

## AGENDA

### PLANNING COMMITTEE

WEDNESDAY, 29 JULY 2020

1.00 PM

VIRTUAL MEETING VIA ZOOM VIDEO  
CONFERRING 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/Toscs6cfCxs>

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 20)  
  
To confirm the minutes from the previous meeting of 24 June, 2020.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.

- 5 F/YR19/0286F  
Land north and south of Grosvenor House, Grosvenor Road, Whittlesey. Erection of 2 x 2-storey buildings comprising of 1 no retail unit, 7 x 1-bed and 2 x 2-bed flats with parking involving demolition of outbuilding and boundary wall. (Pages 21 - 36)

To determine the application.

- 6 F/YR19/0761F  
Lattersey Field, Benwick Road, Whittlesey. Erect 4 no industrial units (B1, B2, B8 use), security office and 3.0 metre high acoustic screen with associated parking and hardstanding areas including formation of swales, attenuation pond and associated drainage infrastructure (part retrospective) (Pages 37 - 68)

To determine the application.

- 7 F/YR20/0224O  
Land West Of 36, Peterborough Road, Whittlesey. Erection of 9 no dwellings (outline application with matters committed in respect of access and layout) including demolition of existing greenhouses (retrospective) (Pages 69 - 84)

To determine the application.

- 8 F/YR20/0301/F  
Land South East Of 70, Fieldside, Coates. Erect 8 x 2-storey 3-bed dwellings and 2.0 metre high brick wall (Pages 85 - 98)

To determine the application.

- 9 F/YR20/0335/O  
Land south and west of 4-5 Mill Hill Lane, March. Erect up to 2x dwellings (outline application with matters committed in respect of access) (Pages 99 - 110)

To determine the application.

- 10 F/YR20/0365/F, F/YR20/0371/F, F/YR20/372/LB  
Land East Of 133, High Street, Chatteris. F/YR20/0365/F: Erect 9 x 2-storey dwellings comprising of 7 x 3-bed and 2 x 2-bed with garages and erect detached garage and 2.4 (approx) metre high wall to serve 133 High Street

F/YR20/0371/F: Demolition of a wall within a Conservation Area

F/YR20/0372/LB: Demolition of existing wall and rebuilding of 2.4 (max) metre all to a Listed Building  
(Pages 111 - 130)

To determine the application.

- 11 F/YR20/0416/O  
Land south east of The Poplars, Bevis Lane, Wisbech St Mary. Erect up to 2x dwellings (outline application with matters committed in respect of access) (Pages

131 - 144)

To determine the application.

12 F/YR20/0440/F

22 Colvile Road, Wisbech. Conversion of dwelling to 2 x 2-storey 3-bed dwellings  
(Pages 145 - 156)

To determine the application.

13 Appeals Report (Pages 157 - 160)

To consider the appeals report.

14 Items which the Chairman has under item 3 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, Councillor W Sutton and Councillor R Skoulding,

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## PLANNING COMMITTEE



**WEDNESDAY, 24 JUNE 2020 - 1.00 PM**

**PRESENT:** 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 N Meekins, Councillor P Murphy, Councillor W Sutton and Councillor R Skoulding,

**APOLOGIES:** Councillor Mrs K Mayor

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

**P1/20**            **APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 -2021**

It was proposed by Councillor Benney, seconded by Councillor Lynn and resolved that Councillor Connor be elected as the Chairman of the Planning Committee for the Municipal Year.

**P2/20**            **APPOINTMENT OF VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 - 2021**

It was proposed by Councillor Meekins, seconded by Councillor Murphy and resolved that Councillor Hay be elected as Vice-Chairman of the Planning Committee for the Municipal Year.

**P3/20**            **PREVIOUS MINUTES**

The minutes of the meeting of the 13 May 2020 were confirmed.

The minutes of the 3 June were confirmed, subject to the amendment of adding Councillor Cornwell to the list of those Members in attendance.

**P4/20**            **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**

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the public Participation Procedure, from Councillor Nick Meekins.

Councillor Meekins stated that he is not opposed to any development on the site or the proposal of a care home but his concern is with regard to the scale of the development. He stated that he has been lobbied over the past few months from residents who reside adjacent to the site who have been inconvenienced already by the activities of the developer and who have expressed their

disappointment about the loss of the orchard which was in place when they purchased their homes. Councillor Meekins stated that had a site visit been able to take place, Members would have been able to see the immediate problem with regard to vehicular access on Magazine Lane, which is a narrow road and has traffic flow problems and although Barton Road is a wider road, it can suffer from congestion especially with school traffic. He added that the proposal of a three storey building will be out of character with the existing dwellings in the vicinity and stated that this site was formally an orchard which was cleared of all vegetation in late 2018 and large bonfires were lit without any notification to the local residents.

Councillor Meekins stated that a soakaway drain was filled in without the permission of the Internal Drainage Board and although it was only a soakaway it did alleviate run off water. He added that retrospective approval was granted and a wooden fence was erected adjacent to the fence belonging to the mobile home site which prevented the residents from carrying out any maintenance with a metal barrier fence being erected which was too high at the Magazine Lane end and water from the proposed site drained into the mobile home site which has never been an occurrence before.

Councillor Meekins stated that an agricultural building on the proposed site has now been demolished with building materials being stored in anticipation of commencement of works and that work has been carried out on site during unsociable hours and all of the points that he has raised are having an impact on the existing local residents. He added an additional point of concern is whether the proposal of building the additional 5 dwellings on the site to part fund the care home is normal and will there be any clause to stipulate that it is to follow the plan and not expand into a housing estate?

Councillor Meekins concluded by stating that the major concerns for the existing residents are: the impact on their quality of life, water issues, possible anti-social behaviour due to the proposed footpath, an increase in traffic resulting in congestion of the surrounding roads including Barton Road, Magazine Lane and North Brink, devaluation of their homes and concerns for the healthcare infrastructure which is already oversubscribed in Wisbech.

Councillor Meekins stated that he is not against development on the site and is not against a care home on the site, but in his opinion the scale of the proposal is not suitable for this area. Members received a presentation in support of the application, in accordance with the public Participation Procedure, from Mr Tim Slater, the Agent.

Mr Slater stated that that he was worked proactively with officers throughout the pre application stage and as and when officers have raised issues they have been addressed.

He expressed the opinion that the application is based on an assessment of the population trends of Wisbech and is intended to meet a demographic need for this type of accommodation in the town and it is designed to accommodate the existing residents in Wisbech.

Members asked Mr Slater the following questions:

- Councillor Cornwell expressed the view that there will be an increase in residents in the town, as new residents will replace those residents who move into the care home. He asked whether Mr Slater has engaged with the local GP's in the area to gauge their views?
- He further expressed the view that there appears to be no parking provision for ambulances or service vehicles in the proposal and also questioned whether the proposed footpath was a requirement from the Highways Authority?
- Mr Slater stated that the footpath was introduced to meet one of the key aims of the Broad Concept Plan which is to incorporate accessibility through the new development to join up the major roads however, it is not integral to the development and can be removed. He added that provision has been included for service vehicles and ambulances within the

proposal. Mr Slater stated he understands the point raised with regard to additional residents within the town, however, the proposal is to provide specialist accommodation for the existing elderly population within the town.

- Councillor Sutton expressed the opinion, that the proposal is quite a distance from the town centre and residents living in the care facility may have mobility issues. He asked whether the management company will incorporate any minibuss service for the residents to utilise? Mr Slater stated that he anticipates that the management company will offer a care package which will include transport services run by the operator.

Members asked Officers the following questions;

- Councillor Cornwell asked whether it was possible to condition the provision of CCTV to cover the footpath which is a cause for concern? David Rowen stated that as part of condition 15, it includes a scheme for the provision of CCTV to be submitted and will also include how the CCTV will be monitored.
- Councillor Murphy stated that he notes at condition 23 that the refuse strategy has to be submitted prior to the first occupancy and asked whether that was too late for it to be submitted? David Rowen stated that submission of the strategy before occupancy is not uncommon and the trigger point has to be a definable and reasonable moment in time when the information is required by.

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

- Councillor Benney stated that in his opinion, this is an excellent use of land and that there is a need for this type of development with it freeing up 100 homes which are also needed in Wisbech. He expressed the view that he was surprised that the NHS did not come forward to request any financial contributions and added that this proposal will be very good for the residents and population of Wisbech and will benefit the local economy.
- Councillor Lynn made the point that he knows the area well. the proposed footpath will link the playing fields at both ends of the development, which will open up footfall and access to the play areas and the proposed school and the whole area has been earmarked for development so will be changing in years to come. He added that in his view, the proposal is a very good one, it will bring jobs to the area and will free up homes for the younger families that require housing.
- Councillor Cornwell stated that he supports this type of development and care of the elderly is very important. He added that the position of the site is adequate, albeit slightly out of town, he has concerns with the footpath and the Magazine Road end of the development which is narrow for traffic. Councillor Cornwell expressed the view that there needs to be further communication with the NHS, who need to have an input with regard to their thoughts on the proposal.
- Councillor Hay expressed the opinion that it is a very good use of land and the proposal looks modern and there is plenty of space to accommodate the building. She added that within the conditions, she had expected to see the stipulation that none of the 5 additional dwellings should be occupied until the footings of the care home were above ground level. David Rowen stated that condition 24 states that no dwellings should be occupied on site until the footings of the care home were above ground level.
- Councillor Sutton expressed the view that the design will not have a large impact on overlooking as the closest part is only single storey. He added that he has concerns with regard to the update report which states conditions which could be seen as onerous, however overall he believes it is a good scheme and he will support it. David Rowen stated that the concerns Councillor Sutton has with regard to the occupancy conditions are common when dealing with this type of proposal to ensure that the application can take the form that is envisaged and the agent has agreed with the clauses.
- Councillor Murphy stated that the proposal is right for Wisbech and he will be recommending the application for approval.

**Proposed by Councillor Murphy, seconded by Councillor Lynn and decided that the application be APPROVED as per the officers recommendation.**

(Councillor Meekins registered, in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that he had been lobbied on this application and that he had also registered to speak on the item and therefore would take no part in the discussion or vote)

**P5/20            F/YR19/1029/F  
LAND WEST OF HERWARD 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)**

David Rowen presented the report to members.

Members received a presentation in objection to the application, in accordance with the public Participation Procedure from Ruth Johnson, a local resident.

Ms Johnson expressed the opinion that the drainage and sewerage in the area has had various issues since the houses were built in All Saints Close, approximately 20 years ago with there being issues with the drains/sewers blocking and having to be jet washed regularly to keep issues at bay. She stated that by adding further houses to this sewer it will cause huge problems and blight resident's lives even further together with All Saints School which also has regular issues with the sewers.

Ms Johnson questioned the access to the construction site with regard to- where will the construction traffic enter the building site and stated that she has concerns if it is through All Saints Close regarding size, weight, and being able to get through as very often there are cars double parked. She added that if the construction traffic accesses through All Saints Close are the developers aware of restrictions of deliveries because of the children's safety owing to the close proximity of All Saints School with deliveries not permitted between 8.30 - 9.30am and between 2.30 - 3.30 pm. County Road is hazardous at these times and, the last thing residents, children and parents want is HGVs trundling through whilst small children are going to/coming home from school. She queried whether the developers would adhere to a speed limit restriction of 10mph and commit to no HGVs during school run times?

Ms Johnson stated that the proposed number of dwellings seems high in relation to the size of the area and questioned whether it will be overcrowded and whether the current residents of All Saints Close will have their view of the park obscured or have their privacy invaded.

She expressed the view as to whether the developers are aware of the admissions criteria for All Saints School as the school is very much oversubscribed and criteria is based on faith, then siblings, then children in care.

Ms Johnson added that All Saints School participates in the Junior Travel Ambassador Scheme (JTA) run by Cambridgeshire County Council (CCC) and has been approached to take part in the School Streets Scheme which is a scheme to reduce traffic around schools, improve the health of children as parents need to park away from the school and walk. This scheme involves closing the road to traffic except for emergency vehicles and it supports the promotion of sustainable travel, promotes clean air for children, and boosts health and well-being. She expressed the view that it is highly likely All Saints will participate in this scheme, therefore, residents (and construction traffic) will not have access to a ring-fenced area in County Road at school drop off times with All Saints actively working to reduce traffic around the school.

Ms Johnson stated that deer and rabbits are regularly seen on this site as it adjoins the park and green spaces are an essential element of neighbourhoods and make a profound contribution to people's well-being and quality of life.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Kimberley Brown, the Agent.

Ms Brown stated that the Agent has worked closely with Council officers, both through pre-application discussions and through the consideration of this application, and have made revisions in line with officers' advice to reach the scheme that is before the committee today. She added that public consultation took place prior to the submission of the application in order that local stakeholders and residents could view the proposals and provide their feedback.

Ms Brown explained that the application proposes the development of 19 dwellings in the form of both detached and semi-detached homes with a mixture of 2 bedroom, 3 bedroom and 4 bedroom dwellings proposed. She stated that the application site benefits from Reserved Matters approval for 22 dwellings, which is extant, as part of the housing development at All Saints Close and the site is also located within the built up area of March with the principle of the proposed development being acceptable.

Ms Brown expressed the opinion that the design and layout of the proposed development is of high quality and has been informed by the constraints of the site with the proposals ensuring the retention of TPO trees along the site's northern boundary. She stated that, the opportunity has been taken to formalise the pedestrian route that currently runs through the site from All Saints Close to the public open space and railway station to the north, significantly improving the safety and security of this route for pedestrians and cyclists. Ms Brown advised that the proposal also include landscaping to the front of all properties, along with good sized gardens, which ensures that the proposed development respects surrounding residential development and the proposal has been designed to ensure significant distances exist between the proposed dwellings and those which already exist at Robingoodfellows Lane and All Saints Close. She referred to the committee report which confirms that the proposal is not considered to give rise to any unacceptable overlooking, overbearing impact or overshadowing.

Ms Brown added that the committee report confirms that the proposed development is technically acceptable in all respects and that there has only been one objection to the proposal.

She stated that the application site is located in flood zone 1 and is, therefore, at very low risk of flooding with surface water drainage details having been discussed with the Lead Local Flood Authority as part of this application and confirmed as acceptable. Ms Brown added that the committee report confirms that the application proposal will have no unacceptable impact in terms of highways safety and that parking provision is in accordance with policy requirements. She added that the proposal includes for biodiversity enhancements through the provision of log piles and bat and bird boxes and the committee report confirms that the PCC Wildlife Officer considers the proposal to be acceptable.

Ms Brown added that low level bollard lighting is proposed within the site to ensure that the proposal does not result in any unacceptable adverse impact from light pollution and this will, ensure the safety and security of residents and of pedestrians and cyclists utilising the significantly improved footpath link through the site.

She expressed the opinion that in order to ensure that impacts associated with the construction

of the proposed development on both neighbouring residential properties and All Saints School are appropriately managed, the applicant has confirmed that they are happy to accept a condition requiring the submission and agreement of a Construction Method Statement before the development is commenced.

Ms Brown added that as a result of the abnormal costs associated with developing this site, including the need for storm and foul water pumping stations, offsite highways costs and archaeological investigation, it is not possible for the proposal to make off site contributions or deliver affordable housing with the application submission supported by an open book viability assessment which has been scrutinised by officers and confirms that the scheme is unviable and therefore, in accordance with national planning policy, the scheme should be allowed to proceed unencumbered by S106 obligations.

Ms Brown expressed the view that the scheme will also result in the delivery of a number of benefits including 19 new homes; economic benefits associated with the construction phase and new residents providing custom for existing services and facilities in March; and improved footpath provision through the site.

Members asked officers the following questions;

- Councillor Benney stated there are no Section 106 contributions from this application and questioned why the County Council are not making a contribution?. David Rowen stated that a bespoke viability assessment has been carried out on this scheme and the County Council Section 106 Officer has highlighted that there is no scope to deliver any contributions.

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

- Councillor Cornwell stated that the proposed site is infill development and is adjacent to a large open recreation space adding he is pleased to see the footpath reinstated which will make the train station more accessible. He expressed the view that with regard to the storm and foul water issue there are planned pumping station provisions to be included on site which are costly according to the report so there is no Section 106 contributions which he feels is morally wrong. He expressed the view that he appreciates that there will be issues with regard to All Saints School, but there will be traffic management put in place and he will support the application.
- Councillor Connor is also disappointed that there are no Section 106 contributions, but the application brings much needed housing to Fenland and he will be supporting the application.
- Councillor Murphy expressed the view that he will be supporting the application and made the point that there are no objections from any statutory consultees.
- Councillor Sutton stated that he will be supporting the application and he would ask officers to address the Construction Management Plan to ensure that the timings of any deliveries do not conflict with the school starting and finishing times. He expressed his opinion that he finds it disgraceful that there are no Section 106 Contributions being provided.
- Councillor Lynn agreed with the comments raised by both Councillor Benney and Councillor Sutton with regard to the lack of Section 106 contributions' from the County Council. He added that he is happy to support the application, but deliveries should be suspended during school drop off and collection times.
- Councillor Murphy stated that the County Council have included pumping station provisions within their proposal which are costly.
- David Rowen added that condition 4 in the report states that the detail of the Construction Management Plan including the detail of delivery times should be submitted and agreed with officers.
- Councillor Marks asked how the delivery times are monitored to ensure they are being

adhered to?. David Rowen stated that once it is agreed it is able to be monitored by the Enforcement Team.

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

*(Councillor Hay declared an interest by virtue of the fact that she is a Cambridgeshire County Councillor and until recently was Vice Chairman of the Commercial and Investment Committee who act as shareholders for the County Council in 'This Land' which is wholly owned company by the County Council. The developers for this agenda item are 'This Land' and therefore she left the meeting for the entirety of this item.)*

**P6/20**

**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**

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 Ian Gowler, the Agent.

Mr Gowler stated that the applicant is looking to create a small holding using the small parcels of agricultural land with the small parcels within the larger field being ideal for starting such a venture, whereas normally fields are sold in large areas not allowing for such small scale holdings and allotments are also not suitable due to the size and most not allowing animals to be kept. He stated that the access is proposed to be improved to allow a car to be parked off the road safely, which has been agreed with highways and the rest of the access is planned to remain as existing as it is current agricultural use.

Mr Gowler stated that the proposal is for a small amount of chickens, therefore, many of the environmental concerns from nearby neighbours would be based on significantly more than what is proposed and the applicant is aware that care must be taken not to cause odour nuisance under statutory environmental health requirements. He stated that the chicken house is a standard hen house made by a national company for free range chickens, it is designed to be able to be moved but it is not intended to be movable for this small holding with this being only a small scale small holding, and therefore, the appearance is in keeping with agricultural use.

Mr Gowler stated that some of the other neighbouring concerns are with regard to loss of wildlife, which is not really applicable as the field is and has been farmed and the new small holding is more likely to attract wildlife due to the reduction in intensification of farming. He added with regard to overlooking and privacy this is likely to be reduced as currently the field is farmed with large high tractors.

Mr Gowler stated that the application is to make use of the small plots of land for agricultural use there is no real change in land use and would therefore, not set a precedent for anything detrimental to the neighbouring properties. He stated that concern has been raised with regard to an increase in traffic with access and parking having been agreed with highways, and the increase in traffic is likely to be 2 car visits per day so very minimal and access is not located near properties so there would not be any disturbance. With regard to animal welfare, the applicant is aware of her duties of care to the animals and will follow the relevant DEFRA guidance.

Mr Gowler stated that as mentioned in the committee report many of the neighbouring concerns are related to the keeping of livestock and poultry on the land which would not require permission, and secondly the fencing for keeping the animals secure does not need specific permission.

Members asked Mr Gowler the following questions;

- Councillor Marks asked Mr Gowler whether the applicant has any plans to further develop the land by adding a dwelling or mobile home? Mr Gowler stated that this is not the intention and he has made the applicant aware that under no circumstances that this type of development could be considered on a piece of land like this.
- Councillor Meekins asked Mr Gowler to clarify why his client has chosen to apply for planning permission when it was not required if it had been kept as a mobile chicken house?. Mr Gowler added that free range chickens normally have a quarter fencing around each part of the building, so the chickens can be moved easily. He added that to make a substantial fencing arrangement it made it easier to fix the building in the middle and then make separate fencing to divide up each quarter as each area gets worn out by the chickens.

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

- Councillor Sutton stated that he cannot find a reason in planning terms for refusal. He added that he wishes the applicant well, but he feels there is an ulterior motive.
- Councillor Connor stated he agrees with Councillor Sutton, and there maybe an ulterior motive, but he will support the application.
- Councillor Benney stated that he wishes the applicant well for all the hard work that keeping chickens will entail and he can find no planning reason to refuse the planning application.
- Councillor Cornwell stated that he cannot understand why anybody would apply for full planning permission to house chickens without having an ulterior motive.
- Councillor Murphy stated he also thinks that there is a hidden agenda but there are no reasons to refuse it.
- Councillor Benney stated that it should be noted that this approval is for the hen house on this site and for no further development.

**Proposed by Councillor Skoulding, seconded by Councillor Clark and agreed that the application be APPROVED as per the officer's recommendation.**

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

*(Councillor Connor declared an interest by virtue of the fact that the Agent for this application is a Doddington Parish Councillor and Councillor Connor attends Doddington Parish Council in his position as an elected member of Fenland District Council)*

**P7/20**

**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).**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Councillor Humphrey in support of the application.



Councillor Humphrey thanked the committee for allowing him to call the item in making the point that it is not often that he finds it necessary to call an item in, however, on this occasion there is information contained in the officer's report to demonstrate that there is justification to support a dwelling for this established business in what is described as in elsewhere location.

He added that one of the difficulties with this type of business is that an application with a building of a workshop would not be supported in a residential area, however, the applicant has up to now been occupying the redundant farm buildings for many years but now wishes to expand his business and live there. Councillor Humphrey expressed the opinion that as a local authority we should be supporting the expansion of his business and referred to a similar site about a mile away where the business owner has expanded his garage business and is now able to live on site.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Swann, the Agent.

Mr Swann stated that the application is before the committee at the request of Councillor Humphrey in his capacity as Ward Councillor as, being familiar with the site and the business, he is able to verify the need for the proposal.

He explained that the original application was submitted via a different agent with very little justification for the proposal and was refused and Swann Edwards were since engaged to address the issues.

Mr Swann added that the first Swann Edwards application was refused with approximately 12 hours' notice from the planning officer on the day the decision was due via an email, stating that there was no justification for the proposal and it subsequently came to light that the officer was not even aware of the existence of the specialist report that was commissioned by Cruso Wilkin to provide the business justification. He stated that he had been trying to communicate with the planning officer for 5 weeks without any reply.

Mr Swann stated that the second application submitted, highlights the previous report and provides additional justification.

He expressed the view there are a number of discrepancies with this application and how it has been dealt with and he feels that the planning officer seems to be doing everything in order to refuse this application with no positive or proactive engagement from officers throughout the process and in his opinion inaccuracies in the committee report.

Mr Swann stated that Mr and Mrs Bassett are desperate to expand their successful rural business, but have been thwarted so far by delay after delay which is significantly affecting the future of their business which they have so much demand for. He added that Mr and Mrs Bassett operate an engineering business, which serves the farming community and they have machinery in the workshop to repair and have a 24 hour a day call out service to visit farms where the farmers have breakdowns at their farms, very often in the middle of fields, serving both the arable industry and livestock industry, therefore their quick response to problems is absolutely essential.

Mr Swann expressed the opinion that despite the report, there is not open countryside surrounding the site with there being dwellings either side and behind, and only open views to the South. He added that the officer also refers to this building as an existing former agricultural building, however this has been operating as an engineering workshop since it was granted approval 26 years ago.

Mr Swann referred to the report stating that this application is for a dwelling which 'also includes' a workshop extension and expressed the view that this is incorrect as this application is for both jointly as the business cannot expand without the workshop extension or the dwelling and it is essential for the future of the business.

He stated that as of Monday, the highways officer had confirmed to both himself and the planning officer that they have no objections to the scheme and all previous issues can easily be dealt with

via conditions.

Mr Swann added that there are no objections from any of the statutory consultees, however, there has been strange amount of correspondence from Cambridgeshire Constabulary and despite the proposal not changing since the original application in 2019, the Planning Officer felt it necessary to consult with the Police in June 2020. On 3 June the Police stated they supported the application, on 4 June there is another consultation that states that they only support part of the application without further information being provided and he questioned what had happened between these responses being a mystery. He referred to the officer's report stating that the dwelling is not supported by Cambridgeshire Constabulary but in his view, nowhere in their responses does it state this and he has spoken to the Police yesterday and they have confirmed that they do not object and will be willing to assist in the next stage of the project.

Mr Swann referred to the report stating that there are 'several letters of objection' from the neighbour, however, on the portal there are 2 letters, one from Mr Johnson on 22 April and one from Mrs Johnson on 20 April, both of which are from the same address and the way in which these objections have been reported to the committee is different from other applications where the number of objections from separate addresses is usually reported.

He apologised for making a presentation of this nature but felt that on this occasion he had been left with no choice due to the distress caused to the applicants as a result of the way in which the application has been reported to them.

Mr Swann stated that the National Planning Policy Framework and the Core Strategy encourage Fenland District Council to support rural businesses and to work proactively with applicants jointly to find solutions which mean proposals can be approved where possible.

He stated that this proposal will ensure the future of this successful rural business it will allow the business to expand and remain competitive for years to come and allows the applicant the opportunity to continue to support dozens of other small rural businesses that are his clients, which without him, would not be able to operate in the manner which they do currently and he asked the committee to support this application with the conditions that they deem appropriate.

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

- Councillor Benney thanked Councillor Humphrey for calling the application in. He added that he visited the site and observed an old building on the land and expressed the opinion that as farms grow so does the size of the machinery and the buildings to store it with smaller buildings getting rented out for engineering works and Fenland District Council should be supporting businesses. He stated that the workshop is intending to double in size and the applicant wishes to expand his business which is commendable in these times. Councillor Benney stated that the proposal is in a rural area and the Police response if required in a rural area will be very poor. He stated that the applicants business will be vulnerable and to keep it secure the application should be supported.
- Councillor Lynn expressed the opinion that the applicant has a business that he wishes to develop and improve and for that reason he will be supporting this application. He added that the Agent appeared to raise concerns regarding the conduct of the officer, making the point that Agents and Developers should be aware and understand that officers have to follow guidelines and policies such as the National Planning Policy Framework (NPPF) and the Local Plan (LP) and as far as he is concerned, officers all work extremely hard and provide advice and guidance when asked and he does not agree with any attacks on officers.
- Nick Harding highlighted the relevant paragraph of the NPPF when giving consideration to this application which states: 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following

circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'. He added that given that the business has been operational on the site for more than 20 years, officers do not see the need for a dwelling to be located on this site.

- Nick Harding added that with regard to the adopted Local Plan policy, this location is not a settlement listed in the settlement hierarchy and that is why it is stated as being in an 'elsewhere location' in the countryside which states that 'development will be restricted to that which will be demonstrably essential to the effective operation of local agriculture' and there is nothing that states without a dwelling on that site this business cannot operate.
- Nick Harding stated that the Police responded by stating that without further specific information they could not support the application as it stands but also stated that they will support the security fencing.
- The Legal Officer, Stephen Turnbull advised members that they need to consider that there is a legal obligation to look at the development plan and there has to be compelling planning reasons to override what the plan states. He added that if any decision were to be challenged then the High Court might find a decision to be unlawful.
- Councillor Connor expressed the opinion that in his capacity as Chairman, he feels that the Agent has been over critical of Officers on this application making the point that the Planning Department and the Planning Committee have worked tirelessly to keep planning applications and decisions moving forward, during the Covid 19 pandemic, which has proved to be a challenging time for everybody.
- Councillor Cornwell expressed the view that he understands the need for farmers to live on site with farmers now working 24 hours a day and businesses need to respond to farmers in a timely fashion. He can understand the needs of the applicant and he will be supporting the application.
- Councillor Hay stated she cannot see any good planning reason why this application should be approved as the business has been operating for 26 years and the applicant has had the opportunity to move closer to his business over the years as there have been large dwellings for sale over the last 2 or 3 years which he could have purchased to be nearer the business. She added that in the report the Highways Authority have stated that the northern access has not be approved by highways and needs to be removed or upgraded and they have also stated that the southern hedge impacts on visibility and amended plans will be required, but these have not been submitted. Councillor Hay added that the Police are stating that there is low level of crime in the area and they cannot support the application as it stands. She stated that the NPPF and the LP have to be adhered to and for that reason she will be supporting the officer's recommendation.
- Councillor Marks stated that he understands the need of a workplace home and 24 hour access. He added that his vehicle will contain expensive equipment. Councillor Marks expressed the opinion that due to Covid 19, many people are now working at home and financially it works better for many businesses. He will be supporting this application.
- Nick Harding stated that where an application is recommended for refusal officers would not normally ask for amended plans.
- Councillor Sutton stated that the application site is slightly built up and the officer has adhered to the relevant policies and legislation and, therefore, the recommendation is correct. He stated that he would like to hear the views of Councillor Clark who is another Ward Councillor for the area.
- Councillor Clark stated that she is not predetermined on the application and she expressed the opinion that she thinks is important to support rural businesses, especially agriculture.
- Councillor Connor stated that local businesses need to be supported and he will be

supporting this application.

- Nick Harding stated that he has listened to the discussion and he added that he would like to highlight to members that there is no information to support that there is a security issue at present and nothing to suggest that the business cannot operate without the applicant living on site. He added that if members are minded to approve the application contrary to the officers recommendation, then he would ask that that officers are permitted to apply reasonable conditions to the application and it is important that the conditions include that there is no occupation of the dwelling until the workshop extension is completed and in an operational condition and secondly that the occupation of the house is tied to the operation of the workshop business.
- Councillor Sutton stated that having listened to the views of Councillor Clark as one of the other Ward Councillors and all of the views of the other members of the committee, his view is that although it may not be essential, it is a desirable dwelling and although crime has not be recorded locally, rural crime does exist.
- Councillor Hay asked whether there will be a condition included to address the concerns raised by the Highways Authority. Nick Harding stated that before any consent is issued, the agent will be asked for amended plans and Highways will be asked to sign them off.

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

**Members approved the application against officer's recommendation for the following reasons; They support the extension of a business in a rural location as it is desirable to live in close proximity. By living on site there will be no need for the applicant to travel to the workplace which in turn is beneficial to the environment.**

**It was decided that the conditions imposed on the planning permission be agreed in conjunction with the Chairman and Councillor Lynn and Councillor Sutton and to include the conditions that there will be no occupation of the dwelling until the workshop extension is completed and in an operational condition and secondly that the occupation of the house is tied to the operation of the workshop business.**

**P8/20**

**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**

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 Holliday the applicant.

Mr Holliday explained that the 3 acre field on which he lives has been in the family for some 20 years plus, with his wife inheriting the field from her late mother 8 years ago and they have been living here since taking over the plot from their uncle 7 years ago. He added that there is a further 7 acres with stabling that they own approximately 200 metres down the track that runs alongside them where they house their 6 horses and this land has been in the family in excess of 35 years and in their direct ownership for 7 years. He added that his wife was brought up in Guyhirn living in the house immediately to the left of the drive leading onto High Road where his father in law still lives and they have other family very close by.

Mr Holliday stated that in the officer's report it mentions the issue of flooding and the report is quite right to highlight that they currently live in a single storey prefabricated dwelling in a flood zone. He

added that he has submitted a third Flood Risk Assessment which he has been assured addresses all of the Environment Agency (EA) recommendations and from his my experience as a National lead water rescue officer with the Fire & Rescue Service he has witnessed the devastation that flooding can do to property and communities, so he is keen to incorporate a solution that will satisfy the EA, with the proposal also scaling down the requirement for 2 caravans being on site during construction to 1 at the suggestion of the EA.

Mr Holliday stated that the officer report explains that it is not policy to replace a temporary structure with a permanent dwelling and added that the issuing of a certificate of lawfulness for his park home last year provided his family with a permanent status for his existing dwelling forevermore. He added that his family have no ambition to move from this site, as they have too many ties in the area to move, with the application being to replace a permanently sited park home, which is showing its age in both design and wear and tear, with a more modern, efficient, environmental friendly, and, in his opinion, better looking two storey property. Mr Holliday expressed the view that with regard to the scale and massing of the design they have not tried to hide the fact that what they are asking for is larger than they are currently occupying. He expressed the view that they have tried to design a family home that is fit for purpose for their lifestyle and for the number of likely users at present and for the future and added that their two daughters both have long term partners who spend time with him and his mother is 84, living alone which is not sustainable long term, so the proposal would allow for him and his wife to care for her in their home when necessary. There are properties that have been extended in close proximity to them which are now of a similar scale and mass to their design.

Mr Holliday stated that he disagrees with the officers report saying “that the development would adversely affect the character and appearance of the area”. and expressed the opinion, that the approach to their property is through a bus yard along with a coal merchant to one side. He expressed the view that his family want to improve the look and character of their dwelling again by replacing a tired old park home with a fresh nice looking property. and he is not aware of any objections to either the size and scale or the character and appearance of the proposal, and there has been support from local people on these issues.

Mr Holliday stated that the officers report makes mention of the established bus yard, and clarified that he has long standing access rights at all times to his property. He also clarified that the original lighting on the yard was upgraded last year to LED and works very well from dusk to dawn, there is approximately 5 metres where an area that moves from the bus yard to the boundary is darker which can be easily rectified, otherwise once on their property security lighting is activated on their drive.

Mr Holliday stated that, the bus and coal yards did have planning permission for a number of houses granted about 15 years ago which would have seen properties up to his boundary approximately 10 metres away, and will in all likelihood be put forward again for development in the future. He feels that his certificate of lawfulness grants him the right to have a residential dwelling on site indefinitely, and he stated that they are currently living in a single storey dwelling in a flood risk, so a two storey property with flood mitigating arrangements would provide a safer place for his family, especially by having the second floor refuge area.

Mr Holliday stated that he has received support from the Parish Council and local residents and he is not aware of any objections to the proposal from statutory consultees except from the EA . He concluded by stating that they would like to replace an old park home with a modern, environmentally friendly fit for purpose dwelling that is safer in terms of flood risk and physical security and is sustainable, giving betterment in terms of health and wellbeing for his family and future families a like.

Members asked Mr Holliday the following questions:

- Councillor Connor asked Mr Holliday whether he has known any incidents of flooding over

the last 35 years? Mr Holliday confirmed that there has been none.

Members asked Officers the following questions:

- Councillor Benney asked for clarification with regard to the Certificate of Lawfulness and whether when it was issued would a condition have been included to state that a full application could not be applied for? David Rowen stated that Certificate of Lawfulness demonstrates that the site had been used for the siting of a mobile home for the requisite period of time of 10 years, and therefore, the use of the site for a mobile home was lawful but it has no bearing on the future use of the site.

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

- Councillor Sutton raised concern with an application which is described as a temporary dwelling but has a Certificate of Lawful use which in reality means that there is full planning permission for perpetuity. He added that the (EA) have raised an issue with regard to there being 2 caravans on the site during the construction phase, but feels that the application should be approved as it improves all the concerns that are in place with regard to flood zone 3. He added that within the EA report it states that if flooding occurs on that site it could reach a depth of 1.6 metres and if that particular area suffered flooding to that extent, then it would have a bearing on many other people and the only way to make people safe on that particular plot is to allow a two storey dwelling.
- David Rowen stated that lawful use of the site is for residential purposes and that has been proven with regard to the Certificate of Lawful Development and allowing the mobile home on the site for the requisite amount of time. He stated that he appreciates the comments raised by Councillor Sutton with regard to adding a first floor which would potentially make the site safer from a flooding perspective, but from a policy perspective should effectively mobile homes be allowed on site without planning permission for a period of time to establish a residential use on site and then to be replaced with substantive dwellings in locations where dwellings would not be allowed in the first place.
- David Rowen stated that with regard to the concerns Councillor Sutton had raised with regard to flood zone 3 and different flood depths which differ from site to site, officers are guided by what the EA dictate and the modelling work that they have undertaken and they provide advice and guidance as one of the statutory consultees with regard to flood risk.
- Councillor Hay stated that this application goes against Policy LP12 c of the Local Plan, which states that a replacement dwelling should be of a similar scale and size of what it is replacing as the total floor area would be 353% of the existing floor space. She expressed the view that it will be out of keeping for that particular area and she will be supporting the officer's recommendation.
- Councillor Benney expressed the opinion that to replace a 2 storey dwelling in flood zone three will make the family safer than living in a caravan. He added that the Parish Council support the application and there are no letters of objection to the proposal.
- Councillor Cornwell highlighted that any existing properties would also suffer if the flood waters rose to 1.6 metres. He added that he cannot understand why we would want to stop the applicant from creating a better quality of life for his family when he already has permission.
- Councillor Sutton expressed the view that by approving the application it will ensure that the family live in a safer environment. He added that the officer's recommendation has followed the guidance and policy apart from the fact that in his opinion, it is now not temporary as the mobile home is in place and he expressed the opinion that this application should be approved. He added that it does not alter the street scene as it cannot be seen from the garage, which is why the mobile home has gone unnoticed because it could not be seen.
- Nick Harding stated that in the Local Plan there is a clear policy with regard to replacement dwellings which states that if the dwelling is to be a mobile structure then development should not be allowed. In this particular case, there is no raised floor level, as a mobile structure other than the initial step up is still in the floodable area and allowing a permanent

dwelling with a suitable floor level would resolve that issue. He added that consideration would then need to be given to the large increase in floor area from the existing to the proposed which is contrary to the policy and therefore members need to justify this development to go above and beyond the objectives in the Local Plan policy. He added that there would be an obligation to add conditions with regard to the settlement floor level where the property will be safe from the known depth of flooding which has been reported through the flood risk assessment.

- Councillor Sutton questioned that in the update report it states that the EA has formally withdrawn their objection subject to the development being undertaken in accordance with the flood risk assessment and the temporary caravan being removed within two years, which he believes to be an incorrect statement. Nick Harding stated that the usual condition says that the caravan needs to be removed within a couple of months after the approved dwelling being occupied.

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

**Members approved the application against officer's recommendation for the following reasons; The dwelling is compliant with all flood risk requirements and the size of the plot lends itself to the proposed dwelling as detailed in the application.**

**Members agreed to delegate authority to officers to apply appropriate conditions.**

*(Councillor Murphy left the meeting prior to consideration of this item)*

## **P9/20      ADOPTION OF PLANNING VALIDATION REQUIREMENTS**

Further to minute P91/19, Nick Harding presented the Adoption of Planning Validation report to members.

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

- Councillor Sutton thanked officers for providing this update and expressed the opinion that anything that is national policy has to be replicated in the Local Validation List. He added that as there have been no comments or queries from the Developer Forum or Agents, then members should be in agreement with it.

**Proposed by Councillor Lynn, seconded by Councillor Hay and members AGREED to adopt the new Local Validation List.**

*(Councillor Murphy had left the meeting prior to consideration of this item)*

4.30 pm

Chairman

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F/YR19/0286/F

**Applicant: R J B (East) Ltd**

**Agent : Morton & Hall Consulting Ltd**

**Land north and south of Grosvenor House, Grosvenor Road, Whittlesey**

**Erection of 2 x 2-storey buildings comprising of 1no retail unit, 7 x 1-bed and 2 x 2-bed flats with parking involving demolition of outbuilding and boundary wall.**

**Reason for Committee: Referred by Head of Planning**

## 1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of 9 new flats and a single retail unit on the site, which lies within the town centre boundary of Whittlesey.
- 1.2. The site lies partly within the boundary of the Whittlesey Conservation Area and is close to multiple listed buildings.
- 1.3. The proposed buildings flank either side of the existing Grosvenor House, and amendments have been made to the proposal to ensure a more sympathetic design within the street scene.
- 1.4. The proposal is located in close proximity to Grosvenor House and would have a detrimental impact on the light received within some of the rooms within that building, which would be detrimental to their future use.
- 1.5. The parking provision within the application site is below the required levels, however the site is centrally located with extremely good links to public transport.
- 1.6. The site is within Flood Zone 1, the zone of lowest flood risk.
- 1.7. The other concerns regarding the proposal, including servicing of the retail unit and refuse collection, can be adequately controlled by means of appropriate planning conditions, however the impact on light to the rooms of the adjacent building is such that the application is recommended for refusal.

## 2. SITE DESCRIPTION

- 2.1. The application site is located within the Town Centre of the settlement of Whittlesey, and encompasses land surrounding the former Council Offices known as Grosvenor House.
- 2.2. Grosvenor House itself is a two-storey building with a white rendered frontage facing Grosvenor Road, and white painted brick to the remainder of its elevations. It has a pantile roof, with black joinery details, which include projecting glazed bay windows to the front elevation.

- 2.3. The site contains an area of open land to the north of Grosvenor House, enclosed within a 1.8m close boarded fence, beyond which is the access and service yard to the Co-op Supermarket that lies to the north of the application site.
- 2.4. To the south of the site lies a mature Wellingtonia tree, beyond which is a range of commercial premises at the junction of Grosvenor Road and Eastgate Mews.
- 2.5. The land to the west comprises the business premises located on High Causeway, including the grade II listed building known as 6 High Causeway and the grade II\* Vinpenta House.
- 2.6. Grosvenor Road lies to the east of the site, beyond which is a bus stop and town centre car park.
- 2.7. The southern part of the site, comprising the access road, lies within the Whittlesey Conservation Area.

### 3. PROPOSAL

- 3.1. The proposal is for the construction of two detached two-storey buildings (Units A and B) flanking the existing Grosvenor House to both the north and south sides. The southern building (Unit B) is proposed to contain four single-bedroom residential units, with a further five residential units and a retail space on the street frontage at ground floor level in the northern unit (Unit A).
- 3.2. There are 7 parking spaces proposed as part of the scheme
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PP0TPLHE01U00>

### 4. SITE PLANNING HISTORY

F/YR04/3038/F	Erection of 2 x 1-bed semi-detached houses	Granted 21/4/2004
F/0641/80/F	Erection of a double garage	Permission 8/8/1980
F/99/0549/F	Erection of a 2-storey rear extension to provide ground floor workshop and first floor 2-bed flat	Granted 24/1/2000
F/0071/84/F	Change of use of first floor storerooms to retail sales and erection of replacement storerooms	Granted 15/3/1984
F/0171/80/F	Extension to shop premises	Granted 21/3/1980
F/0596/80/F	Use of land for garden supply and sales centre	Refused 20/8/1980
F/YR03/0821	Erection of a 3-storey building for use as a veterinary surgery with offices and a 2-bed flat over	Granted 14/8/2003
F/1239/88/O	Residential development – 3 x 1-bed flats	Permission 6/8/1989

## 5. CONSULTATIONS

### 5.1. **Whittlesey Town Council**

*Recommend refusal due to over intensification of the site.*

This response implies there are impacts in relation to visual impact, access and amenity relationships. (These matters will be addressed under the appropriate separate headings in the assessment section of the report below).

### 5.2. **FDC Conservation Officer**

*The proposal put forward is acceptable.* Condition requested regarding approval of materials.

### 5.3. **FDC Environmental Health**

*No objections.* Recommend a construction management plan to prevent noise and dust nuisance during the construction phase, and a noise impact assessment and details of any mechanical extraction/ventilation proposed.

### 5.4. **Cambridgeshire County Council Lead Local Flood Authority**

Based on the submission of additional information, the LLFA has removed its objection to the proposal, but requests conditions regarding a surface water drainage scheme and details for their long term maintenance to be subject to conditions.

### 5.5. **Cambridgeshire County Council Historic Environment Team (Archaeology)**

*No objections or requirements.*

### 5.6. **Cambridgeshire Constabulary Designing Out Crime Officer**

*No objections.* Recommend parking areas are lit to British Standards, and entrance to the flats is controlled to residents only.

### 5.7. **Cambridgeshire County Council Highways Authority**

*Need to consider if the parking is sufficient for the proposal.*

*Parking spaces need a 6m forecourt depth (detailed on amended plans).*

*Visibility splays should be drawn to back of footway (pedestrian splay detailed on amended plans).*

*Vehicle to vehicle visibility splays should be shown on plans.*

*Access should be 5m wide by 10m sealed and drained away from the highway.*

*How are retail units to be serviced.*

### 5.8. **FDC Head of Business and Economy**

Supportive of the overall scheme.

Concerned that overflow parking will place added pressure on the Town Centre Car Parks.

Can't see how retail units will be served by delivery vehicles – would object to deliveries being made directly from Grosvenor Road and as a minimum would seek to restrict delivery times to before 7am or after 6pm, Monday to Saturday.

Concern regarding bin collection proposals.

### 5.9. **FDC Engineering Manager**

Development generally welcomed. Development should where possible limit the use of HGV's.

Development appears to have insufficient parking.

Grosvenor Road has a Traffic Regulation Order to prohibit on-street parking, and traffic flow along the road should not be impeded.

Consideration should be given to the number of pedestrian movements generated due to the lack of a formal crossing over Grosvenor Road.

5.10. **Whittlesea Society**

*No objection.* Proposal should improve the area visually.

5.11. **Tree Officer**

Do not consider that the tree will be significantly impacted by the proposal. New road surface within the root protection area of the tree will need to utilise a permeable wearing surface. There should be an arboricultural presence on site during works within the RPA of the tree.

5.12. **Local Residents/Interested Parties**

No comments have been received from members of the public in relation to the proposal.

## 6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## 7. POLICY FRAMEWORK

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

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

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

Para 175: Harm to habitats and biodiversity.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 192: LPAs should take account of desirability of sustaining the significance and positive contribution of heritage assets.

Para 194: Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 195: Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 196: Less than substantial harm should be weighed against public benefits.

Para 197: Effect of development on significance of non-designated heritage assets should be considered.

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

Determining a planning application

### **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

LP11 – Whittlesey

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

## **8. KEY ISSUES**

- **Principle of Development**
- **Flood Risk**
- **Heritage, Visual Impact & Character**
- **Residential Amenity**
- **Impact on Grosvenor House**
- **Highway Safety**
- **Other Matters**

## **9. BACKGROUND**

- 9.1. The application site forms part of a relatively extensive planning history in the area, however the only permission relevant to the current proposal was granted in 2003 and was not implemented. That permission related to the construction of a three-storey building on the northern part of the site that incorporated Grosvenor House within the resulting structure.
- 9.2. Pre-application advice was sought regarding the current scheme in 2018 for a scheme broadly similar to the original submission, incorporating 3-storey buildings to either side of Grosvenor House. The response provided to that request was that the scheme would not be supported due to its impact on the street scene and the setting of the nearby listed buildings.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2. Whittlesey is a Market Town, one of four settlements within the highest level of the hierarchy where the majority of the development within the District is expected to take place over the plan period

- 10.3. Policy LP6 of the Fenland Local Plan sets out the strategy in relation to employment, tourism, community facilities and retail. Development is encouraged that would maintain and enhance the vitality and viability of the town centres, subject to it being appropriate of a nature and scale appropriate to the role and function of its proposed location. Retail development is directed in the first instance to the Primary Shopping Frontages and the Primary Shopping Area, and then Town/District centre locations.
- 10.4. The application site lies within the town centre boundary, however it is not designated as a Primary Shopping Frontage. The Primary Shopping Frontage includes the supermarket to the north of the site, Blunt's Lane to the northwest, High Causeway to the west and Eastgate to the south, meaning that the application site and Grosvenor House are the only parts of the block on which they are located that are not designated as Primary Shopping Frontage.
- 10.5. The proposal includes the provision of a retail unit within part of the ground floor level of Unit A, with the remainder of the development comprising residential units. The introduction of a new retail unit into the defined Town Centre is acceptable as a matter of principle, and the residential units proposed would not fundamentally alter the character of the area as one dominated by retail premises.
- 10.6. On that basis, there are no policies that oppose the type of development proposed as a matter of principle, and consideration needs to be given to detailed matters.

#### **Flood Risk**

- 10.7. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding.
- 10.8. The application site lies within flood zone 1, which is the lowest flood risk category. The LLFA have confirmed that they have no objection subject to conditions requiring submission of the detailed surface water drainage proposals and their maintenance arrangements.

#### **Heritage, Visual Impact & Character**

- 10.9. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.10. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.11. In this regard, the proposal has been amended significantly from the initial submission details to ensure that the proposed buildings have an acceptable impact on their surroundings. The proposed number of retail units has been

reduced in order to reduce the overall height of the proposed buildings and reduce the proposed number of storeys within each building from 3 to 2. This has resulted in the overall height of the buildings now being of a similar height to Grosvenor House rather than being higher than that building. The position of the buildings themselves on the site has also been amended to increase the separation of Unit B from the public footpath along Grosvenor Road, securing the visual primacy of Grosvenor House within the street scene.

- 10.12. The street scene drawing provided alongside the application demonstrates that the proposed buildings do not result in over intensive development through a cramped appearance, particularly when taking into consideration the site plan and the setting back of their front elevations. There remain gaps in the built frontage to both the south and north of the site to provide access and ensure retention of the mature Wellingtonia.
- 10.13. The proposed buildings are indicated as being constructed using cream brick under a dark grey roof tile. The immediate vicinity of the application site is notable for its use of brick as a construction material, and although Grosvenor House is finished in a white painted brick, this building is of particular note because the finish is unusual rather than a typical example of construction materials within the area. It is also noted that the vast majority of bricks used in the vicinity of the application site are of a weathered yellow/cream finish rather than a red brick and there are only sporadic examples where that brick finish has been painted/rendered.
- 10.14. The Conservation Officer has confirmed that the proposal put forward is acceptable, subject to a condition requiring the approval of detailed materials for the construction of the buildings as the bricks are not considered to be appropriate.

#### **Residential Amenity**

- 10.15. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.16. Given the town centre location of the development, there is not a high proportion of residential uses within the area likely to be affected by the scheme although several of the buildings nearby do benefit from first floor residential premises. In line with the requirements of policy LP2 and LP16, consideration has been given to the amenity levels of the proposed dwellings.
- 10.17. In this regard, the amendments to the scheme address the nature of the residential amenity relationships between the proposed flats and the surrounding buildings, features and uses (see paragraph 10.20 onwards for consideration of the impact on non-residential uses). In particular, the mature Wellingtonia tree to the south of the proposed access has had a substantial impact on the proposals for Unit B, and amendments have been made to ensure that the main windows into habitable rooms within the proposed flats have been positioned to ensure they are not overshadowed by the foliage of the tree to avoid pressure being created for the tree to be reduced or removed in the future by occupants of the unit.

- 10.18. The proposed flats do not benefit from any external amenity areas of their own, however given the town centre location and the nature of the units themselves, this is considered to be acceptable as such buildings are seldom accompanied by external amenity land.
- 10.19. The amenity levels within the proposed development are acceptable in terms of the relevant policies of the development plan.

#### **Impact on Grosvenor House**

- 10.20. Following concerns raised with the agent with regard to the proximity of Unit B to the windows in the side elevation of Grosvenor house, this unit has been moved further to the south, leaving a separation of approximately 2m between its side elevation and that of Grosvenor House, rather than the 1.2m originally shown.
- 10.21. This separation distance is not considered to be sufficient to mitigate the harm caused to the ingress of natural light into the rooms within Grosvenor House served by those windows, last used, as far as can be ascertained, as offices/meeting rooms. It is considered that should the development be permitted the future use of Grosvenor House could be prejudiced due to this lack of natural light, and that this would therefore be contrary to policy LP16(e) of the Fenland Local Plan (2014) which requires development to not adversely impact on neighbouring users
- 10.22. Notwithstanding the planning situation, Members should perhaps be aware that offices do have a 'right to light' in law.

#### **Highway Safety**

- 10.23. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.24. Appendix A of the Fenland Local Plan addresses the matter of parking provision as part of development proposal, with parking standards for residential development dependent on the number of bedrooms within a property, and commercial provision on the basis of floorspace provision within the unit.
- 10.25. According to those parking standards, the development would require 12 parking spaces for the residential units, and a further 5 spaces for the retail unit.
- 10.26. It is noted however that Appendix A also states that "*where a site has good public transport links, such as in a central area of a market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate*".
- 10.27. The applicant has also provided an analysis of the usage of the public car park opposite the site on Grosvenor Road outside normal working hours in the morning and evening, when visitors to the properties may be expected.
- 10.28. The site is, as noted earlier, is located directly adjacent to the main town centre and primary shopping area of Whittlesey, and benefits from having a bus stop directly opposite adjacent to the car park on Grosvenor Road. Although not located in the centre of the town, Whittlesey also has a railway station linking it to Peterborough and Cambridge. The site is therefore considered to have extremely good public transport connections, and given this and the proximity of the public car park, it is considered that the shortfall in this instance (of 10



spaces) is acceptable on that basis, particularly given the benefits that the proposal brings to the area in other respects such as bringing into active use the currently disused land to either side of Grosvenor House, the investment in retail provision within the town centre and the provision of a number of residential units in a sustainable location, contributing towards the housing targets for the District.

- 10.29. The proposal uses an existing vehicular access, with the removal of a section of wall allowing the scheme to gain access into the turning and parking area for the proposal. The plans have been amended following the initial comments of the Local Highways Authority removing some of the parking spaces that did not appear practical, and adding in visibility splays and a sealed and drained access. Comments regarding the method of deliveries is addressed separately below.

### **Other Matters**

#### Deliveries.

- 10.30. Concerns have been identified with regard to the servicing of the retail unit with regard to deliveries and similar concerns regarding the collection of refuse from the building.
- 10.31. The applicant has responded in this regard, stating that deliveries will be limited due to the reduction from the original proposal to a single commercial unit, and the provision of a rear entrance to the unit allowing delivery vehicles to pull off the road. The response also notes that deliveries will only be on certain days, but does not specify what those days will be. The response concludes by indicating that they would be willing to consider a condition to control such matters.

## **11. CONCLUSIONS**

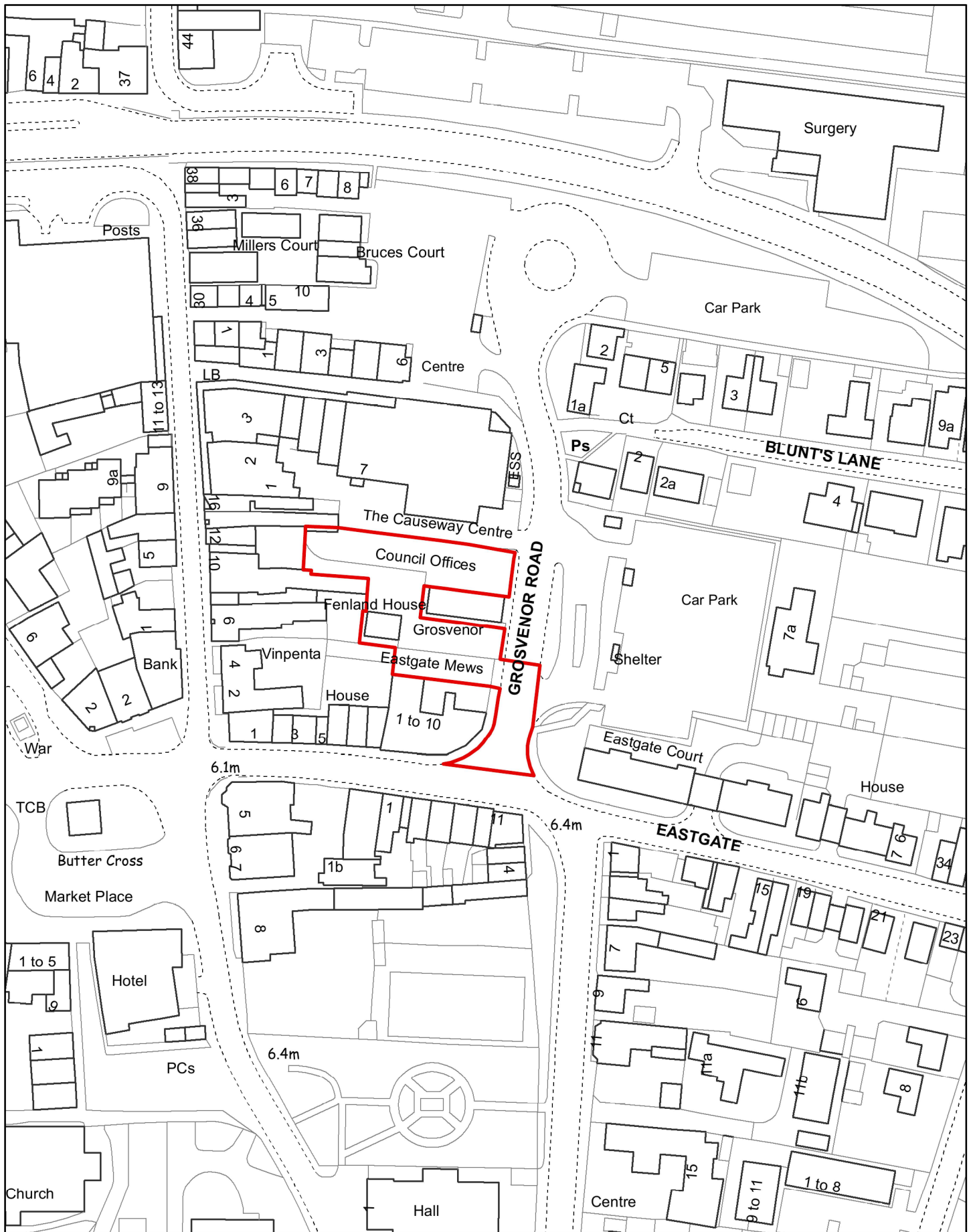
- 11.1. In conclusion therefore, the principle of the development of the site is in accordance with the locational policies of the development plan, the impact of the development on flood risk in the area is within acceptable tolerances, and the intensification of the access to the site will not result in unacceptable risk to highway safety.
- 11.2. The parking provision associated with the development is below the levels set out in the Development Plan, however the sustainability of the location mitigates this impact and the parking standards within the plan allow for lesser provision in such areas where appropriate.
- 11.3. The visual impact of the proposal on its immediate setting is acceptable in terms of the requirements of the policies of the Local Plan. The development now retains the primacy within the street scene of the existing Grosvenor House building, with the proposed new buildings utilising aspects of its construction and appearance to reinforce the distinctiveness of the area. The proposal will have satisfactory residential amenity standards and will not result in harm to neighbouring residential amenity.
- 11.4. Delivery facilities are proposed in relation to the property and can be controlled through the use of an appropriately worded planning condition, with FDC retaining control over the access to the land as landowner to ensure that access to the building is undertaken in an appropriate manner.

- 11.5. Notwithstanding the above matters, the proposed Unit B would be located in such a position in relation to Grosvenor House, and would be of a sufficient scale, that its presence would have a detrimental impact on the light received by multiple rooms within that building that may prejudice their future use for currently permitted purposes. This impact is considered to be of sufficient significance as to outweigh the beneficial aspects of the scheme and justify its refusal.

## 12. RECOMMENDATION

REFUSAL for the following reason:

1. Policy LP16 of the Fenland Local Plan requires development to deliver and protect high quality environments within the district, with paragraph (e) of that policy noting that development will only be permitted if it can demonstrate that it does not adversely impact on the amenity of neighbouring users for reasons including loss of light. The proposal is for the construction of a two-storey building that is located 2m from the windows serving offices/meeting rooms within the adjacent commercial building, and the scale and proximity of the proposal is such that the building would have a detrimental effect on the light received by those windows and would potentially prejudice the future use of that building. The scheme would therefore be contrary to policy LP16 (e) of the Fenland Local Plan (2014).



Created on: 17/04/2019

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**F/YR19/0286/F**

Scale = 1:1,250

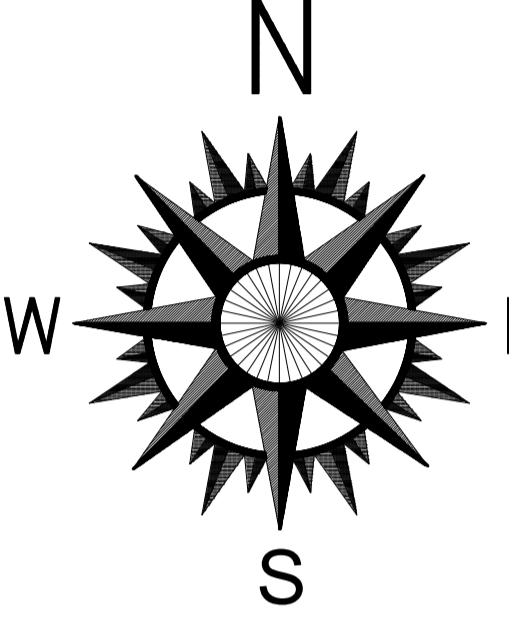






**LEGEND**

- CONCRETE SLABS (NON SLIP)
- PERMEABLE BLOCK PAVING (NON SLIP)
- WASTE BINS
- TARMAC
- GRASS
- VEGETATION
- RIGHT OF WAY
- PROPOSED HEDGING
- INSPECTION CHAMBER



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The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

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

REVISIONS	DATE
K	JUL 2020
J	JUL 2020
H	AUG 2019
G	AUG 2019
F	JUL 2019
E	APR 2019
D	APR 2019
C	MAR 2019
B	JAN 2019
A	DEC 2018
	JULY 2018

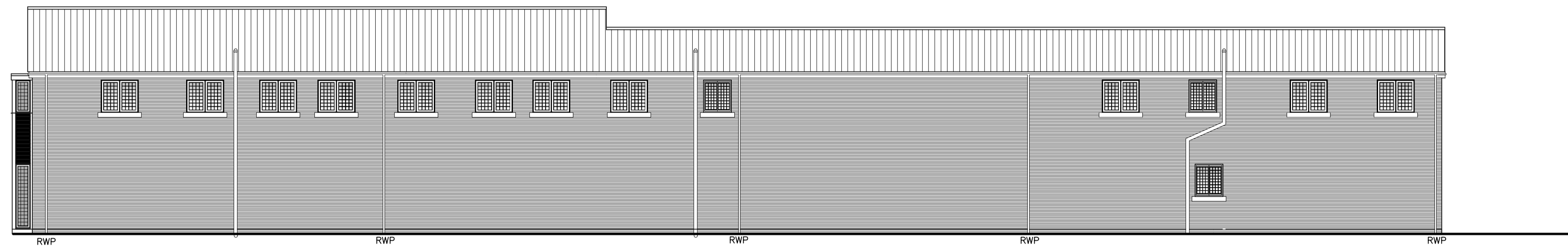
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E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk

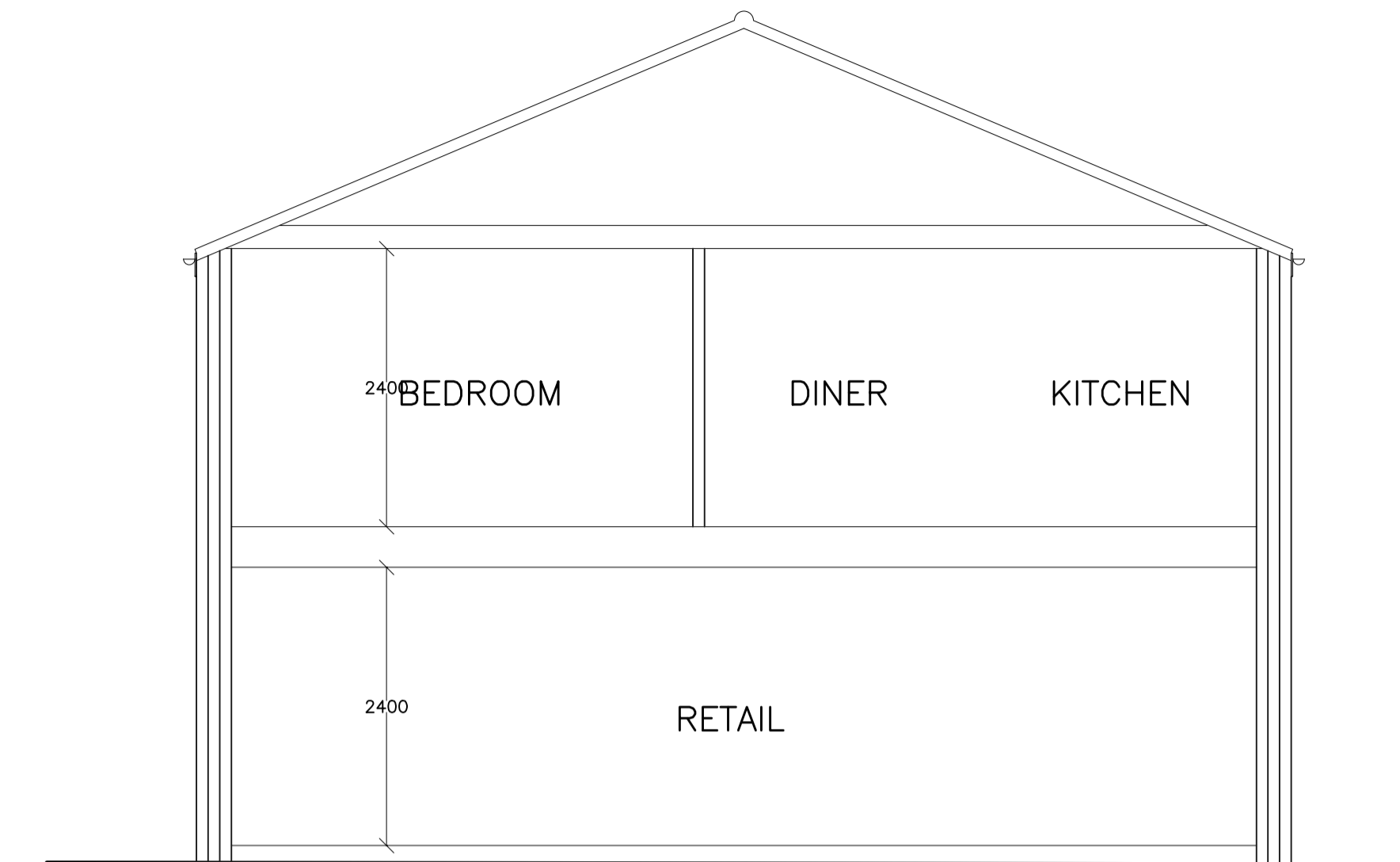


CLIENT	RJB (East) Ltd
PROJECT	Grosvenor Road, Whittlesey, Cambridgeshire, PE7 1PU
TITLE	Proposed Site Plan
DRAWN	J.Scotcher
CHECKED	
DATE	Nov 2017
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5179/02k

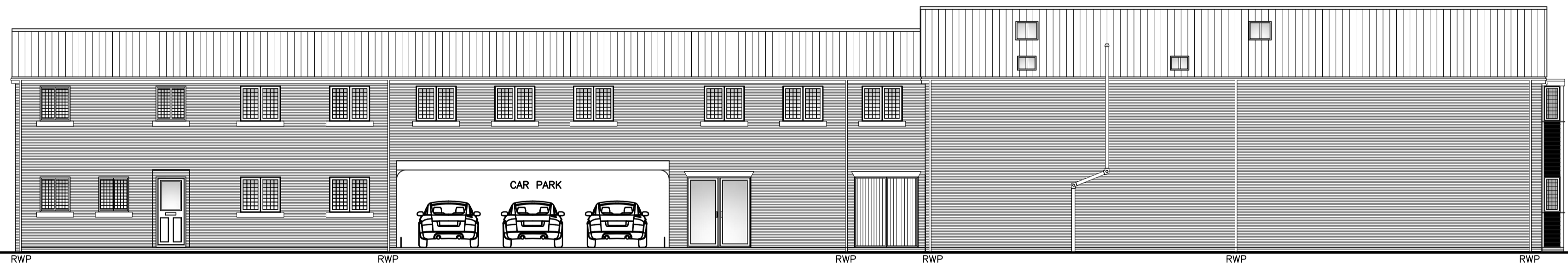




PROPOSED RIGHT HAND SIDE ELEVATION 1:100



PROPOSED SECTION A-A 1:50



PROPOSED LEFT HAND SIDE ELEVATION 1:100

**MATERIALS:**  
 WALL : VANDERSANDEN DRAYTON CREAM BRICK  
 JOINERY : ANTHRACITE CONSERVATION STYLE UPVC  
 GUTTER AND DOWN PIPE : BLACK UPVC  
 ROOF : QUINN WESTERN SLATE PREMIUM GRAPHITE ROOF TILES

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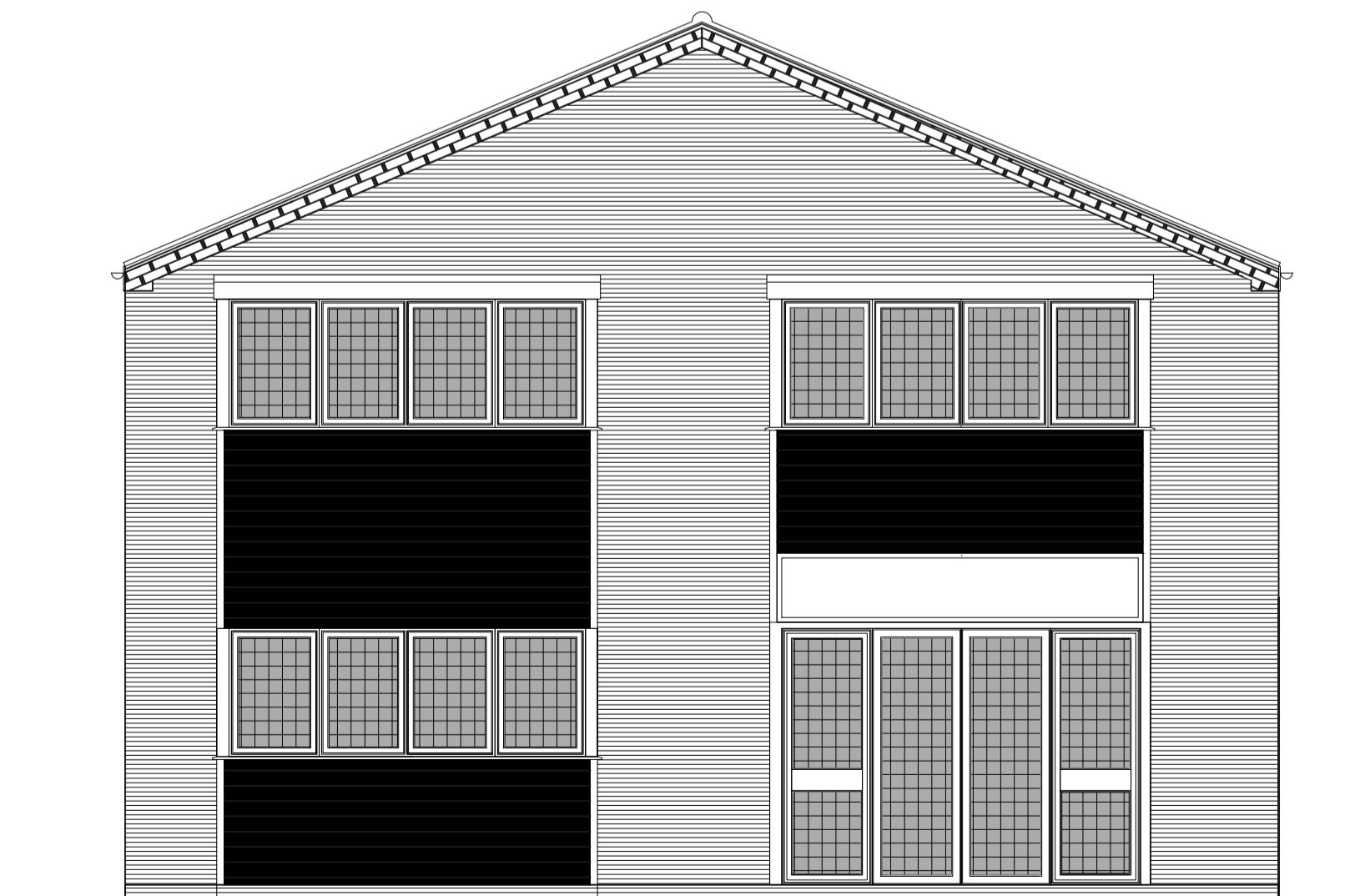
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J	PLANS AMENDED	JAN 2020
I	CLIENTS COMMENTS	AUG 2019
H	CLIENTS COMMENTS	AUG 2019
G	PLANNERS COMMENTS	AUG 2019
F	PLANNERS COMMENTS	JUL 2019
E	PLANNERS COMMENTS	JUL 2019
D	PLANNERS COMMENTS	APR 2019
C	BUILDING ARRANGEMENTS AMENDED	MAR 2019
B	PLANNERS COMMENTS	DEC 2018
A	PLANNERS COMMENTS	JULY 2018

REVISIONS	DATE
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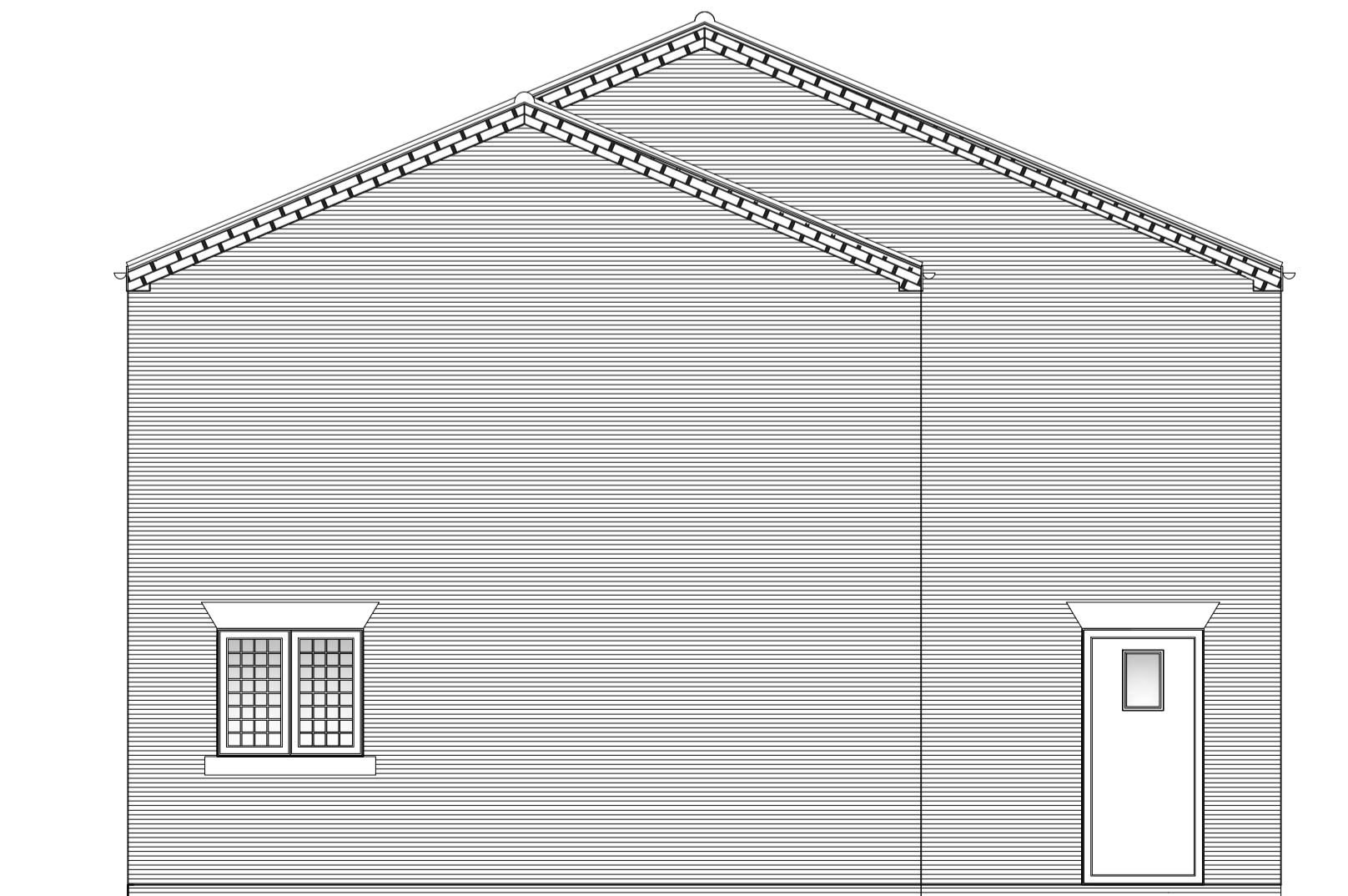
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 E-mail: info@mortonandhall.co.uk Website: www.mortonandhall.co.uk

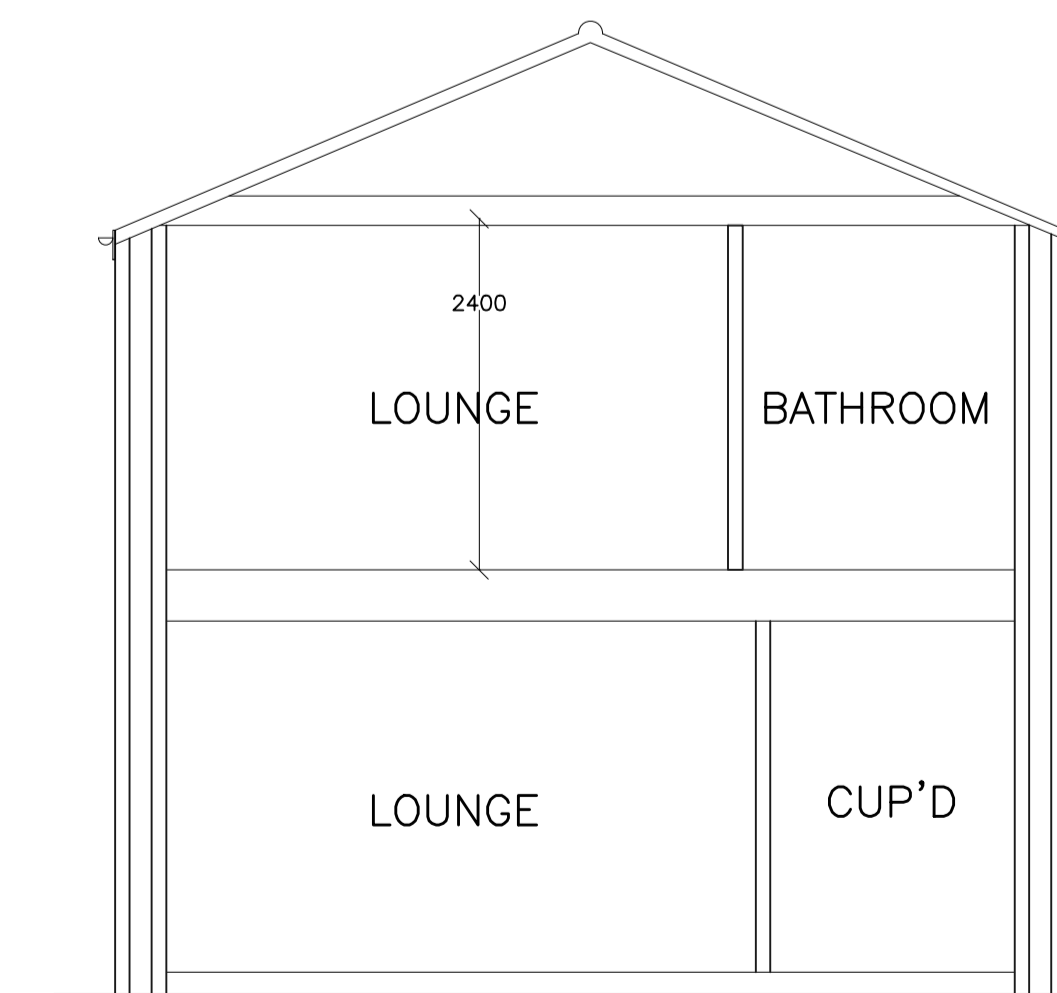
Fenland District Council  
 LEADS BUILDING EXCELLENCE AWARDS  
 Building Design Awards  
 Design Awards  
 Building Excellence in Fenland



PROPOSED FRONT ELEVATION 1:50

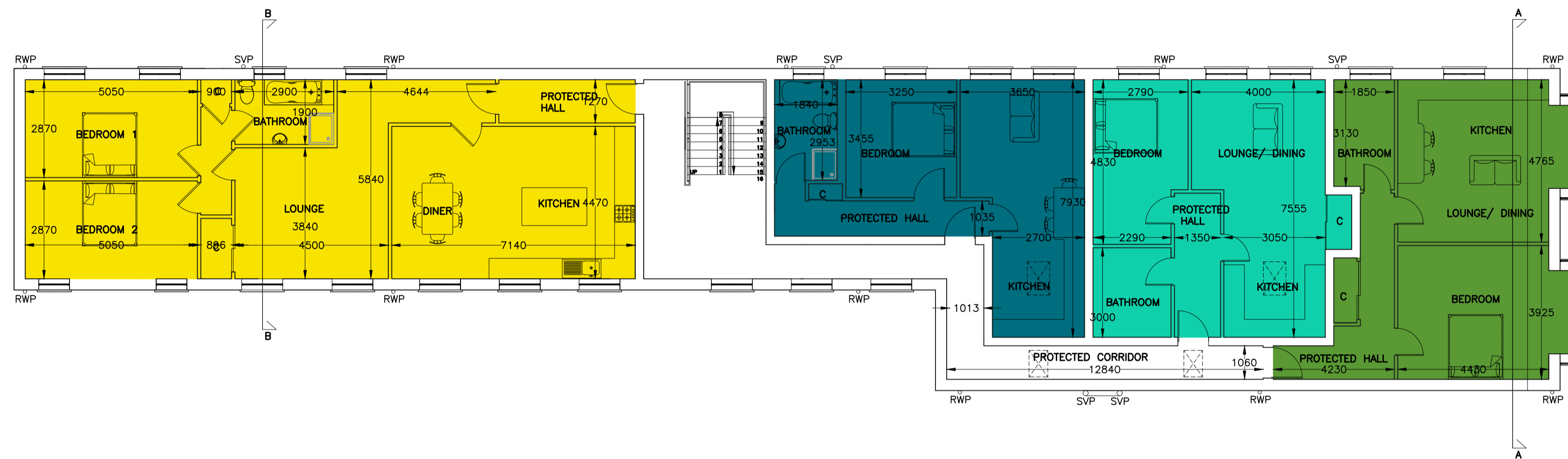


PROPOSED REAR ELEVATION 1:50








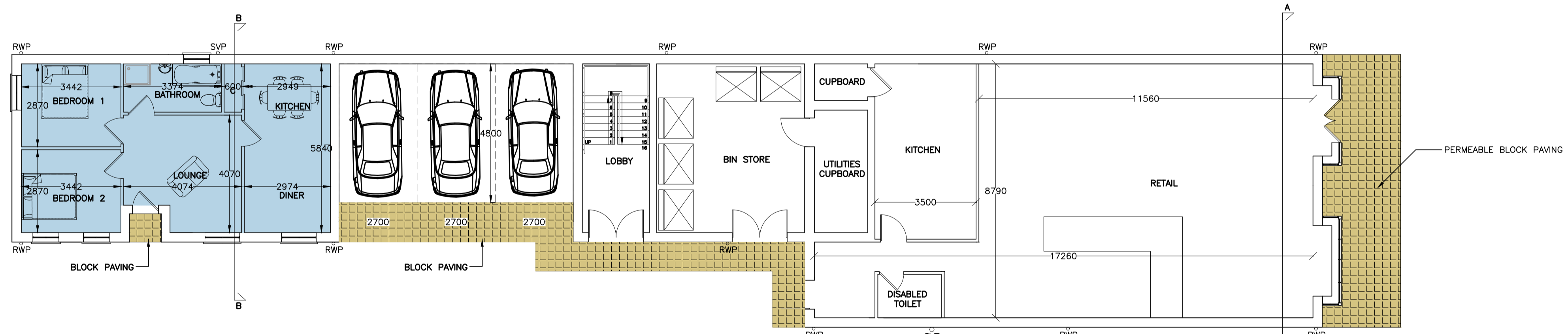
PROPOSED SECTION B-B 1:50

CLIENT	RJB (East) Ltd
PROJECT	Grosvenor Road, Whittlesey, Cambridgeshire, PE7 1PU
TITLE	Proposed Elevation & Section Unit A
DRAWN	J.Scotcher
CHECKED	
DATE	Nov 2017
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5179/04k



**LEGEND:**

	FLAT 5 (60.8 <sup>2</sup> m)		FLAT 8 (49.72 <sup>2</sup> m)
	FLAT 6 (55.54 <sup>2</sup> m)		FLAT 9 (104.4 <sup>2</sup> m)
	FLAT 7 (51.48 <sup>2</sup> m)		



PROPOSED UNIT A GROUND FLOOR PLAN  
1:100

GROSVENOR HOUSE

NO SIDE WINDOWS OR OPENINGS IN GROSVENOR HOUSE

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

REVISIONS	DATE
I AMENDED WINDOWS	JUL 2020
H PLANS AMENDED	JAN 2020
G CLIENTS COMMENTS	AUG 2019
F CLIENTS COMMENTS	AUG 2019
E PLANNERS COMMENTS	AUG 2019
D PLANNERS COMMENTS	APR 2019
C BUILDING ARRANGEMENTS AMENDED	MAR 2019
B PLANNERS COMMENTS	DEC 2018
A PLANNERS COMMENTS	JULY 2018

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winner  
Building Design Awards  
Building Excellence in Fenland

CLIENT	RJB (East) Ltd
PROJECT	Grosvenor Road, Whittlesey, Cambridgeshire, PE7 1PU
TITLE	Proposed Floor Plan Unit A
DRAWN	J.Scotcher
CHECKED	
DATE	Nov 2017
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5179/03 <sub>1</sub>

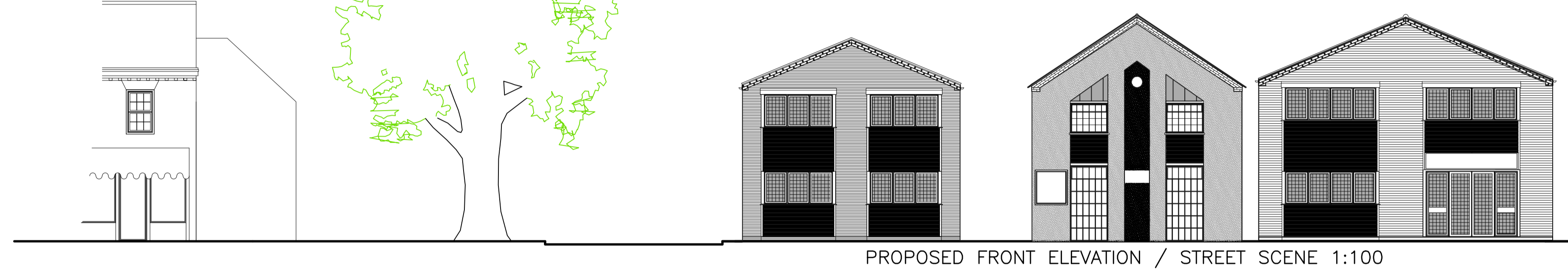


18m WELLINGTONIA TREE  
SEE TREE REPORT  
FOR MORE INFORMATION

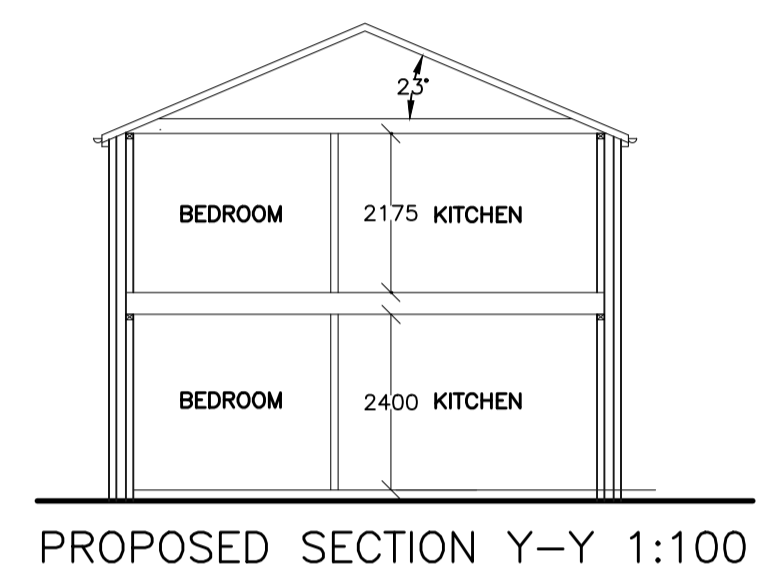
**MATERIALS:**  
WALL : VANDERSANDEN DRAYTON CREAM BRICK  
JOINERY : ANTHRACITE CONSERVATION STYLE UPVC  
GUTTER AND DOWN PIPE : BLACK UPVC  
ROOF : QUINN WESTERN SLATE PREMIUM GRAPHITE ROOF TILES

**LEGEND:**

<span style="color: green;">■</span> FLAT 1 (40.87 <sup>2</sup> m)	<span style="color: blue;">■</span> FLAT 2 (48.85 <sup>2</sup> m)
<span style="color: orange;">■</span> FLAT 3 (47.32 <sup>2</sup> m)	<span style="color: lightgreen;">■</span> FLAT 4 (47.32 <sup>2</sup> m)

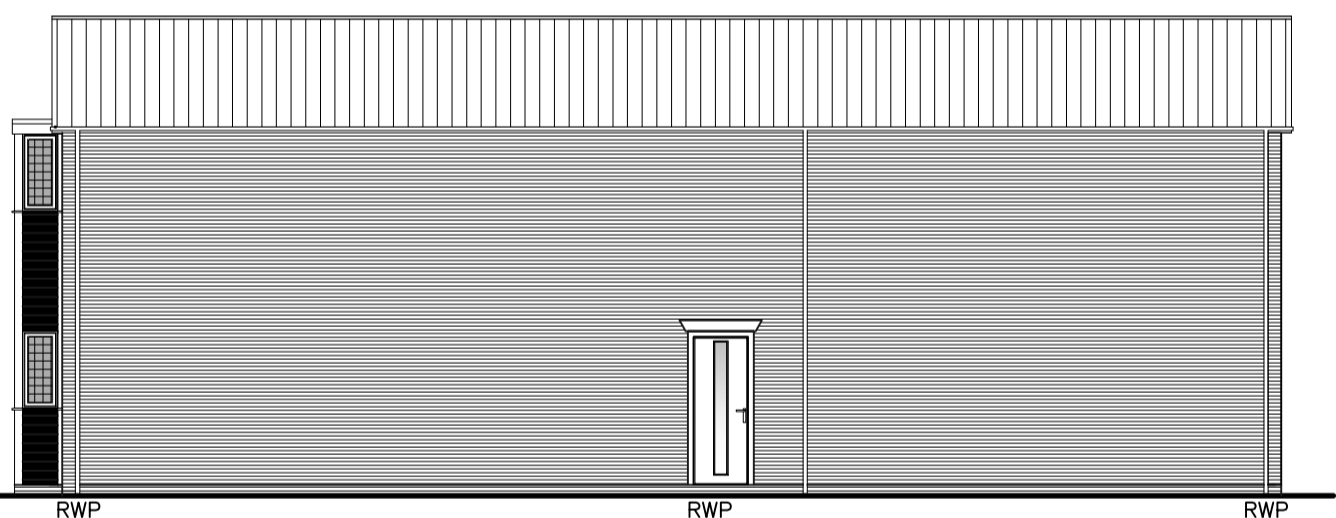


PROPOSED FRONT ELEVATION / STREET SCENE 1:100

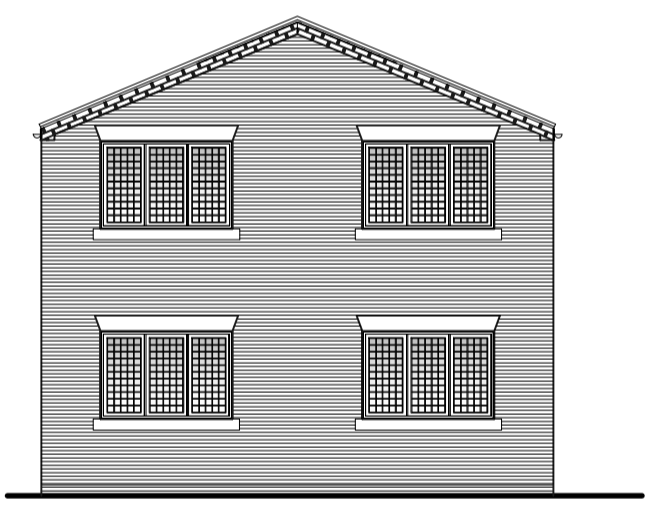


PROPOSED SECTION Y-Y 1:100

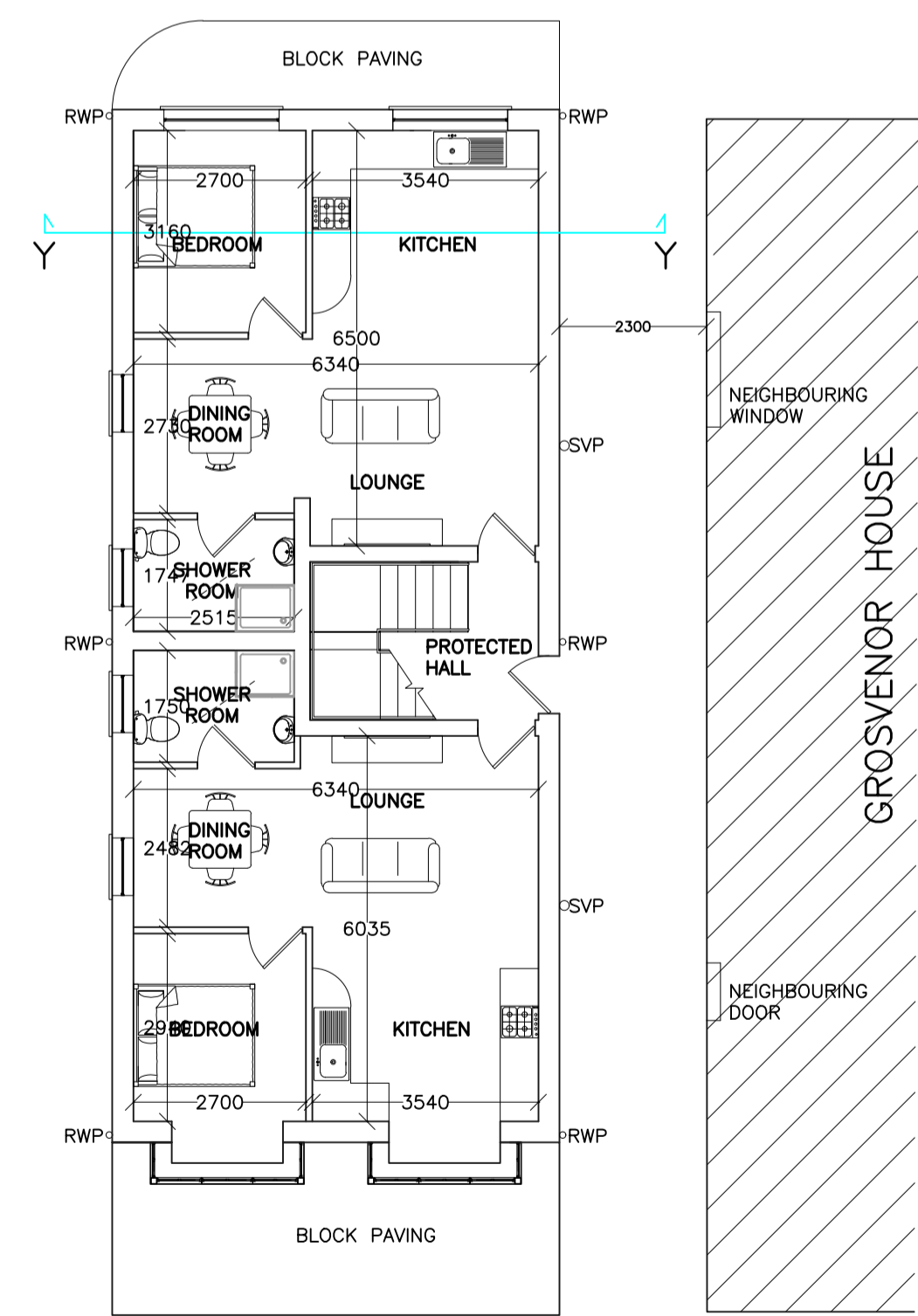
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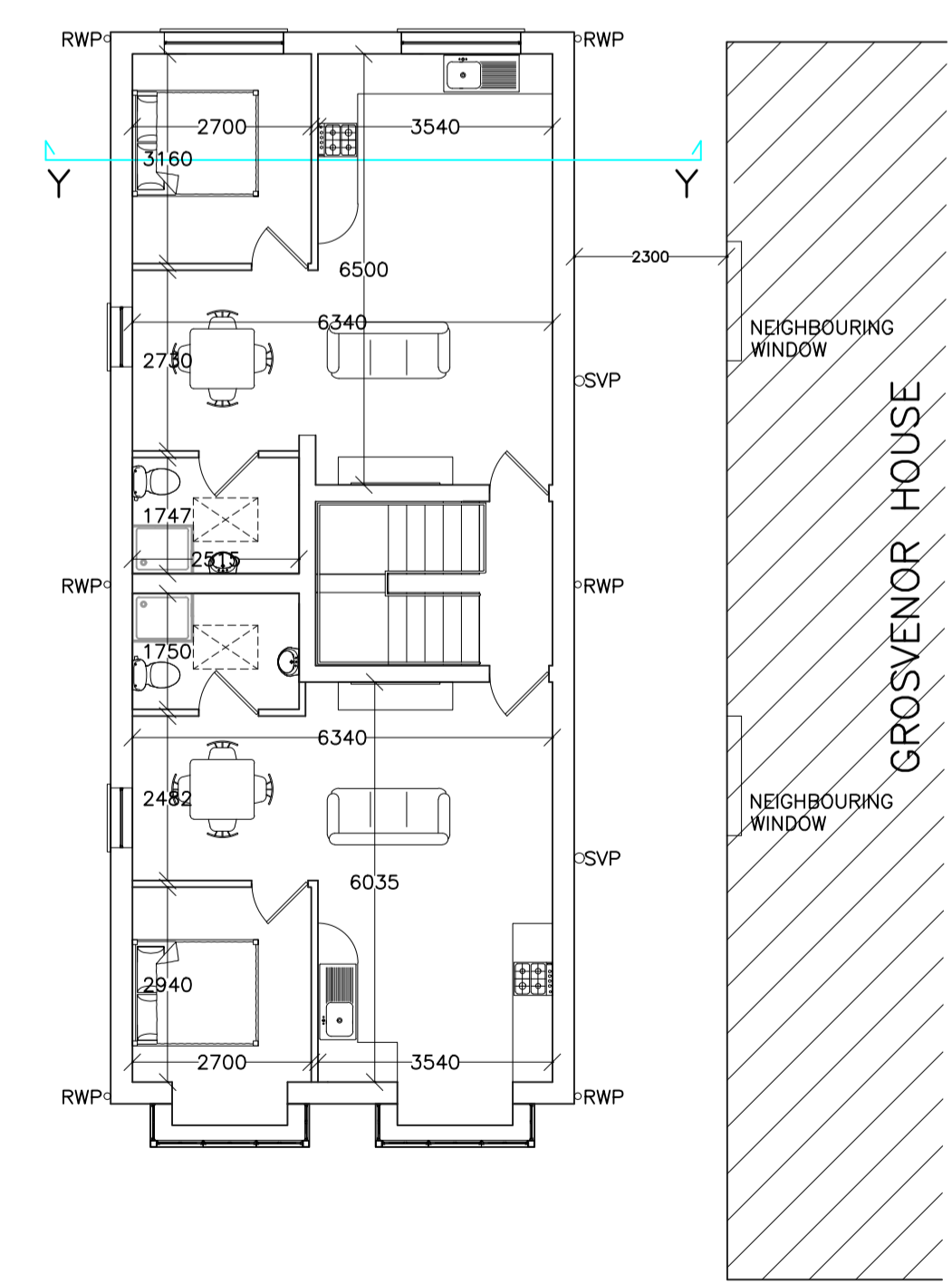
PROPOSED UNIT B RIGHT HAND SIDE ELEVATION 1:100



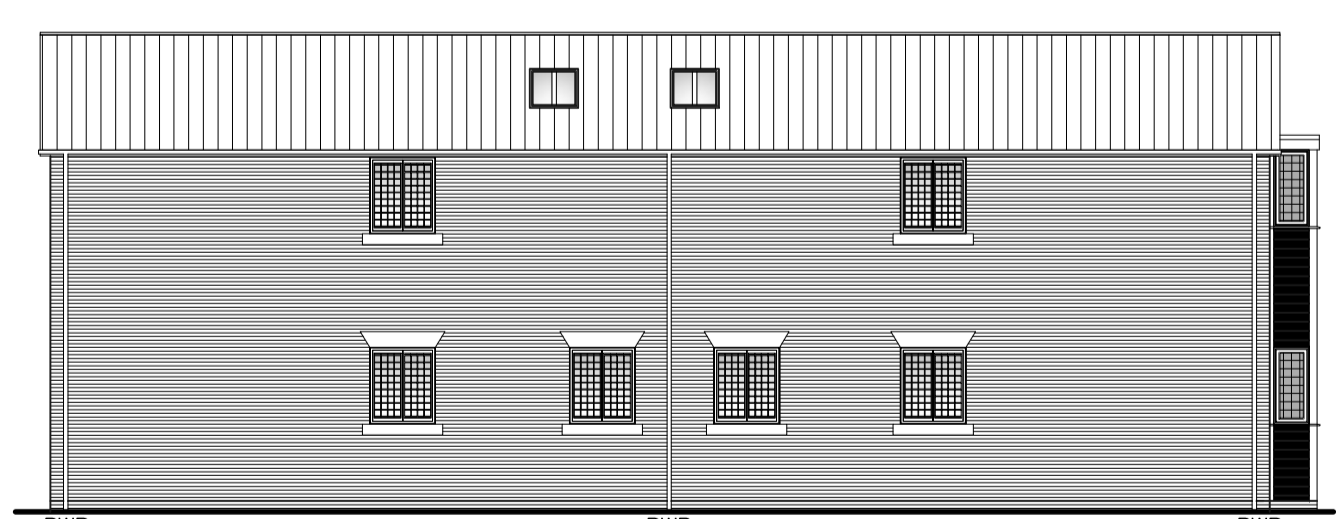
PROPOSED UNIT B REAR ELEVATION 1:100



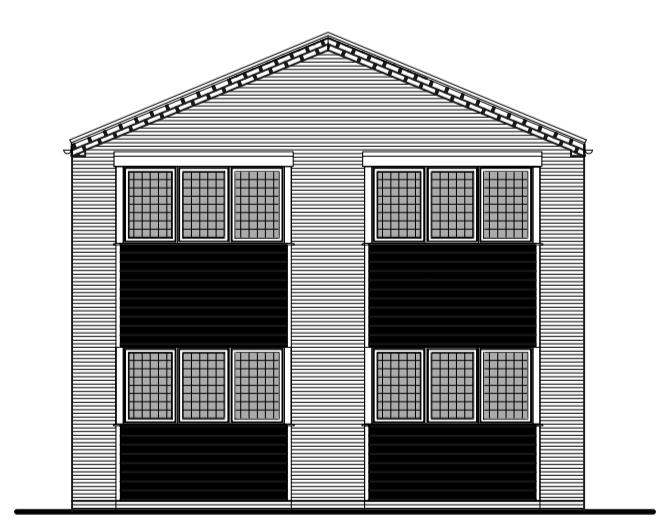
PROPOSED UNIT B GROUND FLOOR PLAN 1:100



PROPOSED UNIT B FIRST FLOOR PLAN 1:100



PROPOSED UNIT B LEFT HAND SIDE ELEVATION 1:100



PROPOSED UNIT B FRONT ELEVATION 1:100

REVISIONS	DATE
I AMENDED SCHEME	JUL 2020
K AMENDED WINDOWS	JUL 2020
J CLIENTS COMMENTS	AUG 2019
I CLIENTS COMMENTS	AUG 2019
H PLANNERS COMMENTS	AUG 2019
G PLANNERS COMMENTS	JUL 2019
F PLANNERS COMMENTS	APR 2019
E PLANNERS COMMENTS	APR 2019
D PLANNERS COMMENTS	APR 2019
C CLIENTS COMMENTS	JAN 2019
B PLANNERS COMMENTS	DEC 2018
A PLANNERS COMMENTS	JUL 2018

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Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT	RJB (East) Ltd
PROJECT	Grosvenor Road, Whittlesey, Cambridgeshire PE7 1PU
TITLE	Proposed Building Arrangements Unit B
DRAWN	J.Scotcher
CHECKED	
DATE	Nov 2017
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5179/05L

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F/YR19/0761/F

**Applicant: JRL Property (Whittlesey)  
Limited**

**Agent : Mr Fraser Hickling  
Phillips Planning Services Limited**

**Lattersey Field, Benwick Road, Whittlesey, Cambridgeshire**

**Erect 4no industrial units (B1, B2, B8 use), security office and 3.0 metre high acoustic screen with associated parking and hardstanding areas including formation of swales, attenuation pond and associated drainage infrastructure (part retrospective)**

**Officer recommendation: Grant**

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

---

## 1 EXECUTIVE SUMMARY

- 1.1 The principle of developing this site for industrial/commercial use has already been established by way of hybrid application F/YR15/0997/O (23 industrial and commercial units). The application put forward is for the use of the site as a single planning unit which is considered to be less intense and therefore have less of an impact than the previously permitted development. The applicants foresee the site employing 100 people including 60 new jobs and an investment of approximately £10 million, supporting the Council's aspirations to create additional job opportunities and supporting economic growth.
- 1.2 The design and impact on visual amenity and character of the area has been considered and the application is accompanied by a Landscape and Visual Impact Assessment which did not reveal any significant issues. Soft landscaping and enhanced tree and native hedge planting will mitigate the visual impact of the proposal.
- 1.3 The overall impact on residential amenity is not considered to be significantly detrimental. Assessment of the noise, air quality/dust, lighting and land contamination has been undertaken and measures proposed to ensure any adverse impacts are sufficiently mitigated.
- 1.4 The access is as previously permitted under F/YR15/0997/O which created a significantly higher trip generation and the impact on the highway network at that time was considered acceptable. The proposed development, with significantly fewer vehicle movements would have an even smaller impact and as such must be considered acceptable.
- 1.5 Flood risk and drainage have been considered and an acceptable surface water attenuation scheme has been put forward.
- 1.6 The site is in close proximity to locally designated wildlife sites and provides habitats for protected species; the impact of the proposal on these has been fully assessed and considered acceptable subject to relevant conditions.
- 1.7 The proposal is considered acceptable and accords with Policies LP1, LP2, LP3, LP6, LP11, LP14, LP15, LP16, LP17 and LP19 of the Fenland Local Plan 2014. As such it is recommended to grant the application.

## 2 SITE DESCRIPTION

- 2.1 The application site is located to the north of Benwick Road, Whittlesey, accessed via a private road through Lattersey Hill Trading Estate and consists of approximately 9.3ha. The site is situated beyond the existing industrial estate, frontage dwellings and trees/vegetation, extending back some 505m from Benwick Road. Previous uses include a Sunday market, haulage, and subsequently was subject to unauthorised tipping of waste materials, however this has since been remediated through the granting of F/YR15/0977/O and the discharging of relevant conditions in this respect.
- 2.2 The applicant company have been on site since summer 2018 and some of the processes being applied for are already being undertaken. There is a temporary 'tent' on site in the location of unit 1, hardstanding has been created and there are parking areas for cars and HGVs, along with a number of containers, site office and outside storage, there are also cranes on site. There is herras fencing within the site, some palisade fencing has been erected to the site boundaries and a permanent newt barrier has been created. To the north of the site is an ecology area with ponds and the site is surrounded by a tree belt to the east and south, which is covered by two Tree Preservation Orders (TPO 05/1984 and TPO 06/1984).
- 2.3 To the west of the site is the Lattersey Hill Trading Estate and to the north of this the County Wildlife Site of Railway Lakes, to the north of the site is the railway line and associated land beyond which is Lattersey Nature Reserve, to the east is agricultural land and to the south Benwick Road where there are a number of residential properties, further lakes are to the south of Benwick Road.

## 3 PROPOSAL

- 3.1 The application seeks full planning permission for 4 industrial units (B1, B2, B8 use), security office and 3.0 metre high acoustic screen with associated parking and hardstanding areas including of formation swales, attenuation pond and associated drainage infrastructure; as detailed below:

### Unit 1

This unit is located approximately 63m north of the residential properties of 77-81 Benwick Road, to the east of the commercial building of 57 Benwick Road. This is a single-storey fabrication workshop which measures 13.5m x 13.5m and 6m in height.

### Unit 2

This unit is located north of the security office which adjoins the access into the site, to the east of 43 Benwick Road (Smurfit Kappa) and south of the proposed car park. This is 2-storey unit measures 31m x 31m and 8.2m in height, a total 33 solar PV panels are to be installed over the 4 roof slopes.

On the ground floor are toilets, changing and drying rooms, a medical room, canteen, training room and meeting rooms.

On the first-floor are offices, meeting rooms, kitchenette and toilets.

### **Unit 3**

This unit is located to the far west of the site, south of Railway Lakes and east of East Anglian Resources Yard. This unit is a single-storey, 2 bay unit, to be used for shot blasting, high pressure jet washing and painting, this measures 20m x 40m and 10m in height (extract ducts extend above this).

### **Unit 4**

This unit is located to the north of the site, with Railway Lakes to the west, the ecology area to the north and agricultural fields to the east. This is a single-storey, 4 bay unit, to be used for dry weather and storage, measuring 40m x 100m and 10m in height.

### **Security office**

This is located to the north of an adjoining the access, south of unit 2, this measures 10.9m x 6.1m and 2.8m in height.

#### 3.2 In addition there are:

- Swales, an attenuation pond and drainage infrastructure, which involves alterations to site levels by up to approximately 1.4m
- An ecological area to the north of the site and enhanced planting to site boundaries
- 87 car parking spaces and 50 HGV spaces
- Concrete service yard and external storage areas at between 3m and 6m high
- 3m high Acoustic fence to the south of the site
- 2.4m high palisade fence to boundaries
- External lighting and CCTV
- Fire hydrants

#### 3.3 The proposed use is two-fold:

##### **Slip structures**

Slip forming is the pouring of concrete to form tall/long structures, usually used in the middle of buildings such as lift shafts. The equipment is delivered, stored, made good, reconfigured, partially pre-assembled and sent back out on to site; this involves cutting, welding, drilling, bending, shot blasting, cleaning and painting. Forklifts and mobile tower cranes (x 3) are used to load and unload trailers. Waste is dealt with through appointed contractors or in house departments.

##### **Plant and Logistics**

To stock (purchase and store), process, fabricate, clean and repair mechanical and non-mechanical construction plant, tools and machinery for use on the groups construction sites around the UK. Waste is dealt with through appointed contractors or in house departments.

#### 3.4 The applicants foresee the site employing 100 people including 60 new jobs and an investment of approximately £10 million.

#### 3.5 Whilst the site is operational for transport movements 24/7 and is controlled by security, operational hours are 06:00 – 18:00 Monday – Friday and 06:00 – 13:00 Saturdays with Sundays as required. With the site fully operational, for production and deliveries 07:00- 18:00 Monday to Friday.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PWXUPPHE01U00>

#### 4 SITE PLANNING HISTORY (most recent only)

F/YR19/3062/COND	Details reserved by conditions 5 (Remediation and levelling) and 12 (GCN) of planning permission F/YR15/0997/O	Approved 01/08/2019
F/YR18/3061/COND	Details reserved by condition 12 (GCN) of planning permission F/YR15/0997/O	Approved 26/06/2018
F/YR18/0201/SC	Screening Opinion:- Construction Plant and Logistics site ( workshop office/welfare building car park trailer park and storage and drainage areas)	Further details not required 14/03/2018
F/YR16/3128/COND	Details reserved by conditions 5 and 10 of planning permission F/YR15/0997/O	Withdrawn
F/YR16/3122/COND	Details reserved by conditions 5 (Remediation and levelling) and 10 (Construction Management Plan) of planning permission F/YR15/0997/O	Approved 02/09/2017
F/YR16/3090/COND	Details reserved by condition 12 (GCN) of planning permission F/YR15/0997/O	Approved 14/10/2016
F/YR16/3086/COND	Details reserved by condition 12 (GCN) of planning permission F/YR15/0997/O	Approved 14/10/2016
F/YR16/0538/F	Removal of condition 11 of planning permission F/YR15/0997/O in relation to provision of a 1.8m footway link	Granted 23/09/2016
F/YR15/0997/O	Hybrid application: Full planning permission for the remediation and levelling of the land and Outline planning permission for erection of 23no industrial and commercial units (B1 B2 and B8) (Outline with matters committed in respect of access and layout)	Granted 20/05/2016

4.1 There is further history in relation to the use of the site as a Sunday Market and haulage depot.

#### 5 CONSULTATIONS

##### 5.1 Town Council

The Town Council have recommended refusal due to insufficient highways infrastructure and inaccuracies in the travel plan. They have also written to the local MP to raise these issues and the requirement for a bypass or relief road.

The Transport Assessment Team at Cambridgeshire County Council Highways have responded to the comments made by the Town Council and rebutted the issues raised.

**5.2 Cambridgeshire County Council Highways Authority (24/9/2019)**

*F/YR15/0997/O - Outline planning permission for the erection of 23no industrial and commercial units (B1, B2 and B8) (Outline with matters committed in respect of access and layout)*

*This is full application for the erection of 4 units mixed used business units. In light of the previous consent that exists for this site, I have no highway objections subject to the same highway conditions imposed against planning consent F/YR15/0997/O.*

**5.3 Cambridgeshire County Council Highways Authority (Update 5/11/2019)**

*The only conditions I would impose would be a parking and turning condition, however I note this was not conditioned for planning consent F/YR15/0997/F.*

**5.4 Town Planning Technician South East – Network Rail (24/9/2019)**

*Thank you for consulting Network Rail regarding the above application. After examining the plans I would like to inform you that Network Rail have no comments to make.*

**5.5 Natural England**

*Natural England has no comments to make on this application.*

**5.6 Arboricultural Officer (FDC) (28/10/2019)**

*My comments are confined to the landscape proposal and reference the two submitted landscape drawings Latt-Land.01 C & Latt-Land.02 B.*

*Drawing 01 C relates to the larger of the two areas adjacent to the existing industrial units Smurfit Kappa and Forterra. There is little screening to these existing units whilst the north boundary is screened by existing woodland. The east boundary has an existing belt of mature willow that acts as a screen.*

*Drawing 02.B relates to the southern section of the site bordering Benwick Road and some smaller local business premises. Whilst the site has some existing screening to the road, there is little vegetation to the rear of these business properties.*

*The proposed landscape plans make good use of native species around the boundaries and is acceptable.*

*The proposed planting is of small stock so it will take a number of years for the trees to attain a significant size.*

*We do require a maintenance plan for the usual 5 year period to cover management, replacement of failed plants and watering.*

**5.7 CCC (Lead Local Flood Authority)**

Objections were received from the LLFA on 13/9/2019, 31/1/2020, 27/2/2020 and 15/4/2020, due to inadequate surface water drainage schemes.

Their objection was removed on 1/5/2020, advising that:

*'surface water from the proposed development can be managed through the use of a series of swales and drainage channels restricting surface water discharge to 5l/s. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.'*

The following condition/informative requested:

*Condition*

*Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and provide details of the management/maintenance of all drainage features.*

*Reason*

*To prevent an increased risk of flooding and protect water quality*

*Informative*

*Pollution Control*

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

**5.8 Environment Agency**

*We have reviewed the information provided and have no comment to make on this application.*

**5.9 Anglian Water Services Ltd**

*Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.*

*The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows*

*From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.*

A number of informatives have also been included.

**5.10 Environment & Health Services (FDC) (17/9/2019)**

*I have made a visit to the vicinity and subsequently spent time studying the documentation submitted in support of the application.*

*I have paid particular attention to the following;*

- o External light pollution assessment report and associated lighting layout plans - Design MEP*

- o Noise impact assessment report - Spectrum Acoustic Consultants
- o Construction dust assessment report - Peter Brett Associates LLP
- o Ground investigations report - Soil Consultants
- o Remediation validation (hotspot removal) - Terragen Environmental Consultants Limited

*I can confirm that I am satisfied with the content of the aforementioned, and where relevant, acknowledge the mitigation measures to be implemented so as to keep any potential disturbance to nearby sensitive receptors to an absolute minimum.*

*Notwithstanding the above, I must advise that this granting of planning consent wouldn't indemnify against statutory nuisance action being taken should the Environmental Health department receive complaints in respect of noise, dust or odour which are subsequently substantiated, which could be a result of lapses in mitigation measures outlined in the above reports.*

*Please let me know if you require any further clarification from an environmental health standpoint.*

*Although the applicants have provided details of the lighting, installation must be in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011". This Institution strongly recommends that planning authorities adopt obtrusive light limitations for exterior lighting installations.*

*The guidance specifies obtrusive light limitations for sky glow, light into windows, source intensity and building luminance. Acceptable limits are specified dependent upon location.*

*An suitable example of a condition for these purposes which can be applied to this scenario is as follows:*

*The use of lighting shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light GN01:2011.*

*The applicant is required to demonstrate compliance with the condition, by measurement or calculation, in circumstances where the LPA has reasonable concern lighting levels on the site.*

*Reason: In order to protect the amenity of surrounding and local resident*

*From observing the history associated with the site, I note that the contaminated land has been previously addressed on the site, going back to the original application F/YR15/0997/O. The only outstanding information I can determine which I would expect this to follow without need for condition at this stage according to para 3.4 of the Remediation Validation – Hotspot Removal report by Terragen Environmental Consultants Limited (ref. TJ3337BR1v1.0) is as follows: "in accordance with the remediation strategy, additional records (i.e. gas protection measures and barrier pipes) will be gathered on completion of the development to compile a final verification report."*

*I'm comfortable with the Construction dust assessment report provided by Peter Brett Associates LLP, and in the event any complaints are received during the*

construction phase, we will be able to investigate and have reference to the mitigation proposals to determine whether they are operating as stated, and with best practicable means.

Concerning noise, according to the Noise impact assessment report by Spectrum Acoustic Consultants (AP1253/18123/First Issue) a 3m high acoustic fence will be erected on the southern boundary of the site. With operations on the site being proposed Monday to Friday, 07:00-17:00, I would suggest the following condition in respect of noise:

Between the hours of 07:00-17:00 noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property.

Reason: In order to protect the amenity of surrounding and local residents

#### **5.11 Environment & Health Services (FDC) (23/1/2020)**

I've observed the updated information submitted, paying particular attention to the proposed acoustic fencing detail and the amended master plan (MDS\_M009A\_00\_03\_P13).

I've no adverse comments to make concerning the actual acoustic fence design, and I acknowledge as discussed that the positioning has altered by way of bringing a section of the fencing closer to the residential properties on Benwick Road, essentially moving it from the north of the attenuation pond to the south. The altering of position should in no way have a detrimental effect on its effectiveness to mitigate noise emanating from activities on site, and I am therefore satisfied with the proposals from an environmental health standpoint.

#### **5.12 Environment & Health Services (FDC) (16/7/2020)**

There is a need to condition the evening and night-time periods in order to protect residents during these periods as without such a condition, there would be no restrictions on present and also on future operators of the site, but also mindful of current planning conditions. With regard to a noise restriction I would suggest the following:-

'Monday – Friday      07:00 – 17:00  
Saturdays              07:00 – 13:00  
Sundays and Public Holidays - Nil'

This is as previously advised by Environmental Health in a consultation response dated 24 October 2019.

'At all other times:-

Noise emanating from the site should not exceed the prevailing background noise level by 0dB(A) Leq, when measured at the boundary of the nearest noise sensitive building.

Impact noise should not exceed 5dB(A) above the prevailing background noise level when measured at the boundary of the nearest noise sensitive building.

If these 2 extra items could be added to the response from Russell Watkins, I am of the opinion that this would be the most appropriate way to address the issue of evening and night-time noise, without being over-burdening on these new 4 units, bearing in mind the level of conditioning attached to the existing units on the site.



### **5.13 PCC Wildlife Officer (11/9/2019)**

*Thank you for the opportunity to comment on the revised details relating to this application which I note is accompanied by a Preliminary Ecological Appraisal (July 2019) as an update to the previous survey carried out in 2015. I have the following observations to make regarding ecology:*

*Protected Species:*

*Great Crested Newts:*

*I am aware that a great crested newt mitigation strategy is currently being implemented under licence from Natural England, as required under the original outline permission. Provided that this continues to be adhered to, I am satisfied that GCN are unlikely to be affected by the current application proposal.*

*Bats:*

*As noted during the outline application, there are numerous mature trees at the perimeter of the site which have good potential to support bat roosts, as well as providing bat foraging/ commuting habitat; I am therefore pleased to note that these habitats are proposed to be retained.*

*However, should any mature trees require felling, I would request that the trees are first surveyed or inspected by a suitably experienced ecologist for the presence of bats, and should evidence of bat roosts be found that appropriate mitigation measures are put in place, following consultation with the LPA. This may be secured by condition.*

*Nesting Birds*

*As noted during the outline application, the site is surrounded by hedgerows/ woodland which I am pleased to note is proposed to be retained, however the report indicates that some pruning/ felling may be required. Where any such vegetation is to be removed, these might provide suitable habitat for nesting birds during the nesting season (1st March to 31st August).*

*I would therefore recommend that a suitably worded condition be attached requiring the avoidance of such site clearance works during this period, or where this is not possible, that a suitably worded condition be attached requiring the avoidance of such site clearance works during this period, or where this is not possible, that a suitably qualified ecologist first carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.*

*I am concerned that the External Light Pollution Assessment and External Lighting LUX Levels Layout Drawing indicate relatively high LUX levels adjacent to sensitive habitats, in particular along the northern ecology area and along the eastern boundary tree belt. The lighting has the potential to negatively impact on protected species including bats and great crested newts.*

*Whilst it is noted that perimeter lights are proposed to be switched off between 2200 & 0700, I would nevertheless request that adjustments are sought from the proposed lighting layout (particularly around Unit 4) to bring LUX levels to 2 LUX or below at the site boundary to the ecology area and tree belt.*

*Landscaping/ Site layout:*

*The proposed site layout and associated Landscape Plan Drawings including species mixes appear acceptable. However it is recommended that a landscape*

*management plan is secured by condition to ensure that all new planting is successfully established during the first five years following planting.*

*Designated Sites:*

*The application site is located in close proximity to Lattersey Local Nature Reserve/ County Wildlife Site and Railway Lakes CWS however I consider that this proposal is unlikely to have an impact upon the features for which these sites have been designated, provided that all the above recommendations are secured as part of the planning decision.*

*Recommendation:*

*I would advise that prior to determination the external lighting details are revised to reduce light spillage into the ecology area and eastern tree belt.*

*Subject to satisfactory resolution of the lighting issue, I would likely have no objection to the granting of full planning permission subject to strict adherence to the above ecological recommendations.*

**5.14 PCC Wildlife Officer update 5/12/2019**

Comments as previous except:

*External Lighting:*

*I am pleased to note that the External Lighting LUX Levels Layout Drawing (Rev C3) has been revised as previously advised, and that LUX levels adjacent to sensitive habitats, in particular along the northern ecology area and along the eastern boundary tree belt are now indicated at an acceptable level. The development may therefore be implemented in strict accordance with the updated lighting details.*

*It is also advised that the perimeter lights are switched off between 2200 & 0700 as proposed by the applicant. This may be secured by condition.*

*Recommendation:*

*I have no objection to the granting of full planning permission subject to strict adherence to the ecological recommendations*

**5.15 Cambridgeshire Fire & Rescue Service (1/10/2019)**

Require adequate provision for fire hydrants which can be secured by way of a condition.

**5.16 Cambridgeshire Fire & Rescue Service (11/6/2020)**

*I can confirm that the proposed hydrant provision as shown on the indicative drawing would be suitable to serve the development should the application be permitted, however; I am of the opinion that a planning condition should still be applied to ensure adequate emergency water supplies are installed & made available prior to occupation of the development.*

**5.17 Designing Out Crime Officers (9/9/2019)**

*Thank you for the opportunity to comment on this application, I have viewed the documents in relation to community safety, crime, disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for this location covering the last 12 months. While this is at present a location with a low vulnerability to the risk of crime there have been 3 burglaries in this time period.*

*There has obviously been some consideration regarding security measures and crime prevention. However with the storage of plant used for construction sites the security of the storage areas need to be good - this type of equipment is still stolen and used in other crime types. While this is to be a 24hr operation with security on site, it would be good to see any proposed boundary treatments other than landscaping and any proposed CCTV.*

*This office would be happy to discuss Secured by Design, measures to help reduce vulnerability to crime and assist with any Security Needs Assessment required for Bream.*

*If I can be of further assistance please contact me.*

#### **5.18 Designing Out Crime Officers**

*Thank you for the opportunity to comment on this application. I have viewed the revised proposals in relation to crime, disorder and the fear of crime and noted my previous comments and update on boundary treatments.*

*I have no further comment or objection at this time.*

#### **5.19 Environment Agency**

Thank you for your email. We have reviewed the information submitted and have no further comment to make on this application.

#### **5.20 Local Residents/Interested Parties**

Four objections have been raised in relation to the following:

- Noise
- Hours of working
- Application retrospective
- Impact on nature reserve and night-time lighting on wildlife
- Increase in HGV traffic around Inhams Road and Station Road compounded by delays at the railway crossing which in turn impacts air quality
- Proposal does not offer a safe and suitable access and is likely to have a negative impact on traffic
- Private access road being utilised which is not fit for the purpose of the proposed development, part of the access road can only accommodate single file traffic which may result in an impact on Benwick Road. Access needs improvement.
- There is no pedestrian footpath, safety concerns
- There is a separate challenge regarding the right to use the private road to access the site.
- Request a traffic light system and zebra crossing to protect staff for safe crossing between Smurfit Kappa sites.

5.21 The issues where they relate to planning matters will be considered in the sections below. It should be noted that civil issues, such as a right to use land or access are not planning considerations.

## **6 STATUTORY DUTY**

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

## 7 POLICY FRAMEWORK

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

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

### **National Design Guide 2019**

Context – C1

Identity – I1

Built Form – B2

Movement – M1

Nature – N2, N3

### **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

LP11 – Whittlesey

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 and Economic Growth**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk/Surface Water Drainage**
- **Ecology**

## 9 BACKGROUND

- 9.1 A hybrid application was submitted and approved in May 2016 (F/YR15/0997/O) giving full planning permission for the remediation and levelling of the land and outline permission for 23 industrial and commercial units and a 1.8m footway, with matters committed in respect of access and layout. The remediation and levelling has been undertaken and a Validation Report to confirm that this has been completed has recently been agreed (F/YR19/3062/COND).
- 9.2 F/YR16/0538/F was granted in September 2016 for the removal of the condition requiring the 1.8m footway to be provided. A number of other conditions have since been discharged.
- 9.3 A screening opinion (F/YR18/0201/SC) was undertaken in March 2018 in relation to a construction plant and logistics site which concluded that an Environmental Statement was not required. A further screening assessment was undertaken as part of this current application which reached the same conclusion.

## 10 ASSESSMENT

### **Principle of Development and Economic Growth**

- 10.1 The application site is located within the settlement of Whittlesey which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for employment growth, accordingly there is a presumption in favour of development within this location.
- 10.2 Policy LP11 identifies that new business uses are likely to be supported adjacent existing businesses in the Station Road/Benwick Road Industrial Area. The application site adjoins the existing industrial estate, has previously been used for commercial purposes and is underutilised land and the principle of redevelopment has already been established by the granting of F/YR15/0997/O.
- 10.3 The granting of F/YR15/0997/O gave outline planning permission (with matters committed in respect of access and layout) for 23 industrial and commercial units with potential for 23 separate uses/businesses to be utilising the site. The application put forward is for a single planning unit (albeit with 2 processes being undertaken) which is considered to be less intense and therefore have less of an impact than the previously permitted development.
- 10.4 Policy LP6 and Paragraph 80 of the NPPF seek to support economic growth. With LP6 seeking to create additional job opportunities through the delivery of 85ha of employment land. The applicants foresee the site employing 100 people including 60 new jobs and an investment of approximately £10 million.
- 10.5 The principle of development is therefore supported by Policies LP3, LP6 and LP11 subject to no adverse issues arising relating to visual and residential amenity, highways, flood risk/drainage or ecology.

### **Design considerations (including security) and visual amenity of area**

- 10.6 The application site forms a natural extension to the existing industrial site and has previously been used for commercial purposes. The scale and design of the buildings is considered to be appropriate for the site and comparable with those on the surrounding estates. It is advised that high specification acoustic cladding is to be used for the external walls and roof, however full details have not been provided hence it would be necessary to impose a condition in this regard.
- 10.7 The height and scale of the structures vary across the site, with a maximum height of 10m, external storage between 3m and 6m in height as detailed on the proposed site plan and up to three mobile tower cranes for loading/unloading which can typically extend to between 15m – 20m. The alterations in levels across the site are not considered to create a significant impact and height of the external storage will be conditioned to ensure this does not exceed the height indicated. The cranes are visible for some distance from the site, in particular from the east across the open fields, however these are not solid structures, are mobile so would move around the site and may not always be extended to the maximum height. Hence whilst visible above the boundary vegetation, these are not considered to have a significant detrimental impact on the visual amenity or character of the area.
- 10.8 A Landscape and Visual Impact Assessment has been undertaken which did not reveal any significant issues in respect of visual amenity. The site is surrounded by the railway line to the north beyond the ecology area and associated tree belt,

with this and the Lattersey Nature Reserve separating the site from New Road. To the west are Railway Lakes a County Wildlife Site but also commercial fishing lakes and the existing industrial/commercial estate, from where the site would be visible though in the context of the existing estate. This would also be the case from the south when travelling along Benwick Road, where the site is in the main set behind existing development, there is an area between 81 Benwick Road and 107 Benwick Road which just comprises of vegetation, hence the proposed acoustic fence/development may be visible from this point. The most open views of the site are over the agricultural fields to the east. However, there is substantial tree/hedge screening along the eastern boundary of the site which is to be retained. The trees on site are covered by Tree Preservation Orders, and are to be protected in accordance with the tree survey submitted. As such views of the proposed development are mitigated and the semi-rural character of this edge of settlement location is maintained

- 10.9 The application also proposes enhanced planting of native hedges and trees which will soften and screen to all boundaries, though particularly the southern and eastern boundaries of the site, new 2.4m high palisade fencing is to be erected inside this to mitigate its impact and views from outside the site. Wildflower seed is to be sown within the ecology area to the north of the site to enhance this and swales are to be seeded, providing a verdant buffer around much of the site. A landscape management plan is to be secured by condition to ensure that all new planting is successfully established during the first five years following planting.
- 10.10 Suitable security measures are proposed including a security office with a 24/7 presence, palisade fencing, lighting and CCTV; the Designing Out Crime team consider this to be acceptable and as such the scheme is considered compliant with Policy LP17 in relation to community safety.

#### **Residential Amenity/Health and wellbeing**

- 10.11 There are five residential properties which adjoin the site to the south and a number of others surrounding at a greater distance and separated from the site. The proposed use does have the potential to adversely impact these, particularly those in very close proximity.
- 10.12 The proposed development will be visible from the residential properties to the south and east, however these are separated (as a minimum) by a belt of trees/vegetation and the acoustic fence (southern boundary only). The external storage area closest to these properties is located approximately 15m from the rear boundaries and will be restricted to 3m in height, hence would not be visible above the acoustic fence. When in use in the area the cranes will be visible above this, however being mobile cranes are unlikely to remain in one area. It is acknowledged that these could create a temporary loss of privacy whilst operational, however this is not considered to create a significant detrimental impact. The cranes have already been on site for some time and no comments have been received from neighbouring properties in respect of any issues.
- 10.13 The application is accompanied by a Noise Impact Assessment and an extended background noise level survey was undertaken and modelled. This predicted operating noise levels through undertaking a noise survey at the existing JRL Group operation at Biggleswade (as the application site is not yet fully operational) as well as some on site activities. The report recommended that an acoustic screen should be installed in the southern part of the site, that the proposed unit cladding and jet blasting and painting enclosures (unit 3) are of a

satisfactory specification to ensure that the amenity of any neighbouring property is not detrimentally harmed. Environmental Health are content with these measures subject to relevant conditions.

- 10.14 Whilst the site is operational for transport movements 24/7 and is controlled by security, operational hours are 06:00 – 18:00 Monday – Friday and 06:00 – 13:00 Saturdays and Sundays as required. With the site fully operational, for production and deliveries 07:00- 18:00 Monday to Friday. The previous permission (F/YR15/0997/O) for 23 industrial and commercial units did not restrict hours of operation, hence it is not felt reasonable to impose a condition relating to this for the current submission, particularly as this is for a less intense form of development. However it is considered necessary to ensure that noise created is kept to a reasonable level at all times, hence a condition will be imposed in this respect.
- 10.15 A Construction Dust Assessment report has been submitted, which assesses the impact of construction activities on air quality, including dust. The report makes a number of recommendations, including requiring the submission of an Air Quality and Dust Management Plan for approval, the compliance with which shall be conditioned and Environmental Health are comfortable this is sufficient.
- 10.16 The proposal incorporates a scheme of external lighting and includes the submission of an External Light Pollution Assessment and plans detailing lighting and LUX levels across the site. Environmental Health have recommended a condition in relation to external lighting to ensure that this does not present an unacceptable impact on surrounding properties.
- 10.17 The site has been remediated and levelled in accordance with F/YR15/0997/O and a Validation Report to confirm that this has been completed satisfactorily has recently been agreed. The only item outstanding is a final verification report which can be conditioned on this application as this is required upon completion of the development.
- 10.18 The proposed development incorporates fire hydrants which are considered acceptable by the fire and rescue service, however it is still necessary to condition their installation.

### **Parking and Highways**

- 10.19 Access to the site is to be taken via the western side from the existing Lattersey Trading Estate access road. This arrangement is as per F/YR15/0997/O which was for 23 units. The access will have a gate set back from the access point to allow vehicles to sit off the estate road whilst being given permission to enter the site, turning circles are provided to enable HGVs to enter and leave the site in forward gear and swept path analysis has been provided to evidence internal circulation routes are suitable.
- 10.20 The application proposes 87 car parking spaces and 50 HGV spaces; the car parking provision is in accordance with Policy LP15 and appendix A
- 10.21 The application has been accompanied by a Transport Statement which advised that assessments undertaken for the previous application evidenced significantly higher trip generation and impact on the highway network which was considered acceptable, and that the proposed development, with significantly fewer vehicle movements would have an even smaller impact. Concluding that there were no highways or transportation issues for which the Transport Assessment Team at

Cambridgeshire County Council concur, subject to conditions as per F/YR15/0997/O.

- 10.22 It is acknowledged that Whittlesey Town Council object to the proposal on the basis of inadequate highway infrastructure and the requirement for a bypass or relief road to serve Whittlesey. However, given the traffic generation from the development is significantly less than that produced by the previously permitted scheme (F/YR15/0997/O), it is not anticipated to generate a safety issue. In addition the size and traffic impact of this development would not warrant a bypass and it is accepted this is a strategic issue.
- 10.23 There is no pedestrian footpath along the section of the access road that leads to the site, and it is acknowledged that Smurfit Kappa have sites either side of this access with a requirement to cross between sites, including with forklifts. This section of access is relatively short (approximately 80m) before a pedestrian footpath is reached. The condition on the previous permission for a footpath link was removed, as such it is not considered reasonable or necessary to insist on this requirement particularly as the proposed use is less intense. Given the previous permission had significantly higher trip generation it would also be unreasonable to request any signalling or crossings for the Smurfit Kappa sites.
- 10.24 A Travel Plan has been submitted which advises that Travel Information Packs and personalised travel planning will be made available to employees, these will promote more sustainable transport modes and cycle parking is to be provided. It is widely regarded that a shift in the mode of transport used for commuting is more successful if promoted when there is a change of employment. It is necessary to condition the provision of cycle storage as details have not been provided.

#### **Flood Risk/ Drainage**

- 10.25 The application site is located in Flood Zone 1 the lowest risk of flooding, the application is however accompanied by a Flood Risk Assessment due to the scale of the site (over 1ha) and it is recommended that the floor level of the buildings should be set at a minimum of 150mm higher than ground level. The Environment Agency have no comments to make regarding the proposal.
- 10.26 Foul drainage has been considered, and discussions held with Anglian Water to confirm that there is sufficient capacity with the existing foul drainage network. There will be on site pumping systems which will connect to the Anglian Water sewer under Benwick Road under a S106 agreement with them.
- 10.27 The site has very high ground water levels and numerous surface water drainage schemes were put forward along with discussions with the Lead Local Flood Authority to achieve acceptable surface water attenuation. The submitted scheme is now acceptable subject to a condition requiring the demonstration that the drainage system has been constructed as per the agreed scheme and the provision of details of future management and maintenance.

#### **Ecology**

- 10.28 The site is located in close proximity to Lattersey Local Nature Reserve/ County Wildlife Site and Railway Lakes County Wildlife Site, however the Wildlife Officer considers that this proposal is unlikely to have an impact upon the features for which these sites have been designated.



- 10.29 The application has been accompanied by an up-to-date Preliminary Ecological Appraisal which reveals that there are three Priority Habitats as listed under the NERC Act 2006 present on the site, the three ponds, the hedgerow and the woodland area (all of which are to be retained), opportunities for roosting bats in the trees and a medium population of great crested newts in the three ponds along the northern part of the site.
- 10.30 The trees are to be retained and the site enhanced by additional native planting. Consent would be required to do works to the trees as these are protected, however a condition will be imposed to ensure should works be required, these are also surveyed for the presence of bats and any necessary mitigation measures secured. A great crested newt mitigation strategy is currently being implemented under licence from Natural England and relates to the ecology area to the north of the site.
- 10.31 Of concern to the Wildlife Officer was the external lighting, the lighting levels have been reduced adjacent to sensitive habitats are now considered acceptable by the Wildlife Officer subject to adherence with the proposed scheme (which can be conditioned. It is also advised that the perimeter lights are switched off between 2200 & 0700 as proposed by the applicant, again this can be secured by condition.

## 11 CONCLUSIONS

- 11.1 The proposal is considered acceptable and accords with Policies LP1, LP2, LP3, LP6, LP11, LP14, LP15, LP16, LP17 and LP19 of the Fenland Local Plan 2014 and the aims of the NPPF 2019 and NDG 2019. The principle of developing this site, albeit for a much more intensive industrial/commercial use has already been established by way of F/YR15/0997/O, and the access is as previously permitted.
- 11.2 Consideration of design and the impact on visual amenity/character and residential amenity has been undertaken, including assessment of the noise, air quality/dust, lighting and land contamination. In addition suitable drainage can be achieved and the impact of the proposal on surrounding and on site ecology is considered acceptable subject to relevant conditions. As such a favourable recommendation may be forthcoming.

## 12 RECOMMENDATION

**Grant** subject to the following conditions:

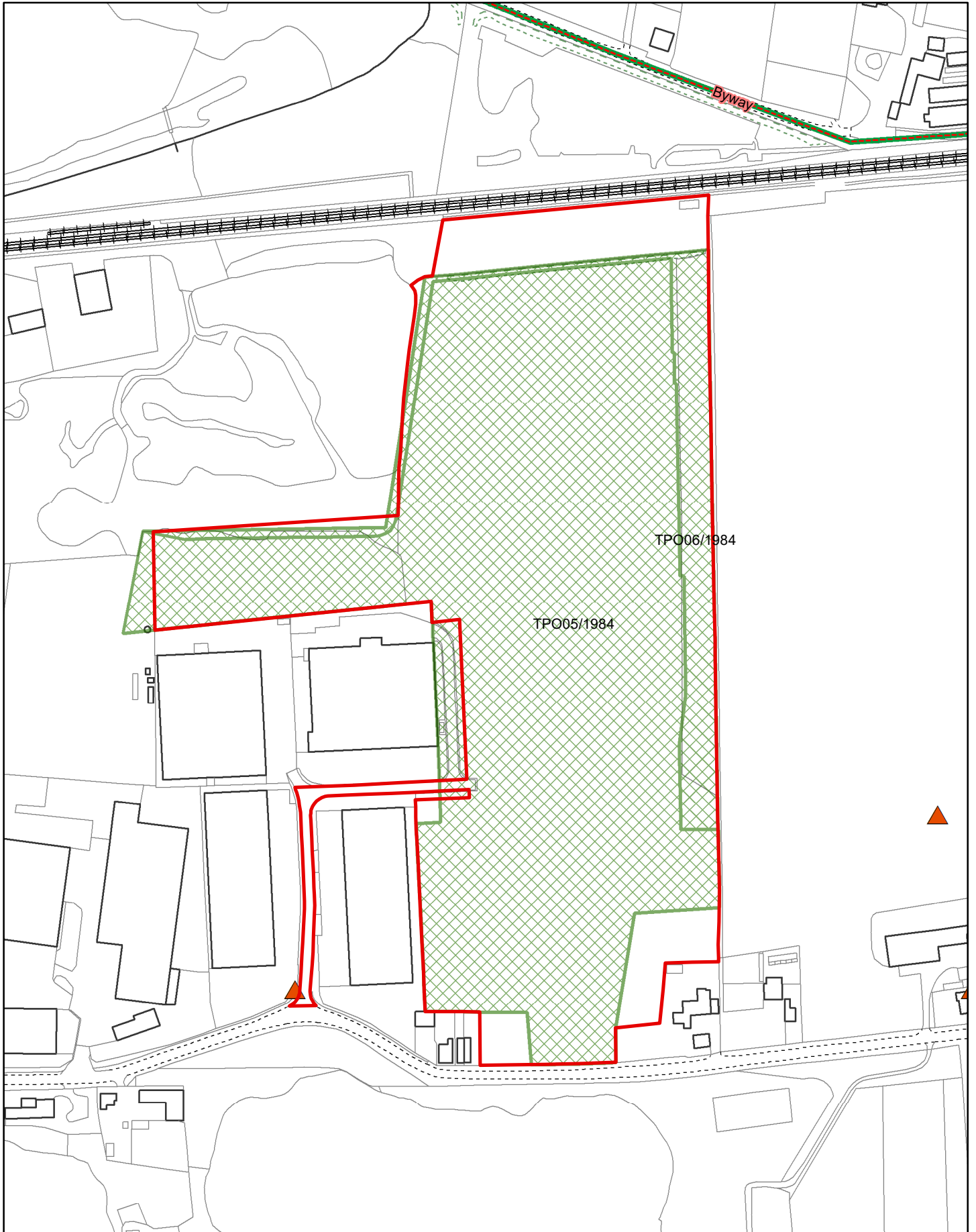
1	<p>Prior to the first use of any building hereby permitted a scheme and timetable for the management and maintenance of the ecology area to the north of the site, detailing how the area will be managed for the benefit of Great Crested Newts and other wildlife, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved scheme.</p> <p>Reason – in the interests of protecting the biodiversity on and around the site in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
2	<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</p>

	<p>comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</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 Policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
3	<p>Prior to the first use of any building hereby permitted external lighting shall be provided as per drawings 19006-E-EX-2002 C4, 19006-ME-EX-3001 C3, 19006-E-EX-2001 C4 and the External Light Pollution Assessment.</p> <p>The perimeter lights (as indicated on drawing XXXX) shall be switched off between the hours of 2200 -0700.</p> <p>Reason - To ensure that adequate lighting of the development is provided during the hours of darkness for security purposes, and to ensure the development does not cause harm to ecology or the amenity of adjoining occupiers in accordance with Policies LP2, LP16, LP17and LP19 of the Fenland Local Plan 2014.</p>
4	<p>Within 1 month of the date of this decision an Air Quality and Dust Management Plan should be submitted to and approved in writing by the Local Planning Authority. The development then be shall be carried out in accordance with the approved details.</p> <p>Reason – To ensure the prevention of unacceptable impacts in relation to air quality and dust in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014</p>
5	<p>Between the hours of 07:00-18:00 Monday – Friday and 07:00 – 13:00 Saturday noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property.</p> <p>At all other times:-</p> <p>Noise emanating from the site should not exceed the prevailing background noise level by 0dB(A) Leq, when measured at the boundary of the nearest noise sensitive building.</p> <p>Impact noise should not exceed 5dB(A) above the prevailing background noise level when measured at the boundary of the nearest</p>

	<p>noise sensitive building.</p> <p>Reason: In order to protect the amenity of surrounding and local residents in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the first use of any building hereby permitted the fire hydrants as detailed on drawing 19006-ME-EX-3001 C3 shall be provided and retained thereafter in perpetuity.</p> <p>Reason - In the interests of safety 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>
7	<p>The external storage shall not exceed the height detailed on drawing MDS_M009A_00_11_P10.</p> <p>Reason - To safeguard the visual amenities of the area and residential amenity of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
8	<p>Prior to the first use of any building hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and provide details of the management/maintenance of all drainage features.</p> <p>Reason To prevent an increased risk of flooding and protect water quality in accordance with Policies LP14 and LP16 of the Fenland Local Plan 2014.</p>
9	<p>Within 2 months from the date of this decision the 3 metre high acoustic fence shall be erected in accordance with drawings MDS_M009A_00_11_P10 and MDS_M009A_00_14_P3. The fence shall then be retained as such thereafter.</p> <p>Reason - To safeguard the noise environment of the surrounding locality, in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
10	<p>Within 7 days of the date of this decision all trees that are to be retained shall be protected in accordance with the Tree Survey Report dated June 2019</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>
11	<p>Within 6-months of the date of this decision full details of a scheme for cycle storage shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented in full prior to the first use of the buildings hereby approved and thereafter</p>

	<p>retained in perpetuity.</p> <p>Reason: In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
12	<p>No development above slab level shall take place until full details of the materials to be used for the walls and roof of all buildings hereby permitted 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.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
13	<p>No development above slab level shall take place until a scheme for sound insulation of the buildings has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first of use of the relevant building, and thereafter retained in perpetuity.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
14	<p>Within 3 months of the completion of the development (or part thereof if it is not intended to construct all aspects) hereby permitted a final verification report in relation to remediation shall be submitted and approved in writing by the Local Planning Authority, such a report shall include records pertaining to the installation of gas protection measures and barrier pipes for potable water supply.</p> <p>Reason - In the interests of safe and satisfactory development in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
15	<p>Prior to the felling of any trees on site the trees shall be surveyed/inspected by a suitably qualified ecologist for the presence of bats. Should evidence of bat roosts be found details of appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and the mitigation measures implemented as agreed.</p> <p>Reason - In the interests of protecting the biodiversity on and around the site in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
16	<p>Within 1 month of the date of this decision, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority for the following:</p> <p>i) Haul routes to and from the site;</p>

	<ul style="list-style-type: none"> <li>ii) Hours of working;</li> <li>iii) Parking, turning and loading/unloading areas for all construction/contractors details;</li> <li>iv) Site compounds/storage areas;</li> <li>v) Details of wheel cleaning or road cleaning equipment.</li> </ul> <p>The development shall thereafter take place in accordance with the approved Construction Management Plan.</p> <p>Reason - In the interests of highway safety and the amenities of the surrounding area in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
17	Approved Plans



Created on: 06/09/2019

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**F/YR19/0761/F**

Scale = 1:3,000





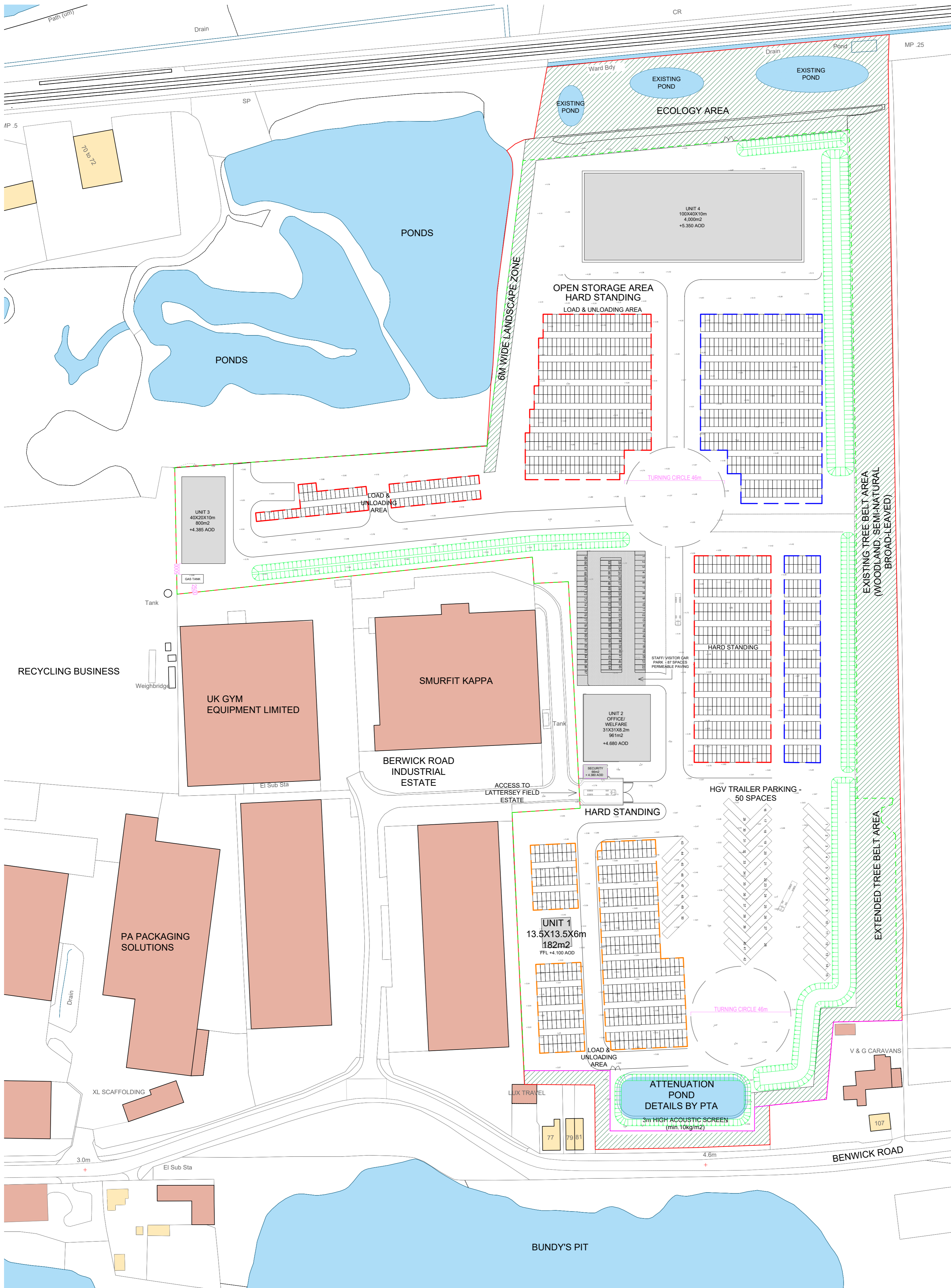
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- OPEN STORAGE AREA ARE PLACED IN INDICATIVE LOCATION AND SUBJECT TO CHANGE

**KEY**

- GREENERY
  - SWALE
  - BLOCK PAVING
  - HIGH ACOUSTIC WALL
  - SITE BOUNDARY
  - PALISADE WALL
- Height of Storage Area**
- 3 Metres
  - 4 Metres
  - 6 Metres



- P10 TN 29.06.20 - SWALE, ROAD & GATE POSITION AMENDED
- P9 TN 29.05.20 - PROPOSED SITE PLAN
- P8 WL 13.12.19 - PROPOSED SITE PLAN
- P7 WL 15.11.19 - BOUNDARY TREATMENT & HEIGHT OF STORAGE AREA
- P6 WL 11.10.19 - PALISADE WALL INCLUDED
- P5 WL 15.08.19 - HAMMERHEAD INCLUSION NEXT TO UNIT 3
- P4 WL 01.08.19 - SCALE AMENDED
- P3 WL 08.07.19 - SITE LAYOUT & YARD LANDSCAPE AMENDED
- P2 WL 03.07.19 - UNIT 1 DIMENSIONS AMENDED
- P1 WL 31.05.19 - FIRST ISSUE

REV BY DATE CHK DESCRIPTION

STATUS

**PLANNING**

CONTRACTOR

Midgard Ltd

PROJECT

LATTERSEY FIELD, WHITTLESEY

CLIENT

JRL PLANT AND LOGISTICS

DRAWING TITLE

PROPOSED SITE PLAN

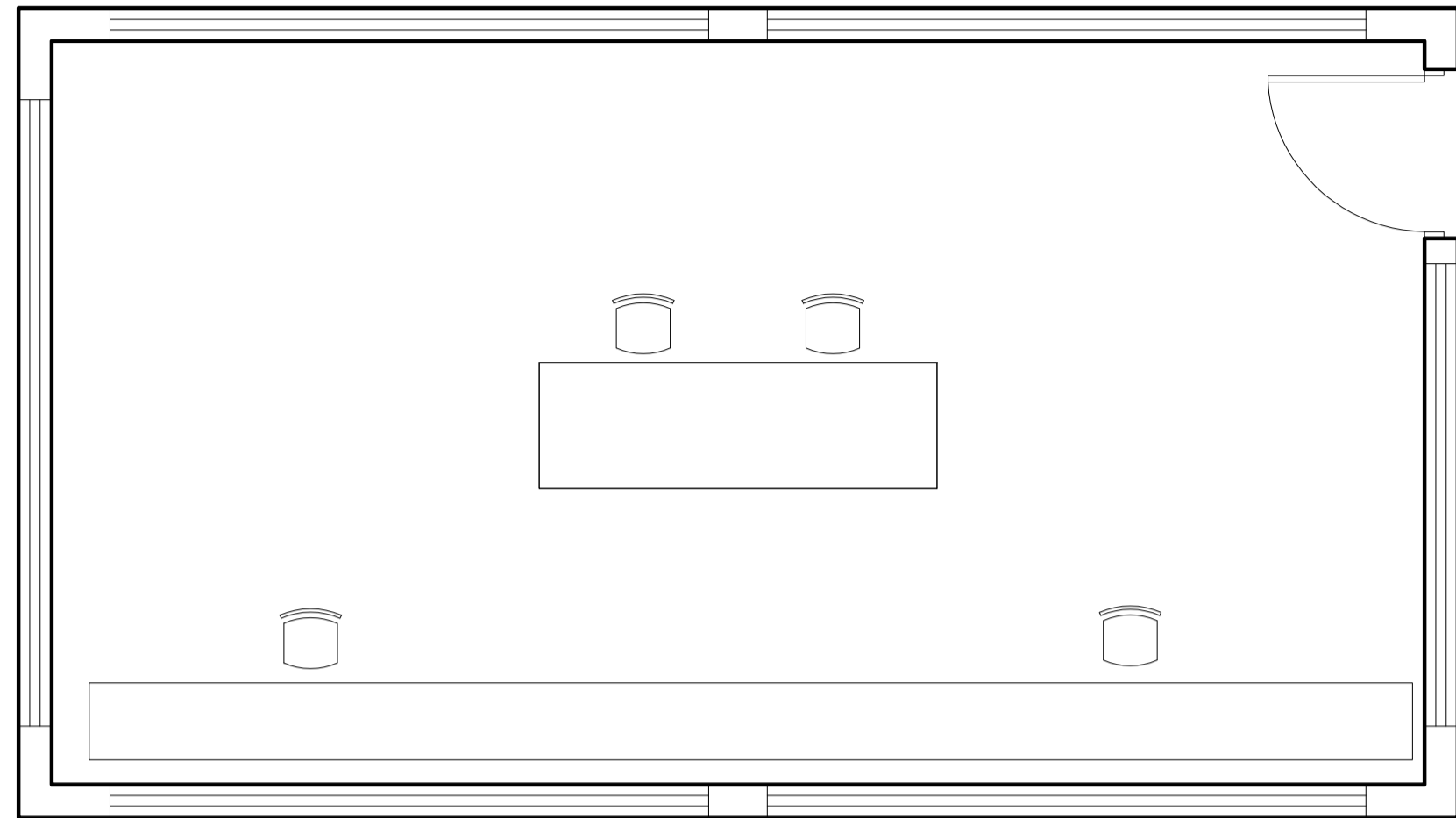
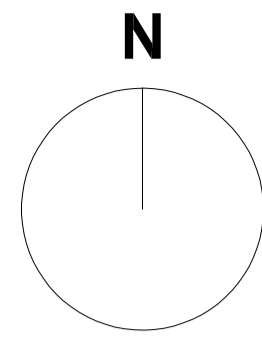
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WL	TN	

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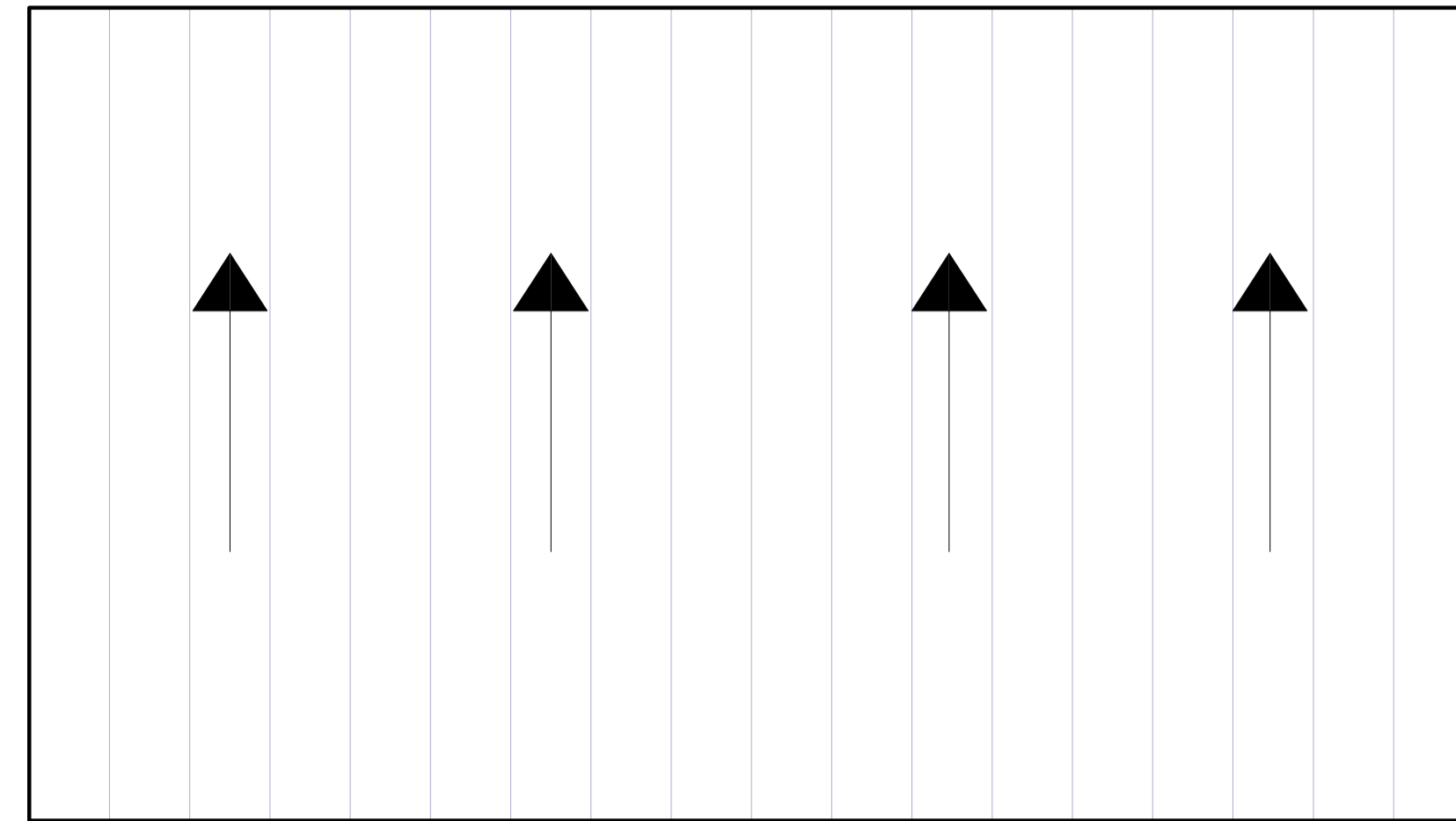
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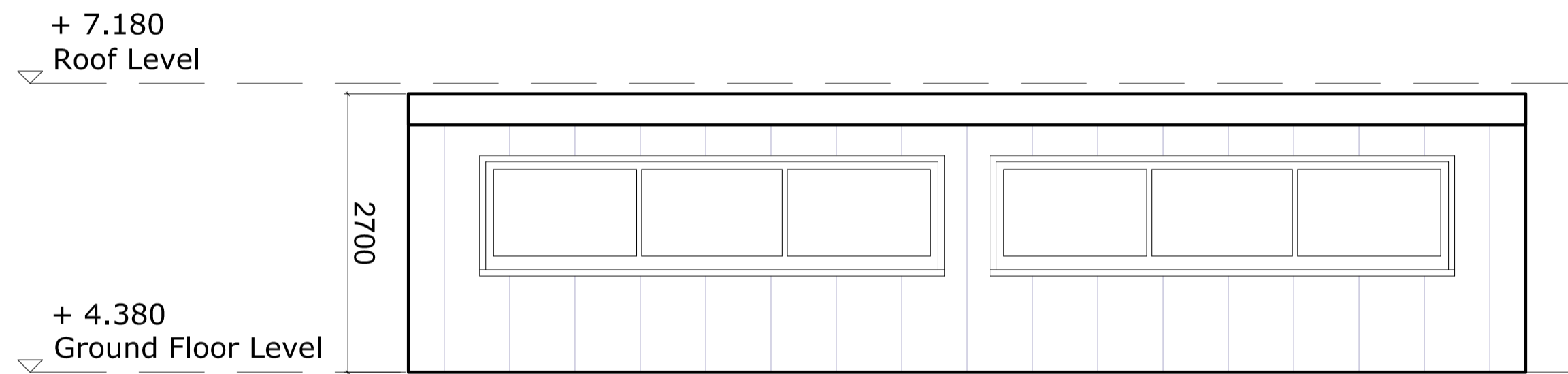
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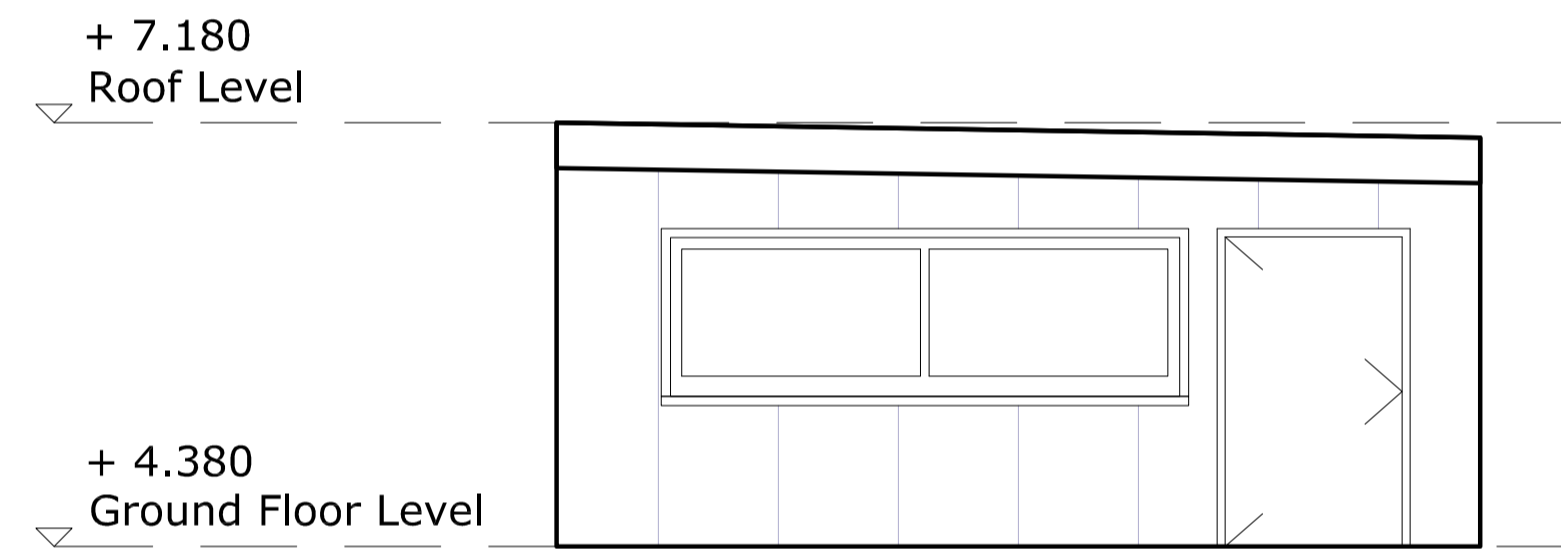
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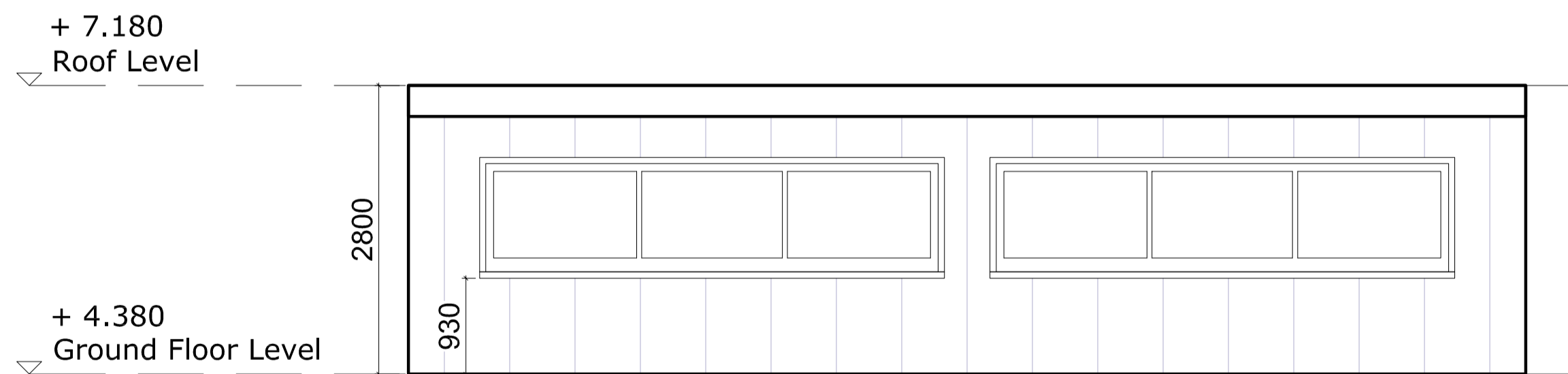
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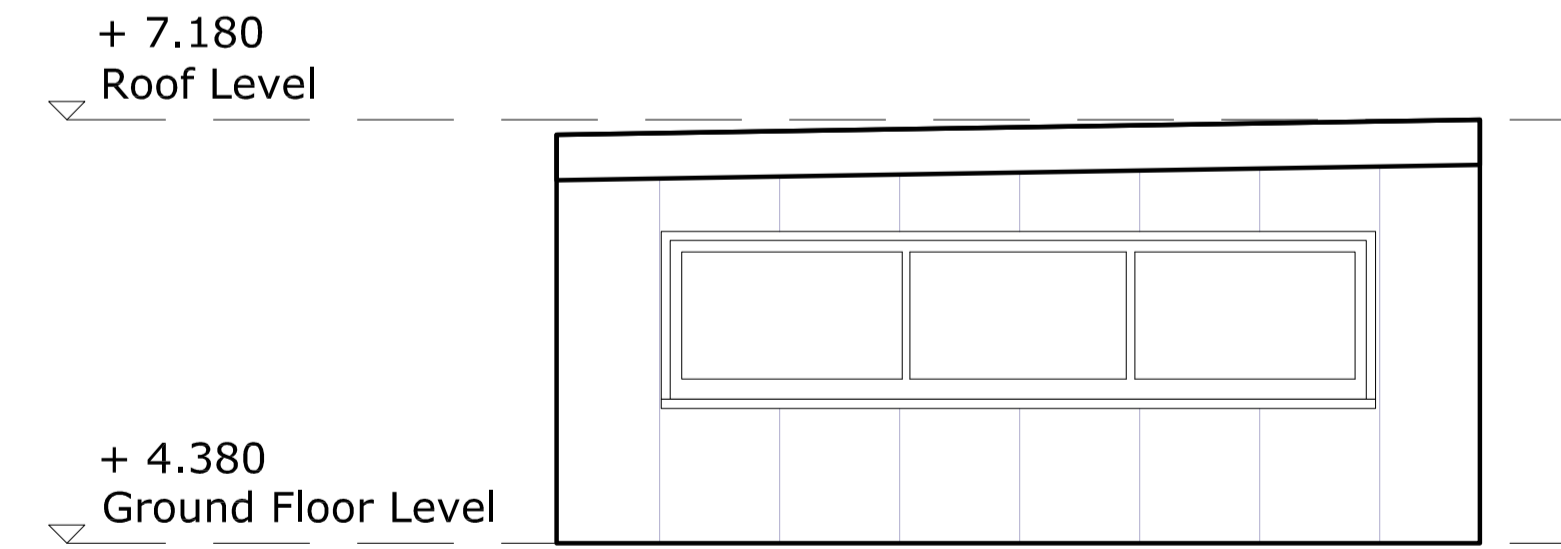
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**4 EAST ELEVATION**  
1 : 50



**5 SOUTH ELEVATION**  
1 : 50



**6 WEST ELEVATION**  
1 : 50



SCALE BAR 1:50

P2 WL 30.08.19 - SCALE BAR ADDED  
 P1 WL 23.05.19 - FIRST ISSUE

REV BY DATE CHK DESCRIPTION  
 STATUS

**PLANNING**

CONTRACTOR

Midgard Ltd

PROJECT

LATTERSEY FIELD, WHITTLESEY

CLIENT

JRL PLANT AND LOGISTICS

DRAWING TITLE

SECURITY OFFICE - PLANS & ELEVATIONS

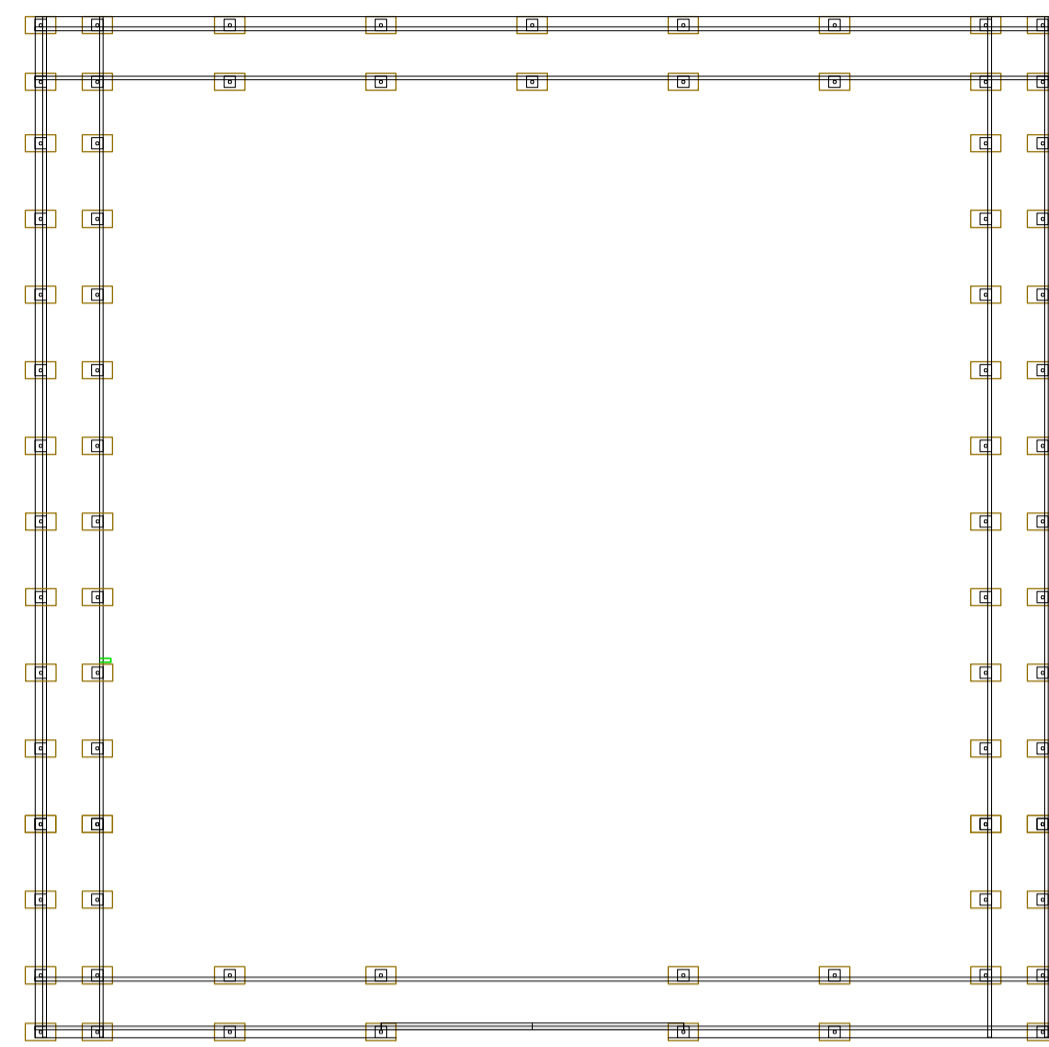
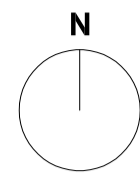
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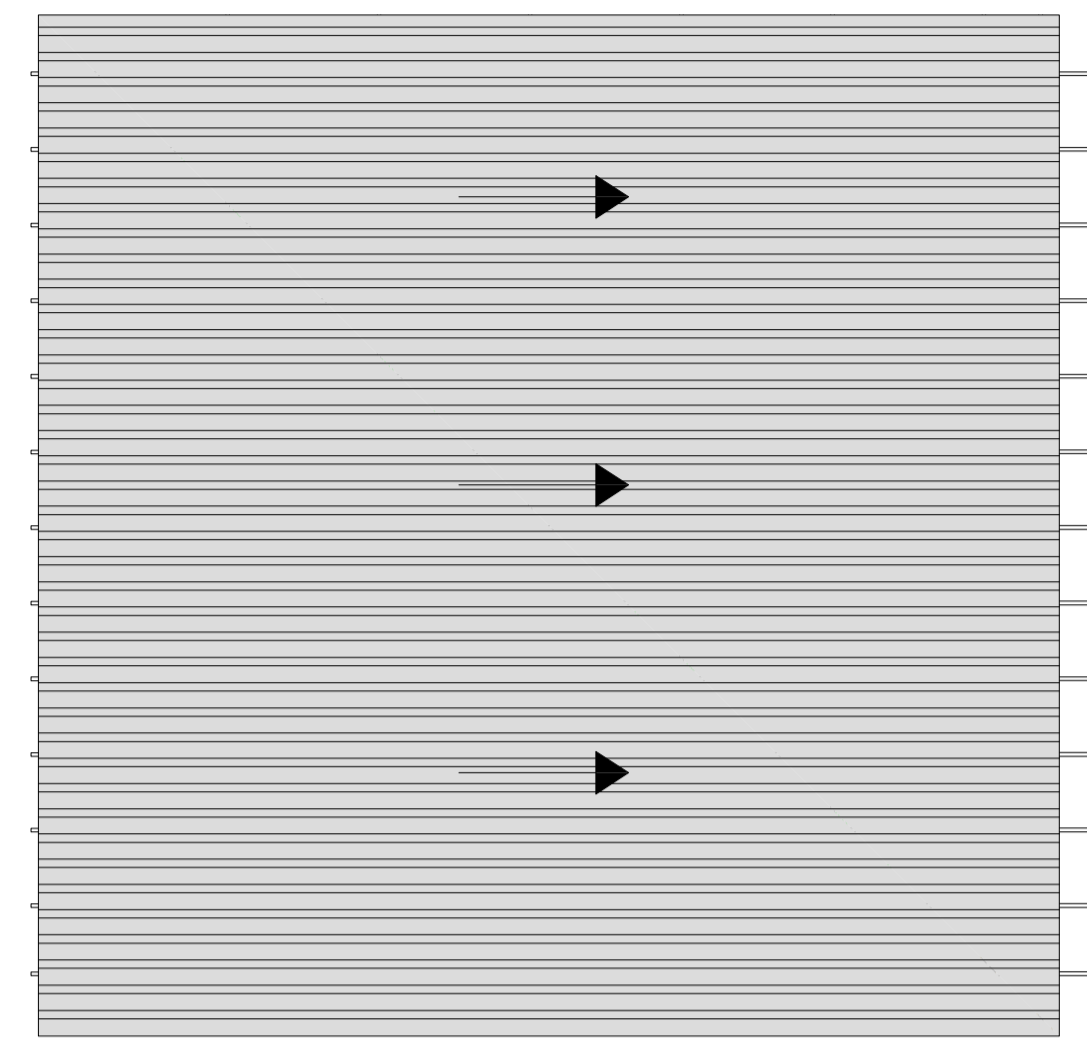




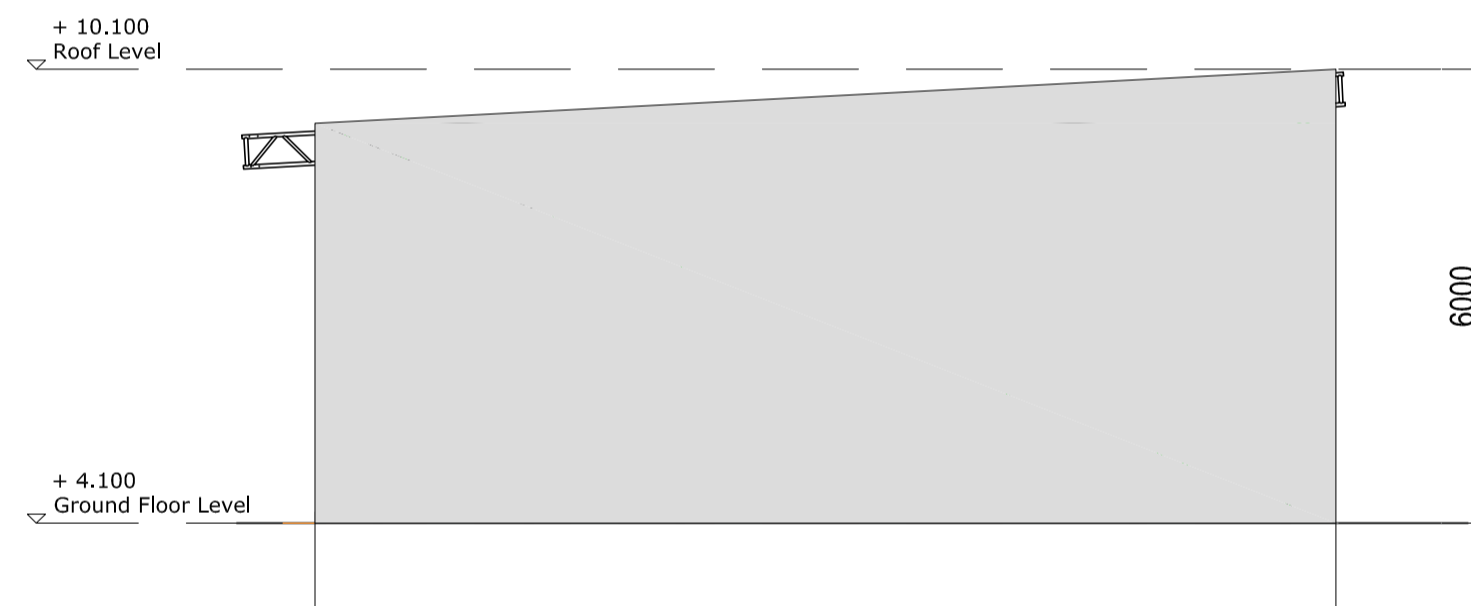
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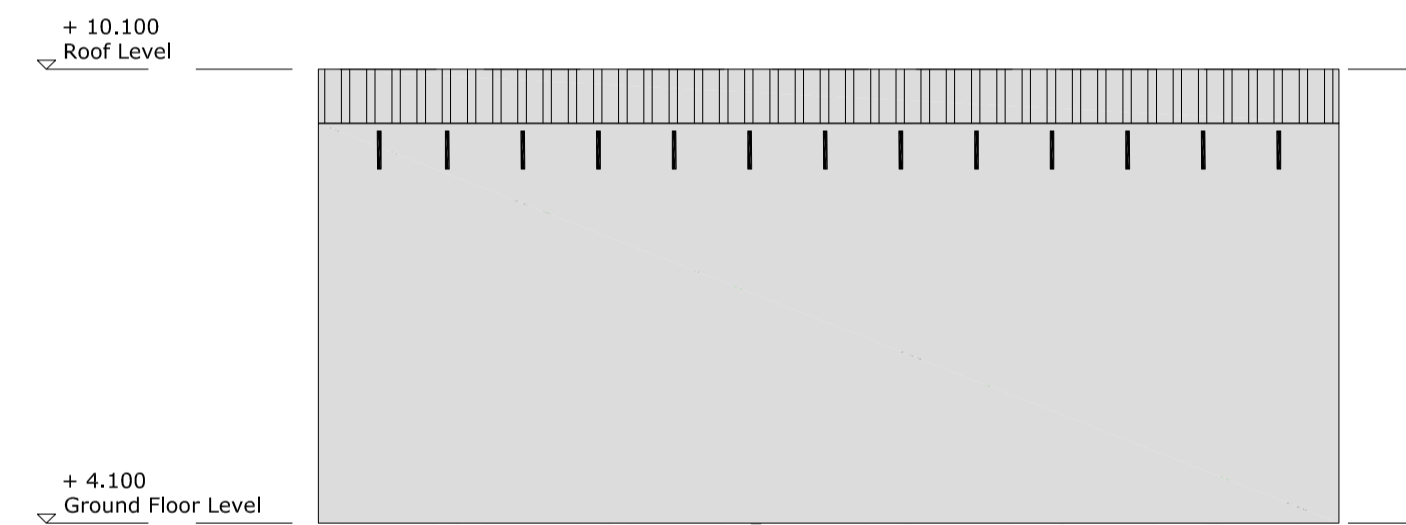
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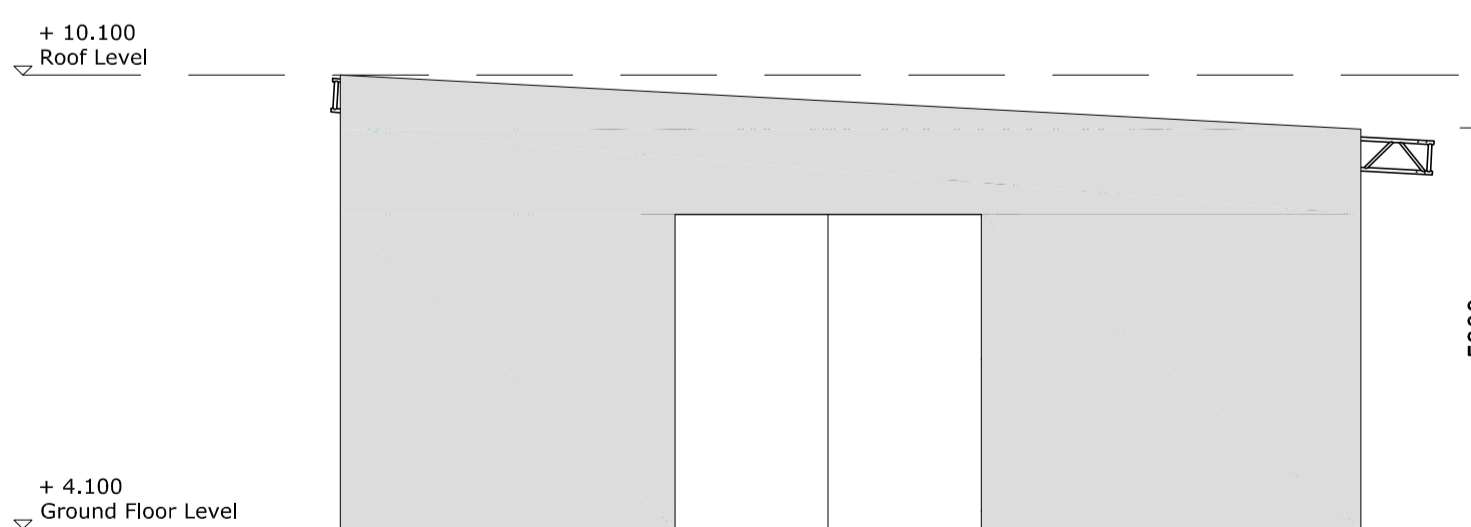
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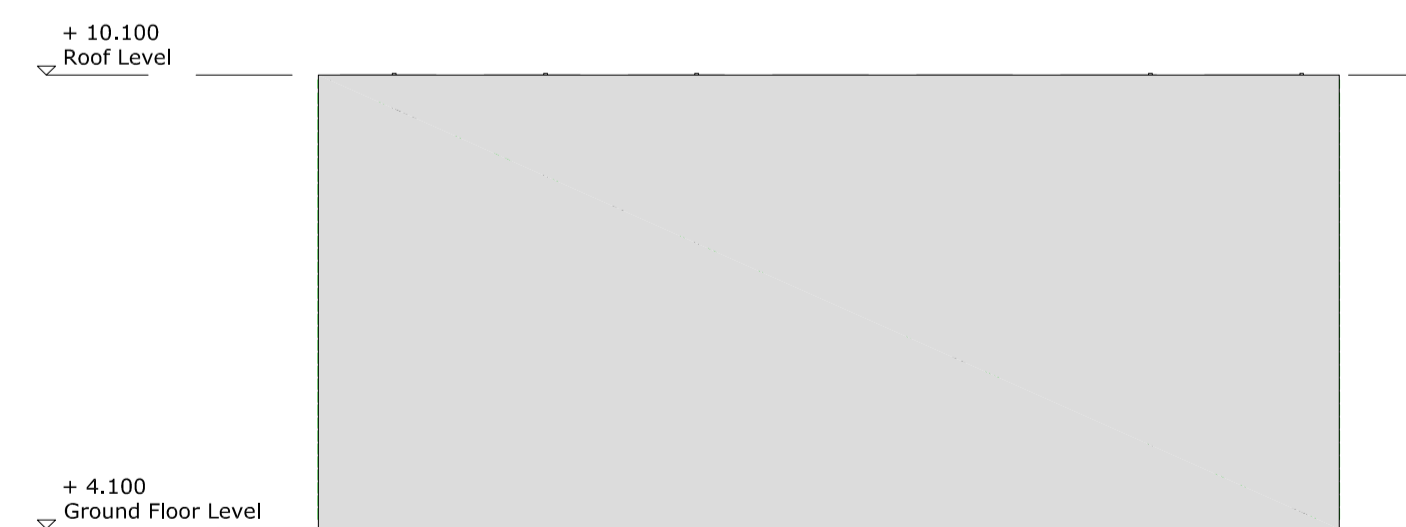
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**6 WEST ELEVATION**  
1 : 100



SCALE BAR 1:100

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REV	BY	DATE	CHK	DESCRIPTION	STATUS
P1	WL	30.08.19	-	FIRST ISSUE	
P1	WL	17.07.19	-	FIRST ISSUE	

**PLANNING**

CONTRACTOR  
Midgard Ltd

PROJECT  
LATTERSEY FIELD, WHITTLESEY

CLIENT  
JRL PLANT AND LOGISTICS

DRAWING TITLE  
UNIT 1 - PLANS & ELEVATIONS

DATE CREATED	DATE AMENDED	SCALE
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DRAWN BY	AMENDED BY	CHECKED
WL	WL	-

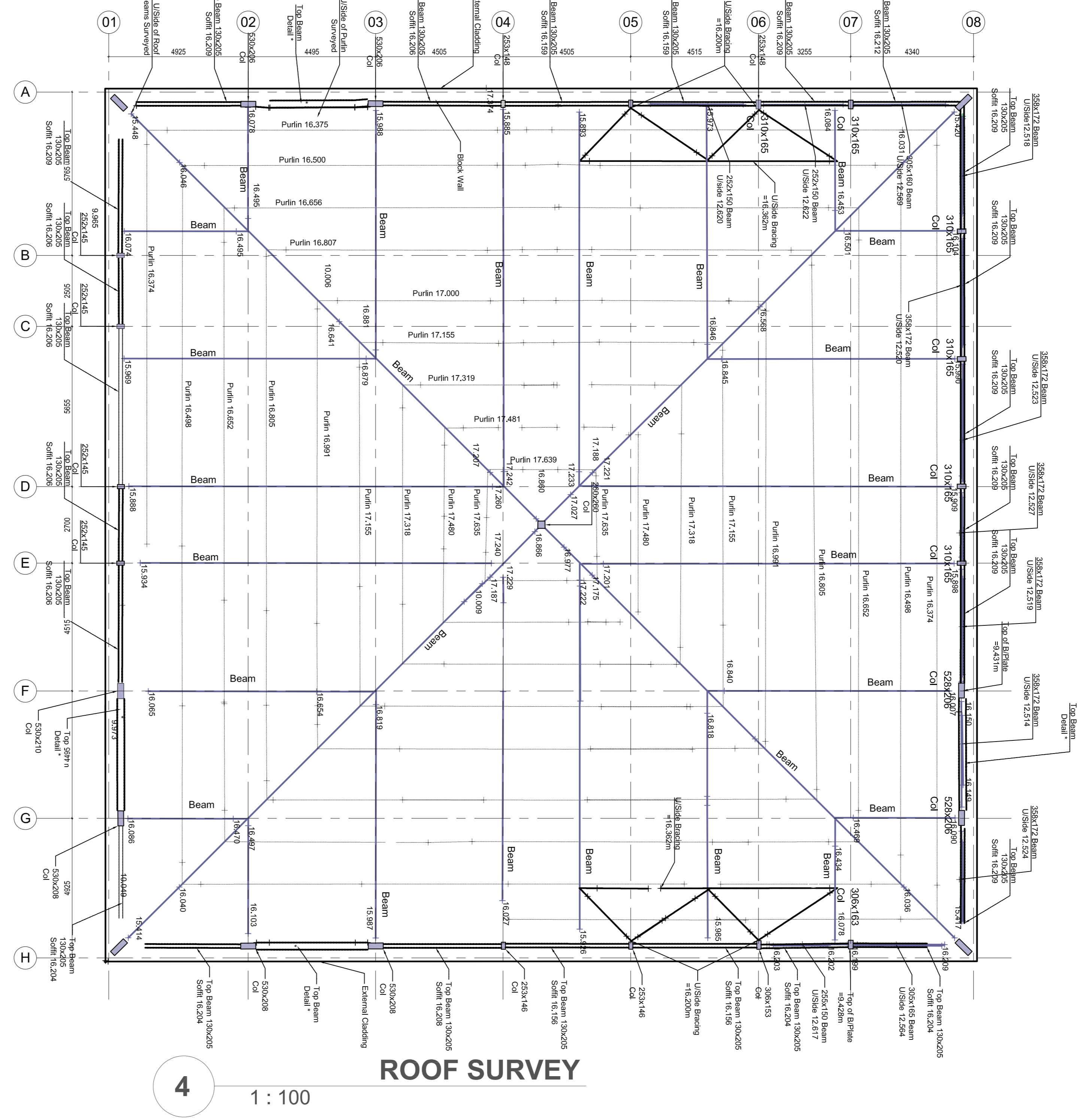
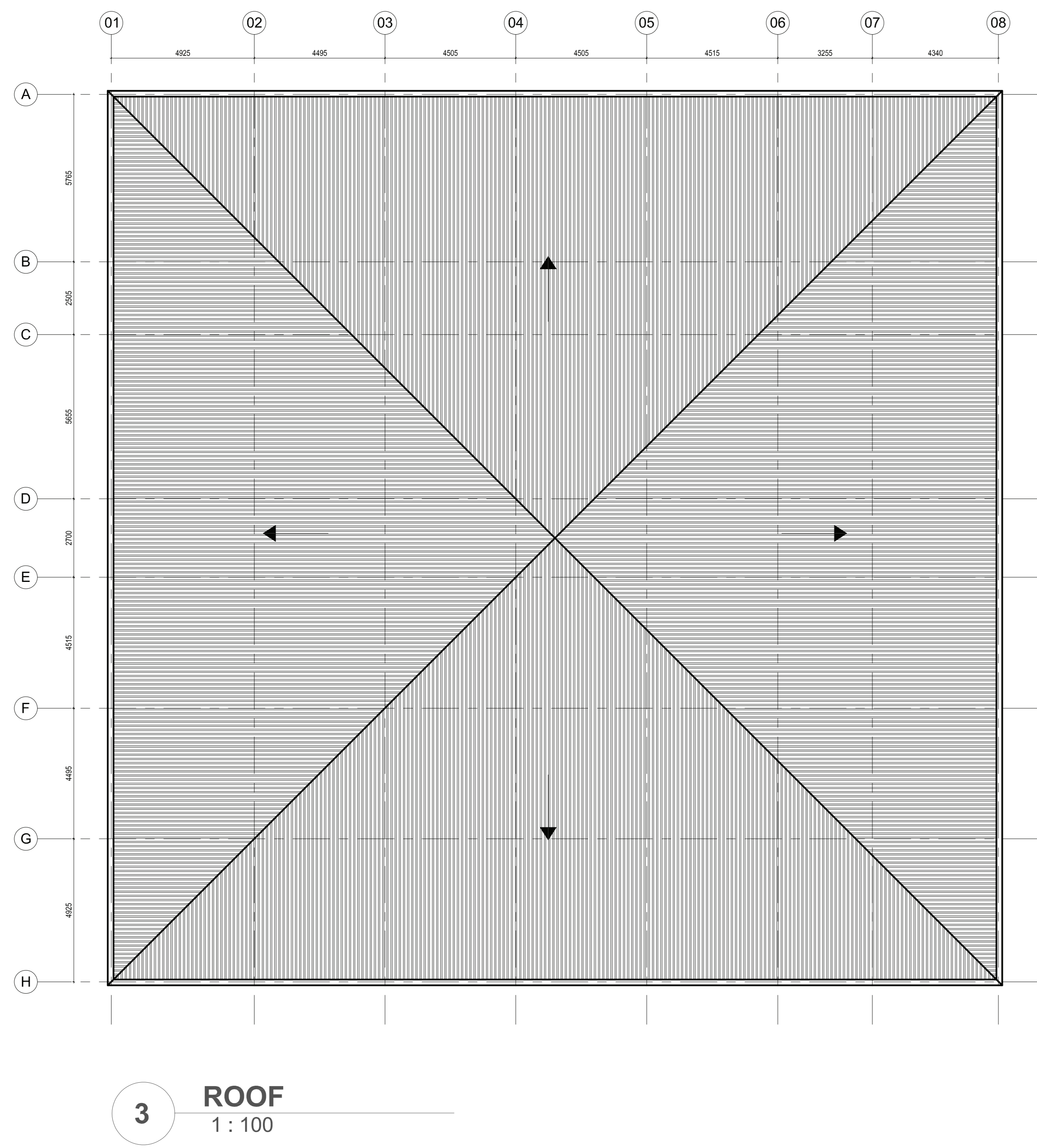
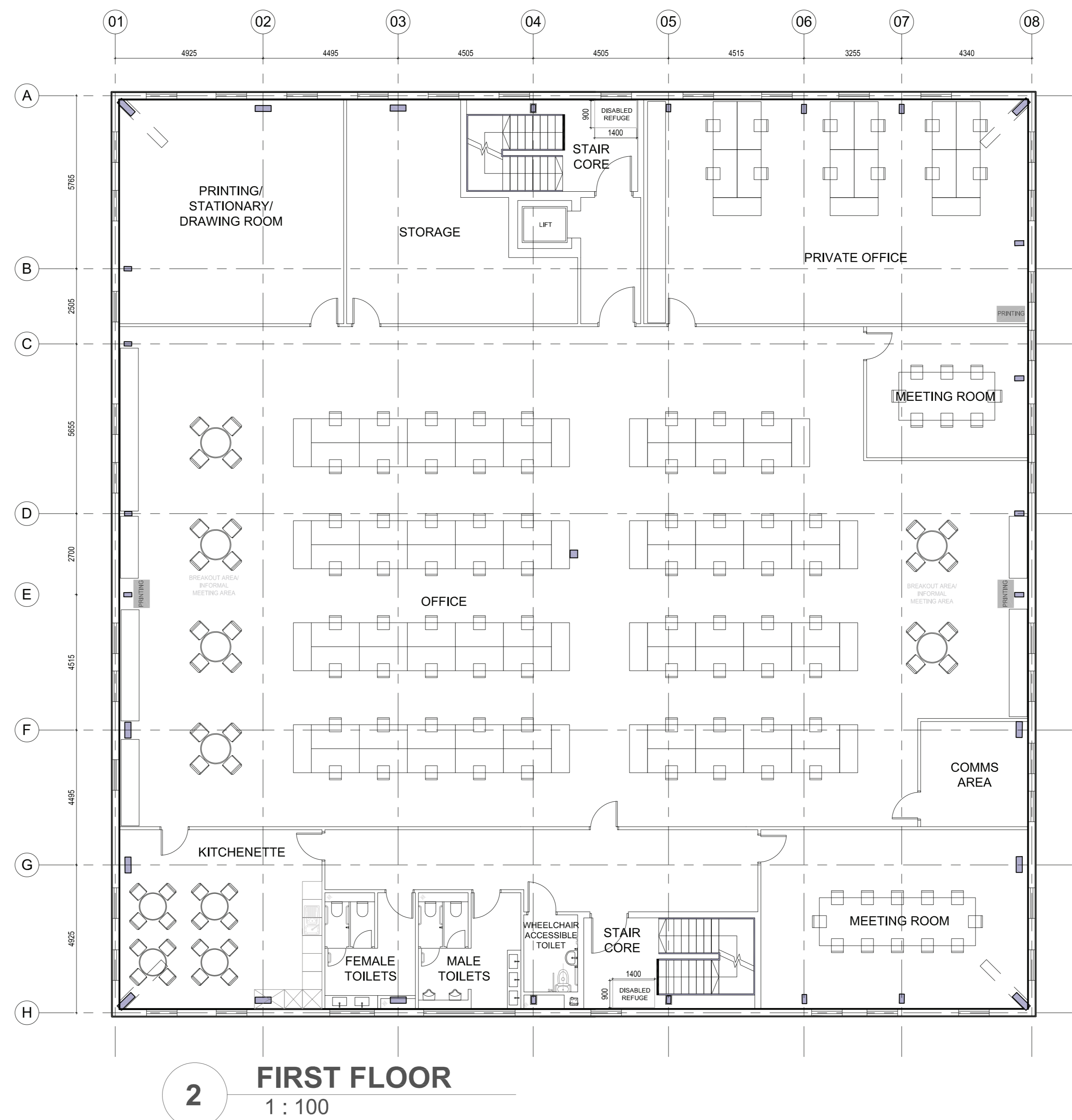
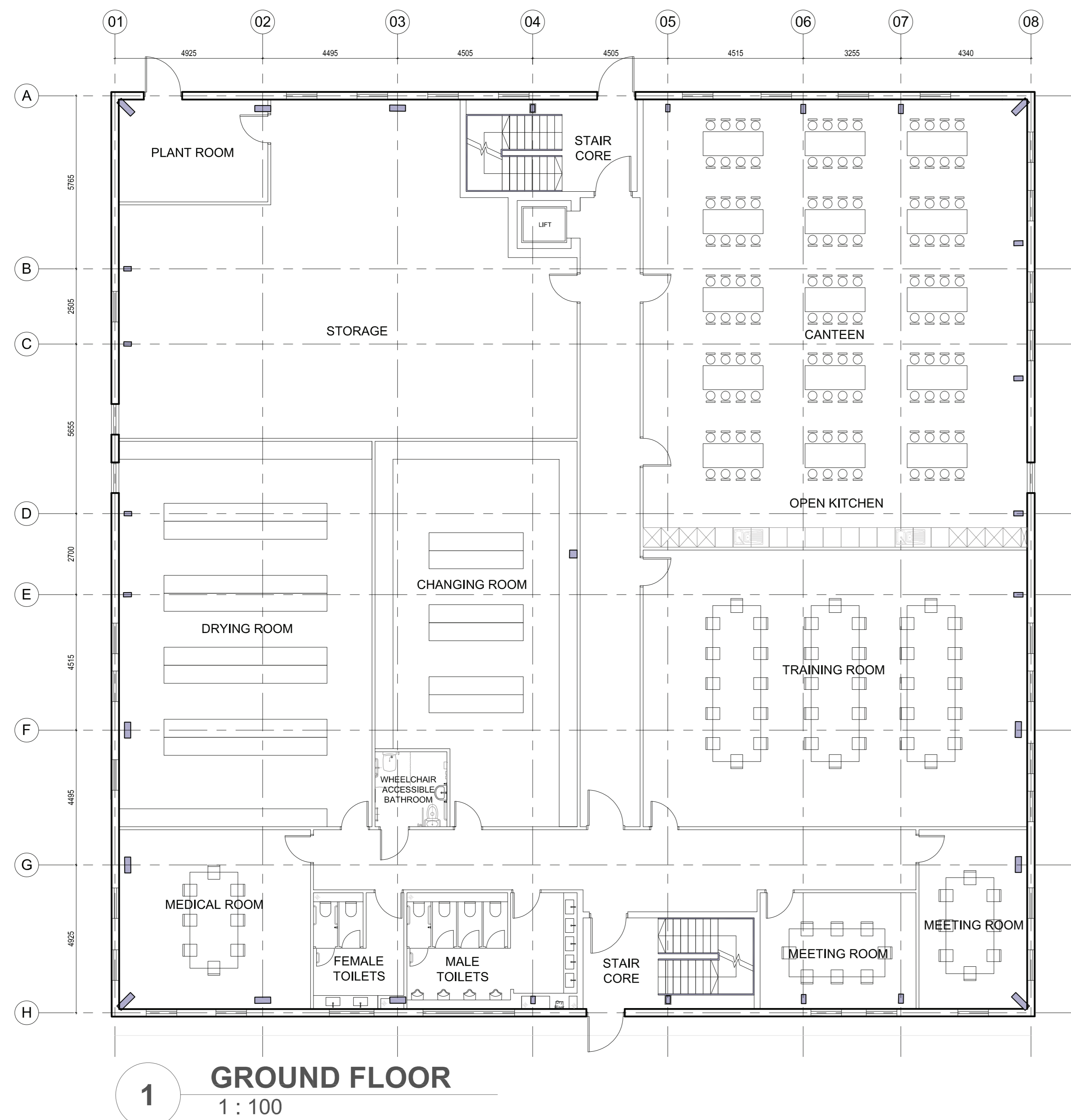
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P8	WL	30.08.19	-	PAPER SIZE AND SCALE AMENDED
P7	WL	29.07.19	-	1ST FLOOR OFFICE LAYOUT AMENDED
P6	WL	09.07.19	-	OFFICE LAYOUT AMENDED & EXISTING ROOF SURVEY INCLUSION
P5	WL	08.07.19	-	OFFICE LAYOUT AMENDED
P4	WL	03.07.19	-	DESK LAYOUT/ WC & TEXT AMENDED
P3	WL	06.06.19	-	PLANT ROOM INCLUSION
P2	WL	28.05.19	-	ROOF PLAN INCLUSION
P1	WL	22.05.19	-	FIRST ISSUE

REV	BY	DATE	CHK	DESCRIPTION
STATUS				
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CONTRACTOR				
<b>Midgard Ltd</b>				
PROJECT				
<b>LATTERSEY FIELD, WHITTLESEY</b>				
CLIENT				
<b>JRL PLANT AND LOGISTICS</b>				
DRAWING TITLE				
<b>UNIT 2 - PLANS</b>				
DATE CREATED	DATE AMENDED	SCALE		
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WL	WL	-		
DRAWING NO & REVISION				
<b>MDS_M009A_00_04_P8</b>				



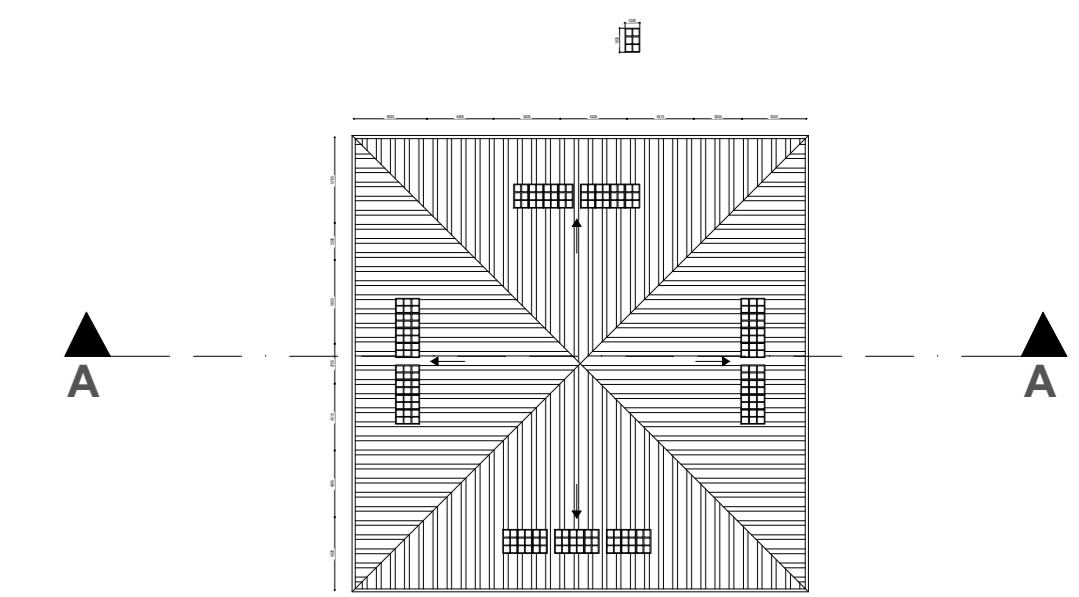


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**Location Plan**

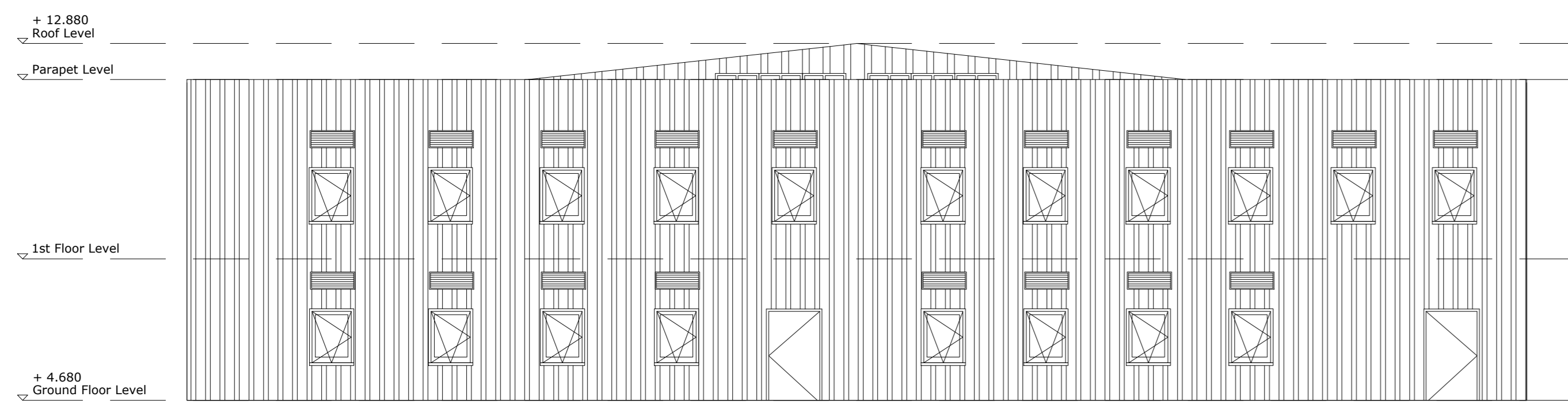
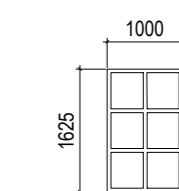


**PV ARRAY**

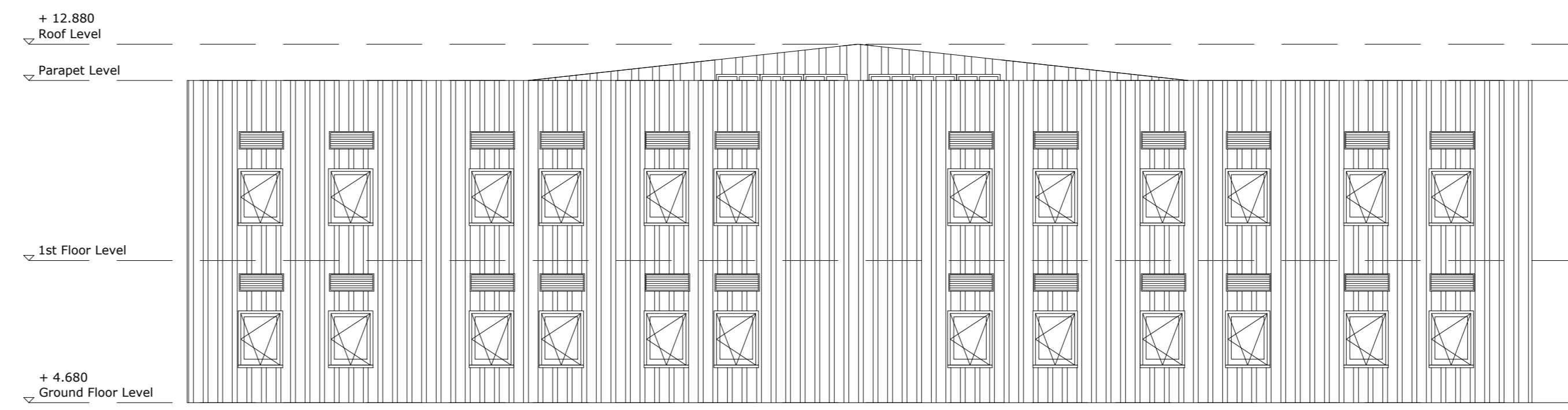
PROPOSAL OF LOCATION OF 33 SOLAR PANELS AT THE ROOF.

- SOUTH ELEVATION: 9 UNITS
- NORTH ELEVATION: 8 UNITS
- EAST ELEVATION: 8 UNITS
- WEST ELEVATION: 8 UNITS

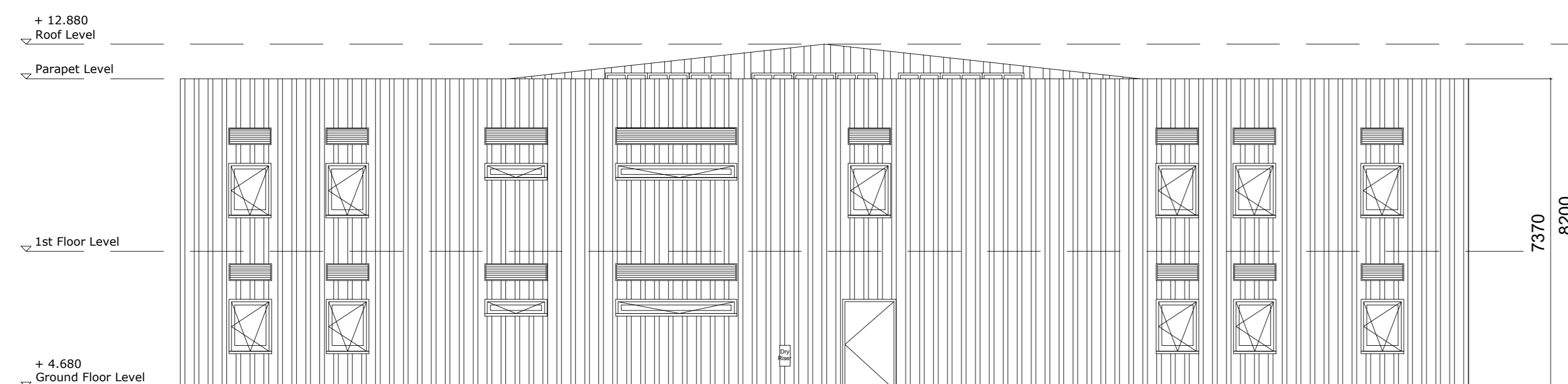
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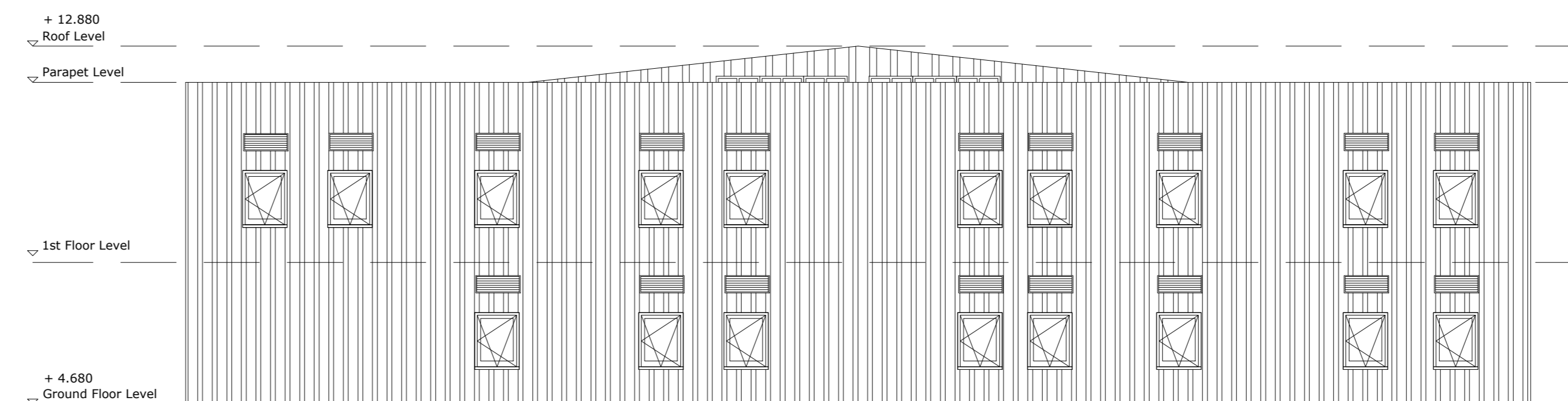
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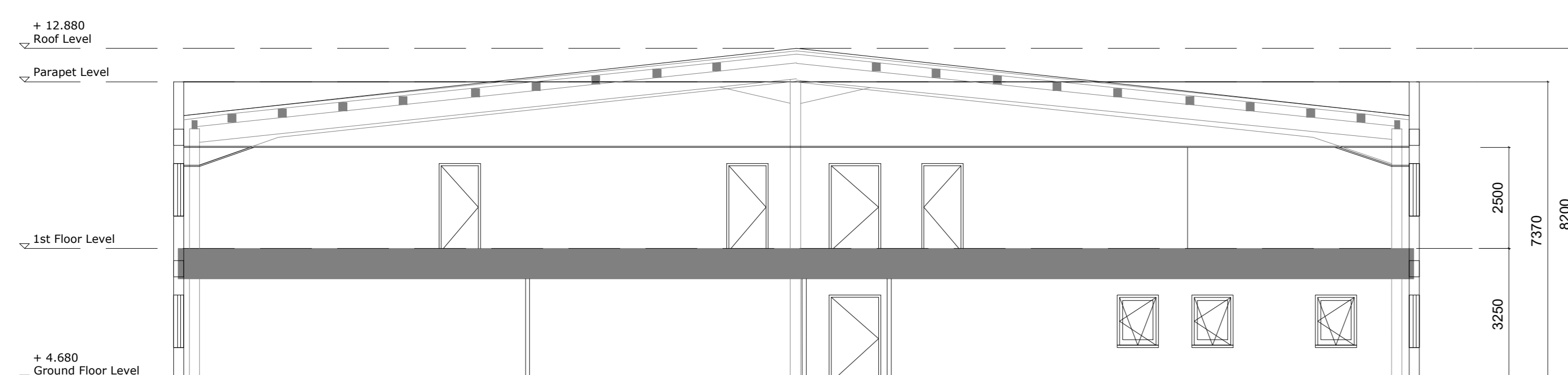
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**5 WEST ELEVATION**  
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REV	BY	DATE	CHK	DESCRIPTION
P8	IG	25.11.19	-	PV POSITION UPDATED
P7	IG	22.11.19	-	PV ADDED
P6	WL	30.08.19	-	PAPER SIZE AND SCALE AMENDED
P5	WL	09.07.19	-	ROOF AMENDED AND SECTION INCLUSION
P4	WL	08.07.19	-	WINDOWS AMENDED
P3	WL	03.07.19	-	ROOF SLOPE AMENDED
P2	WL	06.06.19	-	PLANT ROOM INCLUSION - WINDOWS AMENDED
P1	WL	22.05.19	-	FIRST ISSUE

CONTRACTOR

**PLANNING**

CONTRACTOR

Midgard Ltd

PROJECT

LATTERSEY FIELD, WHITTLESEY

CLIENT

JRL PLANT AND LOGISTICS

DRAWING TITLE

UNIT 2 - ELEVATIONS & SECTION

DATE CREATED	DATE AMENDED	SCALE
22.05.19	25.11.19	AS INDICATED @A0
DRAWN BY	AMENDED BY	CHECKED
WL	IG	-

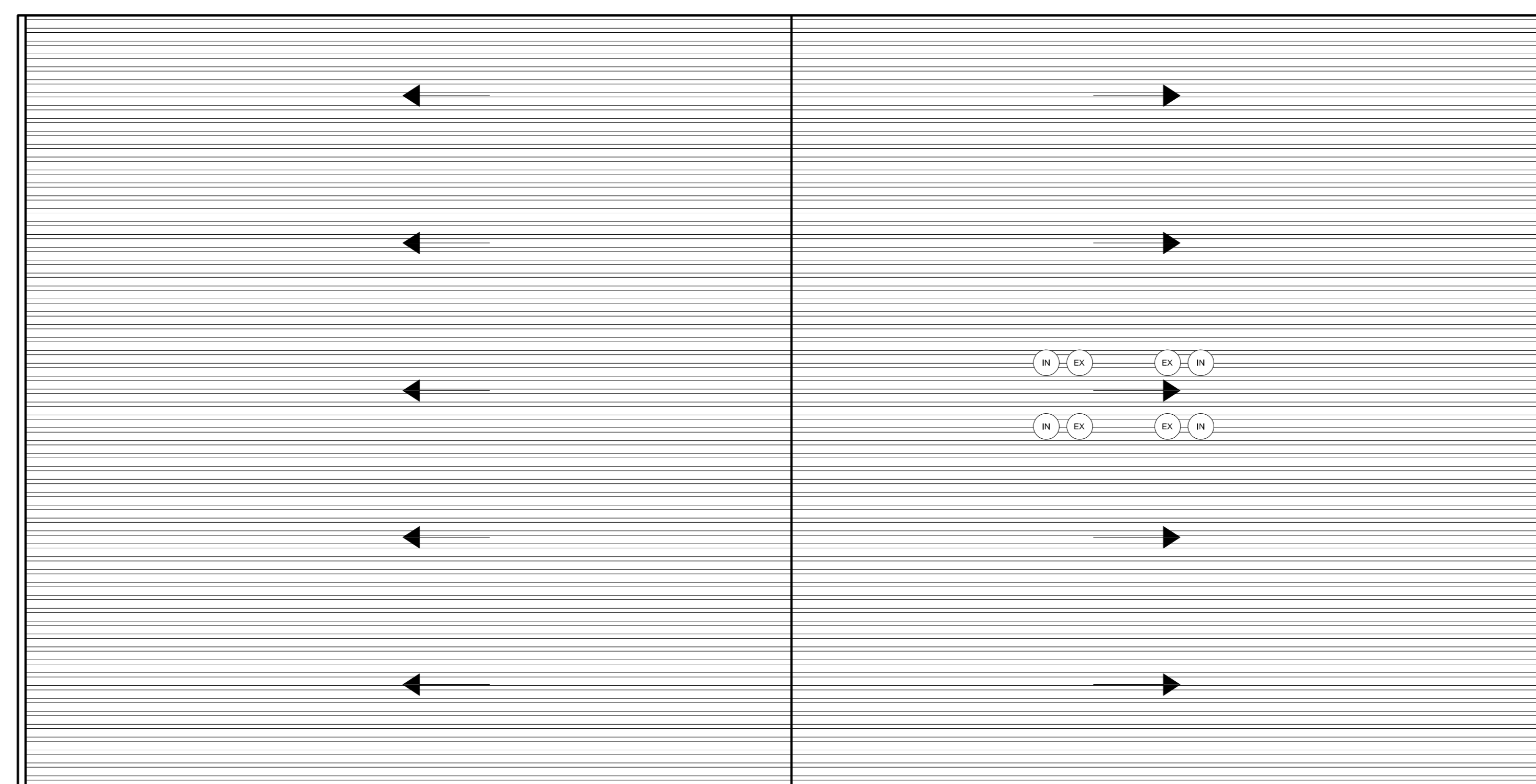
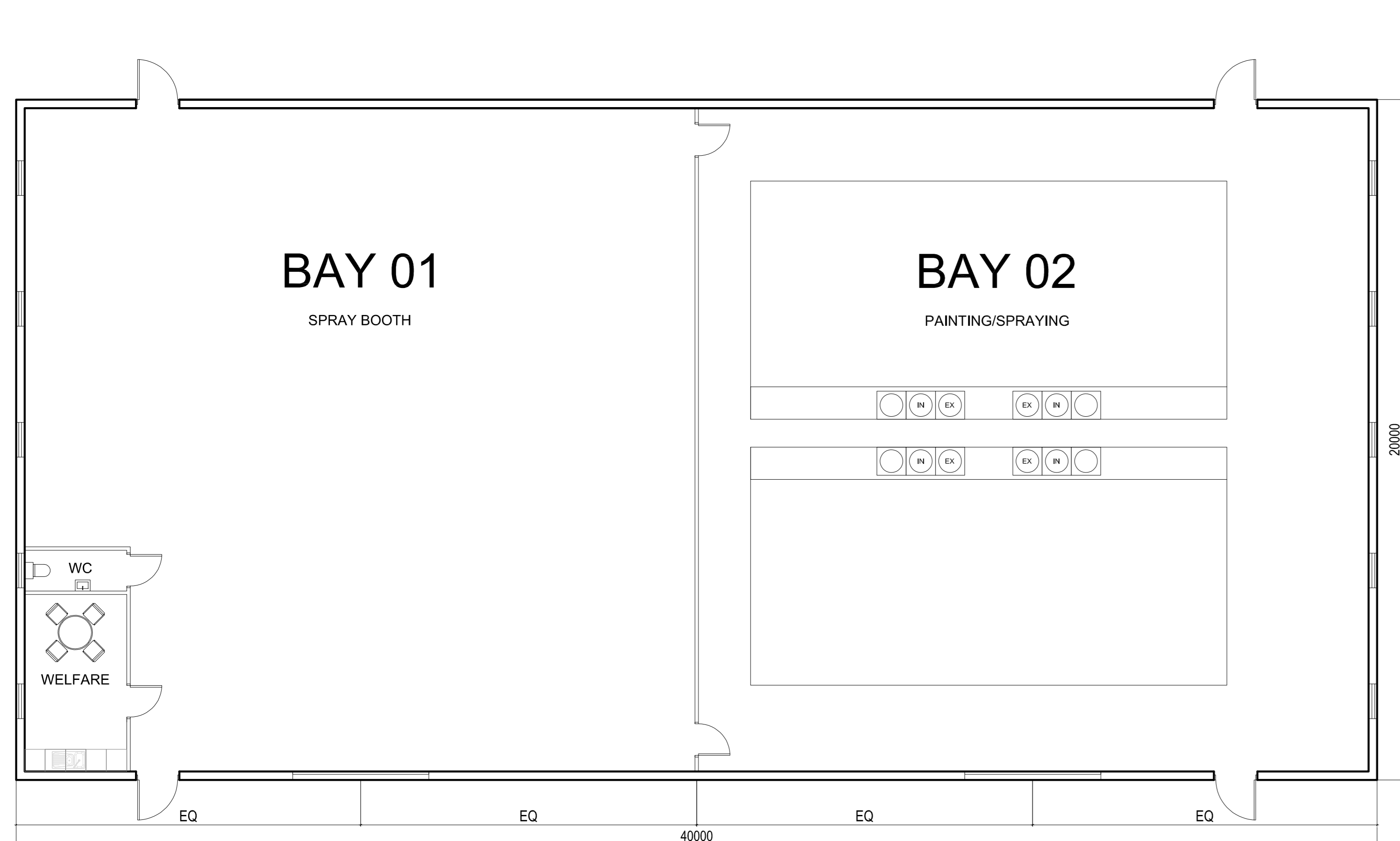
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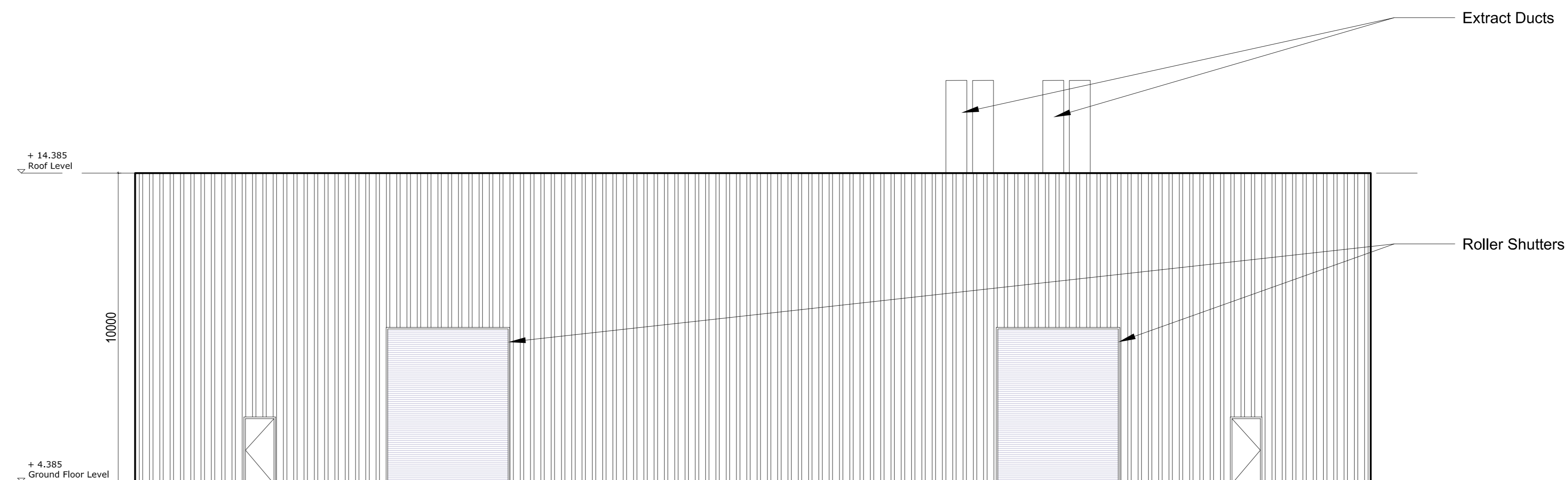
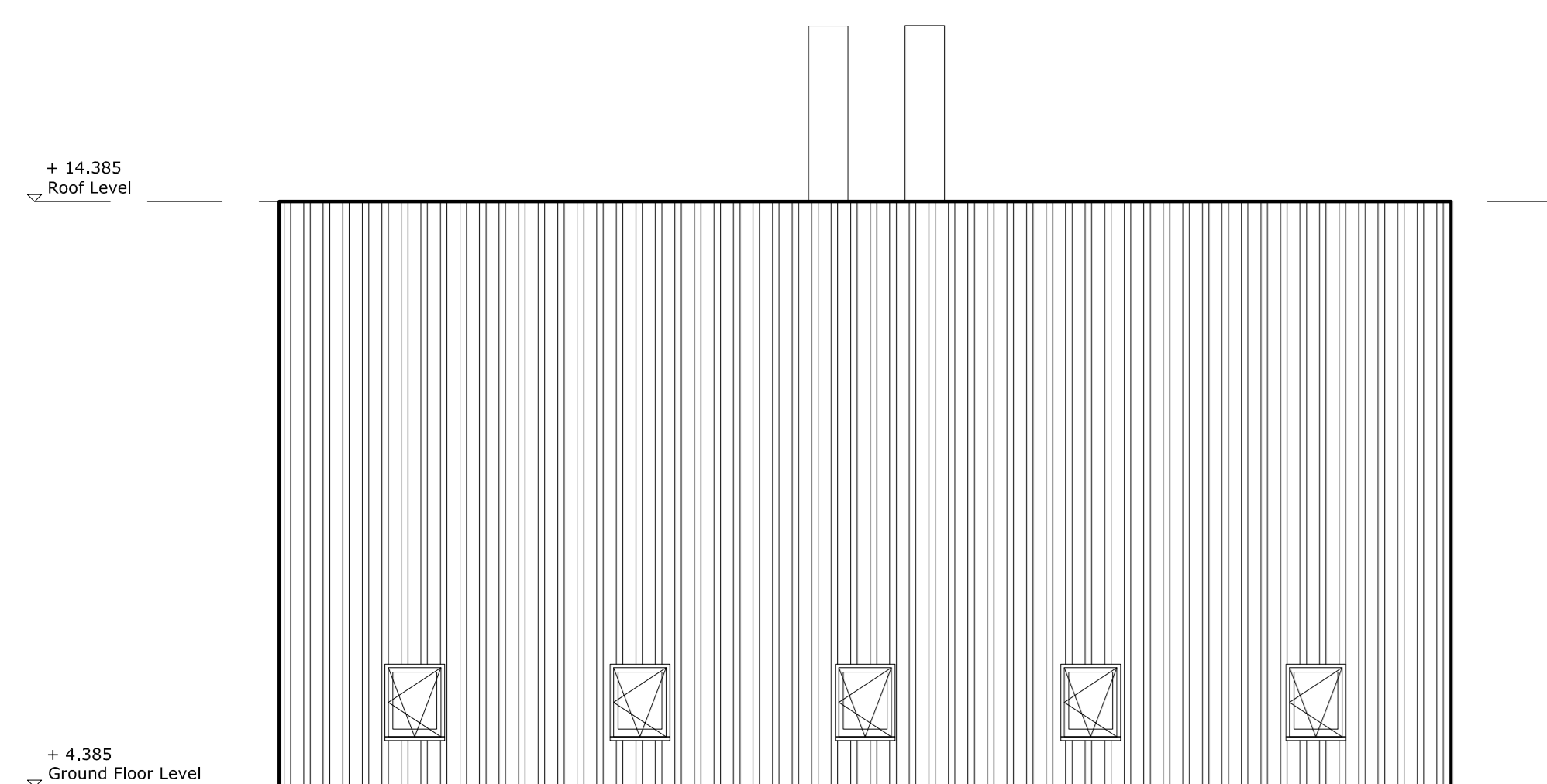
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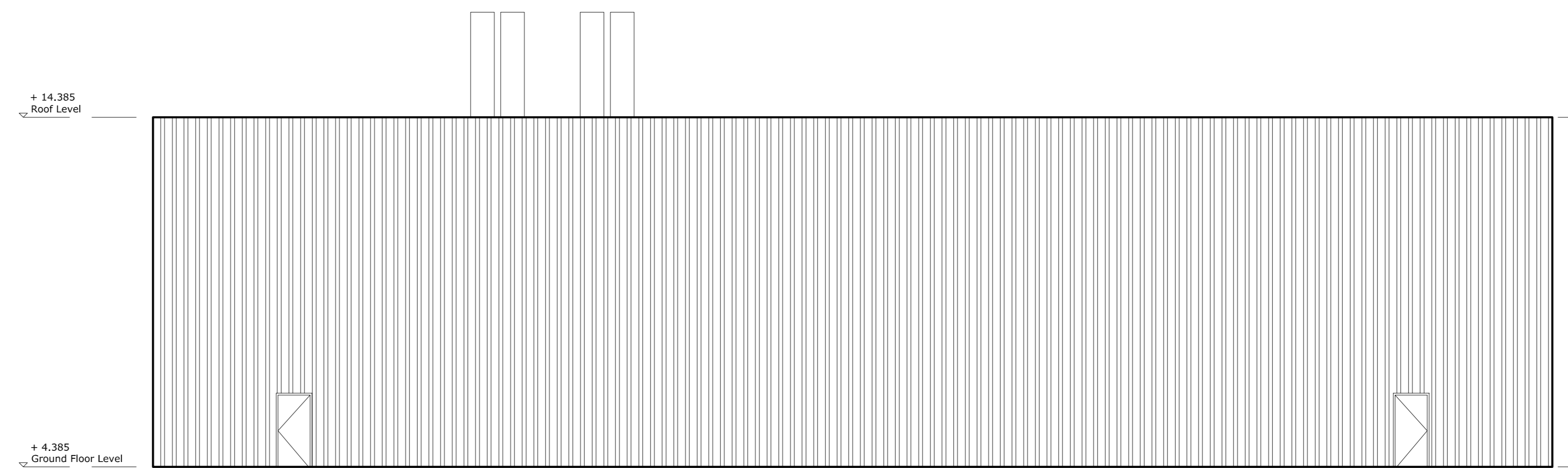
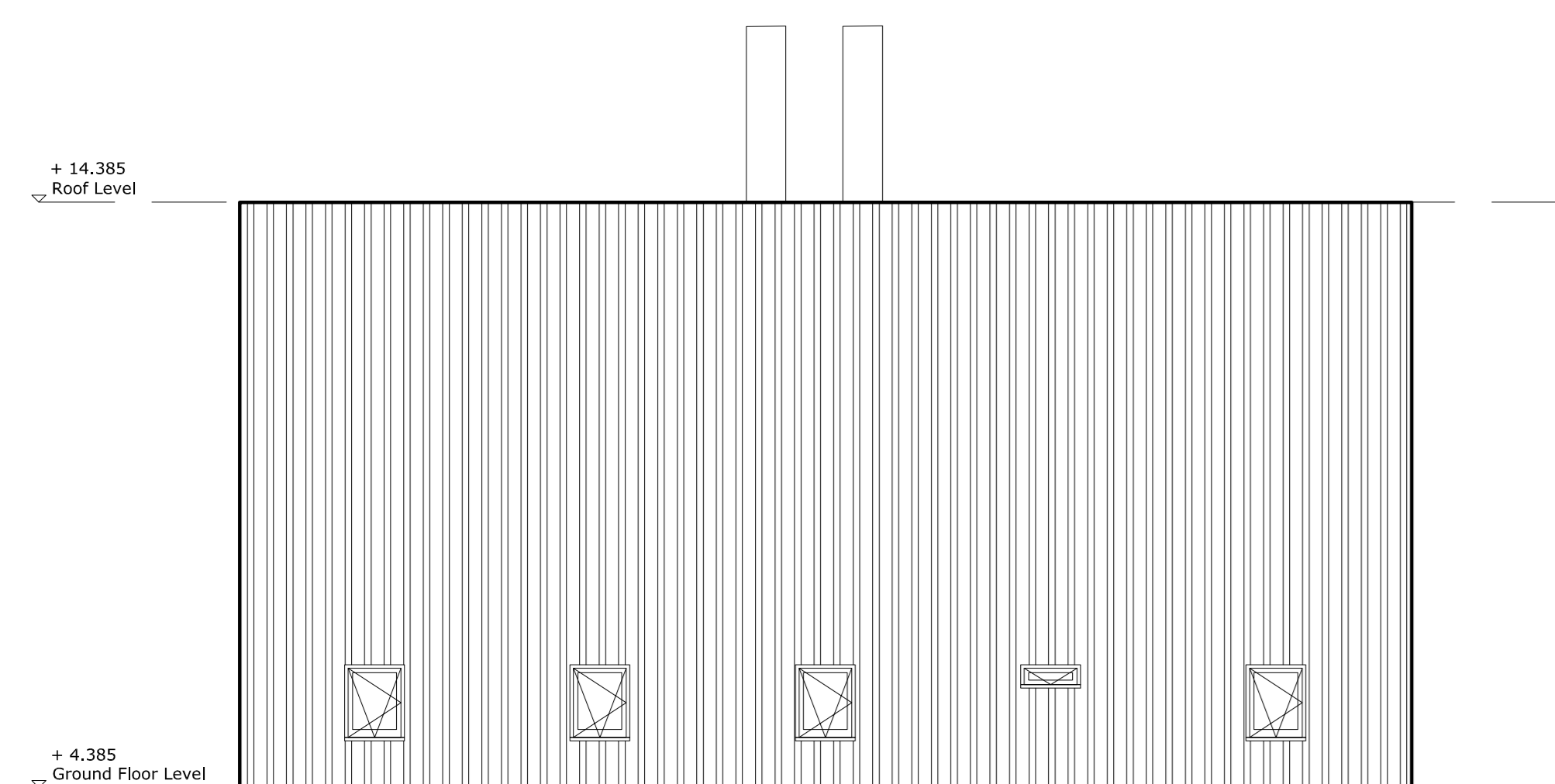
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**2 ROOF**  
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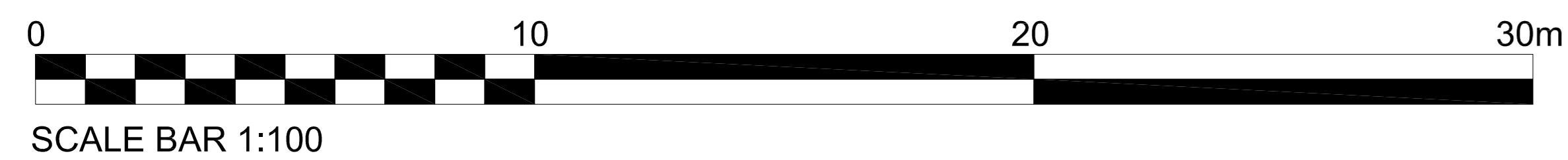
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**5 SOUTH ELEVATION**  
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**6 WEST ELEVATION**  
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REV	BY	DATE	CHK	DESCRIPTION
P6	WL	30.08.19	-	PAPER SIZE AND SCALE AMENDED
P5	WL	09.07.19	-	WELFARE FACILITIES ADDED
P4	WL	04.06.19	-	SPRAY BAY DUCTS ADDED
P3	WL	31.05.19	-	PLAN & ELEVATION AMENDED
P2	WL	28.05.19	-	ROOF PLAN INCLUSION
P1	WL	22.05.19	-	FIRST ISSUE

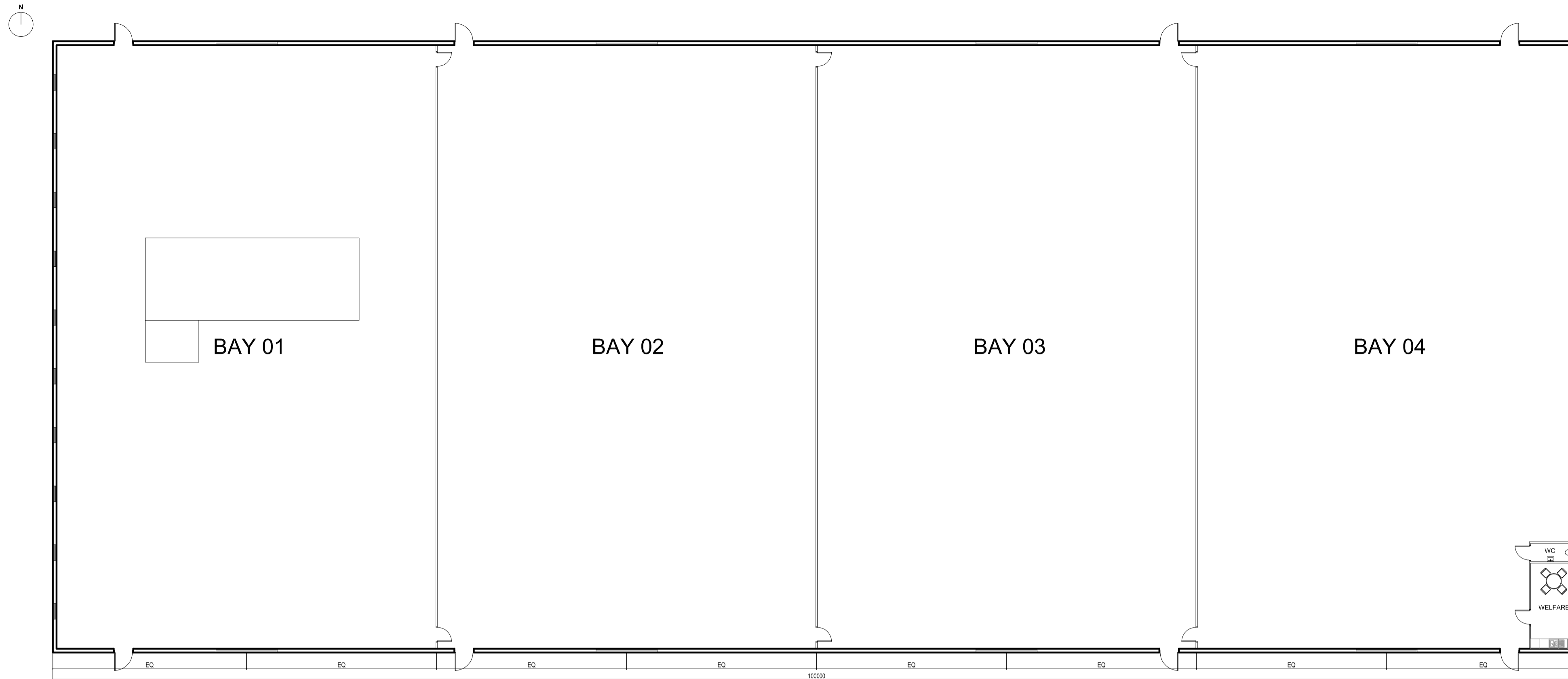
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Midgard Ltd				
PROJECT				
LATTERSEY FIELD, WHITTLESEY				
CLIENT				
JRL PLANT AND LOGISTICS				
DRAWING TITLE				
UNIT 3 - PLANS & ELEVATIONS				
DATE CREATED	DATE AMENDED	SCALE		
22.05.19	30.08.19	AS INDICATED @A0		
DRAWN BY	AMENDED BY	CHECKED		
WL	WL	-		
DRAWING NO & REVISION				
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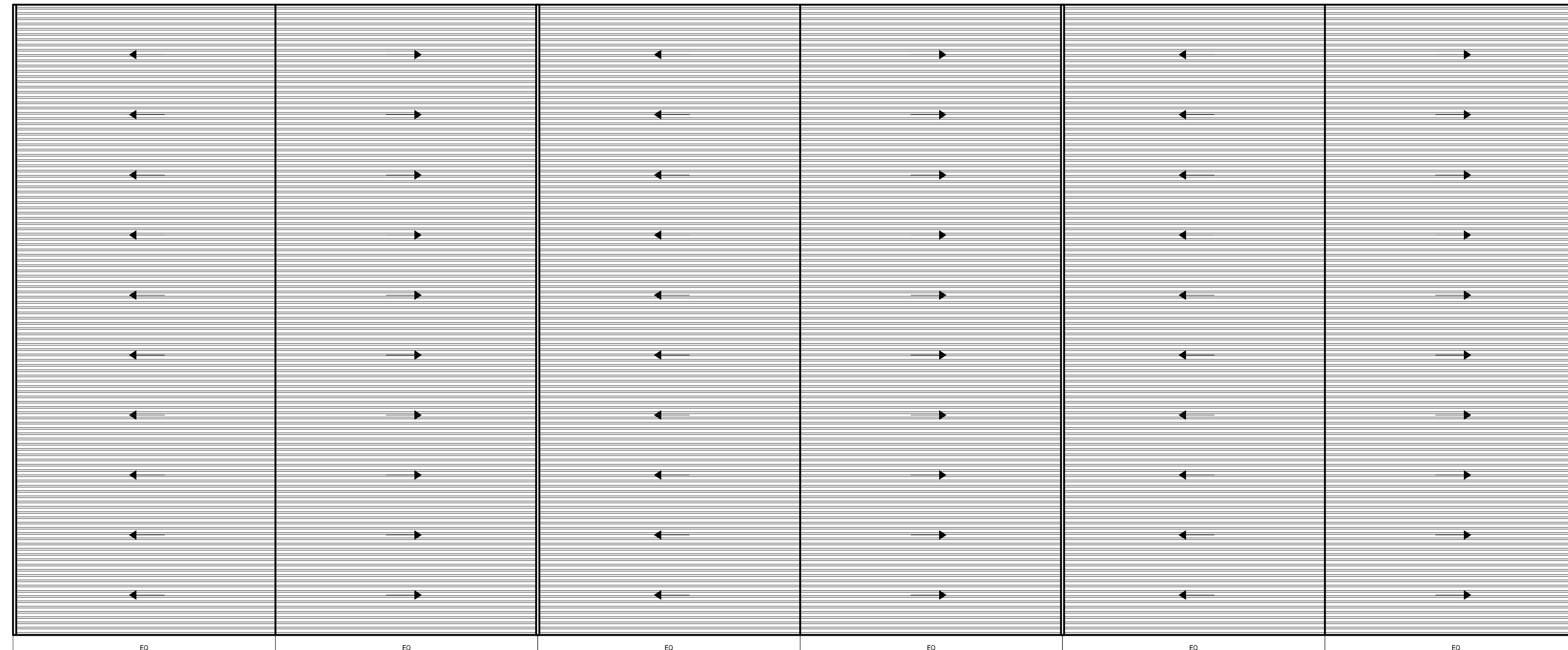
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1 GROUND FLOOR  
 1 : 200



2 ROOF  
 1 : 200

P4	WL	09.07.19	-	WELFARE FACILITIES & SHOT BLAST UNIT ADDED
P3	WL	31.05.19	-	GROUND & ROOF AMENDED
P2	WL	28.05.19	-	ROOF PLAN INCLUSION
P1	WL	22.05.19	-	FIRST ISSUE

REV	BY	DATE	CHK	DESCRIPTION	STATUS

**PLANNING**

CONTRACTOR

Midgard Ltd

PROJECT

LATTERSEY FIELD, WHITTLESEY

CLIENT

JRL PLANT AND LOGISTICS

DRAWING TITLE

UNIT 4 - PLANS

DATE CREATED	DATE AMENDED	SCALE
22.05.19	09.07.19	AS INDICATED @A1
DRAWN BY	AMENDED BY	CHECKED
WL	WL	-

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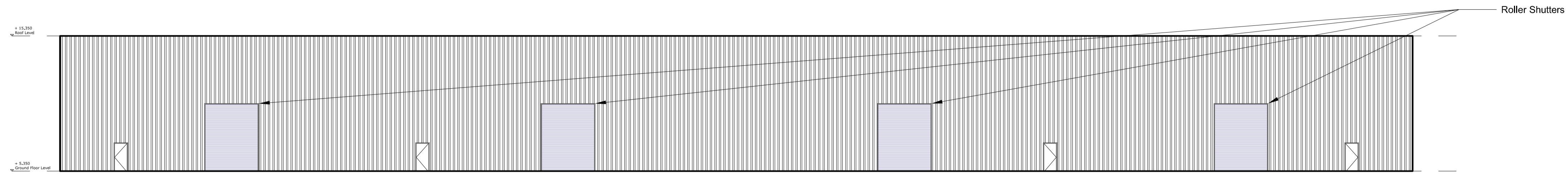




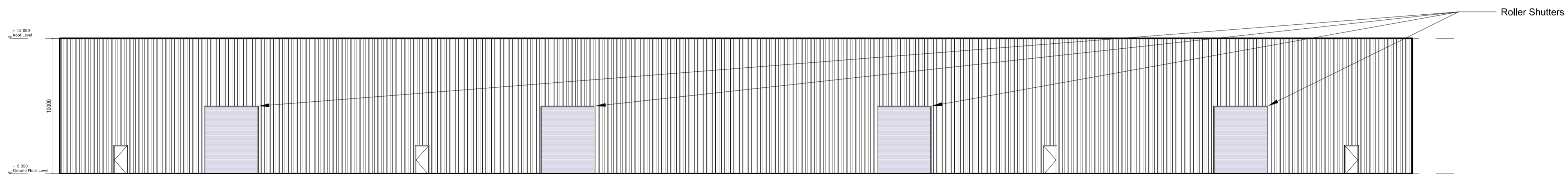
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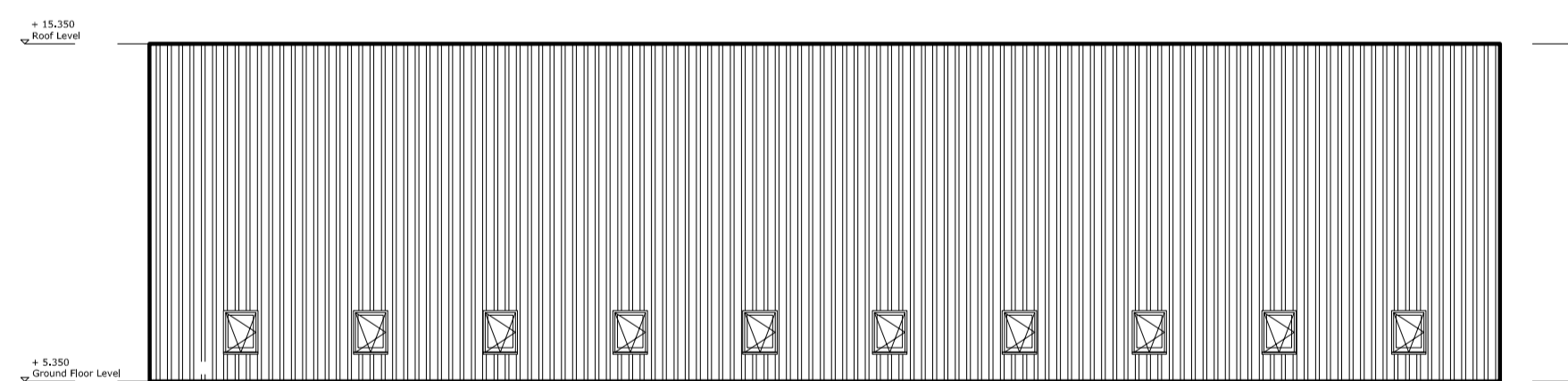
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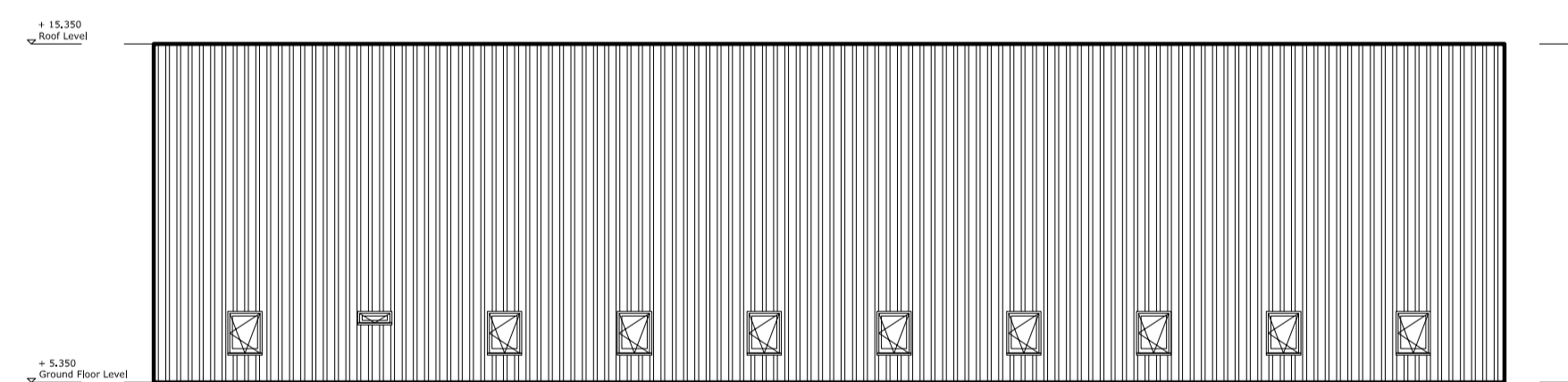
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**2 SOUTH ELEVATION**  
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**3 WEST ELEVATION**  
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**4 EAST ELEVATION**  
1 : 200

P2	WL	31.05.19	-	ADDITIONAL ROLLER SHUTTER
P1	WL	28.05.19	-	FIRST ISSUE
REV	BY	DATE	CHK	DESCRIPTION
STATUS				

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DRAWING TITLE

UNIT 4 - ELEVATIONS

DATE CREATED	DATE AMENDED	SCALE
28.05.19	31.05.19	AS INDICATED @A1
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WL	WL	-

DRAWING NO & REVISION  
MDS\_M009A\_00\_07\_P2



**PLANNING COMMITTEE DATE: 29 July 2020**

**Agenda No: 6**

**APPLICATION NO: F/YR19/0761/F**

**SITE LOCATION: Lattersey Field, Benwick Road, Whittlesey**

**UPDATE**

Condition 3 to be updated with the relevant plan number as follows:

Prior to the first use of any building hereby permitted external lighting shall be provided as per drawings 19006-E-EX-2002 C5, 19006-ME-EX-3001 C3, 19006-E-EX-2001 C4 and the External Light Pollution Assessment.

The perimeter lights shall be switched off and remaining lighting dimmed between the hours of 2200 -0700 (as indicated on drawing 19006-E-EX-2002 C5).

Reason - To ensure that adequate lighting of the development is provided during the hours of darkness for security purposes, and to ensure the development does not cause harm to ecology or the amenity of adjoining occupiers in accordance with Policies LP2, LP16, LP17 and LP19 of the Fenland Local Plan 2014.

**Resolution: No change to the recommendation which is to grant the application as per Section 12 of Agenda item 6.**

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F/YR20/0224/O

**Applicant: Mr Malcolm Barnes**

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

**Land West Of 36, Peterborough Road, Whittlesey, Cambridgeshire**

**Erection of 9no dwellings (outline application with matters committed in respect of access and layout) including demolition of existing greenhouses (retrospective)**

**Officer recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is an outline application with access and layout committed at this stage for up to 9 dwellings including the demolition of the existing greenhouses on land west of 36 Peterborough Road, Whittlesey.
- 1.2 The site is located within the settlement of Whittlesey and as such Policy LP3 of the Fenland Local Plan supports new residential development.
- 1.3 The site sits within a predominately residential area and is appropriate in terms of its layout. The details such as scale and appearance have been reserved at this stage, and will be required to be carefully considered should outline planning permission be granted.
- 1.4 The issues with regard to drainage have been comprehensively addressed in terms of the on-site situation and off-site connections to deal with surface water. As required by the LLFA conditions can confirm the precise requirements in due course: this is appropriate given the proposal seeks outline planning permission.
- 1.5 The access has been the subject of discussion with the County Council who consider that the access is appropriately located having regard to other access points to Peterborough Road nearby. The proposal would not compromise highway safety.
- 1.6 Overall the proposal is considered to be acceptable subject to the imposition of planning conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within the settlement of Whittlesey to the western side. The site is located off the A605 Peterborough Road (an A classified road) in Whittlesey and previously accommodated greenhouses associated with a small scale nursery business which has been redundant for a number of years.
- 2.2 The land is bounded on the western and northern sides by residential properties fronting Tower Close, Crossway Hand and Peterborough Road. The water tower and public play area is located on the eastern side of the site and to the south (on the opposite side of the road) occupies a car rental/sale yard and Petrol Filling Station.
- 2.3 The site lies within Flood Zone 1. There are no designated or identified non-designated heritage assets either within or close to the site.

### **3 PROPOSAL**

- 3.1 The proposal is in outline for 9 dwellings with access and layout being committed at this stage. Appearance, landscaping and scale are 'Reserved Matters' to be considered at a future date (should outline permission be granted).
- 3.2 The proposed layout consists of four houses (Plots 1 – 4) designed to a semi-detached type layout occupying the rear of the site. The remainder of the houses Plots 5-9 are designed to a terraced linked type layout occupying the eastern side of the site. The terraced layout is designed in three blocks each of which is staggered.
- 3.3 Each dwelling has its own private rear garden area. It is proposed to provide Plots 1, 2, 3, 4, 8, 9 with separate garage facilities and a designated parking area on plot. Plots 5, 6, 7 will be provided with their own designated car parking area directly opposite their associated dwelling. Separate visitor parking provision has also been allowed within the scheme.
- 3.4 The proposed access is 5 metres wide with a 2m footpath along the western side and will be located closest to No.36 Peterborough Road and will curve round and continue to a turning head to cater for refuse and emergency vehicles.
- 3.5 The following documents have been submitted to support the application:
  - Design and Access Statement
  - Preliminary Investigation Report (Desk study and site reconnaissance report)
  - Road layout with visibility splays and swept path analysis
  - Drainage Strategy
- 3.6 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

### **4 SITE PLANNING HISTORY**

- 4.1 There is no pertinent planning history associated with the site.

### **5 CONSULTATIONS**

5.1 **Whittlesey Town Council:** Recommend refusal due to access to the site and highways issues, both of which have been highlighted by Cambridgeshire Council Council. The Town Council have concern that there are already 2 established businesses opposite with constant car movements, therefore safety is a potential issue. Members also expressed concern as the child's play area is close by.

5.2 **CCC Highway Authority:** First comments: *The proposed A605 access location conflicts with the accesses on the opposite side of the road. The applicant should apply suitable junction spacing in order to avoid conflict between the accesses. The applicant either needs to relocate the access, or provide evidence to demonstrate why the proposed access location does not pose an unacceptable risk to highway safety.*

Second comments: *No highway objection. The lack of junction/access spacing between the proposed residential access and the commercial accesses opposite is a highway safety concern. I think this application will result in an increased likelihood of peak hour vehicle conflicts. That said, the 9 dwelling residential development will generate a relatively low volume of vehicle movements during peak hours. The car sales/rental business opposite will not be a significant generator of vehicle movements especially during peak hours. The garage to the east of proposed access is a busy garage. This is likely to be more busy during peak hours (same peak hours as the residential development).*

*The A605 is a busy principal route (high percentage of HGVs) but is subject to a 30mph speed limit along the development site frontage i.e. MfS guidance applicable. Opposing access arrangements are common in urban streets and usually operate without any safety problems, this is mainly due to the low vehicle speeds and increased driver hazard perception, reactions times etc. MfS provides case study evidence that supports this assertion.*

*There is already some accident history at the garage access, but no trends or clusters that would suggest an existing highway safety problem.*

*The development will result in the existing substandard site access being stopped up and replaced with a standard bell mouth access with acceptable visibility. This offers some improvement over the existing situation.*

*The housing estate access layout is not conducive to CCC road adoption requirements. CCC require footways to follow the development frontage and a different horizontal access road alignment/arrangement. It is not possible for the applicant to address these adoption matters without third party land encroachment or a reduction in access visibility. The LPA have already confirmed they are satisfied with the estate road remaining private.*

*Having given consideration and balance to the above points, I conclude there will be no material harm caused to highway safety as a result of this application/development proposal.*

*I conclude I have no highway objections subject to the following condition recommendations; access construction including drainage details and visibility splays.*

5.3 **FDC Environmental Services (Refuse):** *The plan shows that we would be able to access and safely turn with our vehicles. We would require private road to be constructed up to a standard suitable for a 26t collection vehicle and indemnity*

*required against any damage to the road surface caused by waste collection operations by landowner/management company.*

- 5.4 **Natural England:** No comments to make. Generic advice provided.
- 5.5 **FDC Environmental Services:** Acknowledge the Preliminary Investigation (Desk Study and site reconnaissance report) the findings of which are accepted. Given the nature of the site's previous use, intended use and the identification of plausible contamination linkages, the recommendations made in the report that an exploratory intrusive ground investigation is undertaken to determine the extent of any potential contamination are considered necessary. *I am satisfied that the remaining works can be conditioned, and request that the relevant parts of the contaminated land condition to cover the need for a Phase 2 intrusive investigation and any associated remedial strategy and validation/closure report aspects are improved in the event permission is granted. Any such reports and certification such as that covering the importation of clean soil will need to be approved prior to allowing the discharge of the condition. Given the scale of the proposed development and its close proximity to existing residential properties, recommend that a construction management plan is submitted prior to commencement of development which outlines procedures to ensure that any potential disturbance will be kept to a minimum.*
- 5.6 **North Level IDB:** First comments: No objection in principle. Serious concerns regarding the method of surface water disposal proposed. *Owing to the density of the proposed development, I am concerned that a combination of soakaway and SUDs (not specified in this application) will not adequately deal with the surface water, especially during prolonged wet winter such as that experienced this winter. It is imperative that any proposals do not increase flood risk to existing properties in the vicinity.*

Second comments: Following receipt of the Drainage Strategy. *The strategy remains unclear as to the final method of surface water disposal. The strategy currently suggests surface water may discharge via a rising main to the Anglian Water surface water sewer in Glenfields to the north or alternatively it may go south via Snoots Road or possibly via infiltration which has already been discounted owing to groundwater. If water is ultimately discharged to the north, then it will require North Level IDB consent, if it goes south, then it is a matter for Middle Level Commissioners to consent.*

- 5.7 **Cambs Fire & Rescue:** No objection subject to securing a scheme for fire hydrants.
- 5.8 **CCC Lead Local Flood Authority:** (First comments): Although not a statutory consultee for a non-major application attention is drawn to the use of SUDs. The application indicates that surface water from the site is proposed to discharge to a soakaway, however have highlighted that soakaways are only appropriate in areas with sufficiently permeable geology to support certain infiltration rate and that on site testing could be undertaken across the site to confirm the rate or an alternative strategy could be proposed.

(Second comments): Following receipt of the Drainage Strategy. *The applicant now proposes to discharge of surface water into the public sewer network through the use of pumping. We request the following conditions: the submission and approval of a detailed Drainage Strategy (which includes details of risks associated with potential pump failure) and a maintenance plan.*

5.9 **Local Residents/Interested Parties:** 3 letters of objection received raising the following concerns material to the application:

- Access – very close to a pedestrian crossing, a very busy 24 hour petrol station and the access to Snoots Road
- Environmental concerns – Whittlesey is being overburdened with new homes without the relevant infrastructure to cope. Difficult to access doctor surgeries etc.
- Local services/schools – unable to cope
- Traffic and highways
- Density/Over development
- Design/Appearance
- Loss of view/outlook
- Noise
- Overlooking/loss of privacy from the first-floor over looking into rear gardens. The plans do not show any type of screen/fences at the rear of the new dwellings.
- Proximity to property
- Shadowing/loss of light – the 2-storey houses would overshadow garden areas.

Matters have also been raised with regard to devaluing property; however these matters are not material considerations and as such cannot be taken into account.

## **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 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**

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  
LP11 – Whittlesey  
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)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- RECAP CCC Waste Management Design Guide SPD (2012)

### 8 **KEY ISSUES**

- **Principle of Development**
- **Design, Layout and Residential Amenity**
- **Access and Highway Safety**
- **Flood Risk and Drainage**
- **Other Considerations**

### 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 Whittlesey, to the western side, and therefore the provision of residential development in this location accords with Policy LP3.

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

9.2 The layout provides adequate sized private garden areas compliant with Policy LP16 of the FLP. Although the proposal is in outline form the layout does show a good mix of housing including larger semi-detached and smaller terraced dwellings which are considered acceptable and reflects the scale of existing development in the surrounding area. Whilst scale and appearance are reserved details it is likely that 2-storey development will occupy the site which will reflect the nearby developments of Tower Close, Crossway Hand and Peterborough Road.

- 9.3 Given the location of the proposed development in relation to the existing residents within the wider area (Tower Close, Crossway Hand, Peterborough Road), the proposal is not considered to give rise to concerns regarding neighbouring amenity. There is approximately 62m distance from the rear of the closest property (No.4) at Crossway Hand to the front elevations of the new dwellings (at Plots 5-8) and approximately 51m distance from the side elevation of Plot 1 to the rear of the block of terraced properties at Nos 6 to 20 (even numbers only) Crossway Hand.
- 9.4 There is a distance of approximately 21.8m from the rear elevations of Nos. 21 & 19 Tower Close to the rear elevations of Plots 1 and 2. This level of distance is considered acceptable and will not cause any significant issues in relation to overshadowing or overlooking.
- 9.5 The closest relationship between existing and new is that of Plot 4 where the rear elevation is approximately 13m from the southern side elevation of No.17B Tower Close. A similar relationship occurs with the side elevation of Plot 8 to the rear elevation of the host dwelling at No.36 Peterborough Road. However there is still considered to be sufficient distance between these dwellings as to not cause any significant issues in relation to overshadowing or overlooking.
- 9.6 The layout of the dwellings is not considered to give rise to unacceptable overlooking, overbearing impact or overshadowing of each other.
- 9.7 The proposed dwellings (subject to detailed design) would achieve good levels of surveillance and where necessary it will be important that windows to the ground floor can achieve appropriate surveillance over their respective/neighbouring parking areas.
- 9.8 A Construction Method Statement will be required to be submitted and agreed before development can commence and then adhered to during the construction period to ensure that any potential disturbance will be kept to a minimum.
- 9.9 Whilst it is noted that the scheme does not provide any direct connectivity to the public footpath to the north and to the play area to the east, it does have direct access onto the main Peterborough Road where there is only a short distance to the main access into the play area which then connects to the public footpath.
- 9.10 Overall, it is considered that the proposed development layout is acceptable and subject to the detailed design 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.

### **Access and Highway Safety**

- 9.11 The concerns of Whittlesey Town Council are duly noted and reflect the initial concerns of the Highway Authority in respect of the proposed location of the access to the site. Following further discussions between the applicants Highway Consultant and the Highway Authority in relation to the location of the site access and the junction/access spacing between the proposed access and the commercial accesses opposite, the Highway Authority has determined that the proposed location of the vehicular access is acceptable and they therefore do not object and recommend conditions in relation to visibility splays and access construction.

- 9.12 As part of their response the Highway Authority have confirmed that the proposed scheme will generate a relatively low volume of vehicle movements during peak hours. The car sales/rental business opposite the site (on the southern side of Peterborough Road) will not be a significant generator of vehicle movements especially during peak hours. The BP garage (also on the southern) to the east of the proposed access is a busy garage and this is likely to be busier during peak hours compared to the proposed residential development but no unacceptable conflicts are raised by the Highway Authority in their response.
- 9.13 The A605 is a principal route but is subject to a 30mph speed limit along the site frontage. The Highway Authority notes that there is already some accident history at the garage access but no trends or clusters that would suggest an existing highway safety problem.
- 9.14 The proposed development will result in the existing substandard site access being stopped up and replaced with a standard bell mouth access with acceptable visibility in both directions and this offers some improvement in terms of the existing situation.
- 9.15 Whilst the access layout is not conducive to CCC road adoption requirements it is considered that the road can remain private subject to securing details of the ongoing management and maintenance arrangements for the estate road and such details can be secured via a prior to occupation condition.
- 9.16 The Highway Authority has concluded that there will be no material harm caused to highway safety as a result of the proposed development and therefore does not object subject to highway conditions.
- 9.17 Parking provision is shown to serve each dwelling in accordance with the adopted standards contained within the FLP. It will be necessary to secure this via a planning condition.
- 9.18 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 the front of each plot, however to ensure that this remains the case a refuse collection scheme will be secured via a planning condition.
- 9.19 Overall therefore the initial concerns of the Highway Authority have been considered by the applicant and it has been agreed that the proposed location of the vehicular access is appropriate and that it will not create unacceptable highway safety concerns. All other impacts are considered to be acceptable. The proposal therefore complies with Policy LP15 of the FLP.

### **Flood Risk and Drainage**

- 9.20 The site is located within Flood Zone 1, within an area with a low probability of flooding. Given the scale of the development and the size of the site a site specific Flood Risk Assessment is not required.
- 9.21 Following the initial comments provided by the North Level IDB and CCC as Lead Local Flood Authority, a Drainage Strategy has been submitted. This strategy identifies (after infiltration testing at the site) that the use of soakaways will not be possible and therefore the only viable option is to connect the site to a surface water public sewer, the nearest is located to the north of the site. Due to the level



differences from the site to the sewer a pumped system is proposed. The outfall from this sewer is to an IDB area.

- 9.22 The IDB raise concerns over the Strategy but their comments appear only to relate to the route of the sewer and where it connects to the Anglian Water system. The applicant has confirmed that the route of the new sewer consists of a combination of the application site and the public highway (for which an agreement with the County Council will be required) to the connection to the Anglian Water system to the north.
- 9.23 In terms of the on-site surface water drainage this is proposed to comprise of lined permeable paving (located under the proposed access road) from where the water will be pumped off site at an appropriate rate.
- 9.24 The proposed method of foul water disposal will be covered under Part H of the Building Regulations. It is proposed that the site foul discharge will be subject to Anglian Water consent, however in this instance it is considered appropriate to secure the details of the scheme through a planning condition.
- 9.25 It is considered that the risk of flooding to the site has been adequately considered through the submission of the Drainage Strategy. The LLFA have recommended conditions in relation to the detailed drainage design for the site and the maintenance of this. Accordingly the development of the site with the proposed drainage system does not pose an unacceptable flood risk either to occupants of the site or to others off site, and therefore compliance with Policy LP14 of the FLP is achieved subject to the conditions.

### **Other Considerations**

- 9.26 Local residents have raised concerns about local infrastructure such as schools. The proposal is though below the threshold for requiring any contributions towards such facilities.

## **10 CONCLUSIONS**

- 10.1 Overall, the proposal creates a development which responds to the opportunities and constraints of the site and to relevant planning policies. The development is not considered to have a detrimental impact upon the neighbouring dwellings and is acceptable in terms of highway safety and flood risk/drainage matters and will provide a good quality residential environment. The proposal does not conflict with any policies of the Local Plan or to the NPPF. There are no other material planning considerations which would lead to the conclusion that the proposal is unacceptable. It is therefore recommended that outline permission is granted subject to conditions.

## **11 RECOMMENDATION**

Grant subject to conditions

### **Proposed Conditions:**

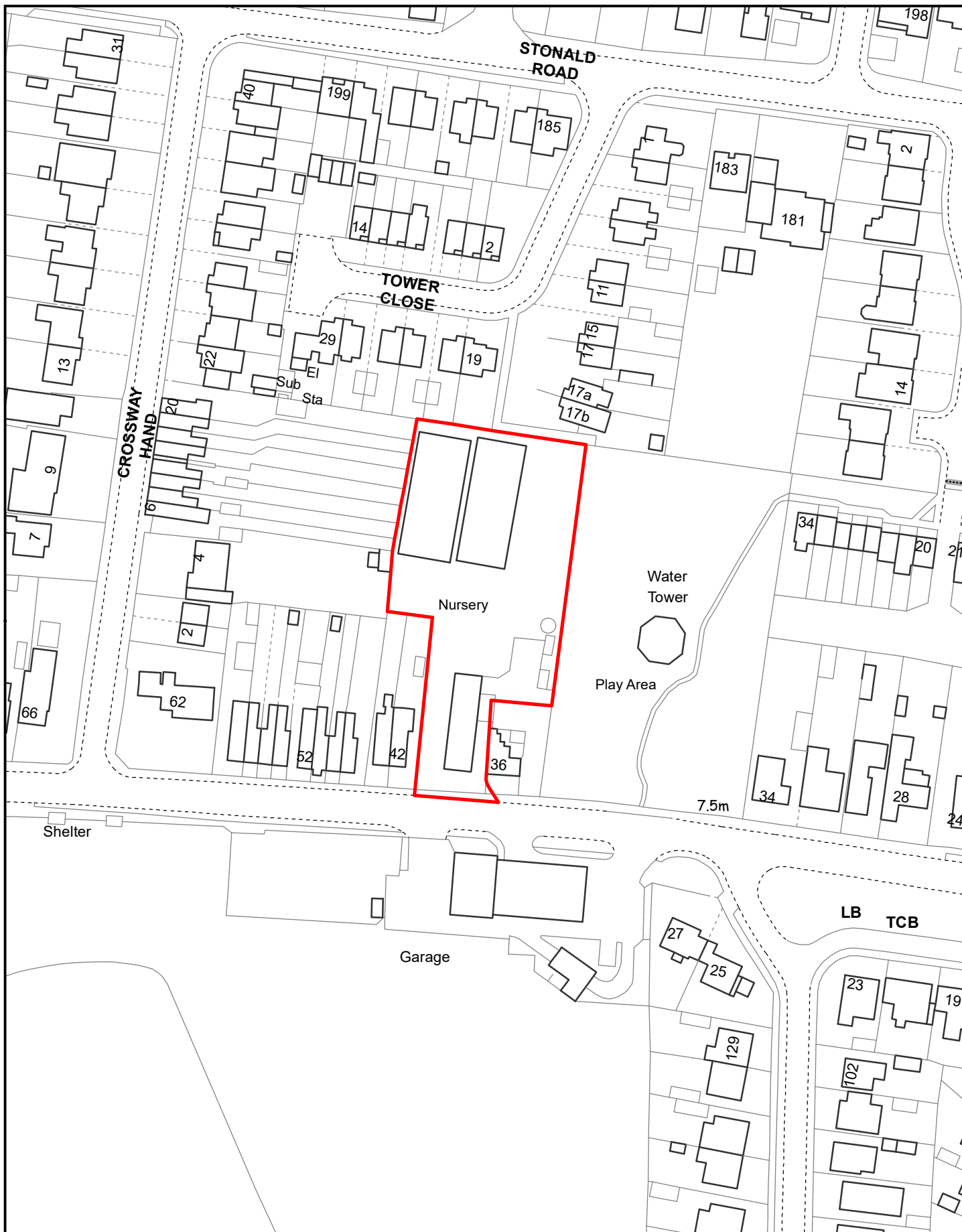
1	Approval of the details of:
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	<p>i. the scale of the building(s);</p> <p>ii. the external appearance of the building(s);</p> <p>iii. the landscaping</p> <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>No development approved by this permission shall be occupied until the completion of the remedial works as detailed within the Preliminary Investigation Report (Desk study and site reconnaissance) (reference: STR4940-P01 by Soiltechnics has been carried out on site. Prior to first occupation of the development hereby approved the validation/closure report shall be submitted to and approved in writing by the Local Planning Authority this includes the following:</p> <p>(a) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.</p> <p>(b) The validation/closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.</p>
5	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide</p>

	<p>for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. site compound &amp; storage areas.</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>vi. wheel washing facilities</li> <li>vii. measures to control the emission of dust and dirt during construction</li> <li>viii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>Reason: To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).</p>
6	<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>
7	<p>No above ground works shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an assessment of the residual risk of flooding associated with potential pump failure. The assessment should investigate the following conditions:</p> <ul style="list-style-type: none"> <li>• The pumps were to fail; and</li> <li>• The attenuation storage was 50% full; and</li> <li>• A design storm occurred</li> </ul> <p>The floor levels of the affected properties must be raised above this level and all flooding must be safely stored onsite. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity and in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
8	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the</p>

	<p>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>
9	<p>Prior to the occupation of the first dwelling 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>
10	<p>Prior to occupation of each dwelling on the site the vehicular access road and footways shall be made up to base course level from that dwelling to the adjoining Peterborough Road.</p> <p>To ensure that the vehicular access is constructed to an appropriate standard in accordance with Policy LP15 of the Fenland Local Plan (2014).</p>
11	<p>Prior to the occupation of any dwelling on the site, the approved vehicular access where it meets Peterborough Road shall be laid out and constructed in accordance with the approved plans and thereafter maintained as such in perpetuity. The approved access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and retained as such in perpetuity.</p> <p>Reason - In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety and to prevent surface water discharging to the highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
12	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on approved drawing number: 298/2019/02 P1 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 in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
13	<p>Vehicle turning and parking spaces as shown on approved drawing number 1787/3/04B 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>
14	<p>As part of the Reserved Matters submission a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.</p> <p>Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
15	<p>As part of the Reserved Matters submission details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings and to reduce the risk of flooding to the proposed development and future occupants and in accordance with Policies LP14 and LP16 of the Local Plan 2014.</p>
16	<p>Prior to the occupation of the first dwelling hereby approved a refuse collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details approved thereafter.</p> <p>Reason: To ensure that suitable means of waste collection is provided in accordance with Policy LP16 of the Fenland Local Plan, 2014</p>
17	Approved Plans



Created on: 17/03/2020

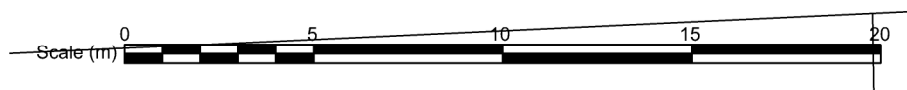
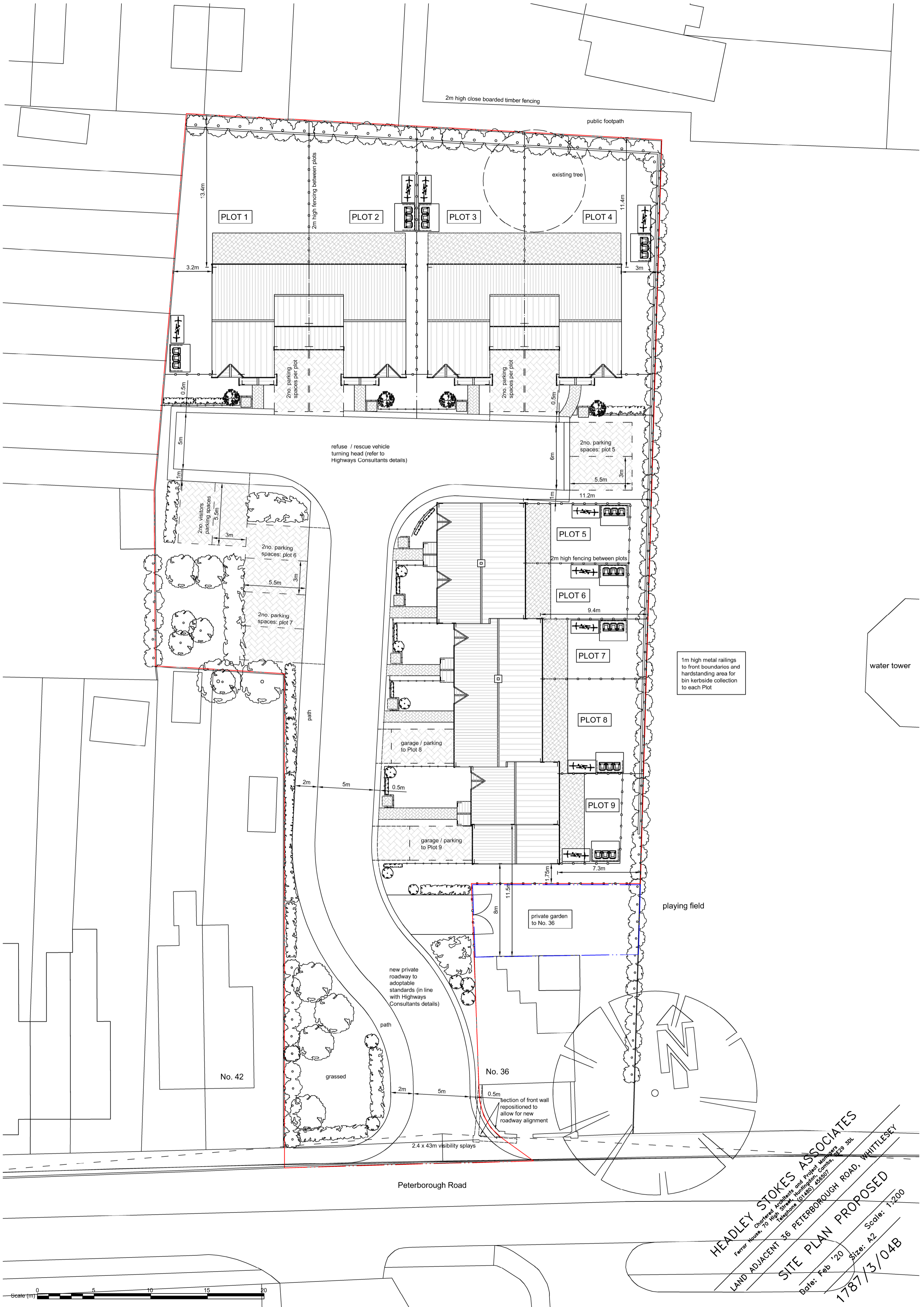
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**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Hurlingham, London, E2 9JL  
 Telephone: (01 480) 25507

**SITE PLAN PROPOSED**  
 LAND ADJACENT 36 PETERBOROUGH ROAD, WHITTLESEY

Date: Feb '20 Size: A2 Scale: 1:200  
 1787/3/04B



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**F/YR20/0301/F**

**Applicant: Mr L Klimczuk**

**Agent : Mr Chris Walford  
Peter Humphrey Associates Ltd**

**Land South East Of 70, Fieldside, Coates, Cambridgeshire**

**Erect 8 x 2-storey 3-bed dwellings and 2.0 metre high brick wall**

**Officer recommendation: Approve**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks planning permission for the erection of 8 semi-detached dwellings. The site lies in the settlement of Coates and benefits from planning permission for 4 larger properties granted in 2018.
- 1.2 The proposal is considered to accord with the relevant policies of the development plan and the sustainability aims of the NPPF. Whilst it is acknowledged that the scheme will result in a two-fold increase in housing numbers previously approved for this site, there are no technical matters that would indicate that the development would result in unacceptable harm.
- 1.3 Furthermore, the introduction of more, smaller units would enable a wider scope of future occupiers which would assist with maintaining the viability and vitality of this rural community which has both economic and social benefits.
- 1.4 The recommendation is to approve the application.

## **2 SITE DESCRIPTION**

- 2.1 The site is located to the south west of Coates and on the western side of Fieldside, where it meets with Lake Drove. The site was formerly garden land associated with No.70 Fieldside, however a high brick wall has recently been erected following the grant of planning permission for 4 dwellings at the application site in 2018 (F/YR17/1062/F), thereby separating the sites.
- 2.2 Properties opposite the site comprise a mixture of single and 2-storey with their back gardens backing on to Fieldside. At the rear (west) of the site is an area of open paddock land which has recently gained planning permission for 2 large dwellings (F/YR19/1070/F & F/YR19/1085/F).
- 2.3 The site lies in flood zone 1.

## **3 PROPOSAL**

- 3.1 The application seeks planning permission for the erection of 8 dwellings comprising 4 pairs of semi-detached properties arranged in a linear formation fronting Fieldside.
- 3.2 The dwellings all follow the same principle design, measuring 7.9m to ridge and finished in locally sourced limestone facing brick on the front elevation, Farmhouse multi facing brickwork with lime mortar for the remainder, arched brick soldier details over the windows and pantiles across the roofs. The end dwellings will also incorporate brick quoins to act as bookends for the scheme. The dwellings will be glazed with grey uPVC fenestration in the end pairs and cream uPVC in the centre pairs. The southern-most dwelling (plot 8) also incorporates brick castling detail along the eaves and through the centre and patress plates to add interest to this gable end which faces out onto Lake Drove.
- 3.3 A number of existing trees along the rear boundary and hedgerow along the southern boundary are proposed to be retained, with new native hedgerow introduced to the south east corner of the site and Laurel hedge along the frontages.
- 3.4 The development is proposed to be served by 2 main points of access along Fieldside, with a tarmacked surface leading to gravel driveways. Each dwelling provides 3 bedrooms and the layout enables parking for 2 cars per dwelling with minimum 3m wide parking spaces located either at the front or down the side of the properties. Bin collection points are located at each access, adjacent to the highway verge.
- 3.5 The applicant has liaised with the Local Highways Authority and has agreed to deliver some improvements to the existing highway which includes a slight widening of the road through the removal of part of the existing verge to improve the sweep of the road at the Lake Drove/ Fieldside corner and also the extension of the footway opposite leading to South Green to enable a DDA compliant crossing point.
- 3.6 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/1062/F	Erection of 4 x 2-storey 3-bed dwellings with attached garages and erection of a 2.0m (max height) boundary wall involving the demolition of existing outbuildings	Granted 15.03.2018
F/YR16/0593/F	Erection of 4 x 2-storey dwellings comprising of 1 x 3-bed, 2 x 3-bed with attached garages and 1 x 4-bed with detached garage and erection of a 2.0m (max height) boundary wall involving the demolition of existing outbuildings	Granted 31.08.2016
F/YR15/0540/F	Erection of 4 x 2-storey dwellings comprising of 2 x 3-bed with attached garages, 1 x 3-bed with and 1 x 4-bed with detached garage and erection of a 2.0m (max height) boundary wall involving the demolition of existing outbuildings	Refused 24.07.2015 Dismissed at appeal 06.05.2016

#### 5 CONSULTATIONS

**5.1 Whittlesey Town Council**

*“Whittlesey Town Council recommend refusal - over intensification of the site, original application was for 4 detached dwellings; understand comments about larger dwellings being built in the village and not enough 3 bed properties to keep younger population in the village, few properties, e.g. 6 x 3 bed semi's with garages. WTC also have concerns about the access from Fieldside which is not desirable for this development onto South Green”*

**5.2 Cllr Mrs Mayor**

Recommends Refusal - over intensification of the site – original application for 4 detached dwellings; understand comments about larger dwellings being built in the village and not enough 3bed properties to keep younger population in the village. Fewer properties i.e. 6 x 3 bed semis with garages

**5.3 Cllr Whitwell (Ward Councillor)**

Recommends Refusal – over intensification of the site – No garages and inadequate space for parking and turning of vehicles.

**5.4 Environment & Health Services (FDC)**

*The Environmental Health Team note and accept the submitted information, and have No Objections to the proposals as they are unlikely to have a detrimental effect on local air quality or the noise climate. I note that this service had no objections to a previous application for the site which was subsequently granted planning consent, and given the site history, as with previous comments from this service, the [unsuspected contaminated land] condition should again be imposed in the event that planning consent is granted.*

*Additionally, due to the proposed scale of the development and its close proximity to existing residential properties, it would be prudent to submit a construction management plan to show how noise and dust will be controlled during the construction phase.*

**5.5 The Ramblers Association**

No comments received

**5.6 CCC Definitive Map Team (Rights of Way)**

*The proposed access to the site runs along the legal line of Public Byway No.26, Whittlesey from the end of the public road. To view the location of the Byway please view our interactive mapping online.*

*Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee.*

*The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highway Authority. The County Council does not know who the owner of the subsoil is. You will need to satisfy yourself as to this.*

*There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that you would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning*

*Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.*

*It may be necessary to undertake minor works just to improve the surface of the track of the byway, but it would remain a byway. I note that you have already discussed this matter with the Highway Authority but I want to reiterate that should you wish to improve the surface in the future permission would need to be obtained from the highway authority first.*

*I would also like to echo my colleague's comments [Cambridgeshire Highways] regarding removal of the bin collection points from the Byway.*

*The byway must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way*

## **5.7 Middle Level Commissioners**

No comments received

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

Initial comments received 20.04.2020:

*The bin collections points should be removed from the PROW verge.*

*A taper or radius should be applied to both sides of the access serving Plots 5-8.*

*The private footpath 1.2m wide (min), levelled, sealed and drained (if necessary) to make it suitable for vulnerable user groups.*

*Defer for amended plans.*

Comments received following amendments 11.06.2020:

*I have no highway objections subject to the following conditions;*

*1.) Prior to first occupation, the parking and turning arrangement will be laid out and constructed in accordance with the approved plans and retained in perpetuity  
Reason: In the interest of highway safety.*

*2.) Prior to first occupation, the Fieldside carriageway and footway arrangement will be set out in accordance with the approved plan.  
Reason: In the interest of satisfactory access.*

*3.) Before the development hereby permitted is occupied the vehicular accesses from Fieldside shall be hard surfaced, sealed and drained away from the highway for a minimum length of 5m from the immediate edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.  
Reason: In the interests of highway safety.*

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

## **5.9 Local Residents/Interested Parties**

5 separate letters of objection received from 3 households raising the following concerns (summarised);

- Out of character/ visual harm

- Fieldside is not suitable for the volume of traffic
- No room for visitors
- Known foul drainage issues
- Overdevelopment
- Road safety issues for pedestrians, cyclists and horse riders
- Concerns over refuse collection
- Loss of wildlife
- Would set a precedent
- Loss of hedgerow
- Development in a conservation area
- Overlooking/ loss of privacy

2 letters of support received on the following points (summarised)

- Good to see smaller, more affordable houses in Coates
- The village has been over-run with large developments lately
- There is a lack of smaller 2/3 bedroom properties in the village

## **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 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

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

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

Context

Identity

Built Form

Nature

### **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

LP12: Rural development

LP13: Supporting and Mitigating 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)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## 8 KEY ISSUES

- Principle of Development
- Impact on the character of the area/ visual impact
- Highways & Transport
- Biodiversity
- Archaeology
- Residential amenity
- Other matters

## 9 BACKGROUND

- 9.1 The site has benefitted from planning permission for the residential development of the site for 4 dwellings since August 2016. The proposal was originally refused in 2015 due to a lack of understanding of the biodiversity impacts of the development. This refusal reason was overcome through the 2016 permission which was further amended in 2017 (approved in 2018) for a slightly different scheme (see section 4: planning history)
- 9.2 The most recent permission in 2018 remains extant and Officers feel that this is a key material consideration in the assessment of this latest proposal.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The principle of residential development of the site was established under the previous planning permission for 4 dwellings which remains extant and therefore capable of implementing. Notwithstanding this fall-back, Coates is identified as a limited growth village under Policy LP3 thereby accepting the principle of development within this settlement.

### *Village Threshold*

- 10.2 FLP Policy LP12 advises that for villages; new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. The site is considered to be within the existing developed footprint of the village. This policy also advises that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission)



increases the number of dwellings in a 'limited growth' village by 10% or more then the proposal should have demonstrable evidence of clear local community support for the scheme, Coates has already exceeded its 10% threshold thereby activating this policy requirement. The scheme comes forward with no evidence of community consultation having been undertaken in respect of this proposal.

- 10.3 It is clear that the scheme fails to address the requirements of LP12 in so far as they relate to community engagement and this is disappointing. However, the LPA is mindful of the 2017 appeal decision (APP/D0515/W/17/3182366) where the Planning Inspector in considering an appeal which was solely based on the failure of a scheme to achieve support under LP12, found that the failure to achieve community support in accordance with Policy LP12 should not render an otherwise acceptable scheme unacceptable.
- 10.4 Against this backdrop it is not considered that the scheme could be refused purely on the grounds of LP12 threshold considerations. As such, the principle of development is acceptable.

#### **Impact on the character of the area/ visual impact**

- 10.5 Fieldside is considered to be semi-rural in nature with the rural feel increasing as one moves southwards along Lake Drove, where development becomes more sporadic into the open countryside. The side lies immediately opposite South Green highway and the rear curtilages of houses which stretch northwards along the eastern side of Fieldside. Dwellings in the area vary in scale, design and age but are primarily 2-storey in nature, with the exception of the single storey dwellings around the South Green junction. Notwithstanding the extant permitted scheme, it is also acknowledged that planning permission was recently granted for 2 larger detached custom-build dwellings to the rear of the site which would introduce a substantially different type of dwelling to this area and change to its character.
- 10.6 Having regard to the character of the area, the introduction of 2-storey dwellings in this location would therefore not be out of character. Furthermore, whilst it is acknowledged that dwellings in the area are predominantly detached, the massing of the 8 dwellings arranged in 4 pairs is not dissimilar to that of the permitted scheme which comprises 4 large detached dwellings. In fact, the footprint and overall scale of the pairs of dwellings is less than that of the single dwellings of the permitted scheme and with a far simpler design, arguably more in-keeping with the semi-rural character of the area. As such, the visual impact of the development is considered to be less profound than that permitted.
- 10.7 Furthermore, Officers consider that the introduction of 8 smaller, more affordable dwellings would constitute a more effective use of the land, meeting the housing needs of the settlement helping to enhance or maintain the vitality of rural communities as well as meeting wider district housing need.
- 10.8 The design of the dwellings is considered to be satisfactory and incorporates high quality materials and design features, thereby improving the overall quality of the built environment and would make a positive contribution to the local distinctiveness and character of the area in line with the design aims of policies LP12 and LP16 and the National Design Guide, 2019.

#### **Highways & Transport**

- 10.9 Several concerns have been raised by residents over the transport impacts of the development with a development which would accommodate up to 16 cars.

Concerns in respect of capacity, traffic flow and highway safety have therefore been considered.

- 10.10 It is understood that the applicant has liaised directly with the Local Highways Authority prior to submission for the application and the LHA has raised no objection to the proposed scheme, subject to standard conditions. Improvements to the existing highway have also been agreed in respect of slight widening at the bend to the south (as previously agreed under the permitted scheme) and improvement to the kerb edge opposite to comply with DDA requirements.
- 10.11 The scheme also accords with the parking standards as set out under Appendix A of the FLP. The standards do not set a requirement to include visitor parking and it is noted that the location of the site might yield limited provision for this. However, it is noted that informal parking areas have been formed along Fieldside on the verges and parking along South Green on the highway is possible if required, with a short walk to the application site. Refuse collection could also be undertaken immediately outside and deliveries on the driveways serving the properties. Given the temporary nature of visitors, deliveries etc. it is not anticipated that a lack of visitor parking on the site would result in a severe harm in highways terms, noting the test set out under paragraph 109 of the NPPF.
- 10.12 It is also noted that the permitted scheme for 4 large properties whilst indicating on plan that they are 3-bedroom properties could achieve a 4<sup>th</sup> in the playroom over the garage and was not restricted on this basis through planning condition, with up to 4 cars per property achievable. It is difficult therefore to accurately assess the implications for additional highway impacts of the proposed scheme against the permitted development, notwithstanding that no objections were raised by the LHA. As such, whilst concerns raised in terms of highway impacts are noted, Officers have no evidence to warrant a refusal on this basis. It is concluded therefore that the proposal accords with the aims of FLP policy LP15.

### **Biodiversity**

- 10.13 The previous scheme was supported by an ecology survey which identified that the development was unlikely to result in significant impacts on the nearest SSSI of the Nene Washes, or any significant impacts on local biodiversity – with only minor negative impacts on breeding birds through partial hedge and tree removal. It is considered having regard to the current site conditions with some further clearance works that has been undertaken since that time, that the findings of the ecology survey are still relevant.
- 10.14 Mitigation and enhancement was previously proposed by way of additional hedge and tree planting, sensitive lighting and boundary treatment, erection of bird and bat boxes and construction methods to ensure animals do not get trapped or unnecessarily disturbed. This was secured via a planning condition requiring a scheme to demonstrate that these elements would be delivered through the development. This latest submission is supported by a site layout plan which provides the necessary details to ensure that the mitigation and enhancement recommendations outlined in the ecology report would be secured and a planning condition is therefore not deemed necessary, other than one requiring that the development is carried out in accordance with the details submitted as is standard.
- 10.15 In this regard, the development is anticipated to have as a minimum a neutral impact on biodiversity, with enhancements anticipated to gradually increase

biodiversity as it matures through the lifetime of the development. It is however prudent to ensure that all planting and soft landscaping is retained, or replaced if it becomes uprooted or dies within a 5 year period which is a standard requirement and can be reasonably secured through a planning condition. Subject to this, it is considered that the proposal would accord with FLP policies LP16 and LP19.

### **Archaeology**

- 10.16 The County Council's Archaeology team previously requested a planning condition requiring investigative work to be undertaken prior to the development commencing. This work has since been undertaken and The County Council's Archaeology team has confirmed that it will no longer be necessary to secure the same condition with this application.

### **Drainage**

- 10.17 The applicant is proposing a SuDS approach to surface water drainage with the inclusion of soakaways. Whilst it is not certain that ground conditions are conducive to this drainage method, the development would need to accord with the latest Building Regulations - Part H, which would require the development to follow a sustainable drainage hierarchy achieving the most sustainable method of drainage based on the ground conditions of the site. In this regard it is considered that the proposal is satisfactory in principle but ultimately to be determined through Building Regulations.
- 10.18 Likewise, the applicant has proposed to utilise the existing mains foul sewer. This would be the preferred approach under Building Regulations which would need to be satisfied in any case. In view of the limited scale of the development and that ultimately the adequacy of foul drainage method will be determined via Building Regulations, it is not considered reasonable to in this instance to require further details.
- 10.19 Concerns have been raised regarding the conditions and issues associated with the existing foul sewer infrastructure, with at least one resident asserting that the sewer has collapsed in the past, the concerns are that the proposal would exacerbate this issue.
- 10.20 Anglian Water is the statutory authority for the management of mains drainage in Coates and it is their responsibility to ensure that their infrastructure is capable of accommodating the needs of the community. Whilst it may be that some of the existing infrastructure may require upgrading, given the statutory duty placed on Anglian Water to manage foul drainage from new development where this is proposed to use their public network, it would not be reasonable to refuse the application on this basis. Notwithstanding this, it is also acknowledged that a scheme for 4 dwellings has already been permitted at the site and there is no evidence to establish that a further 4 dwellings would cause significant issues in this regard.
- 10.21 It is considered therefore that the proposed method of foul and surface water is acceptable in principle but would ultimately be determined via the Building Control. The development does not therefore demonstrate any conflict with policies LP14 and LP16 of the FLP.

### **Residential amenity**

- 10.22 The garden depths of the properties range from 8m at the northern plot (plot 1) to 12m at the south (plot 8) which is therefore considered acceptable and would not

give rise to severe overlooking into the rear gardens or properties of the proposed development to the west, or unacceptable overshadowing or overbearing impacts.

- 10.23 Concerns have been raised by a resident opposite the site whose property backs onto Fieldside. Rear boundaries of properties directly opposite the site are between 12 to 15m from the front windows of the proposed development and again would not therefore result in any unacceptable levels of overlooking, overshadowing or visual dominance. Whilst it is accepted that the outlook from the rear of these existing properties will change somewhat through the development, the actual impacts are within acceptable limits based on general development practices.
- 10.24 The Council's Environmental Protection Team has recommended that a Construction Management plan to deal with dust and noise pollution is secured with the proposal. Whilst all development is capable of causing nuisance in terms of noise and other pollutants, developers are generally expected to follow best practice with their development. Schemes of this scale are not usually required to be controlled through management plans imposed via planning conditions as it is not deemed proportionate to the scale of the development, where it is usual for only a small workforce to operate - limited by the small site area. Instead, schemes of this scale are generally controlled, where necessary to do so, via the Council's Environmental Protection Team using their enforcement powers under the Environmental Protection Act should a nuisance arise as well as general HSE requirements. It is noted that the permitted schemes did not incur such a condition and it is considered disproportionate to do so with this latest proposal.

#### **Other matters**

- 10.25 Whilst most concerns raised by the Town Council and residents have already been addressed above, the following matters are considered as follows;

#### *Would set a precedent*

- 10.26 All applications are to be considered against the development plan as required by law (unless material considerations indicate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

#### *Development in a Conservation Area*

- 10.27 The site is not located with any designated area, of heritage or nature/ habitat. It is acknowledged that the Conservation Area (CA) boundary is located c.58m north along Fieldside and the CA contains a grade II listed building, 'Thatchers Cottage' 55 Fieldside which is located c.145m from the application site. Given the mixture of development between the site and the CA and the listed building, it is considered that the development would not have any effect on the character of the conservation area or the setting and significance of the listed building.

## **11 CONCLUSIONS**

- 11.1 The proposal is considered to accord with the relevant policies of the development plan and the sustainability aims of the NPPF. Whilst it is acknowledged that the scheme will result in a two-fold increase in housing numbers previously approved for this site, there are no technical matters that would indicate that the development would result in unacceptable harm.

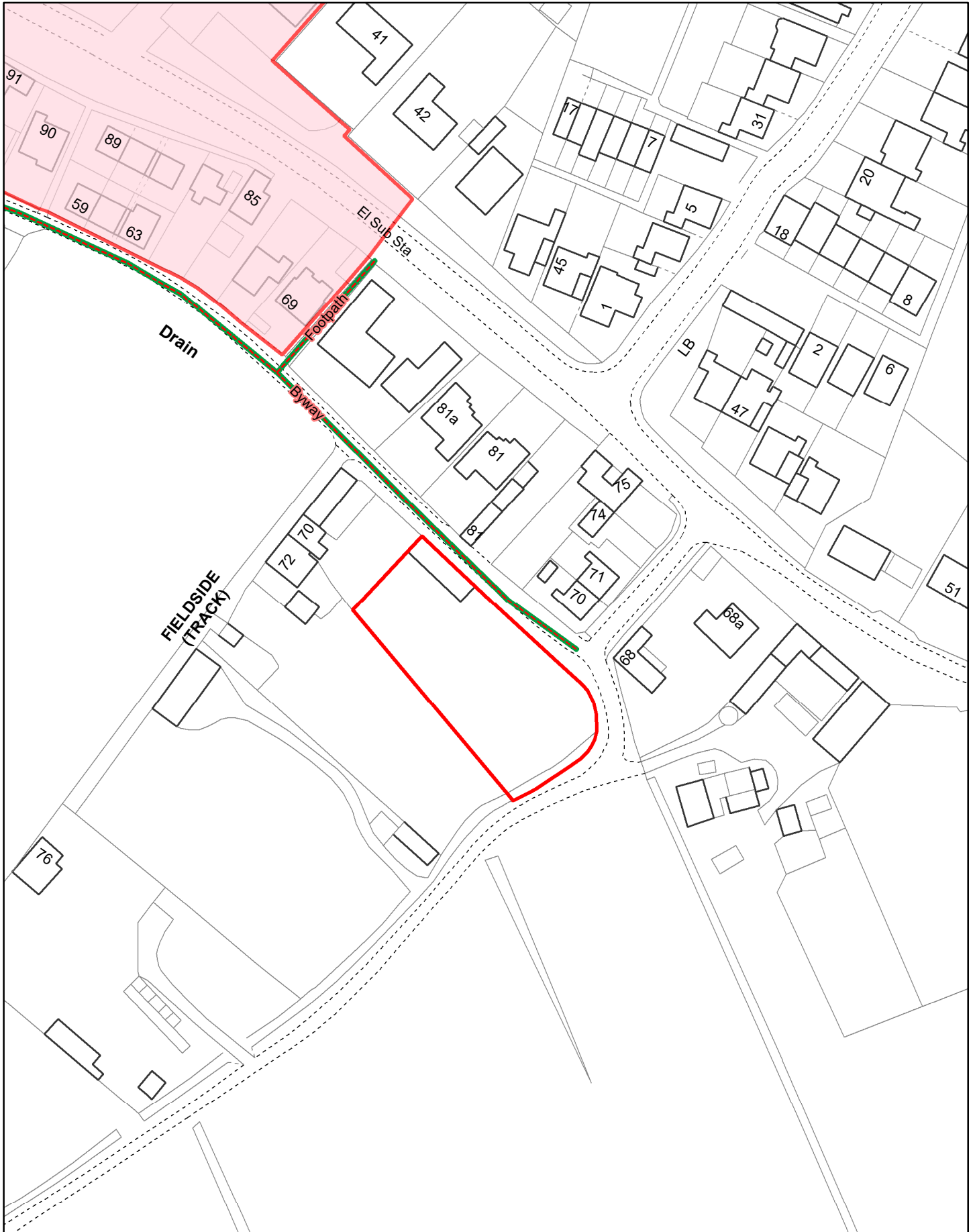
- 11.2 Furthermore, the introduction of more, smaller units would enable a wider scope of future occupiers which would assist with maintaining the viability and vitality of this rural community which has both economic and social benefits.

## 12 RECOMMENDATION

Grant subject to the following conditions;

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the first occupation of the development hereby permitted the Fieldside/ South Green footway enhancement and street lighting relocation as indicated on drawing No 5758/02/01Z shall be provided and retained thereafter.</p> <p>Reason: In order to provide suitable pedestrian access to the dwellings, for the avoidance of doubt and in accordance with Policy LP15 of the Fenland Local Plan adopted 2014.</p>
3.	<p>The development shall be completed externally in the details as set out on the elevational plans on plan reference 5758/02/01 revision Z.</p> <p>Reason: For the avoidance of doubt and to safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
4.	<p>Prior to the first occupation of any dwelling to which they relate, the parking and turning arrangements will be laid out and constructed in accordance with the details on plan reference 5758/02/01Z and thereafter retained in perpetuity</p> <p>Reason: In the interest of highway safety.</p>
5.	<p>Before the development hereby permitted is occupied the vehicular accesses from Fieldside shall be hard surfaced, sealed and drained away from the highway for a minimum length of 5m from the immediate edge of the existing carriageway, 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.</p>
6.	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason: In the interests of highway safety.</p>
7.	<p>All hedge and tree planting as indicated on plan ref: 5758/02/01Z shall accord with the selection of specimens as detailed in section 8 of the ecology report submitted under F/YR16/0593/F (Wild Frontier Ecology dated June 2016). All hedgerow and trees detailed to be retained shall be protected during the</p>

	<p>course of construction in accordance with BS: 5837:2012.</p> <p>Reason: To enhance biodiversity in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
8.	<p>All hard and soft landscape works 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, 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 in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
9.	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <ul style="list-style-type: none"> <li>(i) it shall be reported to the local planning authority within 1 working day;</li> <li>(ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;</li> <li>(iii) the remediation strategy shall be implemented as approved;</li> <li>(iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until: <ul style="list-style-type: none"> <li>a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;</li> <li>b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.</li> </ul> </li> <li>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</li> </ul> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.</p>
10.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>



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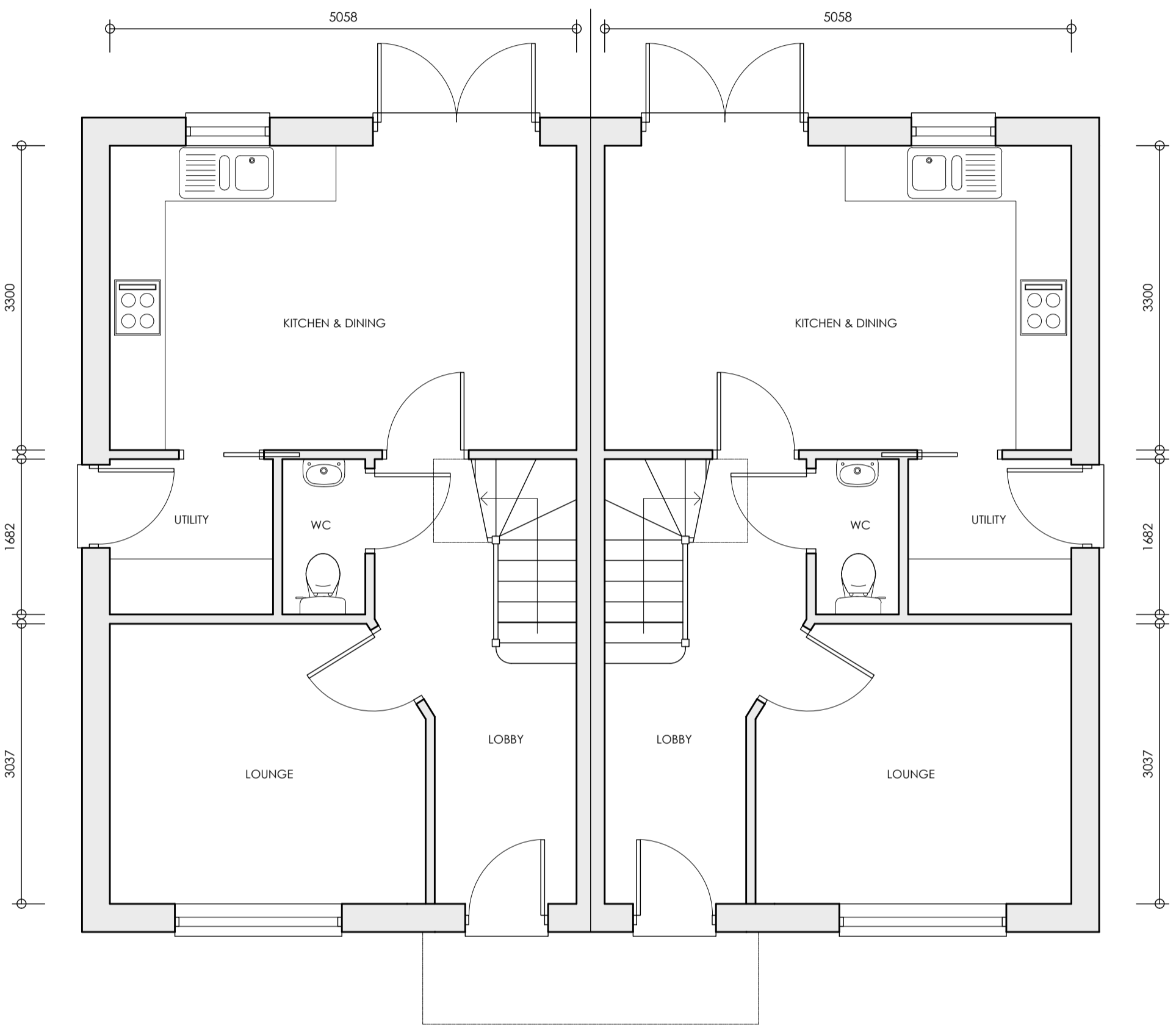
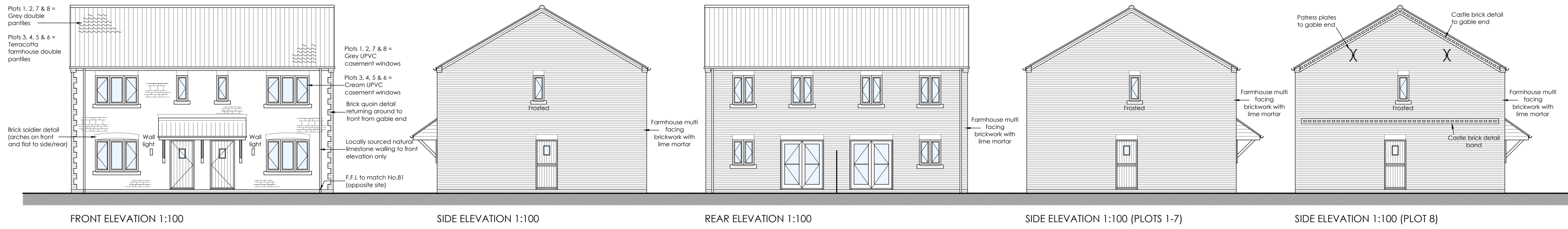
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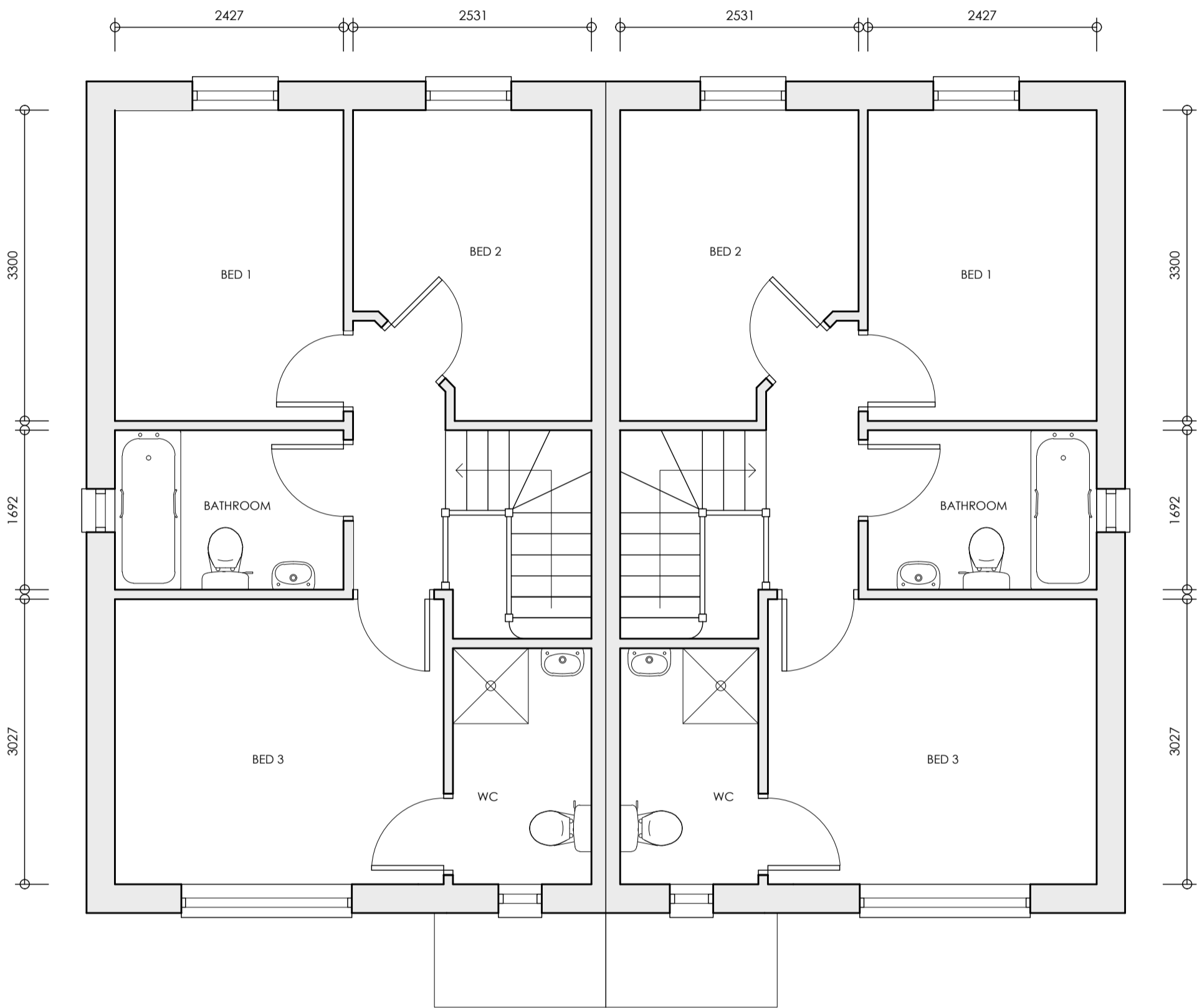
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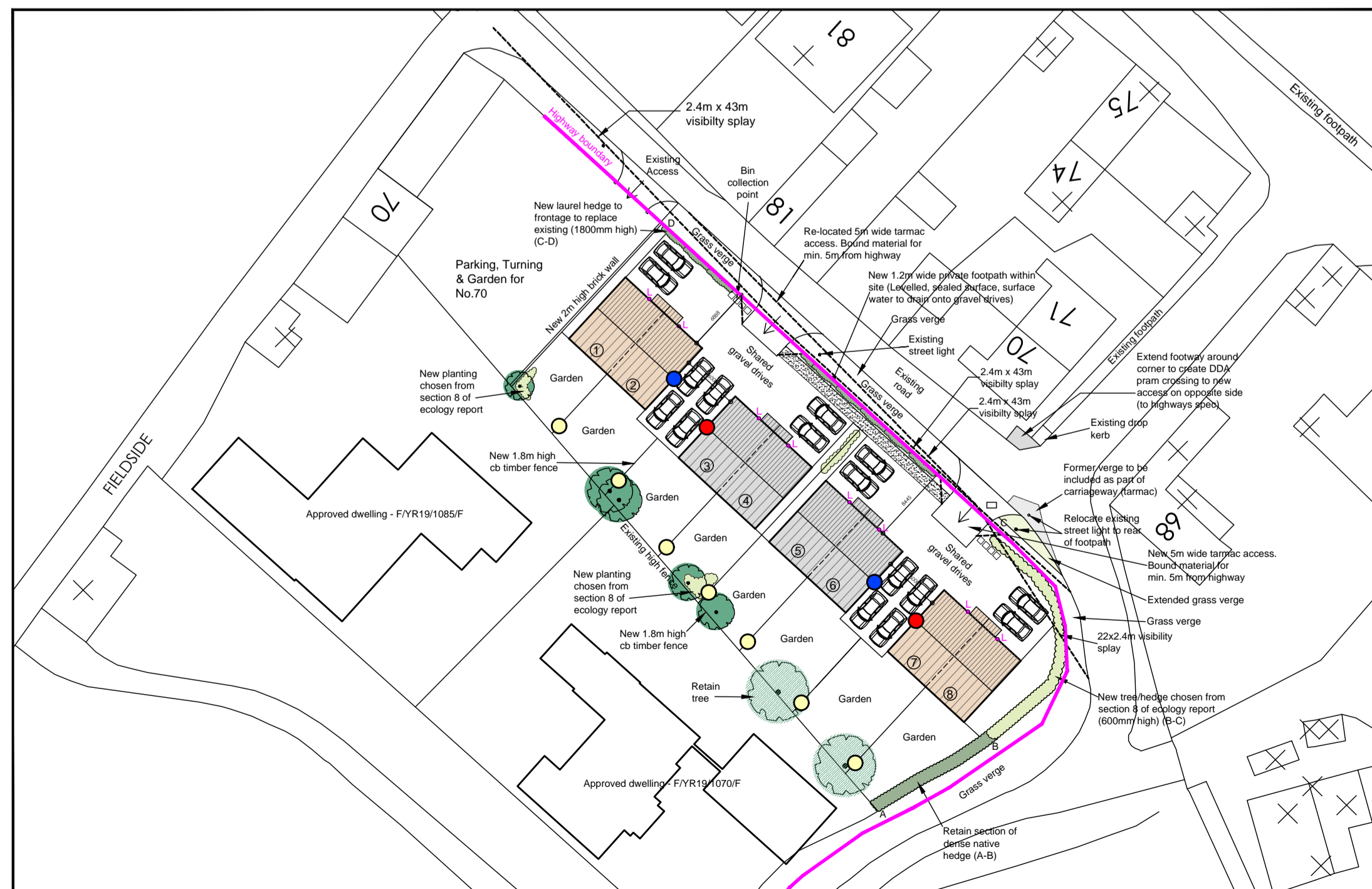




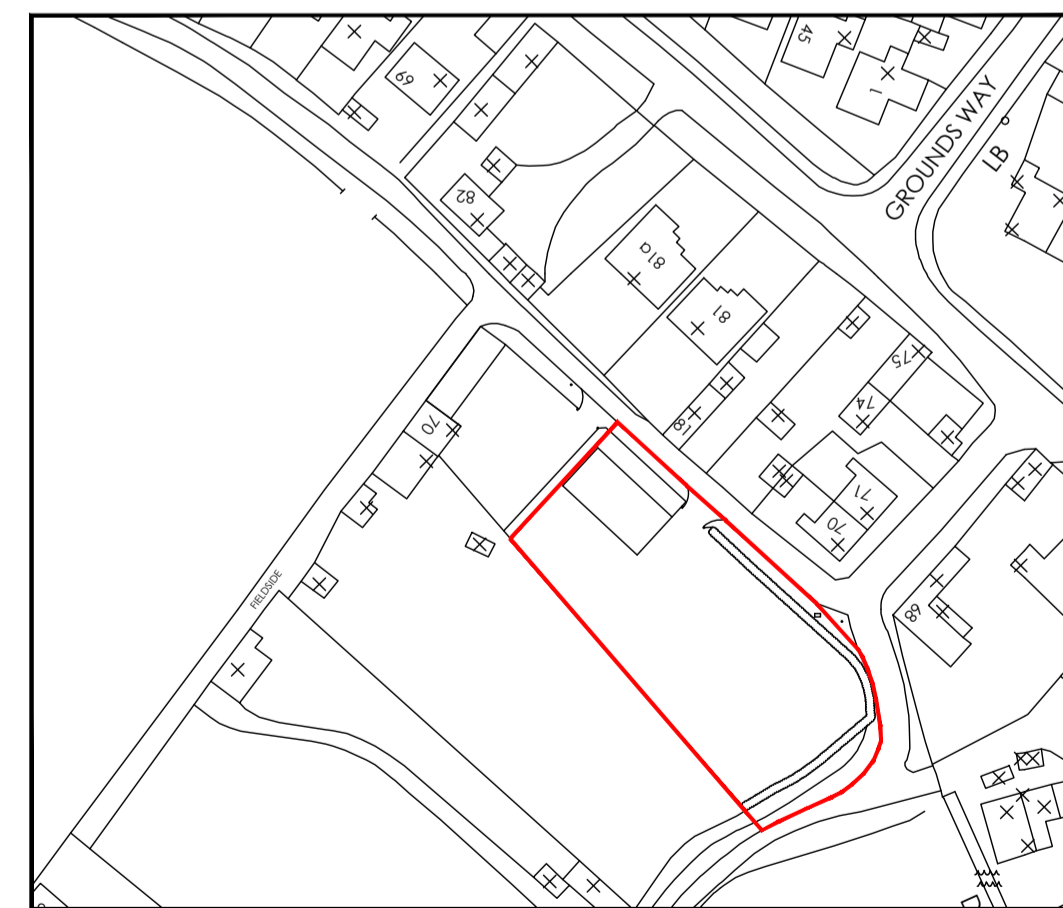
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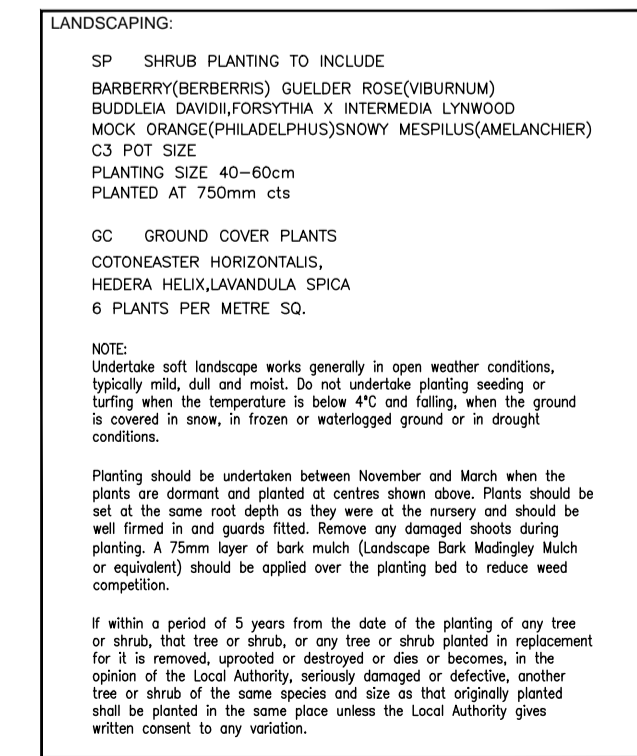
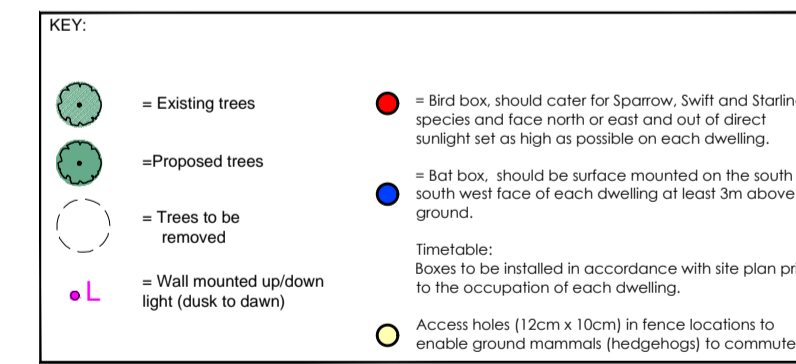
FIRST FLOOR PLAN 1:50



PROPOSED SITE PLAN 1:500



LOCATION PLAN 1:1250



PROJECT  
PROPOSED HOUSING DEVELOPMENT  
FIELDSIDE  
COATES  
CAMBRIDGESHIRE

DRAWING  
PROPOSED SITE / DWELLING PLANS

CLIENT  
MR & MRS KLIMCZUK

DATE: FEB 2020 SCALE: AS SHOWN JOB NO: 5758/02/01Z

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**F/YR20/0335/O**

**Applicant: Mr Michael Topping**

**Agent : Morton and Hall Ltd**

**Land south and west of 4-5 Mill Hill Lane, March**

**Erect up to 2x dwellings (outline application with matters committed in respect of access)**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application is an amended scheme following a previous refusal of outline permission for three dwellings on the site. The current scheme is also made in outline but proposes the construction of two dwellings.
- 1.2. The application site is a backland location at the rear of two recently constructed dwellings on Mill Hill Lane, and is proposed to be accessed between those dwellings.
- 1.3. Mill Hill Lane is only partially adopted with the adopted section stopping some distance to the north of the access to the proposed dwellings
- 1.4. The proposed access driveway to the properties would be 3.6m wide for much of its length, and would adjoin the rear gardens of the dwellings flanking it, which would be separated by a 1.8m close boarded fence from the new driveway.
- 1.5. The scheme has failed to address previous refusal reasons for development on the site relating to amenity levels within the dwellings flanking the access, and the amendments to the access driveway have resulted in additional issues relating to the safety of the access driveway and its enclosure and lack of places to pass.

## **2. SITE DESCRIPTION**

- 2.1. The application site is an existing piece of open land to the rear of the dwellings on Mill Hill Lane, and forms approximately one half of the land surrounded by the existing gardens located to the rear of the dwellings on Mill Hill Lane, and Knight's End Road.
- 2.2. The land is flanked to the south by an existing dyke, beyond which are a group of trees protected by a tree preservation order. These trees overhang the southern part of the site when in full leaf.
- 2.3. The site is enclosed by existing post and rail fencing on three sides, and at the western end is overlooked by the rear elevation of a single-storey dwelling.

Similarly the existing dwelling to the eastern end of the site to the south of the access is located in close proximity and looks west over the proposed driveway.

- 2.4. The site is located in flood zone 1; however it is noted on the Environment Agency Flood Risk Mapping website as being at high risk of surface water flooding.
- 2.5. Mill Hill Lane provides access to the site, and is also the route of a public right of way.

### 3. PROPOSAL

- 3.1. The proposal is made in outline for the construction of 2 new dwellings on the site. All matters are reserved for later approval with the exception of access, which shown as being located between the two dwellings to the east of the site, numbers 6 and 7 Mill Hill Lane.
- 3.2. Indicative plans are provided showing a potential site layout, floor plans and elevations. These indicative details show a private driveway running between 6 and 7 Mill Hill Lane and then turning north to run parallel the southern boundary of the site with the adjacent dyke. One of the proposed plots flanks this driveway to the north, and the second is located at the western end of the site. Each dwelling is shown with detached garaging, and a turning head is provided at the western extent of the site to allow refuse and emergency vehicles to access the development when required.
- 3.3. The application site is accessed via Mill Hill Lane, and the adopted highway ends approximately 15 metres to the north of the driveway access between 6 and 7 Mill Hill Lane.
- 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=Q8XNS4HE03000>

### 4. SITE PLANNING HISTORY

F/YR19/0146/O	Erection of up to 3no dwellings (outline application with matters committed in respect of access)	Refused 25/4/19
F/YR15/0311/F	Erection of 1 x 4-bed 3-storey detached dwelling with detached double garage and 1 x 2-bed single-storey dwelling with detached single garage	Granted 28/8/15
F/YR13/0561/F	Erection of 1 x 3-bed 2-storey dwelling and 1 x 4-bed 2-storey dwelling with integral double garages	Granted 11/5/13
F/YR12/0448/F	Erection of 1 x 3-bed 2-storey dwelling and 1 x 4-bed 2-storey dwelling with integral double garages	Refused 8/7/12
F/YR11/0785	Erection of 1no x 3-storey 5/7-bed with integral garage and 2no x 4-bed dwellings with integral garages	Withdrawn 25/11/11
F/0364/75/O	The erection of a dwelling	Refused 18/7/75
M/72/187/O	The erection of two agricultural bungalows and garages	Refused 20/11/72
M/72/188/O	Residential development	Refused 10/2/72
M/67/92/O	The erection of dwellings	Refused 7/8/67

## 5. CONSULTATIONS

- 5.1. **March Town Council**  
Recommend refusal due to over-development
- 5.2. **FDC Environmental Health**  
No objections
- 5.3. **Cambridgeshire County Council Highways Authority**  
No highway objections. Conditions requested regarding laying out of the access and provision of vehicle turning and parking
- 5.4. **Cambridgeshire County Council Definitive Map Team (Public Rights of Way)**  
*“No objection. The applicant should be aware of the presence of the byway, however there is no legally defined and recorded width for it. There is no guarantee that it would be possible to improve the byway to secure a road and footway to an adoptable standard. Permission would be required to improve the surface of the byway in the future, which should remain open and unobstructed at all times.”* Request informatives are attached if planning permission is granted.
- 5.5. **Local Residents/Interested Parties** 16 responses have been received from separate sources in support for the proposal and 9 responses from separate sources are noted in opposition to the scheme.

The matters raised are as follows.

### Support

- Sympathetic to the neighbouring properties, will enhance the neighbourhood
- Fulfils a need for bungalows as March has a shortage of these
- Shows there is no desire to overdevelop the infill land
- Will likely increase the value of the neighbouring properties
- Other infill sites granted in the area
- Developer demonstrates a high standard of workmanship
- Opportunity for young people or retirees to live in a modern, energy efficient home
- Scale reduced from the previous scheme
- Drainage design will deal with any surface water issues there may be
- Bungalows would not be overbearing nor result in privacy issues
- Driveway and access are suitable and turning/bin collection has been provided for.
- Ample parking provision for the dwellings
- National housing shortage
- Sites are in flood zone 1
- Previous report stated the site was suitable for residential development

### Objection

- Mill Hill Lane will not support additional traffic, and currently floods
- Mill Hill Lane doesn't allow two-way vehicle flow
- Increased congestion
- There are no segregated footways on Mill Hill Lane
- Tree preservation orders are not being adhered to
- Ecological impacts
- The land floods and is noted by the EA as being susceptible to flooding



- The land is infill development on agricultural land
- The access road to the plots has been built for some time
- Bin collections
- Sewerage disposal
- Will result in a loss of quality and living conditions in the local environment
- Negative impact on safety of children walking along the lane
- Conditions have changed since the ecology survey was undertaken
- Still no tree survey undertaken
- No flood risk assessment provided
- Soakaways not suitable for the site
- Backland development that will result in unacceptable amenity impacts on the neighbouring properties
- Overdevelopment of the lane

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

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

Para 2: NPPF is a material consideration

Para 11: Presumption in favour of sustainable development

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

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

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

Para 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 163: Thresholds for allowing development in areas at risk of flooding.

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

Determining a planning application

### **National Design Guide 2019**

Context

Built Form

Movement

Homes and Buildings

### **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

LP9 – March

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **March Neighbourhood Plan 2017**

Policy H2 – Windfall Development

### **8. KEY ISSUES**

- **Principle of Development**
- **Access and Highway Safety**
- **Access and Amenity Impacts**
- **Flood Risk**
- **Biodiversity**
- **Other Matters**

### **9. BACKGROUND**

- 9.1. Development in relation to the land in question began with the granting of consent for the two dwellings flanking the now proposed access to the current site. Consent for the properties as built was granted in 2015.
- 9.2. Permission was then sought for the construction of three dwellings on the current site in 2019, with that application being refused by the Planning Committee in April of that year. The reason given for that refusal is as follows:
1. *The proposal is a backland development scheme that results in unacceptable amenity impacts to the neighbouring properties at 6 Mill Hill Lane and the host dwelling 7 Mill Hill Lane. In particular, the access, its length and the volume of traffic required to pass along it to access the new dwellings would result in unacceptable amenity impacts on the specified properties and substandard facilities for the collection of waste contrary to paragraphs e) and f) of policy LP16 of the Fenland Local Plan (2014) and policy DM4 of the Delivering and Protecting High Quality Environments in Fenland supplementary planning document 2014.*
- 9.3. Following that refusal, the agent sought pre-application advice with regard to revisions to the scheme, including reduction in the number of proposed units to 2, the relocation of the access road further from the dwelling to the north of the entrance to the site, along with internal alterations to the scheme to facilitate bin collections. The response to the enquiry indicated that the concerns regarding impact on neighbouring amenity with regard to the access remained.

### **10. ASSESSMENT**

#### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. March is a Primary Market Town, one of two settlements within the highest level of the hierarchy where the majority of the development within the District is expected to take place over the plan period
- 10.2. The application site is located on the southern side of March, near to the built up section of land along the south side of Knight's End Road. The application site is located within flood zone 1 and there are no ecological or heritage designations

on the land that would indicate a presumption against development as a matter of principle.

### **Access and Highway Safety**

- 10.3. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.4. The proposed access into the site is located to the south of the existing adopted highway, and runs between 6 and 7 Mill Hill Lane. The access currently serves 7 Mill Hill Lane as a driveway. It is proposed to alter the existing access to provide a 5m wide by 10m long section at the junction with Mill Hill Lane with the new, narrower driveway joining it at its western end.
- 10.5. The Byway Open to All traffic (BOAT) that runs along Mill Hill Lane allows for travel by both pedestrians and vehicles as well as other methods of travel, however no segregation is in place to improve the safety of relationships between vehicular and other traffic. Notwithstanding that, there are 18 existing dwellings (including dwellings granted consent and dwellings under construction) along Mill Hill Lane that use the road to access their property in addition to the farm businesses further to the south, and as a result there is a limited additional burden placed on it by the proposal for two new units compared to the existing load.
- 10.6. Cambridgeshire County Council Highways Authority and the Definitive Map Team have both assessed the proposal and have not raised objections on highway safety grounds and therefore whilst the comments of the residents are noted, there is no specific identified harm that will arise in relation to highway safety as a result of the proposal and on that basis it is not justified to refuse permission on those grounds.
- 10.7. Within the application site, the proposed two new dwellings are served by a single shared private drive, approximately 90m in length. The driveway is indicated as being 5m wide for the first 10 metres into the site, however it then narrows to 3.6m wide as it passes the two dwellings flanking it (6 and 7 Mill Hill Lane). This has been narrowed from 4m in the previous application in an attempt to overcome the reason for refusal. From this point, the driveway is flanked on either side by 1.8m high closeboard fencing for a distance of approximately 45m, which includes a bend in the driveway to align the road to the site. This is not wide enough to allow two vehicles to pass each other and that narrowness is exacerbated by the enclosure of the driveway by the proposed fencing, and would therefore require vehicles to reverse either back up to the hammerhead section at the western end of the driveway, or out to the wider entrance point with Mill Hill Lane. Neither would be conducive to the provision of a safe and convenient access as required by policy LP15 of the Fenland Local Plan (2014) and would result in a scheme of lesser quality in this respect than the previous refused application.

### **Access and Amenity Impacts**

- 10.8. In addition to the highway safety issues identified above, the access proposed to be used in relation to the scheme passes between numbers 6 and 7 Mill Hill Lane, with separation of 1.7 metres and 1 metre respectively between the side elevations of those dwellings.



- 10.9. 6 Mill Hill Lane benefits from 5 existing windows along its southern elevation flanking the proposed access, with a 1.8 metre high closeboard fence alongside the vehicular route. 7 Mill Hill Lane only has a single window facing this driveway, however there is currently no boundary treatment separating the driveway from the window in question, with a 1.8m close boarded fence proposed.
- 10.10. Although the access driveway is in existence at the time of the application, it is currently only used by 7 Mill Hill Lane to access the land beyond the site, and their parking provision is located to the front of the site thus ensuring that use of the access is extremely low level in intensity. The proposal would result in 2 family homes being accessed along this route with a likely parking requirement of 6 spaces and a proportionate level of vehicular movements.
- 10.11. Should the application be approved both the existing properties flanking the access would have limited amenity space associated with them. The proposed scheme results in those private amenity spaces being located directly adjacent to the access to the proposed new dwellings and therefore subject to the detrimental impact on those areas of vehicular and pedestrian traffic passing by on a regular basis with all the associated negative impacts that will bring.
- 10.12. The proposal is an improvement in amenity terms in relation to the previously refused scheme for three dwellings, however the impacts arising from narrowing the access by 0.4m are still considered to be unacceptable and it is considered that the proposal would have a detrimental impact on the residential amenity standards of the neighbouring properties, contrary to the provisions of policy LP16 (e) of a sufficient scale to justify refusal of the scheme.

### **Flood Risk**

- 10.13. The application site is located within flood zone 1, the zone of least flood risk and the preferred location for residential development in flood risk terms. The site adjoins an existing dyke and in principle therefore there is no objection to the proposal on flood risk grounds, however the site is also identified by the Environment Agency on their website as being at high risk of flooding from surface water, and photographic evidence provided by representations received in relation to the application supports this, albeit the photograph is not dated and does not provide any evidence as to the regularity of such flooding/waterlogging.
- 10.14. It is noted that despite this evidence, there is no statutory basis for opposition to the principle of consent on the basis of the surface water flooding of the site, although it would be reasonable in that case to require that the applicant demonstrate that an acceptable solution to the surface water drainage of the site is available. If the application were to be granted it would be appropriate to require demonstration that the surface water drainage proposed is satisfactory given the risk of surface water flooding on the site.
- 10.15. Given the issues identified above however it is considered that it would be unreasonable to require the applicant to undertake to provide such evidence at this time when other matters in relation to the proposal would justify refusal of the scheme regardless. The applicant therefore has not been requested to undertake to provide a scheme demonstrating acceptable drainage of the site.

### **Biodiversity**

- 10.16. A biodiversity report has been produced and submitted alongside the application by Hillier Ecology Limited. This survey and report concludes that although enhancements to the site should be provided as part of any development, there

were no protected species likely to be affected by the proposal at the time of the survey.

### **Other Matters**

- 10.17. Several other matters have been raised in relation to the proposed scheme however the majority of concerns have been addressed in the above consideration of the scheme, and the remainder, such as impacts on property values, works to other preserved trees in the vicinity, the existence of part of the access road, the infill nature of the plot and the amount of other development undertaken along Mill Hill Lane recently are not material to the consideration of the current application, which must be assessed on its own merits.

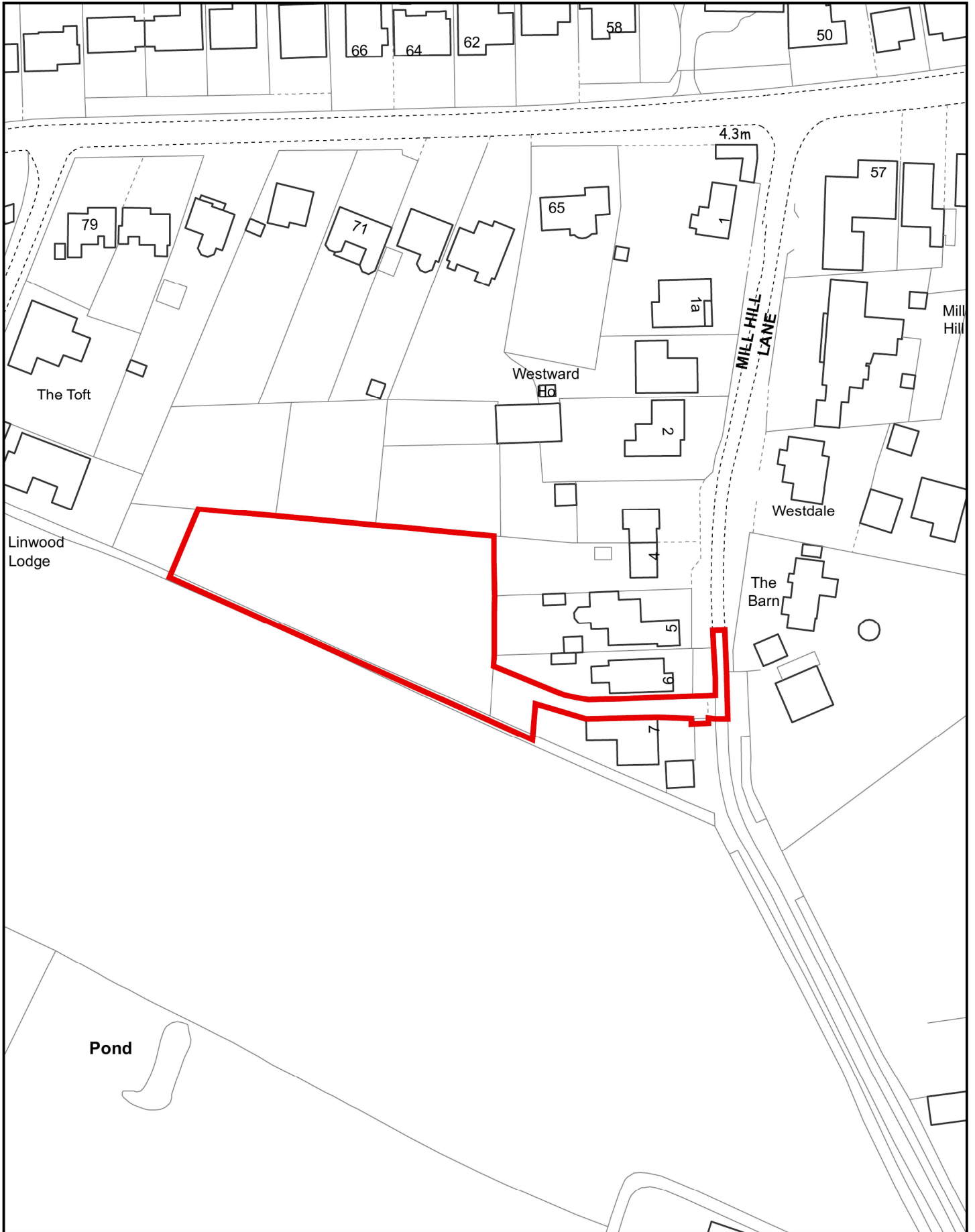
## **11. CONCLUSIONS**

- 11.1. The broad principle of development of the site is not at odds with the relevant policies of the development plan, however the specific details submitted with regard to access arrangements to the site have failed to overcome concerns identified previously regarding unacceptable impacts on the amenity of the neighbouring dwellings and the proposed dwellings, and although attempts have been made to reduce these impacts, they will result in further harm to the amenities and safety of the use of the proposed access to serve the dwellings within the site, contrary to the relevant policies of the development plan.

## **12. RECOMMENDATION**

- 12.1. Refuse, for the following reason

- |  |
|--|
| <p>1. The proposal is a backland development scheme that results in unacceptable amenity impacts to the neighbouring properties at 6 Mill Hill Lane and the host dwelling 7 Mill Hill Lane. In particular, the access and its width combined with the number of properties it is intended to serve would result in unacceptable amenity impacts to the specified properties and would fail to provide a safe and convenient access to the proposed dwellings. The scheme would therefore be contrary to policies LP16 (e) and LP15 of the Fenland Local Plan (2014).</p> |
|--|



Created on: 23/04/2020

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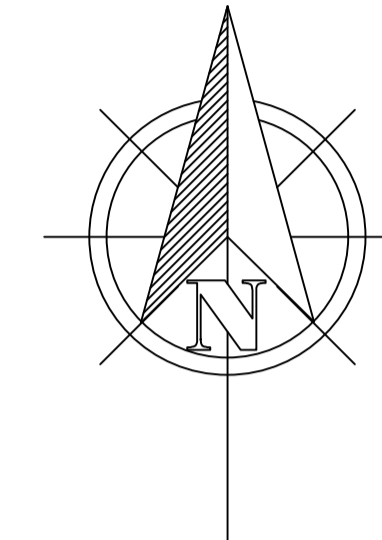
**F/YR20/0335/O**

Scale = 1:1,250





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



F/YR18/0233/F  
 PERMISSION FOR 2No  
 FOUR BED DWELLINGS  
 GRANTED: 19th JULY  
 2018

F/YR18/0210/O  
 OUTLINE PERMISSION  
 FOR 2No DWELLINGS  
 GRANTED: 22ND JUNE  
 2018

AREA IDENTIFIED IN  
 FENLAND DISTRICT  
 COUNCIL'S PLAN FOR  
 GROWTH

PROPOSED LOCATION PLAN  
 (1:500)

INDICATIVE DRAWING

REVISIONS	DATE
F ACCESS AMENDED	MAY 2020
E SCHEME REDUCED	APR 2020
D DRIVEWAY UPDATED	FEB 2019
C PLANNERS COMMENTS	FEB 2019
B PLANNERS COMMENTS	FEB 2019
A SCHEME REVISED	JAN 2019

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 CONSULTING STRUCTURAL ENGINEERS

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LABC Fenland District Council Building Design Awards winner

CLIENT  
 Mr and Mrs Topping

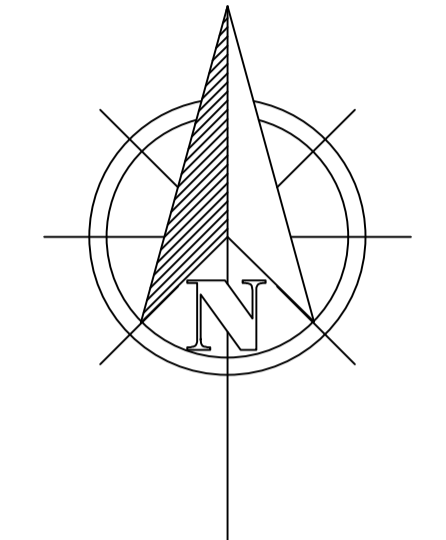
PROJECT  
 Site Off Mill Hill Lane  
 March  
 Cambs  
 PE15 9QB

TITLE  
 Proposed Location Plan

DRAWN M. Halmshaw	DATE OF ISSUE
CHECKED	
DATE January 2018	DRAWING NUMBER H3848/101F
SCALE As Shown	



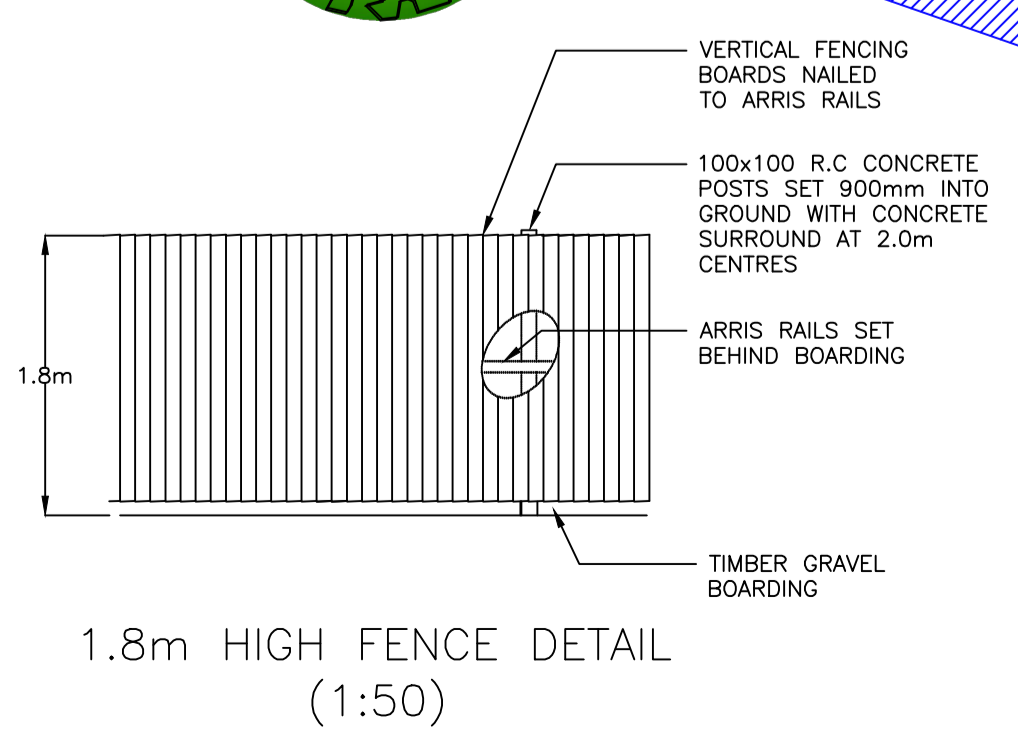
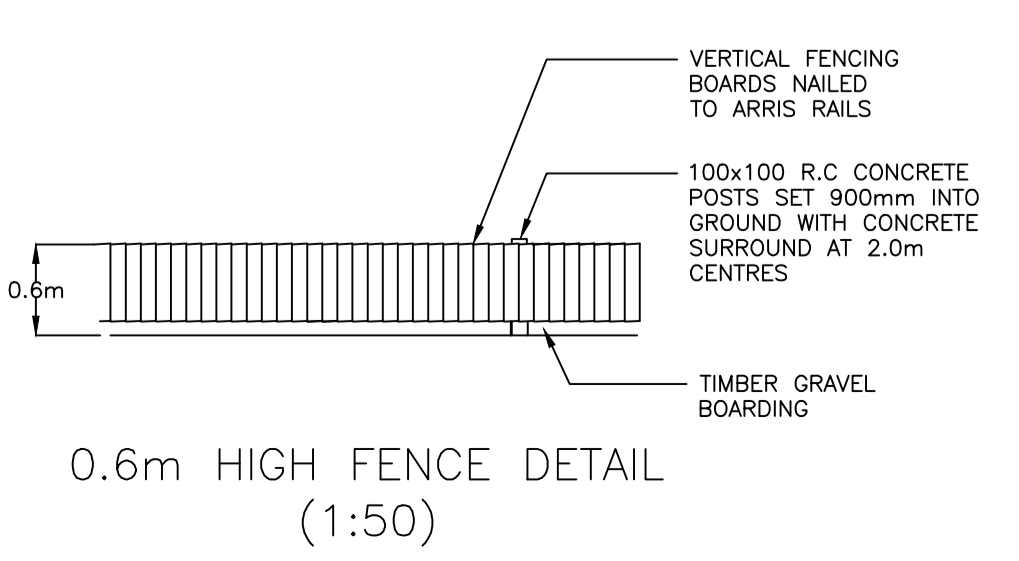
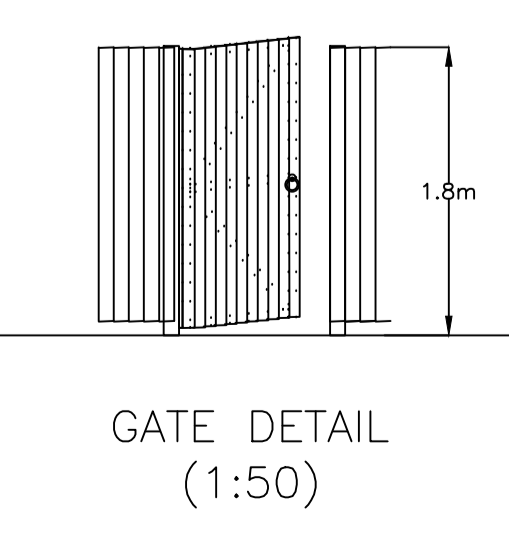
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 All finishes, insulation and damp-proofing to architect's details



INDICATIVE DRAWING

PROPOSED SITE PLAN (1:200)

- SITE PLAN KEY**
- PERMEABLE BLOCK PAVING (NON SLIP)
  - CONCRETE SLABS (NON SLIP)
  - GRASS
  - VEGETATION
  - HEDGING
  - GRAVEL
  - WATER COURSE
  - WASTE BINS
  - SITE ENVELOPE
  - LAND CLIENT OWNS
  - PAVEMENT
  - TARMAC
  - EXISTING DWELLINGS
  - FOUL DRAINAGE
  - SURFACE WATER DRAINAGE
  - SB: 2m HIGH SILVER BIRCH
  - CH: 2m HIGH CHERRY TREE



REVISIONS	DATE
H DRIVEWAY AMENDED	MAY 2020
G DRIVEWAY AMENDED	MAR 2020
F DRIVEWAY AMENDED	NOV 2019
E SCHEME REVISED	JUL 2019
D DRIVEWAY UPDATED	MAR 2019
C PLANNERS COMMENTS	FEB 2019
B PLANNERS COMMENTS	FEB 2019
A SCHEME REVISED	JAN 2019

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LABC Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT  
 Mr and Mrs Topping

PROJECT  
 Site Off Mill Hill Lane  
 March  
 Cambs  
 PE15 9QB

TITLE  
 Proposed Site Plan

DRAWN M. Halmshaw	DATE OF ISSUE
CHECKED	
DATE January 2018	DRAWING NUMBER H3848/102H
SCALE As Shown	



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**F/YR20/0365/F, F/YR20/0371/F & F/YR20/0372/LB**

**Applicant: Mr S Howard**

**Agent : Mr Lee Bevens  
L Bevens Associates Ltd**

**Land East Of 133, High Street, Chatteris, Cambridgeshire**

**F/YR20/0365/F: Erect 9 x 2-storey dwellings comprising of 7 x 3-bed and 2 x 2-bed with garages and erect detached garage and 2.4 (approx) metre high wall to serve 133 High Street**

**F/YR20/0371/F: Demolition of a wall within a Conservation Area**

**F/YR20/0372/LB: Demolition of existing wall and rebuilding of 2.4 (max) metre all to a Listed Building**

**Officer recommendation: F/YR20/0365/F: Refuse  
F/YR20/0371/F: Approve  
F/YR20/0372/LB: Refuse**

**Reason for Committee: Town Council comments and number of representations received are contrary to the Officer recommendation for F/YR20/0365/F. The other two applications are reported to as they are intrinsically linked.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The three applications are all linked together and cumulatively comprise of the demolition of a modern boundary wall and the erection of a new boundary wall, together with full planning permission for 9 dwellings on land to the rear of No.133 High Street, Chatteris.
- 1.2 The erection of three dwellings on this land was previously considered, on balance, to be acceptable in order to allow for the Listed Building at No.133 High Street to be renovated. That judgement was formed despite highway objections to that proposal. Contrary to the conditions of that permission the applicant restored 133 High Street first and has yet to develop the remaining land. This proposal cannot therefore be determined on the basis of it being enabling development in relation to the Listed Building.
- 1.3 The applicant now proposes nine dwellings rather than the three which were previously permitted. Nine dwellings inevitably create greater impacts upon the setting of the Listed Building and the character and appearance of the Conservation Area. In relation to the Listed Building this would be left with a very limited amount of garden space and its curtilage would be irreversibly detached. The previously approved scheme retained a portion of land and consequently a sense of space which continued to relate to the Listed Building.
- 1.4 The harm created in respect of heritage impacts would be less than substantial (but harm nonetheless) in terms of the NPPF tests, and would be significant in



the context of Local Plan Policies LP16 and LP18. The harm would be permanent and irreversible.

- 1.5 This level of harm is to be weighed against the public benefits arising from the proposal. Those benefits are considered to be the delivery of new market housing (albeit these are not required for enabling purposes and the Council has a sufficient supply of housing) and the temporary construction impacts. Those benefits are not capable of outweighing the harm caused.
- 1.6 In highway terms the LPA previously considered that the development of 3 dwellings at the site was acceptable as an enabling form of development such that this outweighed the highways objection. The proposal continues to utilise the sub-standard junction of Black Horse Lane and High Street. The proposal seeks nine dwellings which would result in even more vehicles using this junction than the approved scheme and with consequent implications for highway safety.
- 1.7 The development would also adversely impact upon the amenity of neighbouring occupiers through overshadowing and overbearing, as well as affording inadequate amenity for future residents.
- 1.8 The demolition of the wall is appropriate in the context of the listed building and has no implications for the character of the conservation area or the building. Accordingly that scheme achieves full compliance with planning policy and is therefore favourably recommended. However the replacement wall would harm the setting of the listed building and is therefore recommended for refusal.
- 1.9 The overall recommendations are therefore to refuse the full application for the nine dwellings and the listed building application for the new brick wall (F/YR20/0365/F and F/YR20/0372/LB). The application for the demolition of the wall is recommended for approval (F/YR20/0371/F).

## **2 SITE DESCRIPTION**

- 2.1 The site consists of an area of undeveloped land to the rear of the frontage properties at No.133 (Grade II Listed), 129, 127, 125, 123 and 121 High Street, Chatteris. To the north are two properties fronting Black Horse Lane and to the east is Budgies Lane which separates the more modern development of Gull Way from the site. To the south are older properties fronting Dobbs Yard.
- 2.2 The area surrounding the site is mainly in residential use, with various architectural styles including terraced, semi-detached houses, detached houses and bungalows. The site is located within the Chatteris Conservation Area and forms part of the curtilage of 133 High Street.

## **3 PROPOSAL**

- 3.1 The proposals are all linked together and cumulatively comprise as follows:

The demolition of the modern boundary wall located to the rear of 133 High Street to facilitate a shared surface access into the site, with the existing boundary wall being re-built;

Full planning permission for 9 dwellings in the form of both detached and semi-detached units. The dwellings are laid out to the southern and eastern side of a shared private access road running into the site from Black Horse Lane. The scheme includes single and double garages to serve the new dwellings as well as a detached double garage to serve the applicant's property at No.133: and

The erection of a new wall (to replace that to be demolished as discussed above) is also proposed in order to enclose the proposed rear garden of 133 High Street.

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

- 2 x 2-bed
- 7 x 3-bed

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

- Design & Access Statement including Heritage Statement
- Traffic Report – August 2019
- Extended Phase 1 Ecological Survey

3.4 Full plans and associated documents for these applications can be found at:  
<https://www.fenland.gov.uk/publicaccess>

#### 4 SITE PLANNING HISTORY

F/YR17/3066/COND	Details reserved by conditions 2, 3, 4, 5, 9, 10 ,16, 17 and 18 relating to planning permission F/YR14/0240/F (Erection of 3 x 2-storey 4-bed dwellings with garages, 2.0 metre high brick wall and associated parking to serve existing dwelling (133 High Street), involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR14/0241/LB)	Approved 22/06/2020
F/YR16/0587/LB	Internal and external works to Listed Building involving demolition of attached lean-to and outbuilding and erection of a 2.0 metre high brick wall	Granted 13/09/2016
F/YR14/0241/LB	Internal and external works to existing Listed Building involving demolition of existing attached lean-to and outbuilding and erection of 2.0 metres high brick wall (in conjunction with Full Planning reference F/YR14/0240/F)	Granted 25/07/2014
F/YR14/0240/F	Erection of 3 x 2-storey 4-bed dwellings with garages 2.0 metre high brick wall and associated parking to serve existing dwelling (133 High Street) involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR14/0241/LB)	Granted 28/07/2014
F/YR13/0370/CA	Demolition of outbuildings (in conjunction with Full Planning reference F/YR13/0368/F and Listed Building Consent reference F/YR13/0369/LB)	Withdrawn 09/09/2013
F/YR13/0369/LB	Internal and external works to existing Listed Building involving demolition of existing attached lean-to (in conjunction with Full Planning reference F/YR13/0368/F and Listed Building Consent F/YR13/0369/LB)	Withdrawn 09/09/2013

F/YR13/0368/F	Erection of 7 x 3-bed and 1 x 4-bed 2-storey dwellings with associated parking and erection of garage to serve existing dwelling (133 High Street), involving demolition of outbuildings (in conjunction with Listed Building Consent reference F/YR13/0369/LB and Conservation Area Consent reference F/YR13/0370/CA)	Withdrawn 09/09/2013
---------------	--	----------------------

## 5 CONSULTATIONS

5.1 **Chatteris Town Council:** Support but request footpath is widened.

5.2 **CCC Highways:** No highway objections to the applications relating to the replacement walls. Recommend refusal of the application for 9 dwellings. *The previous planning permission for 3 dwellings was approved against highway recommendation for refusal. This application is to erect 9 dwellings. The impact of 6 additional dwellings therefore needs to be considered along with associated increase in vehicle movements.*

*Consented Trips*

*4.668 x 4 = 18 daily trips or 1.8 trips in peak hour*

*Proposed Trips*

*4.668 x 9 = 42 daily trips or 4.2 trips in peak hour*

*We objected to the original scheme due to visibility concerns at the Black Horse Lane junction with the High Street.*

5.3 **FDC Conservation Officer:** Recommend refusal for the redevelopment proposal of 9 dwellings due to the adverse impact on the setting of the listed building and Chatteris Conservation Area. No objections to the demolition of the existing wall.

Further comments provided to recommend, on review, the refusal of the application to erect the new wall due to its impact on the setting of the listed building through the loss of its curtilage.

5.4 **FDC Environmental Services:** No objections. A Desk Study and Remediation Strategy for the site has been received and approved under F/YR17/3066/COND – a validation report must be submitted and approved by the LPA following implementation of a remediation strategy and this can be secured through planning condition. Given the scale of the proposed development and its close proximity to existing nearby residential properties, a construction management plan which outlines procedures to ensure that any potential disturbance caused to existing nearby residencies will be to a minimum.

5.5 **Environment Agency:** No Agency related issues in respect of this application and therefore we have no comment to make.

5.6 **CCC Historic Environment Team:** The site has previously been subject to an archaeological evaluation carried out against a condition of a previous planning

permission, for which has been received and approved by us. No objections or requirements for this latest scheme as proposed.

5.7 **Cambs Fire and Rescue:** No objection. Adequate provision should be made for fire hydrants which can be secured through planning condition.

5.6 **Local Residents/Interested Parties:  
Objectors**

10 letters of objection received raising the following concerns material to the application:

- The impact the development will have on Black Horse Lane. The road surface and condition of the pavements are already in a terrible state.
- The application states that there have been no reported accidents at the road junction. In the 4 years living here there have been several near misses and confrontations due to traffic parking on the yellow lines at the junction restricting view.
- Black Horse Lane is a narrow road and is used as a general parking area which is made worse when in the evening when the Boxing Club is in use. The proposal development will make this situation worse.
- Parking arrangements
- Traffic / Highways. Black House Lane is dangerous; the proposal will mean more accidents bound to happen. There will be a further 18 or more vehicles accessing Black Horse Lane onto High Street.
- Access
- Anti-Social Behaviour
- Density/Overdevelopment – the field is too small for 9 dwellings.
- Devaluing property
- Drainage
- Design/Appearance
- Environmental Concerns
- Light pollution
- Local services/schools – unable to cope
- Loss of view/Outlook
- Out of character/not in keeping with area
- Overlooking – Plots 1 – 4 would overlook properties at Gull Way
- Overshadowing / Loss of light
- Proximity to property
- Smell
- Visual Impact
- Waste/Litter
- Would set a precedent
- Wildlife Concerns
- Responsibility of boundary walls once the build is complete.
- No provision for any street lighting.
- Are the solar panels for Plots 1-4 on the correct side?
- The bats haven't returned to the site since the renovations on No.133 were completed just over a year ago.
- The proposal will put the sewage system under higher pressure – there is already drains smelling and some points of flooding as the drains are blocked on the roads.
- No 122 High Street has had to deal with Japanese knot weed – this needs addressing and sorting out by the land owner.

- Noise and disruption during building construction as well as from future residents.

### **Supporters**

18 proforma type letters of support received. The comments can be summarised as follows:

- 9 dwellings on the site will be more suitable than the 3 dwellings previously approved.
- Chatteris is in need for smaller affordable units for first time buyers and small families.
- Never had any issues with the junction of Black Horse Lane and High Street
- There used to be a bus depot and farmyard that used the junction on a regular basis – if it was sufficient for them then, it will certainly be able to accommodate the level of development proposed.

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7 POLICY FRAMEWORK**

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

- Para 8: The 3 dimensions of sustainability
- Para 57: Viability
- Para 108-110: Safe and suitable access should be achieved for all users
- Para 117: Promote effective use of land.
- Para 127: Well-designed development.
- Para 170: Contribution to and enhancement of the natural and local environment
- Para 189: Need to describe the significant of affected heritage assets
- Para 192: Desirability of new development making a positive contribution to local character and distinctiveness
- Para 193: Weight should be given to the significance of the heritage asset, the more important the asset the greater the weight
- Para 196: Where a development proposal causes less than substantial harm to a heritage asset this harm should be weighed against the public benefits, including securing its optimum viable use

Para 202: Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

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

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

C1 - Relationship with local and wider context

C2 - Value heritage, local history and culture

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**

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

LP10 – Chatteris

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

LP18 – The Historic Environment

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)

## **8 KEY ISSUES**

- **Principle of Development**
- **Impact on Listed Building and Character of Conservation Area**
- **Access and Highway Safety**
- **Impact on Residential Amenity**
- **Landscaping and Biodiversity**
- **Proposed Boundary Details for 133 High Street**
- **Other considerations**



## 9 BACKGROUND

- 9.1 The site has planning permission for three large dwelling units (LPA reference: F/YR14/0240/F). The justification for the LPA approving these dwellings was to enable the Listed Building at No.133 to be restored and this was weighed against the negative impacts of the scheme which included an objection from the Local Highway Authority. Despite planning permission F/YR14/0240/F including a condition requiring the phasing of the development to take place in an order such that the new dwellings would be built before the Listed Building was restored (i.e. in accordance with the request for the new dwellings to fund the Listed Building works) the works to the Listed Building have taken place and no dwellings have been completed. The agent asserts that work has commenced on site to implement permission F/YR14/0240/F and it is accepted that this is the case.
- 9.2 Paragraph 202 of the NPPF considers such situations where enabling works are required. It states:

*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

- 9.3 Owing to the works to 133 High Street having been undertaken there is now no justification for the development of the application site as there is no enabling development required to improve the Listed Building. The previous justification for the scheme has therefore fallen away in full and so the application is to be assessed such that no weight can be given to the previous benefit.

## 10 ASSESSMENT

### Principle of Development

- 10.1 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 Chatteris and therefore the provision of residential development in this location accords broadly with Policy LP3. All other relevant Local Plan Policies (in this case particularly Policies LP15, LP16 and LP18) require consideration as does relevant statute as referenced above.

### Impact on Listed Building and Character of Conservation Area

- 10.2 The Conservation Officer's comments include the following description of the Conservation Area followed by the application site:

*Chatteris Conservation Area derives its character from its layout, originating from ancient routes and junctions, developing gradually over centuries with a rich mixture of mainly domestic buildings in local materials, with a linear street layout, with narrow alleys that run off these arteries, and a survival along the high street of readable mediaeval burgage plots, in which development has been largely resisted. Once a small market town, surrounded by open, agricultural countryside, it has increased in size, and unsympathetic development throughout the later 20th century and beginning of the 21st century has threatened this fragile authenticity.*

*Historic Maps including the Chatteris Enclosure Map of 1830 and from 1886 show that the plot of land has remained undeveloped (and therefore in use for grazing, subsistence, or orchards, or possibly as curtilage of the listed building (formerly a public house) for 190 years and therefore very probably for several hundred years before detailed maps were made of the area.*

- 10.3 It is evident from that analysis that the application site plays an important role in relation to both the setting of the Listed Building and the character and appearance of the Conservation Area. It is considered that the current application, in principle, would result in the almost complete loss of the historic curtilage to the listed building and is therefore of significant detriment to its setting, and consequently would also adversely affect the Conservation Area. It is accepted that the site was granted planning permission previously, but for a lower number of dwellings, and the reasons for accepting that development (see the comments in relation to paragraph 202 of the NPPF above) no longer exist in light of the works to the Listed Building being completed.
- 10.4 There is therefore no reason to allow further development at the site in the interests of enabling heritage assets to be restored. The proposal is therefore to be considered against Policies LP16 and LP18 without any heritage benefits being able to be given to the proposed housing to off-set any harm. The main justification for the proposal, which is advanced by the agent, relates to the previous permission not being viable due to the size of those properties against the perceived housing needs.
- 10.5 To consider the actual form of the proposal, the application proposes a reasonably dense development (equivalent to approximately 31 dwellings per hectare) with a typical layout around a cul-de-sac and typical house types, although perhaps with more design features than is usual. It is considered, in its own right, a reasonable housing scheme which would be appropriate in a number of locations across the District. However, in the context of its location within the Conservation Area and within the setting of the Listed Building, the overall scale of the proposal with maximum ridge heights of 8.8m (relative to the highest ridge of the Listed Building which is estimated as being between 6.5 to 7m), its layout and the design of the dwellings is not considered to reflect the predominant historic character and form of development in the vicinity.
- 10.5 Policies LP16 and LP18 require that new development protects and enhances heritage assets and their setting and that the assessment of impact be carried out in accordance with the NPPF.
- 10.6 In the context of the NPPF the proposal is considered to generate “less than substantial harm” to the setting of the Listed Building and the character and appearance of the Conservation Area. Less than substantial harm is still a level of impact which can be of detriment to a heritage asset and which needs to be weighed against public benefit as set out in the NPPF. This is consistent with the requirement of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires LPAs when considering whether to grant planning permission for development which affects a listed building or its setting and within a conservation area to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and the preservation or enhancement of the area.

- 10.7 The harm to the heritage assets arising from the proposal has to be weighed against the public benefits of the scheme and this exercise is undertaken in the conclusion section of the report, below.
- 10.9 In pure heritage terms though, the proposal is considered, for the reasons identified above, to significantly conflict with Local Plan Policies LP16 and LP18, and to create less than substantial (but still significant) harm for the purposes of applying Paragraph 196 of the NPPF.

### **Access and Highway Safety**

- 10.10 CCC Highways objected to the previous consented scheme for 3 dwellings on the basis of inadequate visibility splays at the junction of Black Horse Lane and High Street. The visibility is substandard to the south with the achievable splay being 2.4m x 10.7m against a requirement of 2.4m x 43m. The visibility is constrained by the position of the Listed Building (133 High Street). Nonetheless the LPA approved the application for three dwellings having regard to the benefits of restoring the Listed Building.
- 10.11 The junction of Black Horse Lane is constrained geometrically in terms of junction radii and footway provision, however the main deficiency relates to that of vehicle to vehicle inter-visibility.
- 10.12 This scheme significantly increases the number of proposed dwellings from 3 to 9. The application includes a Traffic Report (dated August 2019) which includes the results of a speed survey. The results show that vehicles are travelling at around 26 mph along the 30 mph road. This does not justify a reduction in the visibility splays and indeed the Traffic Report does not suggest such a situation.
- 10.13 CCC Highways recommend the application for refusal on the same basis as before. The previous scheme as discussed above was an enabling development, however those benefits no longer apply and in any event the proposal would increase the usage of a junction which is unsafe due to the sub-standard visibility splays.
- 10.14 Accordingly the proposal is contrary to Policy LP15 (C) of the Fenland Local Plan as it would not provide a safe access.
- 10.15 The Town Council's comments relate to the path width being increased. This could only be achieved by widening the path along High Street or Black Horse Lane in to the road. This is not proposed by the Applicant.

### **Impact on Residential Amenity**

- 10.16 Policy LP16(e) considers the impact upon neighbouring amenity. The proposal would create significant adverse impacts in respect of 6a Black Horse Lane as a result of the following.
- 10.17 Firstly the siting of Plot 1 introduces a 8.75m high gable wall within 7.9m of the rear of the bungalow at 6a Horse Lane. The bungalow has a very limited garden to its southern boundary and the proposed dwelling would introduce a bulk and scale which would create substantial overbearing and overshadowing impacts. The agent refers to the previously approved scheme and notes that the dwelling in that case was closer to the site boundary but that scheme involved a single-

storey element to the relevant dwelling which would not have created such overbearing and overshadowing impacts.

- 10.18 Secondly Plot 1 has car parking located to the north which is adjacent to the boundary with the bungalow. This would create noise and disturbance impacts which add to the unacceptable impacts identified above.
- 10.19 Policy LP16 (h) also requires that sufficient private amenity space is provided. Plot 1's amenity space is compromised by the location of existing trees which would create a rear amenity space which would inevitably be dark due to the overbearing nature of the trees. The agent confirms that the trees are not owned by the applicant and considers that work could be undertaken to them to improve this relationship. Those works are not though proposed in this application and given that the trees are within the Conservation Area an assessment would need to be made as to whether any works to the trees were acceptable or not. Plot 1's amenity space is therefore not considered to be sufficient.
- 10.20 Policy LP16 (h) refers to a guide as to the extent of private amenity space: it states as a guide that a minimum of the third of the plot curtilage should be set aside as private amenity space. The proposal involves the use of land associated with 133 High Street. The previous proposal retained a large area of the application site as garden for this property and did not result in the garden area being constrained in the manner now proposed. Whilst the amenity space is around a third of the plot and therefore policy compliant it is considered to be disproportionate to the extent of the building. The proposed siting of a new garage to serve 133 High Street (which was not proposed on the previous application) also encloses the garden space further. However on balance it is not considered that, from an amenity perspective, the garden area to the existing dwelling would be so unacceptable as to refuse planning permission on this basis.
- 10.21 In terms of other neighbouring relationships with the proposed development to existing residents, the proposal is not considered to give rise to issues of amenity to the existing dwellings at Gull Way, Dobbs Yard and High Street which border the site. There is approximately 27m between the rear elevations of Plots 1 – 4 to the rear elevations of those properties in Gull Way. Similarly there is approximately 21m distance between Plots 5 -9 to the existing dwellings in Dobbs Yard. In terms of the High Street properties there is a distance of approximately 15.4m from the side elevation of Plot 9 to the rear elevation of No.125 High Street. These distances together with the orientation of the proposed dwellings are considered sufficient in order that no adverse impacts to residential amenity will arise.
- 10.22 The layout of the dwellings and their design are not considered to give rise to unacceptable overlooking, overbearing impact or overshadowing of each other. However it is noted that the parking for Plot 9 is far from ideal as it is disconnected by virtue of the position of Plot 8. Similarly there will be vehicular conflicts between parking for Plots 8 and 9 and the garage to serve No.133 High Street due to their positions in relation to each other.
- 10.23 It should also be noted that all of the garages proposed do not conform to the minimum sizes set out in Appendix A of the Fenland Local Plan, but do though provide sufficient space to be able to accommodate a vehicle.

## **Landscaping and Biodiversity**

- 10.24 An Extended Phase 1 Ecological Survey has been submitted during the course of the application. The report concludes that the site has low ecological value, however would benefit from the opportunity for enhancement offered by development. The report recommends bird nest and bat boxes positioned on dwellings, external lighting kept to the minimum and hedgehog friendly fencing. These measures could be secured through planning conditions and as such the proposal complies with Policy LP19 of the Fenland Local Plan.
- 10.25 A Landscape Plan for the site indicates areas of soft landscaping including tree planting within the rear garden areas of all of the new dwellings and shrub planting to the front gardens and along the sides of dwellings. The implementation of the landscaping could be secured through planning condition.
- 10.26 With regards to the hard landscaping the materials proposed to the surfaces of the shared surface and private drives and boundary treatments of timber palisade fencing and estate rail fencing do create an urban characteristic for the development. It is considered that alternative material choices could be sought to retain a rural rather than an urban characteristic for the site.

### **Proposed Boundary Details for 133 High Street**

- 10.27 Application F/YR20/0371/F involves the demolition of a modern wall which currently encloses part of the existing garden for the Listed Building. The wall is of no historic importance and its removal is considered to be acceptable.
- 10.28 Application F/YR20/0372/LB also seeks to demolish the modern wall but then also seeks consent to build a new wall to enclose the garden of the Listed Building. The demolition of the modern wall is acceptable however the proposed new wall would harm the setting of the Listed Building by enclosing its rear garden and enforce the loss of curtilage which is referenced above. This harm would again be less than substantial in the context of the NPPF but again significant. The works would harm the setting of the Listed Building contrary to Local Plan Policies LP16 (a) and LP18.
- 10.29 A timber close boarded fence has been erected at the rear of 133 High Street without consent. The agent suggests this will be temporary but nonetheless the works are unauthorised.

### **Other Considerations**

- 10.30 The site is within Flood Zone 1 an area at lowest risk of flooding. Given the scale of the development and the size of the site a site specific Flood Risk Assessment is not required. The proposal accords with Policy LP14 of the Fenland Local Plan.
- 10.31 Local residents have raised concerns about local infrastructure such as schools. The proposal is though below the threshold for requiring any contributions towards such facilities.
- 10.32 Matters have also been raised with regard to devaluing property; however these matters are not material considerations and as such cannot be taken into account.

## **11 CONCLUSIONS**

- 11.1 The erection of three dwellings on this land was previously considered to be acceptable in order to allow for the Listed Building at 133 High Street to be renovated. That judgement was formed despite highway objections to that proposal. Contrary to the conditions of that permission the applicant restored 133 High Street first and has yet to develop the remaining land, although the permission remains extant. This proposal cannot therefore be determined on the basis of it being enabling development in connection to the Listed Building.
- 11.2 The applicant now proposes nine dwellings rather than the three which were previously permitted. The nine dwellings inevitably create significant and greater impacts upon the setting of the Listed Building and the character and appearance of the Conservation Area. In relation to the Listed Building this would be left with a very limited amount of garden space and its curtilage would be irreversibly detached from the Listed Building. The previously approved scheme retained a sense of space and also land which continued to relate to the Listed Building.
- 11.3 Whilst the harm created in respect of heritage impacts would be less than substantial in terms of the NPPF tests it would be significant in the context of Local Plan Policies LP16 and LP18. The harm would be permanent and irreversible.
- 11.4 The less than substantial harm is to be weighed against the public benefits arising from the proposal. Those benefits are considered to be the delivery of new market housing (albeit these are not required for enabling purposes and the Council has a sufficient supply of housing) and the temporary construction impacts. Those benefits are not considered capable of outweighing the harm caused.
- 11.5 In highway terms the LPA previously considered that the development of three dwellings at the site was acceptable as an enabling form of development such that this outweighed the highways objection. The development would continue to rely on sub-standard visibility at the junction of Black Horse Lane and High Street. The proposal now seeks nine dwellings, which would result in more movements at this sub-standard junction, and without the enabling argument, as set out above.
- 11.6 The demolition of the wall is appropriate in the context of the listed building and has no implications for the character of the conservation area or the building. Accordingly that scheme achieves full compliance with planning policy and is therefore favourably recommended.
- 11.7 However the proposed new wall would restrict the curtilage of the listed building and not respect its historic setting and is therefore recommended for refusal.

## **12 RECOMMENDATION**

**F/YR20/0365/F – Refuse**

**F/YR20/0371/F – Approve**

**F/YR20/0372/LB - Refuse**

### **Reasons for refusal for F/YR20/0365/F**

1	The proposed development by virtue of external appearance, layout and scale would represent a cumulative detrimental impact to the setting of the Listed Building at No.133 High Street and to the character and appearance of the Chatteris Conservation Area. The proposal is therefore considered to
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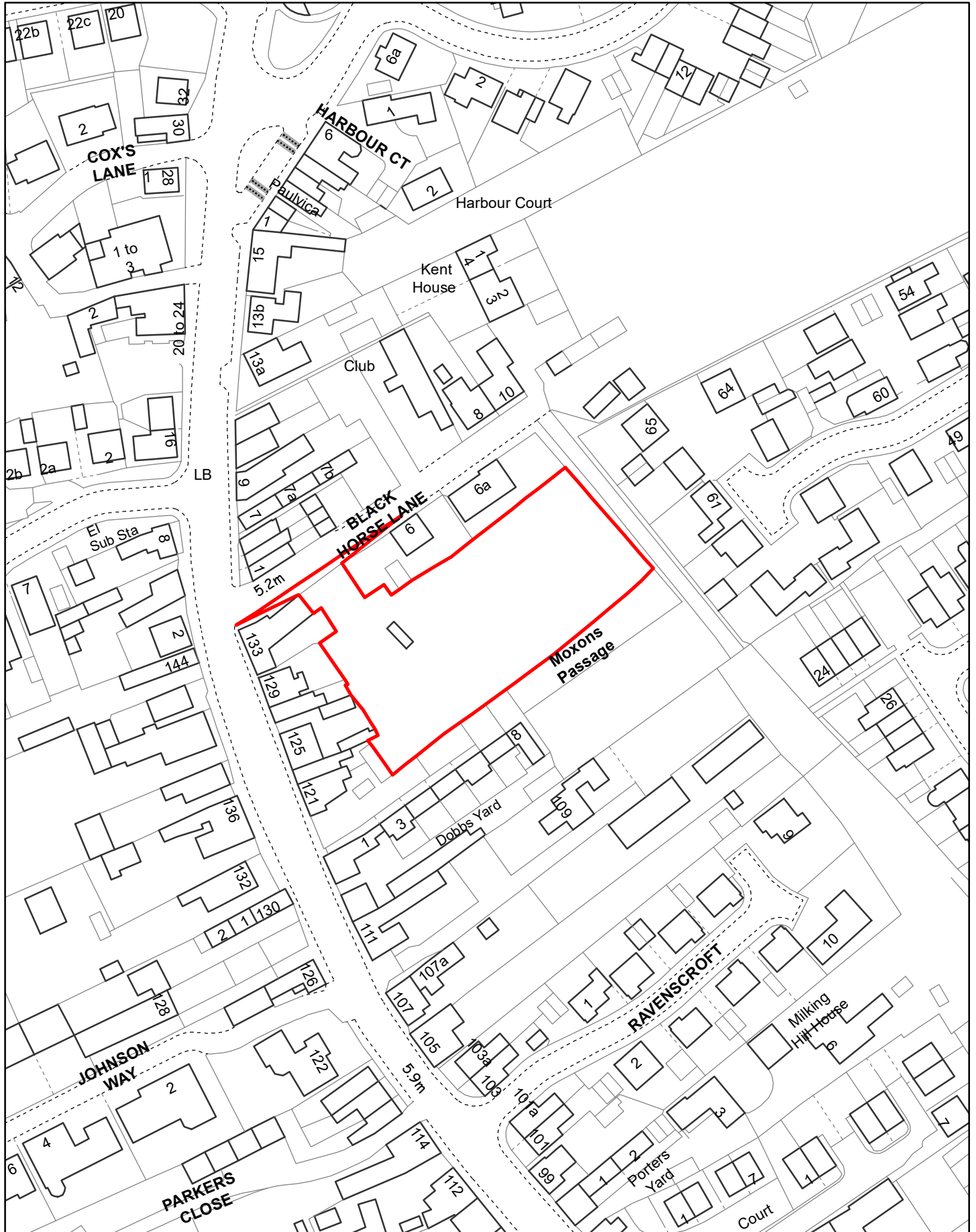
	be contrary to chapter 16 of NPPF (2019) in particular paragraph 196, as this “less than substantial harm” to the heritage assets would not be outweighed by any public benefit and Policies LP16(a) and LP18 of the Fenland Local Plan 2014.
2	Policies LP16 (a) and LP18 of the Local Plan require all new development to protect and enhance any affected heritage asset and their setting. The application, if permitted, would result in the elimination of any curtilage to the Listed Building and the unacceptable loss of its historic setting contrary to Policies LP16 (a) and LP18 of the Fenland Local Plan 2014 and also conflicting with Paragraph 196 of the NPPF, as this “less than substantial harm” to the heritage assets would not be outweighed by any public benefit.
3	Policy LP15 Part C of the Fenland Local Plan 2014 requires that new development should, amongst other things, provide safe access for all. The NPPF states (at paragraphs 108 and 110) that developments should ensure that safe and suitable access to the site can be achieved for all users and development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles. The visibility at the junction of Black Horse Lane with High Street is considered to be inadequate to serve the development proposed such that this would result in unsafe vehicular movements at that junction. The proposal would conflict with Policy LP15 Part C of the Fenland Local Plan 2014, and paragraphs 108 and 110 of NPPF.
4	Policy LP16 (e) of the Fenland Local Plan 2014 requires all new development to not adversely impact on the amenity of neighbouring users. The proposal would create an unacceptable impact on the amenity of 6a Black Horse Lane by virtue of overbearing and overshadowing to the detriment of residential amenity that would result from the location and scale of the proposed Plot 1. Accordingly the proposal is contrary to Policy LP16 (e) of the Fenland Local Plan 2014.
5	Policy LP16 of the Fenland Local Plan 2014 (h) requires all new development to provide sufficient private amenity space suitable to the type and amount of development proposed. The proposed dwelling at Plot 1 would have an unacceptable level of usable private amenity space by virtue of the impacts from overshadowing created by existing trees. Accordingly the proposal is contrary to Policy LP16 (h) of the Fenland Local Plan 2014.

### Conditions for F/YR20/0371/F

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.  Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Approved Plans

### Reason for refusal for F/YR20/0372/LB

1	The works would result in the elimination of any curtilage to the Listed Building and the unacceptable loss of its historic setting contrary to Policies LP16 (a) and LP18 of the Fenland Local Plan 2014 and the aims and objectives of the NPPF.
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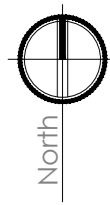
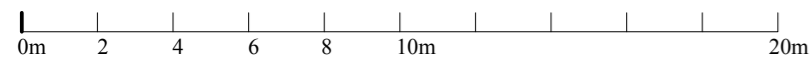
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**F/YR20/0365/F**

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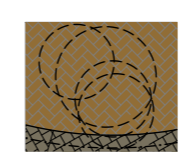
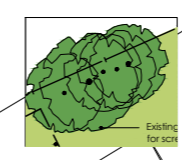
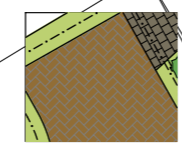
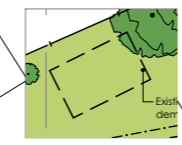
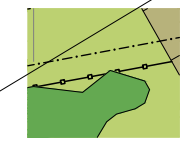
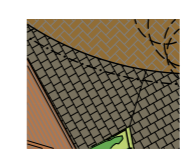
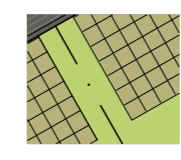
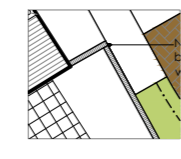
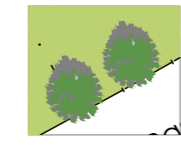
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**DESCRIPTION KEY**

-  Existing trees to be removed
-  Existing trees to be retained
-  Shared Surface to be block paving Charcon 'Europa' or equal and approved. Colour to be Burnt Oker.
-  Existing buildings to be removed
-  Estate rail fence to detail
-  Private drives with permeable block paving Charcon 'Infilta' or equal and approved. Colour to be Brindle.
-  1.8m high timber palisade fencing to detail
-  New 2m high brick wall to detail.
-  Indicative tree planting

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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION	FILE COPY
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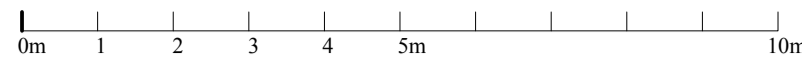
CLIENT  
**Mr S Howard**

PROJECT  
Land south east of 133 High Street,  
Chatteris, Cambridgeshire

DRAWING TITLE  
**Proposed Site Plan Proposals**

SCALE	DATE	DRAWN	CHECKED
1:200 @ A2	Mar. 2020	LB	
DRAWING NUMBER	REVISION		
CH20/LBA/536/FP-1-101			





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Plot 1

Plot 5

Plot 6

Plot 7

Plot 8

Plot 9

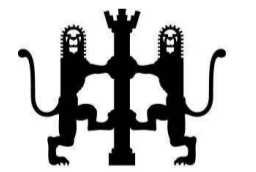


Plot 1

Plot 2

Plot 3

Plot 4



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DRAWING STATUS: PRELIMINARY  PLANNING  CONSTRUCTION   
 FILE COPY

CLIENT: Mr S Howard

PROJECT: Land south east of 133 High Street, Chatteris, Cambridgeshire.

DRAWING TITLE: Proposed Street Elevations

SCALE: 1:100 @ A1 DATE: March 2020 DRAWN: LB CHECKED:

DRAWING NUMBER: CH20/LBA/536/FP-1-107 REVISION:

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**F/YR20/0416/O**

**Applicant: Messrs J Humphrey & Spooner**

**Agent: Swann Edwards Architecture Limited**

**Land south east of The Poplars, Bevis Lane, Wisbech St Mary, Cambridgeshire**

**Erect up to 2x dwellings (outline application with matters committed in respect of access)**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The application site is located outside the built form of the settlement of Wisbech St Mary. It comprises part of an agricultural field, and an area of land ancillary to the adjacent residential dwelling, used for the growing of fruit and vegetables.
- 1.2. The proposal is made in outline for the construction of up to two dwellings on the land, one served from the existing vehicular access to the neighbouring dwelling and the second utilising the existing vehicular access point into the site.
- 1.3. Permission has previously been refused and the subsequent appeal dismissed for the erection of a dwelling on part of the land.
- 1.4. There is a level of local support for the proposal with a significant factor in that support being the indication that one of the dwellings is intended as a retirement home for one of the applicants, however the personal circumstances of the applicant are not material to the consideration of the application.
- 1.5. The development would not be served by pedestrian links to the main core of the settlement and the services that are available there and is therefore considered to be unsustainable, reliant on the private car and a danger to pedestrian safety.
- 1.6. There is insufficient evidence accompanying the application to demonstrate that the proposal will not result in harm to biodiversity through the loss of existing natural features providing suitable habitat for protected species.
- 1.7. The scheme would be contrary to the locational policies of the Local Plan and would result in a detrimental impact on the appearance of the surrounding area through the loss of the verdant character identified by the Inspector.
- 1.8. The application is consequently recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is located on the outskirts of the settlement of Wisbech St Mary to the south of the dwelling known as The Poplars, and consists of two main parts. The first part is amenity land associated with the adjacent dwelling to the north west of the site mainly grassed with some fruit trees and vegetable garden

features, and the second part is more open agricultural land, separated from the first part by a line of mature trees running east-west across the middle of the site.

- 2.2. The southern part of the site boundary along its frontage with Bevis Lane has been changed substantially since the previous planning application, with the trees that previously formed this boundary cut down to stumps noted as being removed on the proposed plans. Those trees were noted in the appeal decision on the site as providing *“a pleasant tree-lined approach to the village, and a verdant landscape character within generally open arable fields.”* The northern part of the site boundary is formed from mature trees screening the amenity land from public views.
- 2.3. The land is designated as flood zone 1, the zone of lowest flood risk.

### 3. PROPOSAL

- 3.1. The proposal is made in outline, and is for the construction of two dwellings on the land, with only matters of access for approval at this stage.
- 3.2. Indicative site layout plans are provided with the application, showing removal of the hedgerow separating the two parts of the site, with one of the dwelling gaining access via the existing driveway leading to The Poplars, with a section of the hedgerow/trees forming the boundary of that property also being removed to facilitate access. The second dwelling would be served by a new private access direct from Bevis Lane, with the plan detailing the removal of the tree stumps across the front of the site.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q953CTHE0D800>

### 4. SITE PLANNING HISTORY

19/0170/PREAPP	Erect 1 dwelling	Not favourable 27/1/20
18/0075/PREAPP	Erection of 5 dwellings	Not favourable 11/6/18
18/0032/PREAPP	Erection of 4-bed detached dwelling	Not favourable 13/3/18
F/YR17/1189/O	Erection of a dwelling (outline application with all matters reserved)	Refused 30/1/18 Appeal dismissed

### 5. CONSULTATIONS

#### Parish Council:

- 5.1. Recommend approval
- 5.2. **Ward Member Cllr Bligh**  
Support.
- Could be seen as outside the main settlement, however there are houses all along Bevis Lane and consider these are within the village.
  - Can't see any negative impact from granting permission
  - Settlement is a growth village and must allow infill on the edges to stop the centre becoming too full.

### **FDC Environmental Health**

- 5.3. No objections

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

- 5.4. New highway crossover should be set out as per standard CCC specification, and the new private access should be sealed and drained away from the highway.  
Visibility splays of 2.4m by 215m should be detailed at both accesses in both directions.  
Vegetation along the site frontage should be shown as cut back to the highway boundary.  
The lack of footway provision is likely to result in occupants being dependent on private vehicles. Walking along a 60mph road is unsuitable for pedestrians.

### **North Level IDB**

- 5.5. No comment

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

9 letters have been received from residents in the area, consisting of 3 stating no objection, 6 stating support and none objecting to the proposal

The letters of support cite the following reasons:

- Development along the lane would make it more part of the village
- Site is close to the village and its amenities
- There has always been access to the sites in question
- There are houses to both sides of the proposed development
- Applicants have always supported the village and its amenities
- Further development may increase investment in local facilities
- Additional residents along the lane may discourage fly tipping
- Good for mutual security by having more residents on the lane
- One of the applicants has lived in the village for his whole life, and is a third generation resident
- The land is in flood zone 1

Members should note that the personal circumstances of the applicant are not material to the consideration of the application.

It is noted that 1 of the letters confirming no objection stated that this was on the basis that the proposed dwellings are not altered from the outline 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**

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

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

Para 127: Well-designed development

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

Para 175: Harm to habitats and biodiversity.

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

Determining a Planning Application

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **8. KEY ISSUES**

- **Principle of Development**
- **Visual Impact & Character**
- **Appeal Decision**
- **Highway Safety**
- **Ecological Impacts**
- **Other Matters**

## **9. BACKGROUND**

- 9.1. Outline planning permission was sought on part of the current site in 2017 for the development of the land by construction of a single dwelling. That application was refused on two grounds, namely that the development was out of keeping with its rural location and the loss of the frontage planting would result in unacceptable changes to the character of the area, and that the proposed dwelling would have to rely on private modes of transport to access goods and services due to the lack of any footpath links to the main settlement resulting in an unsustainable form of development.
- 9.2. Following the refusal of planning permission, the decision was appealed with the Planning Inspectorate. The decision of the Planning Inspector in January of 2019 was that the appeal be dismissed, finding harm to the character and appearance of the area by the felling of the trees along the site frontage, that the site failed to accord with policy LP12 as it did not lie adjacent to the developed footprint of the village, and that the proposal would conflict with sustainable transport aims due to the lack of a footway serving the site along Bevis Lane.
- 9.3. Three pre-application enquiries have been made following the original refusal. Two of these were resolved prior to the receipt of the planning appeal decision, with the third sought after the receipt of that decision. The first and last enquiries sought the development of a single dwelling on the land, whilst the second related to the development of five dwellings. All three of the enquiries were indicated as not being favourable for development of the land for similar reasons as the refusal of the previous planning application.

## 10. ASSESSMENT

### Appeal Decision

- 10.1. As noted in paragraph 9.2, the appeal decision relating to the refusal of permission for a single dwelling on the southern part of the site was dismissed, on three grounds, namely the harm to the character of the area from the cutting down of the frontage trees, the detachment of the site from the built up part of the settlement as defined in policy LP12, and the unsustainable nature of the site due to the lack of a footpath connecting it to the village.
- 10.2. The appeal decision is a material consideration in relation to the current application, however it should be noted that the proposal differs in several key areas from that previous appeal. These are:
1. The current application site now incorporates the land to the north west, that was previously a key consideration in the Planning Inspector's decision to dismiss the appeal due to it separating the site from the developed footprint of the village.
  2. The trees that were noted by the Planning Inspector as making a contribution to the character and appearance of the area have subsequently been cut down to leave only stumps remaining. They are noted on the plans as being removed and there is no preservation order that would require their retention or replacement.
  3. The current scheme proposes the construction of two dwellings, not one.
- 10.3. Notwithstanding those differences, the appeal decision noted that the site was located within a generally verdant landscape of open, arable fields with a pleasant, tree-lined approach to the village. It went on to conclude that the harm caused to this landscape and its character by the proposal was of sufficient scale to justify dismissal of the appeal.
- 10.4. The appeal decision remains a material consideration, however the impacts of the current proposal differ in their detail and require assessment in their own right.

### Principle of Development

- 10.5. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. Wisbech St Mary is a Growth Village, one of four such settlements within the hierarchy where development within the existing urban area or as small village extensions is expected to take place over the plan period.
- 10.6. Policy LP12 of the Fenland Local Plan (2014) addresses the matter of development within or adjacent to villages under Part A of that policy, noting that *“development will be supported where it does not harm the wide open character of the countryside”*, alongside a set of other criteria. These include the proposal not having an adverse impact on the character and appearance of the surrounding countryside and farmland, being of a scale and in a location that is in keeping with the core shape and form of the settlement, not harming its character and appearance, not extending linear features of the settlement, and retaining natural boundaries of the site.
- 10.7. Policy LP12 part A (a) also requires that for development to be supported it must be in or adjacent to the existing developed footprint of the village. The policy

defines the developed footprint as *“the continuous built form of the settlement, and excludes gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.”*

- 10.8. On that basis the side garden and driveway of The Poplars to the north is excluded from consideration as part of the continuous built form of the settlement. This is exacerbated by the lack of connection between the site and the settlement in terms of suitable infrastructure to allow future residents to walk safely to facilities within the settlement. The proposal therefore conflicts with policy LP12 and as such the principle of the development is unacceptable.

### **Visual Impact & Character**

- 10.9. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.10. Policy LP12 of the Fenland Local Plan requires that developments do not have an adverse impact on the character and appearance of the surrounding countryside and farmland, are of a scale and in a location that is in keeping with the core shape and form of the settlement, do not extend linear features of the settlement or result in ribbon development, whilst retaining natural boundaries such as trees and hedgerows and respecting ecological and biodiversity features of the land.
- 10.11. As noted at paragraphs 2.3 and 9.2 above, the trees along the southern part of the site frontage that were identified in the appeal decision as making a significant contribution to the character of the area have been cut down to stumps, which are noted on the submitted plans as being removed. This has had the effect of significantly opening up views across the open countryside in this area across the southern part of the site and changing its character from the tree lined approach to the village considered previously to one of open countryside views.
- 10.12. Notwithstanding that loss, the site is still considered to be part of, and make a significant contribution to, the verdant character of the area identified by the Planning Inspector in the previous appeal decision.
- 10.13. Those changes also give the line of mature trees that runs through the site in an east/west direction greater significance as a natural boundary feature that forms a key part of the countryside character in this location. The indicative plan showing removal of this hedgerow for a length of over 50m will have a significant detrimental impact on the character of the area and would also harm the biodiversity contribution of the site (see later).
- 10.14. Furthermore, the proposal for the site includes for the construction of up to two new dwellings. This would result in a significantly greater impact on the character of the area than the previously refused one dwelling.
- 10.15. On that basis, the proposal would fail to accord with the requirements of policy LP12, as it would have a detrimental impact on the character and appearance of the surrounding countryside and farmland.



10.16. The development of the site would also result in the extension of the built up frontage of the settlement along Bevis Lane, and would fail to be in keeping with the core shape and form of the settlement, extending development in a linear form along Bevis Lane resulting in ribbon development contrary to the requirements of paragraphs (d) and (e) of policy LP12.

### **Highway Safety**

10.17. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.

10.18. Policies LP12 and LP15 of the Fenland Local Plan require sites to show that they can be served by sustainable infrastructure provision.

10.19. The application site is currently served by a single agricultural access into the southern half, which is an agricultural field. The proposal is for the northern half to gain access via the existing driveway to The Poplars.

10.20. The comments of the Local Highways Authority are noted above, in particular that the existing plans fail to demonstrate an access of a suitable design and with adequate visibility splays. It is noted that amendments to the plans may be able to overcome these issues, however given the principle issues in relation to the proposal it is not considered appropriate to require amended plans unless it is likely that such plans would result in a recommendation of approval. Should members resolve to grant permission for the proposal, amendments to the plans should be required prior to issuing any decision.

10.21. It is also noted that the Local Highways Authority advise that the site is not served by any pedestrian infrastructure connecting it to the settlement. This was a factor that contributed to the dismissal of the appeal on the site and this issue has not been overcome by the current proposal.

### **Ecological Impacts**

10.22. Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.

10.23. The application is accompanied by a biodiversity checklist completed by the agent, which indicates that there is no suitable habitat on the site for protected species. This checklist includes statements that habitats such as hedgerows, woodland, trees and field margins will not be affected. This is clearly contrary to the information shown on the site plan. As a result the proposal is considered to be contrary to policy LP19 of the Fenland Local Plan (2014) as there is demonstrable harm (removal) to features capable of providing habitat to protected species without any evidence justifying their loss.

### **Other Matters**

10.24. Several other matters were raised by the letters received in response to the application proposals.

10.25. The additional security and discouragement of fly tipping are noted, however the first is not sufficient to overcome the policy justification for refusal of the application and the second is anecdotal and not material to the decision.

## 11. CONCLUSIONS

- 11.1. The application site is detached from the existing built up edge of the settlement and would result in ribbon development along Bevis Lane. This was one of the reasons given for the dismissal of an earlier appeal at the site and has not been overcome by the current proposal.
- 11.2. The lack of footway provision results in poor connection between the site and the facilities within the village of Wisbech St Mary and the proposal is therefore considered to constitute unsustainable development as it is reliant on the private car.
- 11.3. Part of the application site is currently open agricultural fields flanked by a line of mature trees that would be removed to facilitate the development. These trees make a significant contribution to the character of the area and their loss would be detrimental to that character. The open nature of the views currently possible across part of the site would be lost should the development be allowed to go ahead. Overall, this would result in harm to the verdant character of the area identified previously by the Inspector, and would be contrary to the relevant policies of the development plan.
- 11.4. The application is not accompanied by an ecological survey to confirm the presence or otherwise of protected species and their habitats on the site, despite several features of the site being indicated as suitable for providing such habitat.
- 11.5. The conclusions of the previously dismissed appeal on part of the application site are still relevant to the current scheme. They identified harm to the character of the area and a lack of connectivity with the settlement of Wisbech St Mary and a conflict with the policies of the Fenland Local Plan (2014) and the NPPF. The current scheme has failed to satisfactorily overcome those reasons for dismissing the appeal and consequently the application is not acceptable.

## 12. RECOMMENDATION

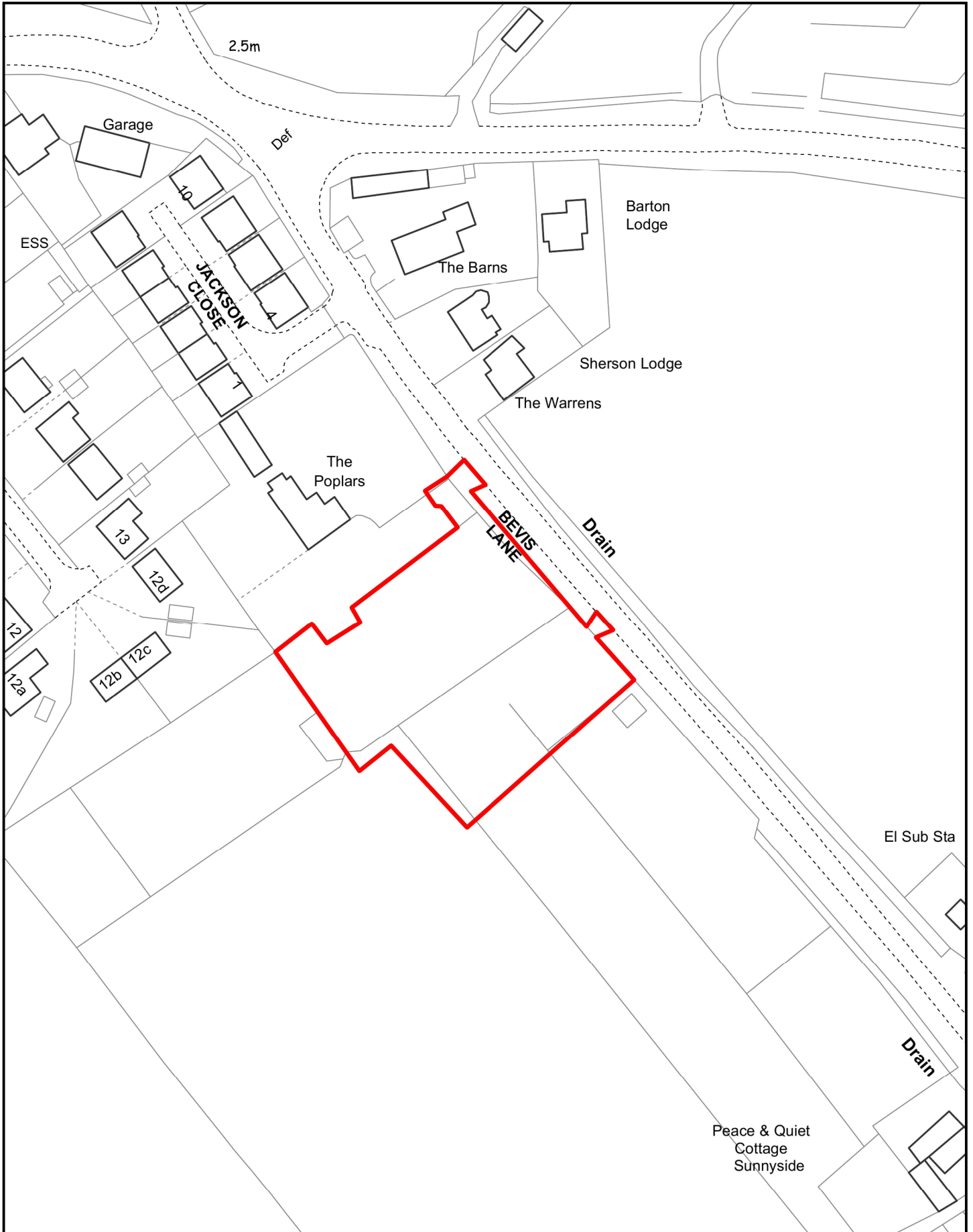
REFUSAL, for the following reasons:

- |  |
|--|
| <p>1. Policy LP12(a) of the Fenland Local Plan (2014) sets out a need for sites to be within or adjacent to the existing developed footprint of the village in order to be supported. It excludes gardens and other land within a building's curtilage. The application site is separated from the existing developed footprint by such land and has poor connectivity with the settlement, and is therefore considered to be contrary to the requirements of policy LP12(a) of the Fenland Local Plan (2014).</p>   |
| <p>2. Policy LP16 of the Fenland Local Plan (2014) requires developments to respond to and improve the character of the local environment and enhance their setting. Policy LP12 of the Fenland Local Plan also requires that developments do not have an adverse impact on the character and appearance of the surrounding countryside and farmland, are of a scale and in a location that is in keeping with the core shape and form of the settlement, not extend linear features of the settlement or result in ribbon development, whilst retaining natural boundaries such</p> |

as trees and hedgerows and respecting ecological and biodiversity features of the land. The proposal is for the construction of two new dwellings, and would result in the loss of a significant line of existing trees forming a natural boundary within the land, and also the loss of views over the existing farmland that make a significant contribution to the verdant character of the area. The location of the site is also not in keeping with the core shape of the village, extending the built form out into the countryside in a linear fashion along Bevis Lane, resulting in ribbon development. The scheme would therefore be contrary to the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014).

3. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. The application site is not served by a pedestrian footway linking it to the village, with such infrastructure only available from the junction of Bevis Lane with High Road/Barton Road. It would therefore require occupiers to be reliant on private vehicles or would result in them walking along Bevis Lane, which is subject to the national speed limit. The proposal therefore would be in an unsustainable location in relation to the settlement and would fail to provide a safe and convenient access for pedestrians, contrary to policy LP15 of the Fenland Local Plan (2014).

4. Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse permission for sites that cause demonstrable harm to a protected habitat or species. The proposal involves the removal of a substantial number of mature trees/length of hedgerow running across the site, along with the development of an area of land comprising field margins. Both of these features provide suitable habitat for protected species however no ecological survey has been supplied alongside the application to demonstrate that protected species would not be harmed as a result of the works and the proposal would therefore be contrary to the requirements of policy LP19.



Created on: 18/05/2020

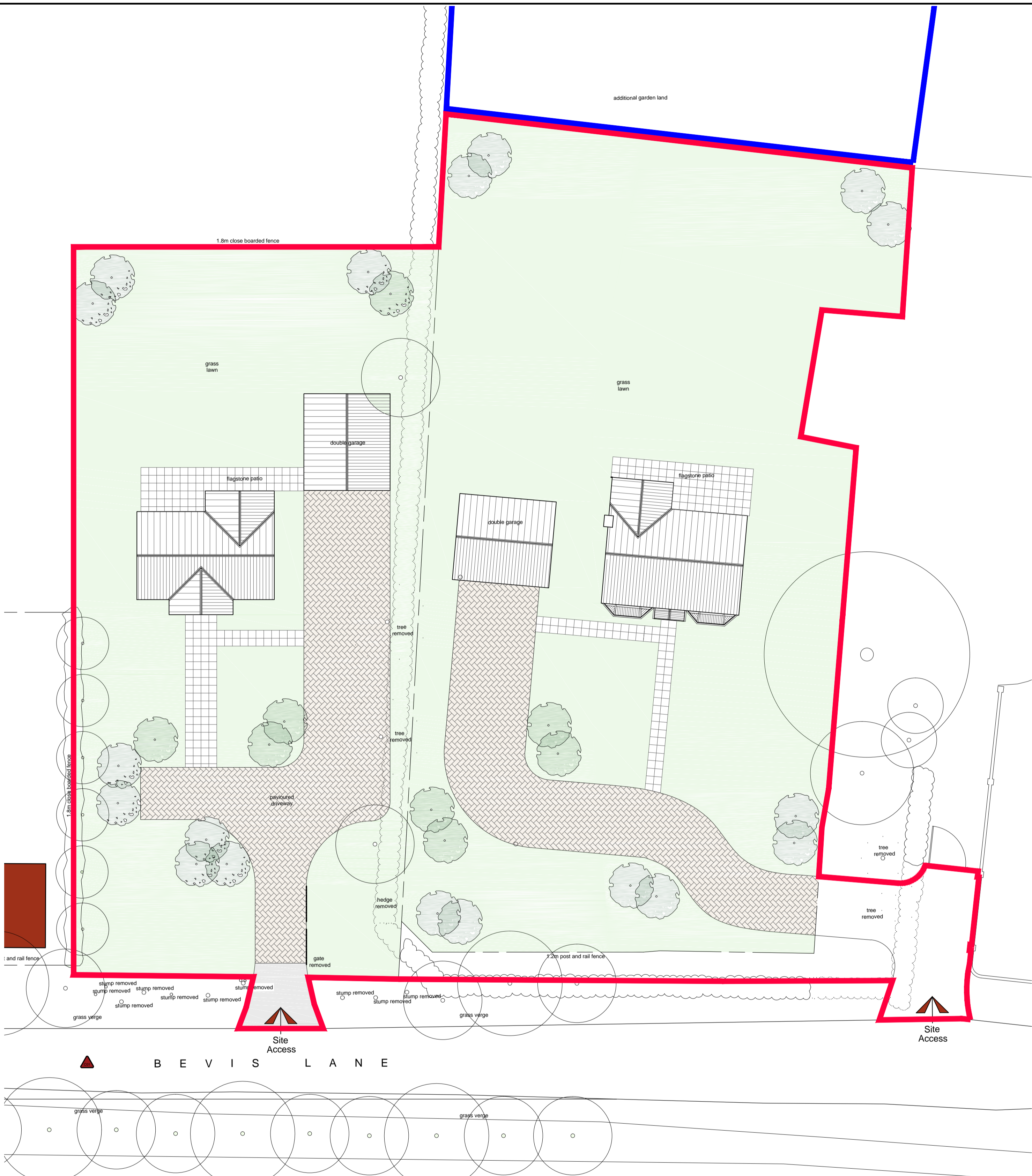
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**F/YR20/0416/O**

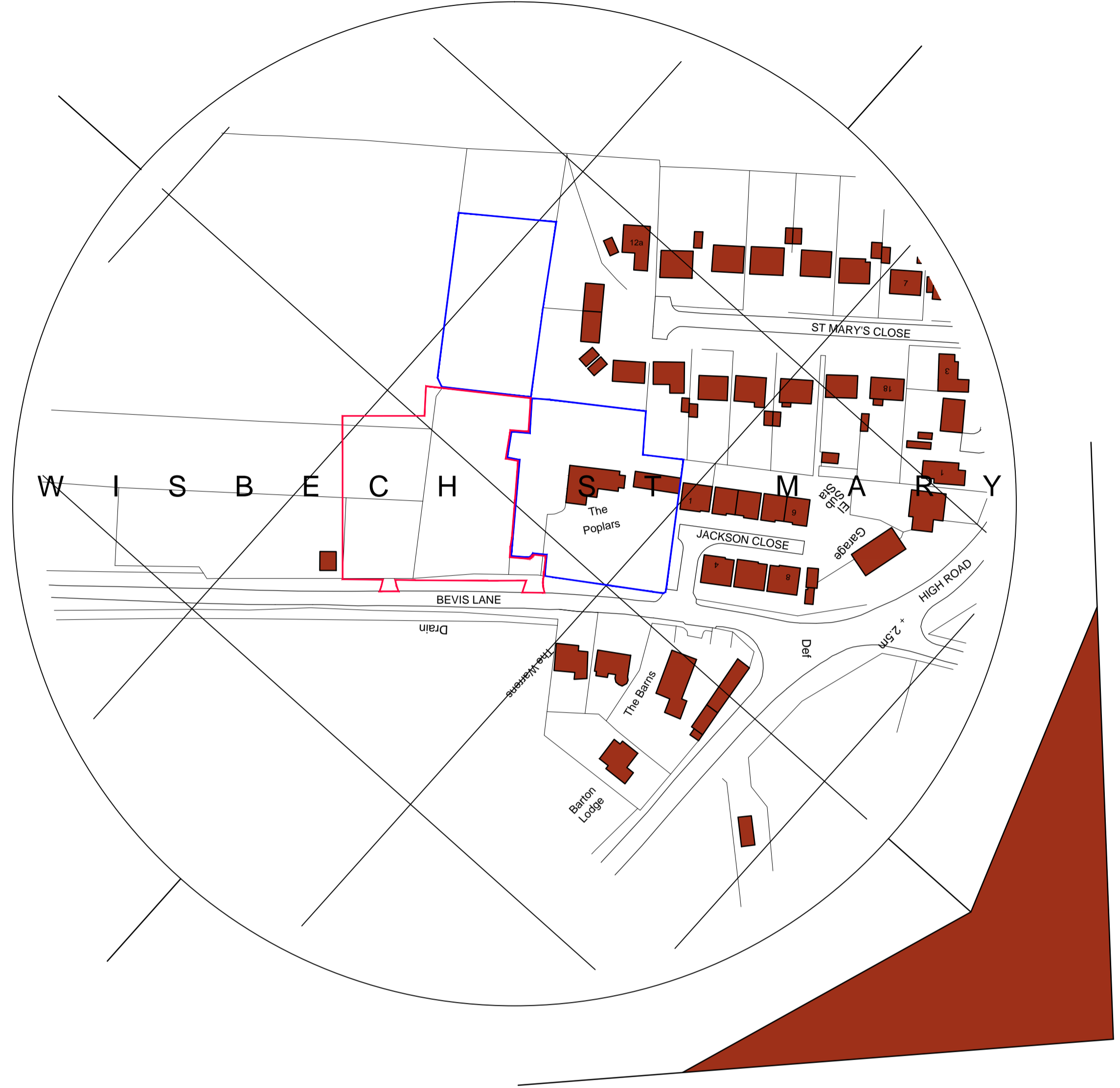
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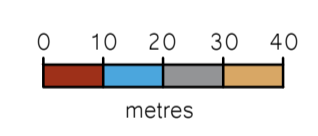




**Indicative Site Plan**  
Scale: 1:200



**Location Plan**  
Scale: 1:1250



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

**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 may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants as issued to the Principal Designer.

Revisions		
A	Mar 2020	Amended following clients comments
B	Mar 2020	Amended following clients comments
C	May 2020	Amended following planning comments
D	May 2020	Amended following planning comments
E	May 2020	Amended following planning comments

Status: **FOR COMMENT**

**SWANN EDWARDS ARCHITECTURE**  
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Job Title	Date	Drawn by
Proposed Pair of Dwellings	March 2020	JL
Bevis Lane, Wisbech St Mary Wisbech		Checked by
For: Messrs Humphrey & Spooner		JB
Drawing Title	Job No.	Sheet Size
Outline Planning Drawing Site Plan	SE-1282	A1
	Dwg No.	Revision
	SS1001	E

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**PLANNING COMMITTEE DATE: 27<sup>th</sup> July 2020**

**APPLICATION NO: F/YR20/0416/O**

**SITE LOCATION: Land south east of The Poplars, Bevis Lane, Wisbech St Mary, Cambridgeshire**

#### **UPDATE**

Following the publication of the committee report a revised indicative plan was received from the agent detailing the following.

- Visibility splays added to the vehicular accesses
- Vehicular access crossover
- Replacement of the tree stumps along the site frontage with a new hedgerow
- Retention of existing hedges and trees within the site
- Installation of bird and bat boxes
- Confirmation that the trees indicated as being removed at the access with The Poplars are to be removed regardless of the outcome of the application.

The Agent states that they consider these changes “*overcome the majority of the reasons listed for refusal with the exception of your in principle objection to the scheme.*”

They also state that they consider the site abuts the built form of the settlement, with the proposed development following the line of The Poplars and Jackson Close, and is therefore consistent with other development in the area. They note the site is located in flood zone 1 and that the proposal will allow one of the applicants to downsize and retire within the village.

#### **ASSESSMENT**

As noted in the main report, the personal circumstances of the applicant are not material to the consideration of the application.

The inclusion of visibility splays to the accesses is noted, and comments of the Local Highways Authority have been sought.

The replacement of the tree stumps with a new hedgerow is noted and should make a positive contribution to the biodiversity value of the site, however it will not address the character impact resulting from the scheme.

The alterations to the indicative plan also fail to address the site’s detachment from the edge of the settlement, its clear extension of the linear features of that settlement (and resulting ribbon development), and its unsustainable location, as identified previously by the Inspector, in terms of its connection to the village.

The inclusion of a new hedgerow and the retention of the existing trees on the site, alongside the proposed installation of bird and bat boxes are welcomed, however there is still no ecological survey of the land identifying whether or not the site is the habitat for protected species, and if so what mitigation is appropriate.

#### **RECOMMENDATION**

The recommendation remains for refusal as per the main report, with the amendment of reason 4 as follows:

Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse permission for sites that cause demonstrable harm to a protected habitat or species. The proposal involves the development of an area of land comprising field margins, which are known to provide suitable habitat for protected species however no ecological survey has been supplied alongside the application to demonstrate that protected species would not be harmed as a result of the works and the proposal would therefore be contrary to the requirements of policy LP19.

**Recommendation:**

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**F/YR20/0440/F**

**Applicant: Mr J Allen**

**Agent : Anglia Building Consultants**

**22 Colvile Road, Wisbech, Cambridgeshire**

**Conversion of dwelling to 2 x 2-storey 3-bed dwellings**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application is for the subdivision of an existing, substantial dwelling in an established residential area within Wisbech, into two separate dwellings. The principle of this broadly accords with Policy LP3 of the Fenland Local Plan.**
- 1.2. The proposal involves minimal physical changes to the external appearance of the building, and would have no unacceptable amenity impacts on neighbouring or future occupiers of the development.**
- 1.3. Additional car parking is proposed to meet the requirements of Appendix A of the Fenland Local Plan, and while this will result in more vehicles accessing the site it will also improve the current visibility for the parking area at the property, and no objections have been received from the Highway Authority.**
- 1.4. Objections have been received from the Town Council and several nearby residents and landowners, however the impacts of the proposal are considered limited, and will not result in a significant detrimental impact on the area.**
- 1.5. The development is therefore considered to accord with the relevant policies of the Local Plan and it is recommended to grant planning permission.**

## **2. SITE DESCRIPTION**

- 2.1. The application site is an existing detached two-storey dwelling located in a typical 19<sup>th</sup> or early 20<sup>th</sup> Century residential area on the eastern side of Wisbech. It is a traditionally styled property, with a central access door, ground floor bay windows and a symmetrical arrangement of windows at the first floor on the front elevation.**
- 2.2. The dwelling has historically been extended to the rear with a two-storey addition, constructed in a style to match the main building. The previous**

landscaped front and rear gardens have been removed, with the front garden having been replaced with a gravel finish to either side of a tiled entrance path to the property. The rear garden has been subdivided with a timber fence to form a car parking area and a small amenity area immediately adjacent to the house.

- 2.3. The dwelling is located on the corner of Colville Road and Trafford Road, fronting the former. A contemporary period dwelling neighbours the site on Colville Road to the east, while to the north of the site on Trafford Road are a pair of more recently constructed semi-detached dwellings which sit side on to the site.

### 3. PROPOSAL

- 3.1. The proposal is for the sub-division of the existing dwelling, creating two separate three-bedroom units which would both run front to back. This is to be achieved through the relocation of the main entrance door further back into the property to form a lobby, off which both units will take access. Further internal works will facilitate the sub-division, including creating a second staircase.
- 3.2. There will be some minor external works to the rear and side elevations with existing openings being bricked up and a new opening created. An existing small lean to rear extension will also be removed as part of the proposal.
- 3.3. The rear garden area is to be subdivided by the erection of a 1.8m timber fence to create separate amenity areas for each property, with access from the rear of the units to this. Two car parking spaces are proposed to serve each unit, accessing from Trafford Road, with Unit 1 having parallel spaces and Unit 2 having tandem spaces.
- 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=QAZYTBHE01U00>

### 4. SITE PLANNING HISTORY

F/YR20/0190/F	Conversion of dwelling to 4 x 1-bed flats and 1 x 2-storey 1-bed dwelling	Refuse 9/4/20
F/YR19/1044/F	Change of use of existing dwelling (C3) to House in Multiple Occupation (HMO) (Sui Generis) for up to 14 persons	Withdrawn 10/1/20
F/YR16/0757/F	Erection of a 3-storey, 2-bed dwelling with integral car port	Refused 4/10/16

### 5. CONSULTATIONS

- 5.1. **Wisbech Town Council:**  
Objection on the basis that the proposal constitutes overdevelopment of the site.
- 5.2. **FDC Environmental Health:**  
No objections
- 5.3. **Cambridgeshire County Council Highways Authority:**  
No Highway objections, conditions requested to secure parking and visibility splay provision.

#### 5.4. **Local Residents/Interested Parties:**

14 letters of objection from residents of the locality have been received in relation to the proposal, identifying the following matters in respect of the scheme.

- Will result in 6 bedrooms and therefore an HMO in a different guise
- Impact on parking provision – access proposed reduces parking availability on Trafford Road
- Impact on privacy within the adjacent garden
- Work has already commenced
- The property used to be a family house
- Impact on pedestrians, particularly at school pick-up and drop off
- Anti-social behaviour
- Over-development of the site
- Devaluation of property
- Additional waste
- May set a precedent

The applicants have provided a response to the comments received in relation to the letters of objection stating the following:

- They intend to live in one of the properties and rent/sell the other, not turn them into HMOs
- Both proposed properties have 2 off-road parking spaces so there should be no on-road parking as a result of the proposal
- The property has had a driveway crossing the path for the last 10 years with no issues, and all the other properties along Trafford Road with driveways also cross the pavement for access
- Most of the hazards on Trafford Road are caused by irresponsible parking during school drop off and pick up. The road is quiet at other times
- Recent works at the property have been refurbishments, including replacing skirting boards, carpets, re-plastering and decorating works
- Selling the property as a 6-bedroom house would be difficult due to its location

## 6. **STATUTORY DUTY**

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

## 7. **POLICY FRAMEWORK**

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

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

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

Determining a planning application

## **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

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**
- **Visual Impact & Character**
- **Residential Amenity**
- **Highway Safety**
- **Other Matters**

### **9. BACKGROUND**

- 9.1. There have been three applications on the site in recent history. The first of these was made in 2016 and was for the erection of a detached dwelling in the garden of the property, accessed from Trafford Road. This was refused for being out of character with the area, adverse amenity impacts and a lack of car parking.
- 9.2. A further application was received in 2019 to change the use of the property to a House in Multiple Occupation for up to 14 persons, however this application was withdrawn shortly after it was submitted.
- 9.3. Permission was then sought in early 2020 for the conversion of the dwelling to four single-bedroom flats and a single bedroom 2-storey dwelling, which was refused on the grounds of its impact on the character of the area due to intensification of use and parking provisions, inadequate visibility in relation to the parking area, and failing to provide sufficiently high levels of residential amenity.
- 9.4. Pre-application advice was subsequently sought from the Local Planning Authority in relation to the current scheme following that refusal, along the lines of the application now submitted. The Local Planning Authority indicated in response to that application that the proposal had the potential to be acceptable in planning terms.

### **10. ASSESSMENT**

#### **Principle of Development**

- 10.1. Wisbech is classified as a Primary Market Town under Policy LP3 of the Fenland Local Plan (2014 ) where the majority of the development within the District is expected to take place over the plan period. The principle of residential development within an existing residential area of the town is therefore broadly acceptable.

#### **Visual Impact & Character**

- 10.2. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the District. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both



responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.3. The application proposes limited alterations to the exterior fabric of the existing building, mainly in the form of minor alterations to existing doors and fenestration to the side and rear. It is not considered that these will have any significant impact on the character and appearance of the area.
- 10.4. The front entrance door to the dwelling, will be moved further back into the property to allow the necessary access arrangements to be provided. While this is considered to be an attractive feature of the property at present, this could be removed/repositioned now without any kind of planning control as a householder alteration.
- 10.5. In addition to these alterations to the building fabric, the garden area of the property is to be subdivided and altered to provide space for an additional two parking spaces. In practical terms, this would result in the removal of a section of 1.8m close boarded fence along the Trafford Road frontage of the site that will then become an additional 2 parking spaces. This is considered to have a minimal impact on the street scene.
- 10.6. Overall it is considered that the proposal will have a neutral impact on the local distinctiveness and character of the area, and is therefore there is no justification for the refusal of the scheme on this basis.

#### **Residential Amenity**

- 10.7. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.8. The existing property is a residential dwelling and the proposed work would see the dwelling split into two separate units. Residential amenity considerations include both the impact of the proposed use on adjacent properties, as well as the provision of residential amenity to the residents of the proposed dwellings. It is not considered that the creation of a second dwelling would in itself, intensify the use of the site sufficiently to harm amenity.
- 10.9. With regard to the impacts on the adjacent properties, the main impact results from the proposed new first floor window in the rear elevation of the existing extension to the building. This window would be approximately 11 metres from the shared boundary with the dwelling to the rear, and could therefore result in increased overlooking to the rear garden of this property. However, a distance of 11m from a first floor window to a rear boundary is considered to be a reasonable, and fairly normal, distance which should result in a degree of overlooking which would not be so detrimental to residential amenity to justify a refusal.
- 10.10. This window would also afford views over part of the neighbouring garden to the property on Colville Road. However this is considered to be a typical amenity relationship present with many dwellings in traditional street layouts such as this, and again would not result in a significant impact on amenity.

10.11. With regard to the amenities of the occupiers of the proposed dwellings, the conversion has been designed to avoid any unacceptable relationships between windows that could otherwise cause privacy impacts, and both units have been provided with modest but sufficient private amenity space for their occupants to satisfy the requirements of planning policy in that regard.

### **Highway Safety**

10.12. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, while Appendix A of the Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.

10.13. The application proposes an expansion of the existing parking arrangements serving the property, and would necessitate the extension of the dropped kerb along Trafford Road to allow for more vehicles to park off-road. These works would, however, also allow for greater pedestrian visibility and consequently, on-balance, it is considered that, notwithstanding the objections received from local residents, the development would not adversely impact on road safety. This is a view echoed by the Highway Authority.

10.14. Other comments received in respect of the highways impacts of the scheme relate to on-street car parking. The application proposes two spaces for each dwelling, which is in line with the standards set out in the Local Plan. Any cars which currently park on Trafford Road, and will be displaced as a result of the widening of the access will be relatively limited in number and unlikely to significantly impact on wider highway safety.

### **Other Matters**

10.15. Several other matters have been raised in relation to the application from members of the public and these will be addressed below.

10.16. The first of these that the proposal will result in a “House in Multiple Occupation under a different guise”. The proposal is for the creation of two distinct dwellings and the applicant has affirmed that this is their intention. The application can only be considered on the basis of what has been applied for. Planning legislation is such, however, that up to six people can ordinarily occupy a dwelling without the need for planning permission.

10.17. Second, that work has already commenced within the property. There is no restriction preventing the applicant undertaking internal works prior to obtaining planning permission, or indeed undertaking works to their property.

10.18. Other issues that the property used to be a family dwelling, anti-social behaviour and waste issues will arise from the proposal and devaluation of property are either unsubstantiated or not material planning issues. Particularly in terms of waste the plans indicate suitable bin storage areas.

10.19. It has also been raised that the proposal may set a precedent for similar conversions in the future. Each planning application is judged on its own merits and therefore, it does not automatically follow that any dwelling in the area would also be granted permission for conversion into two separate units.

## 11. CONCLUSIONS

- 11.1. The application is considered to have no adverse impact on the character or appearance of the area, residential amenity or highway safety and there are no other significant detrimental impacts. The proposal is therefore considered to be in accordance with the relevant policies of the development plan and there is no justification for refusal of the scheme contrary to those policies.

## 12. RECOMMENDATION

Grant permission, subject to conditions:

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

Reason

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

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

Reason

In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

3. Prior to the first occupation of the development hereby approved, the visibility splays shown on the approved plan reference 20-1954-3-C shall be provided on both sides of the new vehicular access and shall be maintained thereafter

Reason

In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

4. Prior to the first occupation of the development hereby approved the 1.8m high timber fence separating the gardens of dwelling 1 and dwelling 2 shall be provided in accordance with the details on the approved plan reference 20-1954-3-C, and the fence shall be retained as such in perpetuity.

Reason

In the interests of the privacy of the occupiers of the dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

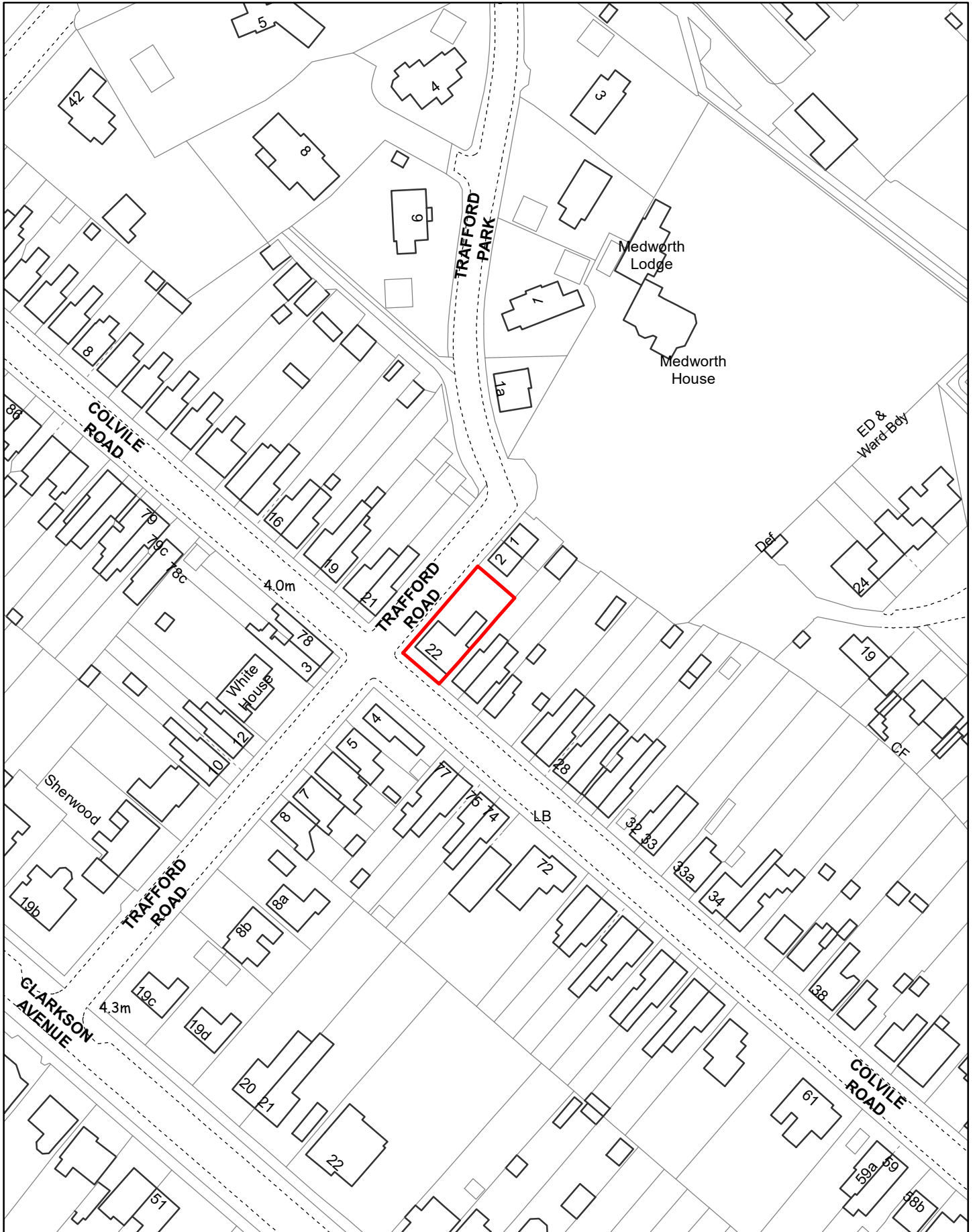
- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as

- ii) detailed in Schedule 2, Part 1, Classes A and E);  
the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);

**Reason**

To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and its impact on the residential amenity of the surrounding properties in accordance with the requirements of Policy LP16 of the Fenland Local Plan 2014.

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



Created on: 28/05/2020

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**F/YR20/0440/F**

Scale = 1:1,250



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1m x 1m pedestrian visibility splay.  
 Splay to be defined by a boundary feature  
 or low level planting.

Extend access to Cambridgeshire  
 County Council highway requirements  
 with the access being sealed and drained  
 away from the highway in a bound material

Timber fence to stop 1m  
 back from footway to enable  
 visibility both ways

Remove section of  
 fencing to allow access

1m x 1m pedestrian visibility splay

Existing section of fence  
 reduced to 900mm high

Permeable  
 block paving  
 car parking

21

2

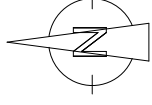
Dwelling 1

Dwelling 2

22

Traford Road

Colville Road



Villeneuve - Basin Road - Outwell  
 Norfolk - PE14 8TQ  
 01945 772550  
 01223 969427  
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[info@angliabuildingconsultants.co.uk](mailto:info@angliabuildingconsultants.co.uk)

- C 15/6/20 Updated for highways
- B 13/5/20 Proposal changed to two dwellings
- A 30/3/20 Updated for highways

No Date Revision

Issue: For Planning Approval

Site: 22 Colville Road, Wisbech,  
 Cambridgeshire, PE13 2ET

Project: Alterations and conversion  
 to form two dwellings

Drawing Title: Proposed Site Plan

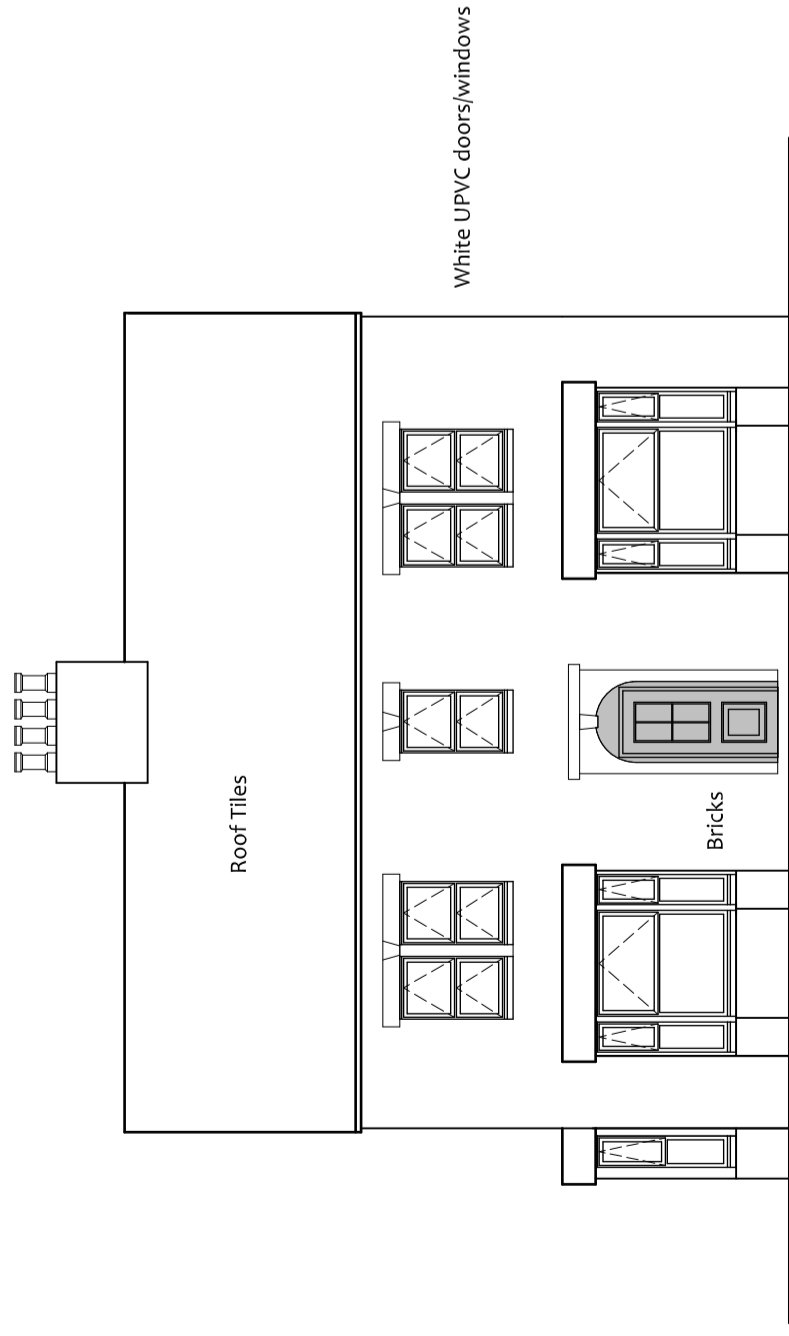
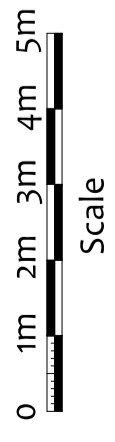
Client: Mr Allen

Date: April 2020  
 Scale: 1:200 At: A3  
 Drawing Number: 20-1954-3-C

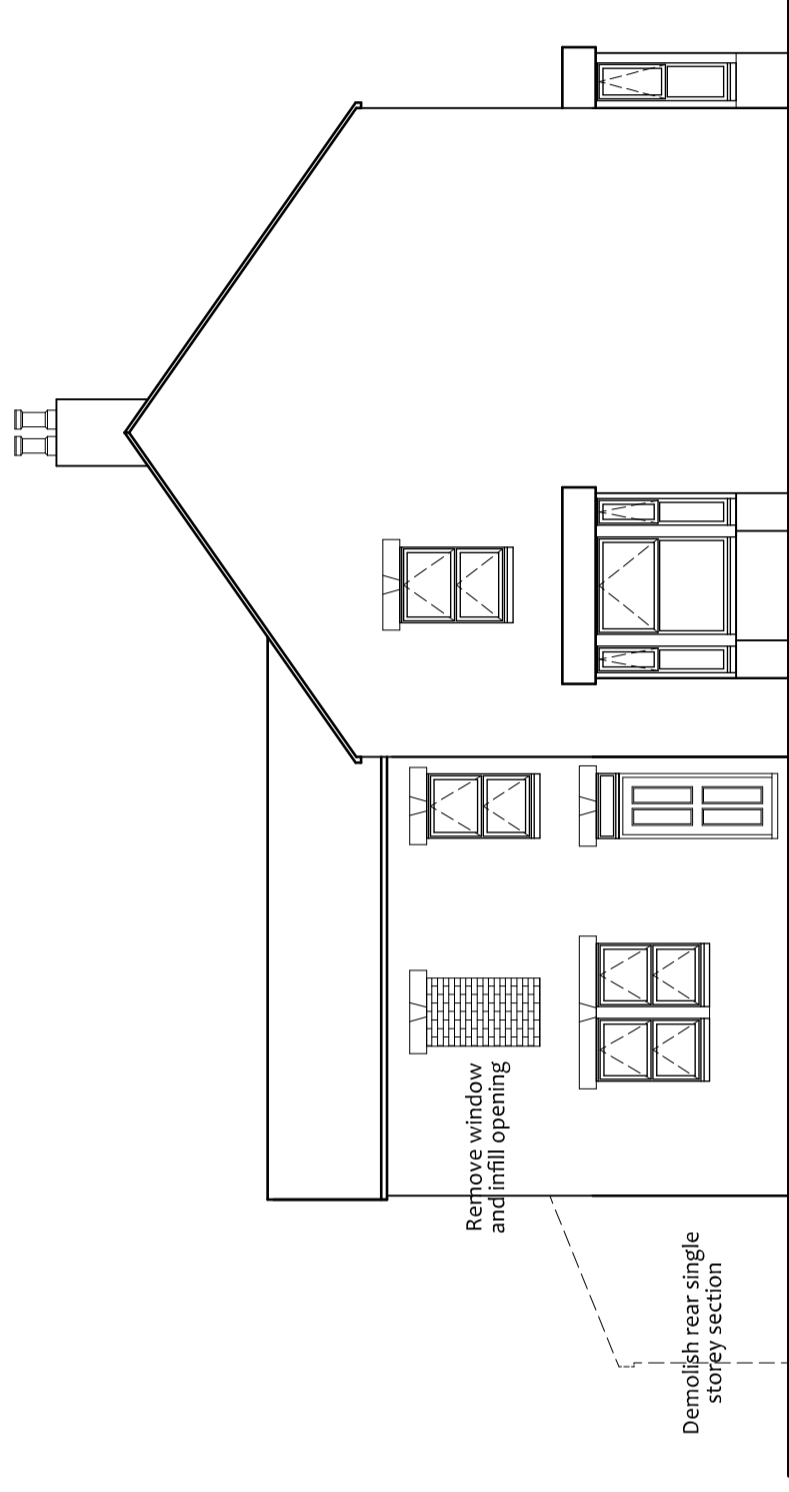




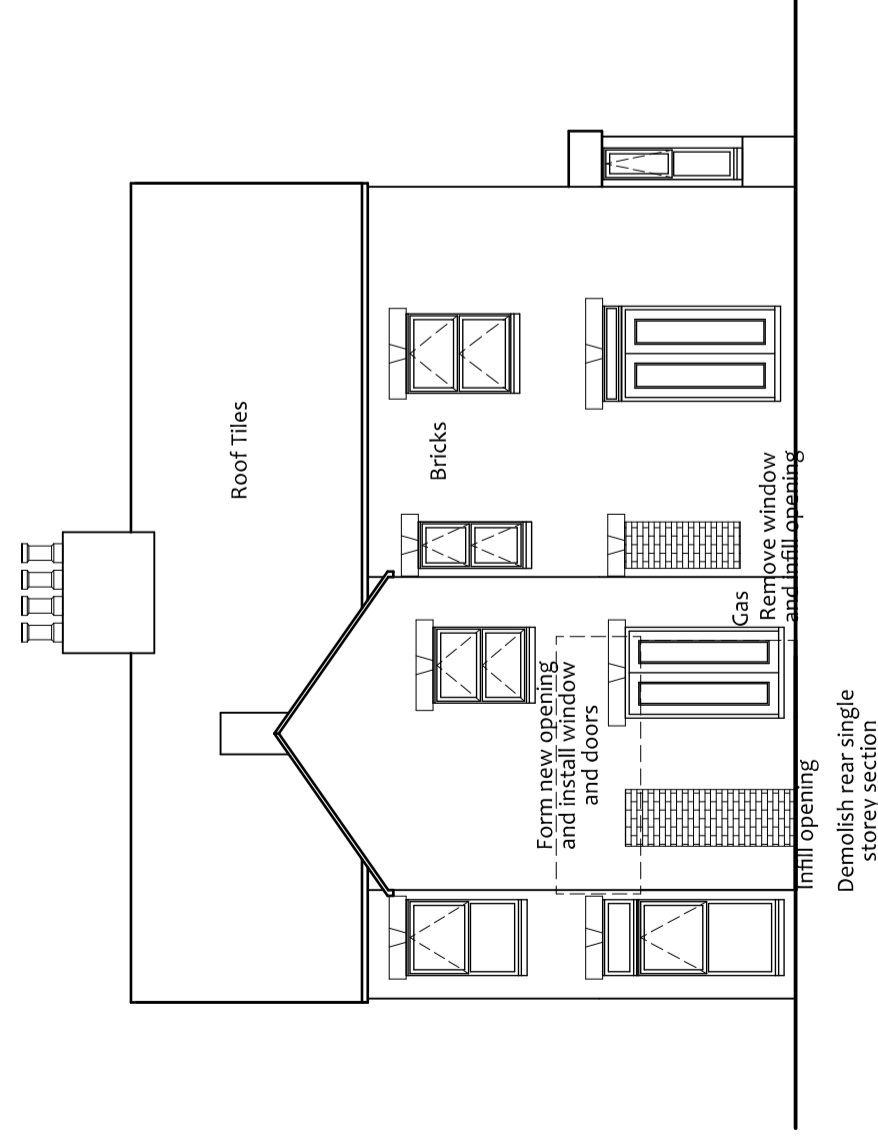
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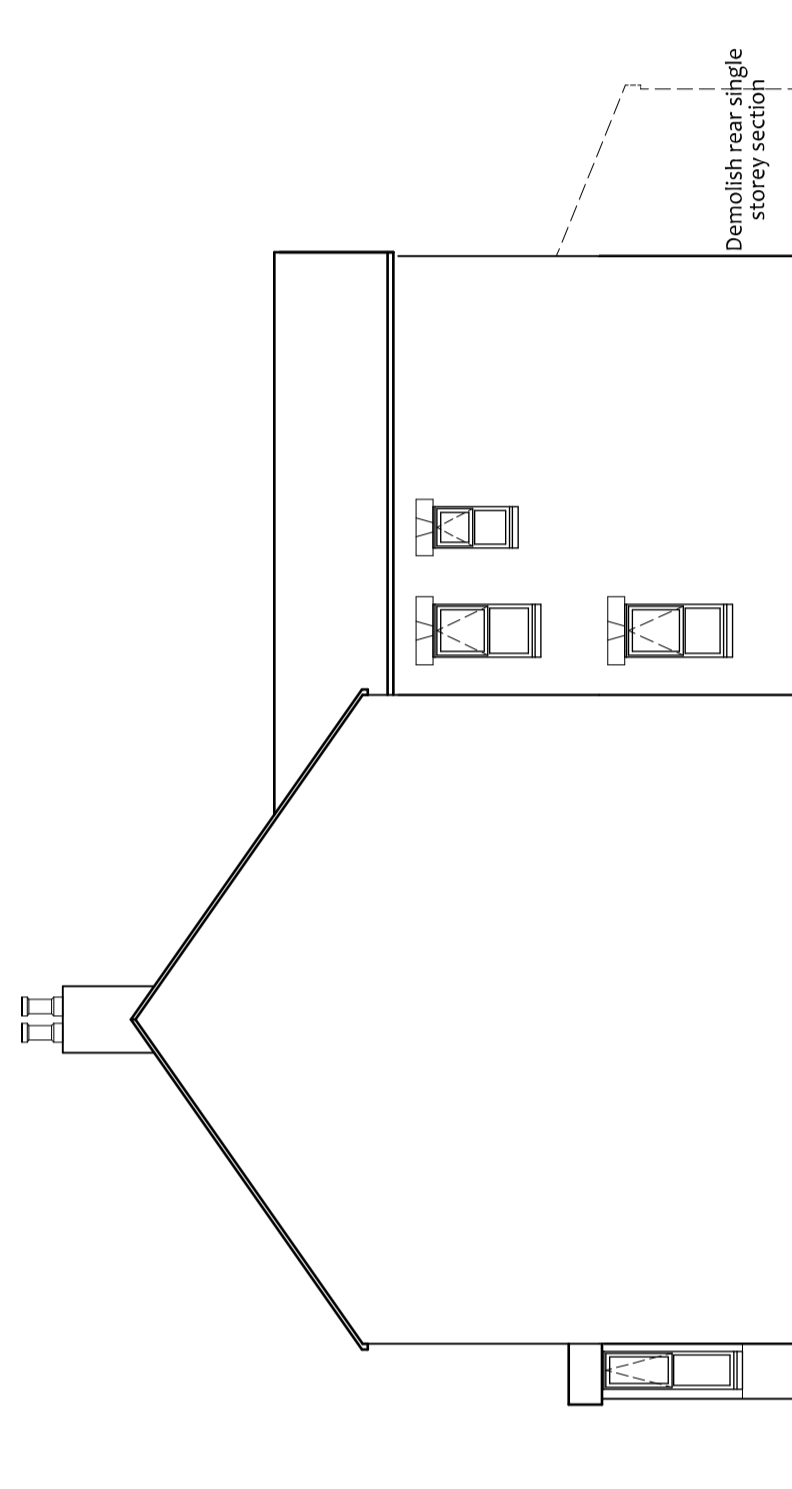
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Villeneuve - Basin Road - Outwell  
Norfolk - PE14 8TQ

01945 772550  
01223 969427

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No Date Revision

Issue: For Planning Approval

Site: 22 Colville Road, Wisbech,  
Cambridgeshire, PE13 2ET

Project: Alterations and conversion of  
dwelling to form two dwellings

Drawing Title: Proposed Elevations

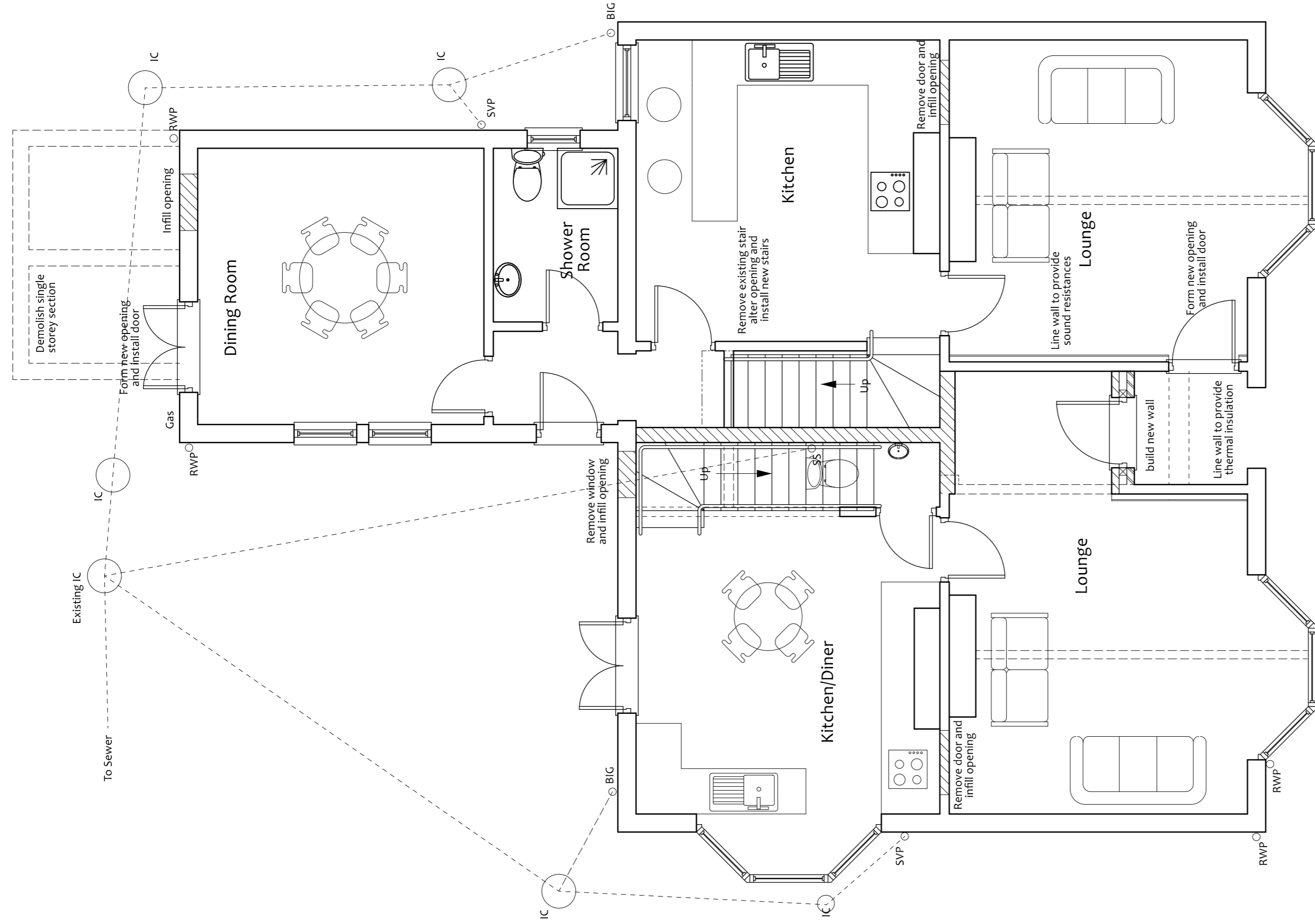
Client: Mr Allen

Date: May 2020

Scale: 1:100 At: A2

Drawing Number: 20-1954-5

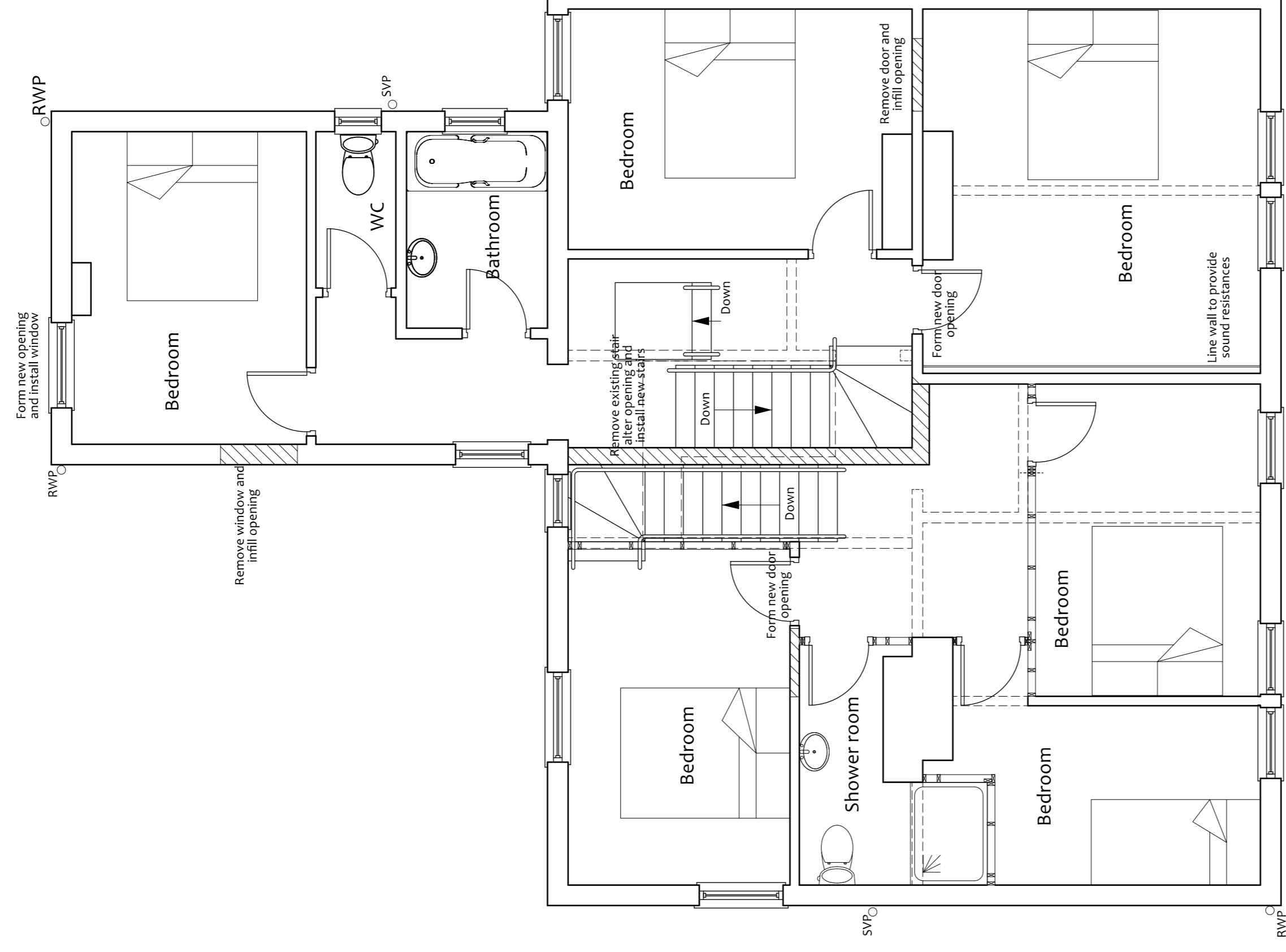
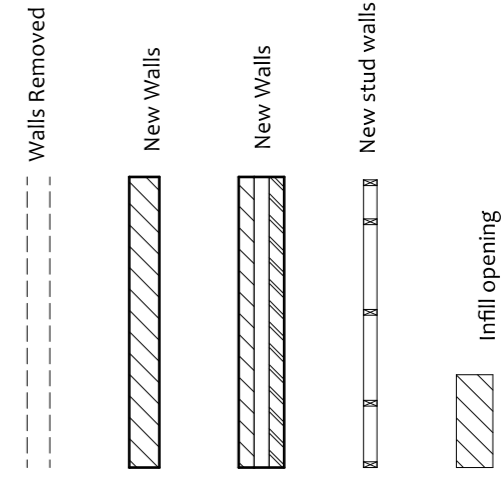
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Dwelling 1

Dwelling 2

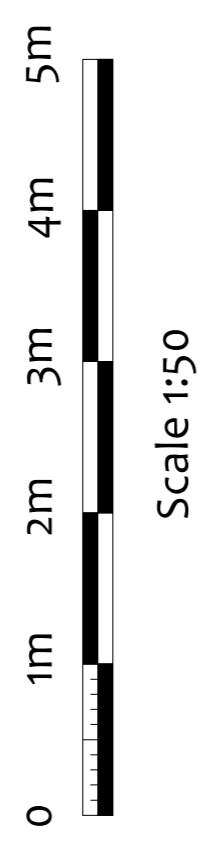
Ground Floor



Dwelling 1

Dwelling 2

First Floor



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A 13/5/20 Proposals altered to 2 dwellings

No Date Revision

Issue: For Planning Approval

Site: 22 Colville Road, Wisbech,  
Cambridgeshire, PE13 2ET

Project: Alterations and conversion of  
dwelling to form two dwellings

Drawing Title: Proposed Floor Plans

Client: Mr Allen

Date: February 2020

Scale: 1:50 At: A1

Drawing Number: 20-1954-4-A

## PLANNING APPEAL DECISIONS

The Council has received the following appeal decisions in the last months. All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

<b>Planning Application Reference: F/YR19/0576/F (Appeal reference: APP/D0515/W/20/3246313)</b>					
<b>Site/Proposal:</b> Change of Use of building to single-storey 2-bed dwelling including erection of a single storey extension, Land Rear Of Sunset Station Road Wisbech St Mary					
<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>• <b>Character &amp; appearance</b></li> </ul>					
<b>Summary of Decision:</b>					
<p><b>Character and appearance:</b> Inspector noted that the proposed development would <i>'be alien to the building's utilitarian form, and would significantly change the intrinsic character of the building. Furthermore, the use of render over the entire building would further detract from the buildings simplicity and further exacerbate the unduly domestic appearance of the building. The proposal would therefore represent a discordant domestic form of development which would cause material harm to the character and appearance of the building and the surrounding countryside'</i>.</p> <p><i>'Even [if the Inspector was] to accept that the development would re-use a redundant building, it would not meet the additional requirement of paragraph 79 (c) of the Framework which also requires the re-use to enhance its immediate setting.'</i></p> <p>In conclusion the Inspector considered that <i>'the proposed alterations to the building to form a dwelling would harm the character and appearance of the area and would conflict with Policy LP12 of the Local Plan, the requirements of which are specified above. The development would also be in conflict with Policy LP16 of the Local Plan, and the Framework which seek, amongst other things, to ensure that developments enhance their immediate setting and make a positive contribution to the character of the area.'</i></p> <p><b>Other matters:</b> The Inspector acknowledged that there was a residential caravan within the site and that this was occupied however noted that this was subject to a condition to ensure that it was not occupied by any persons other than gypsies and travellers. Thus, the caravan was permitted taking into account the specific needs of the individuals involved and was not a determinative factor in the consideration of the appeal. Although it was accepted that the development would enable the appellants to remain at the site and support local services and facilities such as the school and would enable them to support their growing family, these matters were not sufficient to outweigh the harm identified.</p>					

**Planning Application Reference: F/YR18/0345/FDL (Appeal reference: APP/D0515/W/20/3245685)**

**Site/Proposal:** Erection of up to 45no dwellings (outline application with all matters reserved) involving demolition of existing dwelling, Brewin Oaks, City Road, March

<b>Officer Recommendation:</b>	Grant	<b>Decision Level:</b>	Committee	<b>Appeal Decision:</b>	.Dismissed
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**Main Issues:**

- **Provision for affordable housing and infrastructure**
- **Character and appearance**
- **Neighbouring amenity**

**Summary of Decision:**

**Affordable Housing and Infrastructure:** As the appeal was not accompanied by a Section 106 agreement to deliver the necessary contributions required by policy, or a viability assessment to evidence why these could not be provided, the Inspector concluded that the necessary affordable housing and infrastructure would not be provided and as such the proposal was contrary to Policy.

**Character and Appearance:** The Inspector considered that the quantum of development could be satisfactorily accommodated within the site with no adverse impact on the character and appearance of the area. It was noted that the site formed a transition between areas of different character and that the scale of development would reflect some of the buildings in the vicinity.

**Neighbouring amenity:** From the illustrative details the Inspector concluded that the relationships with adjacent properties could be acceptable, albeit noting that detailed relationships are more generally considered at the reserved matters stage.

**Other matters:** The Inspector concluded that 45 dwellings would make a modest contribution to the housing supply and there would be some employment generated during constructon as well as the contribution future occupiers could make to the local economy.

However these factors did not outweigh the lack of a mechanism to secure affordable housing and infrastructure.

**Planning Application Reference: F/YR19/0828/F (Appeal reference: APP/D0515/W/20/3245490 )**

**Site/Proposal:** Erect 1 dwelling (2-storey 4-bed with garage) and 1.2 metre high post and rail fencing, Land West Of 31 Crooked Bank, Wisbech

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Suitable location for housing**
- **Character and appearance**

**Summary of Decision:**

**Suitable location for housing:** The site is located within Begdale. As this is not a settlement specified within Policy LP3 of the Local Plan the Inspector concluded it was an 'elsewhere' location where dwellings should only be allowed with justification. As no such justification had been provided the development was contrary to the policies of the Local Plan.

Under Paragraphs 78 and 79 of the NPPF the proposed dwelling would not be isolated, however given the limited services within Begdale and the lack of connectivity to other settlements it would be an unsustainable development resulting in a reliance on the private car, contrary to the NPPF. The economic and social benefits of this dwelling were considered to be modest and not to outweigh this harm.

**Character and appearance :** The Inspector identified that the area has a "spacious, rural edge of settlement character". The development would erode this space with an urbanising effect, harming the area and consequently being contrary to the policies of the Local Plan

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