

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 2 SEPTEMBER 2020**

**1.00 PM**

**A VIRTUAL MEETING VIA ZOOM VIDEO  
CONFERENCING SYSTEM**

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

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](#)

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 22)  
To confirm and sign the minutes from the previous meeting of 29 July 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/YR20/0536/F  
30 Park Lane, Whittlesey, Erect a 1.8m high (max height) close boarded boundary fence involving the demolition of existing 1.6m high fence within a conservation area

(retrospective) (Pages 23 - 32)

To determine the application.

6 F/YR20/0537/F

16 North Street, Wisbech, Change of use of ground floor from offices to 5 x1-bed and 1 x 2-bed flats including erection of a 2 metre high close boarded timber fence/gate, addition of cladding and painting of brickwork and refurbishment of windows to flats 1-10 (Pages 33 - 52)

To determine the application.

7 F/YR20/0598/O

Land north of The Barn, High Road, Bunkers Hill, Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access) (Pages 53 - 68)

To determine the application.

8 F/YR20/0603/F

Land West Of 44 Robingoodfellows Lane Fronting, Norwalde Street, March, Erect 1 dwelling (2 storey 3-bed) (Pages 69 - 78)

To determine the application.

9 F/YR20/0635/F

Land South West Of, 32 Eastwood End, Wimblington, Erect 1 x dwelling (single-storey, 3-bed) (Pages 79 - 92)

To determine the application.

10 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 R Skoulding and Councillor W Sutton,

## PLANNING COMMITTEE

WEDNESDAY, 29 JULY 2020 - 1.00 PM



**PRESENT:** Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor M Cornwell, Councillor C Marks, Councillor N Meekins, Councillor R Skoulding, Councillor P Murphy and Councillor W Sutton,

**APOLOGIES:** Councillor D Connor (Chairman), Councillor A Lynn and Councillor Mrs K Mayor,

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

### **P10/20      PREVIOUS MINUTES**

The minutes of the meeting of 24 June 2020 were confirmed.

### **P11/20      F/YR19/0286F**

**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.**

David Rowen presented the report to members and advised them that the officer's recommendation had altered since the agenda and associated paperwork had been published with it, now being to grant planning permission. David Rowen explained the reason for the change in recommendation which related to the impact of the development on the windows and rooms of the adjacent building.

Members received a presentation in support of the application, in accordance with the public participation procedure from Mr Matthew Hall, the Agent.

Mr Hall stated that all the statutory consultees for the application have no objections to the proposal with the exception of Whittlesey Town Council. He added that at 10.6 of the officer's report it states that there are no policies which oppose this type of development and the Conservation Officer has confirmed that they also support the proposal.

Mr Hall advised that the applicant has provided a written confirmation that he has received from a housing association for all of the 9 units and the commercial unit for an as built development and is therefore keen to commence the build. He stated that the site is in Whittlesey with a car park opposite the proposed site and is an area containing both residential and commercial usage.

Mr Hall stated that to the rear of the site there are examples of other building taking place in close proximity to other buildings as it is a town centre location and added that Unit B is 2.3 metres away from Grosvenor House.

He expressed the opinion that there is information that has been omitted from the officer's report and explained that an initial pre application was submitted in 2018, along with associated plans and drawings with officers raising concerns, because a three storey building was proposed which was flush with Grosvenor House. Following a meeting at Fenland Hall with the applicant and

officers, discussions took place to step the buildings back and there were no concerns raised at this stage with regard to the windows of Grosvenor House.

Mr Hall stated that in 2019, the application was submitted and following another meeting with officers, they took suggestions on board with regard to the reduction in height and stepping back of the building with an email being received in May 2020, from officers advising that the proposal would be recommended for approval and would need to be determined by the Planning Committee. He added that he received an email on 2 July from the Development Manager, which stated that following discussions with the Head of Planning, the recommendation was now for refusal.

Mr Hall stated that the process has taken 22 months since the pre-application process commenced. He added that the officer's report is positive, as is the Development Managers presentation with the alteration in recommendation now being to recommend approval.

Members asked Mr Hall the following questions:

- Councillor Miscandlon asked Mr Hall to clarify that on the site plan drawing the outline in red takes in the front part of Grosvenor Road and asked why this is, and whether the land is owned by Fenland District Council? Mr Hall stated that when a red line is drawn on a planning application it has to adjoin an adoptable road, which is why the red line has been extended onto High Causeway and a notice was served to Fenland District Council to reflect this. Councillor Miscandlon clarified that the road was in fact Grosvenor Road.
- Councillor Miscandlon stated that the Highways Authority have raised queries over the drainage from the intended road having to run away from the highway and asked how this was going to be addressed? Mr Hall stated that a consultant has carried out a surface water drainage design which was submitted to the Lead Local Flood Authority and approval has been received. He added that written approval from Anglia Water has also been received to take all the surface water as well as the foul water from this site and the road.
- Councillor Marks asked for clarification with regard to larger deliveries referring to 10.30 of the report as he has concerns over the amount of room there is for larger vehicles. He also questioned the arrangements for refuse collection. Mr Hall added that on the plan for unit 8, there is a bin collection point for both commercial and domestic uses. Councillor Marks added what size are the largest delivery vehicles that can access the rear? Mr Hall stated that it will be a small delivery vehicle at the most a 3.5 tonne vehicle. Councillor Marks added that if a larger vehicle requires access, it would have to unload on the highway, where there are double yellow lines. Mr Hall confirmed that this would be the case.
- Councillor Cornwell stated that he also has concerns over the rear access for vehicles. He expressed the view that he would hope that there is adequate provision for both domestic and commercial refuse.
- Councillor Cornwell stated that at 10.28 of the report it states that there is a shortfall of parking spaces. He added that he can see 6 spaces on the plan, but the report states that there is a requirement for 17. He questioned whether the residents will be required to park in the public car park, which is opposite the development? Mr Hall stated that a survey was carried out during the application process over the period of a week and different times of the day to ascertain how busy the car park would be adding that the proposal is in a town centre location where the Local Plan states parking standards can be relaxed.
- Councillor Miscandlon added that the road that goes to the rear of the site is very restricted and to unload on the road is not permitted which is one of the concerns of Whittlesey Town Council. Mr Hall added that he agrees that there will be issues for any larger vehicles and whilst he appreciates that vehicles should not unload and load on double yellow lines, there are instances where this does take place.
- Councillor Murphy expressed the view that the data contained within the parking survey has not covered the majority of the day, which in his opinion, may not give a true picture of the parking requirements for the residents. Mr Hall stated that the parking survey timings were

agreed with the Planning Officer at their meeting.

- Councillor Meekins stated that if any parking takes place on the double yellow lines that will be down to the Police to deal with. He expressed the view that with regard to car parking and possible charges for parking, that is an issue for the tenants and the landlord to discuss. He added that, in his opinion, it is a very good proposal and he will be supporting the officer's recommendation.

Members asked officer's the following questions:

- Councillor Sutton stated that he did not receive an update report for this application. David Rowen apologized to members and added that the change of consideration was taken at the last minute, which did not afford the time to prepare a formal update report.
- Councillor Cornwell referred to 11.4 of the officer's report and asked for clarification as to whether Grosvenor Road is an adopted road? David Rowen stated that it is not uncommon for Fenland District Council to own a road that has not been formally adopted but it is still a public road. He added that he is unsure whether the access from Grosvenor Road into the site, the private road known as Montague Way, falls under the control of the Council. Councillor Cornwell stated that he only has concerns over the parking and the turning area elements of the application.
- Councillor Miscandlon confirmed that Montague Way is a private road, which is in a very poor state.
- Councillor Marks added that he still has concerns over the deliveries which may take place on the road side and asked whether it can be conditioned so that the deliveries cannot take place via the side of the road? David Rowen stated that this is not possible as it would duplicate the controls of traffic regulations and it cannot be conditioned as part of the planning process.
- Councillor Sutton expressed the view that deliveries can take place on double yellow lines, and that it is legal for the purposes of unloading and loading.
- Councillor Murphy expressed the view that he cannot see any reason for refusal and will be supporting the application.

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

*(Councillor Miscandlon registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is the Chairman of the Planning Committee at Whittlesey Town Council and he has taken part in the discussion and voting on this item, but he reserves the right to change his mind should evidence and information be brought forward to alter his decision).*

**P12/20**

**F/YR19/0761F**

**LATTERSEY FIELD, BENWICK ROAD, WHITTLESEY. 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)**

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 Ronan Gleeson, the applicant.

Mr Gleeson thanked the committee for the opportunity to address them today, and explained that he is a Director at JRL Group, and wished to speak in support of the application.

Mr Gleeson explained that the proposal is for the creation of a new plant and logistics depot with storage at Lattersey Field, Benwick Road, Whittlesey, to support his growing business adding that the proposal includes the erection of 4 industrial units, a security office and a 3.0 metre high acoustic screen with associated parking and hardstanding areas.

He stated that the JRL Group encompasses 14 divisions delivering bespoke solutions for the most complex construction projects and that it is an industry leading innovative construction business, operating at a national level, which turns over £500 million annually and employs over 3000 workers with the company able to offer total site solutions for construction projects, from just demolition to full turn-key solutions.

Mr Gleeson added that the company is working to revolutionise the construction industry by investing in innovation in off-site prefabrication systems to accelerate build programs, and deliver clean and energy efficient processes that support sustainable economic growth.

He stated that Lattersey Field was identified by the company as a fantastic opportunity to further expand their operations and reach, with the site located in close proximity to their existing operations in Peterborough, and strategically located between their sites in Nottingham and Bedfordshire.

Mr Gleeson added that within the officer's report, the site has already secured a hybrid planning approval for industrial and commercial uses, with detailed approval for site remediation and outline approval for commercial development. He stated that the company have seen the potential for the site to assist with its Plant and Logistics operations, while providing a site for the storage and repair of slip form structures used in the construction of tall buildings.

Mr Gleeson stated that the site will employ approximately 100 people including the creation of 60 new jobs in construction and trades, along with providing apprenticeships and training through existing partnerships.

He expressed the view that his company are committed to an investment of approximately £10 million in delivering the proposal and have already undertaken the remediation and decontamination, which was approved under the original application, along with introducing active ecological management of the existing site and the formation of specially design newt habitats.

Mr Gleeson stated that great care has been taken in the preparation of this planning application, with a key focus on ensuring its approach protects the amenities of neighbours. He added that JRL understands their responsibility to be good neighbours, and engages directly with residents to ensure their concerns and issues are addressed.

Mr Gleeson expressed the view that the design and operation of the site will ensure protection from noise, the control of dust and odours to protect air quality, while minimising visual intrusion from built structures, plant, machinery and lighting with a large area of additional soft landscaping and tree planting being proposed to screen the proposal from wider viewpoints, and further ecological enhancements to secure a net biodiversity gain.

He confirmed that all technical matters such as access, highway impact, flood risk and drainage have all been addressed to the satisfaction of statutory consultees which includes onsite surface water attenuation systems, the design of which has been fully vetted by the drainage boards

and the Lead Local flood Authority.

Mr Gleeson concluded by stating that, it is his intention to make this site a key asset to the JRL Group and a focus of investment and job creation going forward. In his view the development of this site for employment purposes is supported by the Development Plan, and the proposal is acceptable in planning terms both in principle and in detail.

Members asked Mr Gleeson the following questions:

- Councillor Sutton asked Mr Gleeson to confirm how many people are currently employed on site? Mr Gleeson stated that there are currently 25 people employed.

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

- Councillor Sutton expressed the opinion that he does not understand why Whittlesey Town Council has not supported this proposal. He added that it is an industrial operation in an industrial area and will bring an additional 75 jobs to the area and this should be welcomed. He added that he cannot see any reason for refusal.
- Councillor Miscandlon stated that Whittlesey Town Council do welcome this type of proposal and investment, but the local infrastructure is not in place to support the large heavy goods vehicles, which would need to enter and exit the site. He added that the junction of Inhams Road and Cemetery Road is a death trap and there is the potential of accidents with there having been many near misses. He added that when the order was put in place as the approved route, it was for 20 tonne lorries and 20 foot trailers however it is not uncommon now to see 45 tonne lorries and 40 feet trailers. He added that for the Highways Authority to say there is no issue at that junction with regard to this proposal is negligent and short sighted because there is a problem and it needs to be addressed. He added that whilst he welcomes Mr Gleeson's investment into Whittlesey, the infrastructure needs to be in place to ensure the safety of the residents of Whittlesey and for the employees who work on site.
- Councillor Marks stated that he appreciates the comments raised by Councillor Miscandlon with regard to the large vehicles, however there are larger vehicles already utilising the site with large plant machinery. He expressed the opinion that there is somebody who wishes to invest and bring business and employment into the district and this should be welcomed and supported.
- Councillor Benney concurred with Councillors Sutton and Marks, and stated that all road building is constructed on statistics. He expressed the view, that by bringing the development forward, it will assist with the statistics and prove the need for a relief road. He added that he welcomes the proposal and will be supporting it.

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

*(Councillor Miscandlon registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is the Chairman of the Planning Committee at Whittlesey Town Council and he has taken part in the discussion and voting on this item, but he reserves the right to change his mind should evidence and information be brought forward to alter his decision).*

**P13/20**

**F/YR20/02240**

**LAND WEST OF 36, PETERBOROUGH ROAD, WHITTLESEY. ERECTION OF 9NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS AND LAYOUT) INCLUDING DEMOLITION OF EXISTING**

## **GREENHOUSES (RETROSPECTIVE)**

David Rowen presented the report to members.

Members asked officer's the following questions:

- Councillor Miscandlon made the point that there is a zebra crossing which is not seen in the photographs, westbound on the A605, and asked why it had been omitted from the information supplied to the committee? David Rowen stated that there was no intentional omission of that information and the photographs that were provided were a fair reflection of the site. He added that in relation to the proximity of the crossing, the Highways Authority, have been consulted and have raised no concerns.
- Councillor Cornwell stated that the County Council response, which is in 5.2 of the officer's report refers to the proposed development as being located on an urban street when in his opinion the proposal is actually on a principal route and certainly not an urban street. He expressed the opinion as to whether the Highways Authority has carried out a proper assessment on the application, as he feels it is a generalised response. David Rowen stated that the comments of the Highway Authority are set out in the report and the professional recommendation of that body is that there is no reason to refuse the application on highways safety grounds.

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

- Councillor Miscandlon concurred with Councillor Cornwell and stated that the Highways Authority has submitted a standard report adding that the report states that there will be no problems, however, in the close proximity there is a busy car wash and a car sales garage. He expressed the view that although the dwellings are welcomed, there will be additional vehicles and the proposed new junction could be facilitated by moving the zebra crossing with a traffic light control to incorporate this entrance, which will enhance the safety of people exiting the site and from the garage.
- Councillor Murphy asked for clarification with regard to refuse collection and stated that at 5.3 in the officer's report, it makes reference to a private road having to be constructed to a suitable standard to accommodate a 26 tonne vehicle, and questioned what is deemed as suitable. David Rowen stated that a suitable road would need to be constructed to accommodate physically a vehicle of that size. A condition is included with regard to the agreement of a refuse collection strategy to be in place prior to the first occupation and as part of that if it is the intention of the applicant to build a road, which would be to an adoptable standard, which would allow the Council's refuse vehicles to collect. If it is not the intention of the applicant to construct a road, then alternative collection arrangements would need to be put in place as part of that condition.
- Councillor Marks asked the local members whether they have any knowledge of any road traffic accidents having taken place at the location? Councillor Miscandlon stated there have been collisions there, both from the nursery and also the garage, albeit not very many.
- Councillor Meekins questioned whether the site will remain derelict if the application is refused today? David Rowen stated that if members refuse the application, the site will remain in its current state.
- Nick Harding stated that the report to members makes it clear from the highway comments, that the A605 is a busy principal route and they have also looked at the accident history of the area, including the 2 existing accesses in relation to the site and the host existing property.
- Councillor Miscandlon stated that in principal Whittlesey Town Council, do not object to this type of development on piecemeal sites and added that it is the safety aspect of the vehicles entering and exiting the site in relation to the garage and car sales site.
- Councillor Hay added that the report from Highways clearly states that the development will result in the existing sub-standard site access being stopped up and replaced with a bell



mouth access with acceptable visibility, which offers some improvement of the existing situation.

- Councillor Benney expressed the view, that while he appreciates the concerns raised by Councillor Miscandlon over the increase in vehicular movements, he will be supporting the application.

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

*(Councillor Miscandlon registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is the Chairman of the Planning Committee at Whittlesey Town Council and he has taken part in the discussion and voting on this item, but he reserves the right to change his mind should evidence and information be brought forward to alter his decision.*

**P14/20**

**F/YR20/0301/F**

**LAND SOUTH EAST OF 70, FIELD SIDE, COATES. ERECT 8 X 2-STOREY 3-BED DWELLINGS AND 2.0 METRE HIGH BRICK WALL**

David Rowen presented the report to members.

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

Mr Slater thanked the committee for giving him the opportunity to address the meeting on behalf of the applicant and thanked officers for their support in relation to this proposal. He would endorse the officer's report as a fair and accurate assessment of the proposal with the material considerations and the planning balance necessary to make a positive recommendation.

Mr Slater stated that the site has been vacant for several years and has a short but significant planning history, key to which is the extant planning permission for 4 large 3 /4 bed dwellings, which is a comparison and fallback position against which this application should be considered.

He added that in terms of the suggestion that the proposal is overdevelopment, it is noted that the footprint of the 4 detached dwellings on the previous approval was 528sqm and the footprint of the 8 semis on the latest scheme is 389.2sqm and, therefore, the footprint of the current proposal is significantly smaller, 26% smaller than the 4 plots previously approved and the current proposal is more in keeping with scale of local development and the prevailing need for smaller 3 bed properties.

Mr Slater stated that following the grant of the previous scheme the local market has changed and there is now limited demand for larger properties and, therefore, in order to maintain an economic viable scheme it has been amended to more closely align to current housing demand in the area.

He expressed the opinion that the National Planning Policy Framework (NPPF) at paragraph 120 confirms that planning decisions made should reflect the changes in demand for development and that much of the current residential development within the village and its surrounds is for larger 4+ bed properties and, therefore, supply of smaller homes is limited.

Mr Slater made the point that the housing need assessment to accompany the new local plan has not yet been carried out and as such the Whittlesey Neighbourhood Plan, Housing Needs Assessment (including Coates and Eastrea) is the most up to date document, which confirms that there is a need for new homes within the plan area and in particular there is a significant need for smaller family homes.

He added that number of the objectors do, in fact acknowledge the need for smaller homes in the

village and he referred members to NPPF at paragraph 122, which confirms planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and the local market conditions and viability.

Mr Slater stated that with regard to amenity space, it is considered that the current proposal has significantly less impact on residential amenity of adjacent properties than the previously approved scheme with the proposed dwellings having a lower ridge than the previous approved plots and the rear garden sizes are longer than those on the approved 4 plot layout.

With regard to garage provision, he stated that it is noted that nowhere in the adopted Local Plan or in the NPPF is there a policy requirement for new residential development to incorporate garages the requirement is to provide off street parking in accordance with material policy and in this case all properties provide the requisite 2 off street spaces in accordance with the Local Plan Annex A.

Mr Slater added that there are no objection to the proposal on highway grounds from the Highway Authority and the applicant and agent have worked closely with the Planning Officer and implemented numerous design changes to the plans as requested, including lowering the ridge height, the removal of 2 large gables on the front of the properties and simplifying the design to give a cottage style appearance to resemble workers' cottages, which fits well in the local area. He concluded by stating that overall, it is considered that this is an appropriate and acceptable development for this site, it meets an acknowledged housing need, makes efficient use of development land and has less visual impact than the previously approved scheme.

Members asked Mr Slater the following questions:

- Councillor Marks asked Mr Slater for clarification with regard to the provision of garages. Mr Slater that garages do not form part of this proposal. In the previous scheme, garages were included.

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

- Councillor Sutton expressed the opinion that he has never been keen on development in this area, however, he does not see anything wrong with this scheme and he will be supporting the proposal.
- Councillor Miscandlon expressed concern over the two metre high brick wall and added that it detracts from the beauty of the village of Coates. David Rowen stated that the wall has formed part of the application and officers are satisfied that the scheme is acceptable.
- Councillor Sutton stated that the 2 metre wall is already in place and was given planning permission previously.

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

*(Councillor Miscandlon registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is the Chairman of the Planning Committee at Whittlesey Town Council and he has taken part in the discussion and voting on this item, but he reserves the right to change his mind should evidence and information be brought forward to alter his decision).*

**P15/20**

**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)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the Agent for the application.

Mr Hall explained that the site is located in an area where a number of approvals have been granted over the last two years. He added that the comments are noted from County Council with regard to over development, but they had actually recommended approval when the proposal was for 3 dwellings.

Mr Hall stated that the site is three quarters of an acre in size and this proposal is for 2 bungalows. He added that following previous concerns a turning head is included for emergency and refuse vehicles and the drainage ditch that has been referred to has an ecological report carried out and no concerns were raised.

Mr Hall explained that in conjunction with the Highways Officer various amendments have been made to the private drive and the Byways Officer has also been consulted and both have commented on the application and have raised no objections. He stated that the existing property to the south has retained far greater than a third garden area left and it should be noted that there are other properties in March, which are accessed by a private drive and this proposal is no different to those. Mr Hall stated that he has noted from the officer's report that there is a plan which shows other developments, which have been approved since 2018, all off of private drives and they do not have passing places. He added that some of these have been approved by the Planning Committee, others by officers, some of which have had permeable block paving and one is a gravel drive with no passing places.

Mr Hall concluded by stating that the proposal is in Flood Zone 1, the broad concept of the site is not at odds with relevant policies, Highways have raised no objections they are single storey units which is a low density development of two bungalows in three quarters of an acre with adequate turning facilities on the site, which will use an existing access point off Mill Hill Lane.

Members asked officers the following questions:

- Councillor Cornwell questioned whether the area that is covered by this application and the area that this application almost land locks, should form part of the work taking place with regard to the Broad Concept Plan? David Rowen stated that it is his understanding that the broad location for growth is the land to the south of the site and the application site is not within the broad location for growth. Councillor Cornwell referred to the land that the application site seems to almost land lock, as there is an area to the north of the site which is not accessible. David Rowen advised that whether a site is land locked should not be a consideration when determining this application and it would be a matter for the land owners to assess at that particular time on any future land development proposals.

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

- Councillor Sutton expressed the opinion that the proposal fits with all polices, and the only issue with the application is the lack of amenity space. He made reference to previous planning appeals with regard to applications in Whittlesey and Chatteris and added that members should be consistent when making decisions and give consideration to appeal decisions that have been heard by the Planning Inspectorate.

**Proposed by Councillor Sutton, seconded by Councillor Benney and decided that the**

application be APPROVED, against the officer's recommendation.

Members did not support the officer's recommendation of refusal of planning permission as they feel that there would not be a detrimental impact on the amenities of neighbouring properties and, that previous appeal decision, where the Inspector has over turned decisions to allow similar applications should be given weight.

It was decided that the conditions imposed on the planning permission be delegated to officer's in agreement with the Chairman, Councillor Benney and Councillor Sutton.

*(Councillor Skoulding declared an interest in this item as his mother lives in Mill Hill Lane and took no part in the discussion on this application and voting thereon).*

**P16/20**

**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**

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 Bill Haggatta of Chatteris Town Council.

Councillor Haggatta stated that he is speaking on behalf of Chatteris Town Council regarding planning application F/YR20/0356/F concerning the building of 9 houses and wall to serve 133 High Street, Chatteris adding that a previous planning application regarding the same site, but containing 3 houses was approved by Chatteris Town Council and Fenland District Planning Committee, with concerns regarding access being raised. He expressed the view that the same concerns are now also being raised as in the previously approved application, this time due to the addition of 6 more houses, which Chatteris Town Council finds difficult to understand that the additional 6 more houses can make the accessibility more of a problem than the original plan to erect 3 houses, especially as in the past Blackhorse Lane, which exits onto the High Street was used by Harry Phillips Coaches and Enterprise Coaches, who operated several passenger coaches and double decker buses, along with another large transport company SS Motors, which supplied fuel. All were based in Blackhorse Lane, with vehicles constantly entering and exiting onto the High Street and have now ceased to operate from this site.

Councillor Haggatta added that since the construction of the A142 bypass a great deal of traffic which used to run through Chatteris Town Centre, now avoids the High Street, making it still well used, but considerably less so than when the previously two companies mentioned, used Blackhorse Lane. He expressed the view that Chatteris High Street contains many exits and entrances, very similar to Blackhorse Lane and by the very nature of its past formation, these exits and entrances negotiated with due care, caution and responsibility, are without any more problems than you would expect in any many other similar locations.

Councillor Haggatta expressed the opinion that Chatteris also needs to build more houses for the local economy in these volatile times. He respectfully asked that the committee consider their

decision in the light of these comments and vote to support the renewed application and decision of the Chatteris Town Councillors, as in the previous supported application, this time with the additional 6 houses.

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

Mr Bevens explained that when the original applications were prepared back in 2013, the scheme was for 8 dwellings and the Listed Building. He added that despite providing mitigation for that scheme, the Planning Officer and Highways raised objections on the number of dwellings and the junction and so the application was withdrawn with the scheme being amended and one year later after lengthy discussions the scheme was granted for the current extant consent of the Listed Building renovation and repair and 3 x 4 bed executive houses.

Mr Bevens stated that the Planning Officers and Highways were still concerned with this scheme about the impact of new dwellings on the Listed Building and the junction of Blackhorse Lane and High Street and conditions were provided to ensure that any developer did not come along and build the new houses and try and avoid doing the repairs to the Listed Building.

He added that his clients purchased the site off the previous applicants and at the time the Listed Building was on the 'Buildings at Risk' register and was in a very poor state, with holes in the roof, leaking water into the building, rising damp, rotten floors, no water and anti-social behaviour at the address. Discussions with the Conservation Officer at FDC suggested that the Listed Building should be prioritised ahead of the new build.

Mr Bevens stated that his client followed that advice and has spent over a quarter of a million pounds renovating and repairing the Listed Building to a high standard and has worked closely with the Conservation Officer throughout the process to make sure attention to detail was secured.

He expressed the opinion that it is a material consideration that the Listed Building has been renovated and repaired at the great expense to his client and has brought back a valuable asset to Chatteris and is now a habitable dwelling.

Mr Bevens stated that the applicants have looked to market evidence regarding the 3 x 4-bedroom approved houses and it is felt that there is not a strong demand for this type of unit in this location, which are predominantly smaller units and recent nearby approvals have not been for 4-bedroom houses.

He feels this area of Chatteris has been neglected for a long time and there are still a number of either vacant or derelict dwellings along the High Street including but not exhaustive; 81 High Street, 113 High Street and 130 High Street and this site has the potential to provide good quality, well thought out open market housing, vastly improving the local area and providing much needed two- and three-bedroom houses that will not detrimentally impact on the Listed Building.

Mr Bevens expressed the view that that the impact on the Listed Building is minimal, it will be enhanced by the amended boundary wall, and a detached double garage, which it currently does not have, only parking spaces and the Listed Building will still have an appropriately sized garden of some 101 square metres which has been well designed by his clients as part of the Listed Building work. He highlighted to the committee the distances between the new houses and neighbouring dwellings, including the Listed Building and the detached double garage, which will help screen the impact of the new dwellings.

Mr Bevens added that one of the other principal concerns is highways and he stated that he has had detailed discussions with highway officers for some 15 months, who have suggested that it

was down to the applicant to prove that the junction with Blackhorse Lane and High Street was suitable for a scheme of 9 dwellings. He stated that the applicant at additional expense has had independent consultants prepare a speed survey at this junction which was carried out in August 2019, coincidentally when there was an issue along the By-pass that day and more traffic was coming through town, and the results proved that vehicles were within the speed limits and there was not an issue as such with the junction. Further evidence from County Council proved that there had been no recorded accidents at the junction for the past 20 years.

Mr Bevens expressed the opinion that he fails to understand that if Highways suggest carrying out reports at the applicant expense and the evidence presented shows that there is not a problem, how the Highways Authority can maintain an objection with no further evidence provided by them that there is a problem?

He stated that the existing junction has been re yellow lined and despite the proximity of buildings to the junction and the fact that no cars are allowed to park within sensible distances of the junction this is not an issue for the applicant to resolve if they do.

Mr Bevens added that up until approximately 33 years ago the bottom of Blackhorse Lane was used by a coach company prior to which a haulage company used the site and agricultural machinery was used and stored at the rear of 13 High Street as well, which would have seen much larger vehicles using the junction, which is the same now as it was then. He stated that he cannot find any evidence of accidents or issues at this junction.

Mr Bevens added that the existing junction has been re-yellowed lined which helps improve the visibility and it could be argued that it has better visibility than recently approved developments at 91 High Street and 54 Bridge Street, which have limited visibility and do not have the benefit of yellow lines at the highway access.

He expressed the view that it is frustrating that despite trying no evidence is forthcoming from Highways to prove that the access is not suitable for additional dwellings despite the applicant providing evidence that it is. He added that Plot 1 still has nearly 50% of its garden outside of the tree canopies and the garden is east facing so mid-morning to mid afternoon sun will not be to the detriment of the occupants.

Mr Bevens concluded by stating that he is not aware of any issues on the site with Japanese Knotweed and believe that these are false claims adding that should any be found then it will be dealt with in a controlled and appropriate manner. He asked the committee to see that the benefits to the community and Chatteris as a whole with this scheme outweigh the officer's grounds for refusal and that they concur with the Town Council and the 18 letters of support with the applicant keen to deliver these houses at the earliest opportunity.

Members asked Mr Bevens the following questions:

- Councillor Sutton asked for clarification as to why the access road had been relocated? Mr Bevens explained that the road has been moved to enable it to be of an adoptable standard to serve the 9 dwellings and it needed to be wider. He added that the access detail is different and had to be moved over, to widen the access to Blackhorse Lane, which has impacted onto the listed wall.
- Councillor Murphy referred to 10.23 of the officer's report where it states that the size of the proposed garages do not conform to the minimum size requirement. Mr Bevens stated that the garages are at least 3 metres internally and whilst the policy states that garages should be 7 metres, the garages proposed are 6 metres and a number of planning applications have been approved by the Council with dimensions of that size.

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

- Councillor Benney expressed the view that the road is very heavily used by traffic but there have been no road traffic collisions at this junction to his knowledge. He referred to a previous application for the erection of three luxury dwellings on this land which was deemed to be acceptable, in order to allow for the Listed Building to be renovated, however, in his opinion, this type of development is in the wrong location. He stated that the building was derelict, like many others in Chatteris, and whilst he appreciates that the developer has made a good job of the building, the message that the Council needs to be communicating, is that we should be working with developers and encouraging them to bring forward schemes for renovations to take place.
- Councillor Benney added that the proposal will clear up this piece of land, which is a blot on the landscape, and has been victim to anti social behaviour and he welcomes this application.
- Councillor Cornwell stated that when you pull out of Blackhorse Lane, you have to take great care as it is dangerous and that the road is unadopted and is in a bad state of repair agreeing with Councillor Benney that something does need to be done. He expressed the view that large expensive houses are not the solution in this location but it would be good to see this land built on and used and it will upgrade the area and he will be supporting the application.
- Councillor Miscandlon expressed the view that he remembers when the Listed Building was derelict and that has now been renovated and the site behind it now needs to be developed. The applicant has devised an application to eradicate an eyesore and tidy up that piece of land and he will be fully supporting the proposal.
- Councillor Marks stated that he is familiar with the area. Chatteris is looking run down and he will be supporting this application.
- Councillor Murphy agrees with the other comments made by members and he will also be supporting the application.
- Councillor Hay expressed the opinion that she agrees that something does need to happen to the piece of land and added that three executive homes in that location is out of keeping in that area. She added that she will also be approving this application.
- Councillor Sutton stated that he also knows the site well and carried out a site visit and, in his opinion, the new wall is out of keeping with the Grade 2 Listed Building. He added that when you pull out into the High Street, from Blackhorse Lane, the visibility is very poor and, in his opinion, there is the need for road improvements to be carried out to the junction. He is reluctant to vote against safety issues raised by the County Council and questioned whether it could be expected that the developer carries out improvement works or whether it could fall under the remit of Chatteris Town Council and the Local Highways Scheme.
- David Rowen stated that the proposal does not include any junction or pedestrian improvements and the application has to be determined on the basis of how it was submitted. He added that the Agent was aware of longstanding highway issues with that access and no mitigation scheme has been included in the application submission.
- David Rowen stated that there is a highway objection in 10.10 of the officer's report, and members need to take this into consideration when determining the application.
- Councillor Sutton stated that whilst he agrees with the comments highlighted by David Rowen, he expressed the view that historically the Planning Committee and the officers recommendation, approved an application against highways officers recommendations, a precedent has been set and this needs to be given weight. He questioned whether the extra cars that come with this development as opposed to the other development are so severe that the committee would change their minds in terms of highways safety with this application compared to the historical one.
- David Rowen stated that planning permission was granted 6 years ago for three dwellings on the site, contrary to the recommendation of Highways and he added that at that time officers were endeavouring to work proactively to bring the Listed Building back into use, which was a significant material consideration at that time. He added that three houses and 9 houses are

significantly different, and as set out in the Highways comments at 5.2 of the report, where the proposal is an additional 24 trips per day on a substandard junction and without the justification for the renovation of the Listed Building. The extant planning permission for the three dwellings should not be the sole reason for the decision taken by members today.

- Councillor Benney questioned whether the highways report was a desk stop study? David Rowen stated that he cannot confirm how the Highways Officer, came to their recommendation of refusal under highway safety grounds.
- Councillor Benney expressed the view that the Highways Authority has provided no evidence to substantiate their views and recommendation. He added that Chatteris Town Council have discussed whether the developer could improve the junction, and it was agreed that there was not much that could be done with the junction. It would also not be fair for the developer to pay for an existing problem.
- Councillor Benney stated that if this application is approved it is sending the right message out to developers to say that Fenland is open for business. He added that this part of Chatteris is poor and there are many derelict buildings and developers need to be supported and encouraged to invest their money and bring these derelict buildings into use. He added that he will be supporting this application
- Councillor Murphy expressed the view that it may take many years before any junction improvements could take place, and in his opinion, to expect the developer to pay for any junction improvements is very unfair. He added that he would like to see the wall removed and replaced with something more in keeping.
- Councillor Marks expressed the view, that with regard to vehicle movements, historically there have been larger vehicles using the junction over many years and this application should be supported. David Rowen stated in terms of the historic use of the road, members should give very little weight to this in their decision making.
- Councillor Miscandlon stated that when the planning permission was granted for the 3 houses, discussions took place with regard to the build out of the junction.at that time. At that time, County Council were to be approached as they had considered that a build out may alleviate the problem, however nothing has happened and whilst a build out may alleviate the problem, who would pay for it?
- David Rowen stated that if members are minded to approve the application, there is also a reason listed for refusal with regard to the 9 dwellings in terms of the relationship of neighbouring plots and members may like to give some consideration as to whether they agree whether that relationship is acceptable or not.

Councillor Benney stated that he wished to propose that the application be approved against the officer's recommendation, as in his opinion the proposal site is currently a piece of waste land that needs to be brought back into use, which will reduce the anti social behaviour and is for the betterment of the town of Chatteris.

Nick Harding stated that it is preferable for the proposer to identify reasons for approval for each of the officer's reasons for recommendation for refusal.

**F/YR20/0365/F**

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

Members do not support officers' recommendation of refusal of planning permission as they feel that the development would not have a detrimental impact on the setting of the Listed Building,



would protect and enhance the heritage asset and its setting, that a safe and suitable access to the site can be achieved for all users and that the junction of Blackhorse Lane and High Street would not result in unsafe vehicular movements at that junction, the development would not adversely impact on the amenity of neighbouring properties and that Plot 1 would have an acceptable level of usable private amenity space.

**It was decided that the conditions imposed on the planning permission be delegated to officers' in agreement with the Chairman, Councillor Benney and Councillor Murphy.**

**F/YR20/0371/F**

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

**F/YR/0372/LB**

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

Members do not support officers' recommendation of refusal of planning permission as they feel that the development would not be an unacceptable loss of a historic setting.

**It was decided that the conditions imposed on the planning permission be delegated to officers' in agreement with the Chairman, Councillor Skoulding and Councillor Benney.**

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

**P17/20**

**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)**

David Rowen presented the report to members.

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

Mr Burton explained that this application has been prepared following an appeal decision and is a joint application. He added that this approach has been adopted to overcome the primary reasons for refusal and ensure the proposal abuts the existing built form is no longer separated by the larger area of garden land and is a true village extension as required by LP3.

Mr Burton stated that the applicants are third generation farmers and have lived in Wisbech St Mary for 64 years having recently retired from the farming operations and are hoping to remain in the village in their retirement but to downsize from their current dwelling.

He stated that the proposed site is 2/3<sup>rd</sup> of a mile closer to the village centre and a far safer

location for walking to the village, which will allow the applicants to remain in the village that they have lived in all their lives, to continue to contribute to the community whether through church or street pride work and to continue as a hobby farmer on the 5 acre grass land to the rear.

Mr Burton stated that the scheme has no objections from technical consultees or local people and in fact has numerous letters of support including the Parish Council and local councillors.

He explained that the proposal is an Outline Application with access committed, the indicative site layout plan demonstrates that the proposal can deliver a high quality development that follows the existing built form and as noted in the appeal inspectors decision the proposal will accord with the development pattern on this side of Bevis Lane.

Mr Burton added that he has attempted to work proactively with officers throughout however; he has only become aware of a number of issues when the reports pack was published and therefore he has reviewed and responded to overcome the reasons listed for refusal.

He referred members to the slides being shown which show that the plans have been amended to include the following:

- compliant vision splays added within highway boundary
- tree stumps to be removed to the site frontage and a proposed replacement native hedgerow. It should be noted the stumps were removed to allow for hay harvest and comprised of self-set saplings and the proposed native hedgerow will have greater ecology benefits.
- existing hedge and trees within the site being retained, respecting the natural boundaries
- bat and bird boxes being proposed to enhance biodiversity
- confirmation of the trees to be removed at the access of the Poplars as self-set sycamores and a lightning damaged tree

Mr Burton expressed the opinion that the updates overcome the majority of the reasons listed for refusal and added that with regards to sustainable access it has been noted that the proposed site is within 0.4 miles of the village centre and its services, as such it is considered a sustainable location.

He added that this is a rural lane, is regularly used by pedestrians and cyclists including himself and given the short distance to the existing footpath it is considered common place throughout Fenland and explained that, in addition, it should be noted that three dwellings were approved under delegated powers at the top of Bevis Lane without a footpath,

Mr Burton highlighted the relationship of the two sites shown in the slides with the application site in red and the approved site in green and explained that mobile homes have also been approved further towards North Brink, in Flood Zone 3 and with no footpath links.

He expressed the view that he considers this proposal does not result in any increased harm or safety concerns above these approved schemes, with vehicles not typically travelling at 60mph in this location due to its proximity to the junction and added that notwithstanding this if the committee is minded to approve and considers a footpath link required the applicant is prepared to accept a condition to provide a footpath.

Mr Burton expressed the opinion that he believes the scheme abuts the built form and is separated

from the Poplars only by the drive and planting border and not by garden land that relates more to the open countryside.

He referred to the next slide which showed the former development boundary for Wisbech St Mary and explained that the land to the rear of the Poplars has been developed extending St Mary's Close to the development area boundary which clearly shows the Poplars as within the built form with his proposed site abutting this boundary and, therefore, abutting the built form as required by policy.

On the next slide, Mr Burton pointed out that the scheme recently approved for 76 homes and added that he believes this site relates more to open countryside and abuts only garden land rather than built form and is also within Flood Zones 1, 2 & 3.

He expressed the opinion that he believes the scheme is consistent with recent approvals within the village and is also consistent with a number of recent approvals by this committee within Fenland to deliver high quality development.

Mr Burton highlighted on the presentation that the site is in Flood Zone 1, shown by the yellow marker with large parts of Wisbech St Mary being in a higher risk of flooding, and stated that he believes this proposal should be supported as being sequentially preferable with no barriers to development ensuring high quality sustainable homes in Fenland.

He expressed the view that the site will also allow the applicant who has lived in and massively contributed to the Parish to downsize and retire within his home village.

Mr Burton concluded by stating that he has responded and amended the scheme to overcome the previous appeal dismissal and issues identified in the officer's report. The site is within Flood Zone 1, is sequentially preferable, abuts the built form and former development area boundary, has no objections, local parish and councillor support and will deliver high quality housing in this growth village while meeting LP3 & 12.

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

- Councillor Meekins stated that on page 138, some of the properties listed on the plan, fall within his ward and the proposed site falls into another members ward; he does not feel that 2 extra properties in Bevis Lane will cause any detriment to the area and for that reason he will be voting against the officer's recommendation.
- Councillor Sutton stated that he agrees with Councillor Meekins, and he expressed the opinion that the proposal is adjacent to the built form. He added that the proposal is for two nice dwellings, although he does have concerns over connectivity but stated that a private pathway from the driveway of plot 2 across the front of plot 1 and adjoining the Paddocks driveway could resolve that issue and he will be voting to approve this application.
- Nick Harding stated that there has been a very recent appeal decision and, therefore, if members are minded to approve the application, they need to give very clear reasons to identify why something has changed since the inspector last reviewed this.
- Councillor Murphy stated that in the officer's report it states that the appeal was dismissed for the following reason "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". Councillor Murphy expressed the view that the appearance of the area, can be altered, but not the fact that the site does not adhere to Policy LP12, so in his opinion that same reason would stand in another

appeal. David Rowen stated that the current application does include the upper half of the site which was not part of the previous proposal. He added that some members have already disagreed with the officer's report which states that, The Poplars has a very substantial garden area to the side and it is not immediately adjoining the built form of the settlement as required for Policy LP12.

- David Rowen added that LP12 also states 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. He added that there are still a number of character issues which count against the application as the Inspector identified as being unacceptable along with the lack of connectivity. He stated that members need to consider what has changed in the last 18 months, since the Inspector reached his conclusion.
- Councillor Miscandlon stated that he has concerns and if it was 1 house on the edge of a village, it may be acceptable, but this is for two dwellings and the fact that there is the possibility of progression does not sit comfortably with him.
- Councillor Sutton stated that there may be further applications for additional dwellings to come in the future, but we are determining the application before us today.

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

Members do not support officers' recommendation of refusal of planning permission as they feel that the application is adjacent to the built form and complies with LP12A, under LP16 they believe that it improves the character of the local environment and does not have an adverse impact on the character of the surrounding area, under LP15, the proposal is only indicative and the designed element will be dealt with at reserved matters stage and the habitat issue, can be conditioned.

David Rowen referred to one of the reasons that Councillor Sutton has cited with regard to the development needing to provide a well-designed, safe and convenient access for all, and added that is in relation to lack of pedestrian connectivity and needs to be resolved at this time and not at the reserved matters stage. Councillor Sutton stated that as long as there is a pathway from the eastern most driveway to The Paddocks then the connectivity is no worse for those residents than is currently the case.

**It was decided that the conditions imposed on the planning permission be delegated to officers and agreed in conjunction with the Chairman Councillor Benney and Councillor Meekins, but to include the provision of a pedestrian footpath from the properties.**

**P18/20**

**F/YR20/0440/F**

**22 COLVILE ROAD, WISBECH.CONVERSION OF DWELLING TO 2 X 2-STOREY  
3-BED DWELLINGS**

David Rowen presented the report to members.

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

- Councillor Meekins stated that he is familiar with the area and stated that the house is a

large property he notes from the report that the developer has proposed that he intends to make the property into two dwellings, and that he will reside in one of them. Councillor Meekins added that some of the objections are not relevant and he will support the officer's recommendation.

- Councillor Cornwell expressed the view that it is a large property, albeit slightly out of character for the area, however, there are some very large houses in the Trafford Road area. Councillor Cornwell expressed the opinion that the developer has obviously given thought to some of the work they wish to carry out with the area lending itself to two three bedroomed properties and if the proposal means that this old property will be protected, then he will support it.
- Councillor Sutton stated that he is pleased to note the planning history and he will be supporting the officer's recommendation.
- Councillor Meekins stated that the only issues with regard to parking would be at the relevant start and finish times for the two local schools.

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

**P19/20      APPEALS REPORT**

David Rowen presented the appeal report to members

Members agreed to note the content of the appeal report.

5.30 pm

Chairman

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**F/YR20/0536/F**

**Applicant: Mrs D Hall**

**Agent : Mr David Broker  
David Broker Design Services**

**30 Park Lane, Whittlesey, Peterborough, Cambridgeshire**

**Erect a 1.8m high (max height) close boarded boundary fence involving the demolition of existing 1.6m high fence within a conservation area (retrospective)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for the erection of a 1.8m high close boarded fence and relevant demolition in a conservation area for the removal of the 1.6m high fence, both of which are retrospective.
- 1.2 The pre-existing fence serving 30 Park Lane was 1.6m high hit and miss fencing, behind which was planting which softened the timber construction and ensured that this was in keeping with the character of the area, whilst still providing a level of privacy to the amenity area serving the host property. Its removal is not considered to have a significantly detrimental impact on the visual amenity of the area or surrounding heritage assets, subject to suitable remediation.
- 1.3 The solid close boarded fencing being (retrospectively) applied for is considered to be a harsh and stark contribution, forming an incongruous and prominent feature at odds with the surrounding verdant character and to the significant detriment of the conservation area.
- 1.4 The development is therefore considered contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019. As such it is recommended to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The host property is a detached, 2-storey dwelling finished in pebbledash with a tiled roof, there are solar panels on the front and south facing roof slopes, and to the side is a single storey extension. There is a gravelled area to the front, gated access with parking and gardens to the side. There are a number of trees along the southern boundary.
- 2.2 The site is a prominent corner plot and forms the edge of Whittlesey Conservation Area, it is also adjacent the Grade II Listed building of 7 Horsegate. The

surrounding area is characterised low level front boundary walls and boundaries formed of hedging and vegetation, which contribute to the overall verdant character of the locality.

### 3 PROPOSAL

The application seeks full planning permission for the erection of a 1.8m high close boarded fence and relevant demolition in a conservation area for the removal of the 1.6m high fence, both of which are retrospective.

### 4 SITE PLANNING HISTORY

F/YR20/0262/F	Erect a 1.8m high (max height) close boarded boundary fence involving the demolition of existing 1.6m high fence within a conservation area (retrospective)	Refused 26/5/2020
F/YR19/0285/NONMAT	Non-material amendment: Installation of first floor window to front elevation of existing dwelling relating to Planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 08/05/2019
F/YR18/3071/COND	Details reserved by conditions 4 and 6 of Planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 02/10/2018
F/YR18/1072/NONMAT	Non-material amendment: Change window in south elevation to french doors relating to planning permission F/YR16/1059/F (Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area)	Approved 19/12/2018
F/YR16/1059/F	Erection of part 2-storey/single storey rear extension to existing dwelling involving demolition of existing kitchen within a Conservation Area	Granted 28/04/2017



## **5 CONSULTATIONS**

### **5.1 Town Council**

*Recommend approve. It was noted that CCC highway have not been consulted on this or the first application in view of its location we feel this should be considered.*

### **5.2 Cambridgeshire County Council Archaeology**

*Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this (retrospective) development.*

### **5.3 Local Residents/Interested Parties**

9 letters of support have been received in relation to:

- The fence looks nice
- View has vastly improved, replaces broken fence, transformed overgrown corner
- Improves visibility
- Improves privacy
- Safer crossing the road
- Old fence was in poor repair

1 objection has been received in relation to:

- Original fence removed and new one erected without planning permission
- Not like the previous fence
- Too high
- Not in keeping with the natural surroundings
- Works to/removal of trees

5.4 The issues raised, where they relate to planning matters will be considered in the sections below.

## **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).

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)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

Context – C1, C2  
Identity – I1, I2

### **Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

### **Delivering and protecting High Quality Environments in Fenland SPD July 2014**

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

### **Whittlesey Conservation Area Appraisal 2018**

## **8 KEY ISSUES**

- **Principle of Development**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highway Safety/Parking**
- **Biodiversity**
- **Flood Risk**

## **9 BACKGROUND**

9.1 This application is a resubmission following the refusal of F/YR20/0262/F in May 2020. Subsequently discussions were held with the applicant's agent regarding what would be suitable on the site given the need to provide privacy to the garden. Advice was provided that a hit and miss fence (similar to that removed) with planting behind would provide a level of privacy, but also offer a softer appearance much more in keeping with the character of the area.

9.2 Despite this, the submission is identical with no attempts to overcome the reason for refusal.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The principle of development such as this would be acceptable in a residential location; subject to no adverse issues arising relating to heritage, visual or residential amenity. Consideration should also be given to the provision of parking, highway safety and flood risk.

### **Heritage, design considerations and visual amenity of area**

10.2 The application site forms the edge of Whittlesey Conservation Area and is situated in a prominent corner location opposite the junction with Park Lane/Boyce Close and visible on approach from 3 directions. The Whittlesey Conservation Area Appraisal (WCAA) specifically refers to this property as '*the focus of the view looking west along Park Lane*'. The area is characterised by a row of bungalows on Park Lane to the west which have low level front boundary walls, opposite these is Park Lane Primary School which is enclosed by high hedging which also forms the boundary along the Boyce Close junction. To the

south east of the site boundaries are formed of hedging and vegetation which extends towards Boyce Close, and which contributes to the overall verdant character of the area which is softened by planting and trees. To the north west of the site is the high boundary wall forming the side boundary of 1 Horsegate, the trees and vegetation in the garden of this property are acknowledged in the WCAA as providing a noticeable contribution .

- 10.3 The pre-existing fence serving 30 Park Lane was 1.6m high hit and miss fencing, behind which was planting which softened the timber construction and ensured that this was in keeping with the character of the area, whilst still providing a level of privacy to the amenity area serving the host property. It is acknowledged that in more recent years the vegetation had been overgrown and encroached on the highway verge/footpath; however this could have been sufficiently cut back and maintained, nevertheless the applicant's agent has advised that the pre-existing fence was in a dangerous condition and as such its removal is not considered to have a significantly detrimental impact on the visual amenity of the area or surrounding heritage assets subject to suitable remediation.
- 10.4 However, the solid close boarded fencing being (retrospectively) applied for is considered to be a harsh and stark contribution, forming an incongruous and prominent feature at odds with the surrounding verdant character and to the significant detriment of the conservation area, As such the development is contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 and of the NPPF 2019. Para 195 of the NPPF advises that where a development would result in substantial harm to a designated heritage asset planning permission should be refused.

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

- 10.5 The 1.8m high close boarded fence abuts the front boundary wall serving 32 Park Lane, but does not extend alongside this, where the existing vegetation remains, hence whilst visible from surrounding properties this is not considered to significantly affect their residential amenity.
- 10.6 It is acknowledged that the side garden to the host property is enclosed by the fence which is the subject of this application and is afforded privacy as a result, however a sufficient level of privacy could be achieved by a boundary treatment which respects the character of the area such as the pre-existing hit and miss fence softened with suitable vegetation.

#### **Highway Safety/Parking**

- 10.7 The parking area serving the host property is to the north and as such remains unaffected by the development.
- 10.8 The boundary is located on a tight corner and as such has the potential to restrict visibility; however this is considered no worse than the previous situation and is likely to have been improved in this respect by the cutting back of overgrown vegetation.
- 10.9 It is acknowledged that the Town Council have requested that the LHA are consulted on this application, however for the above reason this is not felt necessary.

#### **Biodiversity**

- 10.10 It is acknowledged that the vegetation removed could have provided a habitat for protected species, however this would not constitute development and as such could have been undertaken outside the remit of the planning process. However the provisions of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 would still apply.

#### **Flood Risk**

- 10.11 The area of the proposed development lies within flood zone 1; accordingly there are no issues to address in respect of Policy LP14.

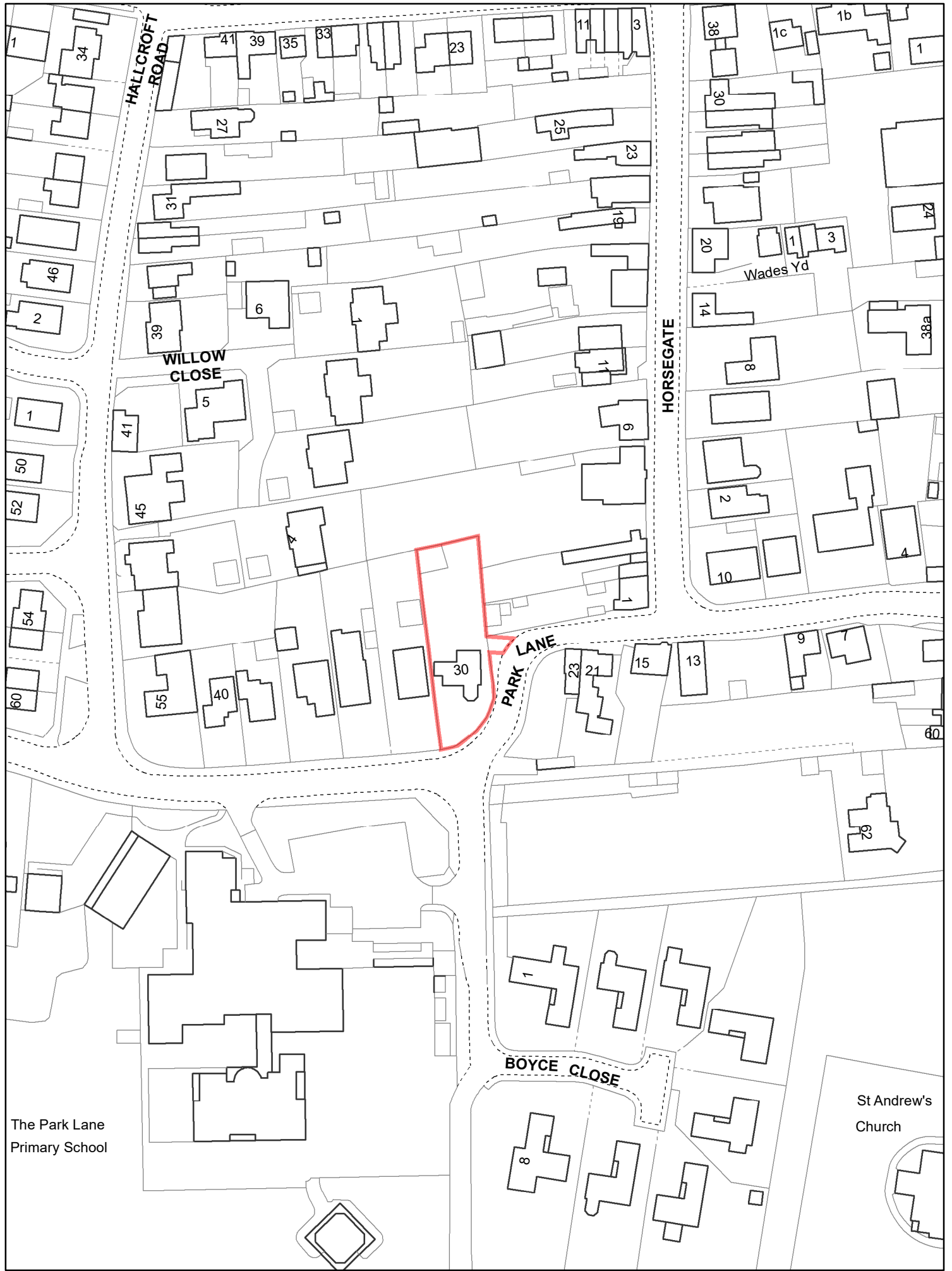
### **11 CONCLUSIONS**

Whilst the proposal is compliant with policies LP14 and LP15 in regard to flood risk and parking as these are unaffected, the development is overall considered unacceptable due to the detrimental impact on the streetscene and visual amenity of the area created by the replacement fence, to the significant detriment of the conservation area in which the site is situated and contrary to Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019.

### **12 RECOMMENDATION**

**Refuse** for the following reason

Policies LP2, LP16 (d) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and I2 of the National Design Guide 2019 and para 127 of the NPPF 2019 seek to ensure that proposals protect and enhance heritage assets, make a positive contribution to the local distinctiveness and character of the area and that the landscape character and local built environment inform the features of development, which should improve and reinforce positive features of local identity. The fence, by virtue of its location and design, appears incongruous, stark and prominent in the streetscene, at odds with the verdant character of the area and to the significant detriment of Whittlesey Conservation Area, contrary to the aforementioned Policies.

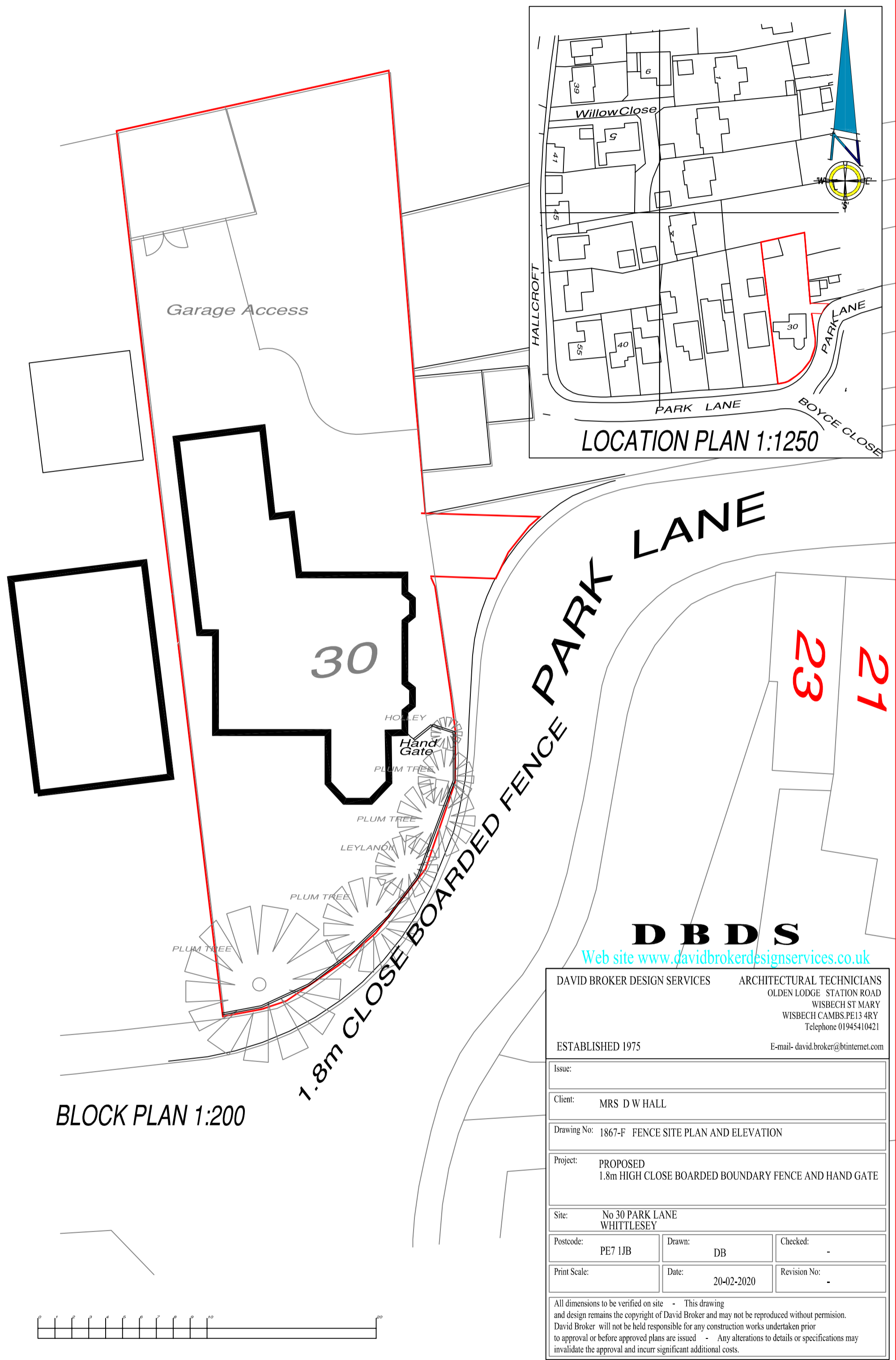


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**F/YR20/0536/F**

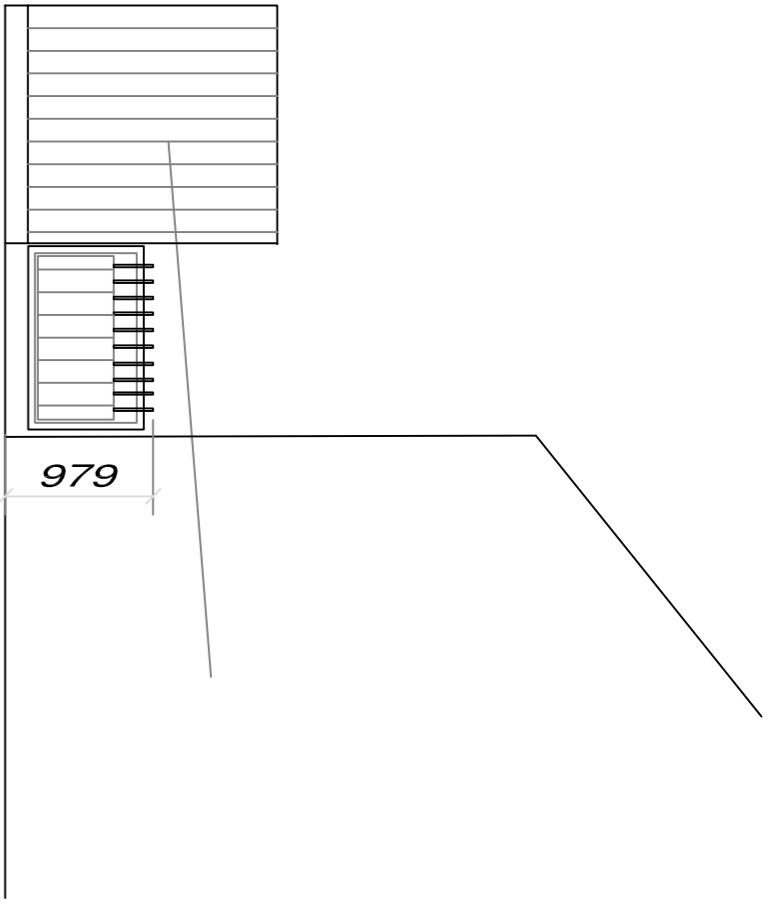
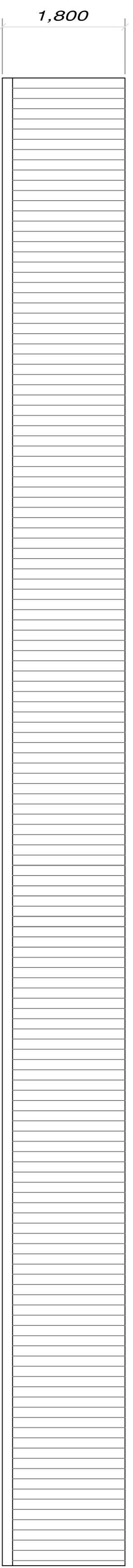
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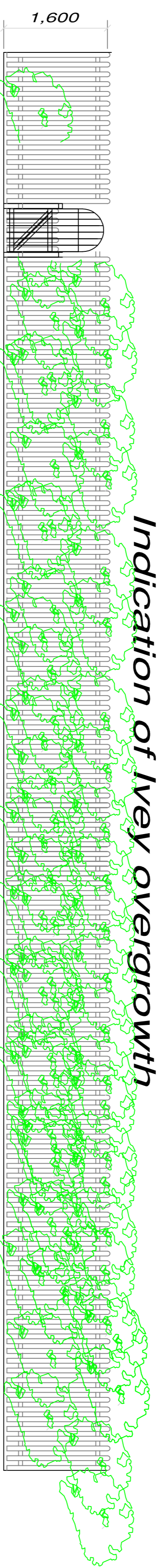
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		WISBECH ST MARY	
		WISBECH CAMBS. PE13 4RY	
		Telephone 01945410421	
		E-mail- david.broker@btinternet.com	
Issue:			
Client: MRS D W HALL			
Drawing No: 1867-F FENCE SITE PLAN AND ELEVATION			
Project: PROPOSED 1.8m HIGH CLOSE BOARDED BOUNDARY FENCE AND HAND GATE			
Site: No 30 PARK LANE WHITTLESEY			
Postcode: PE7 1JB	Drawn: DB	Checked: -	
Print Scale:	Date: 20-02-2020	Revision No: -	
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**Proposed  
External Elevation of Close Boarded Fence**  
(see Photograph)  
SCALE 1:50

**Hand  
Gate**



*Indication of Ivy overgrowth*

**Existing  
External Elevation of approx 1.6m high Fence**  
*Schematic view, original no longer available as removed*

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Issue:

Client: MRS D W HALL

Drawing No: 1867-F FENCE ELEVATION

Project: PROPOSED  
1.8m HIGH CLOSE BOARDED BOUNDARY FENCE AND HAND GATE

Site: No 30 PARK LANE  
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Postcode: PE7 1JB      Drawn: DB

Checked: -

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**F/YR20/0537/F**

**Applicant: Mr H Adams  
Ramsey Ruby Ltd**

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

**16 North Street, Wisbech, Cambridgeshire, PE13 1NR**

**Change of use of ground floor from offices to 5 x1-bed and 1 x 2-bed flats including erection of a 2 metre high close boarded timber fence/gate, addition of cladding and painting of brickwork and refurbishment of windows to flats 1-10**

**Officer recommendation: Grant**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This is a town centre site which is currently occupied as commercial premises at ground floor, with residential accommodation over. In applying policy LP6 considerations it would be necessary to retain the commercial element of the building in this use, however it is considered that there are other material considerations which would indicate that the scheme is acceptable.
- 1.2 There are no visual or residential amenity impacts arising from the proposal and the scheme will have a neutral impact on the character of the conservation area, albeit it will result in an enhancement of the building in terms of how it presents in the general street-scape.
- 1.3 Whilst the scheme will result in the loss of commercial premises weight has been given to the crime and safety challenges faced by the owner and the benefits of introducing 6 additional residential units within this sustainable location.
- 1.4 Although the proposal will result in the loss of parking previously associated with the residential accommodation provided within the upper floors of the premises this is a town centre site and in reality the parking area has not been utilised for the purpose originally intended. Furthermore the parking forecourt/garaging has become an area where anti-social behaviour is prevalent and fly-tipping the norm. This scheme therefore sees an opportunity to address these environmental and social deficiencies which will in turn contribute to a raising of quality within the immediate locality.
- 1.5 There are no site constraints which would render the scheme unacceptable in policy terms and accordingly a favourable recommendation is forthcoming.

## **2 SITE DESCRIPTION**

- 2.1 16 North Street, Wisbech is a detached building situated to the north-west of North Street immediately adjacent to the Wisbech Conservation Area and a number of listed buildings which occupy the north-western side of the road. Opposite the premises is The Foyer, which provides supported residential accommodation for young people between the ages of 16-23. To the north-east is a former warehouse building that is utilised as a gym.
- 2.2 The building is arranged over two/three floors with 10 flats occupying the upper storeys and the ground floor currently laid out as three commercial units, comprising two shops at the front and an office to the rear. It is finished in a mix of materials, with the three storey element having a brick frontage with painted brickwork flank elevation and a mix of black and brown fenestration and panelling. The two storey element is finished in a mix of white render and buff brickwork with a shop front at ground floor.
- 2.3 To the north-east of the premises is an open area of land which, along with ground floor garaging was previously utilised as parking provision to serve the upper flats. At present this has metal railings situated back from the footway with the open forecourt area being available for parking and utilised for waste storage bins
- 2.4 Immediately to the west of the premises is a side access which in turn abuts a restaurant premises. The access is elevated from the adjoining site with the flank wall of No 16 having an outlook over the single storey element of this adjoining property.

### **3 PROPOSAL**

- 3.1 The proposal seeks full planning permission to convert the entire ground floor of the premises to 6 residential flats. It is also proposed to repurpose the side area of the site to form enclosed courtyards to serve 3 of the residential units and provide a secure refuse storage area and cycle storage facilities.
- 3.2 Externally the scheme encompasses the
  - Repainting of eastern flank wall in white
  - ground floor shop front replaced with windows
  - repositioning of upper floor front windows in two storey section and introduction of black vertical cladding build outs (250mm) around two windows
  - painting upper section of brick work (three storey section)
  - insertion of new window in west elevation
  - replacement of all existing windows with black UPVC casements
  - installation of 2 metre high wooden fencing and gate to front of side courtyard which will become the bin storage area for the all the properties and will also deliver courtyard areas to 3 of the ground floor flats
  - Formation of a covered lobby area hosting access control and postal boxes
- 3.3 Internally the conversion will work largely within the existing layout with additional internal walls to form lobby areas and separate the units. The accommodation will comprise 5 x 1 bedroom and 1 x 2 bedroom flats.
- 3.4 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=QC DU43HE01U00>

#### 4 SITE PLANNING HISTORY

F/YR15/0903/F	Change of use of ground floor office suite to dog grooming parlour	Granted 17.11.2015
F/YR12/0673/NON MAT	Non-material amendment - Reduction in size of garage door to allow for insertion of fire door, relating to Planning Permission F/YR11/0646/F	Approved 15.01.2013
F/YR11/0646/F	Change of use from offices to 8 x 1-bed and 2 x 2-bed flats and 3 no offices (B1)	Granted 22.11.2011
F/91/0676/F	Change of use from flats to offices	Approved 14.02.1992
F/91/0165/F	Installation of an office front	Granted 17.06.1991
F/90/0809/F	Change of use at ground floor level from offices to toning studio, including ancillary retail sales of beauty products	Withdrawn 20.12.1990
F/0029/87/F	Conversion of warehouse to 8 apartments with garaging	Granted 26/02/1987
F/0274/86/F	Change of use from cold store, factory, workshop and warehouse to retail, retaining offices fronting North Street	Granted 15/05/1986

#### 5 CONSULTATIONS

##### 5.1 **Town Council:** *'Object to the proposal, on the basis that:*

- Approval of the proposal would constitute overdevelopment of the site*
- No provision is made for the on-site parking of vehicles.'*

##### 5.2 **CCC Highways:** *'The proposal comes forward with zero parking. FDC/LPA to consider the impact this will have on the availability of Town Centre and kerb side parking in the area, and the potential impact this will have on residential amenity in the area. Parking prohibition orders along North St prohibits parking within the vicinity of the application site. I have no highway objections.'*

##### 5.3 **Conservation Officer (FDC):** *'The proposal put forward is acceptable. The following comments are made:*

*The site lies within the setting of numerous listed buildings along North Street and immediately adjacent to the conservation area. The existing building looks to be a circa 1980s block of offices and flats, with a dull buff brick, some render, some painted brickwork and of part two, part three storey construction, gable end predominant to North Street. The windows are currently a mix of brown upvc and*

*black timber. The building has some black paneling to a two story bow window to the front. It has a neutral impact to the conservation area and the setting of adjacent listed buildings.*

*The proposal seeks to repaint the east elevation, render and paint the south (front) elevation to help unify the current asymmetrical arrangement with a symmetrical arrangement of windows and a recessed door to the front. The scheme also seeks to introduce some timber paneling to the front elevation and regularize all the doors and windows (proposed and existing) by replacing them with black upvc. It is within this context that this proposal is considered.*

*The current building has a neutral impact on the area. The proposal seeks to unify and smarten the appearance of the building. By painting and rendering the front elevation, it may bring it more sharply to prominence in the street scene, but the design is generally good and so a neutral impact will be maintained.'*

Recommends condition with regard to the need to agreed product details of doors and windows.

- 5.4 **The Wisbech Society:** *'The Wisbech Society has no objection to the proposed plans, but has concerns about the general loss of car parking facilities for existing residents to the side of the property and requests that consideration is given to ensuring that there is enough provision for household refuse. The area has in the past been blighted by fly tipping. The proposed plans should include for lockable access for residents to the waste area.'*

- 5.5 **Environment Agency:** *'We have no objection to the application. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.*

*The development shall be carried out in accordance with the submitted flood risk assessment (ref ESP saved on LPA website 24 June 2020) and the following mitigation measures it details: - Finished floor levels shall be set a minimum of 0.4m above adjacent ground levels. - A minimum of 0.3m of flood resistance and resilience measures to be included. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.*

*Reason - To reduce the risk of flooding to the proposed development and future occupants'*

Also provides advice to Applicant regarding Flood Resilience Measures and Flood warning.

- 5.6 **North Level Internal Drainage Board:** *Confirm[s] that North Level District Internal Drainage Board (NLDIDB) have no comment to make with regard to this application.*
- 5.7 **FDC Environmental Health:** *'The proposed flats mainly have the living rooms of the ground floor flats directly beneath those of the first floor flats. Similarly, the proposed bedroom accommodation at ground floor level is below the first floor bedrooms. It is clear to see that this issue has been considered at the design stage.*

*However, there are some instances where this alignment doesn't occur. This is an issue with the potential for noise nuisance where living rooms of a first floor flat are above a ground floor bedroom. To a lesser degree, the reverse can cause issues of noise.*

*I am unable to ascertain whether the floor between the ground floor and the first floor is made of concrete or is made of wooden joists. This would make a big difference in attenuation of noise, with the former being more effective. If the floor is joisted it would certainly mean that the ground floor ceiling should be insulated.*

*As the proposal will require the removal of any studed walls at ground floor level and the virtual clearance of the existing rooms at this level, I would recommend that the ceiling is insulated, in order to prevent noise from occupiers of the ground floor accommodation adversely affecting the occupiers of the first floor flats. This will have the added benefit of protecting occupiers of ground floor flats from noise caused by the activities at first floor level.*

*Consequently, I recommend a condition be attached to any consent of this application to address this issue. The standard to adhere to is contained in BS8299:1999.*

*Adequate refuse storage provision is referred to in the application and this should be incorporated into the existing waste storage arrangement.*

*There are no issues concerning air quality or land contamination.*

*I recommend the attachment of the following 2 conditions to any consent granted in respect of this application.*

*'The ceiling of the existing first floor rooms should be insulated in accordance with the relevant criteria contained in British Standard document, BS 8299:1999. A scheme should be submitted for approval by Fenland District Council before any work in connection with this is commenced'*

*'Adequate provision should be made for waste storage for the ground floor flats, which should be contiguous with the existing waste storage arrangements provided for the other flats at this location.'*

**5.8 FDC Refuse Team:** *'In broad principal we have no objection to this development however the following points regarding access would need addressing:*

- Two further 1100 litre bins would be required (1 general waste and 1 dry recycling dimensions: 1400mm wide 1100mm deep, 1375 high). The bins would need to be accessible on collection day i.e. able to fit through the gate and any gate code provided.*
- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- Refuse and recycling bins will be required to be provided as an integral part of the development.*
- Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide*

Following the submission of amended plans further comments were made by the FDC Refuse team regarding accessing the bins on collection days; with logistical problems identified with the suggested layout. It was also noted that there were no issues with the coded access, and highlighted that the gate way would need to be wide enough to get the bins in and out.

Subsequent to this feedback the agent provided a further amended plan and this revised detail has been accepted by the FDC with the details shown having been noted as being *'fine and workable'*.

- 5.8 **Designing out Crime Officer:** *'Confirm that Police and Fenland Council have received calls for service in regards to issues clearly described by the Applicant – these include reports of fly tipping, begging, rowdy behaviour, criminal damage, violence and reports of burglaries in unoccupied accommodation.'*

*I have reviewed the plans submitted for the ground floor and am fully supportive – my hope is that they should remove a lot of the current issues and greatly improve community safety for the current and potentially new residents. My one query is regarding the access control system – I noted on several police reports that access had been gained by use of trade buttons. Trade buttons are not encouraged by this team as they do give access to all and can encourage rowdy nuisance behaviour. If the applicant is making changes to security which includes CCTV and an audio visual entry system, with post boxes outside as seen on the plan is there a requirement for trade buttons?*

*More than happy to be consulted and offer crime prevention advice if this is required. As stated above fully supportive of all the changes being planned for this building and exterior area. No further comments at present.'*

- 5.9 **Local Residents/Interested Parties:** None received

## 6 STATUTORY DUTY

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

- 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

### 7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 10 - Presumption in favour of sustainable development  
Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Chapter 16 - Conserving and enhancing the historic environment  
Paragraph 189 – need to describe the significant of affected heritage assets  
Paragraph 193 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight  
Paragraph 196 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use

## 7.2 National Planning Policy Guidance (NPPG)

## 7.3 National Design Guide

Context: C1 - Relationship with local and wider context and C2 - Value heritage, local history and culture

Identity: I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

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

Uses U1 - A mix of uses and U2 - A mix of home tenures, types and sizes

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

Resources R3 - Maximise resilience

## 7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

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

## 8 KEY ISSUES

- Principle of Development
- Loss of commercial premises
- Visual amenity and heritage impacts
- Residential amenity
- Accessibility
- Crime and design
- Servicing
- Flood risk
- 

## 9 ASSESSMENT

### Principle of Development

- 9.1 The property is located within Wisbech which is identified as being one of the key settlements for housing growth as such LP3 would support the principle

of use of the ground floor of this mixed commercial/residential building as exclusively residential accommodation.

- 9.2 However this needs to be balanced against the loss of commercial units within the town centre as required in response to Policy LP6; whilst also giving appropriate weight to the delivery of additional residential accommodation within town centres as promoted by both local and national policy.
- 9.3 It is also necessary to consider the overall constraints of the site and the schemes implications in terms of flood risk, highway and pedestrian safety, crime and safety and residential amenity, together with the appropriateness of the proposal in terms of its likely impact on the Wisbech Conservation Area and adjacent heritage assets.

### **Loss of commercial premises**

- 9.4 Within the submission an overview of the current situation with regard to the current condition of the premises and the challenges faced by the owner, this is accompanied by a series of photographs, both internal and external which depict the programme of enhancement undertaken in respect of the upper flats and the current issues with the external space. The owner notes that since he purchased property in October 2018 his “experiences have been nothing short of disastrous”, the major problems being:
- Dumping of rubbish by those who do not reside at premises
  - Land to the side attracts anti-social behaviour, cleaner has resigned as a result of this. Garages have never been in use and he understands why this is.
  - Communal areas used by those not living in the building, frequently have to call police, threats made to inhabitants
  - Numerous crime incident reports, including drug taking.
  - Multiple reports of break-ins into commercial units which sit unoccupied for a chunk of the afternoon and all night until morning and weekends; complete waste of police resource as well as funds to continue to repair damage
  - The cost of CCTV and repairs has run into tens of thousands of pounds
  - Issues with management of premises which will be addressed
  - Wishes to invest in area and outlines refurbishment works undertaken to existing flats to date
  - Property sits on the cusp of the conservation area and owner would like to bring the premises in line and make it the ‘prettiest modern block in town’.
- 9.5 The agent goes on to note that the *‘loss of 3 business premises is not deemed to be detriment[al] to this application. North Street and the Old Market has a varied mix of commercial, offices and residential, so a building containing 100% residential fits with the character of the area. There are also many vacant offices and shops in Wisbech. The applicant has notified the current tenants of the proposal and adequate time will be given for their relocation.’*
- 9.6 Policy LP6 of the FLP (2014) identifies that ‘existing commercial units at ground floor within the Town/District Centre boundary will normally be expected to be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified.’
- 9.7 Whilst the primary thrust of the FLP is to retain commercial premises, it is acknowledged that these premises are situated in a peripheral location and whilst



they are within the town centre boundary they do not form part of the primary shopping area nor are they considered 'primary shopping frontage'.

- 9.8 It is considered that the submission adequately makes a case for why it is inappropriate to retain these ground floor commercial units and as such there are no matters to reconcile with regard to Policy LP6 of the Fenland Local Plan (2014).

### **Visual amenity and Heritage Impacts**

- 9.9 As indicated above the changes to the premises are negligible outwardly, and largely relate to 'uplift' in building quality. This view being shared by the Council's Conservation Officer who notes that although the painting and rendering will bring the building more sharply into prominence in the street scene the design is generally good and so the neutral impact on the area will be maintained.
- 9.11 It will be essential however to ensure that the details of the doors and windows are agreed prior to the execution of these elements of the scheme to ensure that the quality of the same are appropriate; such details may be secured by condition.
- 9.12 There are no visual amenity or heritage impacts arising from the proposal and therefore no matters to reconcile with regard to Policies LP16 or LP18 of the Fenland Local Plan (2014).

### **Residential amenity**

- 9.13 The proposed development has no implications in terms of residential amenity impacts associated with adjoining premises; the primary routes into the building will be via the existing front entrance and from the gate to the north-eastern corner of the site frontage. With the former being an established entry and the latter being adjacent to the blank flank wall of the adjoining premises.
- 9.14 The south-western elevation largely utilises existing openings although there will be some infill and an additional window will be inserted towards the rear of this elevation. The ground floor of No 16 occupies an elevated position with regard to the adjoining property to the west, which features a flat roofed single storey wing, as such the outlook from the windows serving the individual flats will not be unduly dominated by the neighbouring property. It is acknowledged that the outlook from the habitable rooms of the three flats which will occupy the western side of the building is not overly attractive, but this is balanced against the benefits of town centre living.
- 9.15 There is no requirement to provide private amenity space when delivering residential accommodation of this nature however 3 of the flats will benefit from outdoor space.
- 9.16 With regard to noise transfer between the existing flats and those proposed it is acknowledged that the design has had due regard for this, with the Environmental Protection team (EPT) acknowledging that the proposed living rooms of the ground floor flats largely align with those above; although in some instances this is not achieved. To compensate for this EPT recommend that the ceilings are insulated to attenuate noise and although they have recommended that this be conditioned it is understood that this will be covered by Building Regulations.

- 9.17 The design and layout of the residential accommodation proposed by this scheme is considered acceptable and will afford resident adequate levels of residential amenity as required by Policies LP2 and LP16.

### **Accessibility**

- 9.18 This a town centre site and as such is considered to be a sustainable location; Appendix A of the Fenland Local Plan allows for a reduced car parking provision, and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links. This site clearly meets these criteria and as such may be deemed acceptable in terms of parking provision.
- 9.19 The scheme does however make provision for cycle storage to serve both the existing residential accommodation and that proposed; this provision will be within the secure side courtyard area.
- 9.20 There are no matters to reconcile with regard to car parking provision or accessibility and as such the scheme is considered compliant with Policies LP15 and LP16 of the FLP (2014).

### **Crime and design**

- 9.21 The Designing Out Crime Officer has confirmed that there have been reports fly tipping, begging, rowdy behaviour, criminal damage, violence and reports of burglaries in unoccupied accommodation. They further note that they are fully supportive of the scheme and hopeful that the conversion would greatly improve community safety for the current and potential residents.
- 9.22 The only matter raised relates to the access control system and the use of trade buttons for access, they suggest that trade buttons are not incorporated into the access system and this will be conveyed to the applicants via a suitable informative.
- 9.23 It is clear that the scheme has given full consideration to crime and design, not only with regard as a response to current community safety issues but in terms of the ongoing safety and security of the building and its residents going forward. The use of a covered entrance lobby and the provision of individual access bells and post boxes are measures which will all contribute to the householders wellbeing and the limiting of opportunities for anti-social behaviour. Accordingly the scheme achieves compliance with the aims of Policy LP17 of the Fenland Local Plan (2014).

### **Servicing**

- 9.24 As indicated in the submission the site is currently blighted by unauthorised and unrelated rubbish disposal and fly-tipping. This scheme brings with it the opportunity to address this matter.
- 9.25 A refuse collection area has been detailed within the submission which comprises a secure bin store which meets the specification and operational requirements of the FDC refuse team; the details of which obviate the need for the condition

recommended by the EPT in this regard, although a condition will be imposed to require the provision of the agreed scheme detail prior to the first occupation of any of the flats hereby approved by this scheme.

- 9.26 The scheme will therefore comply with Policy LP16 (f) and the NDG theme H3 relating to the management of waste

### **Flood risk**

- 9.27 The submission is accompanied by a Flood Risk Assessment which has been accepted by the Environment Agency subject to the inclusion of a condition which secures adherence with the details contained within this document, i.e. floor levels should be 0.4 metres above adjacent ground levels and a minimum of 0.3 metres of flood resistance and resilience measures shall be included.
- 9.28 It is noted that the condition recommended by EA does not qualify that this mitigation is proposed solely with regard to the bedroom accommodation, albeit earlier communication between the EA and the agent's drainage consultant clearly indicates this, as such the condition will be clarified to make this explicit. It is further noted that whilst the submitted floor layout details floor levels at +300mm this takes into account that the existing floor levels are already set at +100mm above ground level.
- 9.29 Based on the guidance of the EA the scheme represents no issues in terms of flood risk and achieves compliance with Policy LP14 of the Fenland Local Plan (2014)

## **10 CONCLUSIONS**

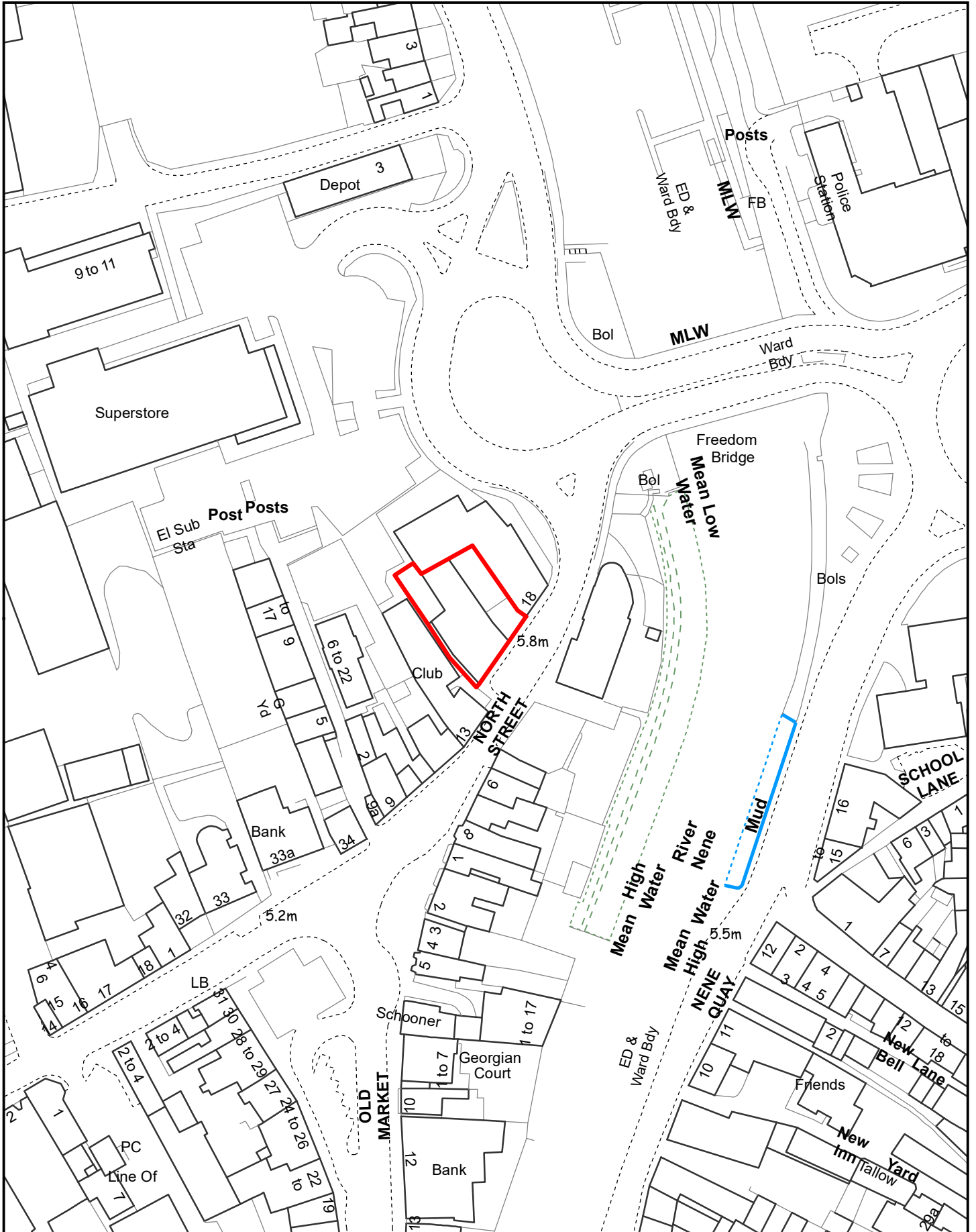
- 10.1 Whilst this scheme will see the loss of 3 commercial units within the town centre it is not in a prominent town centre location and it is also clear that there are other material considerations relating to the crime and safety challenges faced by the owner in his management of the existing property. Furthermore the scheme will see the delivery of 6 additional residential units within a sustainable location.
- 10.2 There are no visual or residential amenity impacts arising from the proposal and the scheme will have a neutral impact on the character of the conservation area, albeit it will result in an enhancement of the building in terms of how it presents in the general street-scape.
- 10.3 Although the proposal will result in the loss of parking previously associated with the residential accommodation provided within the upper floors of the premises this is a town centre site and in reality the parking area has not been utilised for the purpose originally intended. Compensatory secure cycle parking is to be provided as part of the scheme and this is welcomed.
- 10.4 It must also be acknowledged that the parking forecourt/garaging area which formed part of the earlier scheme has become an area where anti-social behaviour is prevalent and fly-tipping the norm. This scheme therefore sees an opportunity to address these environmental and social deficiencies which will in turn contribute to a raising of quality within the immediate locality.
- 10.5 There are no site constraints which would render the scheme unacceptable in policy terms and accordingly a favourable recommendation is forthcoming.

**11 RECOMMENDATION: Grant** subject to the following conditions:

**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 any of the flats hereby approved the refuse collection arrangements indicated on drawing number 6158/02E, together with the boundary treatments and access control measures shown, shall be fully implemented and maintained in perpetuity thereafter.</p> <p>Reason - To ensure a satisfactory form of refuse collection thereby achieving compliance with Policy LP16 of the Fenland Local Plan (2014).</p>
3	<p>Notwithstanding the approved plans, product details of the doors and windows shall be submitted to and approved in writing prior to their installation. All works shall then be executed in accordance with the approved details and maintained as such in perpetuity thereafter.</p> <p>Reason - To ensure that the appearance of the development is acceptable when viewed in the context of the adjacent conservation area and listed buildings as required by Policies LP16 and LP18 of the Fenland Local Plan (2014).</p>
4	<p>The development shall be carried out in accordance with the submitted flood risk assessment (ref ESP saved on LPA website 24 June 2020) and the following mitigation measures it details:</p> <ul style="list-style-type: none"><li>- Finished floor levels to all bedroom accommodation shall be set a minimum of 0.4m above adjacent ground levels with a minimum of 0.3m of flood resistance and resilience measures to be included.</li></ul> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason - To reduce the risk of flooding to the proposed development and future occupants and ensure compliance with Policy LP14 of the Fenland Local Plan (2014).</p>
5	<p>The cycle parking infrastructure as shown on drawing number 6158/02E shall be fully implemented and maintained in perpetuity thereafter prior to the first occupation of any of the new residential units hereby approved.</p> <p>Reason - To provide residents with access to safe and convenient cycle facilities as promoted by Policy LP15 of the Fenland Local Plan</p>

	(2014).
6	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> <p>6158/01A EXISTING GROUND FLOOR PLAN  6158/02 E PROPOSED GROUND FLOOR PLAN  6158/03 EXISTING FIRST FLOOR PLAN  6158/04 PROPOSED FIRST FLOOR PLAN  6158/05 EXISTING AND PROPOSED SECOND FLOOR PLAN  6158/06 C EXISTING AND PROPOSED ELEVATIONS  6158/07 LOCATION PLAN AND SITE PLAN  Flood Risk Assessment</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning</p>



Created on: 30/06/2020

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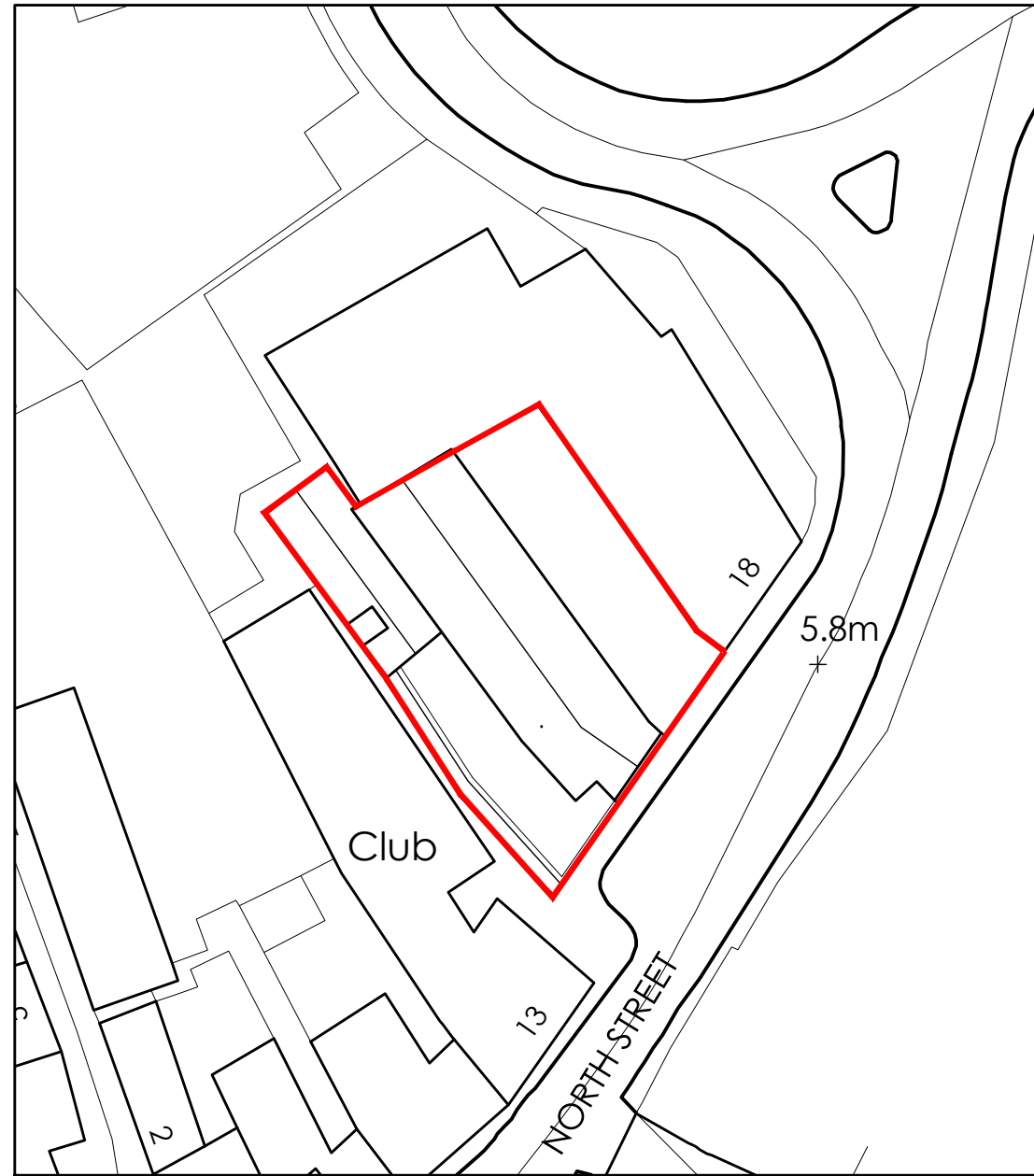
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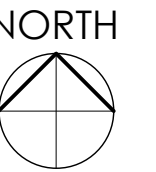




LOCATION PLAN 1:1250



SITE PLAN 1:500



PROJECT  
Proposed Ground Floor Conversion

16 North Street  
Wisbech  
Cams

DRAWING TITLE  
Existing/Proposed Site Plan

CLIENT  
Mr H Adams

DATE March 2020 SCALE AS SHOWN JOB No. 6158/07

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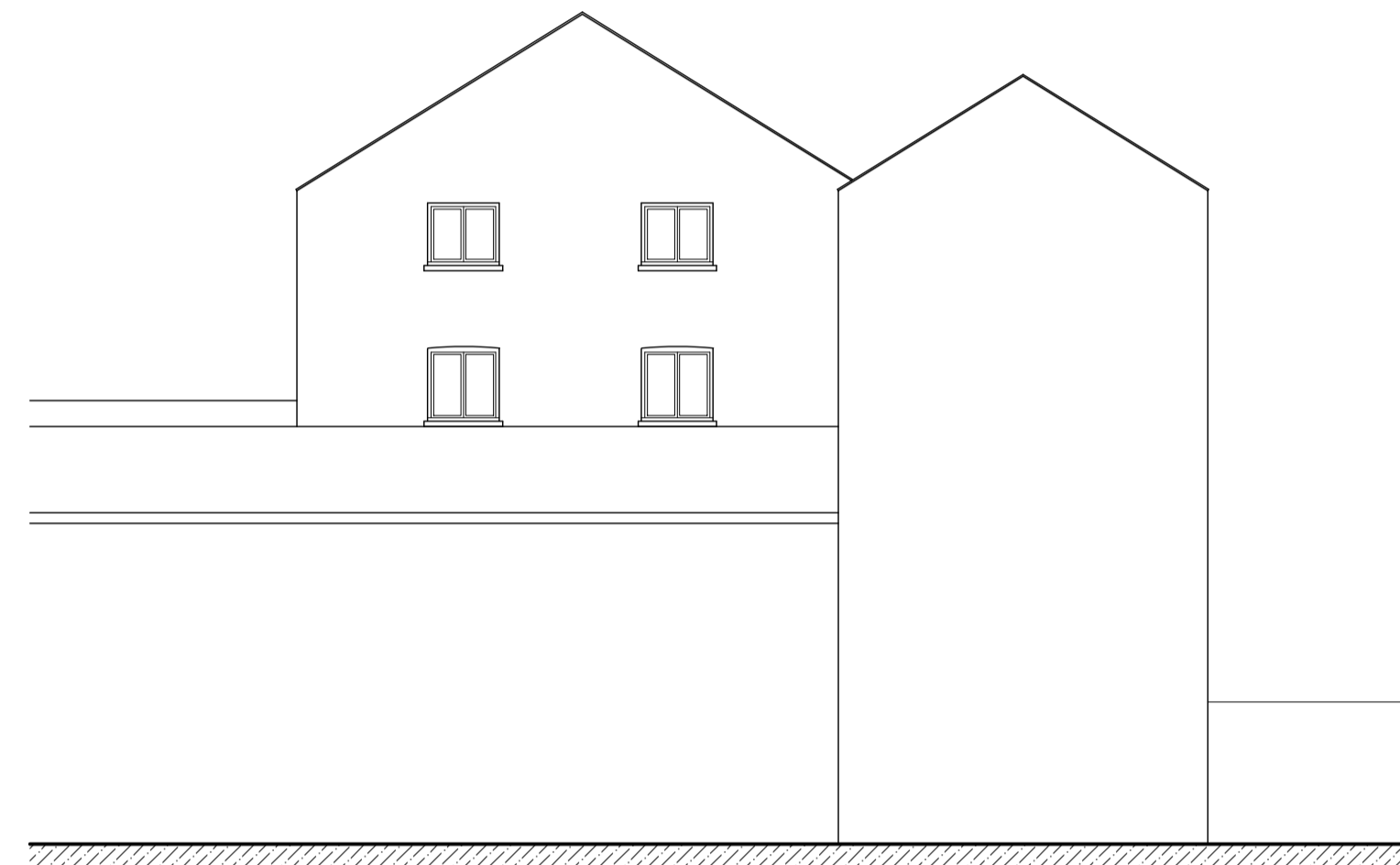




EXISTING FRONT ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



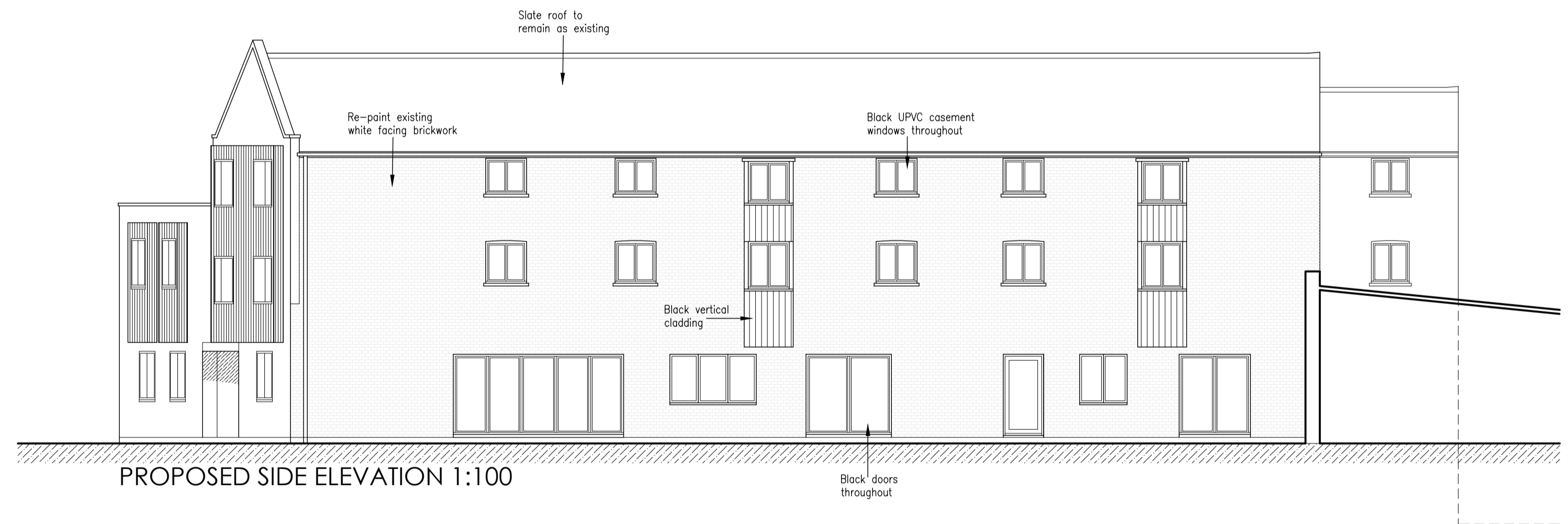
EXISTING REAR ELEVATION 1:100



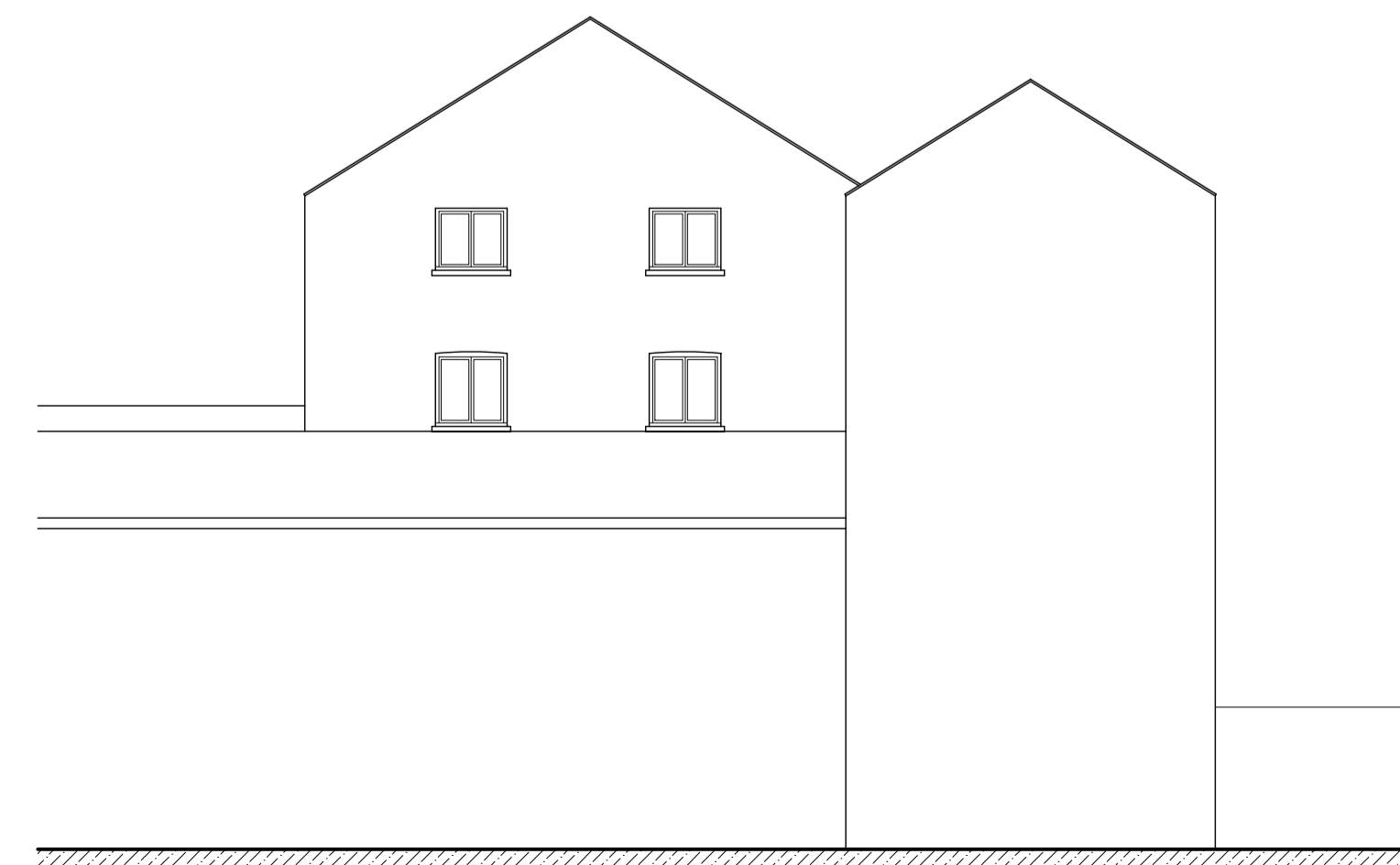
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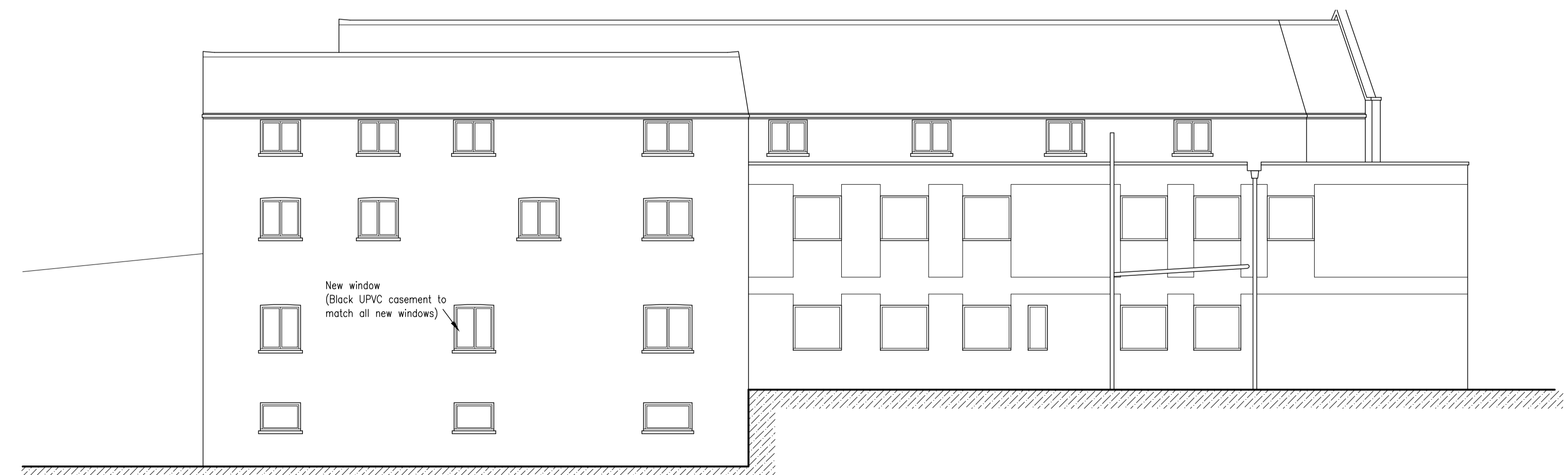
PROPOSED FRONT ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100

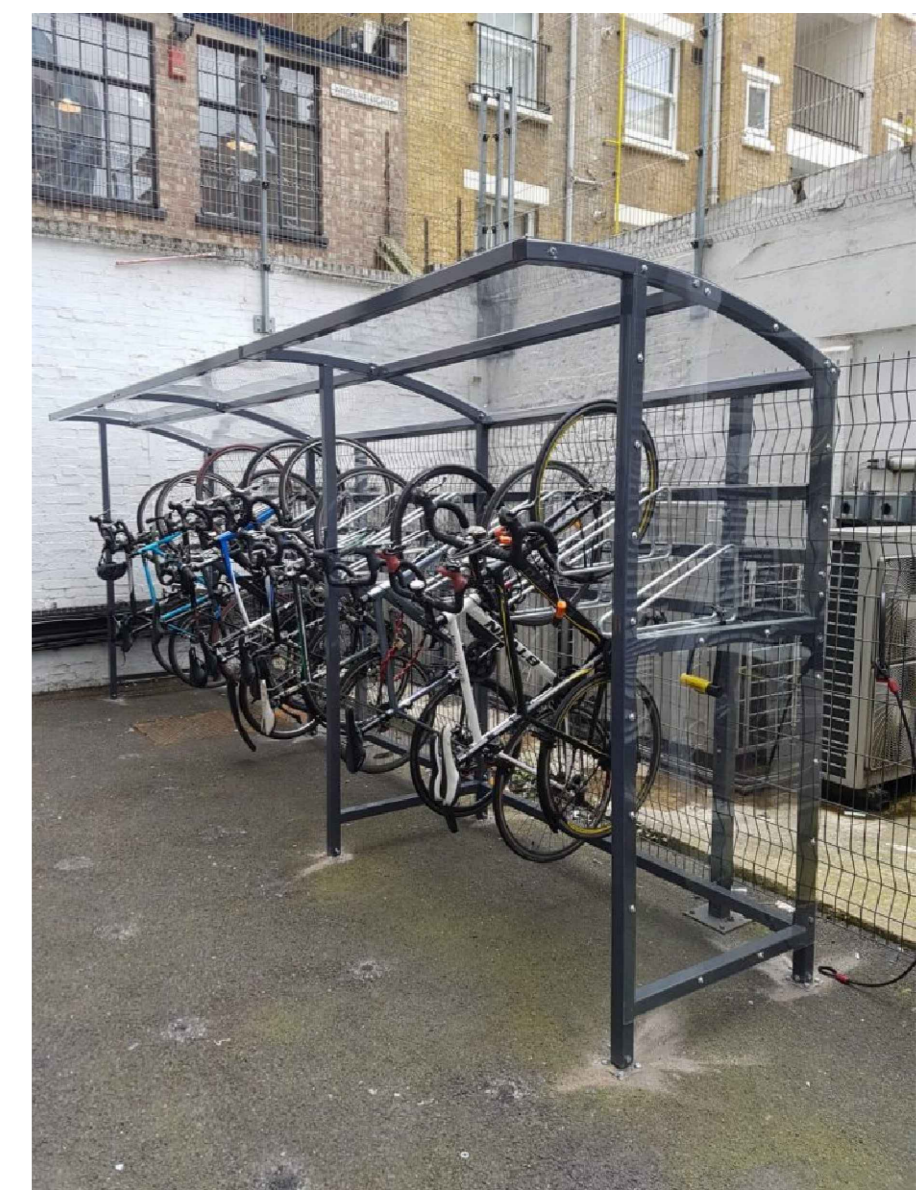
**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed Ground Floor Conversion  
16 North Street  
Wisbech  
Cambs  
DRAWING TITLE  
Existing/Proposed Elevations  
CLIENT  
Mr H Adams  
DATE: March 2020 SCALE: AS SHOWN JOB No: 6158/06D

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**Peter Humphrey Associates**  
ARCHITECTURAL DESIGN AND BUILDING  
TELEPHONE 01945 466 966  
FAX 01945 466 433  
E-MAIL: info@peterhumphrey.co.uk  
31 OLD MARKET WISBECH CAMBS PE15 1NE  
Building Design Award  
Cambridge Winner 2008





Covered cycle store example

PROPOSED GROUND FLOOR PLAN 1:50

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed Ground Floor Conversion

16 North Street  
Wisbech  
Cambs

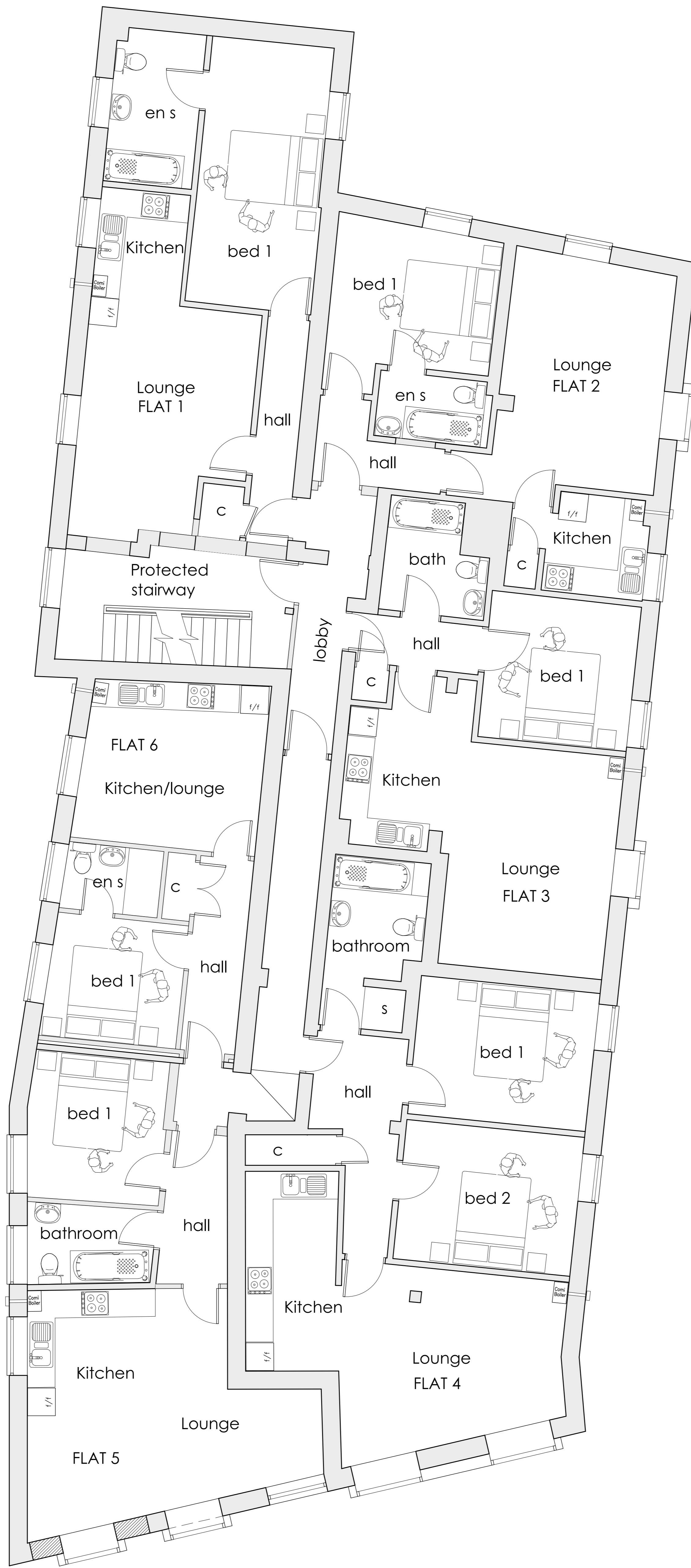
DRAWING TITLE  
Proposed Ground Floor Plan

CLIENT  
Mr H Adams

DATE: March 2020 SCALE: AS SHOWN JOB No: 6158/02E

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**Architectural**  
Peter Humphrey Associates  
ARCHITECTURAL DESIGN AND BUILDING  
TELEPHONE 01945 466 966  
FAX 01945 466 433  
E-MAIL: info@peterhumphrey.co.uk  
31 OLD MARKET WISBECH CAMBS PE13 1HB  
Building  
Design Awards  
Category Winner 2008



PROPOSED FIRST FLOOR PLAN 1:50



PROJECT  
Proposed Ground Floor Conversion

16 North Street  
Wisbech  
Cambs

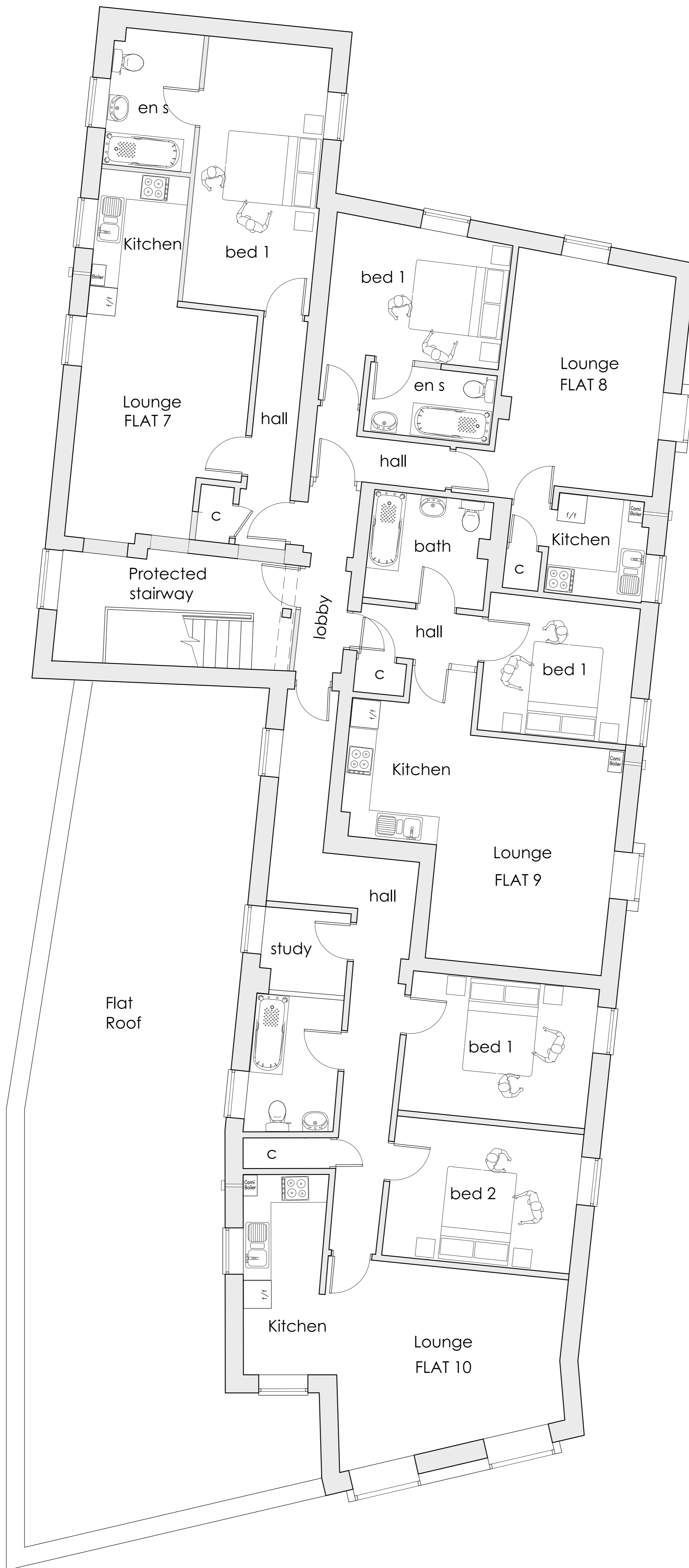
DRAWING TITLE  
Proposed First Floor Plan

CLIENT  
Mr H Adams

DATE: March 2020 SCALE: AS SHOWN JOB No: 6158/04

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EXISTING / PROPOSED SECOND FLOOR PLAN 1:50 (NO CHANGES)



PROJECT  
Proposed Ground Floor Conversion

16 North Street  
Wisbech  
Cams

DRAWING TITLE  
Existing/Proposed Second Floor Plan

CLIENT  
Mr H Adams

DATE: March 2020 SCALE: AS SHOWN JOB No: 6158/05

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**F/YR20/0598/O**

**Applicant: Mr Alan White**

**Agent : Mr David Broker  
David Broker Design Services**

**Land north of The Barn, High Road, Bunkers Hill, Cambridgeshire**

**Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access)**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal for dwellings on the site has been submitted previously and was refused by the Planning Committee at the meeting of the 13<sup>th</sup> May 2020, on the grounds of a failure to demonstrate that a safe access was possible to the site.
- 1.2. Following the previous consideration of the scheme by the Planning Committee, an appeal decision has been received in relation to the erection of a dwelling in an elsewhere location setting out the means by which such proposals should be considered in light of the Planning Policy within the Fenland Local Plan and the NPPF.
- 1.3. That appeal decision concluded that on balance residential development in elsewhere locations would result in harmful impacts on the environment. Such impacts rendered the proposals unsustainable and in conflict with both local and national planning policy.
- 1.4. Further objections have been received in relation to the scheme from residents in the area largely raising concern over the highway safety impacts of the proposal.
- 1.5. In light of the recent appeal decision setting out the harm resulting from development in elsewhere locations, and notwithstanding the previous consideration of the scheme by the Planning Committee in May, the application is recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is part of an open field adjacent to the highway in the Bunkers Hill hamlet. The land was previously separated from the public highway by a hedgerow; however this has recently been removed with only sporadic planting remaining within the line of that former hedgerow. The hedgerow was located on a raised section of land separating the field from the highway, with the field itself located on lower ground.

- 2.2. The field itself is surrounded on the remaining sides by mature hedgerow/tree planting and a post and rail fence to the north boundary with a close boarded fence separating the land from the dwelling to the south.
- 2.3. The field itself lies partly within flood zone 1, but with the majority of the site within flood zones 2 and 3, zones of higher flood risk.

### 3. PROPOSAL

- 3.1. The proposal is an outline application for the construction of up to five dwellings on the land, with a new vehicular access directly onto High Road to the north west of the site, and a separate pedestrian footway leading to Willock Lane to the south. It is essentially the resubmission of a scheme refused at Planning Committee in May this year.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QBED35HE0D800>

### 4. SITE PLANNING HISTORY

F/YR20/0167/O	Erect up to 5x dwellings involving the formation of a new access (outline application with matters committed in respect of access)	Refused 15/5/20
F/YR13/0910/F	Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3)	Refused 7/2/14
F/YR13/0048/F	Erection of 3x 2-storey 4-bed dwellings with detached car port (Plot 1), attached car ports (Plots 2 and 3)	Withdrawn 11/3/13

### 5. CONSULTATIONS

- 5.1. **Parish Council:** Recommend approval subject to speed reduction features to be installed in High Road through the Infrastructure Development Policy.
- 5.2. **FDC Environmental Health:** No objections.
- 5.3. **North Level Internal Drainage Board:** No comments to make.
- 5.4. **Cambridgeshire County Council Highways Authority:** Speed survey evidence has been provided to demonstrate the proposed visibility splays are suitable. Note the comments regarding introduction of a 40mph speed limit but do not consider it reasonable for this development to pay for its introduction. General access arrangement should be detailed at this stage. Can see the merits of footway improvements between the site access and bus stops to the south, the LPA will need to consider if it is reasonable for residents to cross the road twice to access the bus stop.
- 5.5. Access details are sufficient to demonstrate that an access can be delivered, although additional details are required prior to implementation.
- 5.6. **Environment Agency:** No objection. Note that although the EA raises no objection on flood risk grounds that should not be taken to mean that the

application is considered to have passed the Sequential Test. If permission is granted the development should adopt the mitigation measures included in the Flood Risk Assessment.

- 5.7. **Local Residents/Interested Parties:** 6 objections have been received from 5 separate sources raising objections against the proposal. 1 letter of support has been received. All the letters have been received from High Road, Bunkers Hill.
- 5.8. The letters of objection identify the following issues:
- The proposed access is located in a dangerous place due to the speed of traffic along High Road
  - Speed limit on the road should be reduced to 40mph
  - Multiple accidents due to vehicles travelling through the area too fast, including a head on collision with a public bus
  - Access is already available via Willock lane
  - Consider the doubts cast on previous comments regarding traffic incidents as insulting
  - Concerned that at the last meeting of the Planning Committee one Councillor stated they didn't know where Bunkers Hill was and couldn't find it on a map
  - The proposal is completely out of character with the area
  - There would still not be a footpath to Wisbech St Mary
  - Only considering this application because members previously rejected 3 out of 4 officer recommended reasons for refusal with little or no reason
  - Speed survey is out of date
  - Concern previously raised at the Wisbech St Mary Parish Council meeting of September 2013 raising concern over the safety of a footpath on this dangerously fast road
  - Surprised at the limited consideration given to impacts of the proposal by Councillors at the previous Planning Committee.

The letter of support states the following:

- Speed report is not reflective of true traffic speeds, and is out of date.
- The whole of Bunkers Hill should be made 40mph, or 30mph.
- The housing would be suitable but speeds on High Road put driveways at risk.
- More housing may encourage more young families to the area and High Road is too fast. Cambridgeshire Police have stated that more properties would give the feeling of a built up area.

This letter clearly states that it is made in support of the application, however it is notable that it appears to indicate that the proposal is supported with a view to the additional houses justifying reductions in the speed limit through Bunkers Hill.

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

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

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

Para 157: Need to apply the sequential and exceptions tests.

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

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

## 8. KEY ISSUES

- **Principle of Development**
- **Visual Impact & Character**
- **Flood Risk & Sequential Test**
- **Highway Safety**

## 9. BACKGROUND

9.1. Outline planning permission (with access included) for five dwellings was refused at the 13<sup>th</sup> May Planning Committee meeting.

9.2. That scheme was recommended for refusal to the Committee on four grounds (summarised below):

- That the application site does not lie within any defined settlement and does not meet any of the exceptions identified in the development plan to proposals beyond those defined settlements.
- That the development of the site would be detrimental to the character of the area by being located on an open field that currently helps to define the area's character, and would constitute ribbon development contrary to the development plan.
- The proposed access details for the scheme failed to demonstrate acceptable visibility splays and therefore could not meet the policy requirement to provide a safe and convenient access for all.
- The proposal would result in residential development in a zone of higher flood risk and is not accompanied by a sequential test to demonstrate that there are no suitable alternative sites in an area of lesser risk.



- 9.3. Members in their consideration of the application discounted the location of the site as a reason for refusal on the basis that they did not consider it to be an elsewhere location. The impact on the character of the area was considered by Members to be positive, and the matter of flood risk was not considered to justify refusal of the scheme as the risk could be mitigated against.
- 9.4. Members, however, refused planning permission for the proposal on the third of these reasons concerning highway safety, due to the lack of an appropriately drawn visibility splay/geometric details of the proposed access.
- 9.5. The current application has therefore been re-submitted to attempt to overcome this reason for refusal. However, subsequently there has been an appeal decision received by the Council which is considered to be material to the consideration of this new application.

## 10. ASSESSMENT

### Principle of Development

- 10.1. When reporting the application previously Officers set out that, “Policy LP3 defines the settlement hierarchy within the district. Bunkers Hill is not one of the identified settlements within this policy and as such is considered to be an ‘Elsewhere’ location where development *“will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services”*.  
  
Policy LP12 details the requirements for supporting evidence in relation to proposals for new accommodation within Elsewhere locations, however as the proposals are not submitted on the basis that they meet the criteria in LP3, no such evidence accompanies the application.  
  
The principle of the proposed development does not accord with the relevant policies of the development plan. This approach is supported by recent appeal decisions in relation to proposals within the District, in particular schemes at Kings Delph (F/YR18/0515/F), Westry (F/YR17/1114/O) and Four Gotes (F/YR18/0725/O)”.  
  
10.2. Notwithstanding this Members concluded that Bunkers Hill was not an elsewhere location and therefore decided to not refuse planning permission on the basis of a conflict with LP3.  
  
10.3. However, in July the Council received an appeal decision (APP/D0515/W/20/3245490) relating to planning application F/YR19/0828/F, concerning a proposed dwelling at Crooked Bank, Wisbech (a copy of the appeal decision and a site location plan is included for reference in Appendix 1). This involved a site within what the Inspector described as “a small group of dwellings, farmsteads and enterprises known as Begdale. It is not within any of the settlements specified in Policy LP3 of the LP”. Begdale has a similar relationship to the settlement of Elm that Bunkers Hill has to Wisbech St Mary and there must therefore be parallels between that decision and how this application should be determined.  
  
10.4. The Inspector considered that Begdale was an elsewhere location and that the principle of development would conflict with Policies LP3 and LP12 of the Local Plan. Consequently it is considered that Bunkers Hill must also be an

elsewhere location and again that the principle of residential development must conflict with these policies.

- 10.5. The Inspector went on to consider that due to the limited services, facilities and employment within Begdale future occupiers would have “limited transport choice other than to rely on private motorised transport” although recognising that there would be some modest social and economic benefits from the dwelling. The overall conclusion was “whilst recognising the overall national objective to boost the supply of housing, the combined benefits of the scheme are still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole”.
- 10.6. It is considered that the conclusions drawn by the Inspector at Begdale are equally relevant to the current proposal and that consequently the application conflicts with Policies LP3 and LP12 of the Local Plan and the wider aims and objectives of the NPPF.
- 10.7. Whilst reference was made by Members when the previous application was considered that limited weight should be given to Inspector’s decisions, as subsequent Inspectors have sometimes taken a different view on an issue to their colleagues, this is not a common occurrence and so appeal decisions should normally be given significant weight.

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

- 10.8. Once again, when reporting the application previously Officers set out that, “Policy LP16 of the Fenland Local Plan sets out the requirements for development proposals with regard to delivering and protecting high quality environments throughout the district. In particular it notes that proposals will be required to make a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, and responding to and improving the character of the local built environment, whilst reinforcing local identity and not adversely impacting on the street scene, settlement pattern or the landscape character of the area.

Planning policy within the development plan discourages ribbon style development, which is development that extends along the roads leading into and out of a settlement without also developing the land behind the frontage. The Design and Access Statement says that the proposal is intended to “reinforce the linear character of the hamlet.” The linear nature of the proposal when combined with its location beyond the existing developed extent of Bunkers Hill would result in ribbon style development. As it stands, the site is of a particularly open character in this location, and this makes a significant contribution to the overall rural character of the area and the relationship of the countryside to Bunkers Hill in this location. Development along the frontage of the field in this location would therefore result in demonstrable harm to the character and appearance of its surroundings and the character of Bunkers Hill at odds with policy LP16 noted above, and National Design Guidance.

In addition to the above, Bunkers Hill is also distinctive due to the sporadic nature of its development, in particular on the east side of High Road where the application site is also located. The majority of development forming part of Bunkers Hill is located to the west of High Road. The shape of the application site and its extent, combined with the proposed number of dwellings forming

part of the scheme would result in a regular form of development at odds with this distinctive character”.

- 10.9. However Members when considering the previous application did not find that there would be any harm to the character and appearance of the area arising from residential development of the site. Consequently no reason for refusal is recommended to Members in respect of this as part of the determination of the current proposal

#### **Flood Risk & Sequential Test**

- 10.10. When considering the previous application Members were advised, “The application site lies within flood zones 2 and 3. National and Local Planning Policy requires development to be directed to areas of lowest flood risk in preference to those within higher risk areas, unless a sequential test demonstrates that there are no such areas capable of accommodating the level of development proposed on the site. Fenland District Council sequential test protocol is that for development in elsewhere locations, such as the application site, the area of search for preferential locations will be the entirety of the district.

No separate sequential test has been submitted alongside the application, however two other documents do comment on the proposals from a sequential test perspective. The first of these is the Flood Risk Assessment (FRA), dated May 2020 and undertaken by Ellingham Consulting Ltd. This document acknowledges the need for a sequential test but rather than providing information on potential alternative sites, it simply states that large parts of the district lie within Flood Zone 3 and therefore there are limited opportunities to undertake the development on a site at lower flood risk. This does not constitute a sequential test.

The second document is the Design and Access Statement, however rather than undertaking a formal sequential test, this document merely identifies that the Planning Committee approved residential development within Bunkers Hill on land within Flood Zone 3 in January 2019, and references an appeal where the Inspector allowed a residential use on land in Flood Zone 3. Notwithstanding those decisions, the current application site is of distinctly different character and relationship to the existing group of dwellings forming Bunkers Hill, and therefore there is no precedent established by those decisions that must be followed in the consideration of the current application”.

- 10.11. Members however decided not to pursue a reason for refusal on the grounds of flood risk, given that they considered any risk could be mitigated. Consequently no reason for refusal is recommended in respect of this issue in relation to the current scheme, albeit that Officers remain of the view that the proposal does not meet with policy requirements in that no sequential test has been undertaken.

#### **Highway Safety**

- 10.12 Policy LP15 of the Fenland Local Plan (2014) requires development to provide well designed, safe and convenient access for all.

- 10.13 The proposal includes the provision of vehicular access to the site directly onto High Road, towards the northern extent of the application site. The application form states that access is committed for approval at this stage, and the plans have been amended during the course of the application to detail the proposed access geometry.
- 10.14 Much of the concern identified in the responses received from members of the public centres around the proposed access and its safety, particularly with reference to traffic speeds through Bunkers Hill itself.
- 10.15 Several of the comments relate to the age of the speed survey, which was undertaken in 2013, asserting that as a result of its age it is no longer fit for purpose.
- 10.16 The Highways Authority has responded to those concerns noting that the road layout and conditions have not changed since the survey was undertaken and there is no evidence to suggest that vehicle speeds would have changed in the intervening period. It also notes there is no record of any accidents in the last five years. In addition, the comments note that the visibility splays shown could be extended beyond what is required based on the speed survey.
- 10.17 The comments of the Highways Authority conclude that the information provided is sufficient to demonstrate that a safe and convenient access can be provided to the development sufficient to satisfy the requirements of policy LP15.
- 10.18 The comments of the members of the public in respect of the safety of the proposed access are noted, however none provide any evidence to demonstrate that the speed survey is incorrect, nor that the conclusions of the Highway Authority are unjustified. Several accidents are described however these appear to be older than the 5-years cited by the Highway Authority.
- 10.19 Crash Map data indicates 4 accidents recorded in the last 21 years through Bunkers Hill, 2 of these are classified as slight severity and 2 serious. The four incidents took place in 1999, 2002, 2003 and 2011. It is reasonable to conclude therefore that both the public responses highlighting the incidents and the Highways Authority statement that there are no records of collisions in the last five years are both correct.
- 10.20 In view of that, there is no justification for refusal of the application on the grounds of and adverse impact on highways safety.

## **11. CONCLUSIONS**

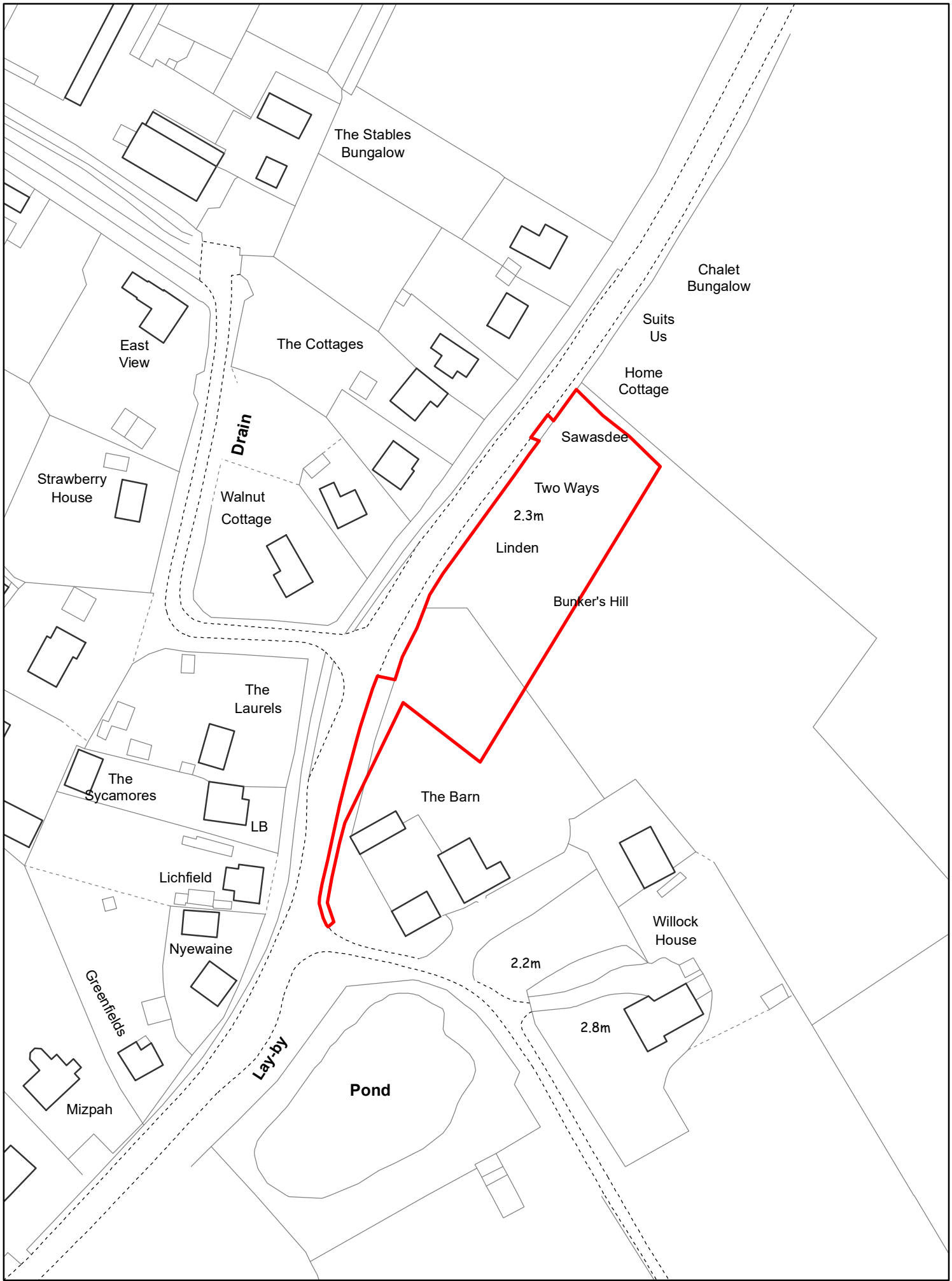
- 11.1. In light of the comments received from the Highway Authority it is considered that the previous reason for refusal in relation to the development of this site has been overcome.
- 11.2. However it is also considered that the recent appeal decision received in relation to the site at Begdale is a material consideration, and in light of this, and notwithstanding the previous decision of the Committee concerning the development of this site for five dwellings, the officer recommendation is to refuse due to the conflict with Policies LP3 and LP12 of the Local Plan and with the aims and objectives of the NPPF in respect of development in an elsewhere location with limited access to services and facilities.

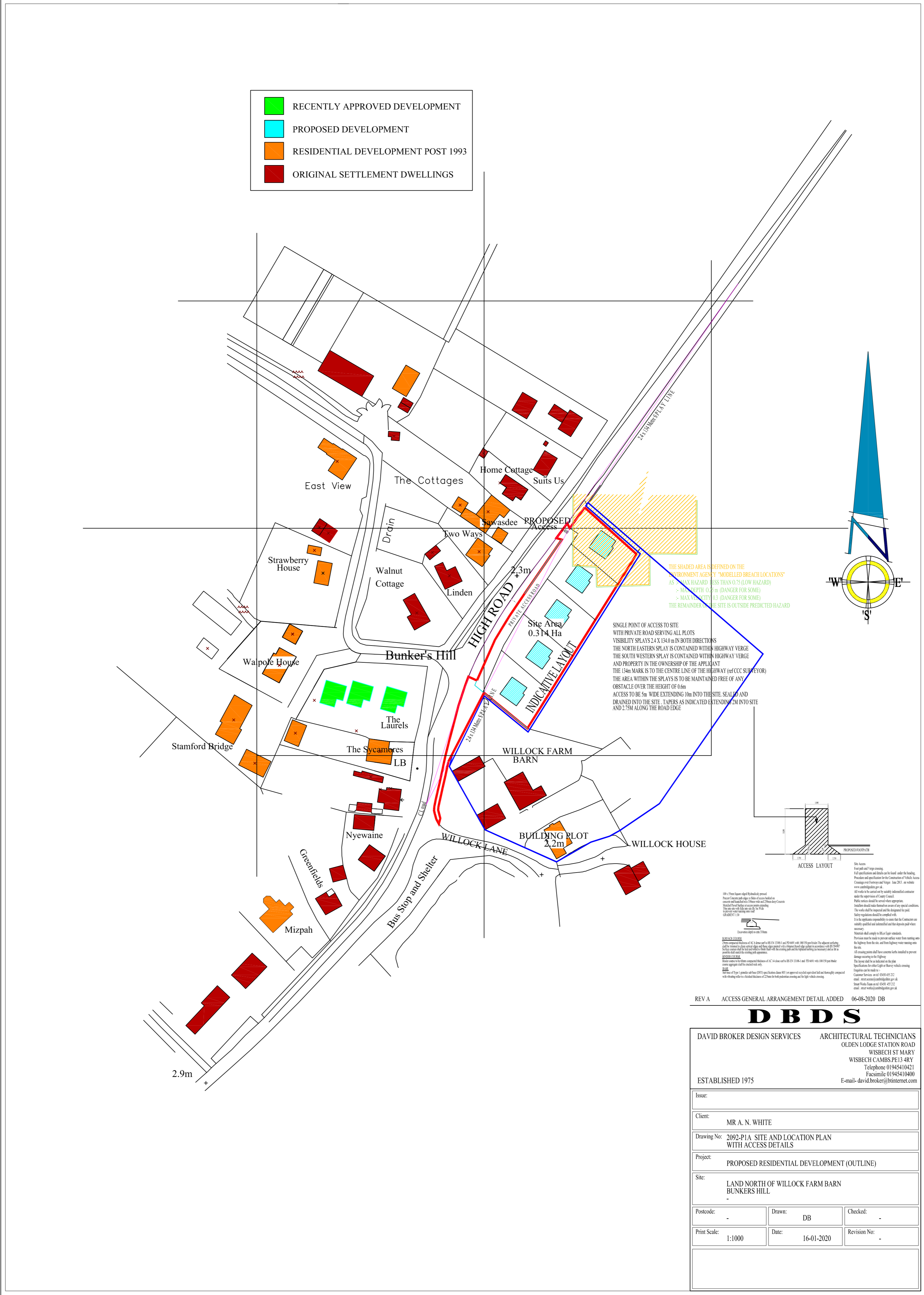
- 11.3. Whilst not a material planning consideration, should Committee agree that this reason for refusal is now relevant, Members should be aware that in the event of an appeal there is the risk of an award of costs on the grounds of unreasonable behaviour. However it is considered that this risk is significantly mitigated as the Council received the appeal decision for the Begdale site 'between decisions' and this is now a material consideration.

## 12. RECOMMENDATION

REFUSE, for the following reasons:

1. Policies LP3 and LP12 of the Fenland Local Plan (2014) set out the settlements hierarchy within the district, with the application site location being considered as an 'Elsewhere' location where new dwellings are only to be permitted if they are demonstrably essential to the effective operation of a range of countryside type uses. The proposal is made in outline for the construction of up to five open market residential dwellings and contains no indication that the dwellings are required to support any of the uses identified. The proposal would result in the construction of several residential dwellings in an area of the district where supporting facilities for such development are not available, and as a result the scheme would be contrary to the requirements of these policies of the Local Plan and in conflict with the aims and objectives of the NPPF.





REV A ACCESS GENERAL ARRANGEMENT DETAIL ADDED 06-08-2020 DB

**DBDS**

DAVID BROKER DESIGN SERVICES ARCHITECTURAL TECHNICIANS  
 OLDEN LODGE STATION ROAD  
 WISBECH ST MARY  
 WISBECH CAMBS PE15 4RY  
 Telephone: 01945410421  
 Facsimile: 01945410400  
 E-mail: david.broker@btinternet.com

Issue:		
Client: MR A. N. WHITE		
Drawing No: 2002-PIA SITE AND LOCATION PLAN WITH ACCESS DETAILS		
Project: PROPOSED RESIDENTIAL DEVELOPMENT (OUTLINE)		
Site: LAND NORTH OF WILLOCK FARM BARN BUNKERS HILL		
Postcode: -	Drawn: DB	Checked: -
Print Scale: 1:1000	Date: 16-01-2020	Revision No: -

## Appeal Decision

Site visit made on 14 July 2020

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

---

**Appeal Ref: APP/D0515/W/20/3245490**

**31 Crooked Bank, Wisbech PE14 0BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R O’Gorman against the decision of Fenland District Council.
  - The application Ref F/YR19/0828/F, dated 9 September 2019, was refused by notice dated 12 November 2019.
  - The development proposed is a new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposed development would provide a suitable site for housing, having particular regard to the accessibility of local services and facilities, the development plan and national policy;
  - the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Access to Services and Facilities*

3. Policy LP3 of the Fenland Local Plan (2014) (LP) LP defines the settlement hierarchy. It directs development to within larger specified settlements. Outside of those specified settlements or ‘elsewhere’ it limits development to that which is demonstrably essential where Policy LP12 of the LP sets out the circumstances in which new dwellings in the countryside or ‘elsewhere’ will be permitted.
  4. The appeal site is within a small group of dwellings, farmsteads and enterprises known as Begdale. It is not within any of the settlements specified in Policy LP3 of the LP. There is also no substantive evidence before me which demonstrates that the specific circumstances exist to justify a new dwelling ‘elsewhere’ as required by Policy LP12 of the LP. I must therefore conclude that the proposed development is in direct conflict with Policies LP3 and LP12 of the LP.
-



5. Paragraph 78 of the National Planning Policy Framework (the Framework) makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 states decisions should avoid the development of isolated homes in the countryside. Therefore, having regard to the appeal decisions<sup>1</sup> and judgement<sup>2</sup> put before me, I find the proposed dwelling being within a group of other dwellings and buildings in Begdale would not be isolated.
6. One new dwelling would be a social benefit to the area. Furthermore, new customers and potential employees for local businesses and services and the construction of the development would also generate economic benefits. However, given the scale of development these combined benefits would be modest. Therefore, without specific evidence to the contrary I find the proposal would have a negligible effect on the vitality of the rural community of Begdale or the vitality of those nearby such as Elm.
7. Furthermore, whilst I acknowledge there are some services, facilities and employment opportunities<sup>3</sup> nearby, these do not include healthcare or education. Overall without any substantive evidence to the contrary it seems to me that Begdale and its immediate surroundings contain only limited services, facilities and employment opportunities. Moreover, I am not provided with any substantive evidence which allows me to fully assess access to bus services or the frequency of those services connecting to larger centres. I also note many of the roads in the area do not benefit from footpaths or street lights.
8. Thus, based on the evidence before me I find that future occupiers of the proposed dwelling would have limited transport choice other than to rely on private motorised transport to access services, facilities and employment. Whilst one new dwelling would only give rise to a small number of trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm. I accept the travel circumstances of any future occupants of the proposal would be similar to those experienced by many existing residents living in the area. However, this does not justify the proposal.
9. Therefore, whilst recognising the overall national objective to boost the supply of housing, the combined benefits of the scheme are still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside. The proposed development would not therefore amount to sustainable development when considered against the Framework as a whole.
10. For these reasons the proposed development would not provide a suitable site for housing, having particular regard to the accessibility of local services and facilities. It would therefore be in conflict with Policies LP3 and LP12 of the LP and the Framework which taken together seek to ensure a sustainable pattern of development.

---

<sup>1</sup> Appeal Decisions APP/D0515/W/20/3201780 & APP/D0515/W/20/3201560

<sup>2</sup> Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

<sup>3</sup> Including Little ranch Leisure & The Orchard Tea Room and Farm shop

*Character and appearance*

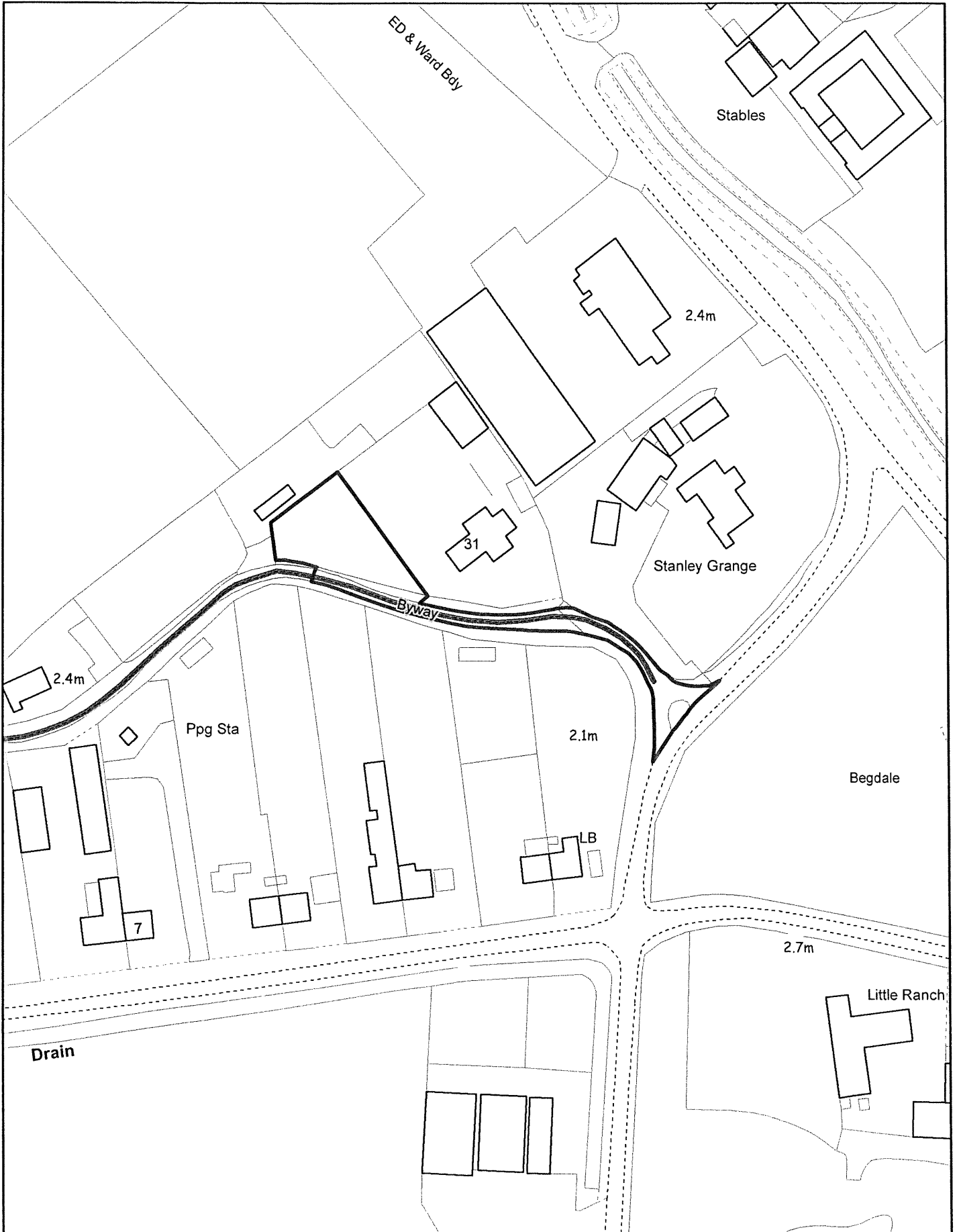
11. Crooked Bank is a narrow lane on the edge of a group of sporadic and informally arranged dwellings, agricultural buildings and commercial properties next to open countryside. Overall, the area has a spacious, rural edge of settlement character and appearance.
12. I note the character and pattern of the built development in the area is varied. I also acknowledge the proposed development would sit alongside the existing dwelling at No 31 Crooked Bank and would be viewed alongside a commercial building and domestic gardens as part of a wider group of buildings and Begdale.
13. However, even though single storey with a relatively low ridge height, the substantial four bed dwelling would occupy a relatively large L-shaped footprint significantly increasing the bulk of domestic development on this part of Crooked Lane. The erosion of space would be noticeable from the countryside to the west and when passing by on Crooked Lane.
14. Consequently, I find the proposal would have an urbanising effect on the area harming it's overall spacious, rural edge of settlement character and appearance. The proposal would therefore conflict with Policies LP12 and LP16 of the LP which aim to ensure good design and safeguard the local character of an area.



**Conclusion**

15. For the reasons set out above, having had regard to all other matters raised, I conclude that the scheme would not accord with the development plan and the appeal should therefore be dismissed.

*L Fleming*

INSPECTOR



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**F/YR20/0603/F**

**Applicant: Mr A Henson**

**Agent : Mr Papworth  
Morton & Hall Consulting Ltd**

**Land West Of 44 Robingoodfellows Lane Fronting, Norwalde Street, March,  
Cambridgeshire**

**Erect 1 dwelling (2 storey 3-bed)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for a detached 2-storey, 3-bed dwelling.
- 1.2 This is the third submission on this site. Application F/YR18/0017/F was withdrawn following advice to the applicant's agent that the application would be refused. Application F/YR18/0389/F was refused due to the significant detrimental impact on the character of the area and residential amenity in relation to loss of privacy and a dominant and overbearing impact on neighbouring dwellings.
- 1.3 Whilst the proposal has been designed to reflect the local vernacular, it introduces a larger detached property, at odds with the terrace form of development and forward of the established building line. It would punctuate the presently unrestricted view along the street and is therefore not considered to respect the character and form of the locality, forming an incongruous feature to the significant detriment of the streetscene and character of the area.
- 1.4 Whilst overlooking is no longer considered to be an issue, the proposed dwelling is located alongside the garden of No.42 at between 1.2m and 2.8m from the shared boundary, whilst it is noted that the neighbouring property does have a large garden, a 2-storey dwelling of 10.5m in length and 7m in height in such close proximity to the boundary is considered to create a dominant and overbearing impact.
- 1.5 The proposal is contrary to Policies LP2 and LP16(d, e and h) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraph 127 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019. As such it is recommended to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site forms garden land serving 44 Robingoodfellows Lane, March. The host property is an end terrace 2-storey dwelling finished in pebbledash with brick detailing (the front elevation is painted cream, the remainder having a natural finish) and tiled hipped roof, there is a single-storey element to the rear with a brick finish. To the front of the site is a gravel parking area with low level close boarded fence. The property is on a corner plot at the junction with Norwalde Street.

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for a detached 2-storey, 3-bed dwelling measuring 10.5m x 5.4m and 7.15m in height. The ground floor consists of a living room, hallway, kitchen/diner and WC and first-floor 3 bedrooms, en-suite and bathroom.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QD79L2HE03000>

### **4 SITE PLANNING HISTORY**

F/YR18/0389/F	Erection of a 2-storey 3-bed dwelling	Refused 18/6/2018
F/YR18/0017/F	Erection of a 2-storey 3-bed dwelling	Withdrawn

### **5 CONSULTATIONS**

#### **5.1 Town Council**

*Recommend approval.*

#### **5.2 Environmental Health (FDC)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality, noise climate or unlikely to be affected by ground contamination.*

#### **5.3 Local Residents/Interested Parties**

Nine supporting comments have been received (one from a resident of each of the following: Robingoodfellows Lane, Upwell Road, Mill Hill Lane, Norwalde Street, Dragoon Drive, Elwyn Road, Henson Road and Boundary Drive all in March and Scholars Close, Manea), in relation to the following:

- Sympathetic to/in keeping with surrounding properties
- Overlooking kept to minimum
- Sufficient parking
- Sustainable location
- Employ local business/tradesman
- Affordable housing
- Housing need

One objection has been received (from a resident of Robingoodfellows Lane), in relation to the following:

- The proposal is close to the boundary, closer than the previous applications
- Dominant and overbearing

- Not in keeping with the area.

The comments, where they relate to planning matters will be considered in the sections below.

It should be noted that the proposal is not for affordable housing and there is no guarantee that local businesses would be employed in the construction should the application be successful

## **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, I2

Built Form – B2

Movement – M3

Homes and Buildings – H2, H3

#### **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

LP9 – March

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

#### **Delivering and Protecting High Quality Environments in Fenland SPD 2014:**

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the area

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

H2 – Windfall Development

H3 – Local Housing Need

## **8 KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk**

## **9 BACKGROUND**

- 9.1 This is the third submission on this site. Application F/YR18/0017/F was withdrawn following advice to the applicant's agent that the application would be refused. Application F/YR18/0389/F was refused due to the significant detrimental impact on the character of the area and residential amenity in relation to loss of privacy and a dominant and overbearing impact on neighbouring dwellings.
- 9.2 The emphasis on creating high quality and well-designed buildings and places that respond positively to the surrounding context has been strengthened further since the refusal of the previous application, by the publication of the National Design Guide in September 2019.
- 9.3 Some minor amendments have been made to the scheme to mitigate overlooking, however all other issues remain and in fact the dwelling is now slightly closer to the boundary with 42 Robingoodfellows Lane. The site has been made slightly larger during the course of the application to accommodate parking requirements and a pedestrian visibility splay.
- 9.4 It should be noted one letter of objection has been received on all previous applications, however the previous two submissions received no supporting comments.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways and flood risk.

### **Design considerations and visual amenity of area**

- 10.2 The proposal has been designed to reflect the local vernacular, featuring a hipped roof and render finish with brick detailing, chimney and similar fenestration.
- 10.3 Nevertheless, this is within in an estate of modest terraced properties set back from the road with long narrow gardens and a strong established building line; the same is true of the wider surrounding area. The host dwelling is situated on a prominent plot at the entrance to the estate and mirroring 46 Robingoodfellows Lane the opposite side of the Norwalde Street entrance, both with gardens alongside the road, set away from the junction and following the building line of both Robingoodfellows Lane and Norwalde Street.
- 10.4 The proposal would introduce a larger detached property, at odds with the terrace form of development and forward of the established building line by approximately 3.4m, this would punctuate the presently unrestricted view along the street. It is therefore not considered to respect the character and form of the locality, forming an incongruous feature to the significant detriment of the streetscene and character of the area.



- 10.5 The proposal is therefore considered contrary to Policies LP2 and LP16(d) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Paragraph 127 of the NPPF 2019 and chapters C1, 11, 12 and B2 of the National Design Guide 2019.

**Residential Amenity/Health and wellbeing**

- 10.6 To the front of the site on the opposite side of the road is the end terrace property of 46 Robingoodfellows Lane, the rear garden of which is 12m away from the proposed dwelling. There is a 1.8m high close boarded fence surrounding the rear garden, hence the ground floor windows are not considered to result in a loss of privacy, however there are 3 first-floor windows facing towards this property, 2 serve bedrooms, and the third is a bathroom window and would therefore be obscure glazed. Whilst there would be additional overlooking as a result of the proposed development this is not considered to create a significant adverse impact due to the separation distance.
- 10.7 To the north west of the site, on the opposite side of the road, is the end terraced property of 1 Norwalde Street, whilst the proposal would be visible from this dwelling the only detrimental impact that could be considered would be the additional overlooking from the first-floor side and front bedroom windows, however this view would be oblique and only impact the area to the front already visible from the public realm, hence would not be considered significant.
- 10.8 To the west of the site is the end terraced property of 28 Norwalde Street which is separated from the site by an existing access and gravel parking area before the dwelling itself is reached, hence the proposal is approximately 10m from this neighbouring dwelling (building to building). There is a first-floor bedroom window in the side of the proposed dwelling that faces towards No.28, however the positioning of the dwellings are such that this would most impact the frontage of the site that is already visible from the public realm and the parking to the side. There are no windows on the side elevation of No.28 which could be affected, hence whilst there would be some loss of privacy and overlooking as a result of the proposal this is not considered to be significant. Due to the distance between properties loss of outlook, light and overshadowing are not considered to be an issue.
- 10.9 To the rear (south) of the site is the mid terraced property of 42 Robingoodfellows Lane, which is considered to be most impacted by the proposed development. The proposed dwelling is long and narrow, running alongside the garden of No.42 at between 1.2m and 2.8m from the shared boundary, whilst it is noted that the neighbouring property does have a large garden a 2-storey dwelling of 10.5m in length and 7m in height in such close proximity to the boundary is considered to create a visually dominant and overbearing impact. In respect of overlooking/loss of privacy the proposal has been designed with the only first-floor windows to the rear being landing and en-suite windows, which are indicated as being obscure glazed and could be conditioned as such. Overshadowing is not considered to be a significant issue due to the orientation of the proposal to the north.
- 10.10 To the east of the site is the host dwelling of 44 Robingoodfellows Lane, which will lose an area of garden as a result of the development, nevertheless due to the large plot would still retain in excess of a third of the plot for private amenity space. There may be some additional overshadowing and loss of light however this is not considered to be significant due to the orientation and distance. The proposed dwelling has been amended to ensure that there are no windows directly facing No.44, hence overlooking is not considered to be an issue.

- 10.11 Policy LP16 (h) requires a minimum of a third of the plot to be provided for private amenity space, which is now achieved as the site has been made larger. However, only a narrow strip of garden is provided to the rear of the dwelling, with a maximum depth of 2.8m. This is not considered to be usable space or provide a high quality environment, as such the scheme is considered to be contrary to this policy.
- 10.12 The proposal is considered contrary to Policies LP2 and LP16(e and h) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019.

### **Parking and Highways**

- 10.13 Policy LP15 and Appendix A of the Fenland Local Plan advise that 2 parking spaces should be provided for a 3-bed property such as the proposal. Parking spaces have been provided to the required dimensions (2.9m x 5m as there are obstructions both sides), a bound material is proposed (block paving) and pedestrian visibility is achieved .
- 10.14 The proposed access is off an unclassified road and would be subject to the relevant Highway Authority consent to ensure suitability.

### **Flood Risk**

- 10.15 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.

## **11 CONCLUSIONS**

The proposal is overall considered unacceptable due to its failure to accord with Policies LP2 and LP16(d, e and h) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraph 127 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019.

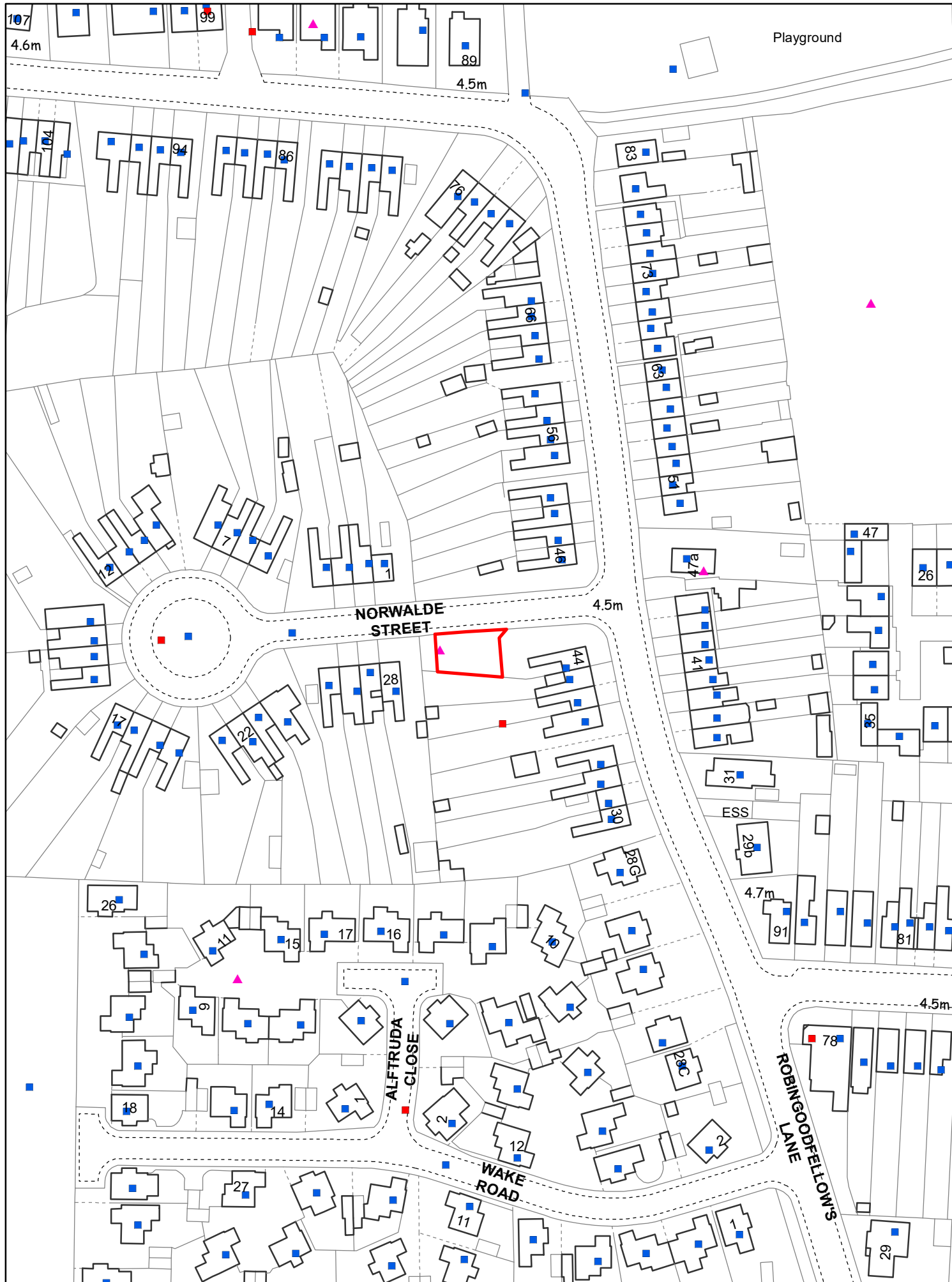
The proposal is considered to create a significant detrimental impact on the streetscene and character of the area, as it introduces a larger detached property, at odds with the terrace form of development and forward of the established building line. It would punctuate the presently unrestricted view along the street and is therefore not considered to respect the character and form of the locality.

The proximity of the proposal to the boundary with 42 Robingoodfellows Lane is considered to create a visually dominant and overbearing impact, and would result in a significant adverse impact on the residential amenity of occupants. This proximity also results in only a narrow strip of garden to the rear of the proposed dwelling, which is not considered to be usable space or provide a high quality environment, to the significant detriment of the residential amenity of future occupants.

## **12 RECOMMENDATION**

**Refuse** for the following reasons:

1	<p>Policy LP16(d) of the Fenland Local Plan and DM3 of Delivering and Protecting High Quality Environments SPD 2014, paragraph 127 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019 seek to ensure that new development to makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting and responds to, and improves, the character of the local built environment. The proposal introduces a larger detached property, at odds with the terrace form of development and forward of the strong established building line, which would punctuate the presently unrestricted view along the street; it is therefore not considered to respect the character and form of the locality, forming an incongruous feature to the significant detriment of the streetscene and character of the area and as such the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 (e) and (h) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019 seek to ensure that development does not adversely affect the amenity of neighbouring or future occupiers and provides high quality private amenity space. The proposed development would result in a significant detrimental impact on the residential amenity of the adjoining dwelling as it would create a dominant and overbearing impact, in addition to providing insufficient usable private amenity space for the proposed dwelling; as such the proposal is contrary to the aforementioned policies.</p>



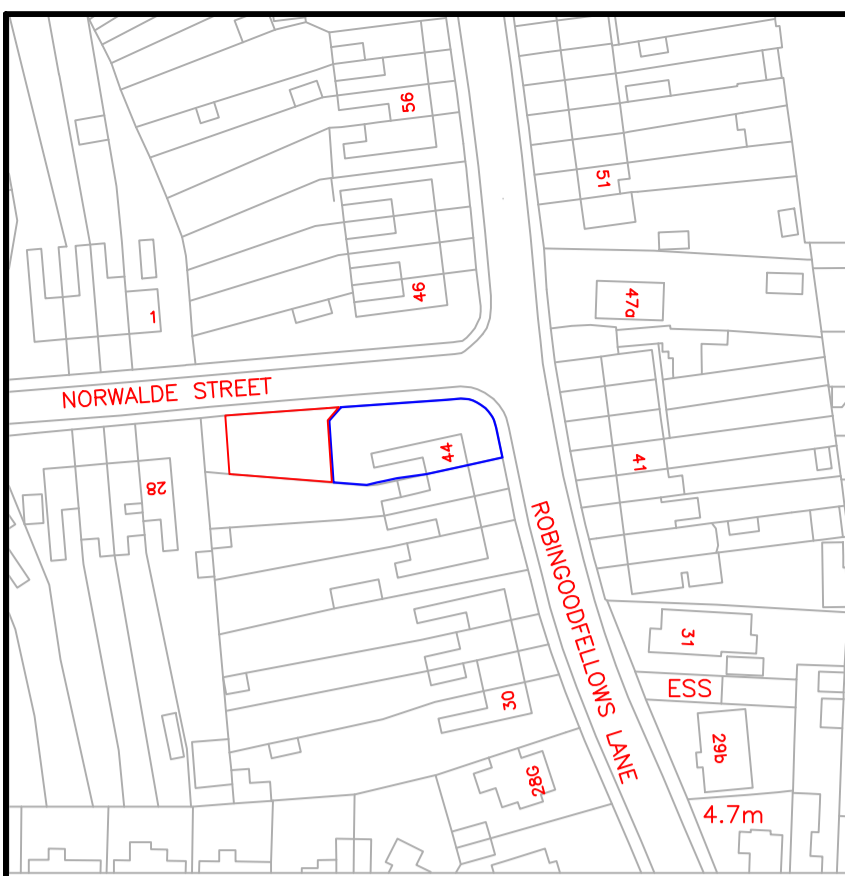
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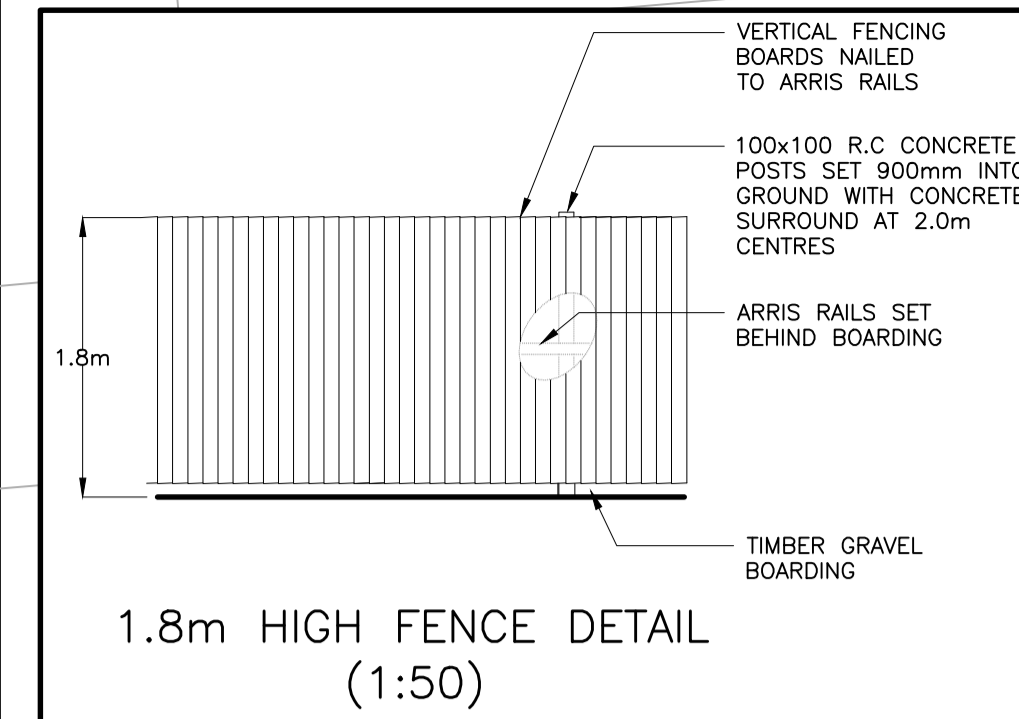




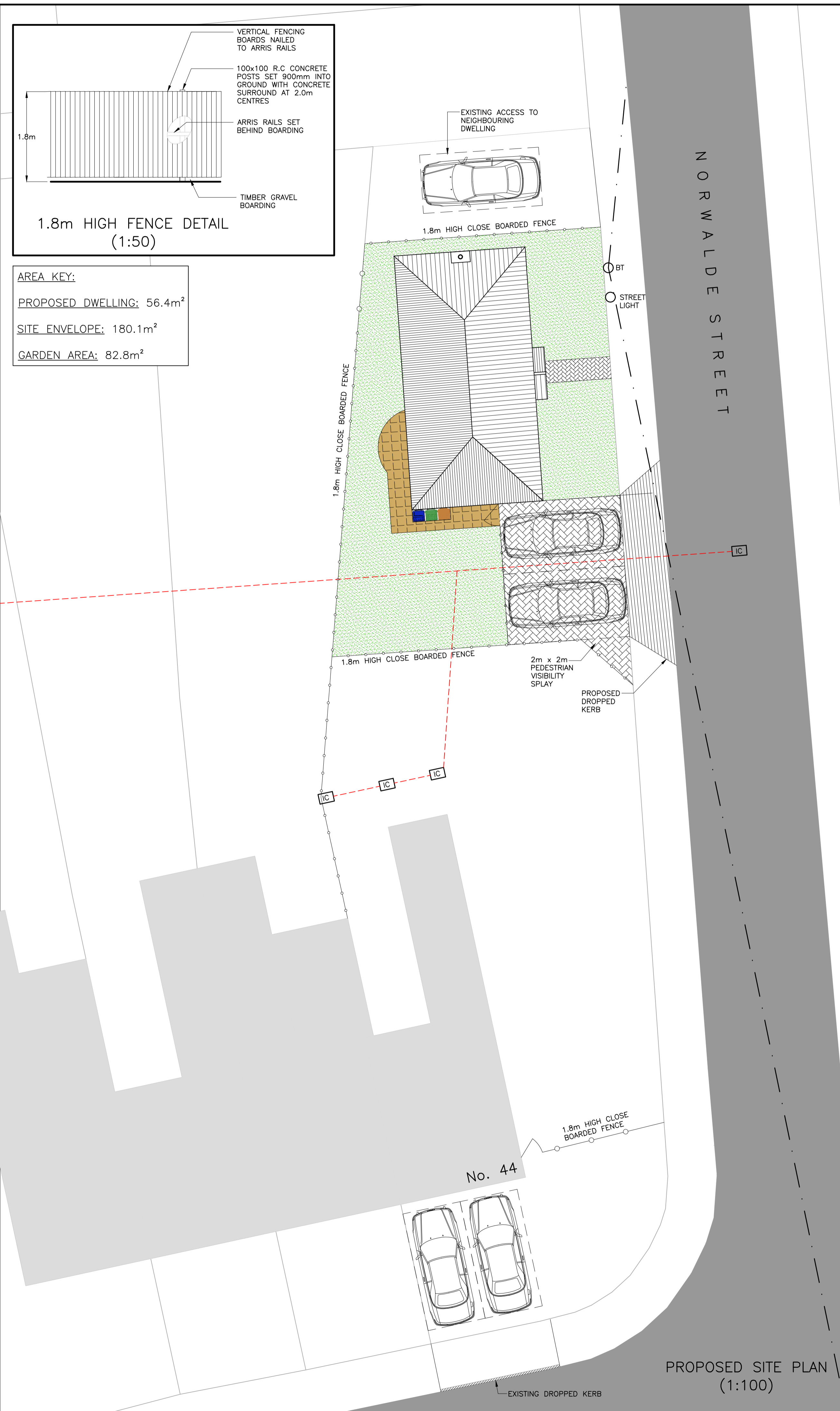
LOCATION PLAN  
(1:1250)  
LICENSE NO: 100031961



EXISTING SITE PLAN  
(1:100)



AREA KEY:  
PROPOSED DWELLING: 56.4m<sup>2</sup>  
SITE ENVELOPE: 180.1m<sup>2</sup>  
GARDEN AREA: 82.8m<sup>2</sup>



PROPOSED SITE PLAN  
(1:100)

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Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, if in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
All finishes, insulation and damp-proofing to architect's details

**SITE PLAN KEY**

- PERMEABLE BLOCK PAVING (NON SLIP)
- CONCRETE SLABS (NON SLIP)
- GRASS
- VEGETATION
- HEDGING
- GRAVEL
- SITE ENVELOPE
- PAVEMENT
- TARMAC
- EXISTING DWELLINGS
- FOUL DRAINAGE
- SURFACE WATER DRAINAGE
- OVERHEAD POWER CABLE
- WASTE BINS

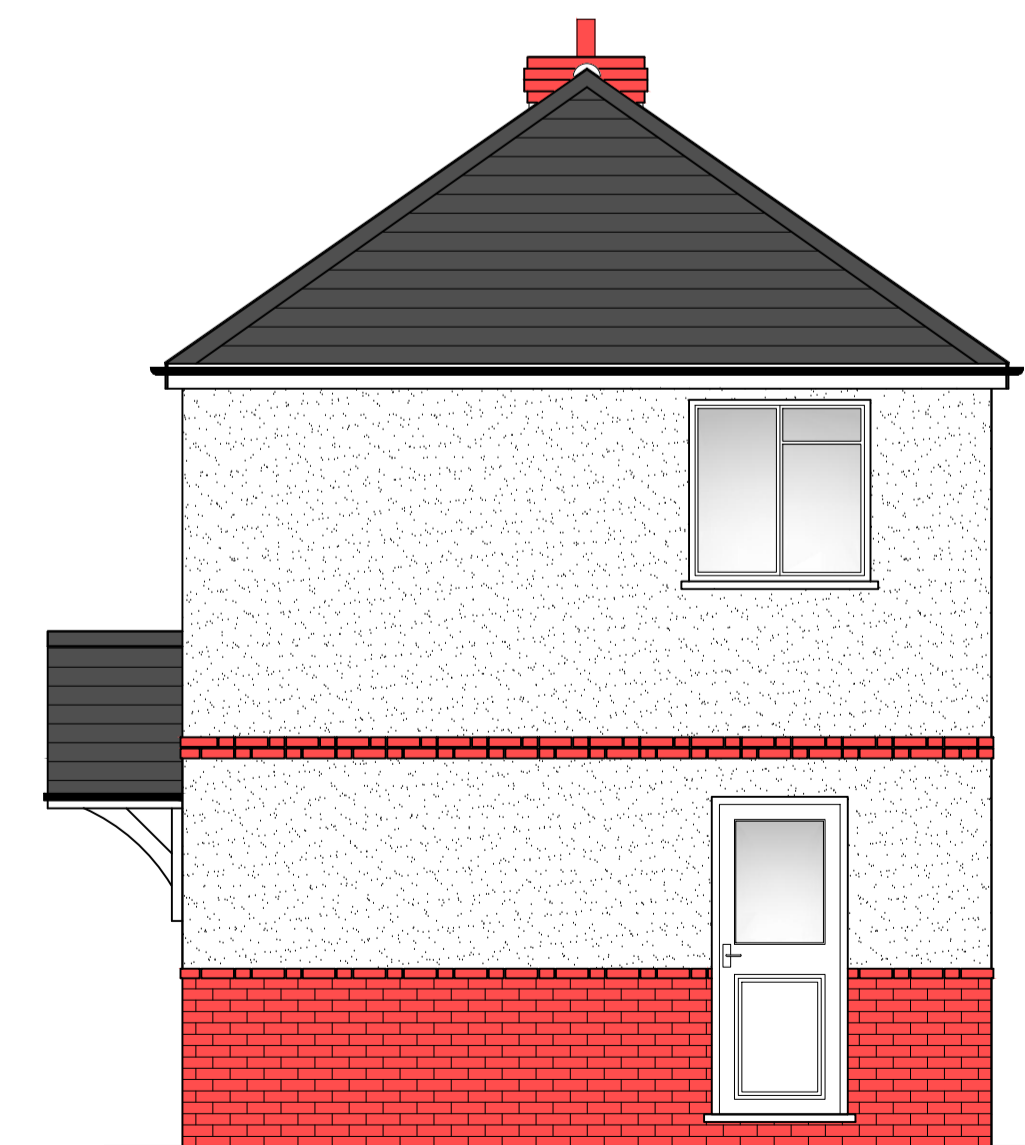
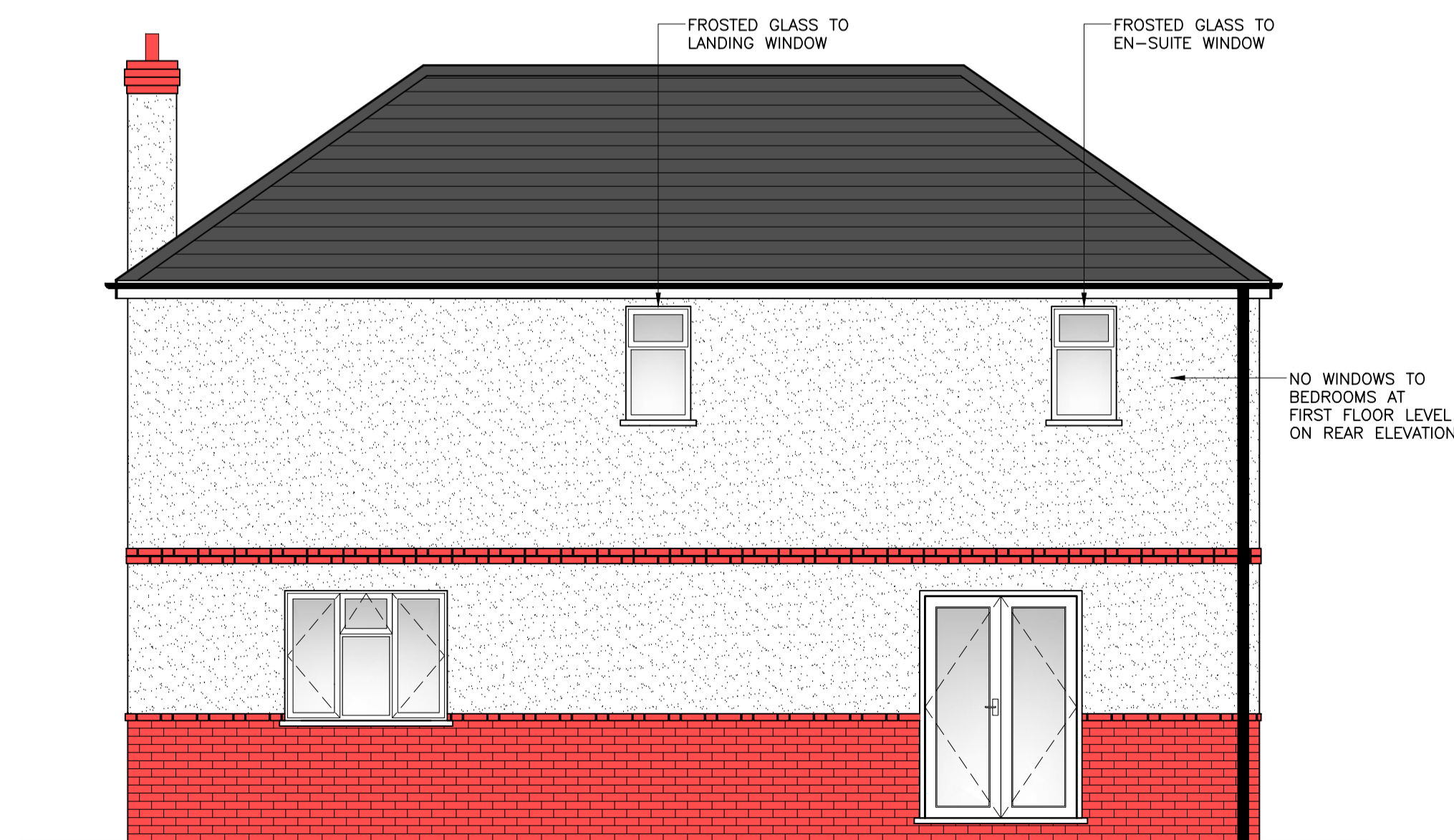
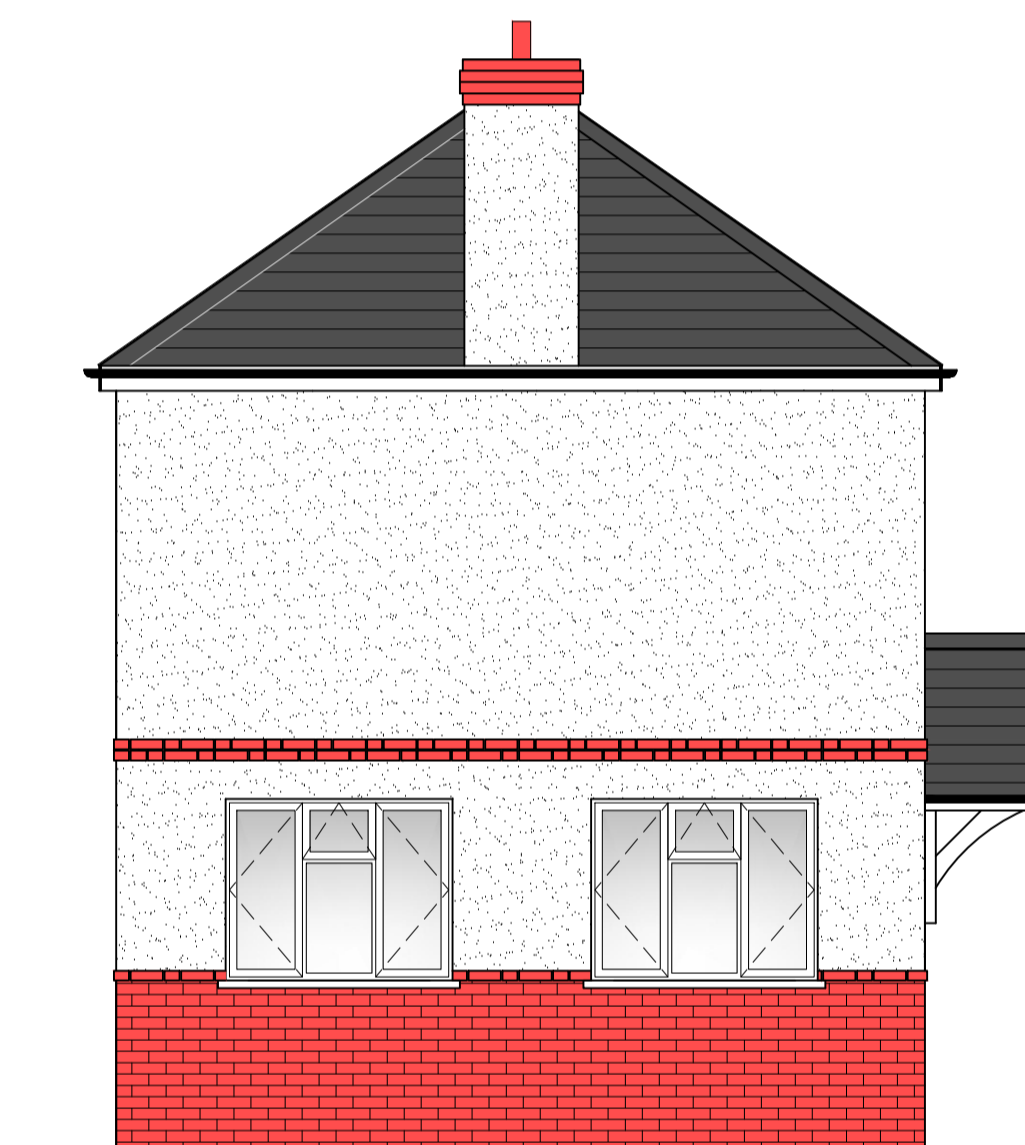
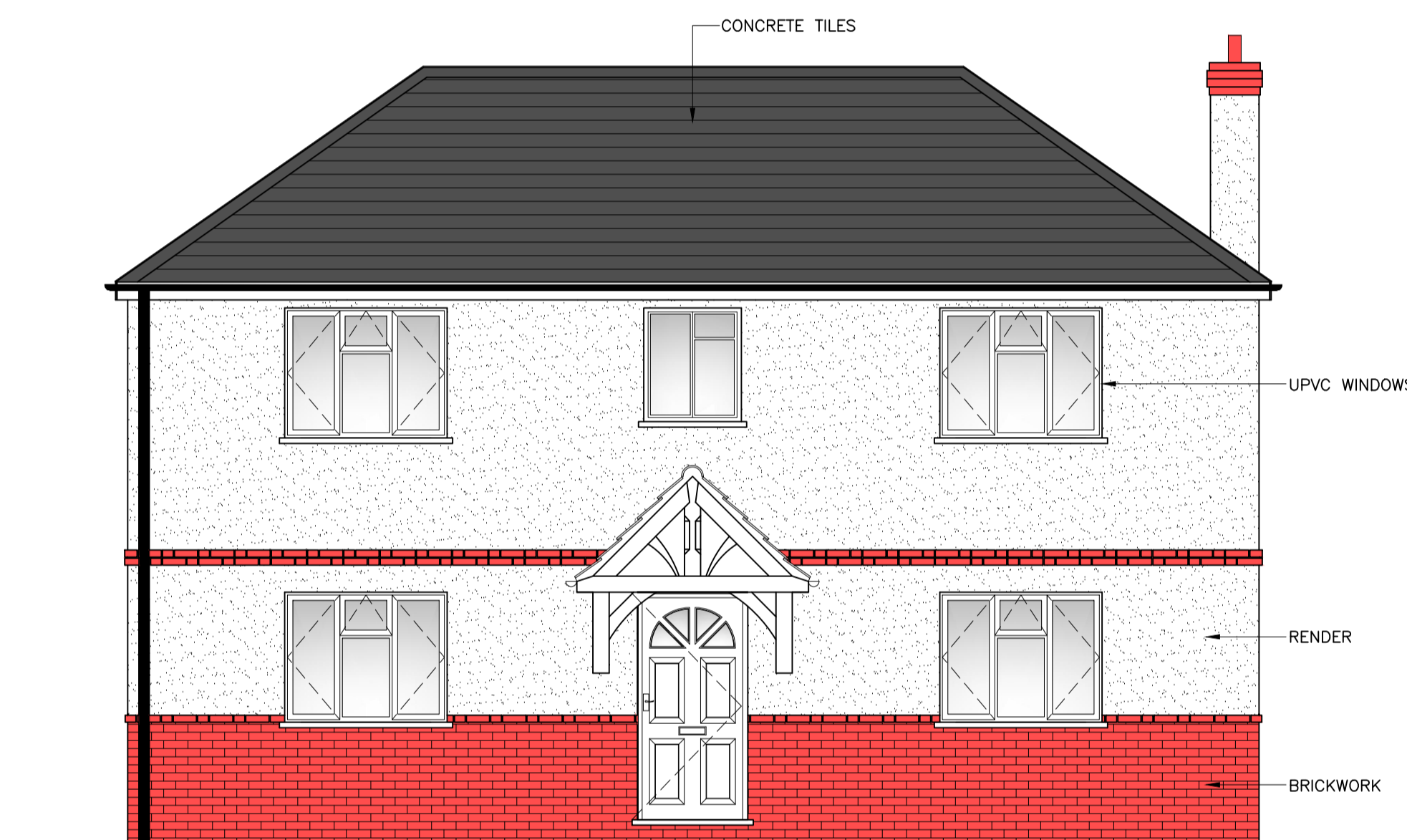
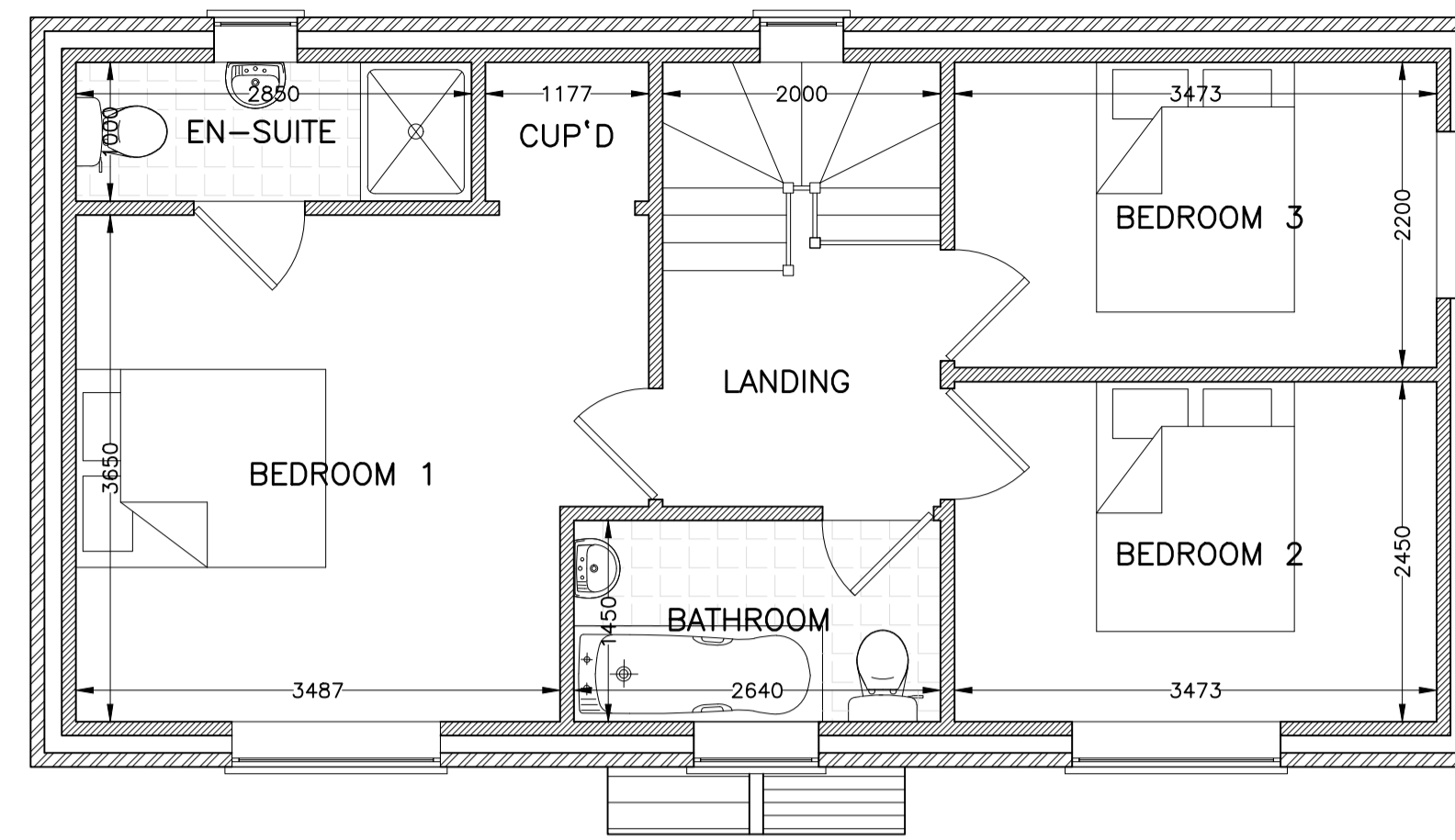
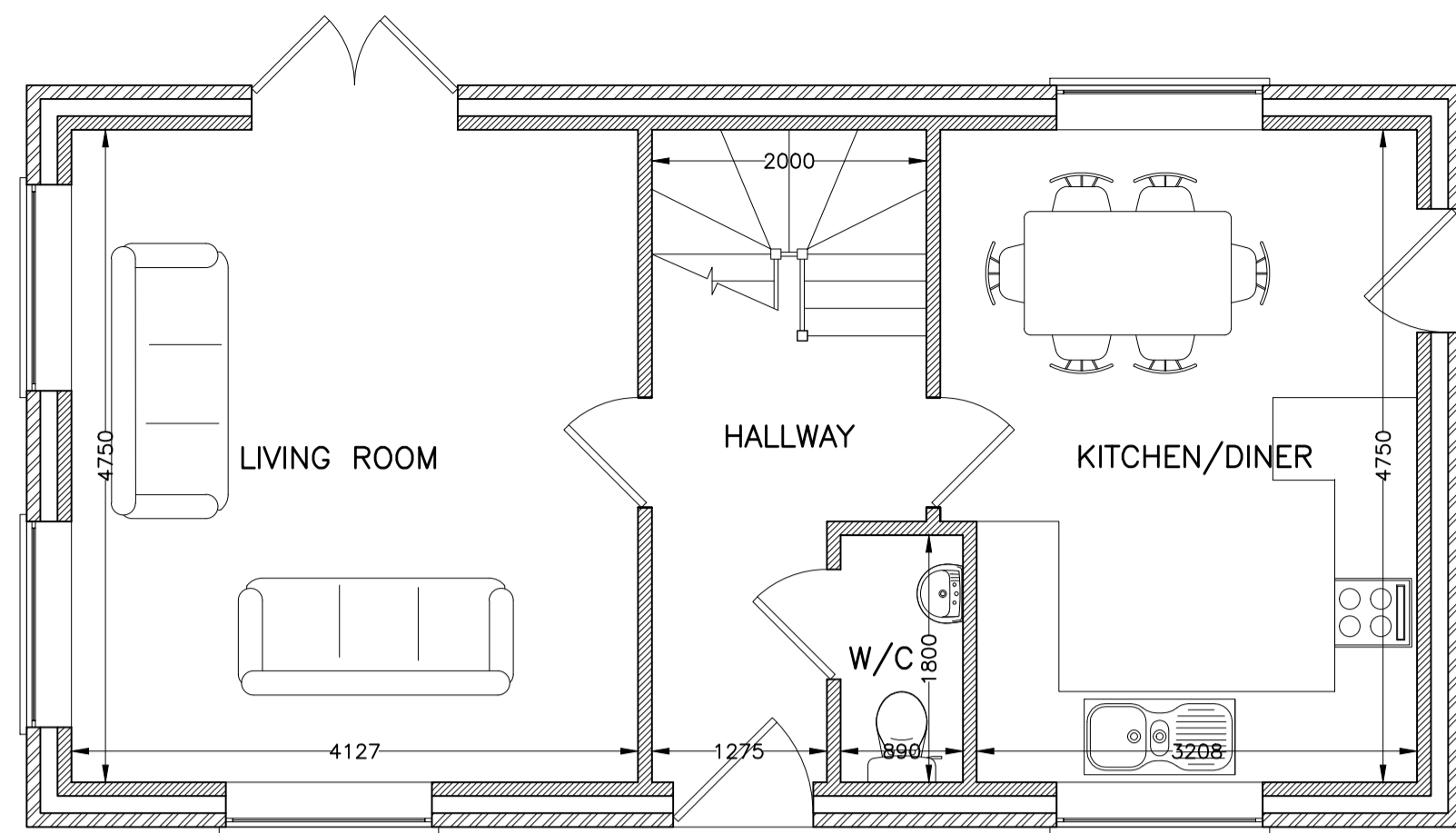
REVISIONS	DATE
G DRAWING UPDATED	AUG 2020
F DRAWING UPDATED	JUN 2020
E PLANNERS COMMENTS	APR 2018
D SCHEME REVISED	APR 2018
C PLANNERS COMMENTS	JAN 2018
B CLIENTS COMMENTS	DEC 2017
A CLIENTS COMMENTS	DEC 2017

**MORTON & HALL CONSULTING LIMITED**  
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, North, Cambridgeshire, PE15 8AJ  
Tel: 01354 655454  
Fax: 01354 660467  
E-mail: info@mortonandhall.co.uk  
Website: www.mortonconsultingengineers.co.uk

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

CLIENT	Mr Henson
PROJECT	44 Robingoodfellows Lane March Cams PE15 8JB
TITLE	Existing and Proposed Site Layouts
DRAWN	M.Halmshaw
CHECKED	
DATE	November 2017
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5550/01c



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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	
H	PLANNERS COMMENTS	JUL 2020
G	CLIENTS COMMENTS	JUN 2020
F	DRAWING UPDATED	JUN 2020
E	PLANNERS COMMENTS	APR 2018
D	SCHEME REVISED	APR 2018
C	PLANNERS COMMENTS	JAN 2018
B	CLIENTS COMMENTS	DEC 2017
A	CLIENTS COMMENTS	DEC 2017

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

CLIENT: Mr Henson

PROJECT: 44 Robingoodfellows Lane March Cambs PE15 8JB

TITLE: Proposed Plans And Elevations

DRAWN: M.Halmshaw	DATE OF ISSUE:
CHECKED:	
DATE: November 2017	DRAWING NUMBER: H5550/02H
SCALE: As Shown	

F/YR20/0635/F

**Applicant: Mr & Mrs King**

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

**Land South West Of, 32 Eastwood End, Wimblington, Cambridgeshire**

**Erect 1 x dwelling (single-storey, 3-bed)**

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission for a detached 2-storey dwelling. The site lies at the south of Eastwood End and comprises a parcel of agricultural land.
- 1.2 This site has a comprehensive planning history with 5 previous applications for a dwelling being refused planning permission, with 3 of these subsequently dismissed at appeal considered under the NPPF. The reasons for refusal on all applications cited by the LPA were on visual harm and countryside intrusion and the unsustainable location of the site relative to services and facilities of the nearest settlement.
- 1.3 The revisions to this latest scheme are not considered to overcome the visual harm previously found albeit that the scale and massing has been substantially reduced – the development would still result in a dwelling in the open countryside which conflicts with the settlement pattern of the area.
- 1.4 The Council's previous decision determined that the site was not sustainably linked to nearby settlements and therefore that the site does not accord with the sustainability aims of the Local Plan or NPPF when weighed against the benefits it would derive.
- 1.5 Furthermore, the latest proposal places a dwelling, including habitable rooms partially in Flood Zone 2 and is single storey in nature - meaning there is limited opportunity to seek safe refuge in the event of flooding which is a worse situation than that previously considered.
- 1.4 It is concluded that the development results in unacceptable visual harm, places people and property at an unwarranted risk from flooding and is located in an unsustainable location having regard to contrary to policies LP3, LP14, LP15 and LP16 of the Local Plan and the sustainability aims of the NPPF.
- 1.5 The recommendation is to refuse the application.

## 2 SITE DESCRIPTION

- 2.1 The site is rectangular in shape and approximately 0.109 ha in size. The site is grassland which lies lower than the adjacent right of way with the remains of a derelict Nissen hut in the centre and a dilapidated outbuilding located in an overgrown section of the site.
- 2.2 To the north of the site is an existing 2-storey dwelling; to the west is a development of 3 houses and to the south and east is the open countryside. There is a public byway which runs immediately to the west of the site.

## 3 PROPOSAL

- 3.1 The dwelling proposed is single storey with an overall ridge height of 4.3m and provides for 3 bedrooms. The dwelling is approximately 2.8m lower than the ridge height of No.32 Eastwood End which lies immediately to the north of the site. The site levels fall away from the site frontage in an eastern direction and the proposal will include the levelling of the site. The plans indicate a finished floor level near the centre of the northernmost gable at 1.11m aOD (approx. 0.4m above existing land levels at that point).
- 3.2 Parking and turning is to be provided at the front of the dwelling.
- 3.3 A Walnut tree is found in the eastern corner of the site which is proposed to be protected during construction.
- 3.4 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/YR20/0188/F	Erect a 2-storey 4-bed dwelling with garage	Refused 19.05.2020
F/YR17/1181/F	Erection of a 3-storey 6-bed dwelling with integral double garage involving demolition of existing outbuildings	Refused 01.03.2018 Appeal dismissed 17.10.2018
F/YR13/0755/F	Erection of a 3-storey 6-bed dwelling with integral double garage involving demolition of existing outbuildings	Refused 27.08.2013 Appeal dismissed 19.08.2014
F/YR13/0422/F	Erection of a 6-bed 3-storey dwelling involving demolition of outbuildings	Refused 27.08.2013 Appeal dismissed 11.03.2014
F/YR01/0140/O	Erection of a house	Refused 04.04.2001 Appeal dismissed 25.01.2002

## 5 CONSULTATIONS

### Wimblington Parish Council

- 5.1 Objects. Considers the site is in open countryside and is not in keeping with the character of the area. Furthermore, the proposed access to the plot is across a much used byway, which is unsuitable for access to a dwelling.

### CCC Highways



- 5.2 Raises no objection subject to a condition regarding on-site parking /turning being provided and retained. Recommends CCC Rights of Way team are consulted in view of the public footpath.

### **CCC Definitive Maps Team (Public Rights of Way)**

- 5.3 Raises no objection to the proposal but wishes to raise the presence of the public Byway to the applicant's attention and in the event permission is granted requests informatives be added regarding the following:
- Public Byway No.10 Wimblington must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it.
  - Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries.
  - The granting of planning permission does not entitle a developer to obstruct a Public Right of Way.

### **Middle Level Commissioners**

- 5.4 No comments received

### **FDC Environmental Protection**

- 5.5 Advises that their comments previously provided under F/YR20/0188/F are still relevant and unchanged with this latest application.

Considers the development is unlikely to have a detrimental effect on local air quality or the noise climate but recommends the imposition of the standard unsuspected contaminated land condition as the proposal involves removal of existing structures.

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

- 5.6 12 letters of support received from 11 local households;
- 6 from Eastwood End;
  - 1 from Miller Close, Doddington;
  - 2 from Norman Way, Wimblington;
  - 1 from Horsemoor, Wimblington;
  - 1 from Meadow Way, Wimblington, and
  - 1 from Manea Road, Wimblington

Raising the following comments;

- In-keeping with the surrounding area
- Would utilise a piece of unused land
- Would improve the visual appearance of the area which is currently untidy
- Would make the land more secure from flytipping
- Would provide a family home
- Is infill development
- Land not suitable for agriculture
- Would have no adverse impact on the countryside

## **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)**

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

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

Context

Identity

Built Form

Nature

Public Spaces

### **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 Areas Development Policy

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

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

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

### **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**
- **Character and Appearance**
- **Flood risk and the sequential test**
- **Highway Safety**
- **Residential amenity**
- **Untidy Land**

## **9 BACKGROUND**

9.1 This site has a comprehensive planning history with 5 previous applications being refused planning permission, 4 of which were also dismissed at appeal; 3 of which were considered in-line with the NPPF. The most recent F/YR20/0188/F was refused at the Council's Planning Committee on [13 May 2020](#) on the following grounds;

1. *The proposal will result in a prominent large and partly elevated dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. The proposal is therefore*

*considered contrary to Policy LP16(d) of the Fenland Local Plan (adopted 2014) and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 in addition to Chapter 12 of the NPPF 2019.*

*2. The proposed development, which is located outside the settlement of Wimblington is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for a dwelling in this location. Furthermore the dwelling is poorly located for pedestrian, cycle or public transport access to services and facilities thereby resulting in likely reliance upon the use of private motor vehicles. The development is therefore contrary to Policy LP3 and LP15 of the Fenland Local Plan, 2014 and the sustainability aims of the NPPF.*

9.2 Officers are unaware of any planning appeal having been lodged against this refusal.

## **10 ASSESSMENT**

### *Principle of Development*

10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point relevant to the consideration of this application is the Fenland Local Plan, 2014. Policy LP3 does not identify Eastwood End within any defined settlement category and consequently development is restricted to that which is essential to the effective operation of the countryside – land based enterprise. The application does not seek to argue that the proposal accords with this requirement. No evidence or justification is given for development in the open countryside. Therefore the proposal is not considered to comply with Policy LP3 or LP12.

10.2 Wimblington is identified by Policy LP3 as a Growth Village. However, Eastwood End and Wimblington are separated by the A141 and the services and facilities in Wimblington are a substantial distance away from Eastwood End and in particular the application site. The following table illustrates the walking distances and times to local facilities notwithstanding the A141 which would have to be crossed.

Primary School	1.4km (17mins walking time)
Doctors	1.2km (15mins)
Post Office	1.3 km (16 mins)
Pub	1.2 Km (15 mins)

10.3 The Planning Inspector on the 2014 decisions considered the application site to be remote from Wimblington and the only opportunity to walk or cycle to Wimblington would be via unlit road with no footpaths in places and across the busy A141.

10.4 Having regard to the latest Inspector's opinion on this point, it is firstly noted that subsequent appeals in different parts of the District have taken a firmer approach to applying the settlement strategy under LP3. An appeal in June 2019 at a site in Kings Delph (ref: F/YR18/0515/F) found that;

*"Policy LP3 is consistent with paragraph 78 of the Framework, as its hierarchy does identify opportunities for growth in smaller rural*

*settlements. It is simply a fact that the appeal site does not lie within such an identified settlement.”*

- 10.5 A subsequent appeal for 4 dwellings at a site just outside Newton (F/YR18/0888/O) and concluded that;

*“...occupiers of the proposed development would be likely to rely on use of the private car for access to almost all of the day-to-day services and facilities they would require. Therefore the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. It consequently conflicts with Policy LP15 of the FLP, which requires development to be located so that it can maximise accessibility, help to increase the use of non-car modes and provide safe access for all, giving priority to the needs of pedestrians. Additional conflict exists with the transport aims of the Framework.”*

- 10.6 Other such appeals in Begdale (F/YR19/0828/F - appeal decided June 2020), Four Gotes (F/YR18/0725/O) and Westry (F/YR17/1114/O) concluded that given the distances and lack of adequate pedestrian/ cycle infrastructure to access services and that given the sites are not identified as a settlement under LP3, the development would be contrary to the development plan. Where single dwellings were proposed as with the latest Begdale decision, the modest benefits derived;

*“would have a negligible effect on the vitality of the rural community of Begdale or the vitality of those nearby such as Elm”*

and did not outweigh this policy conflict, nor did the Westry scheme for 8 dwellings.

- 10.7 Therefore, whilst the latest appeal decision for this application site is a material consideration, there appears to be several other more recent conclusions made by Inspectors which differ significantly on the matter of development within defined settlements identified under LP3 versus rural development in ‘Elsewhere’ locations and the relevant paragraphs of the NPPF. As was concluded previously, it is considered that given the site falls outside of any defined settlement, it is contrary to policy LP3.

- 10.8 NPPF paragraph 77 sets out that;

*“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”*

- 10.9 No specific evidence has been provided as to why there is a need for housing in this particular area. Such evidence may be a functional need e.g. agriculture, or for example a rural exception site to bring forward affordable housing. This application seeks permission for a single, unrestricted market dwelling.

- 10.10 NPPF paragraph 78 sets out that;

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”.*

- 10.11 Given that Eastwood End does not have any services to support, the introduction of a single dwelling would have a negligible impact on any enhancement of the

immediate settlement. Furthermore, given the level of existing services in Wimblington and the growth already experienced which exceeds the ambitions set out under the Local Plan, it is difficult to argue that there is a need for this single dwelling to support the existing services in Wimblington which one could reasonably assume is already well supported from established growth within that settlement. Compounding this is the limited opportunities to sustainably access these services e.g. to access schools, shops, doctors; with pedestrians and cyclists having to cross the busy A141 with no pedestrian/ cycle priority routes. This would undoubtedly place a heavy reliance on the use of private motor car which runs contrary to the aims of the Local Plan and transport aims of the NPPF.

10.12 Paragraph 103 of the NPPF acknowledges that;

*“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

10.13 Officers consider that this means that development in villages may result in less sustainable travel means. However, this is the rationale for policy LP3 which has set out a clear settlement strategy – directing growth to those more sustainable areas in the first place, cascading down to settlements with least opportunity for sustainable travel and limiting their growth accordingly. Eastwood End does not fall within any of these defined settlements and it is reasonable to conclude therefore that Eastwood End was purposely left out due to its limited services and constrained access to nearby services.

10.14 In conclusion, it is clear that this particular matter is a judgement for the decision maker to take having regard to all material considerations and Planning Inspectors’ opinions on this point appear to be somewhat divided – at least with this application site. Whilst the previous appeal Inspector’s findings for this site are noted, Officers consider that more recent appeal decisions (and the previous appeal decisions of the application site) are more consistent with the aims of the Local Plan and the NPPF and conclude that the site is not a suitable place for general market housing growth.

10.15 The Council in consideration of the previous application in May 2020 concluded that the site was in an unsustainable location for housing. No material considerations have been advanced with this latest submission to indicate that a different conclusion should be drawn, only a change to the design of the dwelling. As such, again it is concluded that residential development of the site would be contrary to policies LP3 and LP15 of the Fenland Local Plan, 2014 and the sustainability aims of the NPPF and contrary to the previous the conclusions of the LPA without any material considerations to suggest otherwise.

### **Character and Appearance**

10.16 Policy LP16(d) requires development to make a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. Policy DM3(d) of the ‘Making a Positive Contribution to Local Distinctiveness and Character of the Area’ SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.

- 10.17 The proposal seeks to site a dwelling on what is predominantly an undeveloped and visually prominent space alongside the public right of way with open countryside abutting the site. It is set back notably from the highway, behind No.32 whereas adjacent dwellings and those extending northwards set out a defined pattern of frontage development. Due to the close proximity to No 32 it will result in a developed footprint infilling the area alongside the public right of way, appearing as an awkward block of development when viewed from the open countryside and the streetscene.
- 10.18 Whilst it is acknowledged that the dwelling has been reduced to single storey - a reduction of c.3.7m in height following the previous refusal, its appearance would still be notable on the streetscape, interrupting the current open views across the countryside and vice versa.
- 10.19 Notwithstanding this, the area is characterised by two-storey dwellings fronting this part of Eastwood End and therefore the introduction of the single storey property in this back land location will appear incongruous to the rhythm and form of the area.
- 10.20 It is considered that the scale, layout and appearance of the dwelling is contrary to Policies LP16(d) of the Fenland Local Plan and DM3 of the SPD in that it results in harm to the open countryside, harms the core shape of the settlement and fails to respond positively to local distinctiveness and the character of the area.

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

- 10.21 Policy LP14 considers the issue of Flood Risk. The Flood and Water SPD provides guidance on the implementation of the Sequential Test.
- 10.22 The proposed house is partly within Flood Zone 2. It is important to note that the flood zone lines shown in blue on the applicant's site layout plan do not accord with the Environment Agency's latest flood maps for flooding which places the outline of the existing nissen hut fully in flood zone 2. The applicant has failed to supply evidence to pass the sequential test. However, it is a material consideration that planning permission was not refused on this ground previously.
- 10.23 However, the previous proposals were all 2-storey in scale and therefore provided 1<sup>st</sup> floor accommodation for refuge in the event of flooding. This latest proposal offers no such refuge and places part of the bedrooms and other habitable rooms in Flood Zone 2 without justification.
- 10.24 In this regard, the proposal is contrary to policy LP14 of the FLP and Chapter 14 of the NPPF as it places people and property in an unwarranted risk of flooding which has been significantly worsened by the single storey scale of the development.

#### **Access & Highways**

- 10.25 The Local Highway Authority raised no objection to the previous scheme which was not refused on Highway safety grounds. The proposed parking complies with Appendix 1 Parking Standards and there are no highway safety concerns. The development of the site is considered to accord with Policy LP15.

### **Residential amenity**

- 10.26 Policy LP16(e) considers the impact of development on residential amenity. No concerns are raised in respect of loss of privacy, overshadowing or overbearing impacts on residential amenity due mainly to the adequate separation distance from existing properties and single-storey nature of the development. The application is therefore considered to accord with LP16(e).

### **Untidy Land**

- 10.27 Several residents have commented that development of the site would tidy up the land and improve the visual amenity of the area. Notwithstanding the aforementioned visual harm that the development is considered to cause, the Council has powers under S215 of the Town and Country Planning Act 1990 to tackle untidy land where it is considered prudent to do so - where the appearance of land is concluded to adversely affect the amenity of an area. A review of the Council's database finds no record of any complaints having been made as to the untidy condition of the land to date, but this could be an option for the Council where expedient to pursue.
- 10.28 As such whilst these comments are noted, given the identified harm with this scheme and the Council's ability in any case to tackle untidy land through other means, limited weight is given to this observation. Furthermore, whilst the site may have potential to appear untidy, it nonetheless retains its rural characteristics when compared to the urban grain of the area, which has consistently been a key issue with developing this site with all the previous applications.

## **11 PLANNING BALANCE AND CONCLUSION**

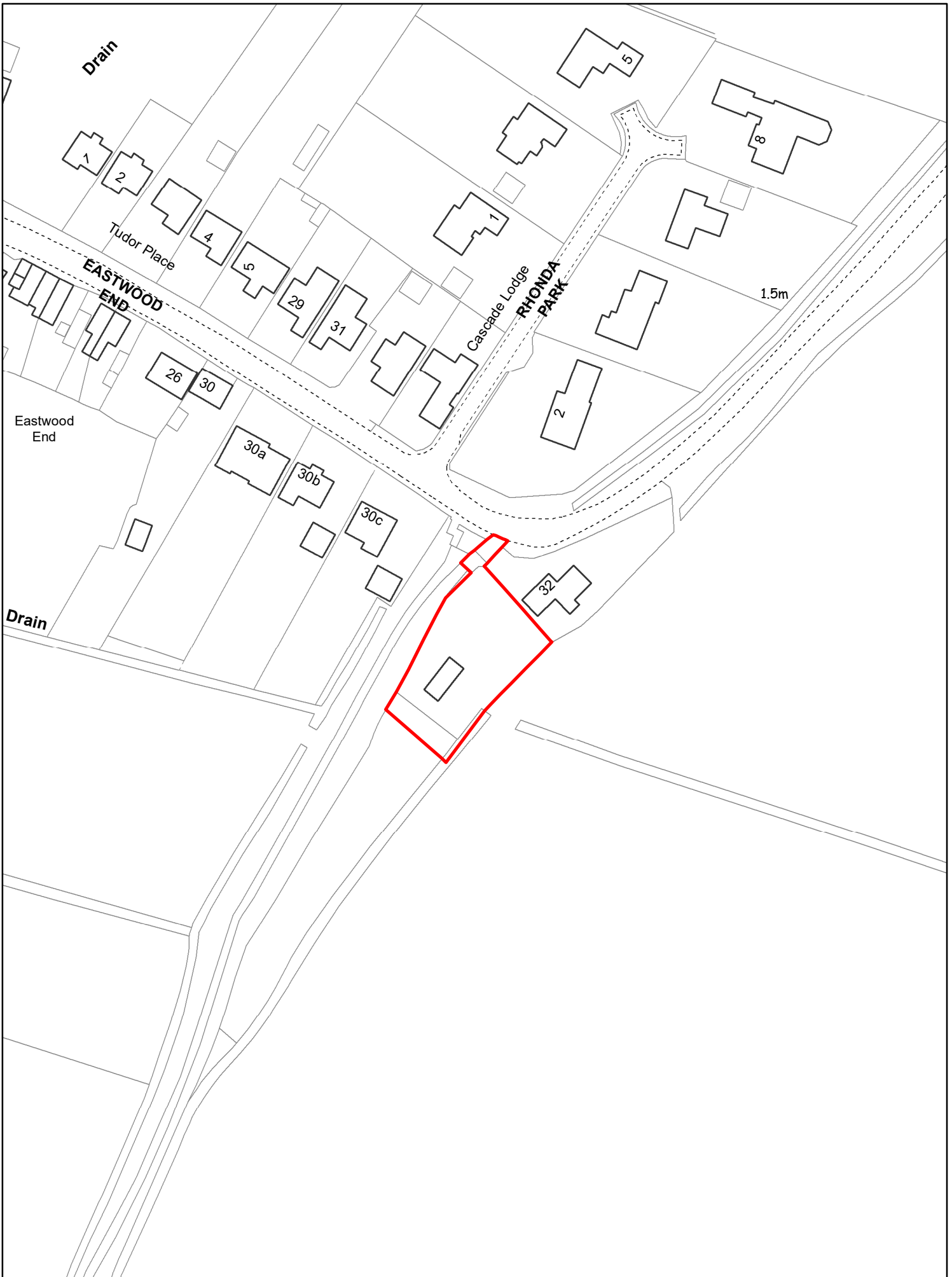
- 11.1 It is considered that despite amendments to the design and scale of the dwelling, the overall design and layout of the proposal results in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of a single dwelling are not considered sufficient enough to outweigh this harm, particularly given the location of the dwelling in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.
- 11.2 The meaningful benefits derived from a single market dwelling to the vitality and viability of the nearest settlements would be very modest. Notwithstanding this, there appears to be no demonstrable need for a dwelling in this location which is located in an area not identified for growth, likely due to its lack of facilities and poor sustainable transport links to nearby services.
- 11.3 As was concluded with the previous proposal considered by the Planning Committee in May 2020, the proposal is considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of a dwelling in an unsustainably linked location having regard to the development plan when taken as a whole. Likewise, the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.
- 11.4 Furthermore, the sustainability aims of local and national policy also seek to steer development away from flood risk impacts where possible to do so. This proposal seeks to place people and property at an unwarranted risk of flooding and is therefore contrary to both local and national planning policy and is therefore deemed to be unsustainable development.

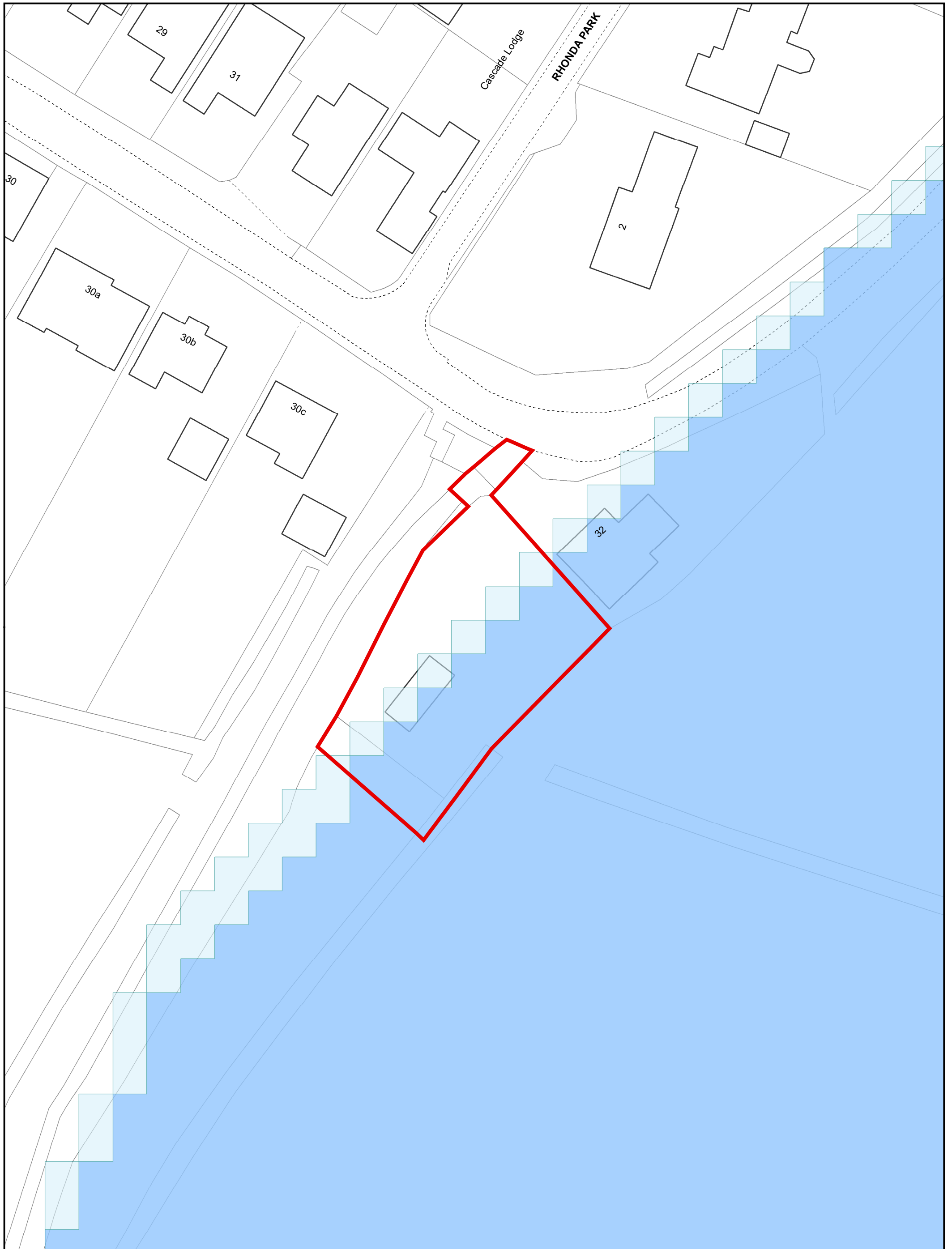
## 12 RECOMMENDATION

### Refuse for the following reasons;

1.	The proposal will result in a single storey dwelling in the open countryside resulting in an urbanising impact detrimental to the character of the area and the open countryside. Notwithstanding this, dwellings in the immediate locality are 2-storey in nature and therefore the introduction of a single storey dwelling in this location would appear incongruous. The proposal is therefore considered contrary to Policy LP16(d) of the Fenland Local Plan (adopted 2014) and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 in addition to Chapter 12 of the NPPF 2019.
2.	The proposed development, which is located outside the settlement of Wimblington is considered to be situated within the open countryside. Therefore under policy LP3 of the Fenland District Local Plan the proposal is considered to be an 'Elsewhere Location'. The application is not supported by sufficient justification for a dwelling in this location. Furthermore the dwelling is poorly located for pedestrian, cycle or public transport access to services and facilities thereby resulting in likely reliance upon the use of private motor vehicles. The development is therefore contrary to Policy LP3 and LP15 of the Fenland Local Plan, 2014 and the sustainability aims of the NPPF.
3.	The dwelling is partly located within Flood Zone 2 which is single-storey and habitable rooms are located within this zone. The Sequential test for flood risk has not been met; consequently the application fails to demonstrate that there are no alternative sites which are reasonably available with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 14 of the NPPF.







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**F/YR20/0635/F - Flood Zones**

Scale = 1:500





Eastwood End Elevation  
Scale: 1:200

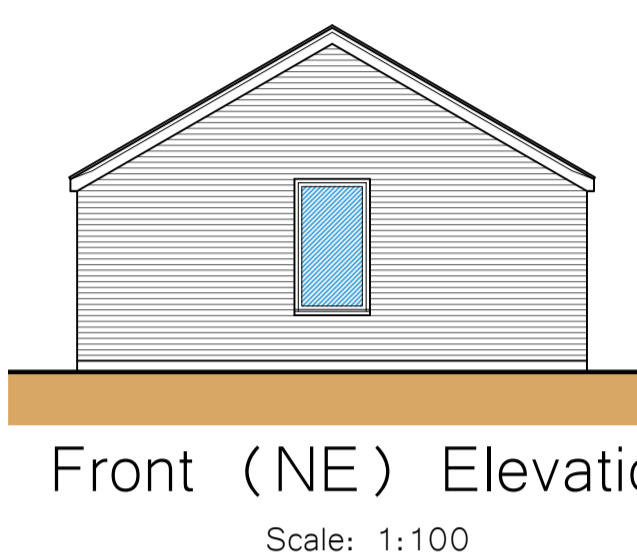
Section A-A  
Scale: 1:200

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

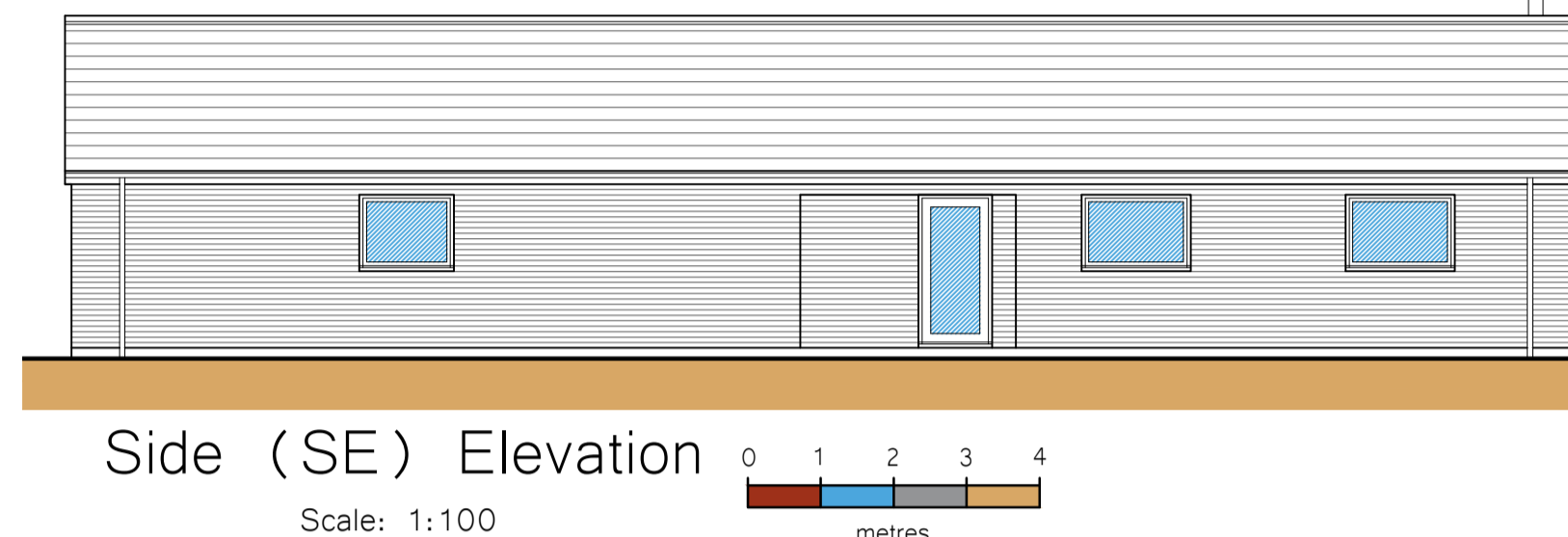
**AREA SCHEDULE**  
Ground Floor = 121m<sup>2</sup>

**KEY**

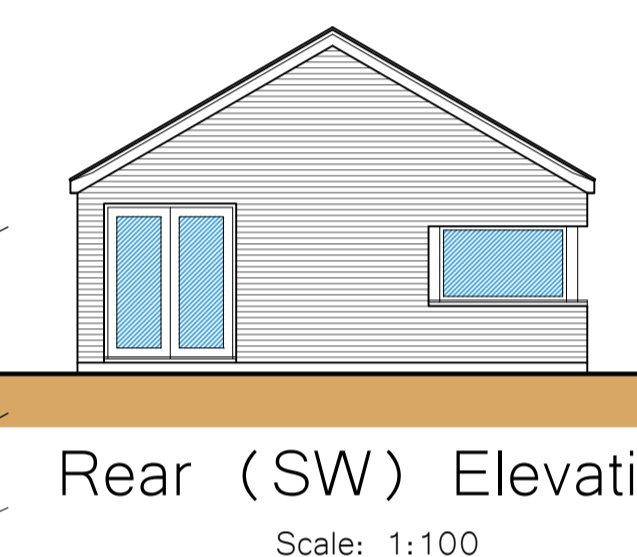
- Indicates surveyed trees and hedges
- Indicates buildings (from ordinance survey location plan)
- Indicates site access point
- Indicates location of proposed building
- Indicates facing brickwork
- Indicates roof tiles
- Indicates fenestration



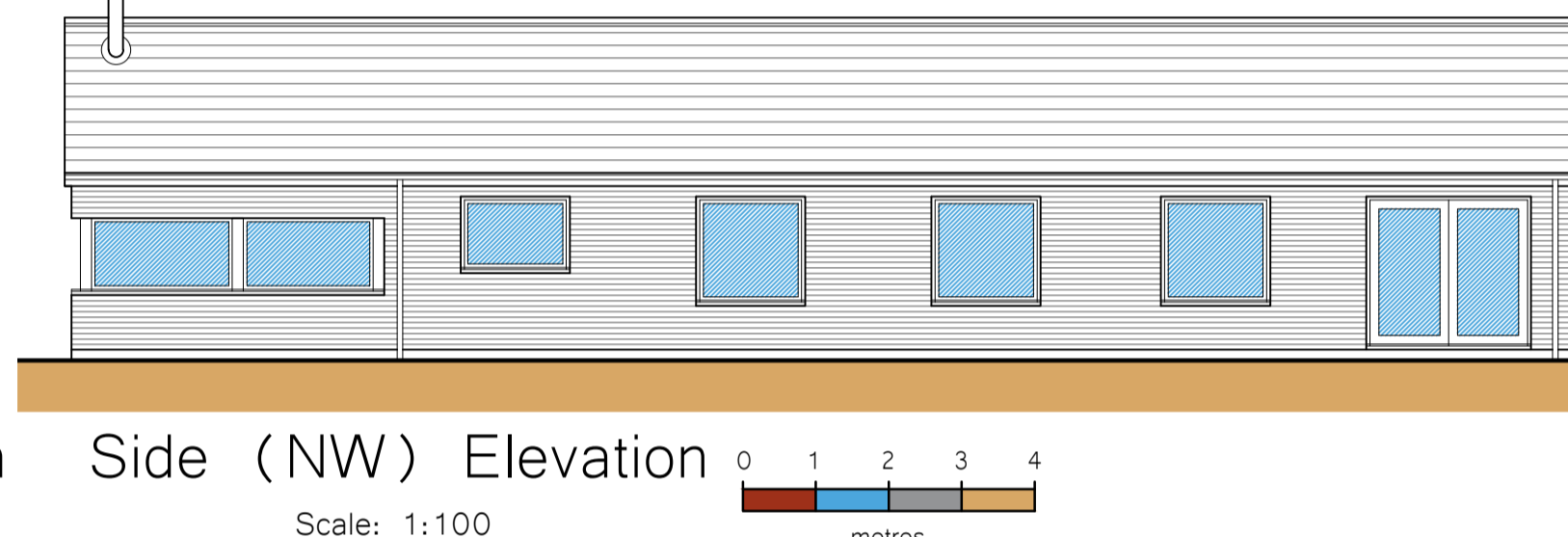
Front (NE) Elevation  
Scale: 1:100



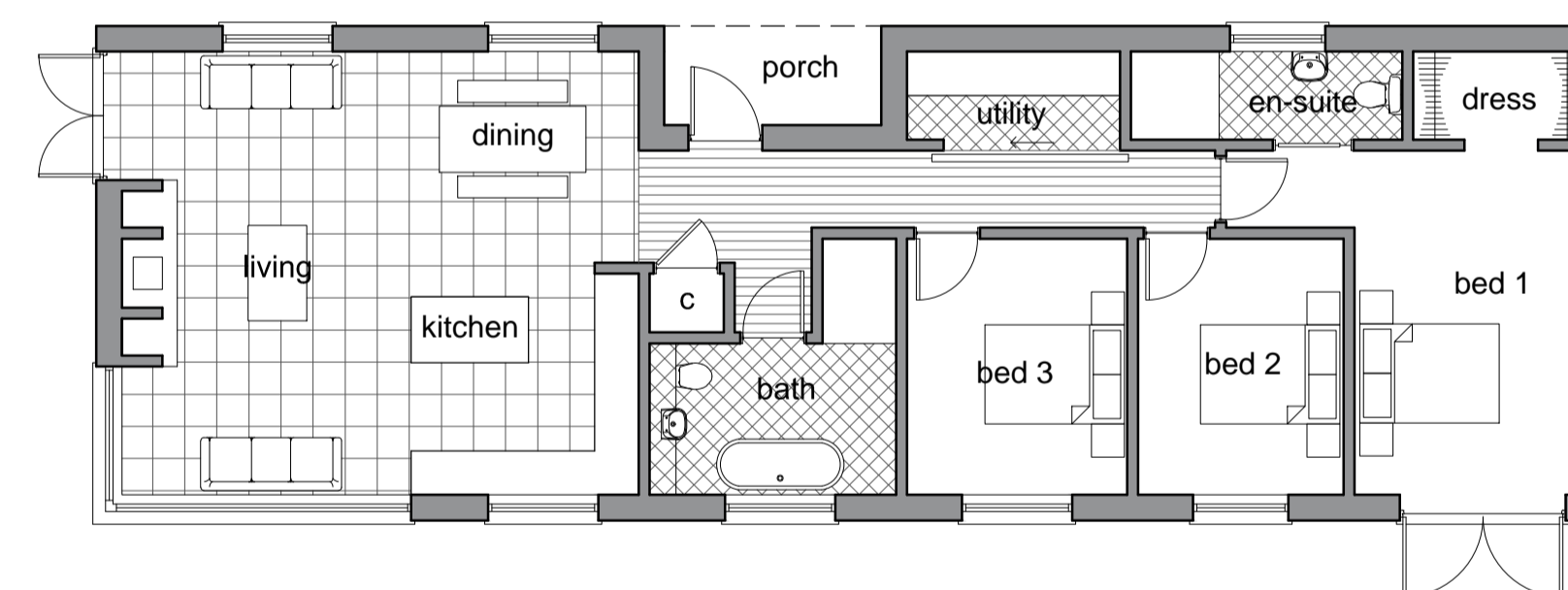
Side (SE) Elevation  
Scale: 1:100



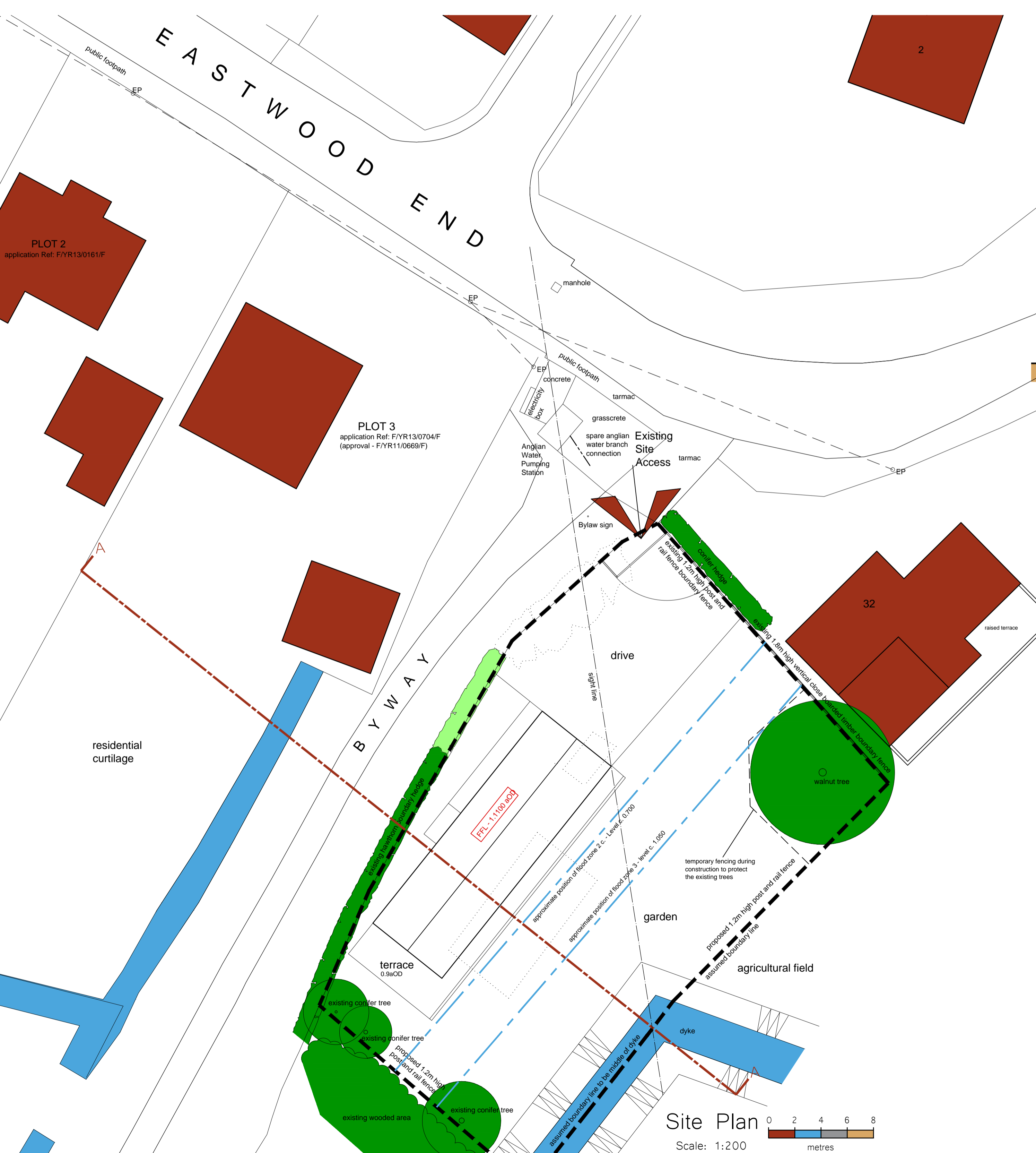
Rear (SW) Elevation  
Scale: 1:100



Side (NW) Elevation  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



Site Plan  
Scale: 1:200



Location Plan  
Scale: 1:2500

Revisions

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Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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

Job Title Proposed Dwelling Adjacent 32 Eastwood End, Wimington, March, Cambs. PE15 0QJ for Mr and Mrs King	Date June 2020	Scale As Shown Sheet Size A1
Drawing Title Planning Drawings Plans, Elevations & Location Plan	Job No. SE-890 Dwg No. PP2000	Drawn by JB Revision

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