason: In order to ensure adequate safety and security on site in accordance with Policies LP16 and LP17 of the Fenland Local Plan, adopted May 2014.</p>
16	<p>The development shall be constructed in accordance with the details contained within the application, i.e.</p> <p><u>Care home:</u>  Redland Richmond 10 interlocking concrete slates - slate grey  TBS Audley Antique  Timber feather edge boarding - colour dark oak  Resin based thin render system colour cream  UPV double glazed windows - cream</p> <p><u>Barton Road and Magazine Lane dwellings</u>  Marley Modern Smooth Grey roof tile  TBS Audley Antique</p> <p>and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
17	<p>Prior to the occupation of any part of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason: To ensure a satisfactory form of development.</p>
18	<p>Prior to the commencement of development on site an intrusive ground investigation shall be undertaken in accordance with the recommendations of the Phase 1 Geo-Environmental Desk Study undertaken by EPS, Ref: UK19.4535 (dated 19.07.19) is required to determine the extent of any potential contamination in areas where communal/domestic gardens are proposed, and also that the installation of standpipes would be prudent near the historically infilled marshland, to assess potential for onsite migration of ground gas.</p> <p>(1) The site investigation and recognised risk assessment shall 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:</p>

	<p>(i) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(ii) 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.</p> <p>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:</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>(2) 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.</p> <p>(3) 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.</p> <p>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.</p>
19	<p>No development shall take place, including any works of demolition, until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>• An appropriate construction access;</li> <li>• Adequate turning and off loading facilities for delivery/construction vehicles;</li> <li>• An adequate parking area clear of the highway for those employed in developing the site;</li> <li>• Method of prevention of mud being carried onto the highway;</li> <li>• Hours of operation</li> <li>• Delivery times</li> </ul> <p>Reason: In the interests of safe operation of the highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
20	<p>Prior to the commencement of any works on site or any further clearance activities a Construction Environmental Management Plan and Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority; these documents shall fully adhere to the recommendations of the Ecology Report produced by Wild Frontier dated July 2019. The development shall then be undertaken fully in accordance with the</p>

	<p>agreed CEMP and thereafter maintained in accordance with the LEMP for the site in perpetuity.</p> <p>Reason - In the interests of on-site biodiversity in accordance with Policies LP16 and LP19 of the Fenland Local Plan, 2014.</p>
21	<p>No works shall proceed beyond slab level until such time as full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> <li>i. Existing trees, hedges or other soft features to be retained</li> <li>ii. Planting plans, including specifications of species, sizes, planting centres number and percentage mix</li> <li>iii. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> </ul> <p>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.</p>
22	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development</p>
23	<p>Prior to the first occupation of the care home hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
24	<p>No dwelling shall be occupied on the site until development until the care home has been constructed to slab level.</p> <p>Reason - To ensure the comprehensive development of the site.</p>
25	Approved plans



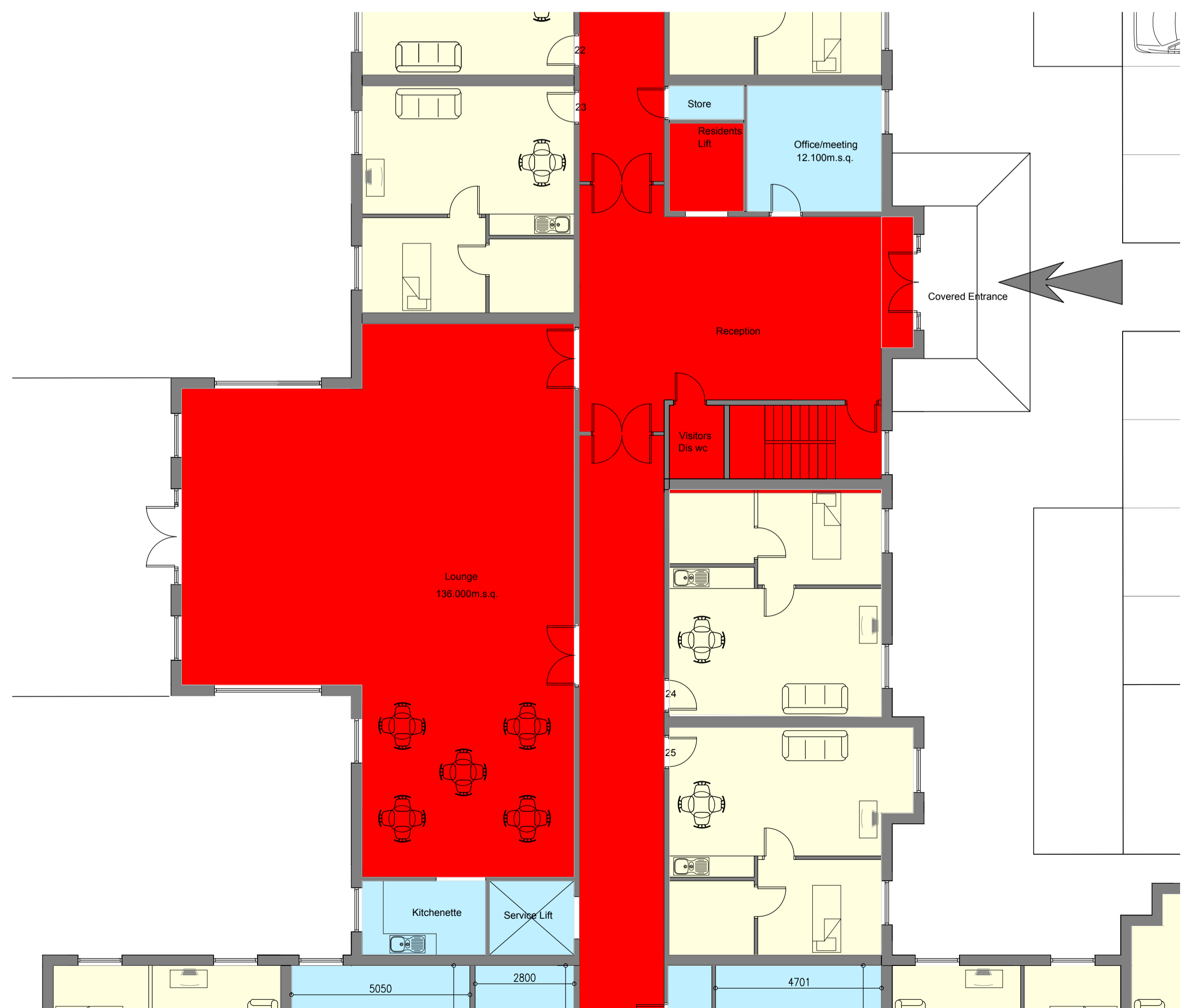
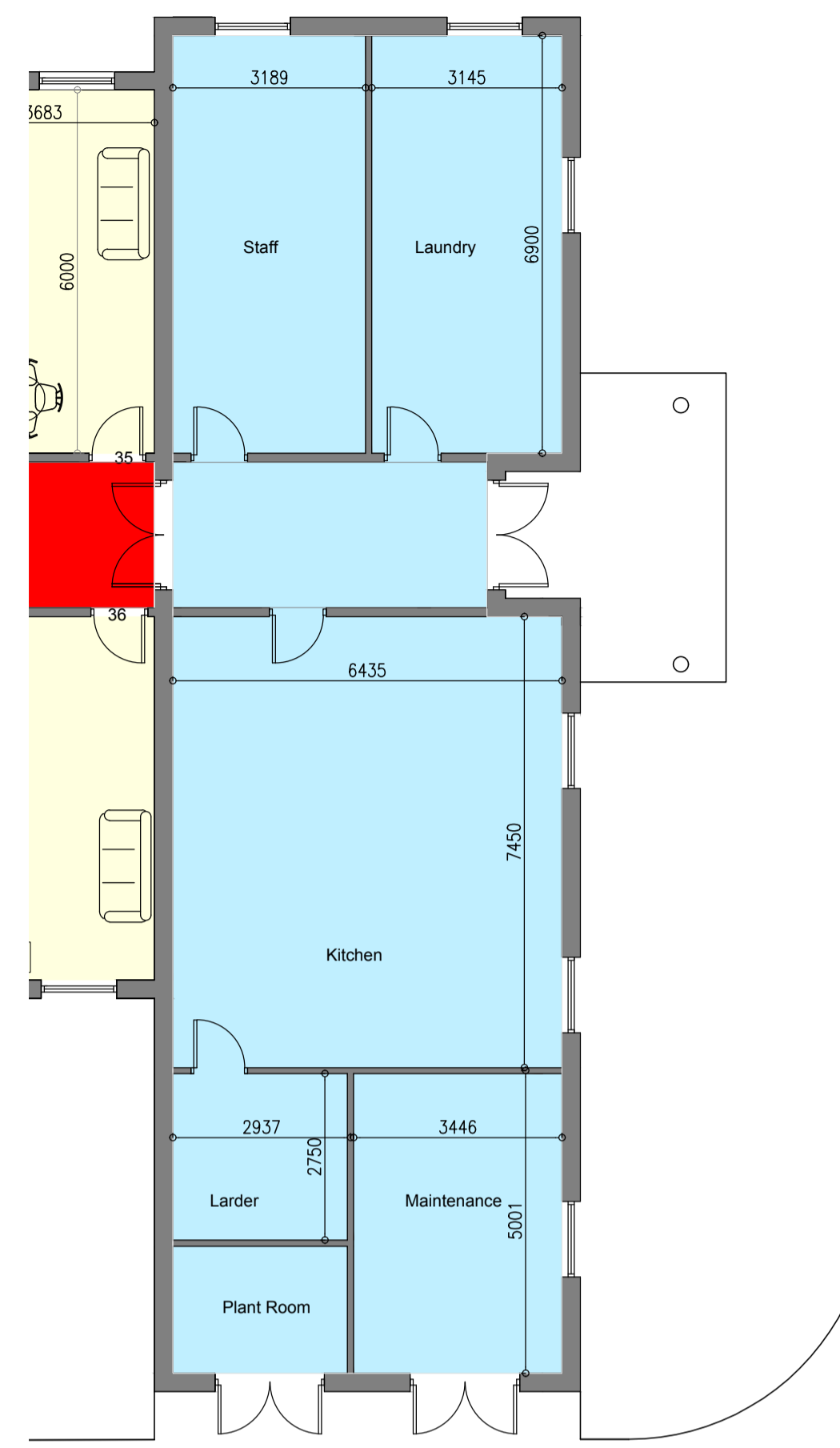
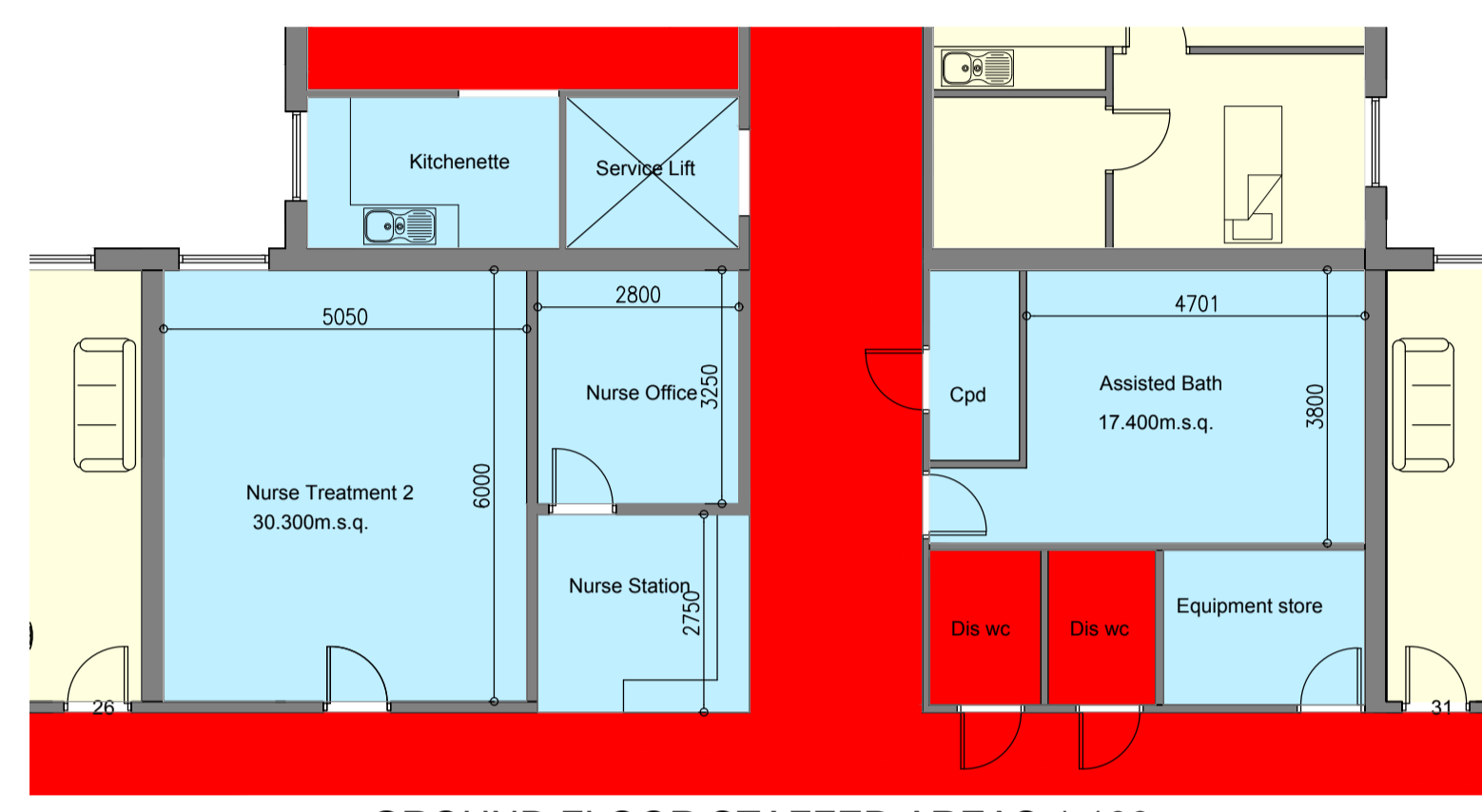
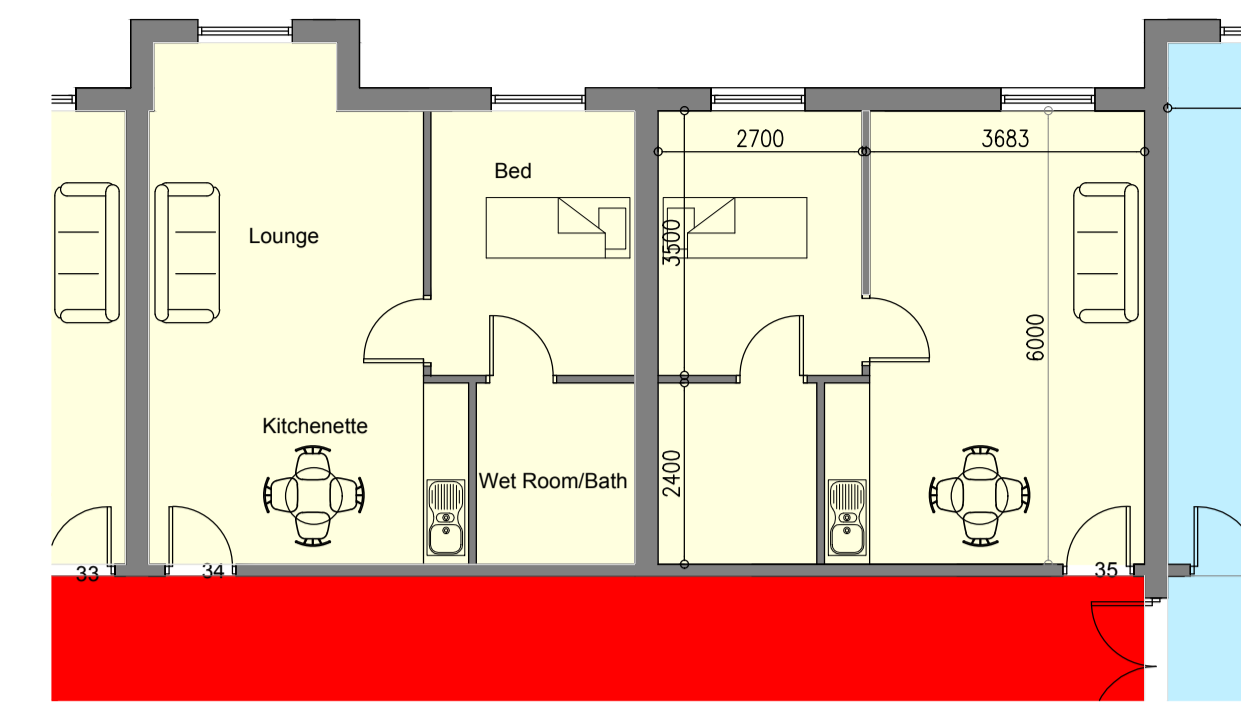
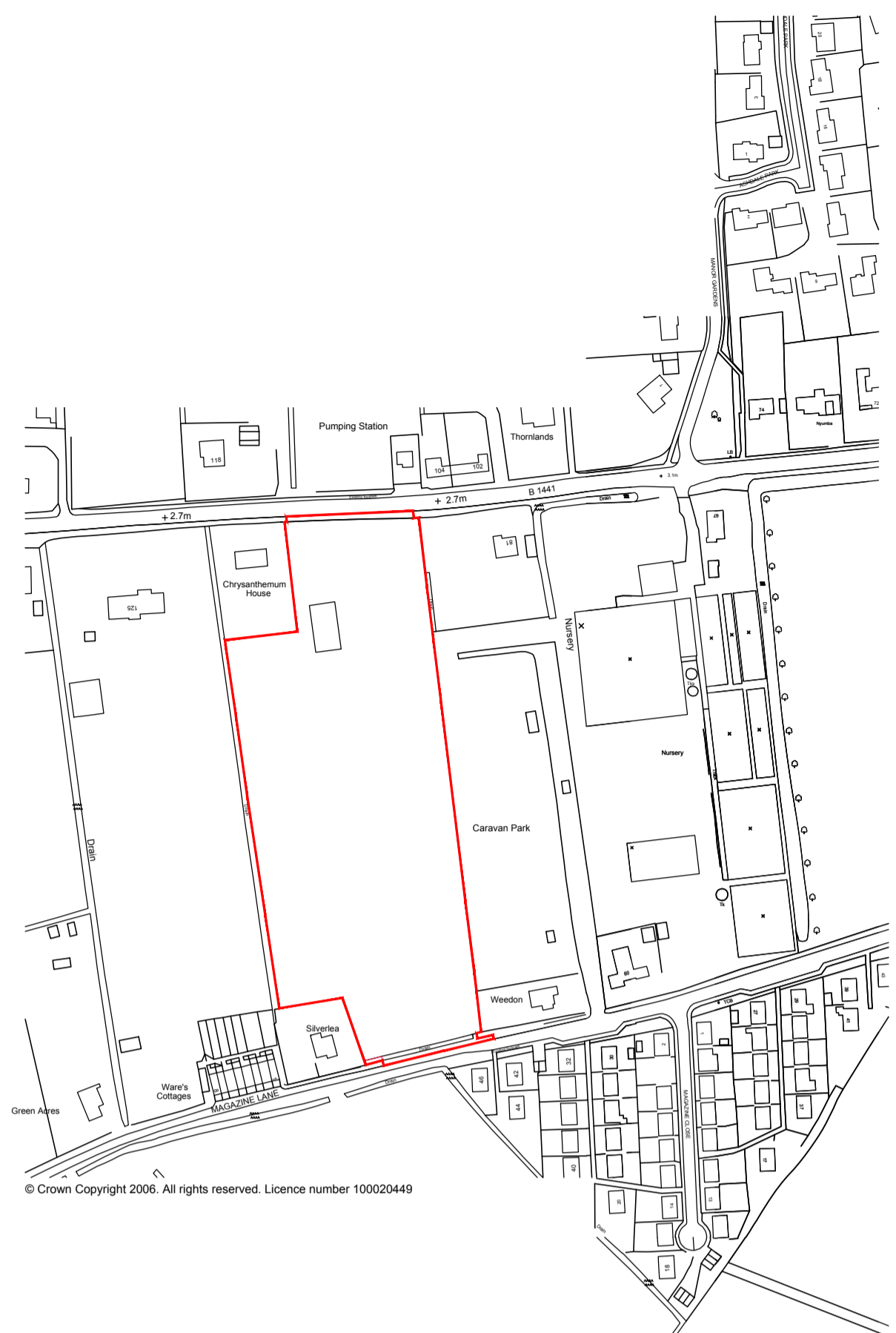
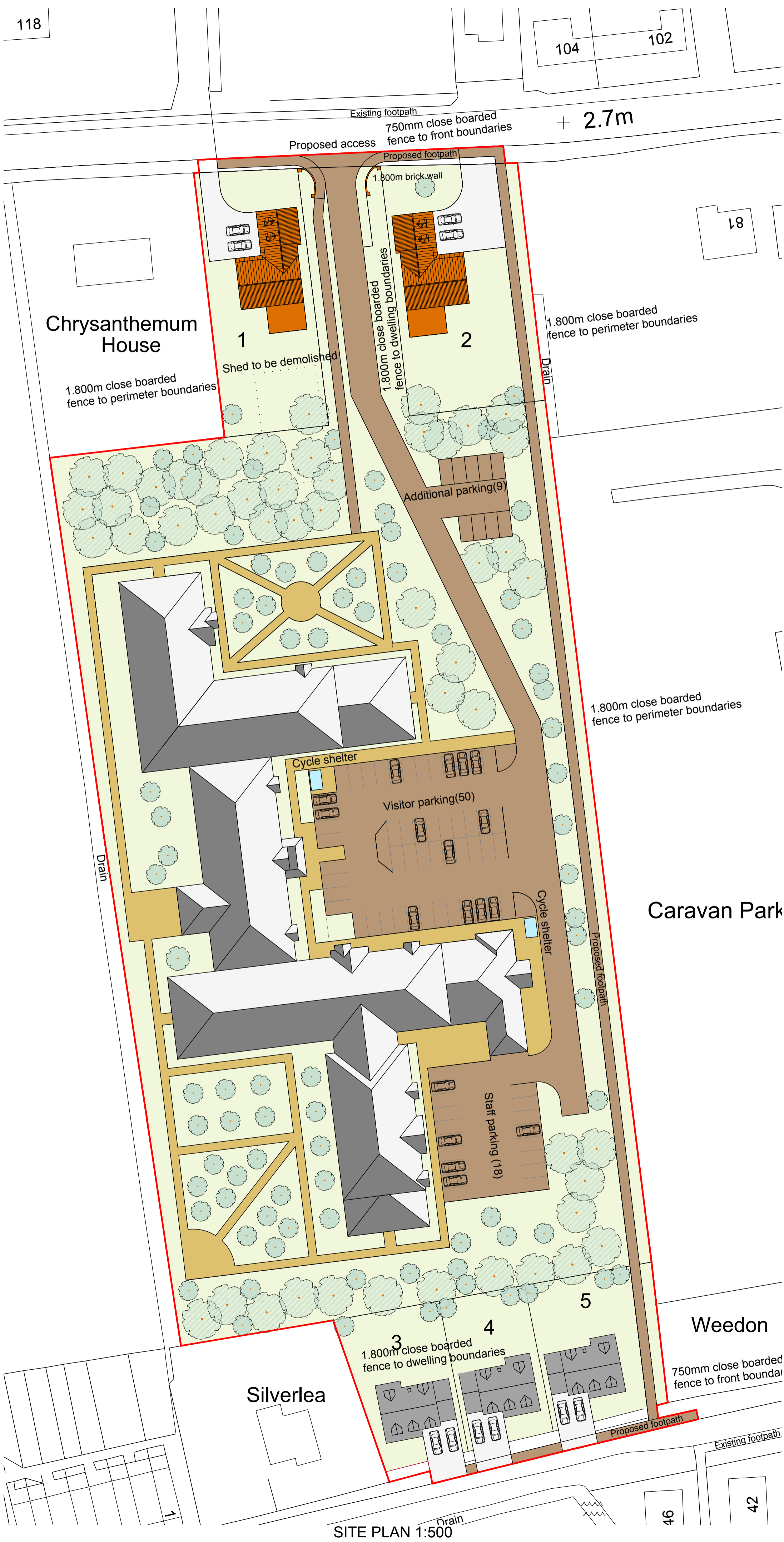
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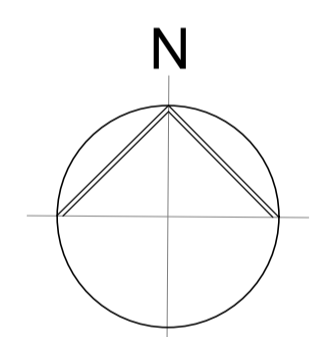
**F/YR19/0990/F**

Scale = 1:2,500





- RESIDENTIAL ROOMS
- STAFF AREAS
- COMMUNAL AREAS



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PROJECT  
PROPOSED DEVELOPMENT

SITE  
LAND AT CHRYSANTHEMUM HOUSE  
BARTON ROAD  
WISBECH  
CAMBS  
PE13 4TF

DRAWING  
PLANNING DRAWING 3

CLIENT  
MR J PUNTON

DATE SEPT 2019 SCALE As Shown JOB No. 5992/PL03e

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30 OLD MARKET, WISBECH, CAMBS, PE13 1NB

# BARTON ROAD ACCESS LAYOUT AND DETAILS

D	22/05/20	NOTES ADDED	JTC
C	21/05/20	SIGNS ADDED	JTC
B	14/05/20	LAYOUT MODS, WIDENING REVISED	MRF
A	31/01/20	UPDATED DETAILS & ROAD WIDENING	AO
REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR

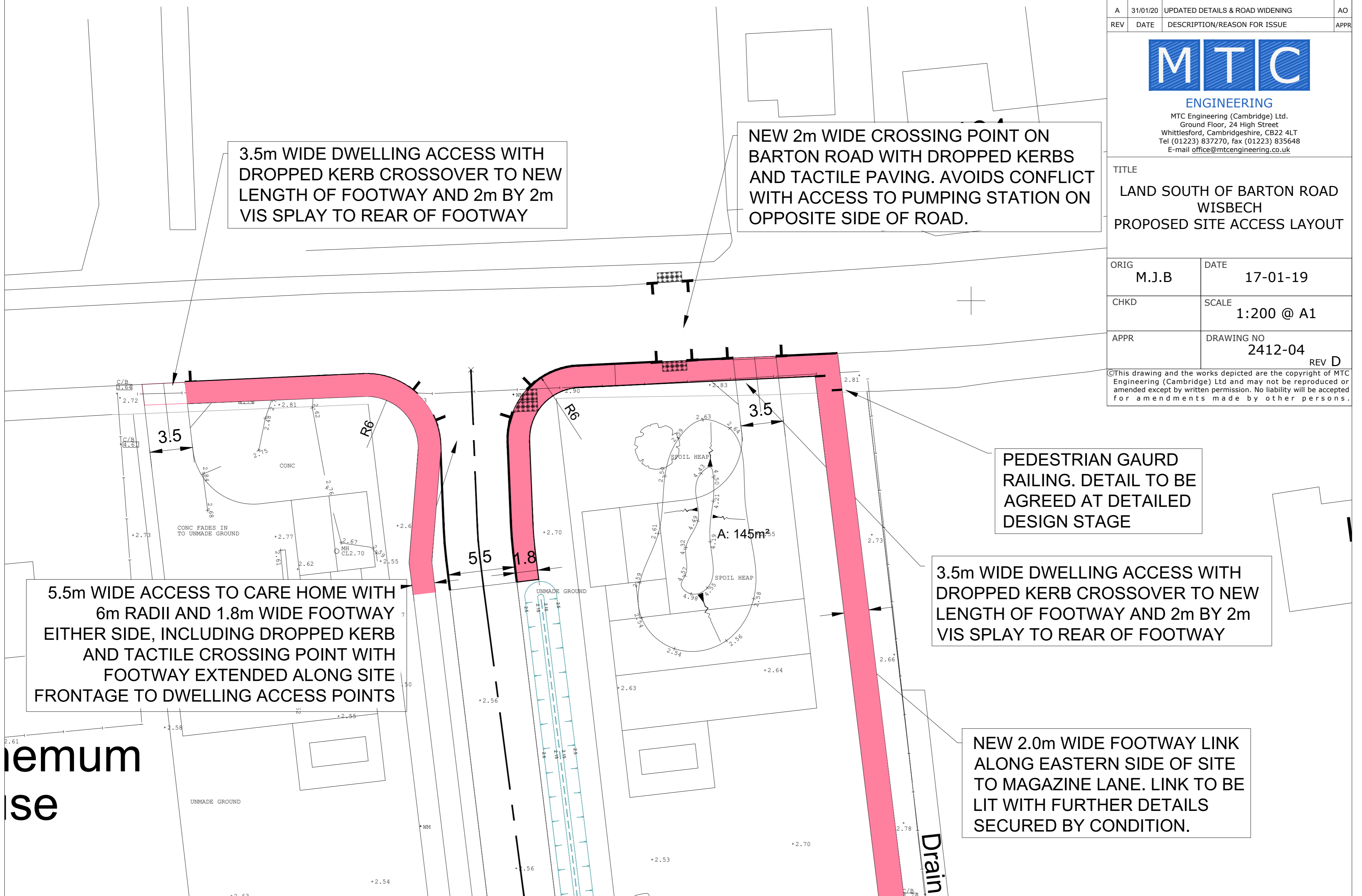


**MTC**  
ENGINEERING  
MTC Engineering (Cambridge) Ltd.  
Ground Floor, 24 High Street  
Whittlesford, Cambridgeshire, CB22 4LT  
Tel (01223) 837270, fax (01223) 835648  
E-mail office@mtcengineering.co.uk

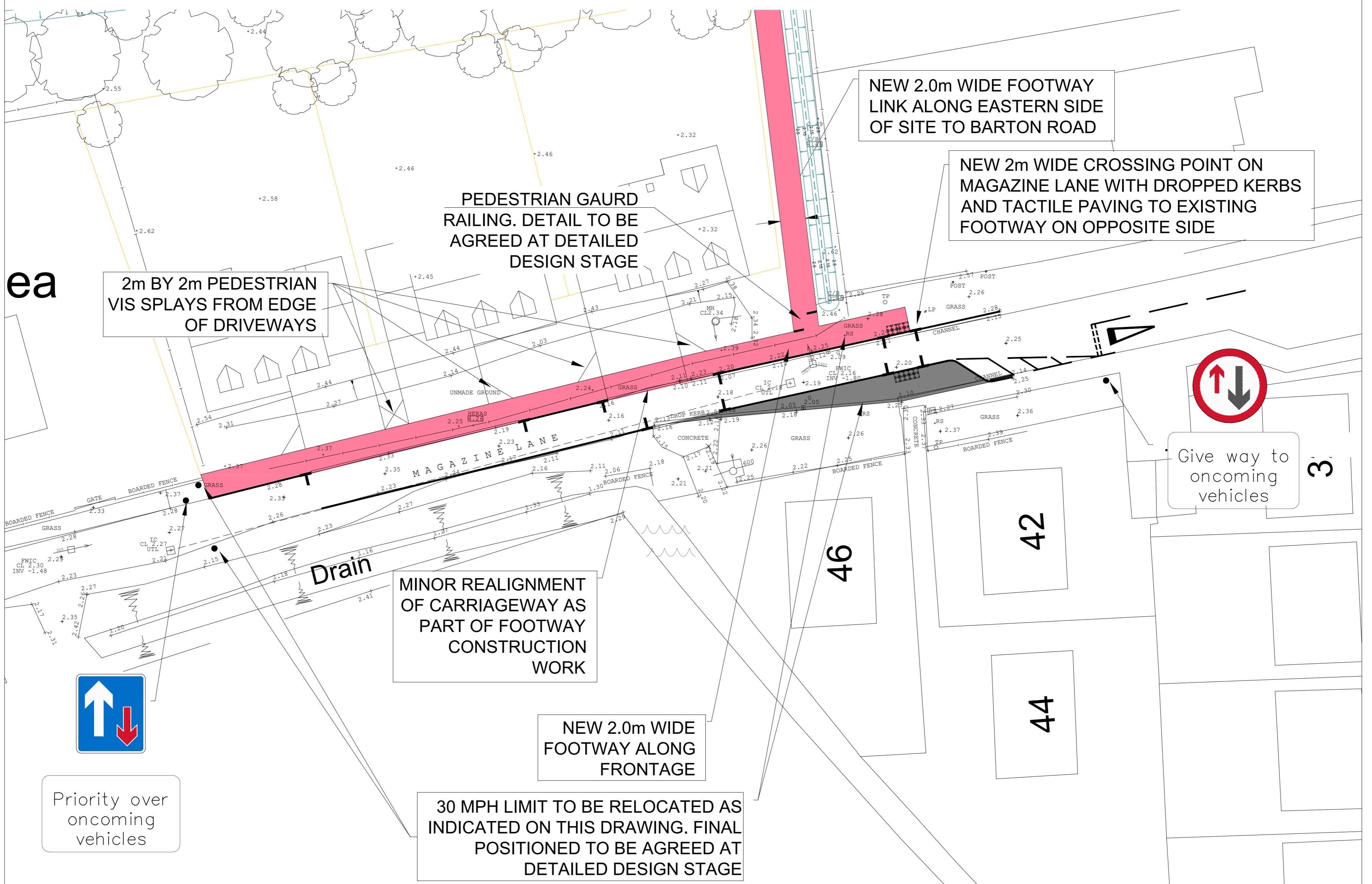
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LAND SOUTH OF BARTON ROAD  
WISBECH  
PROPOSED SITE ACCESS LAYOUT

ORIG	M.J.B	DATE	17-01-19
CHKD		SCALE	1:200 @ A1
APPR		DRAWING NO	2412-04
		REV	D

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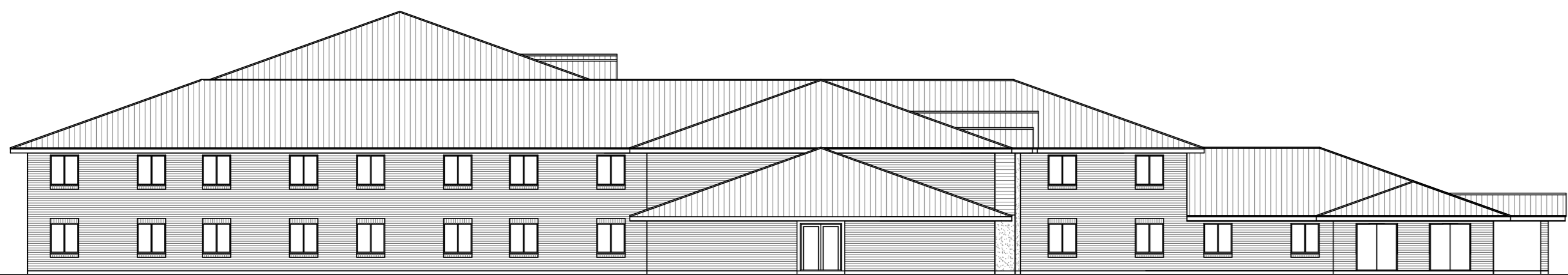


# MAGAZINE LANE ACCESS LAYOUT AND DETAILS

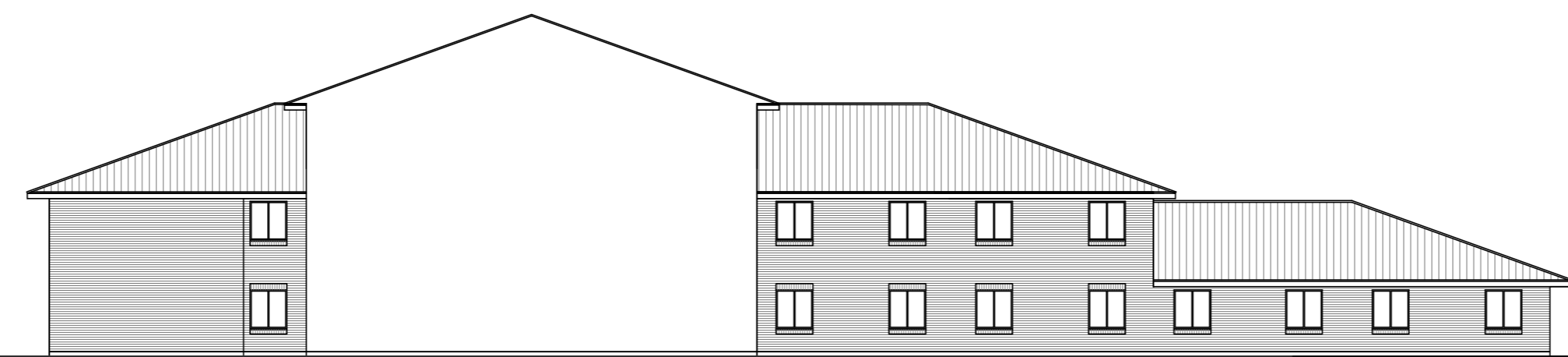




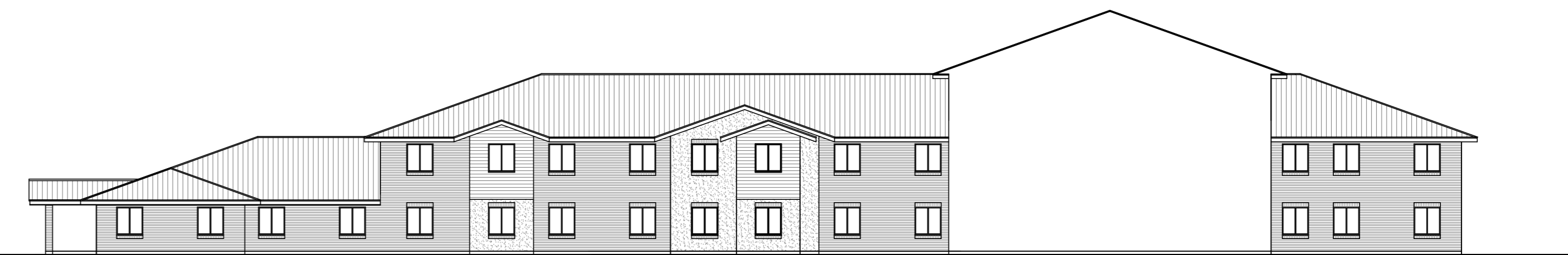
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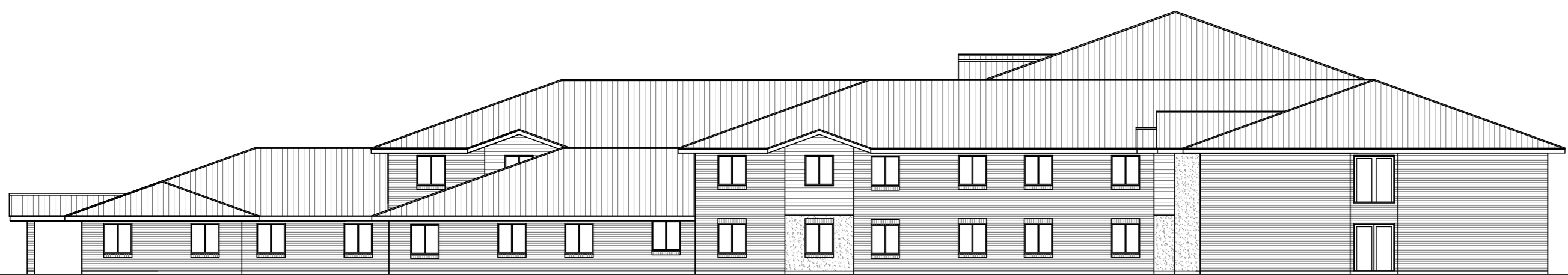
South Elevation 1:200



Elevation A 1:200



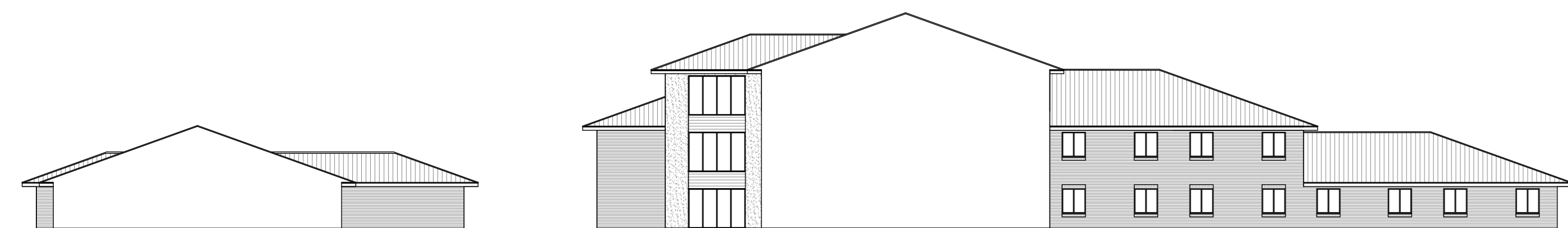
Elevation B 1:200



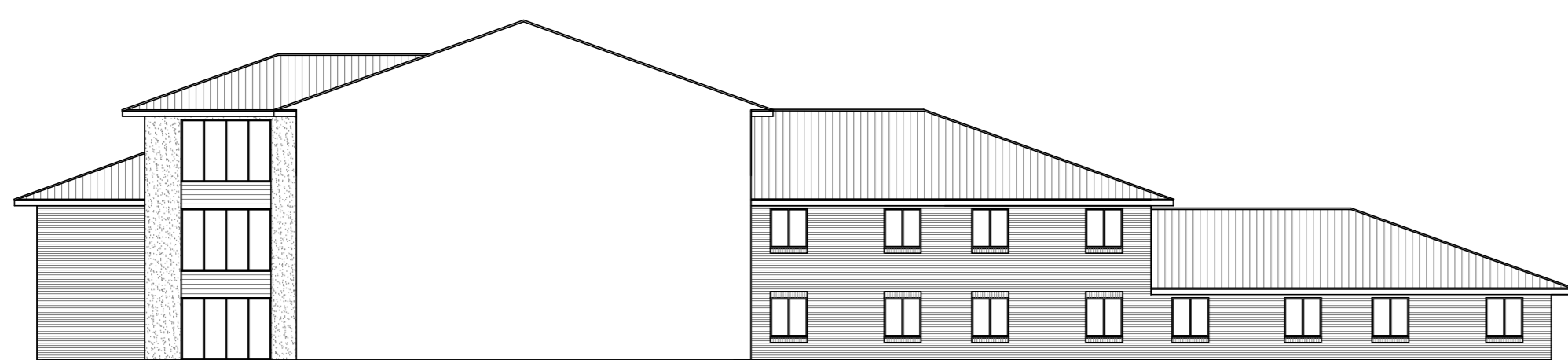
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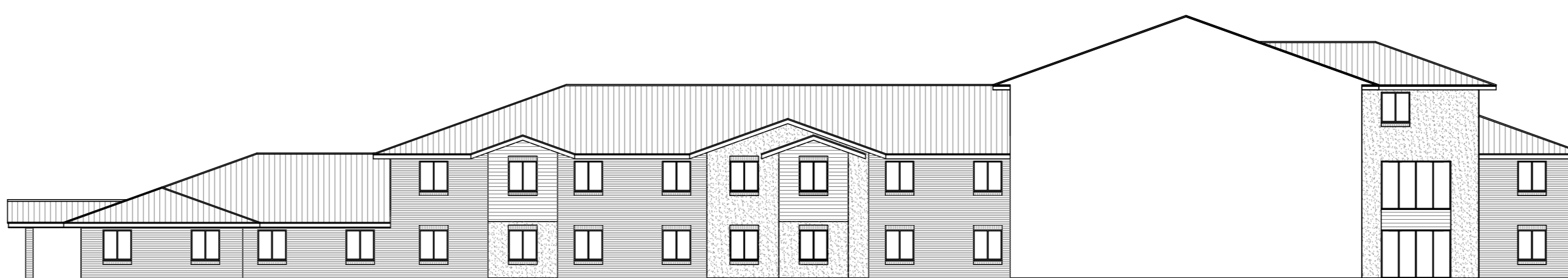
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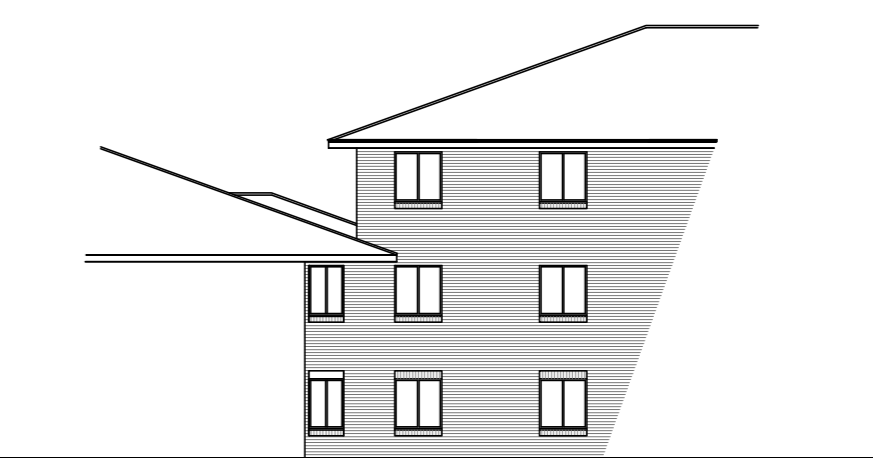
Elevation E 1:200



Elevation C 1:200



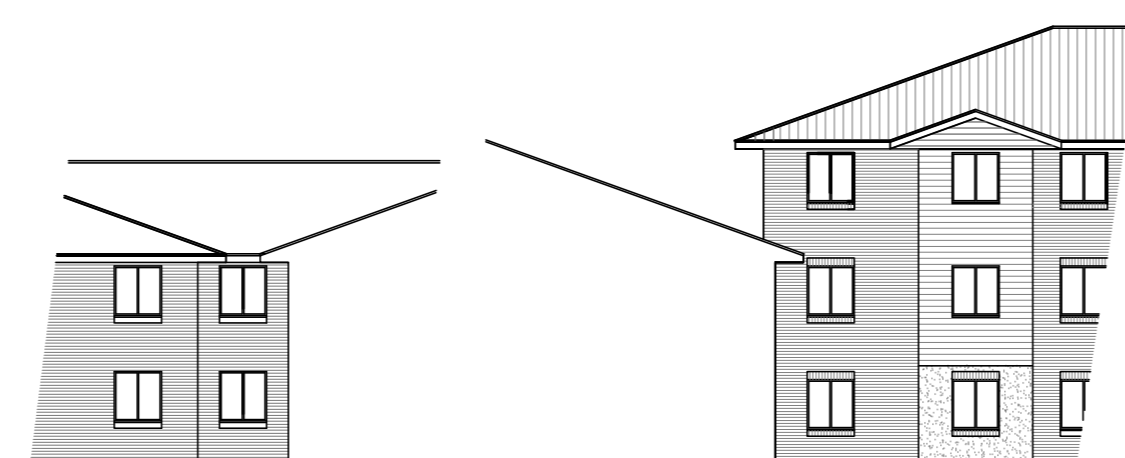
Elevation D 1:200



Elevation F 1:200



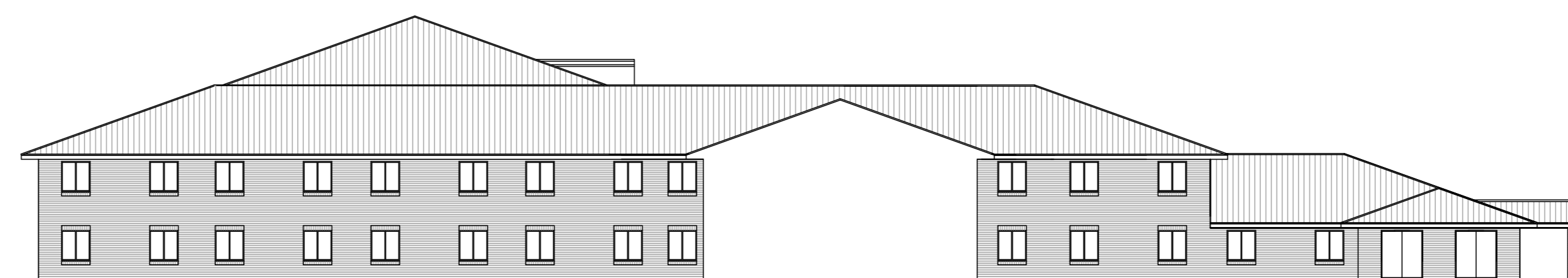
Elevation G 1:200



Elevation H 1:200



Elevation I 1:200



Elevation J 1:200



Materials 1:100

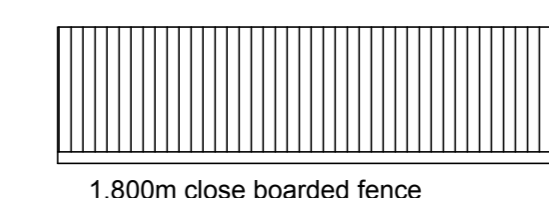
Redland Richmond 10 Interlocking concrete slates  
Colour slate grey

Traditional Brick and Stone  
Audley Antique

Timber feather edge boarding  
Colour dark oak

Resin based thin render system  
Colour cream

Upvc double glazed windows  
Colour cream



1.800m close boarded fence

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PROJECT  
PROPOSED DEVELOPMENT

SITE  
LAND AT CHRYSANTHEMUM HOUSE  
BARTON ROAD  
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DRAWING  
PLANNING DRAWING 2

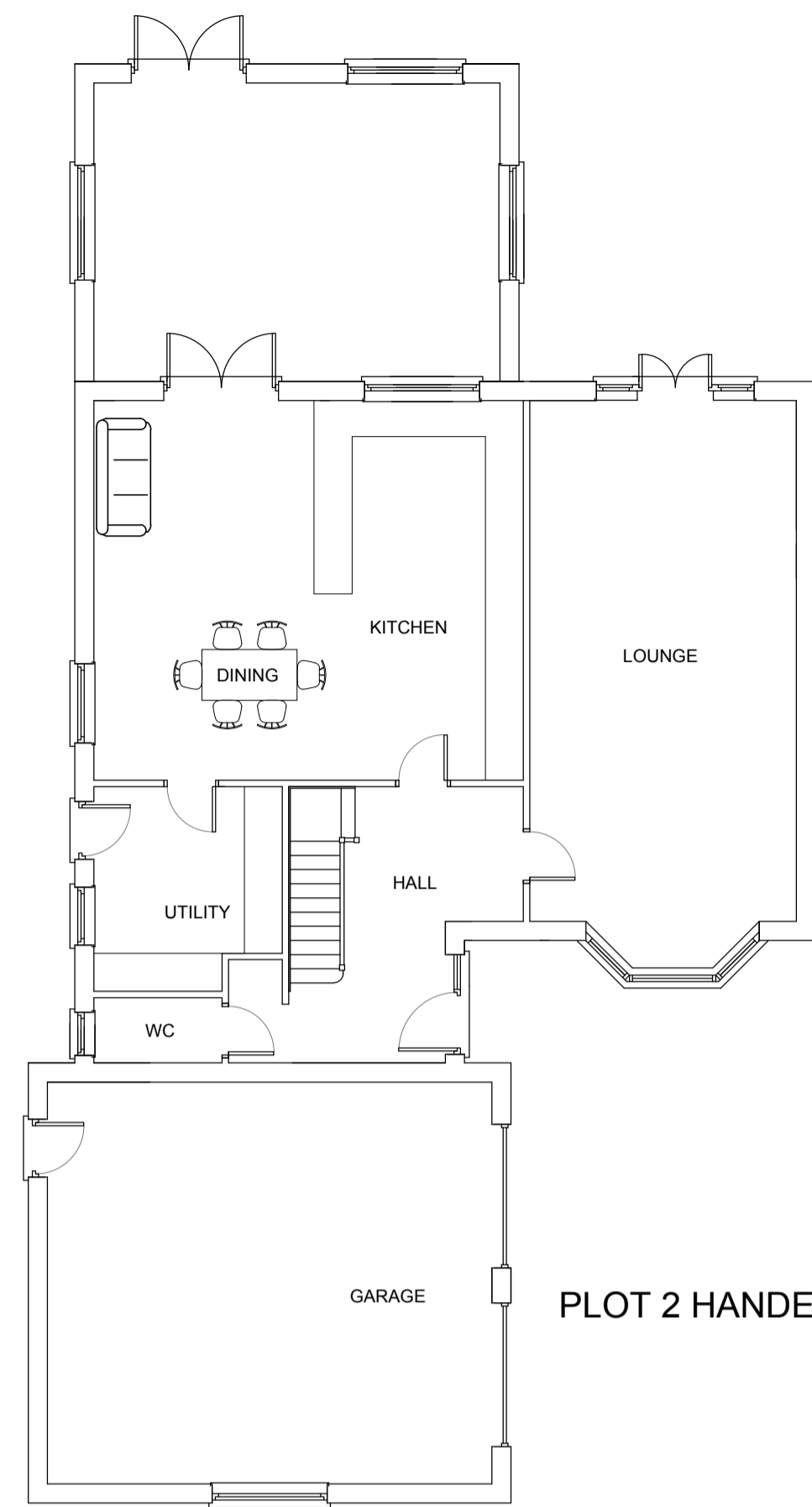
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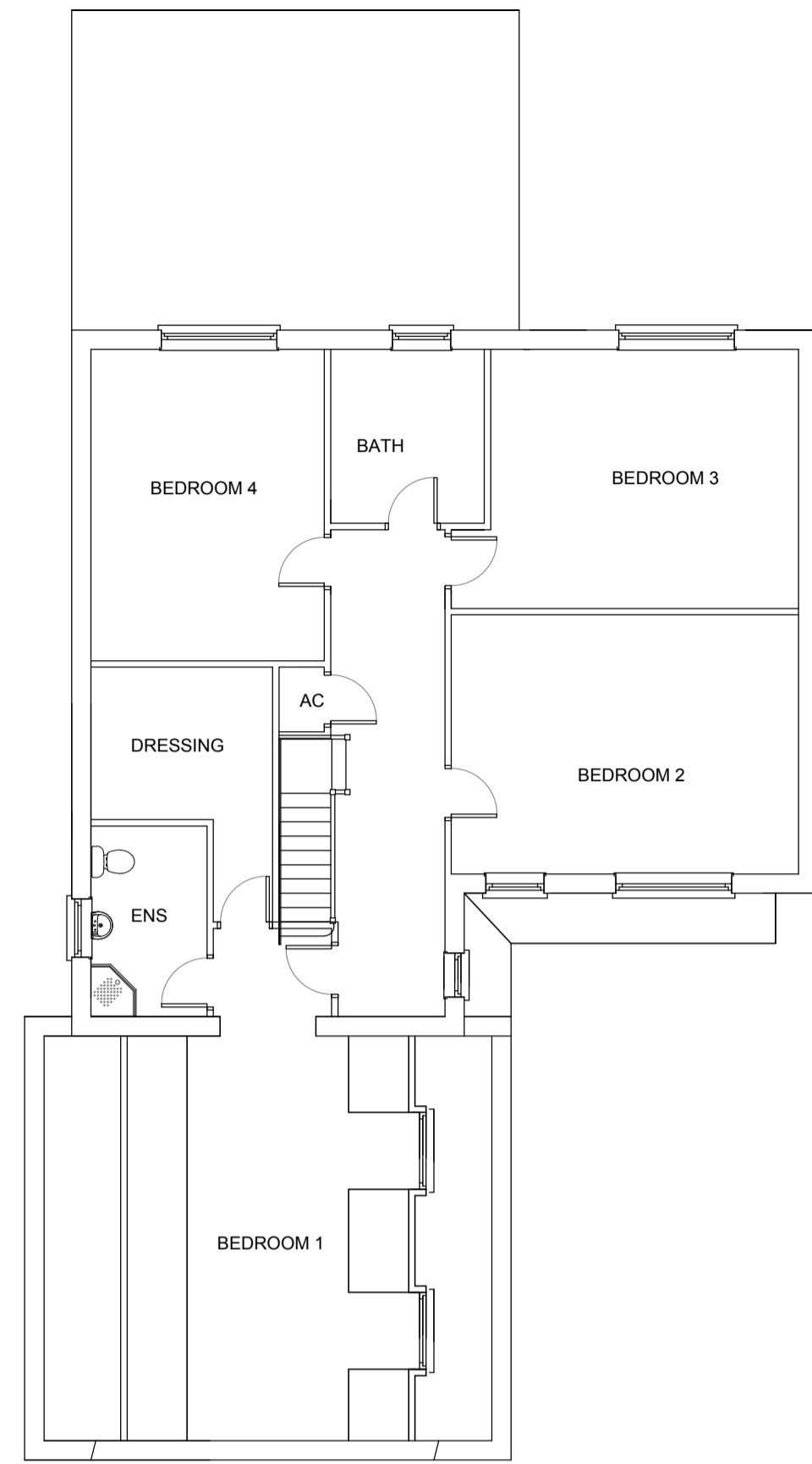
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FAX: 01945 466 433  
E-MAIL: info@peterhumphrey.co.uk  
30/3, MARKET STREET, CAMBS PE13 1BE





GROUND FLOOR PLAN  
SCALE 1:100

PLOT 2 HANDED TO PLAN



FIRST FLOOR PLAN  
SCALE 1:100



FRONT ELEVATION  
SCALE 1:100

Marley Modern smooth grey roof tile  
T.B.S Audley Antique facing brick to walls



SIDE ELEVATION  
SCALE 1:100



REAR ELEVATION  
SCALE 1:100

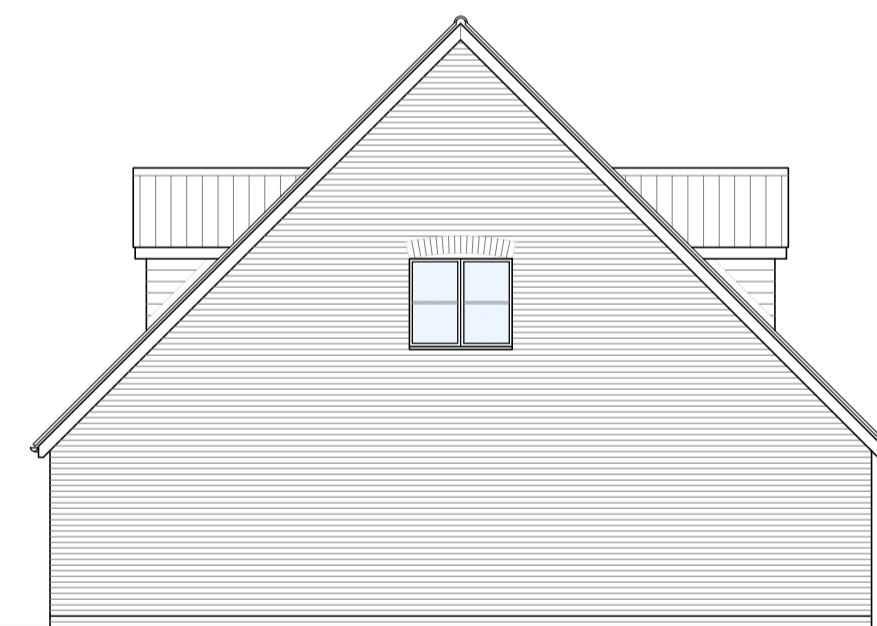


SIDE ELEVATION  
SCALE 1:100



FRONT ELEVATION  
SCALE 1:100

Marley Modern smooth grey roof tile  
T.B.S Audley Antique facing brick to walls



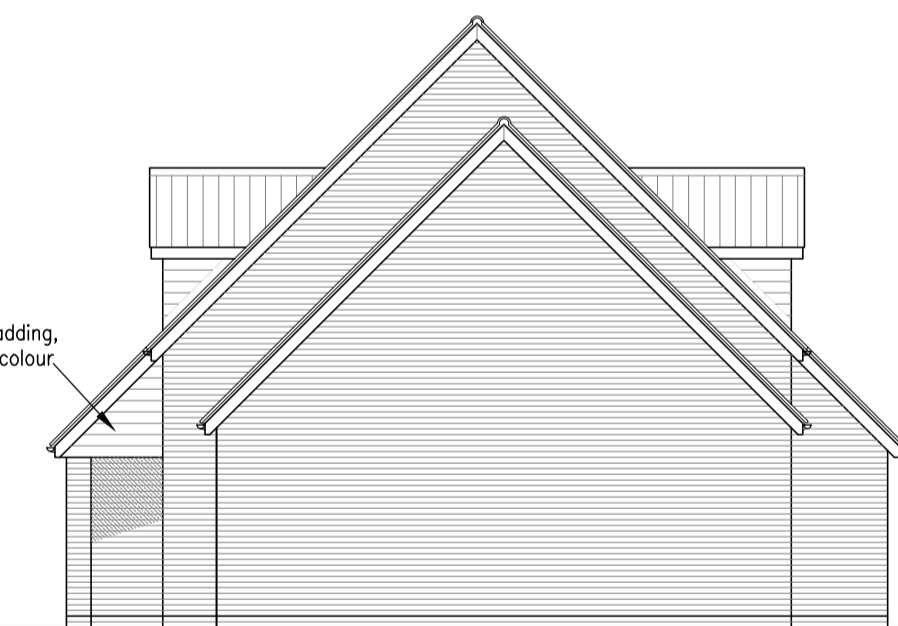
SIDE ELEVATION  
SCALE 1:100



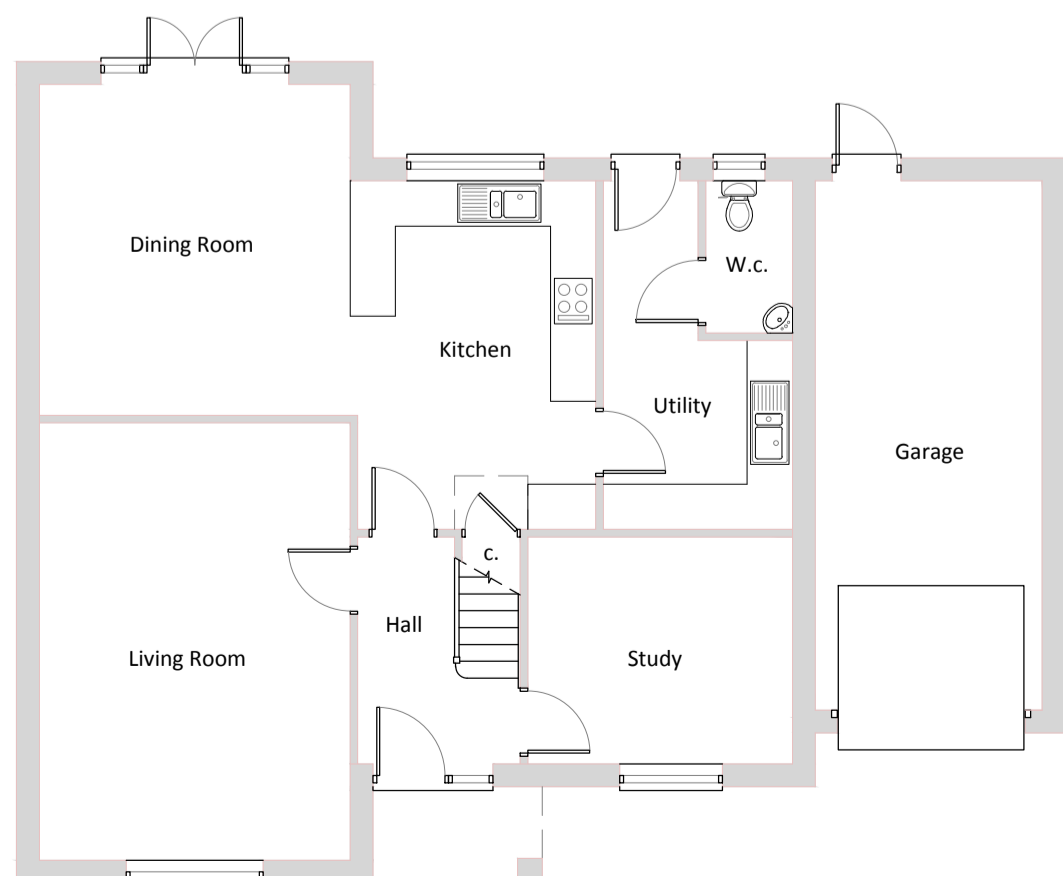
REAR ELEVATION  
SCALE 1:100

Timber cladding, light oak colour.

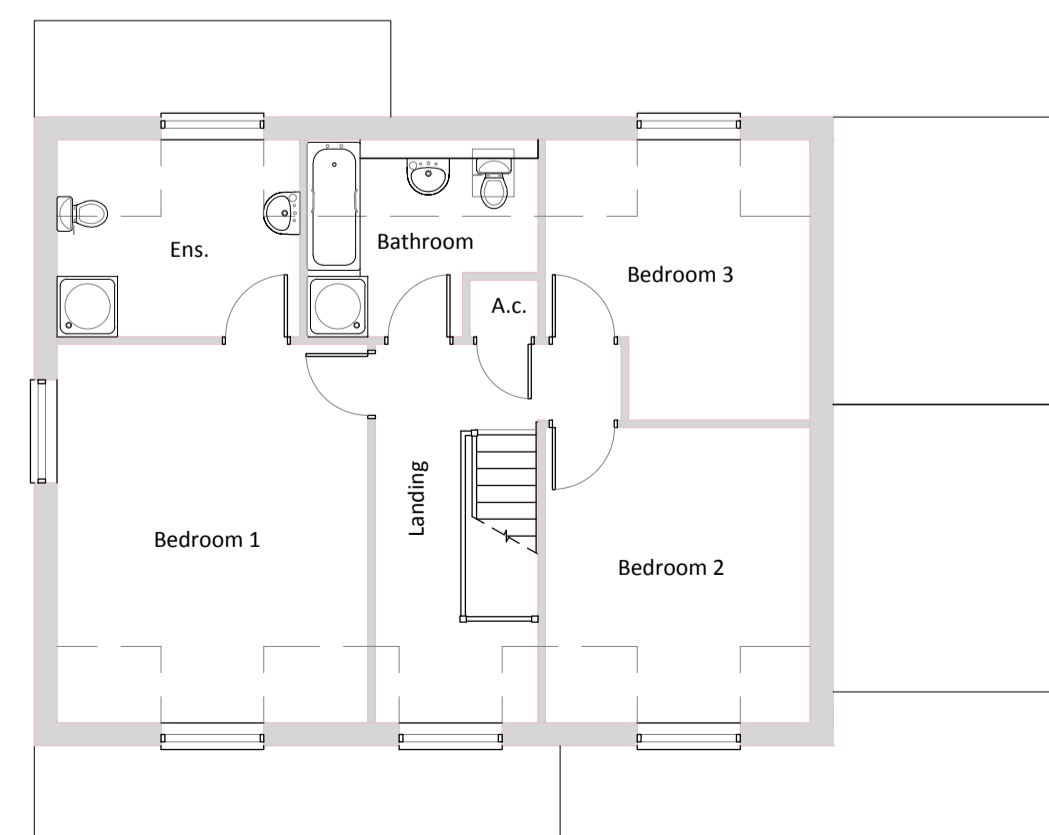
Cream UPVC casement windows/doors



SIDE ELEVATION  
SCALE 1:100



GROUND FLOOR PLAN  
SCALE 1:100



FIRST FLOOR PLAN  
SCALE 1:100

PLOTS 4 AND 5 HANDED TO PLAN

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PROPOSED DEVELOPMENT

SITE  
LAND AT CHRYSANTHEMUM HOUSE  
BARTON ROAD  
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PE13 4TF

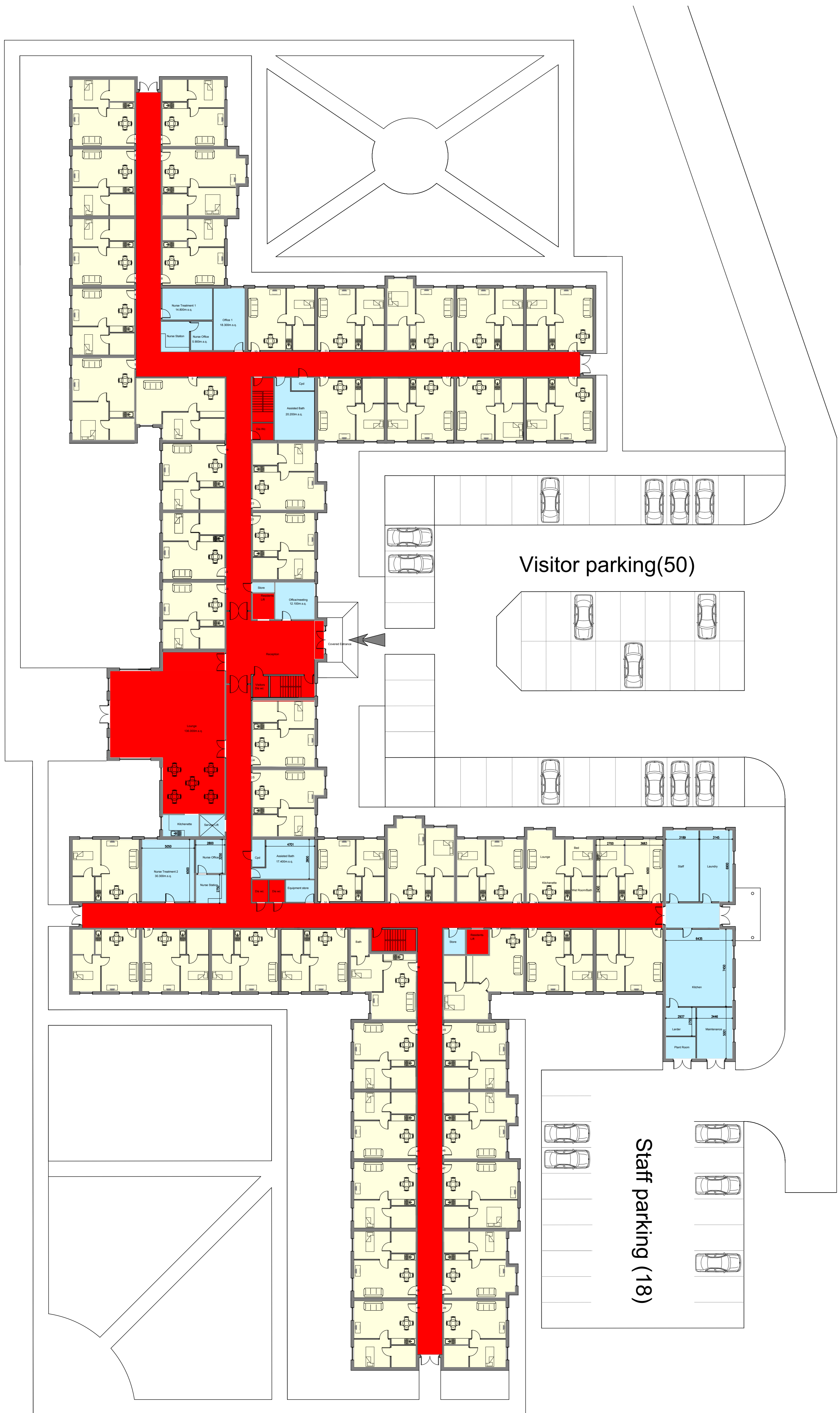
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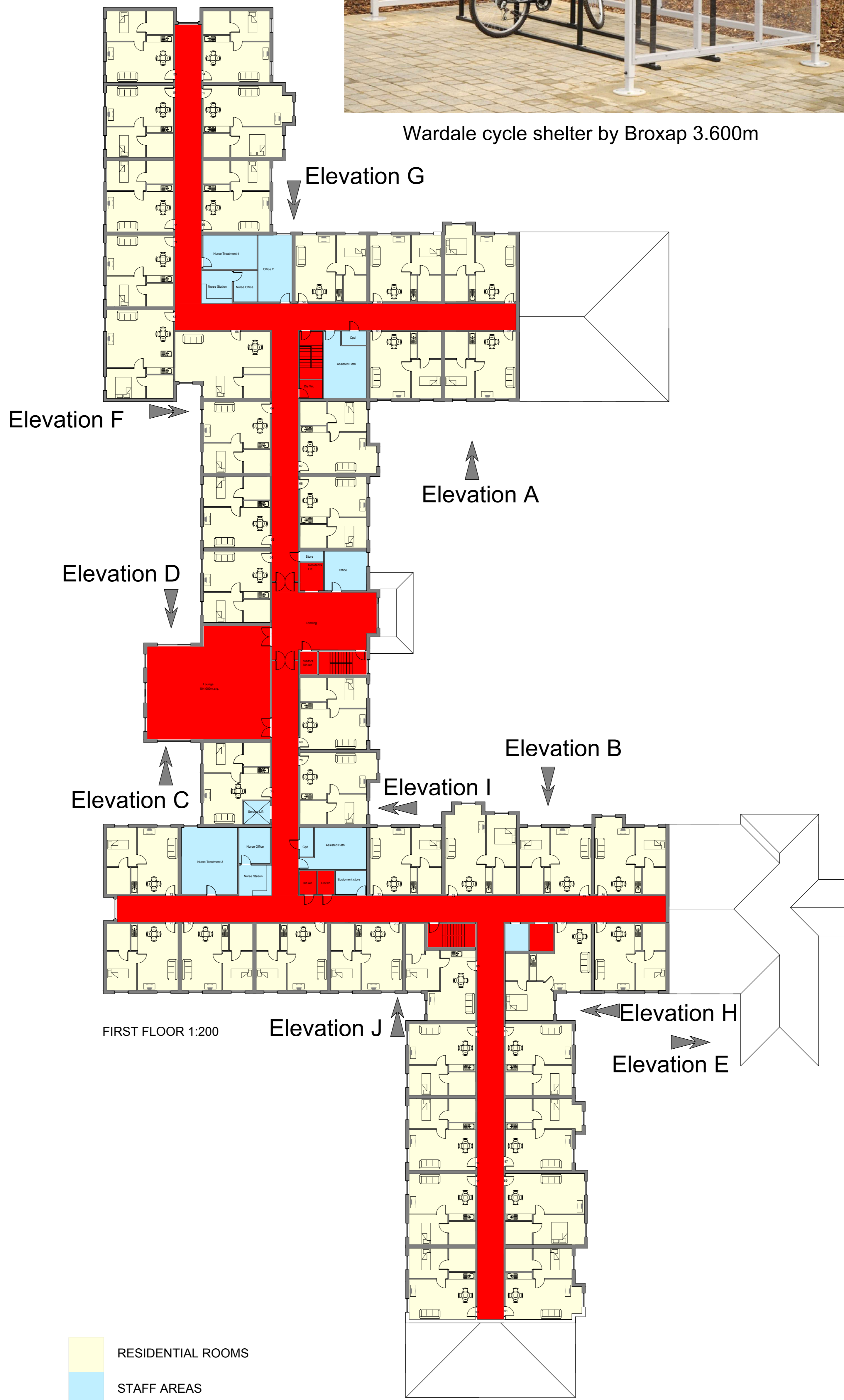
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GROUND FLOOR 1:200



Wardale cycle shelter by Broxap 3.600m



FIRST FLOOR 1:200

- RESIDENTIAL ROOMS
- STAFF AREAS
- COMMUNAL AREAS

**Boxes from RSPB website**

4 No. of this style box two on 3 storey entrance eaves(East)  
2 under eaves of lounge on 3 storey element

2 No. 1 on North of 3 storey eaves and 1 on South  
of 3 storey eaves

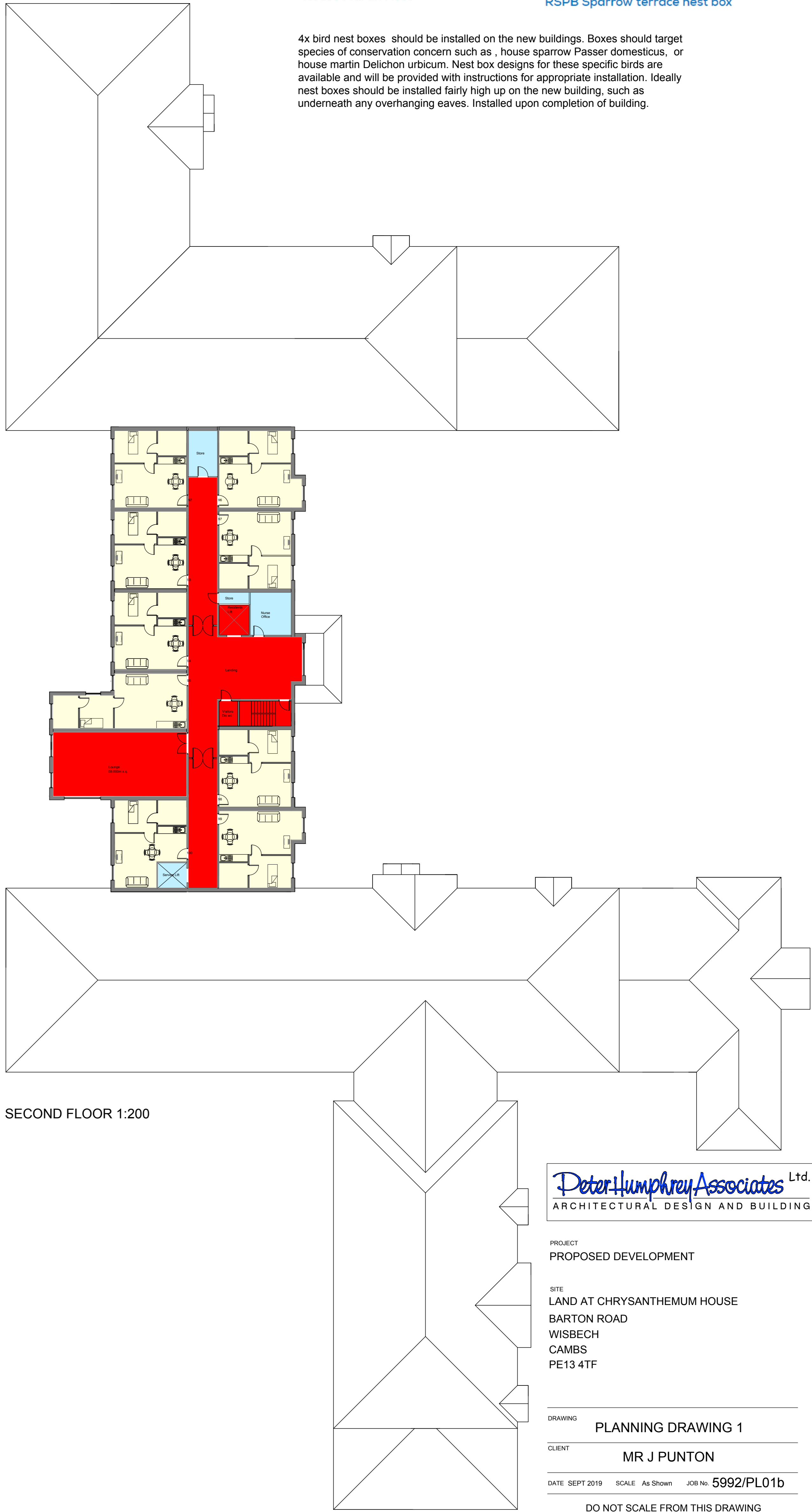


House Martin Nest



RSPB Sparrow terrace nest box

4x bird nest boxes should be installed on the new buildings. Boxes should target species of conservation concern such as house sparrow Passer domesticus, or house martin Delichon urbicum. Nest box designs for these specific birds are available and will be provided with instructions for appropriate installation. Ideally nest boxes should be installed fairly high up on the new building, such as underneath any overhanging eaves. Installed upon completion of building.



SECOND FLOOR 1:200

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PROJECT  
PROPOSED DEVELOPMENT  
SITE  
LAND AT CHRYSANTHEMUM HOUSE  
BARTON ROAD  
WISBECH  
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DRAWING  
PLANNING DRAWING 1  
CLIENT  
MR J PUNTON  
DATE: SEPT 2019 SCALE: As Shown JOB No: 5992/PL01b

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**F/YR19/1029/F**

**Applicant: This Land Limited**

**Agent : Kimberley Brown  
Carter Jonas LLP**

**Land West Of Hereward Hall, County Road, March, Cambridgeshire**

**Erect 19 x 2-storey dwellings with garages Plots 13 & 14 only (comprising of 10 x 2-bed, 7 x 3-bed and 2 x 4-bed)**

**Officer recommendation: Grant**

**Reason for Committee: Town Council comments are contrary to the Officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal seeks full planning permission for 19 dwellings on land west of Hereward Hall, County Road, March. The site benefits from an extant Reserved Matters approval as part of the housing development at All Saints Close.
- 1.2 The site is within the built up area of March where Policy LP3 of the Fenland Local Plan supports new residential development. The proposal complies with Policy H2 of the March Neighbourhood Plan in that it is a windfall site within the town.
- 1.3 The site sits within a predominately residential area and is appropriate in terms of character, design and scale. Furthermore issues of drainage, landscaping and ecology have been comprehensively addressed in terms of the on-site situation and may be further addressed through the imposition of conditions.
- 1.4 Construction management will be required to ensure that deliveries are not undertaken during peak school hours.
- 1.5 The proposal has been the subject of viability testing which has confirmed that the proposal cannot deliver any planning obligations such as affordable housing.
- 1.6 Overall the proposal is considered to be acceptable subject to the imposition of planning conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site lies to the west of Hereward Hall which provides offices to Cambridgeshire County Council and shares a vehicular access onto County Road. The site measures 0.49ha and is almost rectangular in shape and is currently grassland with a permissive footpath linking the development of All Saints Close to the south to the Robingoodfellows Lane open space/play park to the north.

2.2 The land is bounded by existing residential properties on the western and southern boundaries. There is a group of TPO trees (TPO17/86) along the northern boundary with the area of open space. The site lies within Flood Zone 1 and is not the subject of any designations or allocations, although the Norwood Road Nature Reserve is 190m north of the site.

### 3 PROPOSAL

3.1 The proposal seeks full planning permission for 19 dwellings in the form of both detached and semi-detached units. The dwellings are laid out either side of a shared private access road running centrally within the site and links to the existing access road which serves Hereward Hall to the east.

3.2 The proposal includes a pedestrian link to formalise the existing pedestrian route which has been created through the site which leads onto the open space/play park area to the north and to the railway station.

3.3 The proposed site layout retains the protected trees along the northern boundary and also allows for landscaping to the front of all properties as well as additional tree planting along the western and eastern side boundaries of the site.

3.4 The proposed dwellings are all 2-storey and the mix is as follows:

- 10 x 2-bed
- 7 x 3-bed
- 2 x 4-bed

3.5 The following documents have been submitted to support the application:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal and Species Specific Survey
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Tree Survey and Report
- Landscaping Details
- Phase 1 Desk Study and Preliminary Risk Assessment
- Phase 2 Environmental and Geotechnical Site Investigation
- Statement of Community Consultation
- Energy Statement
- Viability Assessments

3.6 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess>

### 4 SITE PLANNING HISTORY

REF. NO	DESCRIPTION	DECISION	DATE
19/0043/PREAPP	Development of 20 dwellings	Supportive, subject to amendments	22.05.2019

F/YR06/0792/F	Removal of Condition 04 of planning permission F/YR06/0178/RM (Erection of 57 houses) relating to first-floor windows in the southern elevation of Plot 1	Granted	17.08.2006
F/YR06/0178/RM	Erection of 57 houses comprising; 12 x 2-bed and 18 x 3-bed terraced, 8 x 2-bed and 2 x 3-bed semi-detached, 8 x 3-bed semi-detached with first-floor balcony, 3 x 2-bed detached and 6 x 3-bed detached with first-floor balcony and associated parking	Approved	09.06.2006
F/YR05/0891/O	Variation of Condition 02 of planning permission F/YR01/0427/O to extend the time period for 1 year for the submission of the Reserved Matters	Granted	19.10.2005
F/YR01/0427/O	Residential development to include 13% affordable housing and ancillary roads and infrastructure	Refused Allowed on Appeal	06.03.2002 05.03.2003
F/YR01/0428/REG3	Provision of new offices, access road and external works	Deemed Consent (CCC)	05.12.2001

## 5 CONSULTATIONS

- 5.1 **March Town Council:** *“Without reaching a definitive conclusion, concerns were expressed at the level of development in this area”.*
- 5.2 **FDC Environment & Health Services:** *No objection. It is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination. Concerning the latter, I note the findings of the Phase 2 Environmental and Geotechnical Site Investigation report provided by Stansted Environmental Services (Ref: CON111-HERE-003) and acknowledge that no remediation works are required. Given the scale of the proposed development, I would like to see a construction management plan submitted prior to commencement of development, which outlines procedures to ensure that any potential disturbance caused to existing nearby residencies will be to a minimum, as well as outlining health and safety matters considering the close proximity of the school.*

- 5.3 **Cambridgeshire County Council Highways Authority:** No highway objections. *The road layout is not conducive to CCC road adoption standards so the road layout will need to main private. Suggest conditions with regard to the retention of parking and turning areas.*
- 5.4 **Designing Out Crime Officers:** *I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering this location for the last 12 months. This is an area I would consider to be one of low risk to the vulnerability to crime at this time. While this appears to be an appropriate layout in relation to crime prevention and the fear of crime there is no section in the Design and Access statement relating to security or crime prevention. While some measures have obviously been considered, I do however have the following comments for consideration as the application progresses, External Lighting - our recommendation is that all adopted and un-adopted roads, private roads, shared drives and parking areas, should be lit with columns to BS5489:1 2013. I would like to see an external lighting plan when available please. I would like to see what crime prevention measures will be proposed/adopted in relation to building security, cycle and bin store security and boundary treatments. This office would be happy to meet with the applicant to discuss Secured by Design which I think could be achieved with consultation.*
- 5.5 **Anglian Water Services Ltd:** No objection. *The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows*
- 5.6 **FDC Housing Strategy:** *As it currently stands, we would expect a contribution of 25% on this site of 19 dwellings. The total number of dwellings we require would be 5. The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 4 affordable rented homes and 1 shared ownership in this instance. If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy.*
- 5.7 **CCC (Lead Local Flood Authority):** (Latest comments): Remove objection following receipt of the revised Drainage Strategy and calculations. *The documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving and below-ground attenuation restricting surface water discharge to 1l/s. Surface water is then pumped off-site. Request conditions in relation to a detailed drainage strategy prior to any ground work and details of maintenance arrangements for the drainage system.*
- (Previous comments): *Object to the application on the grounds of surface water pumping and surcharging during 1 in 1 year storm event.*
- 5.8 **FDC Environmental Services (Refuse):** No objection. *Happy with the arrangements, some residents would be required to move bins more than the recommended 30m and would need to be made aware of this. We would also require indemnity to use the private road way, other than that no issues.*
- 5.9 **FDC Tree Officer:** *The application is submitted with a comprehensive tree report and preliminary method statement. I have no objections to the assessment of the trees in the tree report and consider it a fair representation of the condition of the*

trees. With regard to the layout, the shade cast from tree group A001 (tree belt between Hereward Hall and the site), may lead to pressure from new residents to prune the trees to prevent shading of the gardens and rear elevations. The landscape masterplan indicates tree planting to the rear of the proposed properties to provide screening to existing properties. The use of fastigate forms in greater numbers may provide better screening than using a single larger growing species that may dominate the gardens of the proposed new dwellings.

5.10 **Cambridgeshire Fire & Rescue Service:** The provision and position of fire hydrants need to be secured through planning condition.

5.11 **Natural England:** No comments to make on this application.

5.12 **Cambridgeshire County Council (Growth & Economy):** Requests contributions in respect of: Early Years (£41,184), Primary (£61,776), Libraries (£3,640). No contribution sought for Secondary education or strategic waste.

5.13 **FDC Section 106 Services:** (First comments): Concerned with format of the viability report and querying assumptions contained in the viability submission in relation to build costs adopted. The contingency being too high and justification for items such as the pumping station, drainage and archaeology is required.

(Second comments): Revised Viability Assessment received. *It is accepted that there are viability issues preventing the delivery of policy requirements in relation to both Affordable Housing and S106 contributions. It is also noted that Cambridgeshire County Council have also completed a review of the viability appraisal and also reached the conclusion that the proposal is not viable.*

5.14 **CCC Historic Environment Team:** No objection, but consider the site should be subject to a programme of archaeological investigation which can be secured through planning condition. *“Our records indicate that the site lies in an area of high archaeological potential. Archaeological investigations immediately to the east revealed evidence of prehistoric activity, including a crouched burial (Cambridgeshire Historic Environment Record reference ECB928) as well as, evidence of Roman (MCB15267), medieval and post-medieval (MCB15268) activity. Archaeological investigations at Norwood Road also revealed evidence of prehistoric (MCB18159), Roman (MCB18160) and post-medieval occupation (MCB18161). In addition, at Whitemoor Sidings archaeological investigations revealed evidence of Early Bronze Age occupation (MCB16673). While to the north east is further evidence of prehistoric and Roman occupation (MCB9563, MCB9562, MCB9561, MCB11191, MCB9561, MCB17742, MCB11192, MCB17743) including, the Fen Causeway, a known Roman Road (MCB15033).*

5.15 **Environment Agency:** No comments to make.

5.16 **PCC Wildlife Officer:** *No objection to the proposal subject to the development being carried out in accordance with the submitted Detailed Planting Proposals Drawing (Drawing No. 2164\_02\_RevA), Site Clearance Method Statement, Tree Survey/ Protection Plan Drawing No. 6958-D-AIA and bird and bat box details.*

*In addition I would advise that a suitably worded biodiversity condition is used to secure the provision of hedgehog gaps in fences and a pre-commencement badger survey, as well as full details of any external street lighting.*

*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 of biodiversity.*

## **5.17 Local Residents/Interested Parties:**

### **Objections**

1 letter of objection received raising the following concerns:

- Density/Over development;
- Environmental Concerns – noise impact for those living close by during construction;
- Flooding;
- Light Pollution;
- Local services/schools – unable to cope. Will add more stress on the services such as doctors surgeries and schools;
- Traffic/Highways;
- Trees;
- Wildlife concerns – the birds we have here and the loss of shrubs and trees that the birds need to roost and nest.

1 letter from the All Saints Head teacher which does not support or object to the proposal but comments in respect of concerns during construction and post development as to the impact on the safety of children walking/cycling to school. Concerns with increase traffic at the entrance of All Saints School resulting in congestion and increased possibility of an accident occurring.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para 8: The 3 dimensions of sustainability

Para 57: Viability

Para 108-110: Safe and effective access which prioritises pedestrian and cyclists

Para 117: Promote effective use of land.

Para 127: Well-designed development.

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

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

### **7.3 National Design Guide 2019**

C1 - Relationship with local and wider context

I1 - Respond to existing local character and identity

I2 Well-designed, high quality and attractive

B1 - Compact form of development

B2 Appropriate building types and forms



M3 - well-considered parking, servicing and utilities infrastructure  
H1 - Healthy, comfortable and safe internal and external environment  
H3 - Attention to detail; storage, waste, servicing and utilities  
L3 - A sense of ownership

#### **7.4 Fenland Local Plan 2014 (FLP)**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP9 – March  
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

#### **7.5 Supplementary Planning Documents/Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- RECAP CCC Waste Management Design Guide SPD (2012)

#### **7.6 March Neighbourhood Plan 2017**

H2 – Windfall Development  
H3 – Local Housing Need  
OS1 – Open Space

### **8 KEY ISSUES**

- **Principle of Development**
- **Design, Layout and Residential Amenity**
- **Landscaping and Biodiversity**
- **Access and Highway Safety**
- **Flood Risk and Drainage**
- **S106 and Viability**
- **Other matters**

### **9 ASSESSMENT**

#### **Principle of Development**

- 9.1 Policy LP3 of the FLP sets out a focus for growth around the District's four Market Towns. The site is located within the settlement of March, and therefore the provision of residential development accords with Policy LP3 and also to Policy H2 of the March Neighbourhood Plan (MNP).
- 9.2 The site benefits from an extant Reserved Matters approval (F/YR06/0178/RM) which would result in a denser form of development (for 22 dwellings) albeit partly

due to the access for that scheme being taken from All Saints Close rather than via the access to Hereward Hall.

- 9.3 The MNP aligns closely with the FLP and as such there are no matters to consider over and above the FLP policies in this instance. The site is considered 'Windfall' in the context of the MNP and therefore receives support in principle subject to appropriate levels of residential amenity for existing and proposed occupants, design considerations, no loss of formal or informal open space or community facilities, no flood risk issues, no highway safety impacts and the development providing for appropriate on and off site infrastructure. There is also a requirement for such schemes to undertake appropriate and proportionate pre-application community consultation/engagement, which in this case has been carried out.
- 9.4 In addition MNP Policy H3 requires the provision of a mix of homes and 25% affordable housing unless it can be demonstrated through a viability assessment that this is unviable.
- 9.5 The scheme complies with MNP Policy OS1 as it will not result in the loss of formal and informal open space. The other open space requirements required under OS1 are as per the standards contained within Appendix B – "Open Space Standards" of the FLP this is considered in the S106 section of this report below.

#### **Design, Layout and Residential Amenity**

- 9.6 The proposed layout seeks to respond to the constraints of the site and includes the retention of the TPO trees and the retention of the permissive pedestrian link across the site. The layout provides adequate sized private garden areas compliant with Policy LP16 of the FLP.
- 9.7 The proposal contains a good mix of housing including 2-storey semi and detached dwellings ranging between 2, 3 and 4-beds which are considered acceptable and reflects the scale of existing development in the surrounding area. The dwellings are designed to reflect the nearby developments of Robingoodfellows Lane and All Saints Close. They will incorporate the traditional red brick of the older style properties along Robingoodfellows Lane but will also have a contemporary look similar to those properties in All Saints Close with a material pallet which will match those properties with reference to vertical timber boarding and white render (precise details of the materials will though need to be the subject of a planning condition). All dwellings have a window/door overlooking parking areas for surveillance.
- 9.8 Given the location of the proposed development in relation to the existing residents within the wider area (Robingoodfellows Lane and All Saints Close), the proposal is not considered to give rise to concerns regarding neighbouring amenity. There is approximately 36m distance from the rear of the properties at Robingoodfellows Lane to the rear elevations of the new dwellings and approximately 18m distance from the side elevation of Plot 1 to the rear of the properties at Nos 24 and 26 All Saints Close. The closest relationship between existing and new is that of Plot 2 where the side elevation is approximately 5m from the northern elevation of No.47 All Saints Close. This is a similar relationship to that of the extant permission albeit the dwelling is orientated differently.
- 9.9 The layout of the dwellings and their design are not considered to give rise to unacceptable overlooking, overbearing impact or overshadowing of each other.

- 9.10 The proposed dwellings would achieve good levels of surveillance and where necessary include windows to the ground floor which achieve appropriate surveillance over their respective/neighbouring driveways.
- 9.11 A Construction Method Statement will be required to be submitted and agreed before development can commence and then adhered to during the construction period.
- 9.12 Overall, it is considered that the proposed development would be of an appropriate design, the layout is acceptable and it would not have a detrimental impact upon the amenities of existing properties adjacent to the site and would achieve appropriate standards of amenity within the scheme itself. The proposal therefore complies with Policy LP16 of the FLP.

### **Landscaping and Biodiversity**

- 9.13 A detailed Arboricultural Report accompanies the application along with an overarching landscape strategy and scheme. The landscape plan indicates areas of soft landscaping including tree planting and shrub planting to the front gardens of every dwelling and new planting of trees along the western and eastern boundaries.
- 9.14 The Council's Tree Officer has recommended the use of fastigiated tree forms in greater numbers as these may provide better screening than using a single larger growing species that may dominate the gardens of the proposed new dwellings.
- 9.15 In response to these comments the applicant has confirmed that the trees to the rear gardens are small, narrow columnar canopy low water demand trees positioned away from both proposed rear elevations and existing garages that back onto the boundary. These are considered to satisfactorily address the position. The amenity spaces for the relevant dwellings are considered large enough to accommodate the proposed tree species.
- 9.16 The Tree Officer has also made a point in relation to the shade cast from the tree group A001 (tree belt between Hereward Hall and the site) which may lead to pressure from new residents to prune the trees to prevent shading of the gardens and rear elevations.
- 9.17 In relation to this comment the applicant has referenced the previously approved (and extant) scheme which is a relevant consideration. The group of trees would produce some shading of the rear of plots 13 to 18 from the morning sun but this is not considered, taking into account the extant permission, to create unacceptable living conditions.
- 9.18 With regards to the hard landscaping the materials proposed to the surfaces of the roads, footpaths and patio areas are acceptable. Boundary treatments are proposed and include brick walls and close boarded timber fencing. These are considered appropriate in context of the site and will contribute to achieving a good quality development.
- 9.19 The PCC Wildlife Officer considers that the proposal is acceptable subject to conditions. The inclusion of log piles, bat and bird boxes have been included on the submitted plans. The only matter which is not included on the plans is the addition of hedgehog gaps in fences which can be secured through condition.

9.20 Biodiversity enhancement implementation and landscaping may be secured by condition and subject to this the scheme will address the requirements of Policies LP16 and LP19 of the FLP.

### **Access and Highway Safety**

9.21 The scheme would not create any unacceptable impacts in terms of highway safety and parking provision is shown to serve each dwelling in accordance with the adopted standards contained within the FLP. It will be necessary to secure details of the ongoing management and maintenance arrangements for the estate road and such details can be secured via a prior to occupation condition.

9.22 The scheme demonstrates that the access road is of sufficient dimension and alignment to enable a refuse collection vehicle to enter, turn and leave in forward motion. The layout is such that refuse bins will be collected from two collection points within the development; one serving plots 1-3 and the other serving plots 9 - 16, the remaining plots will be able to be presented at the curtilage of the individual properties, where they meet the new access on the day of collection. This does mean that the occupants of plots 11-14 will need to move their bins in excess of the 30m carry distance which is advocated within the RECAP SPD guidance (the worst case situation is plot 13 who would need to move their bin a total of 56m): on balance this is not considered to be unacceptable. Accordingly there are no matters to reconcile with regard to Policy LP16 (f).

9.23 Based on the above evaluation there are no matters arising which would render the scheme unacceptable in the context of Policy LP15 of the FLP.

### **Flood Risk and Drainage**

9.24 This is a flood zone 1 location and as such there are no matters of flood risk to reconcile, surface water will be considered as part of Building Regulations and the submitted details have been accepted by the LLFA (subject to conditions). There are therefore no issues to address in respect of flood risk and compliance with LP14 of the FLP and H3 of the MNP, in so far as it relates to flood risk, is achieved.

### **S106 and Viability**

9.25 A fully policy compliant scheme would be required to deliver off site contributions towards a neighbourhood park, children's play, outdoor sports and allotment provision and would also require financial contributions in respect of Early Years (£41,184), Primary (£61,776), Libraries (£3,640). In addition it would make provision for five affordable houses on-site or alternatively an equivalent financial contribution to enable delivery off-site.

9.26 However the submission is accompanied by a viability appraisal which has been accepted by both the FDC Section 106 officer and of the relevant officers of the County Council. As demonstrated in the consultation response summarised above there are significant abnormal costs associated with the development of this site; these include the requirement for storm and foul water pumping stations, offsite highway costs and archaeological investigation.

9.27 The submission has clearly demonstrated that the scheme is unviable and as such the only response, when considering Para 57 of the NPPF is to allow the scheme to proceed unencumbered by any S106 obligations.

9.28 For viability reasons the proposal is therefore unable to comply with Policies LP5 and LP13 of the Local Plan inasmuch as it is unable to provide any of the

infrastructure which would be necessary. The NPPG identifies that viability concerns need to be taken into account and that a flexible approach needs to be adopted. In this case it is considered that bringing forward the development now is sufficient to outweigh the deficiency in infrastructure which this development cannot provide at this time.

### Other matters

9.29 The school head teacher has raised concerns about further congestion and the increased possibility of an accident occurring involving children. In terms of construction traffic a construction management plan is proposed and this can include measures to prevent deliveries and construction traffic visiting the site during peak school hours. With regard to traffic from future occupiers whilst this concern is noted the site does benefit from an extant permission for a denser scheme and as such this proposal would result in less traffic visiting the site.

## 10 CONCLUSIONS

10.1 This proposal will see 19 houses delivered within a sustainable location which has previously benefitted from (an extant) planning approval. The site sits within a predominately residential area and is appropriate in terms of character, design and scale. Furthermore issues of drainage, landscaping and ecology have been comprehensively addressed in terms of the on-site situation and may be further addressed through the imposition of conditions.

10.2 There are no issues identified which would render the scheme non-compliant with planning policy, accepting that there are viability issues with the site which have been evidenced as part of the submission.

## 11 RECOMMENDATION

Grant with conditions as below:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Vehicle turning and parking spaces as shown on drawing number CCC.812.P02 Rev C shall be provided prior to the occupation of its related dwelling and shall be retained thereafter.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and to ensure compliance with Policies LP15 of the Fenland Local Plan 2014.</p>
3	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p>

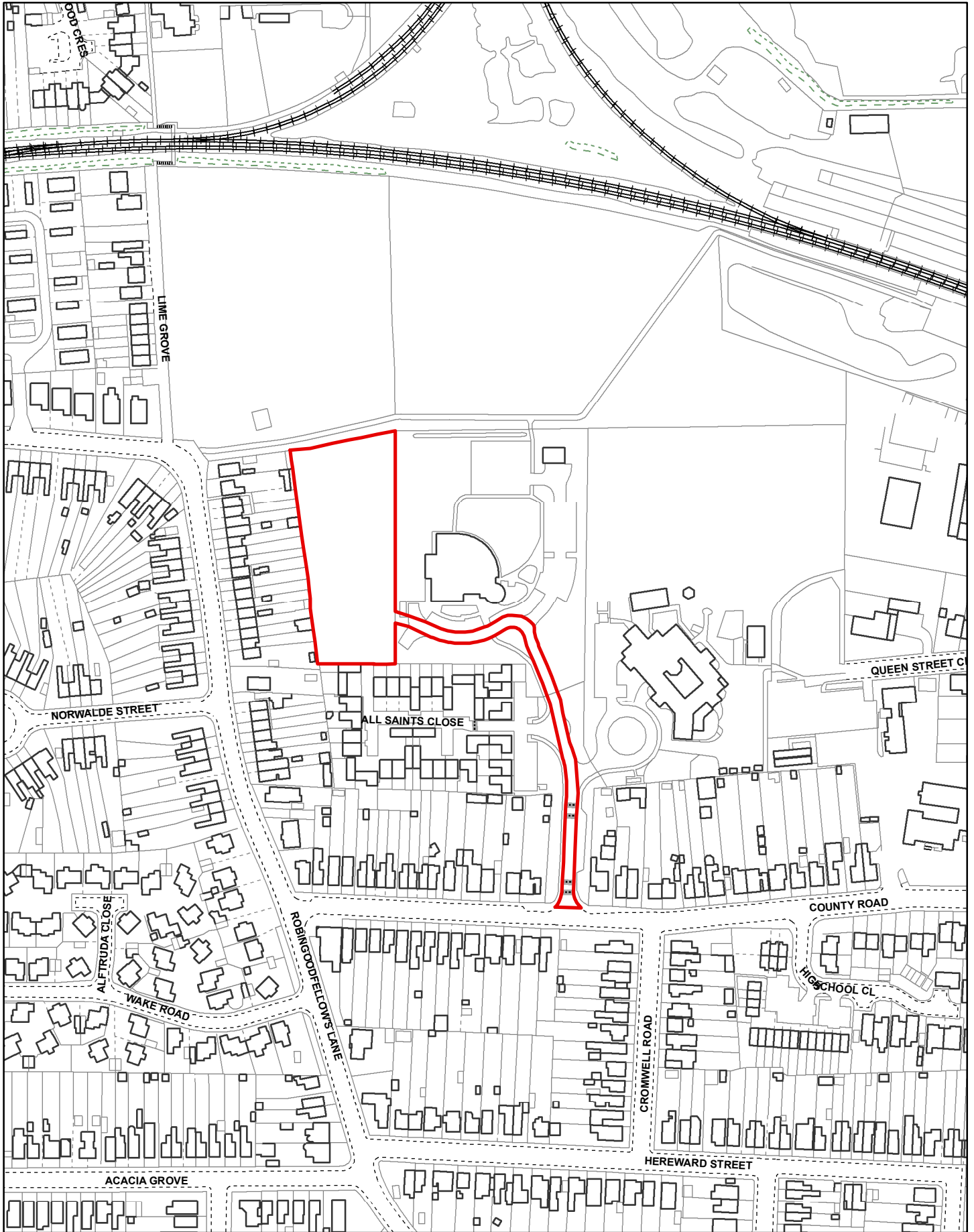
	<p>a) the statement of significance and research objectives;</p> <p>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>c) The timetable for the field investigation as part of the development programme;</p> <p>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material</p> <p><i>Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.</i></p> <p>Reason: To ensure that the significance of historic environment assets is conserved in line with NPPF section 16 and Policy LP18 of the Fenland Local Plan 2014.</p>
4	<p>No development shall take place, including any works of demolition, until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>• An appropriate construction access;</li> <li>• Adequate turning and off loading facilities for delivery/construction vehicles;</li> <li>• An adequate parking area clear of the highway for those employed in developing the site;</li> <li>• Method of prevention of mud being carried onto the highway;</li> <li>• Construction traffic routes</li> <li>• Protection of public rights of way</li> <li>• A before and after road condition survey</li> <li>• Hours of operation</li> <li>• Delivery times</li> </ul> <p>Reason: In the interests of safe operation of the highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Drainage Strategy prepared by MLM Group (619775-MLM-ZZ-XX-DR-C-0110) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
6	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and</p>

	<p>approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p>
7	<p>Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.</p>
8	<p>No development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby approved for the walls and roofs are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
9	<p>All means of enclosure (as shown on Drawing 216404) denoted as close boarded fencing (CB) shall be designed to allow hedgehogs to be able to pass through the fencing. This may be achieved by either raising the fencing approximately 13cm (5in) above the ground level, or alternatively by creating small (13cm x 13cm) gaps at regular intervals along the fence line.</p> <p>Reason: To ensure that protected species are suitably accommodated on the site in accordance with Policy LP19 of the Fenland Local Plan (2014)</p>
10	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously</p>

	<p>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.</p> <p>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.</p>
11	<p>Prior to the commencement of any works or storage of materials on the site all trees and hedges that are to be retained shall be protected as per Arboricultural Impact Assessment &amp; Tree Protection Plan Drawing No. 6958-D-AIA with all tree protection measures to be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason: To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.</p>
12	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
13	<p>Prior to the commencement of any development at the site an updated badger survey shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required shall be fully incorporated into the development.</p> <p>Reason: To ensure that protected species are suitably safeguarded on the site in accordance with Policy LP19 of the Fenland Local Plan (2014).</p>
14	<p>The development shall be undertaken strictly in accordance with the recommendations of the Detailed Planting Proposals Drawing (Drawing No. 2164_02_RevA), Site Clearance Method Statement, Tree Survey/ Protection Plan Drawing No. 6958-D-AIA including:</p> <ul style="list-style-type: none"> <li>(i) The bird and bat boxes shall be installed concurrently with their related dwelling and retained in perpetuity thereafter.</li> <li>(ii) Site clearance works shall be undertaken in accordance with the recommendations of the Site Clearance Method Statement.</li> </ul> <p>Reason: To ensure that protected species are suitably safeguarded and to enhance biodiversity on the site in accordance with Policy LP19 of the</p>



	Fenland Local Plan (2014).
15	<p>Within 3-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity. The external lighting shall be carefully designed to be baffled downwards away from the retained boundary trees and hedgerows.</p> <p>Reason: In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014 and is not detrimental to on site biodiversity in accordance with Policy LP18 of the Fenland Local Plan (2014).</p>
16	<p>The proposed footway link shall be constructed in accordance with the details shown on drawing number 2164 04 prior to first occupation of the development hereby approved and thereafter retained in perpetuity.</p> <p>Reason: To ensure that the site is accessible from the existing footpath to the north in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
17	Approved Plans



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










**F/YR19/1029/F**

Scale = 1:2,500



DO NOT SCALE FROM THIS DRAWING  
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 ALL DIMENSIONS ARE SHOWN IN 'mm' UNLESS OTHERWISE STATED.

NOTES:

- SURFACING:**
-  **Shared Surface**  
5.5m wide block paved shared surface to approval of Highway Authority.
  -  **Private Drives**  
Private drives to be permeable block paving to approval of Local Authority.
  -  **Private Footpaths**  
Private footpaths to be formed with paving slabs to approval of Local Authority.
- SOFT LANDSCAPING:**
-  **Rear Gardens**
  -  **Front Gardens**  
Front gardens to be turfed with shrub borders.
  -  **Proposed Tree Planting**  
Locations of proposed new native tree planting.
  -  **Soft Landscaping / Planting**  
Location of proposed planting, indicative.
  -  **Existing Trees**  
Existing trees retained. See tree report.
- BOUNDARY TREATMENTS:**
-  **1.8m Close Boarded Fence**  
1.8m high close boarded timber fence.
  -  **1.8m High Wall**  
1800mm high 225mm thick brick wall with brick on edge coping.
- OTHER:**
-  **Refuse Bins**  
Location of refuse storage and refuse bin collection points.



Site Plan  
 scale 1:250

Revisions	Suffix	Date	Amendments
	A	Jan 20	Bin collection point added for Plots 1 - 3.
	B	Mar 20	Bin collection point added for Plots 9 - 16.
	C	Mar 20	Bin collection point Plots 9 - 16 amended.

Status

**PLANNING**



**The Design Partnership**  
 The Design Partnership (Ely) Ltd  
 Claremont House,  
 10 Station Road,  
 Chatteris  
 Cambridgeshire PE16 6AG  
 Tel: 01354 693111

Job Title  
 Proposed Development of 19 Dwellings  
 Hereward Hall March  
 for This Land Ltd

Drawing Title  
 Planning Drawing  
 Site Plan

Date	Scale	Drwn	Dwg No.	Rev.
Aug 19	1:250@A1	PD	CCC.812.P02	C

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 ALL DIMENSIONS ARE SHOWN IN 'mm' UNLESS OTHERWISE STATED.



Status				
<b>PLANNING</b>				
 <b>The Design Partnership</b> <small>The Design Partnership (Ely) Ltd        Clarendon House,        10 Station Road,        Chatteris        Cambridgeshire PE16 6AG        Tel: 01354 693111</small>				
Job Title				
Proposed Development of 19 dwellings Hereward Hall, March for This Land Ltd.				
Drawing Title				
Planning Drawing Street Elevations				
Date	Scale	Drwn	Dwg. No.	Rev.
Aug 19	1:125@A1	BP	CCC-812-P10	

**APPLICATION NO: F/YR19/1029/F**

**DESCRIPTION: Erect 19 x 2-storey dwellings with garages Plots 13 & 14 only (comprising of 10 x 2-bed, 7 x 3-bed and 2 x 4-bed)**

**SITE LOCATION: Land West Of Hereward Hall, County Road, March, Cambridgeshire**

#### **UPDATE**

Comments have been received from Councillor Ruth Johnson, a March Town Councillor (albeit her comments are not the formal comments of the Town Council which remain as per the report) as well as a Teaching Assistant at All Saints Primary School. The comments are summarised as follows:

- Drainage – since the housing was built at All Saints Close there have been problems with the drains blocking. Adding further houses to this sewer will cause problems.
- Access to the construction site and construction traffic concerns in relation to All Saints School. Speed restrictions and no HGVs during school run times should be considered.
- Density – there seems to be too many houses for the size of the site. Concerns with loss of privacy and the view of the park for existing residents of All Saints Close.
- Admission requirements for All Saints Primary School – future residents should not presume that their child will have a place at this school.
- The All Saints Primary school may take part in a scheme which reduces traffic around schools. This involves the road being closed off to traffic at school drop off times, therefore construction and future resident traffic will not have access to County Road.
- Deer and rabbits are regularly seen on this site as it adjoins the park. As this land is adjacent the park why not donate this green space to the community?

The comments have been noted. The matters which have been raised in relation to drainage, construction traffic, density (including loss of privacy) and biodiversity have already been addressed within the main body of the report. The comment in respect of admission requirements is noted but the County Council has an obligation under educational legislation to provide schooling for children: this may not necessarily be at the nearby school and will be considered on a case-by-case basis. In relation to the potential scheme to reduce traffic this is not a scheme which the school currently participates in and any temporary road closures would again be covered by separate legislation (highways) and would be considered in that manner. A construction management plan is proposed to be included as a condition and this would need to respond to such measures should they be in place. Future residents would be aware of any restrictions should they exist.

**Recommendation: Remains approval as detailed at Agenda Item 6, pages 57-71.**

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**F/YR20/0266/F**

**Applicant: Ms Amy Cooper**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land West Of Meadow Farm, Horseway, Chatteris, Cambridgeshire**

**Erect a 1.8m (approx.) high post and wire fence, a hen house and the formation of an access**

**Officer recommendation: Grant**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks planning permission to erect a 1.8m (approx.) high post and wire fence, a hen house and the formation of an access on a parcel of agricultural land west of Meadow Farm, Horseway, Chatteris, Cambridgeshire.
- 1.2 The proposal is considered to be in keeping with the character of the countryside in which it is located as it is of a modest scale and typical agricultural style.
- 1.3 The site is located a sufficient distance from nearby properties to be considered not to detrimentally impact amenity levels with regard to loss of privacy, loss of light, light pollution or the generation of environmental nuisances such as noise or odour.
- 1.4 The proposed changes to the existing access are considered acceptable by the Highways Authority and generated no objections on these grounds.
- 1.5 The site is located within flood zone 3 and the scheme is classified as 'Less Vulnerable within the Cambridgeshire Flood and Water Supplementary Planning Document and as such is considered a reasonable form of development in this location.
- 1.6 The recommendation is to grant the application, subject to conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within agricultural land in an area known as How Fen around 1.5m east of the built framework of Chatteris, within Manea parish.

2.2 Access to the site is provided by an existing grass track leading west from the B1098 for approximately 250m before turning south for a further 160m across agricultural land before reaching the application site.

### 3 PROPOSAL

3.1 The applicant wishes to create a smallholding to raise between 50 – 100 hens for the production of free-range eggs. It is proposed to enclose land using 1.8m high (approx.) post and wire fencing and erect a central hen house, with a further area for additional grazing. In addition, it is proposed to form a more robust access point off the B1098.

3.2 The hen house is proposed as a mobile unit approximately 4.25m wide by 6.15m long by 2.8m to the ridge. A product specification provided by the applicant states that the structure is to be constructed with galvanised steel tubing, and covered by PVC inner and outer sheeting and insulation in an olive green colour, with access doors to the front and rear of the building; the units are not fixed to the ground but are on metal skids to allow them to slide along the ground when pulled by a tractor or 4x4.

3.3 The hen house will be rendered immobile as the centre-point of a quadrant of fenced enclosures, totalling 36.5m wide by 45m long. An additional fenced grazing area, an 'L-shape' of an area of 0.25ha, will be enclosed by the same style of fencing to allow free-range grazing of the hens.

3.4 The access will predominately remain as the existing grass track however an upgraded vehicle entrance is proposed at its junction with the B1098, constructed in tarmac with visibility splays and kerb edging.

3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

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F/YR19/0872/CERTP	Certificate of Lawful Use (Proposed): Erect a wooden fence 1.8m high, hen house and store	Permission Required 12.12.2019
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### 5 CONSULTATIONS

5.1 **Chatteris Town Council – Support**

5.2 **Manea Parish Council – No objection**

5.3 **Cambridgeshire County Council Highways Authority – initial comments**

*The access general arrangement/geometry should be suitable for the largest vehicle to use the access i.e. a standard car does not require a 9m wide highway access crossover. If it is a shared access, the width should be suitable for two way movements.*

*The access should be sealed and drained 5m deep (min), 10m if shared. The highway crossover should be indicated on the plan i.e. crossover constructed to CCC Highway Spec'...*



*Visibility splays should also be detailed (2.4mx215m). Veg cut back to HB may be required to achieve vis'.*

*Defer for amended plans.*

#### **5.4 Cambridgeshire County Council Highways Authority – reconsultation comments further to updated information received**

*No objection – recommend the following conditions*

- 1.) *Prior to the commencement of the use hereby approved, the vehicular access to the site shall be completed in accordance with the details shown on submitted plan 337 - P04 Rev C and retained as such at all times hereafter.*

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

- 2.) *Prior to commencement of the use hereby permitted any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway boundary. Any access gate or gates shall be hung to open inwards.*

*Reason: In the interests of highway safety.*

#### **5.5 Environment & Health Services (FDC) – initial comments**

*I refer to the above application that seeks planning consent for the erection of a high post and wire fence, a hen house and the formation of an access.*

*The Environmental Health Team note the submitted information but would advise further detail will be required as it remains unclear from the application what the proposal seeks to achieve other than the keeping of hens. To enable this department consider this application and provide an appropriate response, the applicant should submit further information describing the intentions for the site clarifying what activity is to be undertaken and, if this is to be a business venture.*

*Establishments that involve the keeping of animals including poultry can be a source of environmental nuisance if not controlled and operated in accordance with industry guidance. In considering the site location, the applicant should also submit a noise and odour impact assessment to determine what effect, if any, the proposal may have on sensitive neighbouring residents.*

*The applicant may find guidance on the keeping of poultry useful when reviewing their application. Further information can be found from a number of available sources including; Defra's 'Code of practice for the welfare of laying hens'; NFU's Poultry Industry Good Practice Checklist 'Reducing Odours from Poultry Production through the Application of Best Available Techniques'; the Food Standards Agency and the Health & Safety Executive for 'Poultry Dust from Farming'.*

*Upon receipt of the additional information this service will be happy to consider this application further.*

## **5.6 Environment & Health Services (FDC) – reconsultation comments further to updated information received**

*I have read the additional information supplied by the applicant and note this does not include pest control measures or drainage provision.*

*The applicant advises that composting facilities will be used to convert chicken waste into fertiliser and that a correct procedure will be followed to achieve this. As a procedure has not been described, I would recommend the applicant follows Defra's guidance on 'Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers' or similar, to ensure effective waste management procedures are followed to help reduce the risk of pollution or other environmental nuisance. I would also expect the applicant to follow relevant guidance on the effective pest control.*

*Given that the proposal is to keep between 50 to 100 chickens at any given time, it is not considered that there would be any significant disturbance to the local amenity and so this department would advise that we have 'No Objection' to this intended scheme.*

*I should advise that in the event of any unforeseen issues that subsequently give rise to noise or odour complaints, the granting of planning consent would not indemnify the applicant against statutory nuisance action being taken should the complaints be substantiated.*

## **5.7 Local Residents/Interested Parties**

12 letters of objection from 10 address points were received from local residents with the following comments;

- Environmental health concerns – smell, noise, etc.;
- Loss of wildlife habitat;
- Overlooking/Loss of privacy;
- Would set a precedent;
- Increased traffic;
- Animal welfare;
- Land use;
- Devaluation of property.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para 11 – A presumption in favour of sustainable development

Para 47 – Applications determined in accordance with the development plan.

Para 109 – development plans should be only be refused on highways grounds if there would be an impact on highways safety

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

## **7.3 National Design Guide 2019**

## **7.4 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

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

## **7.5 Supplementary Planning Documents/Guidance**

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

Cambridgeshire Flood & Water SPD (2016)

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Amenity and health**
- **Highway safety**
- **Flood risk**

## **9 BACKGROUND**

- 9.1 This application follows an earlier application for a proposed Certificate of Lawfulness to erect a wooden fence 1.8m high, hen house and store (F/YR19/0872/CERTP). The determination of which, in December 2019, resulted in a requirement for the applicant to apply for full planning permission. The current application is a revised version of the proposal put forward in the earlier Certificate of Lawfulness application with the storage barn element removed and the inclusion of the vehicular access upgrade.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is currently agricultural land, and as such, the land can be used for the keeping of poultry without the requirement for planning permission.
- 10.2 Despite the proposed hen house having hallmarks of a moveable building, the proposal to position the hen house centrally within a quadrant of 1.8m post and wire fencing will effectively immobilise it, giving it a permanent position within the site constituting development that requires planning permission.
- 10.3 Given that the proposal is for an agricultural structure within existing agricultural land outside of the built framework of Chatteris, the principle of development for the proposal is acceptable subject to the following policy considerations;

- Policy LP2 - that seeks to ensure that development does not result in harm to the amenity of the area or the environment in general;
- Policy LP12 - that seeks to support new development that will not harm the wide open character of the countryside;
- Policy LP15 - that seeks to support schemes that demonstrate well designed access that offer little or no impact to highways safety; and
- Policy LP16 - that supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance.

### **Character and appearance**

- 10.4 The proposed hen house is a modestly sized structure of a single-storey height (approximately 2.9m). Generally it is of a typical form as other types of agricultural livestock housings with an arched shape and doors at either end and as such is unlikely to appear out of character within the countryside. Its overall limited scale and outward appearance finished in an olive green colour will help the structure assimilate into the surroundings and will not appear prominent within the landscape. Furthermore, the siting of the proposed structure and its distance from nearby roads and residential properties relative to its scale will ensure that the structure will not appear dominant within the local area. Thus, it is considered that the proposed hen house accords with Policies LP12 and LP16 of the Fenland Local Plan with regard to design and character and its impact on the countryside.
- 10.5 Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that the erection of a gate, fence, wall or other means of enclosure is permitted providing that the height of such enclosure would not exceed 2m above ground, providing that the fence will not be erected adjacent to the highway, or surround a listed building.
- 10.6 As the proposed fencing will not be erected adjacent to a highway, and it intended to reach a maximum of 1.8m high, this element of the scheme is classed as permitted development under the GPDO and as such the erection of the fencing is therefore acceptable.
- 10.7 The track is an existing access point and whilst not a formal 'roadway' is usable for vehicles typically accessing agricultural land. As such its use cannot be resisted with planning control. However, the impact on highways safety of the proposed vehicle entrance is discussed in more detail below.

### **Amenity and health**

- 10.8 The nearest residential properties to the development site are;
- Mulberry Farm (formerly Coulson's Farm), positioned approximately 6m from the northern edge of the access track, and approximately 180m northeast of the boundary of the proposed development site;
  - Meadow Farm, positioned approximately 100m from the eastern boundary of the proposed development site; and
  - Springfield Farm, positioned approximately 100mm southeast of the south-eastern corner of the proposed development site.

- 10.9 At these distances, the position of the hen house and enclosures will be unlikely to cause significant issues to residential amenity arising from this.
- 10.10 Given the scale and nature of the proposed development and its intended use, limited traffic along the access road as a result of the development will not cause a detrimental impact to neighbouring dwellings through its use. In addition, the presence of hedgerows between the track and the nearest dwelling will aid as a dampener from noise or light.
- 10.11 No details of proposed lighting were submitted with the application. Thus, to ensure the amenity levels of surrounding properties and the countryside are maintained and upheld, and to ensure minimal disruption to the area with regard to possible light pollution, if permission is granted it is considered necessary to impose a condition to ensure that any external lighting is prohibited from being erected without express permission from the LPA. It is considered that any internal lighting within the hen house will not materially affect amenity levels surrounding the site.
- 10.12 Consultation with the Environmental Health Team concluded that there would be minimal disturbance to the local amenity with regard to noise or odour. Thus the Environmental Health Team offered 'no objection' to the intended scheme.
- 10.13 As stated previously, the use of the land to keep poultry is not subject to planning control. However, controls over issues arising from noise, odour or other environmental issues would remain under other legislation.
- 10.14 Therefore, given all the above issues, it is considered that the proposal will not significantly or detrimentally impact on amenity and health and as such is acceptable with regard to Policies LP2 and LP16 of the Fenland Local Plan 2014.

#### **Highway safety**

- 10.15 Initially, there were no proposals to amend the existing site access with regard to development. However, comments from the Highways Authority suggested that improvements were needed to be made to ensure the suitability of the access with regard to highway safety. As such, the applicant amended the vehicle entrance layout to incorporate the comments received.
- 10.16 As a result of the amendments, the Highways Authority returned no comment, but suggested necessary conditions to include should permission be granted. As such, it is considered that the revised vehicle access is acceptable in accordance with Policy LP15.

#### **Flood risk**

- 10.17 The site falls predominantly within Flood Zone 3, although the access is within Flood Zone 1. Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before those at a higher risk. However, according to Table 4.2 in the Cambridgeshire Flood and Water Supplementary Planning

Document, the proposal is classed as 'Land and buildings used for agriculture' which is classified as a 'Less Vulnerable' development type. Linking this to Table 4.3, development classed as Less Vulnerable can be considered compatible with Flood Zone 3.

## 11 CONCLUSION

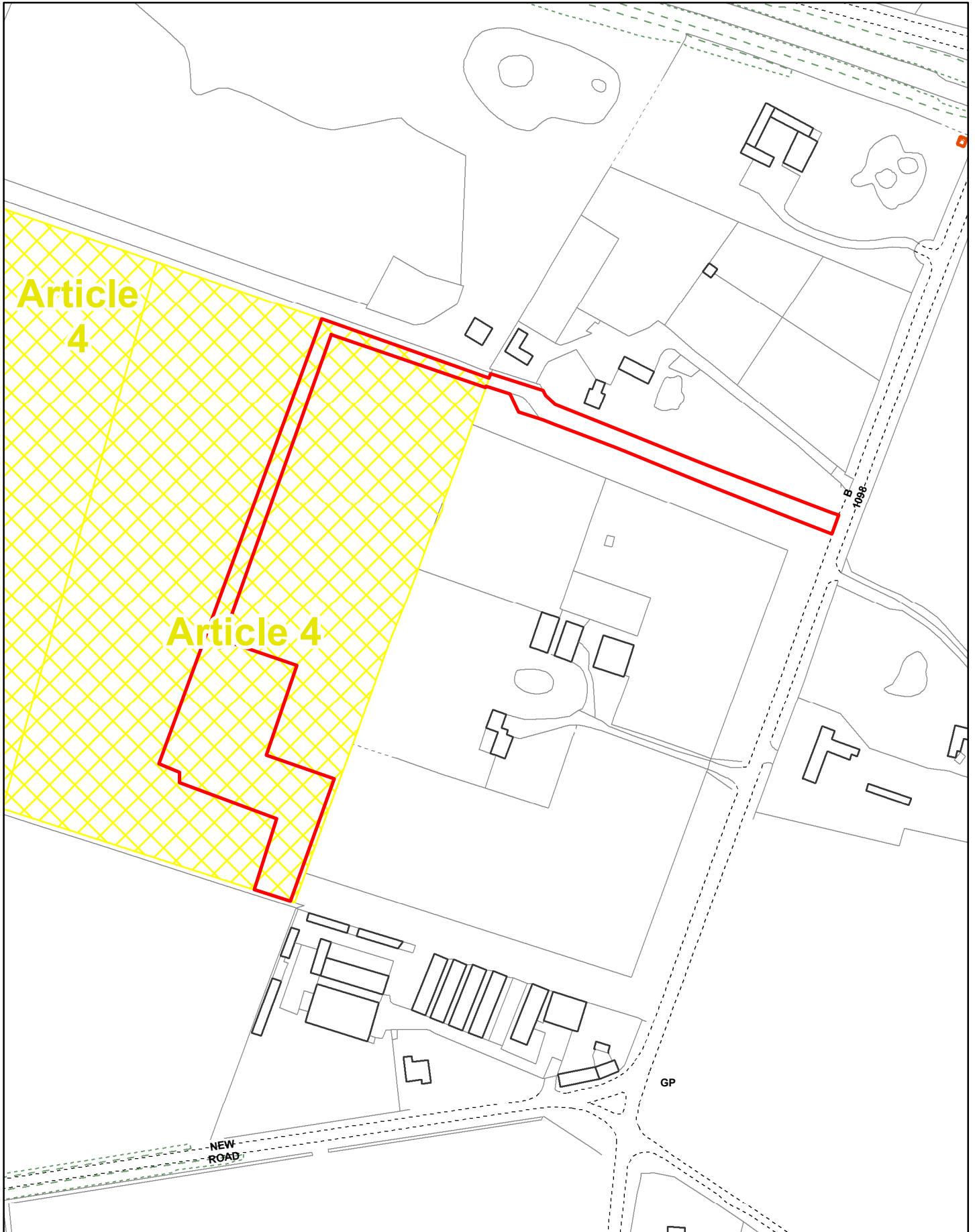
11.1 The majority of the elements of the proposal, including the keeping of poultry, the erection of fences and the use of the existing access track do not require planning permission. The elements that do require permission, the erection of the hen house and the formation of an access, are considered acceptable as they comply with the necessary policies of the Fenland Local Plan.

## 12 RECOMMENDATION

12.1 Grant subject to following conditions;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No external lights shall be erected within the site (either freestanding or building-mounted) without prior permission from the Local Planning Authority.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of nearby dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>Prior to the first use of the development hereby approved, the vehicular access to the site shall be completed in accordance with the details shown on submitted plan 337 - P04 Rev C and retained as such at all times hereafter.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access into the site, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
4	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification) any gate(s) to the vehicular access shall be set back a minimum of 6m from the near edge of the highway boundary. Any access gate(s) shall be hung to open inwards.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification) no additional areas of hardstanding or hard surfacing shall be formed.</p> <p>Reason: To ensure the Local Planning authority can consider the future</p>

	appearance and flood risk implications of such development in the interest of Policies LP14 and LP16 of the Fenland Local Plan 2014.
6	<p>No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in covered bins for removal periodically.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP12 and in the interests of safeguarding the environment and public health in accordance with Policy LP16 (l) of the Fenland Local Plan 2014.</p>
7	Approved Plans



Created on: 31/03/2020

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**F/YR20/0266/F**

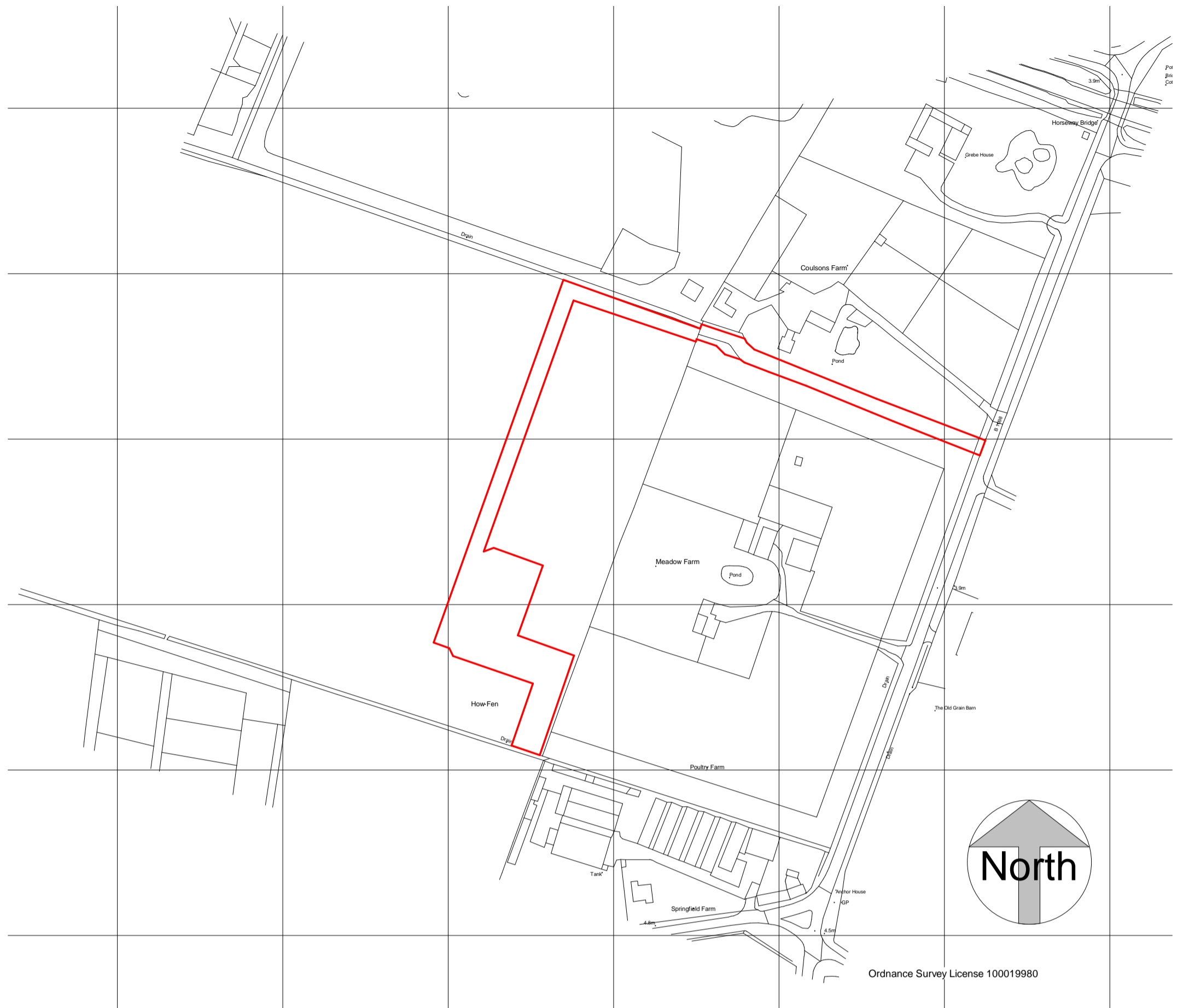
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**Notes**  
 Any discrepancies to be brought to attention of Author as soon as possible.  
 All dimensions shown in "mm" unless otherwise shown.  
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside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

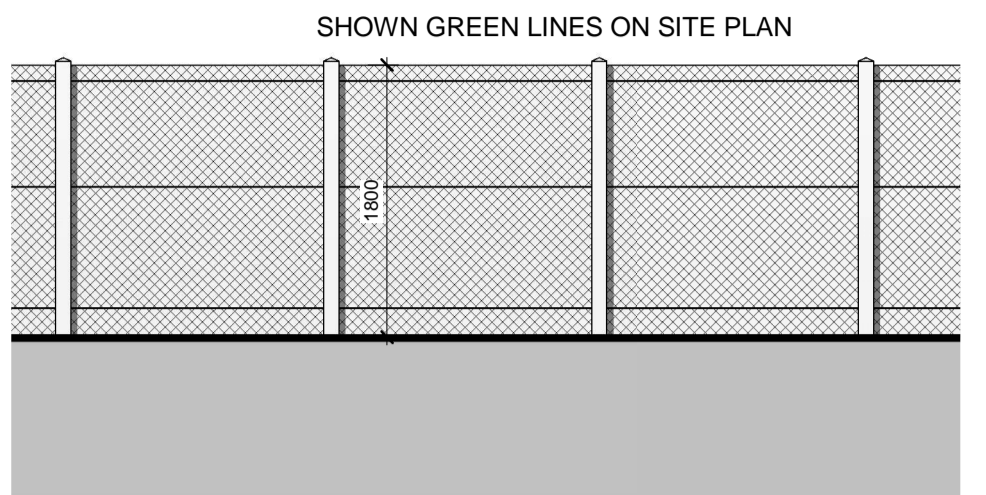
NOTE: Green lines indicate 1.8m high post and wire fence



**Location Plan**  
1 : 2500

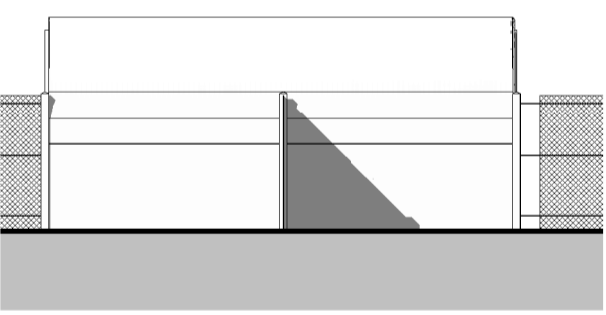


**Planning Site Plan**  
1 : 500

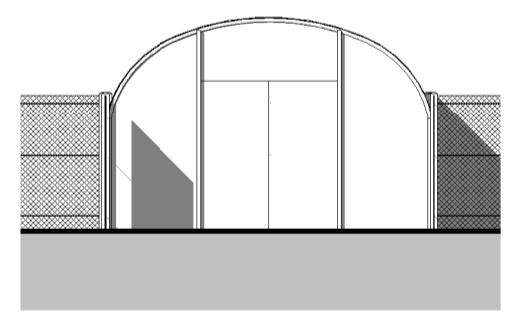


**Fencing**  
1 : 50

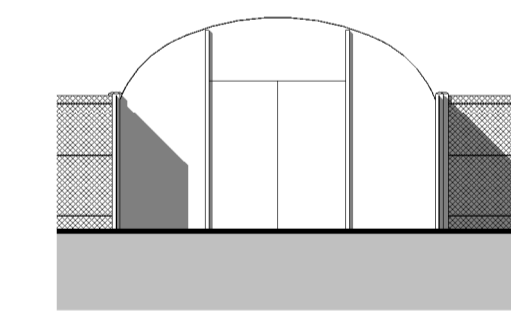
Materials  
Galvanised chicken wire with timber posts



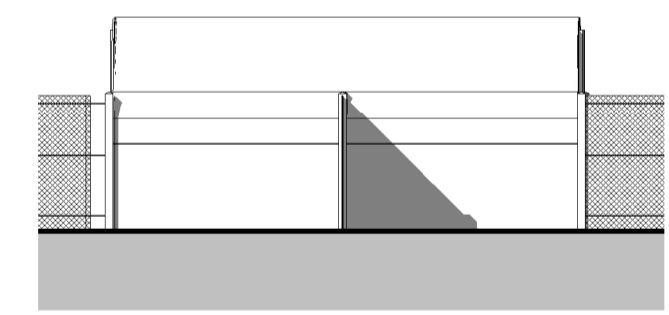
**Hen House - North East**  
1 : 100



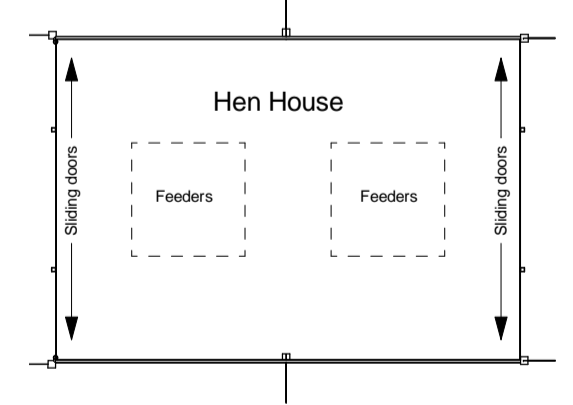
**Hen House - North West**  
1 : 100



**Hen House - South East**  
1 : 100

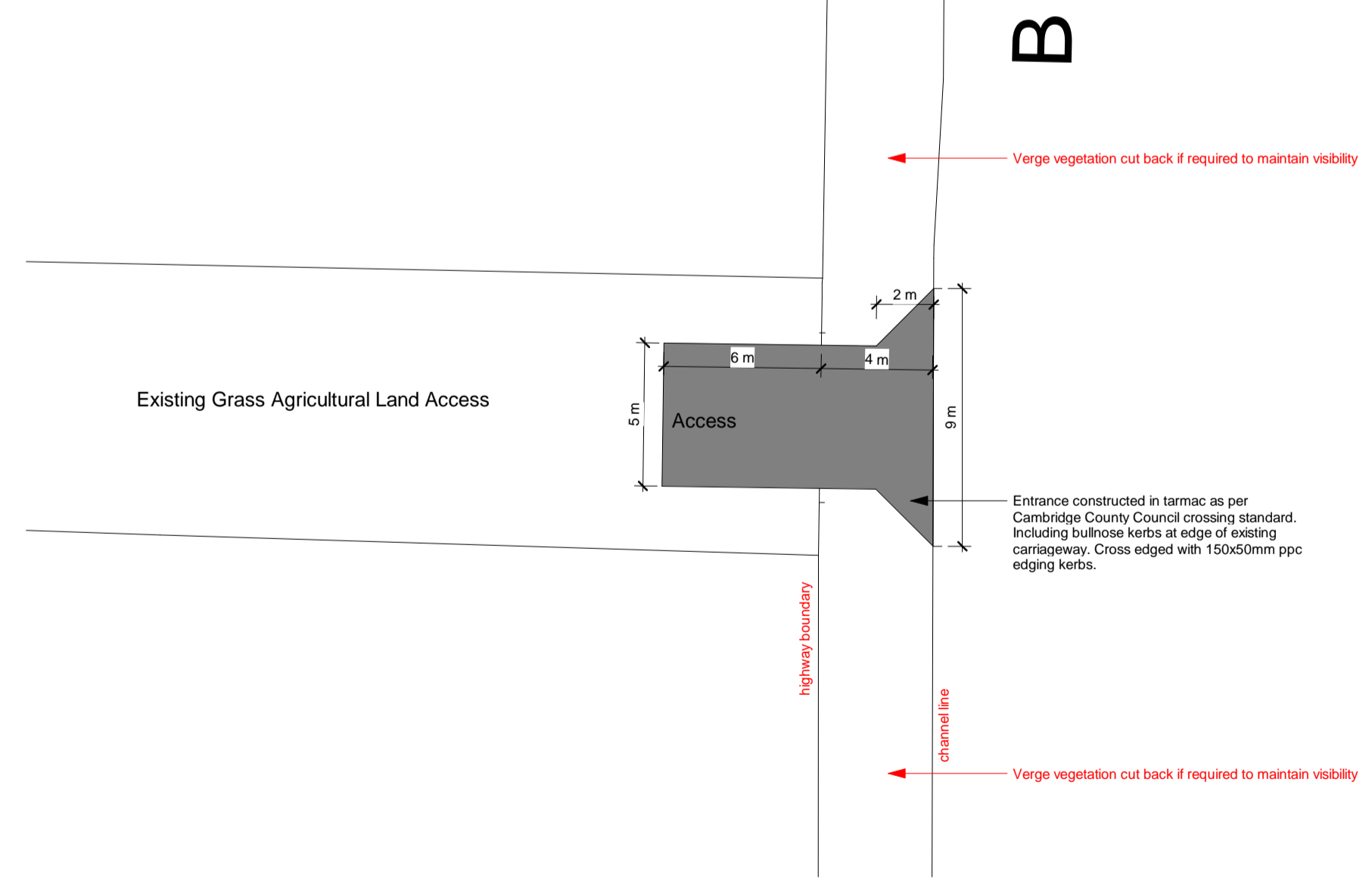


**Hen House - South West**  
1 : 100



**Hen House Plan**  
1 : 100

**MATERIALS**  
 Roof/Sides - PVC Sheeting Olive Green  
 Doors/Ends - Polyboard - Olive Green



**Vehicle Entrance**  
1 : 200

C	Entrance notes amended	14-05-20
B	Vehicle Entrance Detail	21-04-20
A	Notes added	22-03-20

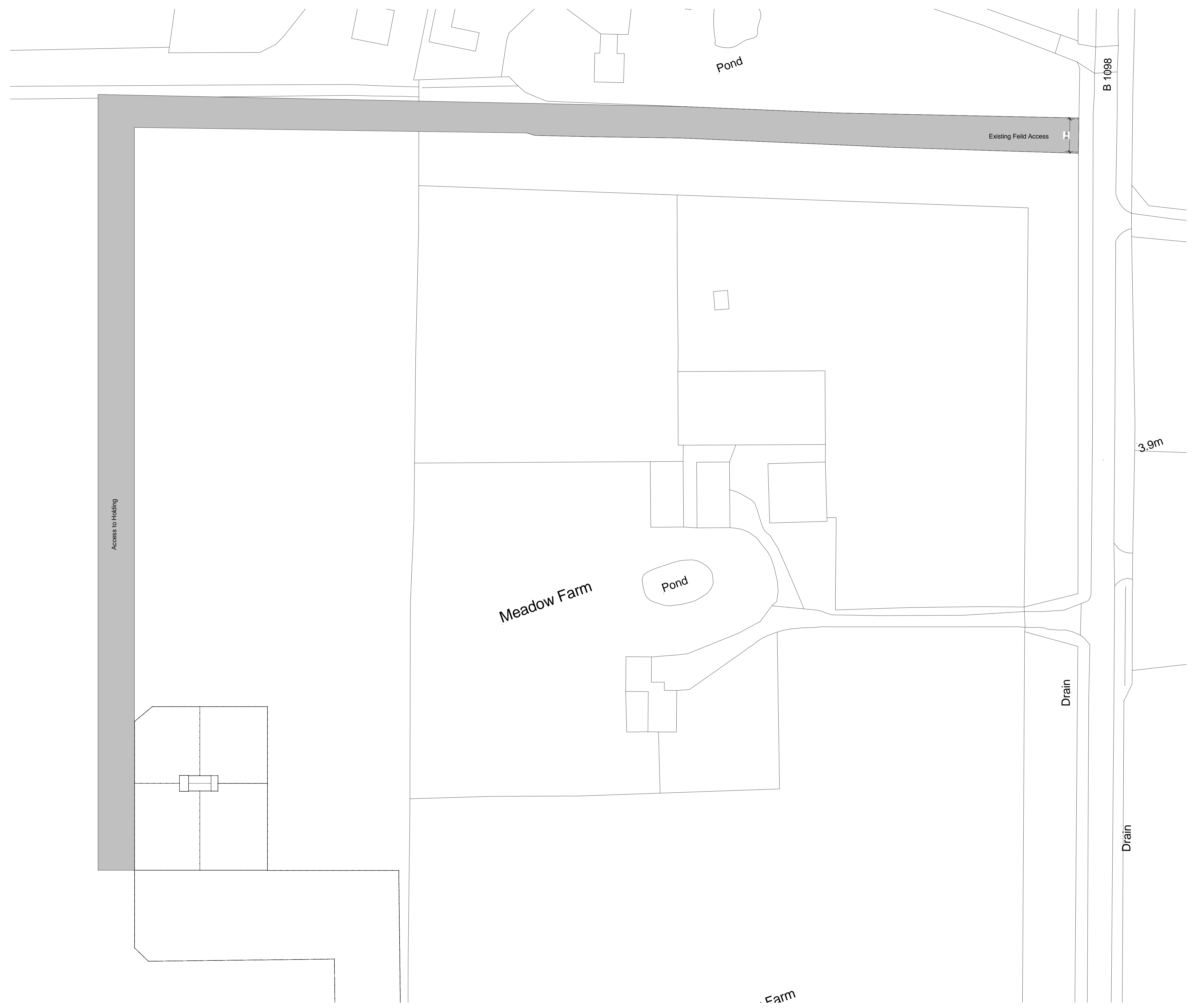
**Ian Gowler Consulting Ltd**  
 Architectural and Domestic  
 Energy Consultant  
 Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU  
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Small Holding at  
 Langwood, Chatteris for Amy Cooper

Location, Site Plan and Buildings

date created	scale	drawing no.	rev.
10/14/19	As indicated @ A1	337 - P04	C

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



NOTE:  
GREY SHADING INDICATES EXISTING AGRICULTURAL GRASS ROAD

**Proposed Site Plan - Access**  
1 : 500

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

Proposed Small Holding at  
Langwood, Chatteris for Amy Cooper

Site Plan - Access

date created	scale	drawing no.	rev
10/10/19	1 : 500 @ A1	337 - P05	

**PLANNING COMMITTEE DATE: 24 June 2020**

**Agenda No: 9**

**APPLICATION NO: F/YR20/0266/F**

**SITE LOCATION: Land West Of Meadow Farm, Horseway, Chatteris, Cambridgeshire**

**UPDATE**

**1. Further letter of objection received**

The Council have received a further letter of objection to the proposal, citing the granting of planning permission for the scheme would set a precedent for further plots of land in the area to be sold and that the 'opening up of the access' of this land will further promote the land as available for development.

**Officer Response**

Any future applications will be determined on their own merits, the current application must also be determined on its own merit.

**Resolution: No change to the recommendation which is to grant the application as set out within the Agenda.**

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**F/YR20/0269/F**

**Applicant: Mr & Mrs Bassett**

**Agent: Mrs Shanna Jackson  
Swann Edwards Architecture Ltd**

**Land west of Bradley's Farm, Honeyhill Road, Gorefield**

**Erect 1x dwelling (2-storey 4-bed), 1.8metre high steel fence railings and gate, and extension to existing workshop (B2).**

**Reason for Committee: Called in by Cllr Humphrey.**

## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the extension of an existing workshop and the construction of a dwelling on the site.**
- 1.2. The application site is located beyond any of the existing settlements in an area defined in the Fenland Local Plan as an 'Elsewhere' location.**
- 1.3. The proposal does not meet any of the identified exceptions to national and local planning policy for new dwellings in such locations.**
- 1.4. The construction of a dwelling on the site has been refused planning permission on two previous occasions due to lack of justification in policy terms for location of the dwelling on the site.**
- 1.5. Two earlier applications were submitted for the stationing of a mobile home on the land, the first of which was withdrawn and the second refused due to the lack of justification for location of the building in this location beyond the settlement boundary.**
- 1.6. The justification for the current proposal is stated as being to allow prompter response to work requests, being present on site for deliveries and to provide additional security to the business premises.**
- 1.7. The above matters do not meet the policy requirements for justification of dwellings in elsewhere locations, and the proposal is therefore recommended for refusal.**

## **2. SITE DESCRIPTION**

- 2.1. The site lies to the north of Honeyhill Road and comprises an area of land that addresses both Honeyhill Road and Goredike Bank. It is located to the west of Gorefield, approximately 1.8km from the main village along a highway that features several farmyard style developments typical within the district. The area is generally rural in character within open countryside surrounding the immediate vicinity of the site.**

- 2.2. There is an existing former agricultural building on the site to the east of its centre, a typical example of its type with a brick lower wall with profile sheet cladding around its upper part, and corrugated roofing. The building is currently used as an 'engineering workshop' associated with the welding/fabrication business operated from the site.
- 2.3. The western boundary of the site is a low post and rail fence, with full hedges to the north and south boundaries and a more sporadic hedgerow to the east.
- 2.4. There are two vehicular accesses to the site, one to each of the north and south boundaries. The southern boundary access is closed by a wrought iron style gateway with decorative finials more reminiscent of a residential dwelling, whilst the northern access is of a more utilitarian nature. Neither gateway is secure in terms of preventing access, with gaps between the gates and hedgerow, although they would prevent access by unauthorised vehicles.

### 3. PROPOSAL

- 3.1. The proposal is for the construction of a new dwelling on the western half of the site of 2-storeys, incorporating four bedrooms, a double garage and an office in addition to the usual residential features of such a property. The scheme also includes the extension of the existing workshop, doubling the existing floorspace of the building.
- 3.2. The scheme proposes replacement of the existing western boundary post and rail fence with a new 1.8m close boarded boundary treatment, and the introduction of 1.8m steel railings along the southern border, with new hedge planting behind, and a driveway extending north and south from the boundary to provide a visual separation of the proposed dwelling from the workshop part of the site.

### 4. SITE PLANNING HISTORY

F/YR19/1004/F	Erect a 2-storey 4-bed dwelling (C3) with garage; 1.8 metre high steel fence railings and gate and extension to existing workshop (B2)	REFUSE 21/1/2020
F/YR17/1182/VOC	Variation of conditions 2 (hours of operation) and 4 (storage) of planning permission F/94/0325/F to change hours of operation to 0700 and 2000 Mondays to Fridays, 0900 to 1600 Saturdays and at no times on Sundays or Bank / Public Holidays and materials or equipment to only be stored on site within the areas of hardstanding to the north of the workshop	GRANT 24.07.2018
F/YR17/0828/O	Erection of a dwelling (outline application with all matters reserved)	REFUSE 31.10.2017
F/95/0540/F	Temporary stationing of a mobile home Bradley Farm, Turnover Bank Gorefield	REFUSE 08.11.1995
F/95/0046/F	Temporary stationing of a mobile home Bradley Farm, Turnover Bank Gorefield	WDN 31.05.1995
F/94/0325/F	Change of use of agriculture building to general engineering workshop Bradley Farm, Turnover Bank	GRANT 12.10.1994

## 5. CONSULTATIONS

### 5.1. Cambridgeshire County Council Local Highways Authority

Comments from previous application remain applicable. Those comments were as follows:

*The northern access has not been approved by highways and needs to be removed or upgraded. The southern hedge has encroached within the highway and impacts on visibility. Amended plans required.*

### 5.2. North Level Internal Drainage Board

No comments

### 5.3. FDC Environmental Health

Initial comment: No objections.

Further comment: Contamination has been alleged at the site due to lack of a bunded storage area for oil and chemical drums, and a bulk fuel storage tank leaking into the soil. Ground assessment may need to be provided to demonstrate the land is suitable for development.

### 5.4. Environment Agency

No objection. Advice given assumes the sequential test has been passed. Strongly recommend the Flood Risk Assessment mitigation measures are incorporated into the proposal and adhered to. Applicant should sign up to the Environment Agency's flood warning service. The proposal will need to be served by a non mains drainage system, which may require an Environmental Permit from the EA.

### 5.5. Cambridgeshire Constabulary

Low level of crime in the area according to reported instances. Can't support the application as it stands, but would support the security fencing.

### 5.6. Local Residents/Interested parties:

Several letters of objection have been received from the residents of the property neighbouring the site raising the following matters:

- Nothing has changed since the last application.
- Majority of the applicant's work comes from food processing factories.
- Reducing travel to/from the site is poor justification, especially as he rarely visits the site at present
- Existing agricultural machinery stored on the site has not moved since they were placed there in October.
- Rarely see anyone on site or delivery vans visiting.
- Number of trips to and from the site will increase if proposal is permitted as there are currently very few.
- The business has operated from the site for the last 25 years with numerous nearby properties being available for sale in that time.
- The application site is flood zone 3.
- The business is not agricultural
- The hours of use granted are underutilised at present.
- The site perimeter is not secure, and the only new security measures are a light put in (Nov 19). There is no alarm system, CCTV or other security systems.
- Proposed dwelling is large and imposing.

- No provision made for ground floor bedroom despite indication that applicant's elderly mother may be brought to live at the site.
- No evidence of forced entry to the workshop.
- Nothing is critical or life threatening if the applicant is not on site 24/7.
- Only mains water available at the site.
- Original planning conditions from 1994 not fully complied with.
- Other farmhouses in the area could be renovated for use.
- No clear functional need for a dwelling on the site
- Never seen anyone other than the applicant working at the site.
- Suggestions of a farm shop and keeping animals on site are irrelevant to the current application.
- Concerned that the piling work required would adversely affect neighbouring foundations.

Further exchanges of letters have been received in relation to this by the applicant and the neighbour, however the material issues are considered below.

### 5.7. **Ward Councillor**

Cllr Humphrey has requested the application be determined by Planning Committee for the following reason:

*The existing business, Bassett Weldings and Fabrications provides agricultural repairs, welding and fabrications to local farmers in the locality. Mr Bassett is required to be available 24hrs a day by the farming industry to tend to emergencies and breakdowns and to receive deliveries. As is clear from the requirement to extend the workshop, the business has grown considerably from when it first began in 1994 and the industry as a whole is much more competitive.*

*Bassett Weldings and Fabrications provides agricultural repairs, welding and fabrications to local farmers in the locality. The business is involved in fixing and maintaining farming machinery and equipment. Mr Bassett is often called out on an emergency basis to go and fix machinery on the fields. As is commonly known, farming operations are often 24hr a day operations and therefore Mr Bassett can be called out at any time of day or night. As he is fixing machinery on the field he is required to visit the workshop to collect the tools and equipment he needs for the job before taking them out on site. Therefore no work is taking place in the workshop after the restricted hours. Currently Mr Bassett is having to travel from his home in Holbeach Drove to the workshop site in Gorefield to collect the tools and equipment he needs before he can attend the breakdown site. The resultant additional travelling from home to workshop wastes valuable customer time which is threatening the viability of Bassett Weldings and Fabrications as they are no longer as competitive as other similar businesses. The situation is particularly acute after 'normal working hours' when machinery breakdowns on the field require resolving as soon as possible to avoid personnel being left in the field in the dark or with poor weather conditions where sources of help and assistance are sparse.*

*The application site is within a central location for the client base and by residing on site Mr Bassett will be able to access the tools and equipment he needs immediately before travelling to the breakdown site. This can effectively halve (if not more) his response time, enabling the rural enterprise to continue to thrive. Bassett Welding and Fabrications is a family business. The dwelling will*



*provide accommodation for Mr Bassett (full time) and Mrs Bassett (part time). By residing on site, Mrs Bassett will be able to receive the deliveries even if she is not working. She will not have to travel from Holbeach Drove to receive them where there is chance they could be missed which would ultimately threaten the effective operation of the business.*

*The enterprise is clearly viable given that it has been in operation for 25 years and the owner is investing in the business by reasons of extending the workshop.*

*The proposal will result in a workshop extension and a new dwelling to support which will address the functional need for the existing business and allow it to continue to properly function. The principle of the development is therefore consistent with Section 6 of the NPPF which seeks to support the rural economy. There is also relevant case law which supports the proposal – In Cheshire West and Chester, planning permission was granted for the erection of a dwelling at an agricultural contractor’s workshop in Cheshire because of the operational needs of the appellant’s business. The inspector afforded significant weight to the appellants need to visit farmers quickly. Weight was also given to business expansion opportunity and the creation of a more sustainable pattern of travel.*

*The information above and the evidence and accompanying appraisal has demonstrated that there is justification to allow for an occupational dwelling in an ‘elsewhere’ location. The principle of the development is therefore acceptable in accordance with policies LP3 and LP12 of the Local Plan.*

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

Para 79: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 80: Significant weight should be placed on the need to support economic growth and productivity.

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

Determining a planning application

### **7.3. National Design Guide 2019**

Context

Identity

Built Form

Homes and Buildings

#### 7.4. **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

LP6- Employment, Tourism, Community Facilities and Retail

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

#### 8. **KEY ISSUES**

- **Principle of development**
- **Functional need & other suitable properties**
- **Character and residential amenity**
- **Highway safety**
- **Flood risk**

#### 9. **BACKGROUND**

- 9.1. The application site was originally granted consent for change of use from agricultural to the current general engineering use in 1994, at which time a restriction on the hours of use was placed on the premises. Subsequently a variation to those hours was granted in 2018, extending the times at which the property could be in use.
- 9.2. Pre-application advice was given in respect of the proposal for a dwelling on the site in May 2017 indicating that the dwelling was not justified. Refusal of outline planning permission for a dwelling on the site was issued in October 2017, on the grounds that the proposal had failed to justify the need for the dwelling in relation to the business and that no evidence had been provided that there was no other suitable accommodation available. A further application was refused in January of 2020 on the basis that the application had failed to demonstrate that there was an essential need for a dwelling to be located on the application site.
- 9.3. The application form confirms that no further pre-application advice has been sought in respect of the proposal and whether the information available would be likely to overcome the previous reasons for refusal.

#### 10. **ASSESSMENT**

##### **Principle of Development**

- 10.1. The application proposes an extension to an existing commercial building in the countryside which would accord, in principle with Policy LP6 of the Local Plan and the aims of the NPPF.
- 10.2. This scheme also proposes a new dwelling in an open countryside location within Flood Zone 3 and in principle terms such development would not accord with planning policies LP3 and LP14 and the aims of the NPPF.
- 10.3. However the applicant seeks to demonstrate that there is a functional need for the dwelling and that the proposal achieves compliance with Policy LP12 (d) with this being considered in detail below.

### **Functional need and other suitable properties**

- 10.4. Within the submission the applicants/agent outline that a dwelling will enable them to make use of the land surrounding the workshop and make it more viable. It will also have the added benefit of offering better security with regard to equipment being repaired over a number of days and facilitation of deliveries to the site. Scenarios are highlighted relating to the business offering a 24-hour service to local agricultural businesses which require the applicant to work at or visit the site late into the night and early mornings.
- 10.5. There is no standard definition of functional need however it is generally accepted that a functional need usually relates to the need to have someone on hand to deal with unexpected situations that might arise, particularly to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise if it is necessary to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Such justification most commonly arises in respect of animal welfare issues, and is not triggered by being available on site for deliveries or to reduce the length of time taken to respond to call outs.
- 10.6. Likewise security in itself is not usually found to be sufficient justification to deviate from general planning policy which seeks to control development within open countryside locations. This point is acknowledged within the applicant's own appraisal of the business and the need for the dwelling. There is limited evidence on site of any heightened security measures; with an absence of CCTV and lighting and penetrable boundary treatment evident, although it is understood a new security light was erected prior to the submission of the application, and no evidence has been put forward of any recent criminal activity.
- 10.7. Consultation with Cambridgeshire Constabulary has identified that the area is subject to a low level of crime, that the dwelling is not supportable on the site from a security perspective, and that there are additional measures that could be taken on site to improve security.
- 10.8. The appraisal submitted further states that the business is dependent upon a high level of management expertise to ensure compliance with health and safety regulations, supervise and cover emergency work, increase security and to take deliveries of supplies. The functional need for a business to require an on-site presence all year round is an exception to the standard working practices of general business. Such a functional need is not justified on the basis of the normal operation of all businesses for reasons such as ensuring compliance with relevant legislation, supervision of work, security or for the taking in of supplies, which would normally be during typical working hours in any case. The appraisal notes that when Mr Bassett is out on site, deliveries need to be arranged with his wife, who works away in the business' office located in Spalding. The statement seems to indicate that the proposal would allow for the incorporation of an office into the dwelling, however such a facility could feasibly be incorporated as an addition to the site, without the need for the construction of a dwelling, if this were necessary. This matter is also addressed by the agent in the Design and Access Statement submitted with the application, with the justification given that an office within the workshop building would not satisfy the requirement because the deliveries are not brought to the site at regular times and Mrs Bassett could be available to take those deliveries even when not working for the business. The statement then goes on to advise however that

the business has been in existence for 26 years – this fact would indicate that an on-site presence is not essential for the operation of the business as it has carried on for a substantial period of time without it.

- 10.9. As such it is considered that there remain significant further on-site measures that could be taken to address security concerns and that a dwelling could not be deemed essential to provide for a functional need in relation to the business.
- 10.10. The submission provides a document identifying all the current land and houses for sale in the area, stating that there are no suitable properties for sale. The appraisal states that the construction cost of the dwelling is approximately £200,000, however in subsequent correspondence the applicant states that this figure is £300,000. Several of the properties identified in the search document are priced between the two figures, and consist of four bedrooms as does the proposed dwelling. No evidence has been provided outlining the financial viability of the enterprise (although the appraisal documents state that the enterprise is financially viable) and as such the tests outlined in Part D of LP12 have not been met.

#### **Character and residential amenity**

- 10.11. The proposed dwelling is two-storey in nature with an integral double garage located to the north side of the building. It is proposed to be located alongside the western boundary of the site nearest to the neighbouring single-storey dwelling.
- 10.12. The dwelling is proposed with a ridge height of 8.3m, with a south-facing main aspect and an L-shaped planform, with the double garage and parking provision at the northern end.
- 10.13. The proposed dwelling incorporates a hipped roof, with the northern wing incorporating a marginally reduced ridge height in comparison to the main section of the property. It has a symmetrical front elevation with chimneys to east and west elevations serving fireplaces in the living and dining/family rooms. The main views out of the building are to the north and south to avoid overlooking of neighbouring dwellings and land, although the bedroom located in the northern wing faces east towards the existing workshop and its proposed extension.
- 10.14. The double garage at the northern end of the site incorporates two dormer windows within its roof space, although the floorplan submitted with the application indicates that there is no first floor provision within this part of the building and the proposed dormer windows therefore would serve only to illuminate the ground floor level of the garage.
- 10.15. The workshop extension is proposed in materials to match the existing building, continuing the roofline on the northern side of the building to create an asymmetric main elevation when viewed from the inside of the site. The materials of construction and the proposed design are sufficiently similar to the existing building to ensure that the extended workshop would not have a detrimental impact on the character or amenity of the area.
- 10.16. As noted above, the site is located in an area where there is sporadic residential development and farm groupings and in that respect the overall impact of the development is appropriate to the character of the area. Although the proposed dwelling is of a grand style and appearance, it is not considered to be out of

keeping in this context, although this does not overcome the 'in-principle' objections discussed previously.

### **Economy**

- 10.17. The Council has previously supported the growth of the business by allowing the extension of the hours of operation at the site. Likewise the current proposal for the expansion of the business in terms of the extension of the building is considered to be in accordance with the Local Plan in terms of LP6 and also the NPPF and its aims to support the rural economy. As such this element of the scheme is fully supported, even if the additional employment proposed appears to be the potential for a part time employee to become full-time.
- 10.18. It is unclear, however, how the proposed dwelling would be essential to the expansion of the business other than possibly allowing more on-site supervision of the operation which could equally be done via an on-site office.

### **Highway safety**

- 10.19. The proposal utilises the existing access into the site at both the north and south sides, albeit with new replacement gate to the south side and a driveway and parking surface provided linking the two accesses.
- 10.20. The highways comments received note issues regarding the maintenance of visibility splays and that the northern access is unauthorised, requesting amended plans to address these matters. It is noted that whilst amendments to the proposals are requested, these have not resulted in an objection to the proposal.
- 10.21. The proposal involves the complete replacement of the southern hedge behind steel railings however, and no changes are proposed to the established northern access (photographic evidence dated 2009 confirms that this access has been in place for a period of at least 10 years).

### **Flood risk**

- 10.22. It is accepted that there are no sequentially preferable sites available from which to deliver this accommodation given that it is indicated as being linked to the existing commercial premises on the site. As the development is classified as 'more vulnerable' in the EA flood risk classification and the development is in flood zone 3 it is also necessary for the scheme to demonstrate that the scheme (a) provides wider sustainability benefits to the community that outweigh flood risk and (b) the site is safe from flooding (demonstrated by a site specific flood risk). A site specific FRA has been submitted satisfying (b) and it could be argued that given that the scheme is considered by the applicant to potentially enhance the viability of the existing business operation it could be asserted that the scheme has wider sustainability benefits with regard to economic development thereby satisfying part (a) of the exception test as such it is considered on balance that the scheme meets the requirements of Policy LP14 and the National Planning Policy Framework.

### **Other matters**

- 10.23. Cllr Humphrey in his 'call-in' request makes reference to an appeal decision in Cheshire West and Chester whereby an Inspector allowed an appeal for the erection of a dwelling in connection with a tractor/agricultural equipment repair business, concluding there was a functional need.

- 10.24. This, however, appears to be something of a one-off decision as there are numerous other appeal decisions where it has been concluded that accommodation in connection with such a use does not constitute an essential functional need for a rural worker.

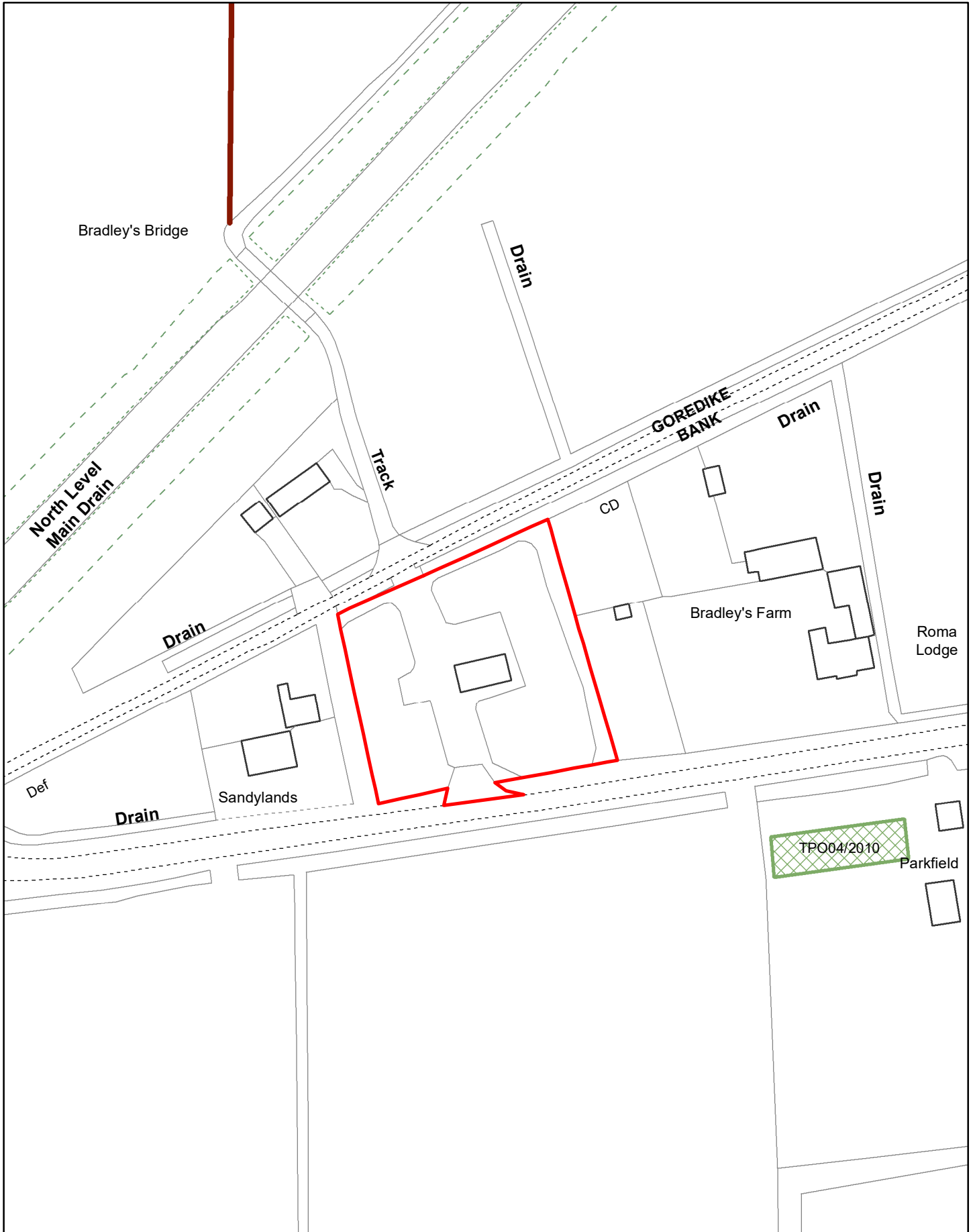
## **11. CONCLUSIONS**

- 11.1. There is a fundamental in principle objection with regard to the introduction of a new dwelling in the open countryside for which there is no functional need. Whilst clearly there would be benefits accruing to the applicant in living on the site these are largely related to convenience and security of the building, which do not comprise a functional need to be present on the site. A case has been put forward to outline that a dwelling is required for security reasons and business efficiency however this argument is not sufficient to carry greater weight than the aims of LP3 and the NPPF which seek to ensure that only essential development is sited in the open countryside; especially given that the business has operated from the site for 26 years without a supporting residence.
- 11.2. There are no conflicts with relevant planning policies arising from the provision of the extension to the workshop building.
- 11.3. The application, in terms of its residential element, is therefore considered to be clearly contrary to policies of the Local Plan and to be in conflict with the NPPF.

## **12. RECOMMENDATION**

REFUSAL for the following reason:

Policy LP3 of the Fenland Local Plan 2014 and national planning policy guidance steer new development to sustainable 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 otherwise unsustainable locations. The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with LP3, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available. 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 outside any settlement limits and the justification given in terms of business efficiency and site security is not sufficient to justify the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 as well as the aims and objectives of the National Planning Policy Framework.



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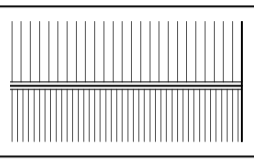
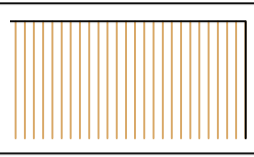
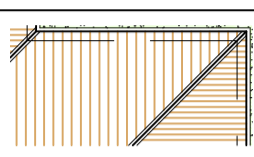
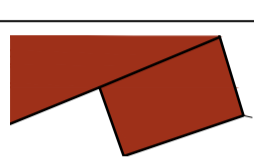
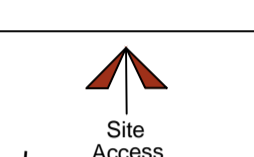
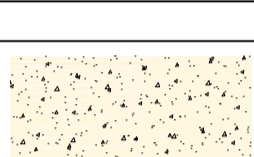
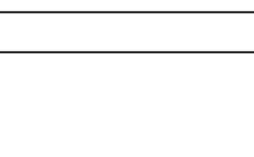
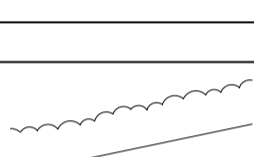
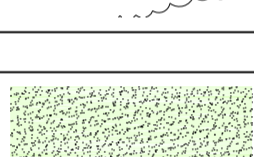
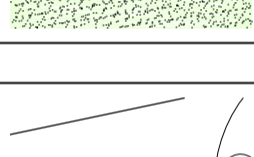
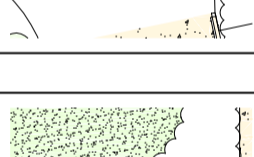
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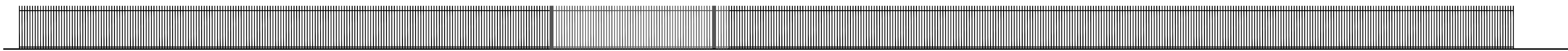
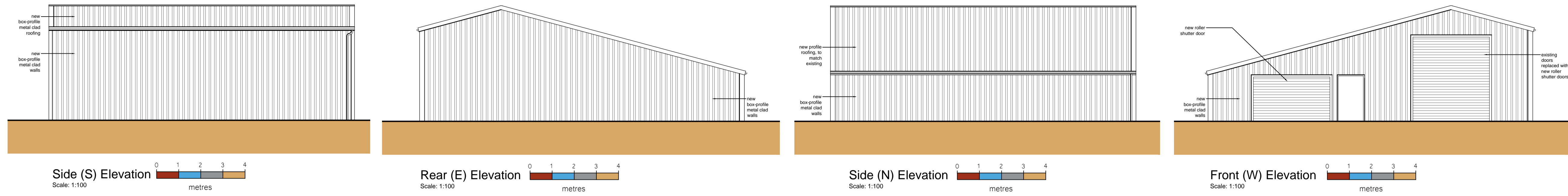
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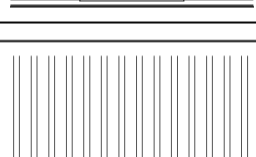
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 2. All dimensions are shown in 'mm' unless otherwise stated.  
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
 5. Any discrepancies are to be brought to the designers attention.

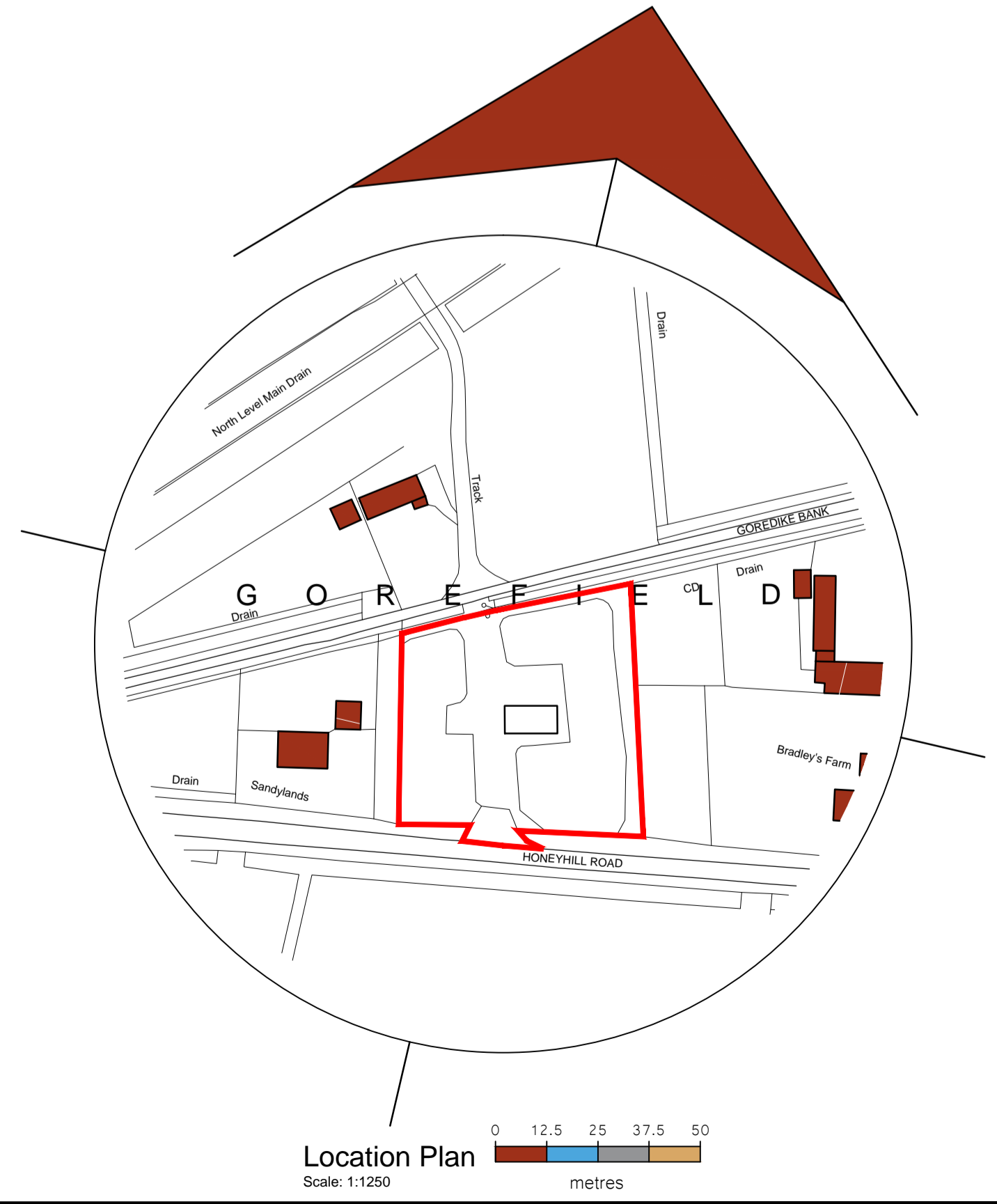
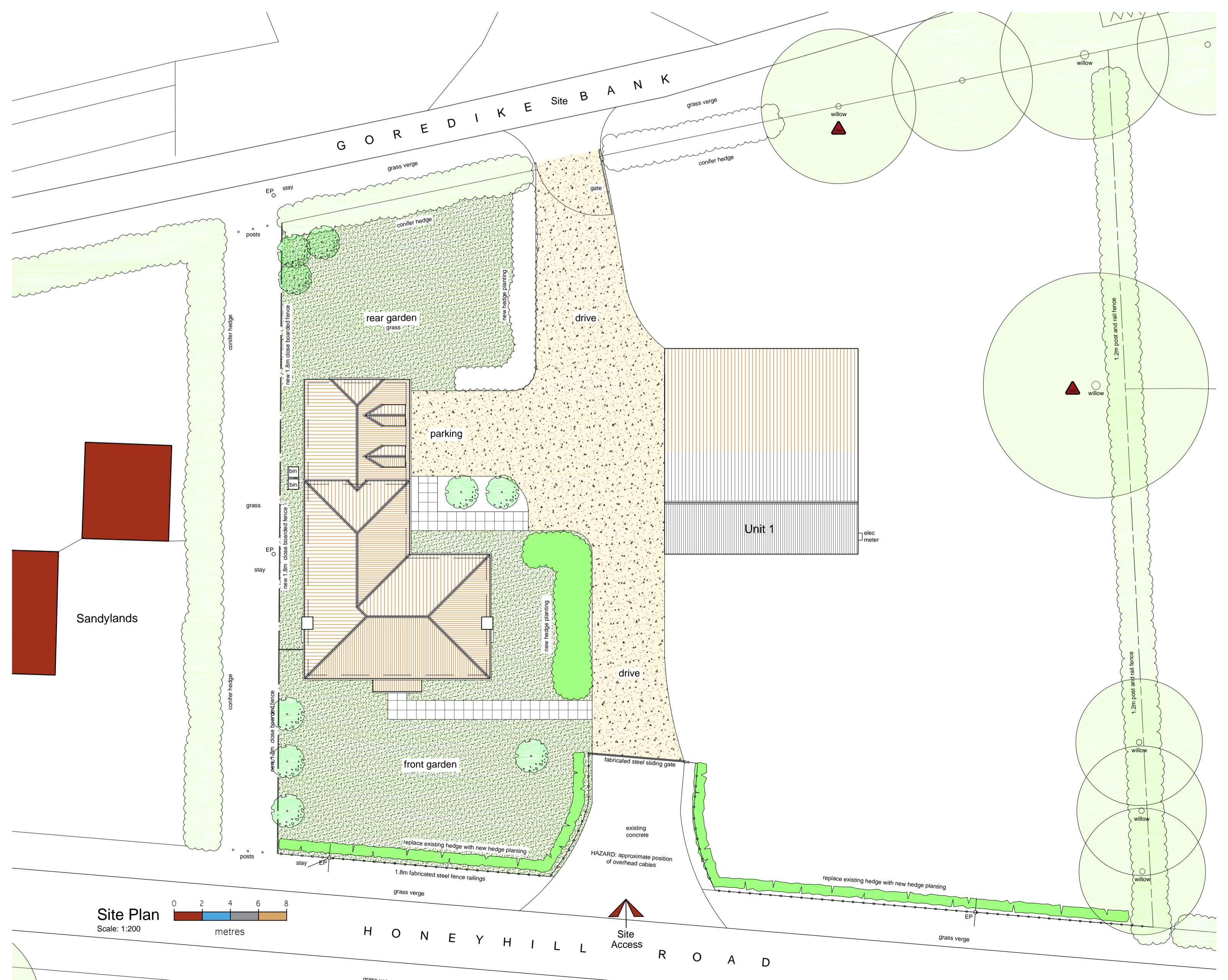
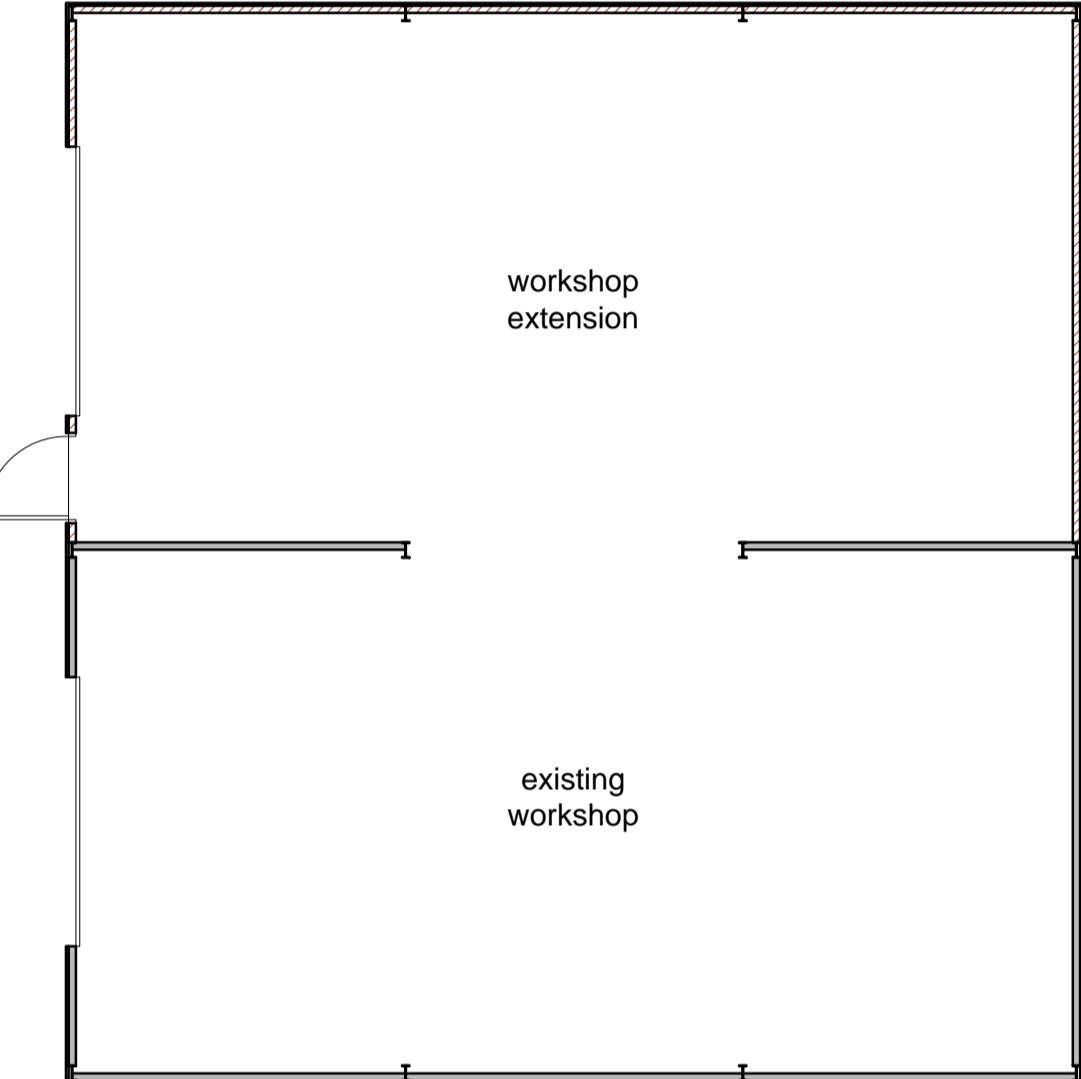
**SITE PLAN KEY**

-  Indicates existing host factory
-  Proposed factory extension
-  Indicates proposed new dwelling
-  Indicates un-surveyed buildings taken from OS map
-  Indicates site access
-  Indicates proposed drive & parking areas
-  Indicates features to be demolished
-  Indicates existing conifer hedge
-  Indicates position of proposed garden area
-  Indicates area to receive tarmac
-  Indicates new hedge planting



**MATERIAL KEY**

-  Hatch indicates facing brickwork, subject to approval
-  Hatch indicates roof tiles, to be agreed
-  Leaded dormer window
-  Hatch indicates green box-profile metal sheet cladding



FOR APPROVAL



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhim, Wisbech, Cambs. PE13 4AA  
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Job Title Proposed New Dwelling Honeyhill Road, Gorefield, Wisbech For: Mr & Mrs Bassett	Date November 2019	Drawn by AO Checked by RS
Drawing Title Planning Drawings Site & Location Plan Workshop Plan & Elevations	Job No. SE-1288	Sheet Size A1 Revision F



**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.  
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 metres



**Front (S) Elevation**  
 Scale: 1:100  
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 metres



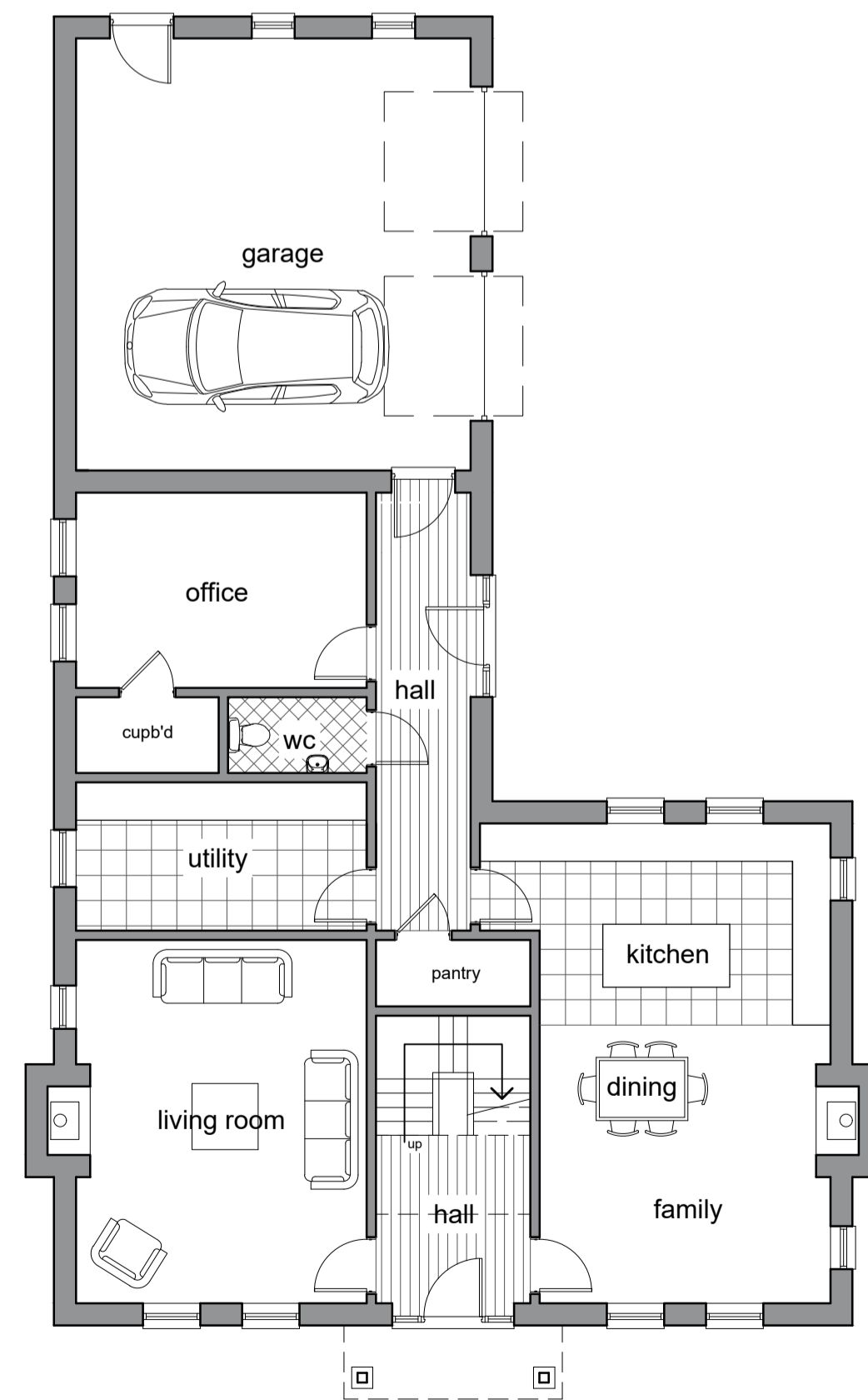
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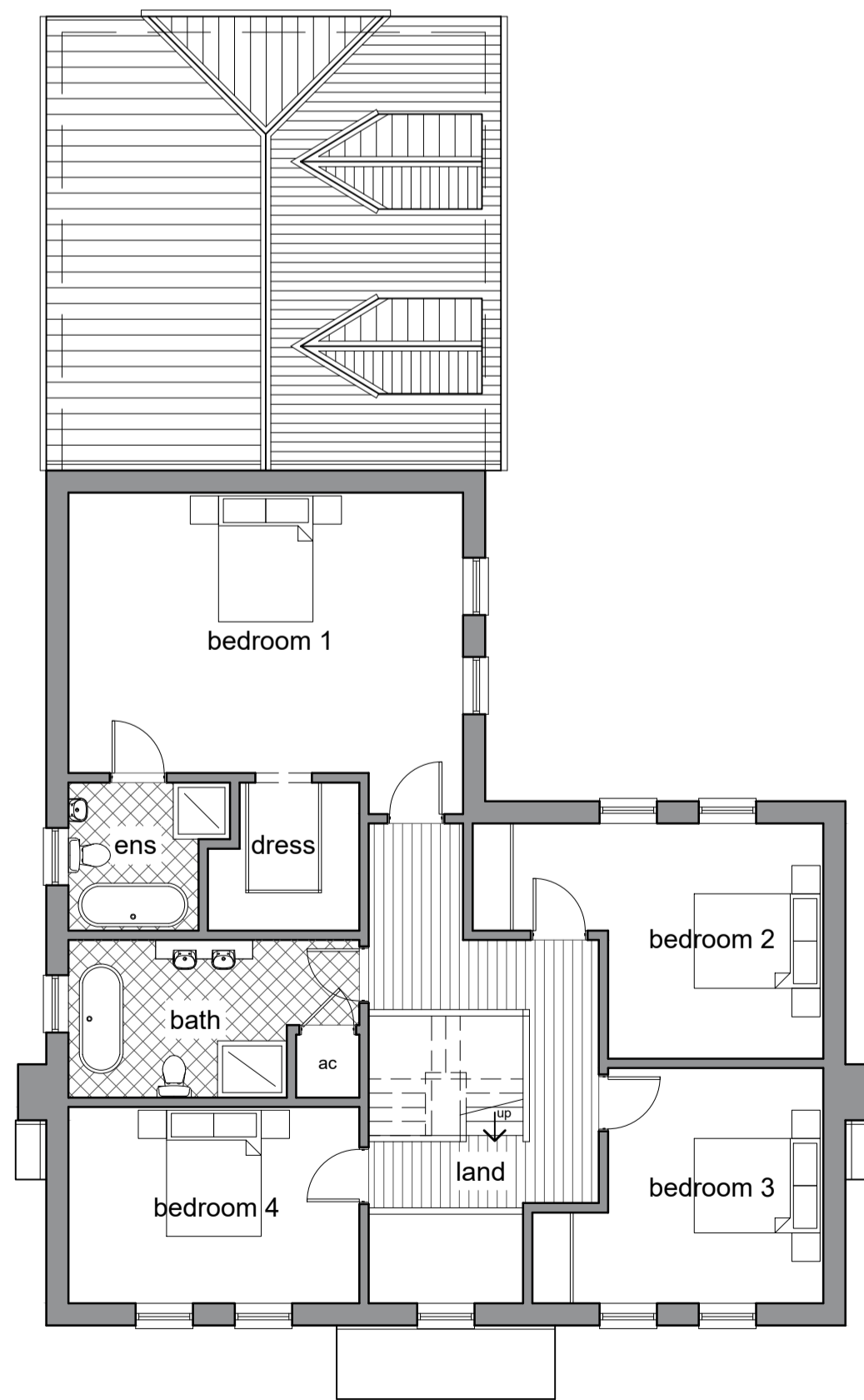
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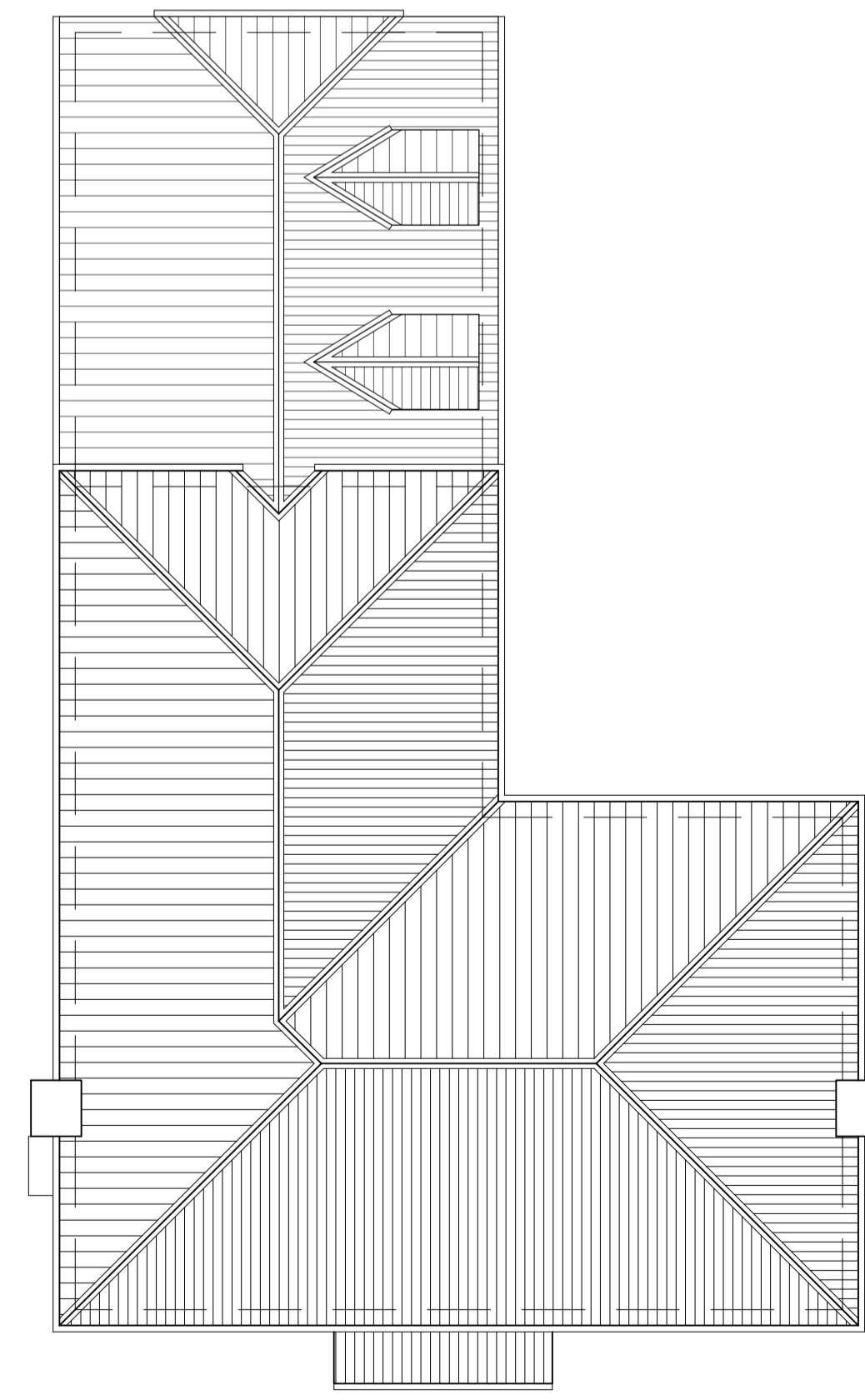
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**Ground Floor Plan**  
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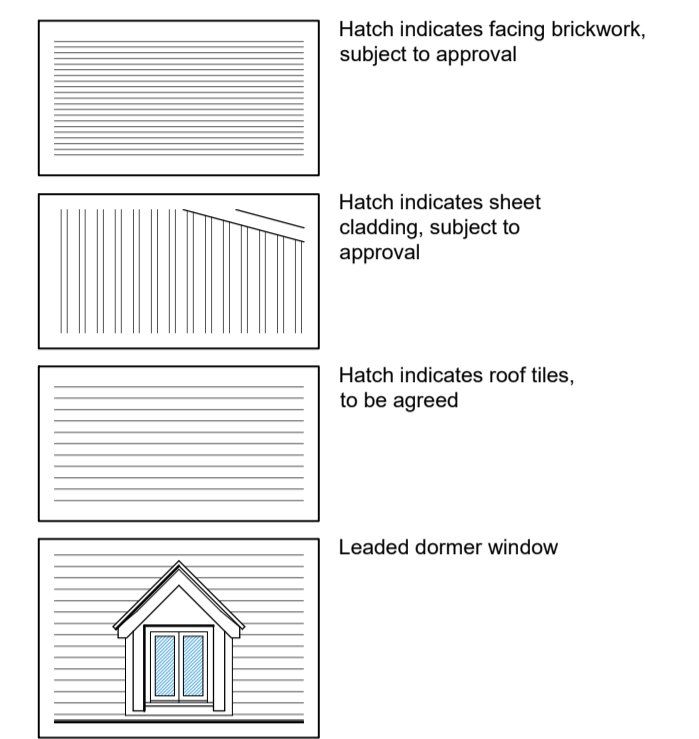


**First Floor Plan**  
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**Roof Plan**  
 Scale: 1:100  
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 metres

**MATERIAL KEY**



Revisions	
A	Nov 2019 Correct drawing scale indicated

Status  
**FOR APPROVAL**



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
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Job Title Proposed New Dwelling Honeyhill Road, Gorefield, Wisbech	Date November 2019	Drawn by AO
For: Mr & Mrs Bassett		Checked by RS
Drawing Title Planning Drawing House Plans & Elevations	Job No. SE-1288	Sheet Size A1
	Dwg No. PP1100	Revision A

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F/YR20/0271/F

**Applicant: Mr & Mrs Holliday**

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

**Pescy, High Road, Guyhirn, Wisbech**

**Erect a 2-storey 4-bed dwelling with garage including the siting of 2no temporary caravans during construction**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks permission to replace an existing mobile home with a detached dwelling and associated garage.
- 1.2 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive mobile unit and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.
- 1.3 However, the proposed dwelling, due to its scale and massing, would fail to respect the rural context of the site, scale of local built form and general character of the area. In addition the scheme would be contrary to policy as the existing residential accommodation is a mobile home.
- 1.4 The development would adversely impact on the character and appearance of the area contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.
- 1.5 In addition the proposal has failed to demonstrate that the occupants of the site will be safe from flooding, both during the construction phase of the development and with regard to the future occupation of the replacement dwelling. In the absence of an acceptable Flood Risk Assessment which demonstrates appropriate flood risk mitigation and management the scheme fails to comply with Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework.
- 1.6 The recommendation is to refuse the application.

## 2 SITE DESCRIPTION

- 2.1 Pescy comprises a mobile home situated some 140 metres north-west of High Road, Guyhirn. The curtilage on which the mobile home sits (which has been accepted as lawful) comprises the area to the front of the site which functions as a driveway and extends up to the bus depot, with the common boundary being marked by the placement of a shipping container/lorry body and covered area and a narrow section of land immediately to the rear of the mobile unit. It is noted that the garden land associated with Pescy as shown on the submitted layout drawings extends some 18 metres north-west of the mobile unit and 13.5 metres to the north-east. Aerial images of the site dating from 2011 show the mobile unit with no defined curtilage.
- 2.2 There is a detached dwelling known as Ivydene, although this dwelling benefits from substantial extensions it is largely screened by existing landscaping when viewed from a south-eastern aspect situated to the north-west of the site however this is well screened by existing landscaping from public vantage points; the wider context of the site is open countryside
- 2.3 Between the site and the High Road is the long established bus depot with associated buildings, immediately to the south-east of the front boundary of the site is the open parking area associated with that depot.
- 2.4 The access to the site whilst hard-surfaced and serving the bus depot parking is of varying widths along its length and is unlit.

## 3 PROPOSAL

- 3.1 The application proposes the erection of detached two-storey dwelling situated in a similar orientation as the existing mobile unit on the site. The property features an attached single storey garage to the south-western end of the property with a balcony to the north-west giving an outlook onto the open land beyond.
- 3.2 Full dimensions of the proposed property are given in section 10.9 of this report.
- 3.3 The existing mobile home on the site will be removed to enable the construction of the dwelling and two caravans are proposed along the north-west of the application site to provide temporary accommodation for the duration of the build.
- 3.4 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q7RAEXHE01U00>

## 4 SITE PLANNING HISTORY

F/YR19/0619/ CERTLU	Certificate of lawfulness (Existing): Siting of a caravan for residential use for a period in excess of 10 years	Issued 08.11.2019
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## 5 CONSULTATIONS

- 5.1 **Wisbech St Mary Parish Council:** Recommend Approval
- 5.2 **Cambridgeshire County Council Highways Authority:** *No highway objections. The proposal results in no material highway impact*

5.3 **Environment & Health Services (FDC):** *The Environmental Health Team note and accept the submitted information and have 'No Objections' as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.*

5.4 **Environment Agency:** Originally objected to the application noting that the FRA did not comply with the requirements for site-specific flood risk assessments and did not adequately assess the flood risks posed by the development.

*In particular, the submitted FRA undertaken by Ellingham Consulting Ltd (ref: ECL0200/Swann Edwards Architecture, dated February 2020) fails to adequately assess the risk of flooding to all aspects of the development and consider how people will be kept safe from the identified flood hazards for the lifetime of the development.*

*In respect of the proposed caravans the EA also noted that the 'FRA does not address the siting of 2 no. caravans for the duration of the build. This site lies within Flood Zone 3a which is land defined by the PPG as having a high probability of flooding. The siting of a caravan for permanent residential use is classed as highly vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted'.*

*Although the EA acknowledged that the site has a certificate of lawfulness (F/YR19/0619/CERTLU) for the siting of a caravan for residential use they have highlighted that they were not consulted and did not make any representation on the certificate of lawfulness. The EA note that they 'would expect to see betterment in terms of flood risk. How long is it proposed that the caravans are to be sited for and what mitigation for flood risk is proposed? The applicant should advise why the existing park home cannot be moved and retained for the duration of the build and why two caravan units, rather than one, are now proposed?'*

Finally the EA give guidance regarding flood emergency response procedures recommending that the LPA consult with their emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Following re-consultation in respect of the revised FRA the EA have maintained their objection reiterating the observations made regarding the stationing of the caravans. they note that although the revised FRA confirms that the caravans will be anchored to the concrete base, set on a slightly elevated part of the site and will be on site for 2 years with a FFL 'more than 0.5 m above ground level' this has not been quantified in terms of the FFL of the caravans; It is also requested that the applicant clarify why two caravans, rather than one, are now proposed.

With regard to the dwelling the EA 'request that the FRA should consider further mitigation measures (e.g. demountable defences) to mitigate against the likely flood depths of 1.6 m'.

5.5 **Local Residents/Interested Parties:** 7 letters of support have been received in connection with the proposal, these may be summarised as follows:

- *Applicants are very supportive of us and are well accustomed to village ways*

- *[The proposal] can only improve the look of the surrounding area (which we are versant with) and are in keeping with the properties being built in the village at present.*
- *[Applicants] are good neighbours and good village residents*
- *Mrs Holiday has grown up in the village and they are hard workers who embrace village life*
- *[Applicants] have become very supportive members of the community over the years and the building of a permanent dwelling would ensure that this continues*
- *Plans look sympathetic to the area [...] seems [...] to be sensible as [...] it would improve the family security, be more environmentally acceptable and would enhance the look of the surrounding area.*
- *Proposal will enhance the look of the and provide [applicants] with their forever home*
- *Given that they have permission to permanently live in a caravan on the site [...] see no reason why their existing park home should not be replaced with a more substantially built property*
- *House more aesthetic for the area than a caravan and [...] more environmentally friendly*
- *Two storeys will provide a place of refuge for the family in a flood situation*
- *House more sustainable than a caravan*

It should be noted that a number of these comments do not refer to material planning considerations.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Paragraph 2 - 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 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
 Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise  
 Paragraphs 55-56 - Outline the tests to be applied with regard to conditions  
 Chapter 14 - meeting the challenge of climate change, flooding and coastal change

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

### **7.3 National Design Guide 2019**

Context: C1 - Relationship with local and wider context  
 Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive  
 Built Form B2 - Appropriate building types and forms

Movement: M3 - Well-considered parking, servicing and utilities infrastructure for all users

Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities

Resources R3 - Maximise resilience

#### 7.4 **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

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

#### 7.5 **Supplementary Planning Documents/ Guidance:**

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

Cambridgeshire Flood and Water Supplementary Planning Document (2016)

### 8 **KEY ISSUES**

- **Background**
- **Principle of Development**
- **LP12 considerations - relationship with the built footprint of the village**
- **LP12 considerations - replacement dwelling**
- **Residential amenity**
- **Flood risk**
- **Highway safety**
- **Agent's justification**
- **Other matters**

### 9 **BACKGROUND**

9.1 A certificate of lawfulness was granted in 2019 which acknowledged the lawful use of the land for siting of a caravan for residential use. The applicant originally submitted this application to establish a lawful use of the land for the erection of a single-storey 3-bed dwelling, however, insufficient information was provided to demonstrate the lawfulness of the aforementioned use.

9.2 However from the supporting information provided by the Applicant and the records held by the Council, there was sufficient evidence to demonstrate that the caravan on the application site has been occupied for residential use in excess of 10 years. As such, the proposed description and redline were amended by the Council in accordance with Paragraph: 009 Reference ID: 17c-009-20140306 of the Planning Practice Guidance and the certificate issued on this basis.

### 10 **ASSESSMENT**

#### **Principle of Development**

10.1 The village of Guyhirn is identified as a small village where development would be considered on its merits but will normally be of a very limited nature and normally limited in scale to residential infilling or a small business opportunity.

The scheme proposed whilst limited in nature, being as it is a single dwelling, is not an infill opportunity. Accordingly the scheme fails to comply with the spirit of Policy LP3 as acknowledged by the agent within the submission. Notwithstanding this the agent considers that the proposal should be considered in the context of Policy LP12 which allows for replacement dwellings in such locations and this is considered below.

- 10.2 Notwithstanding the LP12 considerations it is also necessary to ensure that the scheme represents no issues in terms of residential amenity and the character of the area as required by Policy LP16. Similarly site constraints with regard to flood risk and highway safety should also be considered in accordance with LP14 and LP15.

#### **LP12 considerations - Relationship with the built footprint of the village**

- 10.3 LP12 allows for development adjacent to the developed footprint of the village which is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed or intermittent buildings that are clearly detached from continuous built up area of the settlement. It is considered that the delivery of a dwelling per se in this location would be at odds with general considerations of Policy LP12 given that the site is not adjacent to the continuous built form of the settlement.
- 10.4 It is apparent that the site occupies a back land setting with a greater affinity with the open countryside than the built form of the village which is predominantly frontage development in this location. Although the property Ivydene is situated to the north-west of the application site this is clearly an 'intermittent' building detached from the continuous built up area, and which appears to 'pre-date' planning. Ivydene was originally a modest bungalow, which was substantially extended circa 2009 under F/YR09/0194/F.

#### **LP12 considerations - Part C Replacement dwelling**

- 10.5 Policy LP12 Part C supports the principle of replacement dwellings in locations outside of the developed footprint subject to 6 criteria as follows;
- (a) The residential use of the original dwelling has not been abandoned; and
  - (b) The original dwelling is not important to retain due to its character and/or contribution to the landscape; and
  - (c) The original dwelling is not a temporary or mobile structure, such as a caravan; and
  - (d) It is of a design appropriate to its rural setting; and
  - (e) It is of a similar size and scale to the original dwelling; and
  - (f) It is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting.
- 10.6 In respect of (a) the use has not been abandoned. Nor is it considered that the existing dwelling is important to retain (b). In respect of criteria (c) the dwelling although benefiting from a certificate of lawfulness is a mobile structure and as such the scheme fails to comply with Policy LP12 Part C. In addition the dwelling is not of a similar size and scale to the original dwelling and as such fails to accord with Part C (e). Matters of design (d) and positioning (f) are further considered below.



- 10.7 The scale of dwelling does not reflect the general characteristics of the area. The dwelling is more akin to that which would be found in a more urban setting and as such it is considered that the scheme is at odds with its rural setting thereby failing to accord with Policy LP12 Part C (d).
- 10.9 In respect to scale again the scheme fails to correspond with the aims of Policy LP12 Part C (e); a comparison table has been produced below to evidence this further;

	Existing mobile home	Proposed dwelling (excluding attached garage)	Variance
Maximum length	18 metres	20 metres	2 m longer overall
Maximum width	6 metres (not including porch and steps)	13.8 metres	7.8 m wider
Maximum Ridge height	3.7 metres	8.8 metres	4.3 metres higher
Maximum Eaves Height	2.9 metres	6.2 metres	3.4 metres higher
Floor area (Ground floor)	115 square metres	225 square metres	195% of existing floor space
Floor area (First floor)	-	182 square metres (excluding balcony)	
Total floor area	115 sq. m	407 square metres	353% of existing floorspace

This table clearly identifies that the dwelling proposed is significantly larger than the dwelling on site. Accordingly the scheme fails to comply with Policy LP12 Part C (e)

- 10.10 It is further noted that the residential curtilage proposed to serve the dwelling is substantially enlarged from that 'lawfully' associated with the current mobile unit; albeit it does correspond with the defined boundaries of the current site.
- 10.11 It is acknowledged that design considerations may be deemed subjective and it could also be further argued that there is merit in pursuing a replacement dwelling on this site in terms of future resilience in terms of flood safety and the comfort of the residents going forward. However the current policy framework is such that the scheme which seeks to replace a mobile home is not policy compliant and as such has no potential to accord with Policy LP12 (c).

### **Residential amenity**

- 10.12 No objections have been received in respect of the scheme as to any adverse amenity impacts arising from the development and indeed the immediate neighbour to the north-west has written in support of the development.
- 10.13 Having regard to the layout of the development relative to neighbouring property, it is considered that residential amenity would not be compromised, for example through overlooking, loss of light or negative outlook. As such, the scheme accords with the aims of LP16 (e).

10.14 In addition, the development would afford the future occupiers adequate private amenity space and a pleasant environment in accordance with the aims of LP2 and LP16 (h) of the FLP. There are also benefits accruing from adopting a permanent residential dwelling on the site with regard to soundproofing, as can be seen from the 'agent's justification' below.

10.15 Based on the above evaluation there are no matters to reconcile with regard to residential amenity and compliance with Policies LP2 and LP16 is achieved in this respect.

### **Flood risk**

10.16 Policy LP14 seeks for proposals to be safe from the risk of flooding and to not exacerbate flood risk elsewhere within the locality. As the proposal is for a replacement dwelling it will not result in an additional dwelling within a flood zone 3 location and therefore the scheme is deemed to pass the sequential test.

10.17 Although the agent has been given the opportunity to address the FRA deficiencies and has submitted an updated FRA the Environment Agency have been unable to withdraw their objection as they consider their concerns regarding the stationing of two caravans for the duration of the build has not been satisfactorily addressed. Furthermore they consider that the scheme (dwelling) should consider further mitigation measures (e.g. demountable defences) to mitigate against the likely flood depths of 1.6 m'.

10.18 In light of the EA recommendation it is not considered that the scheme achieves compliance with Policy LP14 at this time; albeit subject to the satisfactory resolution of these outstanding matters the potential for compliance does exist and indeed it could be argued that a level of betterment will be achieved given that the proposals for a new dwelling will see the introduction of a safe refuge for the intended occupants.

### **Highway safety**

10.19 The Local Highway Authority (LHA) has raised no objection to the scheme which details appropriate parking provision which accords with the adopted standards contained within the FLP (2014). It is concluded that the development would achieve safe and effective access for future users and would not compromise highway safety in accordance with policy LP15 of the FLP.

### **Agent's justification:**

10.20 The agent highlights within the application that *'The original dwelling is single-storey and the proposal is for a larger 2-storey building. It is acknowledged that this perhaps goes beyond the requirements of LP12 [however] the necessity for a 2-storey building derives from the fact that the site lies within flood zone 3 and the current occupants are at risk of flooding. Given that the use of the site for a permanent residential dwelling has already been established under F/YR19/0619/CERTLU and that the proposal provides a betterment for the health and wellbeing of the occupants by providing a brick built structure with a place of refuge which will be constructed to modern Building Regulation standards, it is submitted that benefits gained in terms of health and wellbeing and flood risk (related to policies LP2 and LP14) outweigh any potential harm caused by a*

*loose compliance with LP12. It is therefore submitted that the principle of the development is acceptable'*

**Other matters:**

10.21 Due regard has also been given to matters of reverse sensitivity between the existing commercial bus depot and the proposed dwelling, however as there is an existing lawful residential unit on the site it is not considered that noise mitigation could be reasonably warranted as part of this proposal and as such this matter has not been pursued.

**11 CONCLUSIONS**

11.1 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive dwelling and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.

11.2 Weight has been given to the justification put forward by the agent with regard to enhanced living conditions and potential flood risk betterment, notwithstanding that the latter has not been demonstrated to the satisfaction of the Environment Agency.

11.3 However such benefits could be accrued through a more modest dwelling of lesser scale which would be more in keeping with the surrounding area and more commensurate with the lawful curtilage associated with the existing mobile home. Furthermore, and perhaps more significantly, the policy framework is explicit in disallowing the replacement of mobile homes with permanent dwellings

11.4 It is clear that even if the LPA accepted the principle of replacing the current mobile home the replacement dwelling, which is substantial in terms of its scale and massing, is considered to be at odds with the more modest scale and design of development in this rural area. As a result, the development would adversely impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to Policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.

11.5 Furthermore the current proposal fails to justify why 2 caravans will be required for the duration of the build, nor that the occupiers of these caravans will be safe from flooding for the duration of the construction; in addition the proposed dwelling design does not incorporate appropriate measures to mitigate against the likely flood depths of 1.6 m as recommended by the Environment Agency.

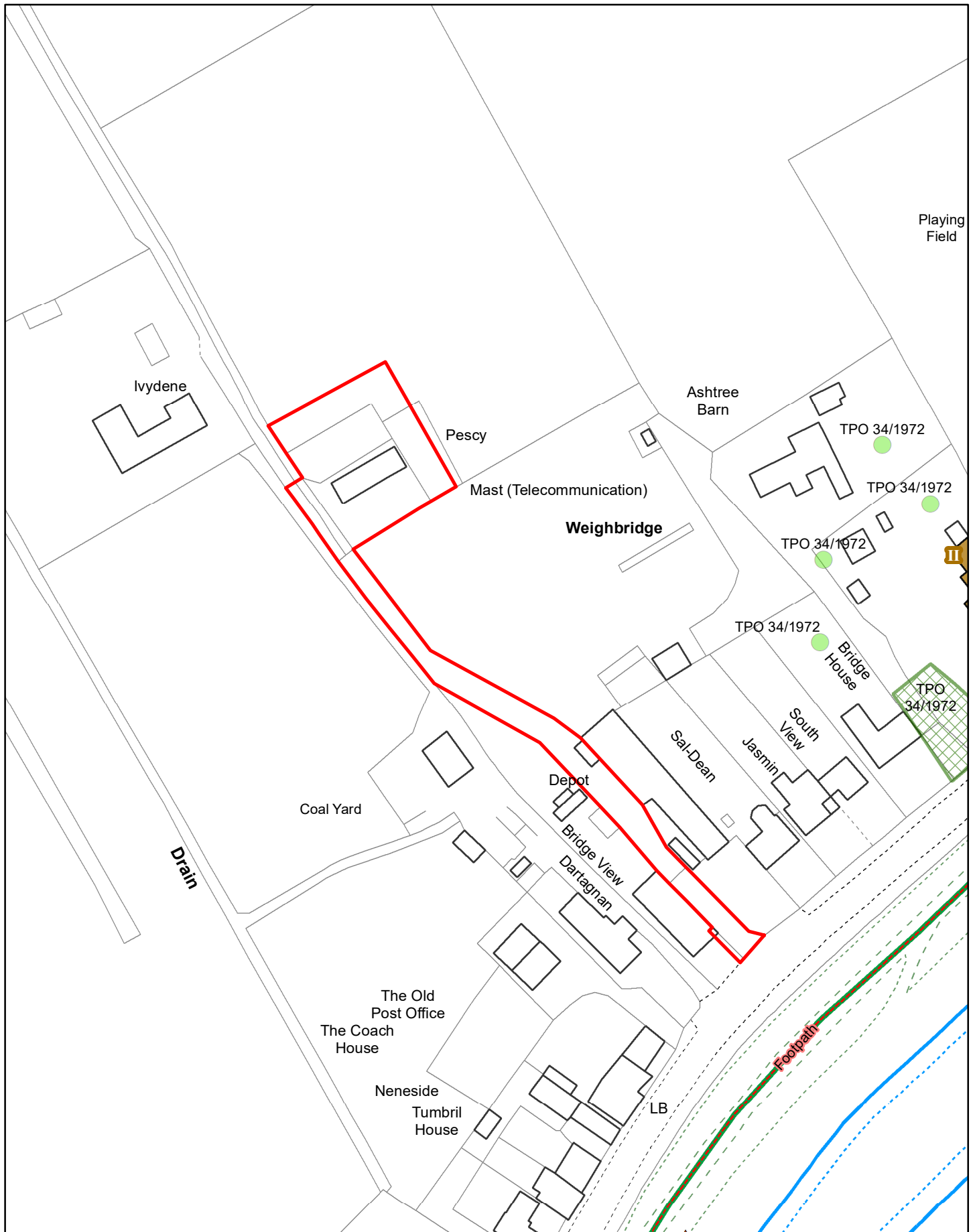
11.6 Due to this clear conflict with both Local and National Policy the proposal is considered to be unacceptable.

**12 RECOMMENDATION**

REFUSE for the reasons set out below:

1	The existing residential unit on site comprises a mobile home which is
---	--

	<p>specifically excluded from replacement by virtue of Policy LP12 - Part C (c); as such the scheme must be considered as a new dwelling and subject to Policies LP3 and LP12 of the Fenland Local Plan (2014) which both seek to restrict elsewhere development within open countryside locations.</p>
2	<p>The proposed dwelling by reason of its large scale and massing is at odds with the general character of the locality. As a result, the development would adversely impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering &amp; Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework</p>
3	<p>The proposal has failed to demonstrate compliance with Policy LP14 of the Fenland Local Plan (2020) and the National Planning Policy Framework with regard to mitigating against and managing flood risk, both during the construction phase, in respect of the siting of caravans, and during the future occupation of the proposed dwelling given the failure to satisfactorily consider flood risk mitigation.</p>



Created on: 06/04/2020

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**F/YR20/0271/F**

Scale = 1:1,250



- 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 and levels on site.
  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.

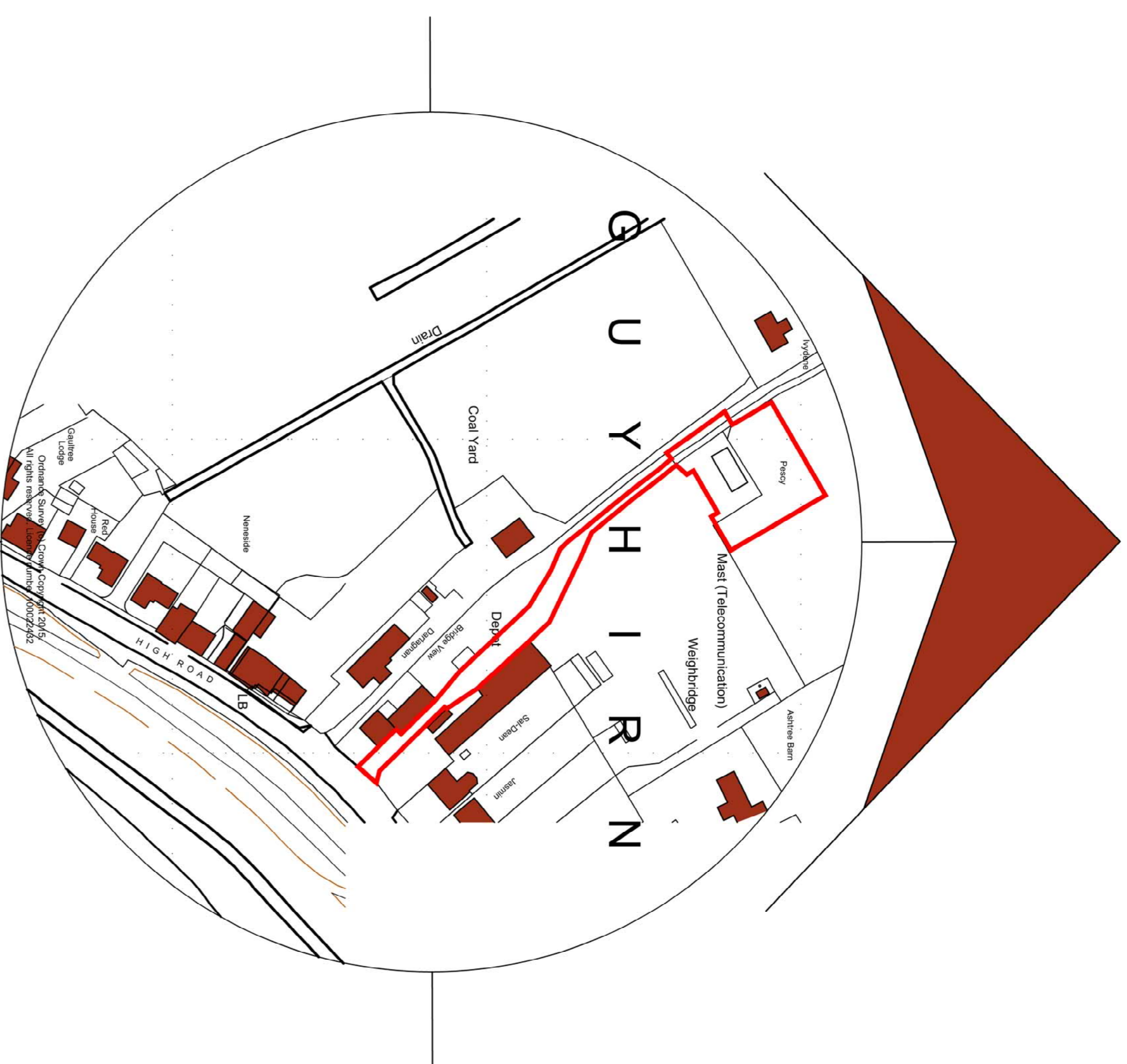
**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities are identified by the relevant specialist designers/consultants as issued to the Principal Designer.

C1/R1	AW foul sewer pump main
C2/R2	Septic tank
C3/R3	Gas tank and gas bottles
C4/R4	Underground electrical supply
C5/R5	Overhead power cables

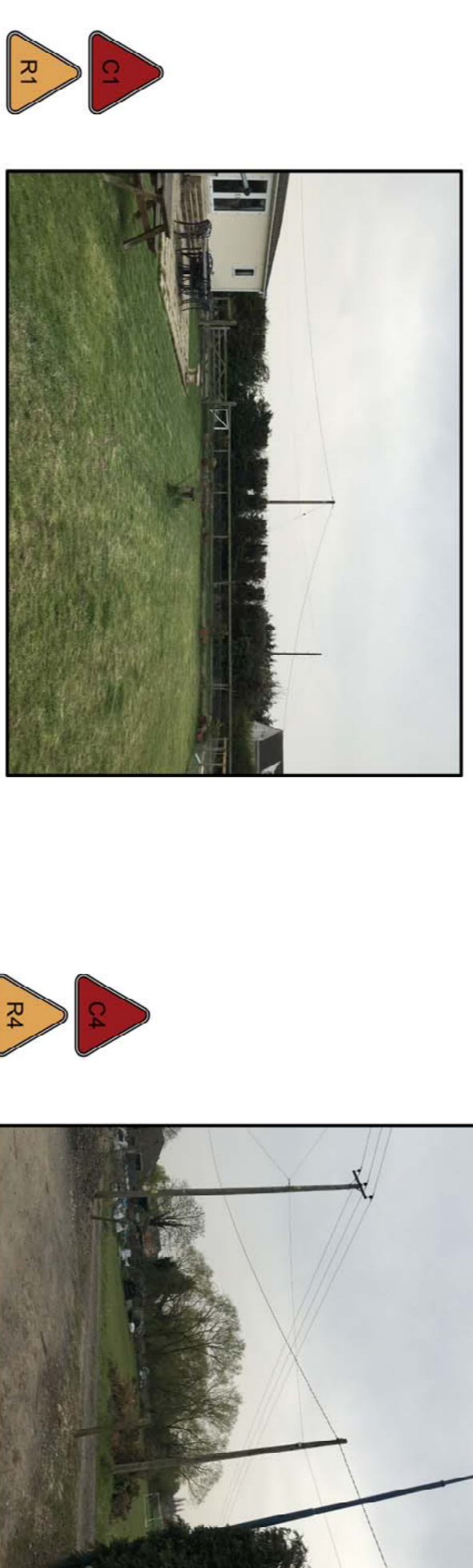
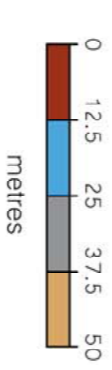
**SITE PLAN KEY**

- Existing building surveyed
- Existing buildings not surveyed
- Existing temporary structures
- Existing conifer hedge not surveyed
- Site access
- Existing site fencing and gates
- Existing private road access gate



**Location Plan**

Scale: 1:1250



**Revisions**

-	April 2019	First Issue.
01	July 2019	Site boundary added to Location Plan.
02	July 2019	Drawing revised to Planning requirements.

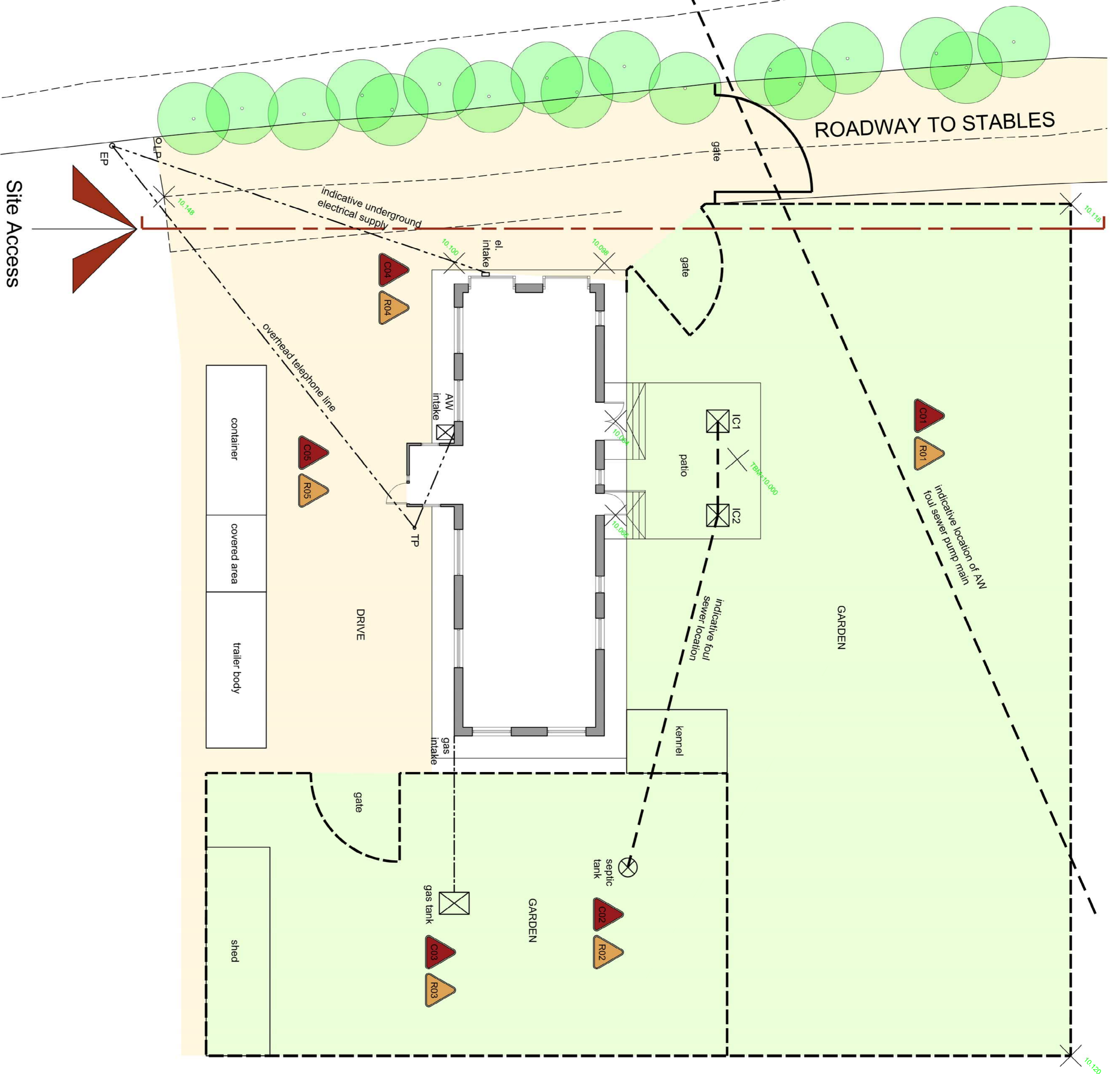
**FOR COMMENT**



SWANN EDWARDS ARCHITECTURE  
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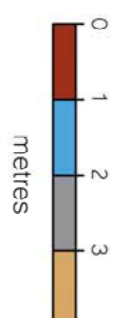
Job Title	Date	Drawn by
Proposed Dwelling	July 2019	GG
Resky, High Road		Checked by
Gurpin, Wisbech, PE13 4ED		GE
For Mr and Mrs Holliday		

Drawing Title	Job No.	Sheet Size
Survey Drawing	SE-1198	A1
Location Plan, Site Plan, and Site Section	Drawn No.	Revision
	100	02



**Site Plan**

Scale: 1:100



**Site Section**

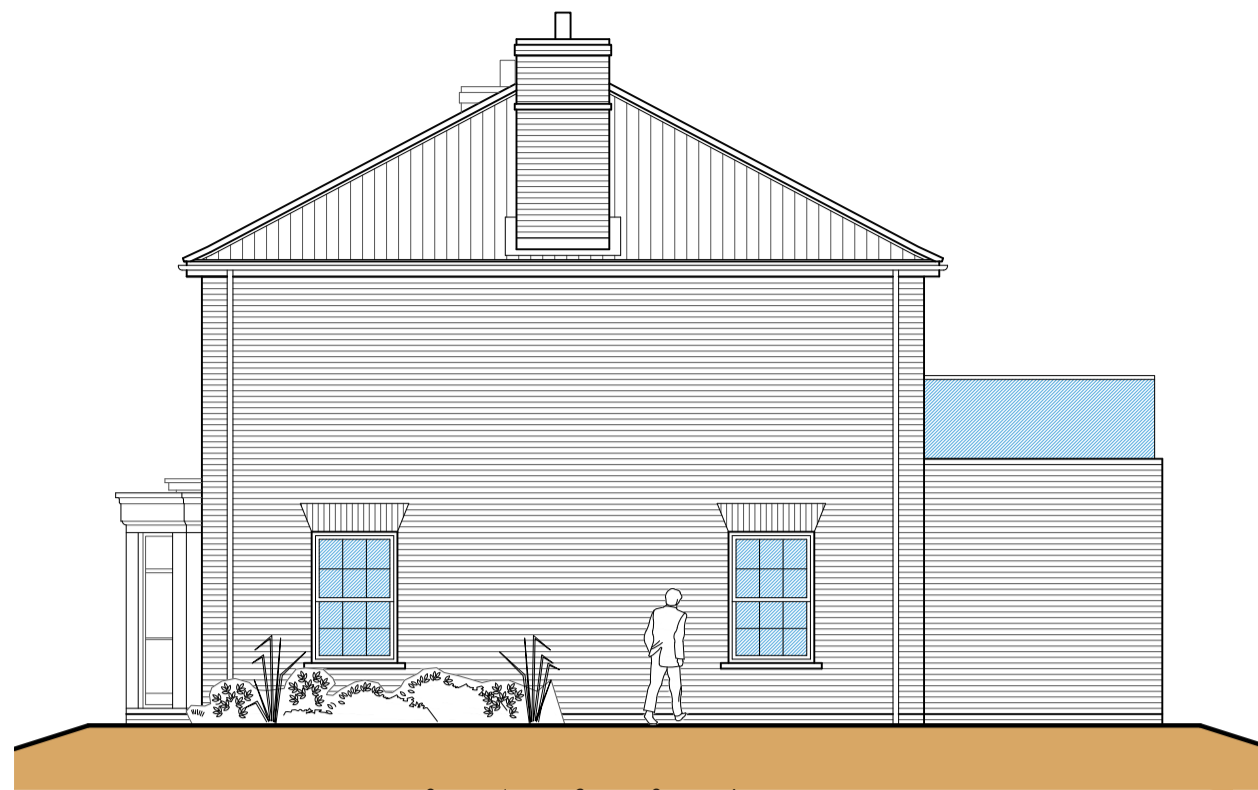
Scale: 1:100



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



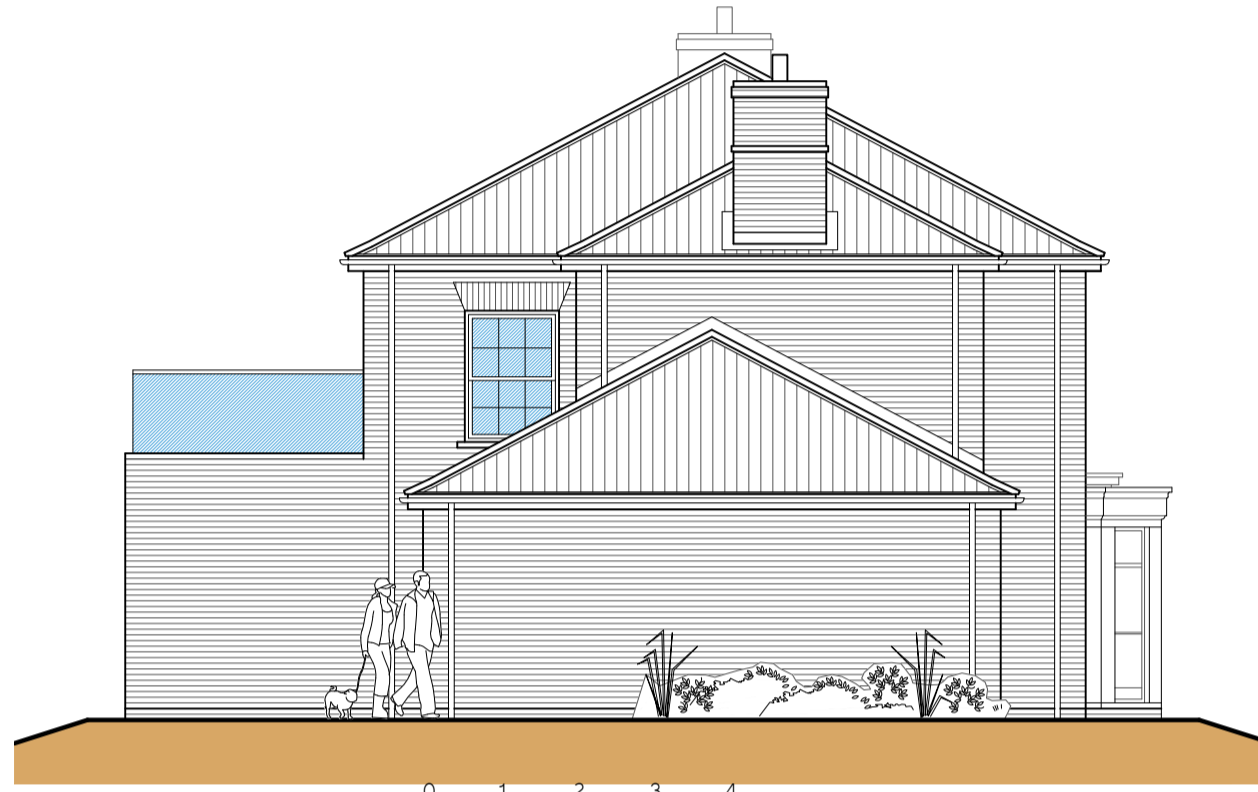
**Front Elevation**  
 South East - Scale 1:100  
 metres



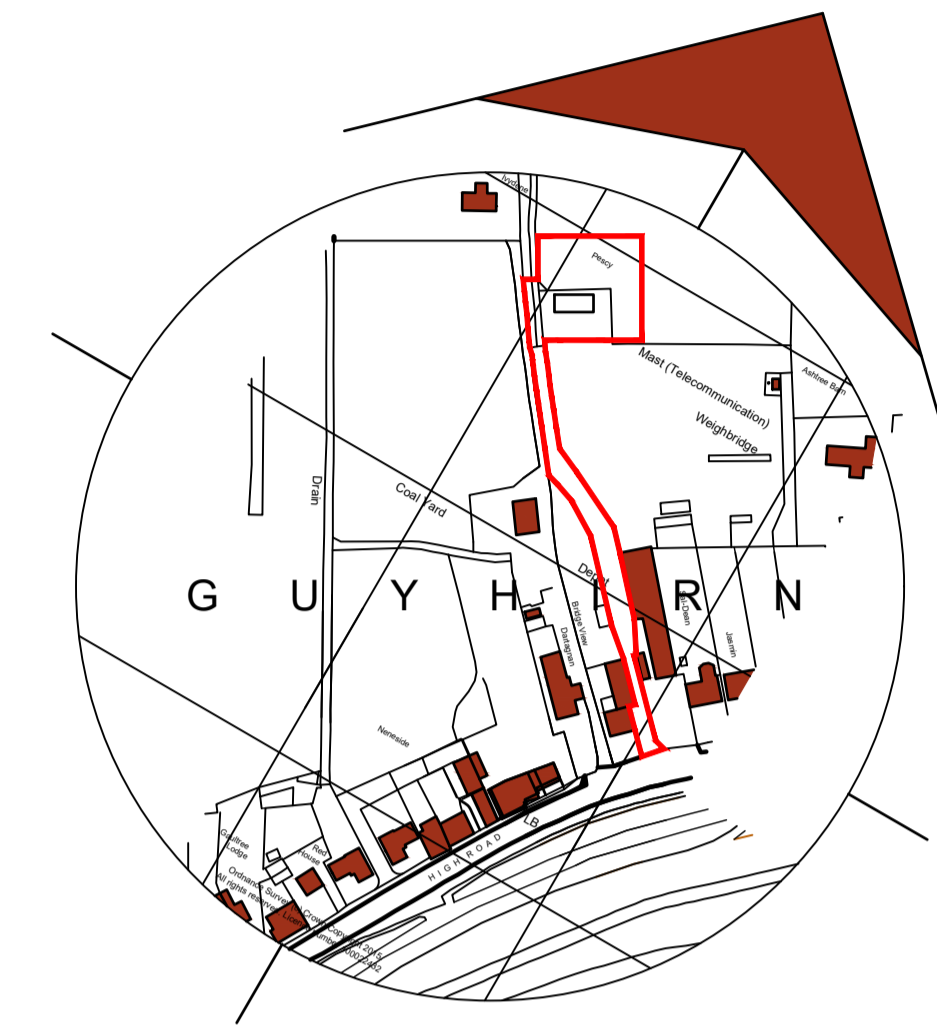
**Side Elevation**  
 North East - Scale 1:100  
 metres



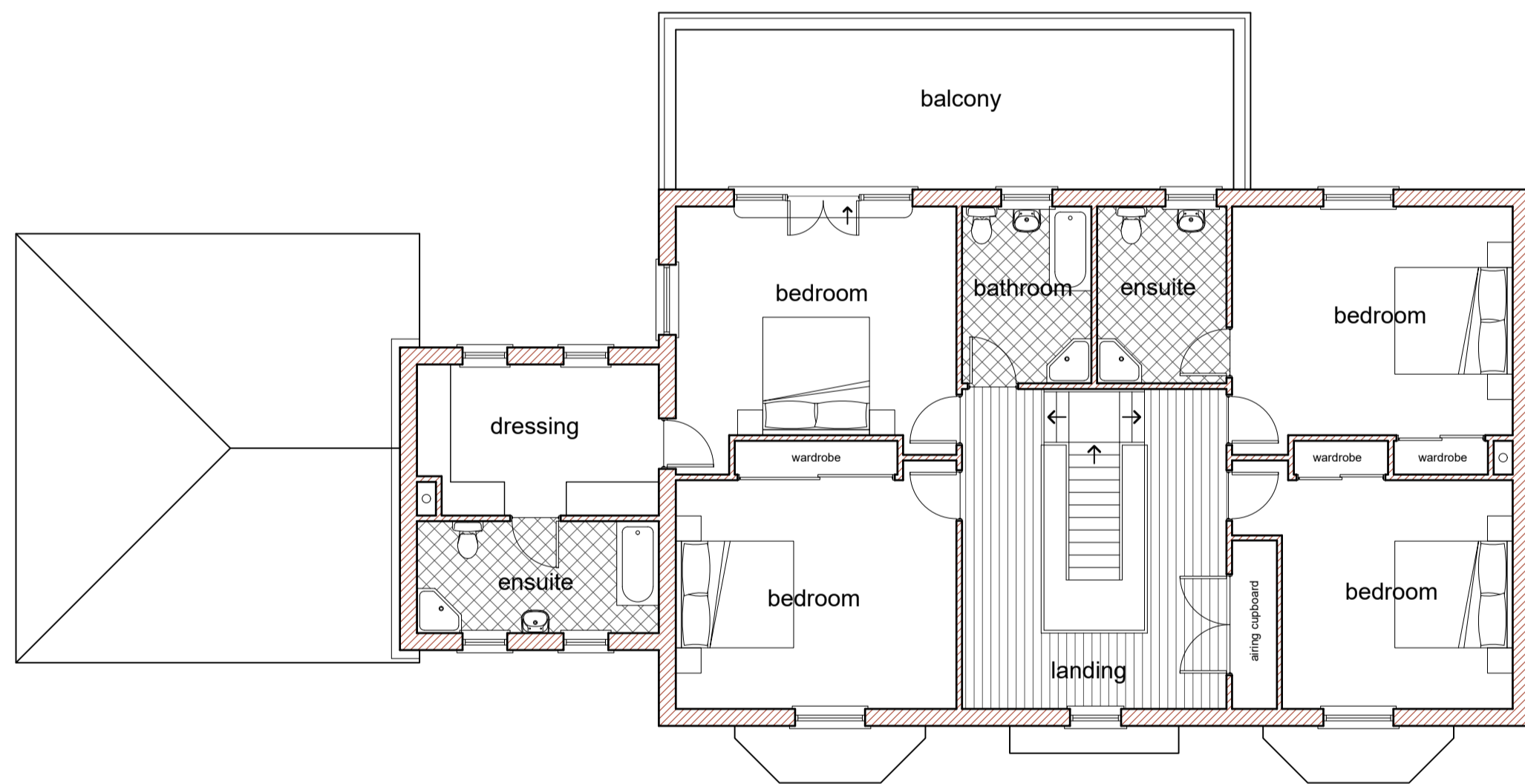
**Rear Elevation**  
 North West - Scale 1:100  
 metres



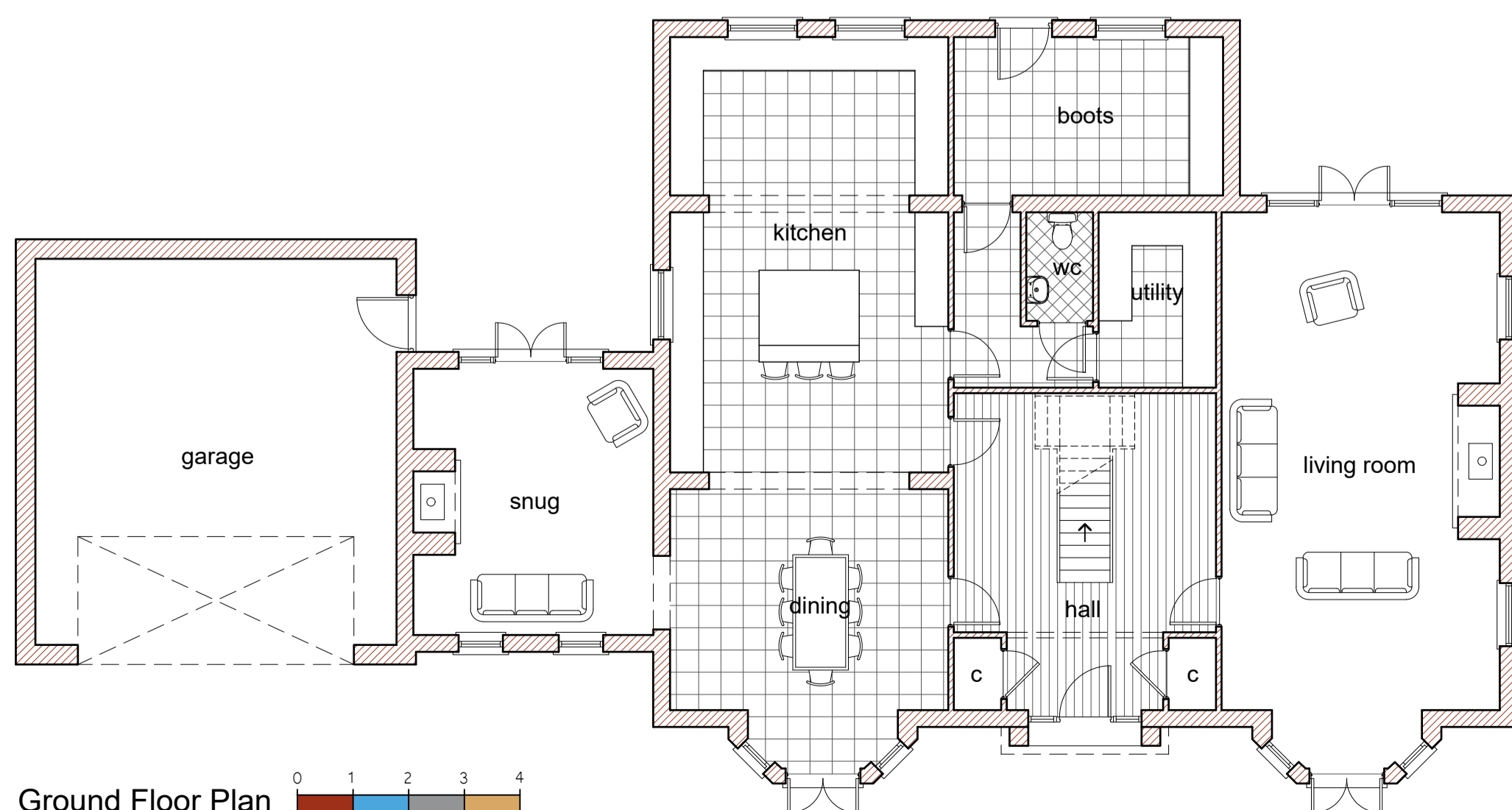
**Side Elevation**  
 South West - Scale 1:100  
 metres



**Location Plan**  
 Scale 1:2500  
 metres



**First Floor Plan**  
 Scale 1:100  
 metres



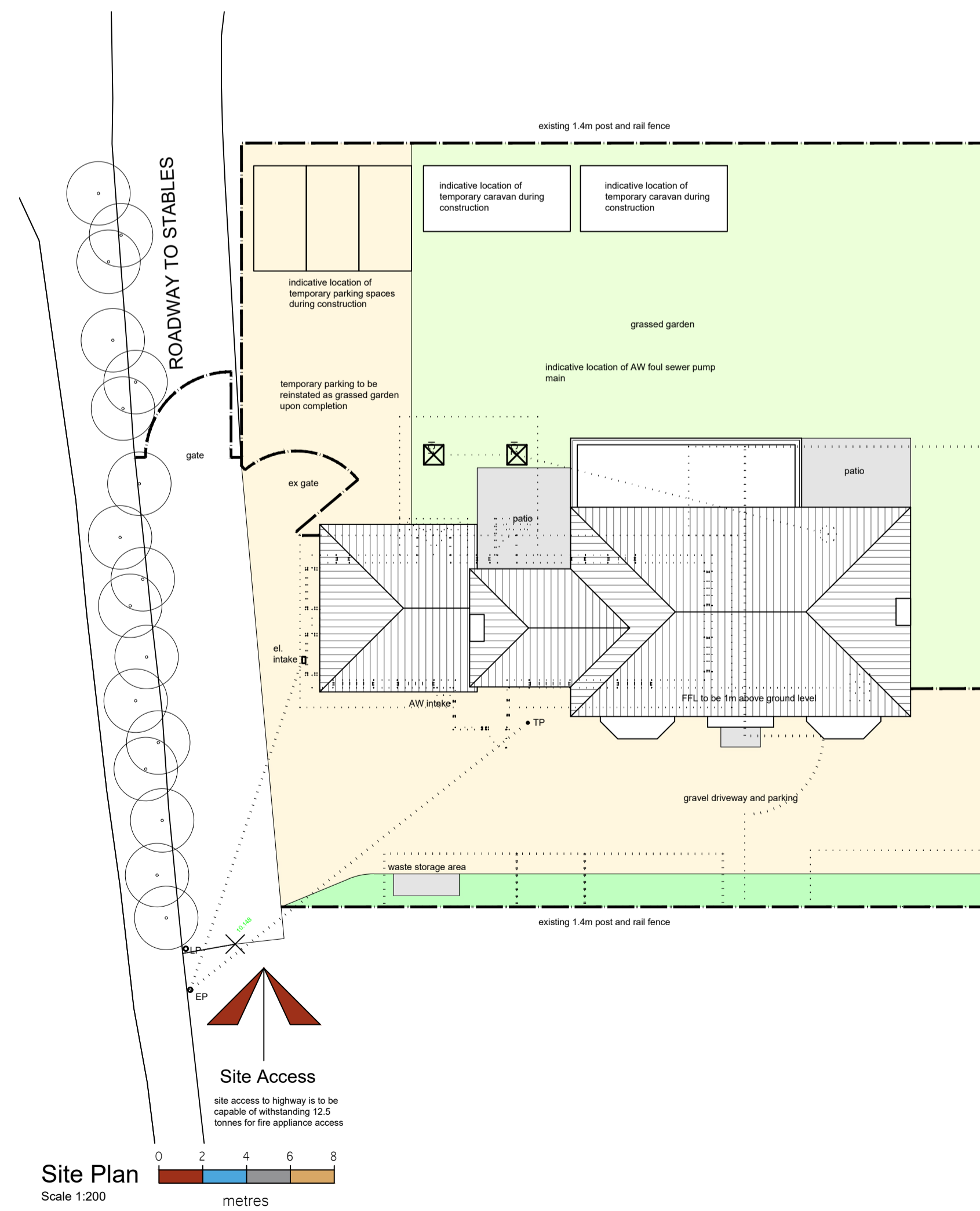
**Ground Floor Plan**  
 Scale 1:100  
 metres

**ELEVATION KEY**

- Proposed brickwork
- Proposed roof tiles
- Proposed white joinery

**SITE PLAN KEY**

- Proposed grass garden
- Proposed patio areas
- Proposed planting
- Proposed gravel driveway



**Site Plan**  
 Scale 1:200  
 metres

Revisions		
A	Feb 2020	Garage Door and FFL
B	March 2020	Planning Comments Red Line and Waste Storage

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
 ARCHITECTURE

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 t 01545 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Drawn by
Proposed Dwelling	January 2020	CR
Planning Drawing		Checked by SHE

Job No.	Sheet Size
SE1354	A1
Dwg No.	Revision
PP1000	B

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**PLANNING COMMITTEE DATE: 24<sup>th</sup> June 2020**

**Agenda Item 11**

**APPLICATION NO: F/YR20/0271/F**

**SITE LOCATION: Pescy, High Road, Guyhirn, Wisbech**

**UPDATE**

A letter of objection has been received, but given that it is anonymous this cannot be given any weight, nor can the comments be reported to Members


The agent has provided a revised Flood Risk Assessment and amended drawing in response to the objection raised by the Environment Agency; these now detail further flood mitigation measures, to include demountable defences and also deleting one of the temporary caravans initially proposed to be sited during the construction of the proposed dwelling. The description of development has been amended accordingly to show only 1 No temporary caravan.

The Environment Agency has formally confirmed that they are able to withdraw their objection, subject to the development being undertaken in accordance with the FRA and the temporary caravan being removed from 2 years of permission being granted.

Given that the revised details have overcome the flood risk concerns the recommendation can now be amended to delete refusal reason 3

**RECOMMENDATION: Refuse as per recommendation on pages 111 to 112 of Agenda; deleting refusal reason 3**

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Agenda Item No:	<b>12</b>	
Committee:	<b>Planning</b>	
Date:	<b>24 June 2020</b>	
Report Title:	<b>Adoption of Planning Validation Requirements</b>	

## Cover sheet:

### 1 Purpose / Summary

The purpose of this report is to advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.

### 2 Key issues

- The key issues relate to the consideration of comments received following the undertaking of a consultation exercise carried out in consultation with relevant users of the service.

### 3 Recommendations

- The recommendation is to adopt the new Local Validation List with effect from 1 April 2020.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Cllr Mrs D Laws
<b>Report Originator(s)</b>	Emma Nasta. Support Manager
<b>Contact Officer(s)</b>	Emma Nasta. Support Manager
<b>Background Paper(s)</b>	N/A

## Report:

### **1 Background / introduction**

- 1.1 Local Planning Authorities are required as part of the National Planning Policy Guidance (NPPG) to publish a list of information required in order to 'validate' planning applications, known as the local validation list. The local list requirements are prepared by the Local Planning Authority to clarify what information is required to be submitted with an application.
- 1.2 The Government requires Local Planning Authorities to review their local list requirements every 2 years.

### **2 Considerations**

- 2.1 A project group was formed and draft local validation lists were updated ready for consultation. This incorporated adding clearer, specific requirements for plans and reports, a revamped biodiversity checklist, updated website links, and the addition of reports and statements mainly relating to major applications, in line with current national planning legislation and local plan requirements. A full summary of the changes proposed, as set out as part of the associated consultation exercise, is included in Appendix A to this report. Full details of all the proposed validation lists are available at <https://www.fenland.gov.uk/article/14613/Local-List-consultation> and also formed part of the consultation exercise.
- 2.2 Consultation was undertaken for a period of 4 weeks from 1 February 2020 to the 28 February 2020. The consultation was placed on Fenland District Councils website and also emailed to Developer Forum members and other agents. Comments were invited either via email or in writing.
- 2.3 A total of 2 comments were received. One from Cambridgeshire County Council highlighting some website links that are no longer live, which have subsequently been updated, and one from Middle Level Commissioners.
- 2.4 The comments from Middle Level Commissioners have been considered and it was concluded that their comments relate to the quality of information submitted and therefore sits within the decision making process rather than the validation process

### **3 Conclusions**

- 3.1 The local validation lists have been updated to reflect current legislation and local plan requirements, they have been consulted on and comments received have been considered.
- 3.2 It is recommended that Members approve the adoption of the updated Local Validation Lists from 1 April 2020.



## **SUMMARY OF CHANGES:**

- National requirements
- Local requirements
- Specific Applications

### **NATIONAL REQUIREMENTS:**

#### **Trees:**

Trees - Updated national requirements as per Tree regulations 2012

#### **Location plan:**

Added clear requirements - i.e. Red line to include access and meet adopted highway, show sufficient roads and/or buildings, show surrounding buildings/land, should not show proposal. Blue lines to indicate other ownership.

#### **Other plans:**

List of other plans required as per national requirements still referred to on national list, but specific details of these added to the local list

### **LOCAL REQUIREMENTS:**

#### **Plans in general:**

- List of other plans required as per national requirements still referred to on national list, but specific details of these added to the local list
- Block plan/Site plan - Stipulated national requirement to show the proposal and all boundaries and position of all surrounding buildings

- New requirement - Existing and proposed site sections, finished floor levels and site levels for all Major residential applications
- New requirement - Street Scene for proposals affecting the street scene
- New requirement - 'Do not scale' quoted on plans will not be accepted

### **Biodiversity :**

Amended requirement - A new checklist for Major and Minor/Other applications along with the submission of an ecology report if required by the checklist. There is a requirement for the report to be undertaken by a qualified ecologist

### **Tree report:**

Amended requirement - to submit a report for Trees with tree preservation orders or within a conservation area for trees or any part of a tree including canopy and root protection area within 10 metres of the proposal

(Current requirement - trees with TPO's or within a conservation area from 'within 5.0 metres of the site')

### **Travel Plans:**

New requirement - for developments generating a significant amount of vehicle movements. (Variation of conditions, Outlines, Full applications)

### **Health Impact Assessments:**

New requirement - for major developments (Variation of conditions, Outlines, Full applications)

### **Air Quality impact assessments:**

New requirement - for all developments that generate a significant amount of vehicle movements (Variation of conditions, Outlines, Full applications)

### **Retail impact assessments:**

New requirement - Required for developments of more than 500 sq metres outside of town centres (Variation of conditions, Outlines, Full applications)

### **Caveat on local lists**

New requirement - Any reports and statements to be no more than 12 months old

### **SPECIFIC APPLICATIONS:**

#### **Full applications:**

New requirement - Travel plans, Health impact assessments, Air quality impact assessments and retail assessments added to local list.

New requirement - Existing and proposed site sections, finished floor levels and site levels for all Major residential applications

New requirement - Street scenes

#### **Outline:**

Clarified - As per DMPO (2015), must state the areas where access points to the development proposed will be situated, even if not committing access

New requirement - Street scene if committing appearance or scale

New requirement - Travel plans, Health impact assessments, Air quality impact assessments and retail assessments added to local list.

New requirement - Existing and proposed site sections, finished floor levels and site levels for all Major residential applications

#### **Advert:**

National requirements updated accordingly.

As per the national requirements of the application form sections 11 and 12, for clarity, further detail have been added to the local list

#### **Section 73 applications - Removal or variation of condition**

New requirement - Schedule of changes - listing the proposed changes

Caveat - Further information may be required during determination dependent on the variation applied for.

#### **Nonmaterial Amendments**

New requirement - Schedule of changes - listing the proposed changes

### **Listed Building and Relevant demolition Apps**

New requirement - to cross reference photographs with floor plans and elevations

### **Discharge of conditions**

New Requirement - A schedule of conditions

Listing which plans and documents relate to which conditions being discharged.

### **Certificate of Lawfulness (Existing)**

Amended requirement -

'A plan identifying the land' changed to 'A plan identifying the exact area'

'Such evidence' changed to 'Any evidence to support the application'

### **Hedgerow removal notice**

Amended requirement - 'Evidence of the date of planting' changed to ' Any evidence of the date of planting'

New requirement to be included in the arboricultural statement - The species contained within the hedgerow and condition of hedgerow.

### **Modification or variation of planning obligation:**

List created

### **Certificate of lawfulness for Listed Building**

List created