

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 7 OCTOBER 2020

1.00 PM

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

Committee Officer: Jo Goodrum
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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:

- 1 To receive apologies for absence.
- 2 Appointment of Vice Chairman of the Planning Committee for the Municipal Year 2020 - 2021
- 3 Previous Minutes (Pages 3 - 12)

To confirm the minutes from the previous meeting of 2 September, 2020
- 4 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 5 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.

- 6 F/YR20/0458/F
Land North West Of Nemphlar, Begdale Road, Elm;Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works (part retrospective) (Pages 13 - 36)
- To determine the application
- 7 F/YR20/0585/F
Former Coach House, London Road, Chatteris, Erect a 2-storey 4-bed dwelling involving demolition of store building:F/YR20<0586/LB
Former Coach House, London Road, Chatteris, Demolition of a curtilage listed store building (Pages 37 - 60)
- To determine the application.
- 8 F/YR20/0740/F
Land to the south of 125 Fridaybridge Road, Elm;Erect a 2-storey 3-bed dwelling (Pages 61 - 72)
- To determine the application.
- 9 F/YR20/0751/F
Land north of 1-5 Brewery Close, Parson Drove;Erect 4no dwellings comprising of 2x3-bed single-storey, 1x2-storey 4-bed and 1x2-storey 4/5 bed with garages including temporary siting of a caravan during construction on Plot 3 only (Pages 73 - 88)
- To determine the application.
- 10 F/YR20/0760/PIP
Land North of The Rectory, Whittlesey Road, Benwick, Residential development of up to 3 dwellings (application for Permission in Principle) (Pages 89 - 106)
- To determine the application.
- 11 Items which the Chairman has under item 4 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, 2 SEPTEMBER 2020 - 1.00 PM

PRESENT: Councillor D Connor (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,

APOLOGIES: Councillor A Hay (Vice-Chairman),

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

P20/20 **PREVIOUS MINUTES**

The minutes of the meeting of 29 July 2020 were confirmed subject to the amendment of adding Councillor Miscandlon to the list of those Members in attendance, who was acting as a substitute member for Councillor Mrs Mayor.

P21/20 **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)**

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 David Broker, the Agent.

Mr Broker explained that the application has been re-submitted in its previous form following a delegated decision to refuse adding that at that time the Town Council supported the scheme and were surprised by the decision. He explained that the application is before the Committee today with support from the Town Council and 9 Letters of support, one letter of objection and no Comments from County Highways or Conservation Officer. He stated that CAMBS Historic Environment have no Objection or modifications..

Mr Broker stated that the applicant has lived at 30 Park Lane for over 40 years and has recently found it necessary through failing health to form an annexe to the house for herself enabling her son and his family to occupy the main house and be on hand for her future care. He added that the applicant's son has young children and has the front garden which is enclosed for their recreation making it visually secure from the very many people who use the road en route to Park Lane School. He stated that the rear garden to the property was the subject of intense scrutiny for bio diversity when the extension was approved and as such is only suitable for the applicant herself who is a keen ecologist; young children playing are not conducive to frogs, newts and other species that exist in the garden.

Mr Broker stated that the fence is on a particularly tight bend in the road and the previous overgrown hedging and dilapidated fencing overhung the road obstructing forward visibility around the bend. He expressed the opinion that the new fence is an overall improvement and is certainly no more prominent than the 1.8m high common brick wall which dominates the back of the footpath to the North East of the application site.

Mr Broker added that it has been suggested that the height of the fence be reduced but this is not an option which can be practically achieved and still retain the visual security required.

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

- Councillor Mrs Mayor stated that she has known the applicant for some considerable years. She added that she disagrees with the statement at 2.2 in the officer's report, which states that the site forms the edge of the Whittlesey Conservation Area, and it is also adjacent to the Grade II Listed Building of 7 Horsegate which is around the double bend from this property and it is only the north east corner of the applicants garden which is actually anywhere near 7 Horsegate. Councillor Mrs Mayor stated that she has noted that only one property in Horsegate has responded as part of the consultation process and number 7 has not raised any objection at all. She added that the property who has objected to this proposal, also objected to the extension which was mentioned, due to ecological reasons.
- Councillor Mrs Mayor explained that 2 of the consultees who have responded are not local residents anymore; however they are the next of kin of a resident who used to live in Church Street and were brought up and raised in the property and locality. She added that she is surprised that this application has been brought back before the committee.
- Councillor Lynn expressed the opinion that the fence improves the visual impact and the street scene.
- Councillor Sutton stated that he agrees with officer's that the fence in its new form is stark and very prominent. He added that in his opinion it is not any worse than the brick wall referred to by Mr Broker, but he added that it could be improved. He referred members back to a previous application at Yarwells Headland which was refused on the same grounds and then consequently approved by the Planning Inspector. He added that if the application was approved, then he would like to see a condition added, which would state that the fence should be painted a different colour to soften the starkness.
- David Rowen stated that the Yarwells Headland comparison that Councillor Sutton had made reference to, is a different to the application before members today, due to this application site being in a Conservation Area and therefore having a deal of greater protection and regard to design appearance whereas the Yarwells Headland application had an area of land in front of it, enabling a small amount of planting to be accommodated. He continued that with regard to the suggestion made by Councillor Sutton concerning the possibility of treating the fence to soften its impact, although this is something that could be conditioned, over time the agreed colour is likely to fade and any subsequent re treatment of the fence, may not be as sympathetic as the colour agreed as part of the condition.
- Councillor Sutton expressed the view that if a condition was added to that effect, it could state that it would need to be kept like that in perpetuity.
- Councillor Mrs Mayor agreed with the point Councillor Sutton made concerning the addition of a condition and stated that with regard to the comment that David Rowen made with regard to the differences between the Yarwells Headland application and today's application that whilst she appreciates that it is in the Conservation Area, it is only the area of 30 Park Lane, where the fence is positioned that falls under it.

- Councillor Mrs Mayor questioned why the Conservation Officer at the Council was not consulted on this application as she had noted that the Historic Environment Team at Cambridgeshire County Council (CCC) was consulted and they came back with no objection. David Rowen clarified that as a general course of action; the Conservation Team are not consulted on smaller scale issues, and normally deal with more complex heritage matters. He added that the Historic Environment Team at CCC deal with archaeological matters and therefore they are commenting generally on whether the proposal will damage what historic remains are in the ground.
- Councillor Mrs Mayor queried that officers are saying that the Conservation Team are not important enough to look at this application, but the Planning Committee are.
- Councillor Sutton responded to Councillor Mrs Mayor by saying it was quite clear why the application was being considered by the committee as the Scheme of Delegation required this, and it was not down to officers. He stated that he had noted that there were existing bird boxes in the trees around the application site which he was pleased to see and he added that he would like to propose that this application be approved against the officer's recommendation with a suitable condition added.
- Gavin Taylor added that although a condition could be added, the difficulty with enforcing it with regard to perpetuity is that over time the colour will change due to natural weathering and then a decision needs to be taken as to whether enforcement action then needs to be considered.
- Councillor Sutton agreed that Gavin Taylor does make a good point and over time the condition of the fence will change and therefore perpetuity maybe too long a period to stipulate. He added that the condition could state 5 years.

Proposed by Councillor Sutton, seconded by Councillor Skoulding and decided that the application be APPROVED against the officer's recommendation It was agreed that the conditions imposed on the permission be delegated to officers, but include a sympathetic treatment of the fence within three months.

Members did not support the officer's recommendation of refusal of planning permission as they feel that as long as the fence receives a sympathetic treatment within three months, it will enhance the street scene.

(Councillor Cornwell declared an interest in this item as the applicant is known to him and he took no part in the discussion on this application and voting thereon).

(Councillor Mrs Mayor declared an interest in this item as the applicant is known to her, she took part in the discussion on this application but took no part in the voting thereon following advice from the Legal Officer)

P22/20

F/YR20/0537/F

16 NORTH STREET, WISBECH, CHANGE OF USE OF GROUND FLOOR FROM OFFICES TO 5 X 1-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

Gavin Taylor presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure from Mr Henry Adams, the Applicant.

Mr Adams explained the background of the development and advised that he purchased the property 18 months ago with the aim of his proposal to improve the look of the building and to enhance and improve the streetscene. He explained that he has worked with the agents to make the building look visually attractive and that there have been security issues to date which have been addressed with new locks and CCTV, however there are still issues with regard to flytipping.

Mr Adams stated that with regard to parking, the double garages which can be seen on the plans, these were already bricked up and out of use prior to his purchase. He added that the two parking spaces are leased out to the dog grooming business.

Mr Adams concluded by stating that there will be an outside functional courtyard space created for the residents, which in a town centre location is an added benefit and it will utilise the area which is currently suffering from issues of fly tipping.

Members asked officers the following questions:

- Councillor Murphy expressed the view that he is pleased to see where the refuse and recycling has been accommodated and asked for clarification with regard to one of the conditions where it states that the boundary treatments and access control measures shown, shall be fully implemented and maintained in perpetuity thereafter and he asked who will be maintaining this and where is this documented?. Gavin Taylor stated that whoever is controlling this building will be responsible for ensuring that they are maintained in perpetuity and if the property is sold then the planning condition will remain with the land

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

- Councillor Meekins stated this property is in his ward and he is well aware of the issue of fly tipping at that location with it being unsightly for many years.
- He stated that he has noted that Wisbech Town Council have objected to the application as they feel it is over development, however in his opinion he does not feel this is the case pointing out in the vicinity of the application site there are other blocks of flats and apartments and he does not think that the proposal for an additional 6 flats should be classed as over development in this case. Councillor Meekins made the point that on the Old Market in Wisbech there are currently 3 empty commercial units which are available to let.
- Councillor Meekins expressed the view that when he had cause to visit this site over the last year, he found it to be quite unnerving. He added he was able to access the entrance without any issue and, therefore, he is pleased to hear that the door is now secured by keyfobs and CCTV.
- Councillor Meekins added that single occupancy properties will be welcomed in Wisbech and if there is the need for parking then Chapel Road car park is only 200 yards away. He added that it will improve this area of Wisbech as currently this site it is a blot on the landscape and he will really welcome this as an enhancement to Peckover Ward.
- Councillor Lynn expressed the view that he would normally be against changing a business into a residential dwelling, however, in this case the site is in desperate need of renovation and change. He added that this area has suffered from anti-social behaviour on a large scale, fly tipping, violence and this part of the town needs to be improved and he will support the application.

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

P23/20

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)

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 David Broker, the Agent.

Mr Broker explained that this scheme came before committee in May this year with support from the Parish Council and 6 letters of support from neighbouring residents with this support being reiterated in the officer's report and update. He added that the Planning Committee had previously voted against the Officer's recommendation and approved 3 houses on the opposite side of the road in the same location.

He made the point that in the in the previous application the committee had determined to go against Officer's recommendation issuing a refusal for reasons only related to details for the access visibility splays with the committee had recognising the merit of the development and did not consider it as an elsewhere location.

Mr Broker stated that immediately after the meeting he contacted the Head of Planning, who agreed in writing that if a new application, including suitable splay details were submitted it ought to be decided under delegated powers, however 6 days ago, including a 3 day Bank Holiday and 3 days of the Fenland web site being off line, he was informed that the application is to be heard by committee today as it had been referred by the Head of Planning. He added that it is because of an appeal decision of refusal for another so called elsewhere site in Fenland.

Mr Broker stated that in this application he has submitted the appropriate information as required for visibility splays which has been approved and identifies that splays in excess of those required by the traffic survey can be achieved and that the access is acceptable all to County Council Highways requirements. He explained that the Parish Council have requested speed reduction features and the applicant is fully prepared to provide these along with the footpath to the bus Shelter and path and crossing improvements in that area. Mr Broker added that a letter of objection highlight traffic concerns but all Highways responses discount those concerns.

Mr Broker asked members to compare the location of the application site with the appeal site in question at Crooked Bank Wisbech which bears no resemblance to the application site other than titled an elsewhere location. He stated that it is accessed off an unmade track barely wide enough for a single vehicle to enter and exiting onto a blind bend in the road. no foot paths, no bus route, no services and this can be seen clearly on Google..

He made the point that through his 45 years of making planning applications officers always insist that each application is considered on its own merit, however, in this case, he does not understand the comparison between the 2 sites.

Mr Broker expressed the opinion that members have recognised the need to support its rural communities in this respect and in strict contradiction to 10 of the 14 points raised in the appeal and taking into account the committee's previous support the application site is not considered to be an elsewhere location, has justification in sustaining rural settlements and is not isolated. He expressed the view the proposal is of benefit to the area and is on a service bus route to Wisbech, March and much further afield and has other transport links, such as school buses and the FACT bus facility.

Mr Broker stated that it was deemed sustainable by the committee in May and is within comfortable reach of the services in Wisbech St Mary being as close to the school, shops and church as other houses in Sand Bank and Station Road and it is served by a trunk road.

He added that the committee report all lead to the conclusion that all matters have been satisfactorily addressed either by Officer acceptance or Planning Committee ruling. He stated that there is now with this application, one reason for refusal, which is on the same policy terms that applied in May as well as now.

Mr Broker asked members of the committee to consider those policies and make balanced decisions in support of the needs of the district, not necessarily national policy.

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

- Councillor Lynn stated that he recalls this application when it came before the committee previously and added that at that time, he had no issue with the proposal apart from the visibility splay, however now the developer has addressed the issues raised at that time to appease the committee and has carried out in his view an excellent job. He added that he can understand why officers are identifying this as an elsewhere location, however in his opinion this is an excellent use of the land and this should be welcomed. The Council are keen to find parcels land for development and in this case the proposal should be welcomed making the point that the local community appear to be in support with the proposal.
- Councillor Lynn expressed the view that local developers should feel that they can trust the Council and he thanked Mr Broker for taking into consideration the previous views of the Planning Committee and addressing the aspects highlighted and stating that he would like to propose to go against the officers recommendation and approve the application
- Councillor Benney stated that when this application was presented to the committee before, the only reason it was refused was due to the highways concerns and at that time the committee gave an indication that should those issues be addressed then the application would be looked at favourably. He added that the developer has worked to find a solution to overcome the highways concerns and has also committed to helping to address the issues of speeding which appear to be the main concern in the letters of objection and the developer should be commended for this
- Councillor Benney stated that letters of support have been received from residents in Bunkers Hill and those residents should be appeased that the developer has taken steps to deal with concerns. He added that in LP3 it states that we do not want ribbon development; however there are houses opposite the proposed site and the proposal is balancing the hamlet. He stated that as an authority we have to deliver 850 houses per year going forward and the villages and hamlets need to play their part as that amount of development cannot be accommodated in the towns. He added that the targets have been set by Central Government and he stated that when small developments come forward they are built, unlike the larger developments which are often delayed due to Broad Concept Plans and finding developers to build the sites out. There is the need for housing for future generations and he added that it is a good use of land.
- Councillor Benney added that there are concerns about farmland being taken out of production by set aside country stewardship schemes. He stated that maize is being grown for the anaerobic digestion plants in the area and land is being taken out of food

production. He stated that there is other development in Bunkers Hill that has been approved and he would like to support Councillor Lynns proposal.

- David Rowen stated that with regard to the 850 dwellings that Councillor Benney has referred to, the figures have not been established as yet as being the set number of houses required. The Government are keen for new housing but there is also the need for it to be in sustainable locations with services and facilities, as has been seen with the appeal decision in Begdale, where the Inspector concluded that to have housing located in such a settlement would not be sustainable and would not meet the local policies of the Local Plan or the policies set out in the National Planning Policy Framework.
- Councillor Sutton stated that this proposal is certainly in an elsewhere location and is not named in the Local Plan. He expressed the opinion that to compare that elsewhere location with the Begdale site is not a direct comparison, as there are more dwellings in Bunkers Hill, than in Begdale. He added that he does not feel it is the correct place to be building, although the transport links in Bunkers Hill are far better than in Begdale. He added that the Inspectors report at Begdale, needs to be taken into consideration when determining this application.
- Councillor Benney expressed the view that the Inspector's report does not seem to be consistent in what they state.

Proposed by Councillor Lynn, seconded by Councillor Benney and agreed that the application be APPROVED, against the officer's recommendation. It was agreed that the conditions imposed on the permission be delegated to officers.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the developer has addressed the highway concerns reason for refusal on the previous application and the proposal would be of benefit to the local area and consistent with the previous decision of the Committee.

**P24/20 F/YR20/0603/F
LAND WEST OF 44 ROBINGOODFELLOWS LANE FRONTING, NORWALDE
STREET, MARCH, ERECT 1 DWELLING (2 STOREY 3-BED)**

Gavin Taylor presented the report to members.

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 consultees including March Town Council and Cambridgeshire County Council Highways team support the application. He added that the proposal is for a modest three bedroomed dwelling to match other dwellings in Norwalde Street and Robingoodfellows Lane with the site area being 180 square metres and the dwelling 57 square metres in size which takes up a third of the site with the remainder for a garden and parking.

Mr Hall added that within the officer's report between 10.6 and 10.10, there are no concerns raised with regard to overlooking or over shadowing and there are no concerns with regard to any of the adjacent properties. He added that there are numerous types of this proposal in March which have been built out and these include properties in Ash Grove, Hawthorne Grove, Orchard Road, Henson Road and St Marys Drive.

Mr Hall referred members to the photographs being displayed as part of his presentation and identified the properties in Russell Avenue and West Close which he feels are similar to the

proposal before members today. He highlighted to members that the properties previously approved do not fall in line with each other and are stepped back, very similar to the proposal before the members today.

Mr Hall concluded by stating that there are no objections, from the Highways Authority or the statutory consultees. The proposal falls within flood zone 1 and matches in with adjacent properties and the applicant is happy to agree materials with officers.

Members asked officers the following questions:

- Councillor Cornwell stated that the agent has shown photographs of properties in West Close and added that if you transpose that onto the map of Norwalde Street on page 76 of the officer's report, the new build properties are almost in line with what would be the equivalent of number 44. He expressed the view that the comparison cannot be taken as like for like and asked officers to clarify.
- Gavin Taylor stated that essentially the properties in West Close show a step effect arrangement between the existing buildings fronting Russell Avenue, leading back into West Close and the infill actually steps whereas the proposal before members today protrudes beyond the build line, so he does not consider the two are comparable in his opinion.
- Councillor Murphy made comments regarding the impact on the street scene.

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

- Councillor Cornwell stated that proposal falls within his ward and added that on page 76 of the officers report, it shows that every property has a frontage and added that if you draw a line from 28 to number 44 Robingoodfellows Lane, the proposal sits way ahead of the building line and is out of keeping with the rest of properties in the area. He added that he has no issue with the design of the building, only the positioning of it and he will be strongly supporting the officer's recommendation.

Proposed by Councillor Cornwell, seconded by Councillor Mrs Mayor that the application be refused as per the officer's recommendation which was not supported at the vote by the majority of members.

Councillor Benney stated that in his view the dwelling would not appear out of character as it is similar to the one in his back garden and would have no different an impact to the fence along the boundary. He added that there is no consistent theme to the street as the houses are painted differently and do not look the same and there is the need for houses and to get people out of hostels and this would be an acceptable development in the town

David Rowen referred members to the earlier comments made by Councillor Cornwell and Gavin Taylor and added that just because the application site is in the built form of the town, it does not automatically mean it should be built on. He stated that members do need to look carefully at the character and appearance of what is proposed and how it would fit in the street scene and to draw comparison between fences that exist at the moment and the introduction of a new dwelling into the street scene are not comparable. He stated that in terms of the example that Mr Hall gave in his presentation, the street pattern on West Close is different to that of Norwalde Street and members need to be confident that the development will not have an adverse impact on the character and appearance of the area and also have no impact on the neighbouring property, who have objected to the proposal, on the basis of the impact on that property.

Proposed by Councillor Benney, seconded by Councillor Skoulding that the application be APPROVED against the officer's recommendation. It was agreed that the conditions imposed on the permission be delegated to officers.

Members approved the application against officer's recommendation for the following reasons; the development makes a positive contribution to the area and brings much

needed homes. It is a sustainable development and has no adverse impact on other houses in the area.

P25/20

F/YR20/0635/F

LAND SOUTH WEST OF, 32 EASTWOOD END, WIMBLINGTON, ERECT 1 X DWELLING (SINGLE-STOREY, 3-BED)

Gavin Taylor presented the report to members.

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

Mr Edwards stated that the application before members is for a bungalow, and there has been a number of new dwellings developed in the area. He added that the proposal has been revised since it was before committee the last time to address the various points that were raised with the main revision being to address the points raised by Councillor Lynn of a 2 storey dwelling being imposing on neighbouring properties and the proposal is now for a single storey dwelling.

Mr Edwards added that the proposed dwelling is in line with the existing nissen hut, which proves a built form is in existence and removes the open nature and it is not open countryside. He stated that the proposed dwelling is level with the rear of the nissen hut and does not increase built form from what already exists. Mr Edwards explained that the proposal has a public footpath following a previous approval, which will link the dwelling to the settlement of Wimblington, so therefore, it is now a sustainable location. He added that this area of Wimblington has a mixture of 2 storey developments and also a mixture of styles and types of accommodation and the proposal mirrors this and will utilise an area neglected, which already has a built form on it.

Mr Edwards stated that the proposal comes with letters of support from villagers both within the village as a whole and from Eastwood End and the points they raise are all relevant to this application. He stated that there have been no letters of objection received. Mr Edwards added that Wimblington is a growth village under LP3, and is therefore, capable of developments of this nature. He added that additional reports and information have been provided to address the issues surrounding flood risk and the sight line is through to the open countryside which has been maintained, and there will be minimal to no impact to neighbouring properties and the area in general.

Mr Edwards added that on the previous appeal on the site, the Inspector's key finding was that the principle of the dwelling was acceptable, given that the site was not remote from the services or facilities of Wimblington and future residents would support those services. He added that with the footpath link previously mentioned it will provide access to the village. Mr Edwards concluded that this will provide an additional much needed home, which is far better than a person living in temporary accommodation.

Members asked Mr Edwards the following questions:

- Councillor Meekins asked Mr Edwards to confirm why he had failed to mention the objection from the Parish Council? Mr Edwards stated that the Parish Council has been consistent in their view throughout the application process as they deem it to be in open countryside, which is contrary to his view.
- Councillor Meekins asked for clarification with regard to the access which is over a byway?. Mr Edwards stated that Cambridgeshire County Council have stated that this would be conditioned and he is agreeable with this.

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

- Councillor Murphy expressed the view that the land falls away and is over a byway. He stated that it has already been refused 5 times, been sent to appeal and has been

dismissed 4 times and he cannot understand why it keeps coming back to committee. He agrees with the officer's recommendation.

- Councillor Benney stated that he agrees with Councillor Murphy and the comments he has made. He added that it is not a suitable location for a dwelling.
- Councillor Connor stated that this application continues to come back to committee and he agrees with Councillors Benney and Murphy.
- Councillor Lynn stated that he appreciates the efforts the agent has made with regard to his proposal, however he will be refusing this application.
- Councillor Sutton expressed the view, that the last submission of this application was better than the one before members today. He expressed the opinion that this cannot be deemed as open countryside and compared it to the application that members had approved in Bunkers Hill. He stated that he will support it again. He also expressed concerns regarding the consistency of the Committee's decision making.
- Councillor Cornwell stated that he agrees with Councillor Sutton. He added that members had expressed the view earlier in the meeting that more accommodation is needed and there is a single dwelling proposal before the committee, where the agent has tried to find a suitable application. He stated that this is part of the Eastwood End street scene and in his view it is deliverable and he will go against the officer's recommendation.

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

3.27 pm

Chairman

F/YR20/0458/F

Applicant: Mr M Codona

Agent :

Land North West Of Nemphlar, Begdale Road, Elm, Cambridgeshire

Change of use of land to a 6no pitched travellers site involving the siting of 6 x mobile homes and 8 x touring caravans and 6 x utility buildings with associated works (part retrospective)

Officer recommendation: Grant subject to conditions

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application seeks planning permission for the change of use of land to deliver 6 no.pitches for occupation by those who meet the definition of gypsy and travellers' as specified within the Planning Policy for Traveller Sites (August 2015).
- 1.2 The site is located outside of the main settlement of Elm and as such the location is considered to be open countryside.
- 1.3 Recent appeal decisions have indicated that flood risk modelling data would be sufficient to allow highly vulnerable development to proceed despite the high flood risk category of the site, given that the residual risks of flooding are very low. It is apparent in this case that such a stance is also appropriate in this instance having given due regard to the site specific situation. Furthermore the applicant has submitted a sequential test document which demonstrates that there is no land available which could accommodate their proposals having due regard to their specific health needs, local connections and settled existence.
- 1.4 Similarly earlier appeal decisions have highlighted that there is nothing within either the National Planning Policy Framework (NPPF) or PPTS to suggest that traveller sites have to be accessible by means other than by private car. In fact both recognise that the lifestyle of travellers must be factored into the planning balance as such the more general sustainability issues would not be rigidly defended in this instance having due regard to the form of development proposed.
- 1.5 Having regard to the inability of the Council to demonstrate a sufficient supply of gypsy traveller pitches, and the limited harm the development would result in, on balance the development is considered to be acceptable subject to conditions controlling access and highway impacts, landscaping and future use of the site.
- 1.6 The ultimate delivery of the scheme is however dependant on the applicant ensuring that matters arising with regard to legal access to the site being

resolved within the timeframes indicated. It should be noted that safeguarding conditions form part of the recommendation to ensure that no further works are undertaken in advance of this being achieved; thereby protecting the LPA position regarding the ability to take enforcement action should this be deemed necessary.

2 SITE DESCRIPTION

- 2.1 The site is an area of land of circa 8000 square metres situated to the west of Newbridge Lane, formerly open agricultural land with intermittent landscaping to the frontage. The site now features a 2 metre high close boarded fence situated behind the existing grass verge which runs along the frontage of the site alongside Newbridge Lane. There is further fencing along the south-eastern and north-western boundaries and evidence of a further intention to reinforce the north-western boundary with fencing, with posts evident, which also comprises an established hedgerow.
- 2.2 Elsewhere within the site is low-level paddock fencing and access is derived from the track that is situated to the south-east of the site which runs along the side boundary. There is a further gap in the fencing along the Newbridge Lane frontage which corresponds with a further access point shown on the submitted drawings. Individual plots are demarcated with fencing although the development is at its initial stages and the layout is in no way finalised in terms of the ultimate intended layout. At the time of site inspection there were a number of caravans and vehicles on the site.
- 2.3 To the south and south-west of the site is an approved solar farm and the Fenland Livery and Equestrian Centre is situated to the south-west, this facility which is accessed from Redmoor Lane is circa 450 metres distant.
- 2.4 To the north of the site on the opposite side of the road adjacent to the A47 is an established caravan site, 360 metres distant as the crow flies, and immediately to the south is a recently approved site for 'change of use of land to a traveller's site including the formation of 7 x static caravan pitches for the siting of 7 x mobile homes, 7 x touring caravans involving the formation of a bridge for a new vehicular access.
- 2.5 The site is within a location which encompasses Flood zones 1, 2 and 3.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the laying out of the site as a 6 no. pitch traveller site which will involve the siting of 6 mobile homes and 8 touring caravans and 6 utility buildings with associated works which will include
 - 6 No. mobile homes; it is noted that the details of these units have not been specified however it is confirmed within the submission that these units will meet the definition of a caravan as prescribed by the Caravan Sites Act 1968.
 - 6 No. Utility/day buildings - these will comprise 2 buildings compatible for use by the disabled with overall dimensions of 13 metres long x 6 metres deep, with an eaves height of 2.2 metres and a ridge height of 3.4 metres. the remaining 4 utility/ day buildings will have overall dimensions of 10 metres long x 6 metres

deep again with an eaves height of 2.2 metres and a ridge height of 3.4 metres. Each of these units will comprise a kitchen/utility room, family sitting room and bathroom. These buildings will be constructed from brick and tile to match the local area, however precise details have not been specified.

- Each pitch will also make provision for the stationing of a touring caravan with two of the intended pitches making provision for a further touring caravan, making a total of 8 touring caravan pitches.
- There will be an access road formed just off centre of the site which will run at a slight diagonal to the rear boundary of the application site, along with access being derived from the existing access track which runs along the southern boundary of the site.
- An area of land is detailed within each plot for parking and turning, these are specified within the application to be formed from gravel. A grassed area and block paved patio is also proposed to feature on each pitch.
- Drainage will be derived from two existing septic tanks on the site which are indicated on the submitted site layout drawing.

3.2 It is further proposed to reinforce the existing boundary hedges and to create a landscape screen to the site alongside Newbridge Lane.

3.3 Whilst it is noted that a change of use has occurred, the site layout does not correspond with the layout shown on the submitted drawings except with regard to the fencing to the site frontage and alongside the southern boundary. A large static caravan has been stationed within the area shown as Plot 2 along with a touring caravan, two temporary utility buildings and two garden sheds; these are at variance to the positions shown on the layout drawing. The boundaries of this pitch have close boarded fencing to the north and east boundaries and post and rail fencing to the west and south. Hardstanding covers circa 60% of the pitch to the north and the rest of the pitch is laid to grass.

3.4 Similarly at plot 1 there is one static caravan, two touring caravans evident along with two temporary buildings, and has close boarded fencing to all boundaries (excepting at the access point which is gated. In addition the site is mainly laid to hardstanding with an area of grass in the north west-corner. Again this does not reflect the layout drawing.

3.5 There is hardstanding to the road leading from Newbridge Lane to the end of pitch 2 and the central access road shown on the layout has not been formed, nor has any hardstanding been formed on pitches 3 - 6, although there are motorised caravans at pitch 3 and 5. Close boarded fencing has been installed along the northern boundaries of pitches 3 & 4. There is an area of grass between pitch 1 & 2 which is part of pitch 1, this has two temporary storage containers stationed on it.

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

4 SITE PLANNING HISTORY

4.1 No planning history relating to the site

5 CONSULTATIONS

5.1 Parish Council

'The Parish Council considered this application at their June meeting and resolved not to support it. The proposed development extends the proliferation of traveller sites in an unsustainable location. Begdale Road is a rat-run used by inconsiderate drivers at excessive speed and the junction with New Bridge Lane is on a blind bend. New Bridge Lane is a narrow and poorly maintained highway not suitable for any additional traffic. The remote location offers no access to local facilities or amenities and this application appears to be the first stage of a much larger proposal using the remainder of the site to the west. Much of the site lies within flood zone 3, making it unsuitable for this type of development'.

5.2 Cambridgeshire County Council Highways Authority

Originally commented that *'Incremental traveller site development along this road will result in more traffic using the A47 junction'* and queried the views of Highway England in this regard. It was noted that *'this application will result in a significant length of New Bridge Lane being opened up to traffic again. Vehicles will need to be able to turn around in the laneway at the application site, so a suitable turning head will need to be provided that allows all vehicle types to turn around.*

The no entry traffic order is likely to require amendment. This will need to be done in consultation with CCC Policy and Regulation team. Successful amendment of this order is likely to be dependent upon the feedback from Highways England/affected land owners.'

Further queried how the site will be accessed and identified that *'if access is allowed from either the north or south only, then some form of Highway adopted turning head will be required so traffic can turn around without being reliant upon third party land. The no entry signage will then need to be relocated accordingly'*, subject to the TRO process. A site meeting attended by the Highways Officer and Development Officer was held with the applicant where these issues were discussed.

Following this up Officers sought a formal recommendation from CCC Highways with regard to the proposal, who subsequently agreed that subject to matters relating to the TRO being satisfactorily addressed, which would include an independent turning area suitable for a large scale vehicle being provided as an integral part of such a proposal there would be no objections from a highways perspective.

It was further accepted that should any permission be granted it would be on the proviso that the TRO amendment would be secured within 6-months of any decision being issued and that no additional development, as allowed for under any permission (if granted) would not take place until the physical works to effect the revised TRO (again if permitted) had been agreed and delivered. In this regard the Highways Officer highlights that *'the trouble with the TRO is this is a retrospective application with the applicant already accessing the site and in breach of the current TRO. Strictly speaking they should regularise the TRO before the planning application is determined or we need to advise them that the site*

cannot be accessed by motor vehicle until the no entry TRO is amended along New Bridge Lane.

Suggested condition wording

Within 6 months of the date of this permission the No Entry Traffic Regulation Order along New Bridge Lane is amended/relocated in accordance with a scheme to have previously been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to ensure compliance with Policies LP2, LP15 and LP16 of the Fenland Local Plan 2014.

IN ORDER TO DISCHARGE THIS CONDITION REFER TO ADVISORY NOTE 1

Advisory

You are advised that the site cannot be accessed by motor vehicle until such time the no entry TRO is relocated to a position north of the development access on New Bridge Lane.

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Cambridgeshire County Council Transport Development Management Team.

N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

5.3 CCC (Lead Local Flood Authority)

'Whilst the development does not appear to constitute major development we have reviewed the drainage statement. The statement advises that the site is located within an IDB area and drainage charges are already paid to the IDB to drain the site. Based on this we don't have an objection to the proposed development'.

5.4 Traveller And Diversity Manager (Mr David Bailey FDC)

'The proposal is for a family site to accommodate the extended Codona family. I have asked for a family tree to be put together and submitted as a supplementary document to the planning service to clarify everyone's relationship. I understand that this is being produced and will be with you shortly.

Personal Circumstances: Due to the complexity of the personal health & welfare circumstances of the applicant I had to refer this matter to [...] the Gypsy Traveller Lead Health Nurse for Cambridgeshire. I understand that this assessment has

been completed for each of the intended occupants and that this has been sent in a confidential letter to the planning service.

This should cover all but if you require any further information then let me know and I'll obtain this on behalf of the Council.

Gypsy Status: All those living on the proposed site are recognised as ethnic Gypsy Travellers. Some continue the traditional lifestyle and are therefore recognised under the PPTS Traveller definition and those that have stopped traveling for either health reasons or to be educated would also be recognised as such if they resumed a nomadic lifestyle in the future. From my conversations with the Codona's this seems to confirm what has previously been stated to me.

I, therefore, believe that the proposal is for a site that will be occupied by Gypsy Travellers.'

5.5 Private Sector Housing Team (FDC)

'The Private Sector Housing team have no objections to this application'.

5.6 Cambridgeshire Fire & Rescue Service

'With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.'

5.7 Environment Agency

'We have no objection to the proposed development but wish to make the following comments.

[...] In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) by Geoff Beel Consultancy ref: GCB/Codona dated February 2020 are adhered to.

The FRA states:

□ Finished floor levels shall be set a minimum of 400mm above existing ground level at 3.1mAOD.

Advice to the Applicant Flood Warning

We support the recommendation in the FRA that the occupiers of the site sign up to Floodline Warnings Direct to receive advance warning of flooding.

Flood Resilient Measures

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

Foul Drainage

The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.'

5.8 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 The Council has a duty under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 91 – Promoting health and safe communities

Para 102 – Promoting sustainable transport

Para 127 – Good design

Para 170 – Conserving and enhancing the natural environment

7.2 National Design Guide

Context: C1 - Relationship with local and wider context

Identity: I1 - Respond to existing local character and identity

Built Form B1- Compact form of development

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

Uses: U1 - A mix of uses, U2 - A mix of home tenures, types and sizes, U3 - Socially Inclusive

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

7.3 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

LP14 – Flood Risk

LP15 – Sustainable Transport

LP16 – Delivering and Protecting High Quality Environments

LP19 – The Natural Environment

7.4 Planning Policy for Traveller Sites 2015 (PPTS)

Policy B - Planning for traveller sites

Policy C - Sites in rural areas and the countryside

Policy H – Determine planning application for traveller sites

Policy I – Implementation

8 KEY ISSUES

- Principle of Development
- Gypsy & Traveller Status
- Need for Pitches
- Availability (or lack) of alternative accommodation for the applicants

- Personal Circumstances of the applicant
- Character and Appearance
- Impact on the amenity of neighbours and dominance of the nearest settled community
- Access, sustainability and highway considerations
- Flood risk and drainage
- Human Rights considerations

9 BACKGROUND

- 9.1 It is noted that the Codona family took up residence on the site during September 2019; the submitted planning statement summarises that there is one large static caravan, two motorised caravans, seven touring caravans and two temporary utility buildings on the site. It is noted from the submitted documents that there are two existing sealed septic tanks on the site the installation of which is attributed to a previous occupant of the land. As indicated under Paras. 3.3 and 3.4 above the site is not laid out as per the submitted drawings.

10 ASSESSMENT

Principle of Development

- 10.1 The site is deemed to be in the countryside being as it is on the periphery of Elm. The principle of gypsy and traveller sites within the open countryside is supported by Part D of Policy LP5 subject to the following criteria being met:
- a) The site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
 - b) The site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
 - c) The location, size, extent, access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
 - d) The site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
 - e) The site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health and well-being of any occupiers on site, or the appearance or character of the area in which it would be situated; and
 - f) The site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services.

Consideration of these issues will form part of the evaluation of the scheme below.

- 10.2 Policy LP5 further states that the Council will be prepared to grant permission for sites in the countryside provided that there is evidence of a need (identified in the local assessment), that the intended occupants meet the definition of Gypsy and Traveller and provided that listed criteria outlined above are met.
- 10.3 The Planning Policy for Traveller Sites 2015 (PPTS) also offers a policy framework specifically with regard to the consideration of applications of this nature and relevant policies are also considered in the evaluation below.
- 10.4 In this event, any permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch, and the Council will ensure, by means of a condition or planning obligation, that the site shall be retained for use as a Traveller site in perpetuity. Therefore, the principle of development is considered to be acceptable subject to compliance with the policy considerations below.

Gypsy & Traveller Status

- 10.5 The planning definition of 'gypsy and travellers' is specified within the PPTS, as follows:

'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or family's or dependants' educational and health needs of old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'

- 10.6 The PPTS states in determining whether persons are gypsy and travellers, consideration should be given to the following issues amongst other relevant matters:
- a) Whether they previously led a nomadic habit of life.
 - b) The reasons ceasing their nomadic habit of life.
 - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 10.7 Confidential personal information accompanies the application, which has been accepted by the Council's Traveller and Diversity Manager. This supporting information includes an independent review of the extended family group and their particular health needs together with a family tree document which outlines the relationships between the intended residents of each pitch.
- 10.8 It is considered that the applicants and extended family meet the definition of gypsy and travellers as specified within the PPTS and the consideration of the application proceeds on this basis.

Need for Pitches

- 10.9 The PPTS states that the Local Planning Authority should set pitch targets for gypsies and travellers that address the likely permanent and transit site accommodation needs and have an up-to-date 5 year land supply. This is also echoed within Policy LP5 Part D.
- 10.10 Policy LP5 Part D indicates there is no need for new pitches as per the findings of the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) update 2013. However, an appeal decision received in April 2020 (PINS reference: APP/D0515/C/19/3226096) identified that there was an unmet need

within Fenland - this being a matter of common ground between the Local Planning Authority and the appellant. The GTANA is due to be reviewed later this year and until this time, Officers are unable to accurately assert what the District's need is or how this will be met.

- 10.11 Given that there is an unmet need the application has the potential to achieve compliance with policy.

Availability (or lack) of alternative accommodation for the applicants

- 10.12 Based on the current status of the GTANA, it is concluded that the Council is unable to adequately demonstrate that they have a 5 year supply of traveller pitches at present. Therefore it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS. Policy H states that where an authority cannot demonstrate an up-to-date five year supply this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission

Personal Circumstances of the applicant

- 10.13 The applicant has provided a confidential statement from the Lead Nurse, Gypsy Traveller Health clarifying the applicant's personal circumstances and providing some detail as to why the applicant should be accommodated at this location. The letter of support covers all intended occupants, i.e. the 6 households.
- 10.14 Initially however, the assessment of this application should be carried out on the basis that the application would meet the accommodation need of persons of Gypsy Traveller status, i.e. as an application for 6 pitches for Gypsy Travellers against an unmet need - which also captures criteria (c) and (d) of paragraph H of the PPTS. Should it be necessary to take into account the personal circumstances, these are to be considered separately but nonetheless added to the planning balance

Character and Appearance

- 10.15 Policy LP5 Part D paragraph (a) of the Fenland Local Plan 2014 states that proposed use should not conflict with other development plan policies. Policy LP16 paragraph (d) seeks to protect local distinctiveness and the character of the area.
- 10.16 The site is located to the south-western side of Newbridge Lane. It is circa 350 metres from Begdale Roa, Elm beyond the Dairy Building which occupies the corner of this junction. The surrounding land is in agricultural use and therefore the site is within the open countryside with no built form within the immediate vicinity.
- 10.17 Accordingly the site, with its fenced boundary, will be prominent within the immediate locality however key views from Redmoor Lane will be at a distance and given the presence of development within Redmoor Lane the wider views of the site from a distance are interrupted, to a degree, by built form. In this regard, the proposed site would not appear overly isolated or wholly out of character. Nonetheless the proposed development would urbanise the immediate area and would be difficult to fully mitigate through soft landscaping
- 10.18 For gypsy and traveller accommodation FLP Policy LP5 Part D sets out criteria as to a site's suitability for occupation by those who meet the planning definition set out in Planning Policy for Traveller Sites 2015 (PPTS). Decisions are made on a

“case by case” basis subject to: no conflict with national planning policy; a peaceful and integrated coexistence with the local settled community; and no unacceptably adverse impact on local character or appearance. PPTS, Policy H also sets out similar criteria for determining planning applications for traveller sites.

10.19 PPTS does to a degree expect sites to be found in the countryside outside the Green Belt since Paragraph 25 advises Councils to “very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan”.

10.20 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However this policy conflicts with the latest PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need.

10.21 In conclusion, the development would demonstrably detract from the rural and open character of the site and immediate surroundings contrary to Policy LP5 (e) and LP16 (d) of the FLP. However, it is acknowledged that the principle of such development in the open countryside is accepted which does, to a certain extent accept that some harm will accrue to the countryside through this type of development. This harm therefore needs to be weighed against the benefits of the proposal.

Impact on the amenity of neighbours and dominance of the nearest settled community

10.22 The development is considered to be relatively small scale providing for the accommodation needs of 6 households. Furthermore, the site is set a notable distance away from the nearest settled community at Begale Lane to the south. In this regard the development would not dominate the nearest settled community and would be unlikely to give rise to any obvious amenity harm, certainly at a level which could not otherwise be controlled though Environmental Protection legislation e.g. noise, odour or pollution should it arise

Access, sustainability and highway considerations

10.23 An appeal decision relating to Bevis Lane ENF/183/17/UW acknowledges that the “PPTS envisages that gypsy sites may be located in rural areas, whilst noting that new traveller sites in open countryside away from existing settlements should be very strictly limited”. In the case of the Bevis Lane appeal the Inspector considered that “the proximity of the facilities available [...] mean that the site is suitably close to an existing settlement and would not conflict with the advice in the PPTS”.

10.24 A further appeal decision relating to The Spinney, Horsemoor Road, Wimblington within the decision letter noted that “There is nothing within either the National Planning Policy Framework (NPPF) or PPTS to suggest that traveller sites have to be accessible by means other than by private car. In fact both recognise that the lifestyle of travellers must be factored into the planning balance”. This stance is further reinforced by the Bevis Lane appeal highlighted above.

10.25 As such, given the distance to the nearby settlements of Wisbech and Elm it is considered that the application site is situated within a sustainable location and provides a settled base. Consequently, criterion b of Policy LP5 Part D is met.

- 10.26 There are specific issues relating to site access which are focused around the legal right to access the site given that there is a Prohibition of Driving Order in place relating to Newbridge Lane, this having come into effect on the 22nd June 2007. In essence it prohibits any motor vehicle to proceed along Newbridge Lane unless they hold a permit to do so. Within the TRO it is noted that permits will only be issued to land owners requiring access to land, statutory undertakers, the emergency services and local authorities.
- 10.27 It is a point of disagreement between the County Council and the applicant as to whether this impinges on his legal right to access the land which forms the application site. Notwithstanding this the applicant has indicated that should permission be granted for the development outlined it would be his intention to formally apply to the County Council to amend the TRO to relocate the physical barrier (gate) situated at the junction of Newbridge Lane and Begdale Road to a location just beyond the access to his site. It would also be his intention to undertake highway works to provide a turning area at the entrance to the site and there appears available land on which to deliver such a facility.
- 10.28 It is noted that the CCC Highways team indicate that '*strictly speaking*' the applicant should regularise the TRO before the planning application is determined and it is agreed that ideally this would be the case. However the applicant has indicated that the financial outlay to instruct an agent to prepare the necessary drawings and progress such an application is cost prohibitive without resolving the planning status relating to the occupation of the site.
- 10.29 There is risk from the applicants perspective as they may be left in a situation that they have a planning permission which is incapable of implementation should the application to vary to the TRO fail. However from a planning perspective it is considered that the further development of the site can be suitably controlled by condition and that the enforcement position would not be undermined given that the development as undertaken on site would not be regularised by the grant of planning permission at this time; noting that the form of development undertaken does not accord with the site layout contained within the submission excepting the fencing elements which to a certain degree would be permitted development, save for the fencing along the verge side of Newbridge Lane.
- 10.30 It would be necessary to expand the condition as recommended by the CCC Highways team to ensure that no further development is undertaken with regard to the site until the TRO matter is resolved, in addition it would not appear reasonable to impose a 6-month time-period in this regard noting the likely time-frames indicated by the LHA - with a 12-month period being deemed more realistic. Similarly the advisory statements suggested by the CCC Highways team can be included on any consent issued and the onus will rest on the applicant to heed these statements, with the Police being able to enforce the provisions of the existing TRO should this be deemed expedient.
- 10.31 With regard to access and parking within the site it is considered that these are suitable to serve the requirements of the individual households and as such the scheme has the potential to achieve compliance with Policy LP5 Part D (d).

Flood risk and drainage

- 10.32 The site contains land identified as flood zone 3 (towards the rear), flood zone 2 (central) and flood zone 1 (to the front of the site). As highly vulnerable development (i.e. caravans, mobile homes and park homes intended for

permanent residential use) the flood risk vulnerability classification notes that 'development should not be permitted' in the case of Flood Zone 3 areas and that the exception test will be required in respect of the Flood Zone 2 areas.

- 10.33 The applicant has confirmed that the site layout will be revisited to ensure that the mobile homes will be situated outside of the flood zone 3 areas of the site and this may be conditioned. Notwithstanding this it is noted that the site under consideration is featured in the Fenland District Council Wisbech Level 2 Strategic Flood Risk Assessment with the modelled Tidal Nene Breach Depth Mapping 0.5% (1 in 200) showing a maximum depth of 0 - 0.25 metres along Newbridge Lane and the site itself remaining free from flooding.
- 10.34 With regard to the site specific considerations it is noted that the EA have raised no objection to the proposal 'but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) by Geoff Beel Consultancy ref: GCB/Codona dated February 2020 are adhered to'; this could be achieved via condition.
- 10.35 A drainage statement has been produced in support of the application this identifies that a connection to mains drainage is not feasible and that foul water will be dealt with by way of existing sealed septic/sewer tanks as shown on the proposed site plans. With regard to surface water it is noted that only a small area of impermeable surfaces will be laid as part of the development, to provide a small patio on each pitch. All other hardstanding will be permeable and much of the existing paddock will be retained.
- 10.36 The proposed driveway, parking and courtyard areas will be a permeable gravel surface with water from the roofs of the mobile homes, touring caravans and patio areas directed towards filtered drains which will run into a soak away system as shown on plans and the permeable hardstanding which will also act as a soakaway. Any overflow from surface water will be directed into water ditches which run along both the north and south boundary of the property for which an annual charge has already been paid to the drainage to the drainage board for drainage of the property.
- 10.37 With regard to the sequential and exceptions test it is noted that the original submission was silent in this regard and the applicant has been given the opportunity to address this through the submission of additional details. These details have been provided and evidence that there is no land available within the area that could accommodate their proposals. Officers have undertaken their own Rightmove search and can confirm this to be the case. It is appreciated that the sequential test area focuses on the local area however this is reflective of the local connections and specific health care requirements of applicant and his wider family unit who are noted to be under the care of local health providers. It is further noted that young persons within the family have settled at the local school.
- 10.38 Notwithstanding the requirements of the sequential test it is acknowledged that the two parts of the exception test may be deemed to be satisfied through
- (a) The provision of a satisfactory site specific flood risk assessment which has been accepted by the Environment Agency, and
 - (b) Noting that the LPA has accepted in similar cases that, by addressing a shortfall of accommodation needs for the traveller community where an

inadequate supply of housing currently exists such schemes align with the District's sustainability objectives, as outlined under 2.4 of the FLP which includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income evidences compliance with the first part of the exception test which requires schemes to demonstrate 'Wider community sustainability benefits'.

- 10.39 Based on the details submitted by the applicant in this regard above evaluation it is considered that the proposal on balance satisfies the sequential test and as such will achieve compliance with Policy LP14 of the FLP (2014)

Human Rights considerations

- 10.40 Due regard has been given to the Applicant's Human Rights. Interference to these qualified rights may be justified where in the public interest of which protection of the environment is a constituting factor. Given that the development will serve gypsy and travellers and in the absence of unacceptable environmental harm to the character of the open countryside it is concluded that there are no human rights issues to reconcile.

Other matters

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

The proposed conditions are as follows;

Condition 1 - No further development as shown on the submitted layout drawing shall be undertaken on site until the requirements of condition 5 have been satisfied.

Reason - To define the scope of the consent and to ensure that a satisfactory and lawful access to the site is achievable.

11 CONCLUSIONS

- 11.1 The LPA can be satisfied, having due regard to the relevant policy framework that there is a lack of material harm in terms of character and sustainability.
- 11.2 Furthermore it is not necessary to establish whether there is an overriding need for gypsy sites or personal circumstances which weigh in favour of permitting the development given that there is evidence of unmet need for such provision within Fenland
- 11.3 Accordingly the scheme is considered policy compliant in terms of both local and national policy, having due regard to the Planning Policy for Traveller Sites (August 2015).

- 11.4 It is however necessary to safeguard against future development prior to matters relating to the Prohibition of Driving Order being resolved and this may be appropriately addressed through the imposition of a suitably worded condition.

12 **RECOMMENDATION: Grant subject to conditions**

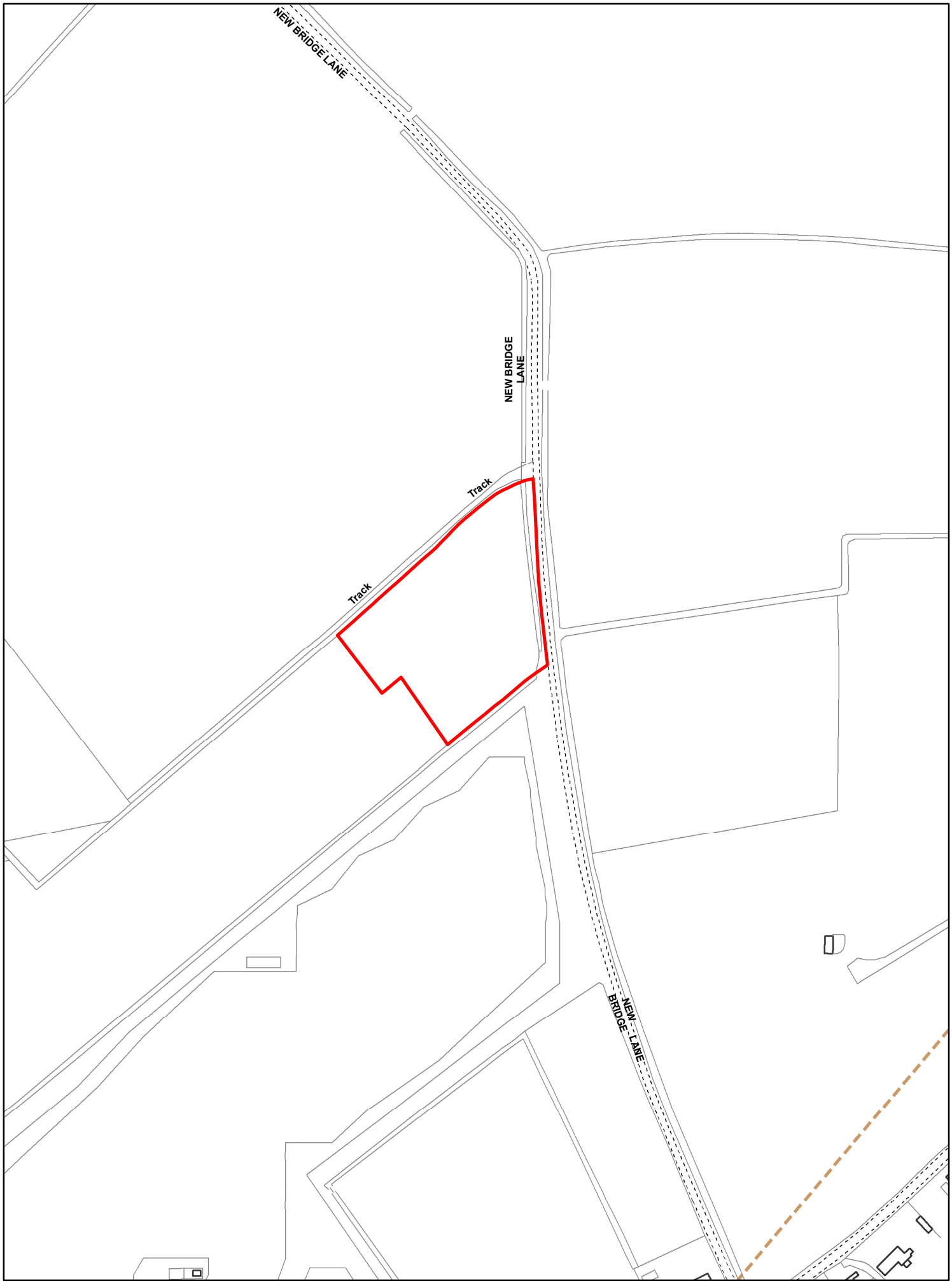
Conditions

1	<p>No further development as shown on the submitted layout drawing shall be undertaken on site until the requirements of condition 5 have been satisfied.</p> <p>Reason - To define the scope of the consent and to ensure that a satisfactory and lawful access to the site is achievable.</p>
2	<p>The site shall be limited to six pitches each containing no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. At any one time only one of the caravans on each pitch shall be static caravans.</p> <p>Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy LP2, LP15 and LP16 of Fenland Local Plan 2014.</p>
3	<p>Notwithstanding condition 3, two touring caravans may be stationed on Pitch numbers 1 and 2 as indicated on the site layout drawing.</p> <p>Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy LP2, LP15 and LP16 of Fenland Local Plan 2014.</p>
4	<p>The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to 'Planning policy for traveller sites' (Department for Communities and Local Government, August 2015), namely "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".</p> <p>Reason - The site is in an area where residential development other than in particular circumstances would be contrary to policy LP3 of the Fenland Local Plan, 2014. Planning permission has only been granted in order to provide accommodation for occupation by gypsies and travellers having regard to the specific policies for development of this nature in place at this time.</p>
5	<p>The use hereby permitted shall cease and all caravans, structures, equipment and materials (including hardcore and hardstandings) brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in</p> <p>(i) to (iv) below:</p> <p>(i) Within 12 months of the date of this permission the No Entry Traffic Regulation Order along New Bridge Lane shall be amended/ relocated in accordance with a scheme to have previously been submitted to and approved in writing by the Local Planning Authority.</p>


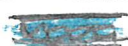


	<p>(ii) Within 4 months of the date of this decision, notwithstanding the details shown on the submitted site layout drawing a scheme detailing:</p> <ul style="list-style-type: none"> (a) the proposed access(es) to the site and each individual pitch (b) all caravans intended for permanent occupation outside the flood zone 3 area of the site (c) fencing (d) hard surfacing areas (e) soft landscaping, including the boundary landscaping <p>shall be submitted for the written approval of the local planning authority. The scheme shall provide construction specification for the main accesses providing a sealed surface (which is drained away from the highway) for a minimum length of 5m from the back edge of the existing carriageway and a timetable for the implementation of the works. These works shall subsequently be undertaken prior to the occupation of the pitch to which they relate and maintained as such in perpetuity thereafter.</p> <p>(iii) If within 6 months of the date of this decision the site development scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by the Secretary of State.</p> <p>(iv) The scheme shall have been completed fully in accordance with the details as submitted and approved under step (ii).</p> <p>(v) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.</p> <p>Reason - To ensure safe access to the site in the interests of highway safety and to ensure compliance with Policies LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014. Given the part retrospective nature of the development and the current site layout and structures which does not reflect the approved plans, the LPA require certainty that the development has been implemented as approved in order to the control the development through the listed conditions for its lifetime in order to ensure that it satisfies the relevant policy requirements of the Fenland Local Plan, 2014 and the Planning Policy for Traveller Sites, 2015.</p>
6	<p>The floor levels of any habitable structure shall be set a minimum of 400mm above existing ground level at 3.1mAOD.</p> <p>Reason - In order to safeguard future occupiers and possessions in the event of flooding in accordance with LP14 of the Fenland Local Plan, 2014</p>
7	<p>Prior to any further development above slab level details of the materials to be used in the construction of the utility block/day rooms shall be submitted to and approved in writing by the Local Planning Authority; all works shall then be undertaken strictly in accordance with the agreed details.</p>

	Reason - To ensure that the appearance of the development is satisfactory and complies with Policies LP16 of the Fenland Local Plan (2014).
8	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2015.</p>
9	<p>No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No person other than a permanent resident of the pitch to which this planning permission relates shall bring a laden commercial vehicle to the site, or park, or keep laden commercial vehicles on the site.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2015</p>
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Class A to Part 2 of Schedule 2 to that Order (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall be carried out without planning permission granted by the Local Planning Authority.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy B and H of the Planning Policy for Traveller Sites, 2015.</p>
11	<p>Space shall be made available at all times to enable the turning and parking of all vehicles calling at the site.</p> <p>Reason - In order to ensure the free flow of traffic along Newbridge Lane in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
12	<p>On not more than 28 days in any calendar year, of which no more than 14 shall be consecutive days, not more than 1 additional caravan which is capable of being lawfully moved on the public highway without division into separate parts may be stationed on each pitch, except as allowed under conditions 2 & 3.</p> <p>Reason - To protect the general amenity and character of the area in accordance with policy LP16 of the Fenland Local Plan, 2014 and Policy H of the Planning Policy for Traveller Sites, 2015.</p>
13	<p>All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall</p>

	<p>be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
14	<p>Within 6-months of the date of this decision a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority in consultation with the Chief Fire Officer and provision of the fire hydrants shall be made in accordance with the scheme and timetable.</p> <p>Reason - To ensure a satisfactory form of development.</p>
15	Approved plans



Drawing 03
 Proposed site plan
 Scale 1:500 at A3



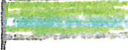
SC	static caravan		
C	touring caravan		Gross areas
DU	Disabled utility block		Proposed new hedge row
U	utility block		
	drain that no longer exists.		
	Existing mature hedge row		
	Sewer toilet. Pipes		
	Existing septic tanks		
	Gates / Entrance		
	Access roads		

This part of the drain does not exist no longer

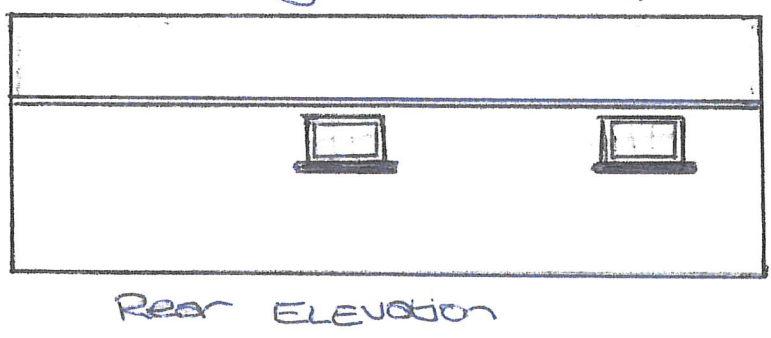
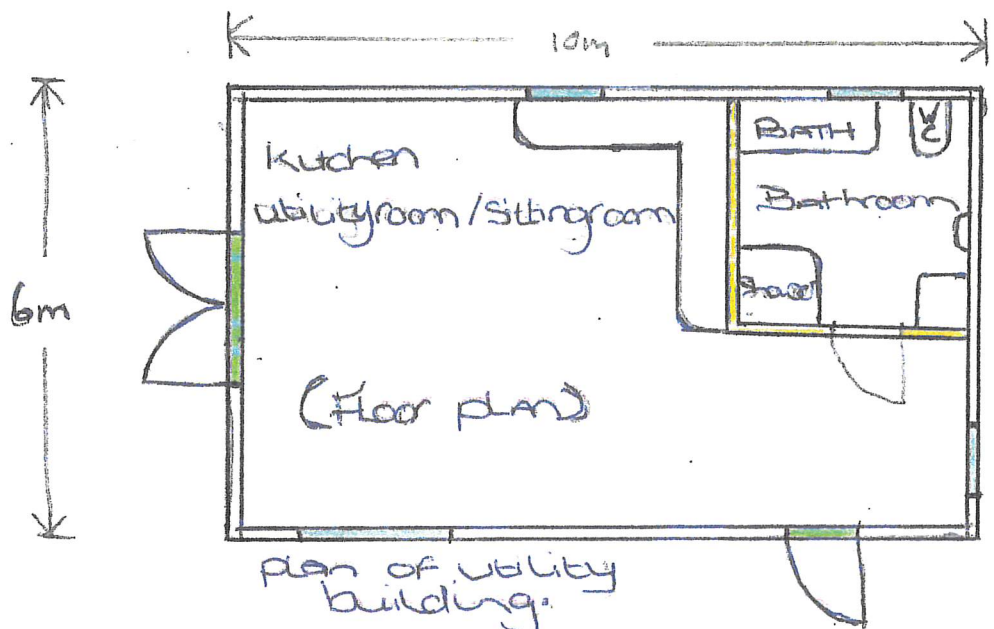
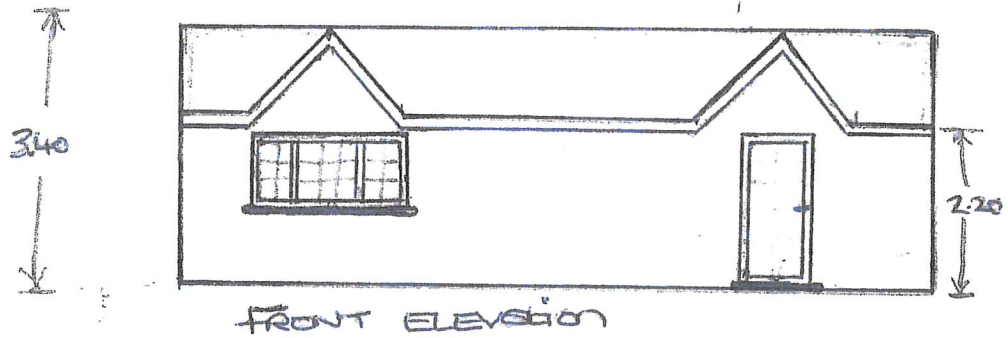


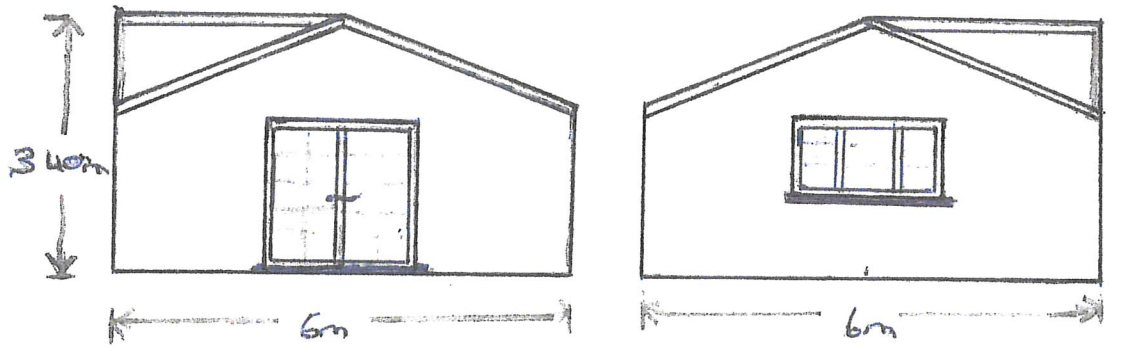
Existing septic tank No 2

Existing septic tank No 1

	Windows
	Internal walls
	Door ways

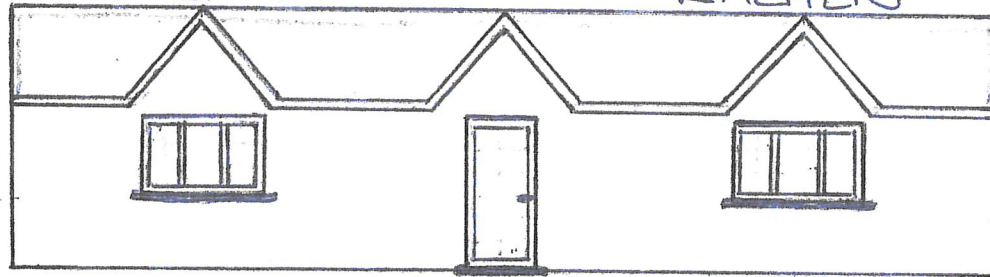
Drawing 02
UTILITY BUILDING
Plan and Elevations
Scale 1:100 on A4



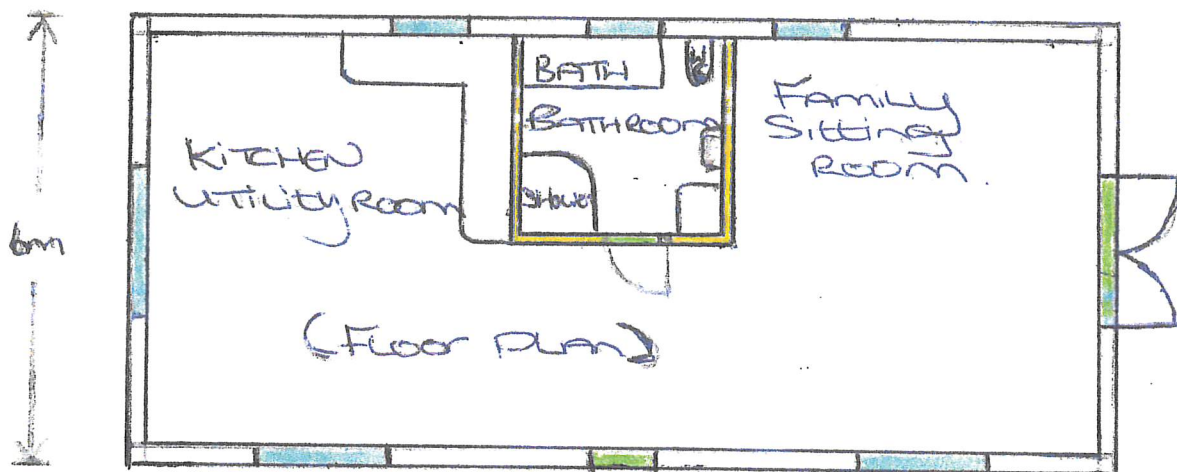


SIDE ELEVATION
SITTING ROOM

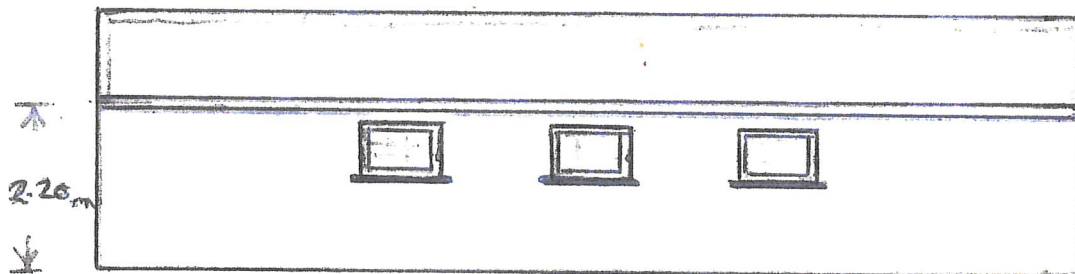
SIDE ELEVATION
KITCHEN



FRONT ELEVATION



PLAN OF DISABLED
UTILITY BUILDING



REAR ELEVATION

	Windows
	Internal Walls
	Door Walls

DRAWING OF
UTILITY BUILDING (DISABLED)
PLAN AND ELEVATIONS
SCALE 1:100 at A4

F/YR20/0585/F

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Erect a 2-storey 4-bed dwelling involving demolition of store building

F/YR20/0586/LB

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Demolition of a curtilage listed store building

Officer recommendation: Refusal of both applications

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

1 EXECUTIVE SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of a detached, 2-storey, 4 bed dwelling and full planning permission and listed building consent for the demolition of the existing building.
- 1.2 The coach house is a statutorily protected building by virtue of its curtilage association with 22 London Road, Chatteris (Section 1 (5) of the Planning (Listed Building and Conservation Area) Act 1990).
- 1.3 The application has failed to sufficiently understand the significance of the assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition an alternative viable scheme which would achieve the conservation and re-use of the asset has not been explored. The applications propose total demolition of a curtilage listed building, which it is considered would amount to substantial harm and total loss of significance, it is not considered that substantial public benefits would be created. The loss of the curtilage listed building and its replacement with a new build would be harmful to the principal listed building (22 London Road) and the wider Conservation Area in which these are situated.
- 1.4 The site is located in a prominent and sensitive location, the proposed dwelling is

a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm.

1.5 The proposal is therefore considered contrary to Policies LP2, LP15, LP16 and LP18 of the Fenland Local Plan, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 127, 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019. Granting the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.6 The recommendation is to refuse.

2 SITE DESCRIPTION

2.1 The site is a curtilage listed former Coach House to 22 London Road (Grade II listed) with a hardstanding area to the rear. The site forms part of the former Travis Perkins site, which has been vacant approximately 3 years and lies within Chatteris Conservation Area.

2.2 No.22 and the remaining commercial site has been granted planning permission and listed building consent (F/YR19/0355/F and F/YR19/0356/LB) for the erection of 6 x single storey dwellings, change of use of the office building (No.22) to a 2-storey 5-bed dwelling involving part demolition of and alterations to the Listed Building and demolition of warehouses and outbuildings at the rear of the site.

2.3 The Coach House faces onto London Road with the site access between it and No.22 (to the north). It is a single storey gault brick structure with a 2-storey loft, most likely built as coach house and/or stables, with roofs of Welsh slate. There are door openings only to the rear (west) elevation. Three semi-circular, or Diocletian windows to the ground floor east elevation (road) and two to the ground floor west elevation have stone cills and red and gault brick surrounds. Those on the east elevation have been blocked in. The north end bay has been partially demolished and rebuilt with Fletton bricks in order to widen the access for commercial vehicles entering and leaving the yard in the later 20th century and would likely have had a further window. The loft section of the building includes two semi-circular cast iron windows to the first floor, also under contrasting red and yellow 9 inch brick header arched openings with stone cills to both the east and west elevations.

2.4 The coach house retains several internal features, including surviving lath and lime plaster barrel vaulted ceilings, and a wooden stair to the loft, with sack slide. A small fireplace still exists in the north end bay, but has been blocked in and the chimney lost when the coach house was shortened and the gable end rebuilt. Metal mesh ventilation screen is in situ at the ceiling apex and supports the suggestion of its use for livestock. The barrel vaulted ceiling in a mid-19th century utilitarian and ancillary structure is an unusual and notable feature of the building. The shapes of the ceilings form an important part of the history of this building.

2.5 There appear to have been two access points historically onto London Road. However, only the northern one has been used for a number of years. The

southern boundary of the site is made up of the northern elevational wall of No 24 London Road. Within this wall are two ground floor and one first floor window which overlook the site.

- 2.6 The site is within Chatteris Conservation Area and is situated within a residential area. It sits between the associated principal Grade II listed building of 22 London Road and the 3-storey Grade II listed building of 24 London Road. On the opposite side of the road are the 2-storey properties of 43-45 London Road, 3-storey 41 London Road and the 2-storey Grade II listed building of 39 London Road.

3 PROPOSAL

- 3.1 The proposal seeks listed building consent and full planning permission for the demolition of the existing building and full planning permission for the erection of a detached, 2-storey, 4 bed dwelling.
- 3.2 The proposed dwelling measures 16.7m x 6m and 7.8m in height. Accommodation comprises a lounge, kitchen/diner, utility and WC at ground floor level and 4 bedrooms (2 with en-suite) and bathroom at first-floor level.

Full plans and associated documents for these applications can be found at:

F/YR20/0585/F

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QC0HK4HE01U00>

F/YR20/0586/LB

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QD5AB7HE01U00>

4 SITE PLANNING HISTORY

F/YR19/0706/LB	Internal and external works to a curtilage listed building involving the erection of a single-storey rear extension and raising the roof height of the single-storey element to enable a change of use of the building to a 2-storey 3-bed dwelling	Refused 4/10/2019
F/YR19/0705/F	Change of use and refurbishment of existing building to form a 2-storey 3-bed dwelling involving the erection of a single-storey rear extension and raising the roof height of the existing single-storey element	Refused 4/10/2019
F/YR19/0356/LB	Works to a Listed Building to change the use of office building to 2-storey 5-bed dwelling with detached car port involving part demolition to rear	Granted 3/10/2019

F/YR19/0355/F	Erection of 6no single storey dwellings comprising of 2 x 2-bed and 4 x 3-bed; change of use of office building (LB) to 2-storey 5-bed dwelling involving part demolition of Listed Building and demolition of warehouse and outbuildings	Granted 3/10/2019
F/96/0103/F	Erection of single-storey office extension to existing building	Granted 4/7/1996
F/0431/79/F	Change of use from showroom to office and store and replacement shopfront	Granted 3/8/1979

5 CONSULTATIONS

5.1 Cambridgeshire County Council Archaeology

At the time of writing the report no comments have been received, however an archaeological written scheme of investigation was requested on the previous applications for this site.

5.2 Conservation Officer (FDC)

Comments received from The Council's Conservation Officer have informed the site description above and the assessment of heritage impact at section 10 of this report. Full details can be viewed via Public Access using the links provided at 3.2.

5.3 Council for British Archaeology

Thank you for consulting the Council for British Archaeology (CBA) on the above case. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

Summary

The CBA object to this application for the substantial harm that would be caused to a curtilage listed building and the less than substantial harm that would result to the Grade II listed 22 London Road and the Chatteris Conservation Area. This application provides insufficient information concerning the extant building and lacks the 'clear and convincing justification' required to support its demolition.

Significance

The 'former coach house' is a 19th century agricultural type building that is curtilage listed to 22 London Road (List number 1125994). Curtilage listed buildings, structures and objects are afforded the same protection, and restrictions imposed, as a listed building with its own listing entry; the 'former coach house' should therefore be considered as listed at Grade II within the planning process. It is a common misunderstanding to expect a List description to be a catalogue of significant features, as expressed within the associated Heritage Statement. Sadly the majority of List descriptions were written for identification purposes and are of limited help in establishing the significance of a building or site. The CBA disagree with the findings of the associated Heritage Statement and do not believe the building's significance to have been accurately assessed.

There is considerable potential to better reveal the significance of the building proposed for demolition. The 19th century brickwork detailing makes an attractive contribution to the streetscape. The building also holds evidential value in its use of imported materials to the area, identified within the Heritage Statement as relating

to the arrival of the railways in 1848. The construction of a finely detailed coach house on the road side speaks of a socially aspirational 19th century status symbol, expressed by the owners of 22 London Road, which the CBA believe makes an important contribution to understanding the historical development of Chatteris in the 19th century. The fact that building components were factory produced merely dates them to this period rather than diminishing the building's significance.

The CBA recognise that the dilapidated condition of this building means it currently represents a detractor within the street scape. However, if this building were to be conserved and restored it would make a greater contribution to the character and appearance of the Chatteris Conservation Area than its proposed replacement.

Comments

The associated documentation does not include sufficient details of the existing building for statutory consultees, such as ourselves, to be able to make an informed assessment of the building. There are no plans or elevation drawings of the curtilage listed coach house whilst the photographs provide evidence of the site context but not sufficient details of the building. Demolition equates to substantial harm in terms of the language of the NPPF, as this building would be lost in its entirety if this application is granted.

Whilst the associated documentation states that the existing building cannot be adapted and repurposed to a domestic use, the CBA believe that a structural report, carried out by surveyors with experience of consolidating historic buildings, should be required to evidence this claim. A structural survey is referenced within the associated documentation, but not provided. Only if such a structural report supports the claim that this building is beyond conservative repair and adaptive reuse, could this application be considered to meet the requirements of paragraph 194 of the NPPF. This states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional." In this instance the harm to be considered involves substantial harm (total demolition) to a curtilage listed building, harm to the setting and significance of the Grade II listed 22 London Road and harm to the historic character and appearance of the Chatteris Conservation Area.

The CBA believes that adaptive reuse must be demonstrated to be unachievable, and not simply more expensive, in order to justify the degree of harm that would be caused by the demolition of this curtilage listed building.

The CBA also suggest that paragraph 191 of the NPPF may be pertinent to this application, which states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

Recommendation

The status of the building as Grade II curtilage listed and its location in a prominent position within a conservation area means that section 16 of the NPPF dictates a presumption in favour of its constructive reuse rather than demolition. To reach the conclusion that demolition is an appropriate course of action important criteria must be met. The CBA are unconvinced that this application achieves this.

The CBA recommend that 'clear and convincing justification' should be required of the applicants to demonstrate that this building is beyond conservative repair and

reuse in order for its demolition to be considered as meeting the requirements of national and local planning policy.

The CBA object to this application in its current form.

5.4 Chatteris Past, Present and Future Civic Society

An 11 page objection has been received from the Chatteris Past, Present and Future Civic Society, the summary is provided below:

We are of the opinion that the council should REFUSE this application on the following grounds:

As a pre-1948 structure within the curtilage of a Grade II Listed Building, the coach-house is a Designated Heritage Asset in accordance with Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The council must start from a position of presuming against demolition, in accordance with NPPF 194 & NPPF 195, which say that the loss of a Designated Heritage Asset should be exceptional.

The Applicant has not provided sufficient information to enable Fenland District Council to fairly assess this application against the criteria set out in NPPF 190-195, as required by NPPF 189 and LP16.

The Applicant has not demonstrated that the options for renovation outlined by the council's Conservation Officer in response to the previously submitted application(s) are unsuitable, and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(a).

The Applicant has not demonstrated that the building could not be successfully marketed in order to enable its conservation, and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(b).

The Applicant has not demonstrated that the building could not be successfully renovated by a charity or public body (such as a Building Preservation Trust), and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(c).

The proposal causes harm to the setting of other listed buildings and the conservation area, in contravention of LP16(d) when assessed according to NPPF 190.

The council's commitments towards safeguarding heritage assets, as set out in LP18.

The council's commitment to reduce the number of heritage assets "at risk", as set out in LP18. The Conservation Area itself was added to Historic England's "at risk" register in 2015, so the council should avoid approving developments that place it at any further risk.

5.5 Ancient Monuments Society

The highly competent analysis by Richard Donoyou (and the representations of the Chatteris Civic Society) confirm the interest of this building – and its ability to take a sensitive conversion.

The replacement building – a version of the early 19th century villa seen elsewhere in the town – will not offend but why go for a fake version of history when the real thing has all the genuine character of an historic structure and can be saved.

5.6 The Victorian Society

We were notified of this application and wish to write in objection to the proposals.

Having assessed the documents provided, we agree with the points made by the CBA in their letter, namely that the building is considered to be curtilage-listed, and that inadequate information has therefore been provided to rationalise the demolition. The significance of the building and its status needs to be fully assessed in line with paragraph 189 of the NPPF, and the substantial harm which would result from the loss of the buildings, as well as the less substantial harm to the conservation area, fully addressed and justified. This has clearly not been done, and this alone is adequate grounds for refusing consent to the application. In addition, we would like to note the heritage value of the building itself, and further echo the request of the CBA to prioritise the adaptive reuse over total demolition. Again, if this is found to be impossible, clear justification must be provided to verify this.

I would be grateful if you could inform me of your decision in due course.

5.7 SAVE Britain's Heritage

SAVE Britain's Heritage writes to object to the above planning and listed building applications for the complete demolition of the former coach house within the curtilage of the Grade II listed house at No 22 London Road. The applications fail to comply with national and local policy for preserving Chatteris's historic environment and for mitigating climate change through sustainable development. For these reasons we call on the Local Planning Authority to refuse these applications.

Significance

The former coach house appears to have been constructed around the 1860s and is a single storey gault brick structure with a two-storey loft to its southern end, likely added at a later stage, and built as stables to the adjoining house. The main door openings are to the courtyard to the rear, while the road elevation features three semicircular windows at ground level and two semi-circular windows to the loft, now bricked in. The northern end was shortened and rebuilt sometime in the early to mid 20th century. One of its key features is the lath and plaster barrel vaulted ceiling within the building, which would have been expensive to install at the time and is a rather unusual feature for a building of this type. Protecting this important element of the building was one of the reasons for refusing the previous listed building application for an insensitive conversion of the coach house into a residential property. Community feedback also shows the site has clear historic significance to the local community as well as its strong street presence contributing the architectural and enclosed character of this part of London Road and the local conservation area.

Assessment

While Historic England's listing description for No. 22 London Road may not formally describe the coach house, the structure is clearly within the curtilage of the main building and is therefore considered a listed structure itself by virtue of the definition outlined for a 'listed building' in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. SAVE notes the heritage statement submitted with the application claims "The so-called coach house is not considered as a heritage asset within the listing description of 22 London Road, indeed it is not even noted as having group value". We therefore consider the conclusion reached in the heritage statement that the application "therefore represents no loss of historic fabric and an enhancement to the Chatteris conservation area" to be flawed, and demolition therefore unjustified.

The previous application (F/YR19/0705/F) submitted in May 2019 fully acknowledged the buildings importance and adaptability for a residential use, the principle of which is considered acceptable. It is therefore unclear why the building, just 12 months later, is now considered structurally unsound and, as claimed on page 10 of the heritage statement, "the only practical way forward is for the building to be demolished. It is incapable of being "conserved" in situ". We consider the existing building to be readily adaptable and retention of the key historic features within this characterful building would not limit its potential as a dwelling.

National Planning Policy Framework (NPPF) 2019 Paragraph 192 states that in determining planning and listed building consent applications, a number of considerations should be taken into account, first of which is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. NPPF Paragraph 195 notes where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. As previously stated, we consider these applications do not demonstrate that the building cannot be retained and enhanced in a way that is appropriate to its significance. Indeed, it is noted that the application goes against the pre-application advice given by council.

We also consider the loss of historic building fabric of this scale and age to be unsustainable in terms of climate change. We would ask the council to consider this application in the context of climate change objectives set out in the National Planning Policy Framework (NPPF) 2019. The NPPF para. 148 states that "The planning system should support the transition to a low carbon future in a changing climate" and "shape places in ways that contribute to radical reductions in greenhouse gas emissions ... including the conversion of existing buildings." The efficient use of resources, including land and materials, underpins sustainable development. The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of the built, historic and natural environments.

We would also like to draw the council's attention to Historic England's annual research report for 2019 There's No Place Like Old Homes, which shows that retrofitting existing historic buildings carries a drastically smaller carbon footprint than demolition, the principles of which can be equally applied to this former coach house.

Conclusion

SAVE objects to the proposed demolition of this former coach house, a building we consider has the potential to be sensitively adapted as a unique and historic residential property. The application provides no justification for its entire loss, and therefore fails to comply with national and local policy objectives on climate change and the historic environment. The Local Planning Authority has a duty to protect what is a rare and unique resource and we therefore recommend they refuse these applications.

5.8 Cambridgeshire County Council Highways

The proposal results in no material highway impact. No highway objections subject conditions securing the access/footway and parking arrangement. Please ensure site layout remains consistent with the access arrangement secured for the development/consent to the west of this application site.

5.9 Chatteris Town Council

Support

5.10 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' as it is unlikely to have a detrimental effect on local air quality and the noise climate.

However, our mapping data shows this site used to be historically associated with a farm yard and, more recently used as a builders yard. Both uses could give rise to potential ground contamination and therefore I must request that the applicant submits a phase 1 contaminated land risk assessment to determine whether current and previous uses have impacted on the ground condition.

The Environmental Health team have advised that this could be dealt with by way of a condition if the application is granted.

5.11 Local Residents/Interested Parties

Seventeen objections have been received (four from residents of High Street, Chatteris; two from residents of London Road, Chatteris and one from residents of East Park Street, Ellingham Gardens, Westbourne Road, Kempston Court, New Road, Juniper Drive, Ravenscroft, West Park Street, St Francis Drive and Rosemary Lane, all Chatteris and Doddington Road, Wimblington) on the following grounds:

- Demolition would result in the loss of the rare vaulted ceiling
- Building is listed contrary to applicant's claims and should be saved
- Heritage statement flawed and not fit for purpose
- Building preservation notice should be applied
- Council should issue a repairs notice
- 'significant harm' contrary to para 196 of NPPF
- Failure to justify loss of listed building
- Distinctive building
- Bat survey required and cannot be conditioned
- Poor design
- Overlooking/loss of privacy
- Significant adverse impact on conservation area
- demolishing local history
- not policy compliant
- would set a precedent

- The coach house makes a positive contribution to the specific interest of its principal listed building despite its poor condition
- Could be converted, applied for in 2019, alternatives to demolition have not been given due consideration
- Building retains many original features
- On a principal street and prominent location, integral part of architectural history
- Detrimental to the hard work undertaken to restore the character of Chatteris
- Should be preserved and restored
- Reminder of towns agricultural history

Eight supporting comments have been received (two from residents of London Road, Chatteris; two from residents of Tithe Road, Chatteris and one from residents of Hinchbrook Drive, Curf Terrace and Wood Street, all Chatteris and Walden Close, Doddington) on the following grounds:

- Current condition of building is poor, has not been maintained and detracts from area
- Can see no reason why the proposal would not result in a significant improvement
- Issues in relation to loss of privacy to the neighbour have been resolved by the proposal to erect a fence to separate the properties
- Proposal simple, high quality design, in keeping with the conservation area and will provide an attractive frontage.
- The building has no architectural value
- The yard needs redevelopment and attracts vandalism, health and safety risk
- Old storage shed would be better replaced by a modern home
- Upgrade this part of London Road
- Chatteris in need of modern housing

5.12 Comments, where they relate to planning matters will be considered in the sections below. It should be noted that a Building Preservation Notice is not required as the building is already afforded statutory protection as a curtilage listed building.

5.13 Re-consultations have been undertaken following the receipt of a Bat, Bird and Barn Owl Survey, amended site plan detailing additional parking space and a landscaping plan. Any additional comments will be provided to members by way of an update.

6 STATUTORY DUTY

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

6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building

consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1, C2

Identity – I1

Built Form – B2

Movement – M3

Nature – N3

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

LP6 – Employment, Tourism, Community Facilities and Retail

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

Delivering and protecting High Quality Environments in Fenland SPD 2014

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

Chatteris Conservation Area Appraisal and Management Strategy 2008

8 KEY ISSUES

- **Principle of Development**
- **Heritage, Design and Visual Amenity**
- **Residential Amenity**
- **Highways/parking**
- **Ecology**
- **Flood Risk**

9 BACKGROUND

- 9.1 Pre-application advice was provided in relation to the site which concluded that the principle of residential conversion for the coach house was supported, but that a one, or two bed dwelling would be feasible, rather than a three bedroom and three bathroom conversion which would result in the loss of internal features and an unacceptable change of scale and subservient relationship with the principal dwelling. This was re-iterated in subsequent email correspondence.
- 9.2 Full planning and listed building applications were submitted contrary to this advice under F/YR19/0705/F and F/YR19/0706/LB for conversion to a 2 storey, 3 bed dwelling. These applications were refused for the following reasons:
1. *The proposal will result in the loss of heritage assets and new works which would result in substantial harm to the designated assets, namely No 22 London Road, the curtilage listed Coach House and also the Conservation Area. The proposal is therefore considered to be contrary the NPPF paragraphs 193-196, Policies LP16 and LP18 of the Fenland Local Plan 2014 and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
 2. *The change of use of the rear yard to residential curtilage/ rear has the potential to impact detrimentally on the existing occupiers of No 24 and future occupiers of the converted Coach House, through overlooking, noise disturbance and lack of privacy. The proposal is therefore considered to be contrary to Policy LP2 and LP16 which seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers*
- 9.3 Alternative proposals for a one or two-bedroom conversion were again suggested by the conservation officer as potentially acceptable schemes.

10 ASSESSMENT

Principle of Development

- 10.1 The site is part of a brownfield site within the built framework of Chatteris where new housing development can be supported (Policy LP3). The site is within a mainly residential area and the wider, former commercial site, has recently obtained planning permission for residential development. As such the redevelopment and reuse of the site for residential purposes can be generally supported.
- 10.2 This is however subject to the heritage assets being protected and or enhanced and there being no significant issues in respect of residential or visual amenity, design, parking, highways, ecology or flood risk.

Heritage, Design and Visual Amenity

- 10.3 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to have special regard to the desirability of preserving a listed building, or any of its features, when considering whether to grant Listed Building Consent. Further, in deciding whether to grant planning permission which affects a listed building or its setting, the Council has a legal duty to have special regard to preserving a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 10.4 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019 are also relevant.
- 10.5 The coach house is a statutorily protected building by virtue of its curtilage association with 22 London Road (Section 1 (5) of the Planning (Listed Building and Conservation Area) Act 1990). It was a functionally subservient building to No. 22, and of largely contemporaneous date. It served the main house as a coach house and is an important surviving example within Chatteris, and highlights the status of the principal building by its proximity to it and by presenting a formal face to the town. It also references its former functional role within a wider farmstead or agricultural yard to the rear. This in turn recalls the agricultural heritage and economy of the town, and adds considerably to the character and appearance of the conservation area, as well as to the setting and understanding of the principal listed building.
- 10.6 Paragraph 189 of the NPPF 2019 and Policy LP18 of the Fenland Local Plan 2014 require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and Policy LP18 of the Fenland Local Plan requires development proposals which would affect a heritage asset to:

- a) accurately describe or assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest;
- b) identify the impact of the proposed works on the special character of the assets
- c) provide clear justification of the works

The submitted documentation fails to acknowledge that the building in question is listed and as such does not accurately describe or assess the impact, nor does it provide sufficient justification for the demolition and as such is contrary to the aforementioned policies.

- 10.7 An application for conversion of the building was made in 2019. Presumably, at that point the conversion of the building was considered feasible. If the condition of the building has deteriorated to such an extent this is now not possible (though it is acknowledged no evidence has been provided that this is the case), then consideration may need to be given to Paragraph 191 of the NPPF 2019, which states that where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 10.8 Paragraph 192 of the NPPF 2019 requires LPA's to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

The suggestion of converting the coach house to a one or two bedroom dwelling has been made more than once to the applicant and would satisfy this element of the NPPF.

- 10.9 Paragraph 193 of the NPPF 2019 requires LPA's when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.10 Paragraph 194 of the NPPF 2019 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification; no such justification has been provided.
- 10.11 Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The applications propose total demolition of a curtilage listed building, which it is considered would amount to substantial harm and total loss of significance, it is not considered that substantial public benefits would be created and no evidence has been provided in relation to parts a)-d) above.

- 10.12 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The coach house is visually prominent in its relationship with the principal dwelling. Therefore, the loss of the coach house will result in severing the last link between the main dwelling house, and its original setting, cutting off historical connections which contribute to its significance and the character of the Conservation Area. The loss of the curtilage listed building and its replacement with a new build would be harmful to the principal listed building (22 London Road) and the wider Conservation Area in which these are situated. The optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset over its conservation and conversion and replacing it with a new dwelling have been articulated.
- 10.13 The proposed dwelling has been designed to mimic the architecture of the principal listed building (No.22) and the grade II listed building to the south (No.24), featuring sash windows, solidier detailing, fan light above the door and chimneys. However, the proposal would have a prominent street presence due to its location, scale and design, and would therefore detract from the adjacent listed buildings both visually and in relation to their heritage significance.
- 10.14 The landscaping plan proposes 1.8m high close boarded fence to the front of the site between the proposal and No.24 and alongside the proposed access road, the proposal is in a sensitive location and this is not considered to create a high

quality finish to the development. It is acknowledged that there is timber fencing to the south of the site as existing and this does not have a positive impact on the character of the area.

- 10.15 The application has failed to sufficiently understand the significance of the assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition an alternative viable scheme which would achieve the conservation and re-use of the asset has not been explored. Furthermore the proposal is considered to detract from adjoining listed buildings. The proposal is therefore considered contrary to Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019.

Residential Amenity

- 10.16 To the north of the site is the principal listed building of 22 London Road, this is presently vacant however planning permission has been granted under F/YR19/0355/F to change the use of this to a 5-bed dwelling. The proposed dwelling is located 7m away from No.22. There is potential for overlooking of the garden serving No.22 from the first-floor windows in the rear of the proposed dwelling and into the small side windows to the living room and bedroom from the side bedroom window in the proposal. However this would not be direct and as such is not considered significantly detrimental. There is potential for additional overshadowing due to the orientation of the proposal to the south and the increased height, however due to the separation distance this is not considered to be significantly adverse.
- 10.17 To the front (east) of the site on the opposite side of the road is the 3-storey detached dwelling of 41 London Road and the 2-storey terraced properties of 43 and 45 London Road. The proposal is located approximately 13m from No.41 and 11m from No.s 43 and 45 (building to building). It is acknowledged that there will be some additional overlooking of these properties (in particular to No.41 as this is directly opposite) however the relationship is as many of the existing properties on London Road and the distances are such that this is not considered to be significantly detrimental.
- 10.18 To the south of the site is the detached, 3-storey dwelling of 24 London Road, this is also a Grade II listed building. There is one ground floor window (kitchen) and 2 first-floor windows (bathroom and en-suite) in the northern side elevation which face towards the site. The proposal is located approximately 6m from No.24. There would be some additional overlooking as a result of the proposal from the rear and side bedroom windows, the first-floor windows to No.24 are obscure glazed and the overlooking would not be direct, hence this is not considered to be significantly adverse. A fence is proposed to separate the garden of the proposed dwelling from the side wall (and therefore ground floor window) of No.24 which removes the previous reason for refusal in this regard. This does however result in a strip of land that may not be maintained. A condition could be imposed in relation to the provision and retention of the boundary treatment and maintenance of this land given the prominent and sensitive location.
- 10.19 To the rear of the site is currently a vacant yard, however planning permission has been obtained for 6 dwellings and plot 3 would be to the rear of the site. There are no windows in the side elevation of plot 3 which faces towards the site and the dwelling itself is separated from the application site by the car port. The

location of the first-floor window serving bedroom 1 to the rear of the site would result in direct overlooking of the garden serving plot 3 at a distance of only approximately 7m. However it is noted that this is the third window serving this bedroom and could therefore be conditioned to be obscure glazed and fixed shut whilst still retaining sufficient outlook from the room.

- 10.20 The proposal is afforded in excess of a third of the plot for private amenity space, in accordance with Policy LP16(h). There will be some overlooking from Nos. 41, 43 and 45 opposite, however the relationship is as many of the existing properties on London Road, and the distances are such that this is not considered to be significantly detrimental. There is direct overlooking of the garden by 2 first-floor windows in the side of No.22 at a distance of less than 10m, this is not ideal and could have been designed out, however given the proposal is overall considered unacceptable it was not considered reasonable to request amendment and there is garden land at an acceptable distance.
- 10.21 Details in relation to bin storage and collection arrangements have not been provided, however these could be secured by way of a condition.

Highways/parking

- 10.22 The site utilises the access approved under F/YR19/0355/F and the Highways Authority have no objections subject to conditions.
- 10.23 Policy LP15 and Appendix A of the Fenland Local Plan 2014 require 3 parking spaces for a 4-bed dwelling such as this. 3 parking spaces have been detailed on the proposed site plan and these are tandem which is far from ideal, furthermore one of the spaces is located within the garden (indicated as a grass grid), would therefore be difficult to access or condition to be retained as a parking space and would result in a loss of private amenity space. As such it is not considered that the required parking provision is achieved.
- 10.24 Appendix A does advise that in central areas of market towns there is potential for a reduction in spaces to be negotiated, however the site is on a busy principal street where potential for additional on street parking should not be encouraged and the site has potential to accommodate the required number of spaces if redesigned. Whilst the shortfall in parking provision is not considered to warrant a refusal reason in its own right, it does contribute to the overall failure to provide a high quality environment.
- 10.25 It is acknowledged that unit 1 of F/YR19/0355/F is a 5-bed dwelling and was approved with only 2 parking spaces, however this was accepted due to the provision of visitor spaces adjoining, the proposal also had the wider benefits of redeveloping a brownfield site and renovating the listed building of 22 London Road, no such benefits are provided with the current application.

Ecology

- 10.26 The applications have been accompanied by a Bat, Bird and Barn Owl survey, undertaken in August 2020, which found no evidence of either species.
- 10.27 Recommendations have been made in respect of the provision of bat and bird boxes and a bat friendly lighting scheme and could be secured by condition.

Flood Risk

- 10.28 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

- 11.1 The application has failed to sufficiently understand the significance of the heritage assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition an alternative viable scheme which would achieve the conservation and re-use of the heritage asset has not been explored.
- 11.2 The site is located in a prominent and sensitive location, the proposed dwelling is a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm.
- 11.3 The proposal is therefore considered contrary to Policies LP2, LP15, LP16 and LP18 of the Fenland Local Plan, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 127, 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019.
- 11.4 Given this clear conflict with the above policies it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12 RECOMMENDATION

Refuse for the following reasons:

Reasons for refusal;

F/YR20/0585/F

1	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this curtilage listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p> <p>The submitted documentation fails to acknowledge that the building in question is listed and as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
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2	<p>Policies LP2, LP15, LP16 (d & e) 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 B2 of the National Design Guide 2019 and para 127 of the NPPF 2019 seek to ensure that proposals protect and enhance heritage assets, create high quality environments and make a positive contribution to the local distinctiveness and character of the area, do not adversely affect residential amenity and provide sufficient on-site parking.</p> <p>The site is located in a prominent and sensitive location, the proposed dwelling is a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm. As such the proposal is considered contrary to the aforementioned policies.</p>

F/YR20/0586/LB

1	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this curtilage listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p> <p>The submitted documentation fails to acknowledge that the building in question is listed and as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
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F/YR20/0585/F and F/YR20/0586/LB

Scale = 1:1,250





0 20M
EXISTING BLOCK PLAN
SCALE 1:500

B 17.07.2019 Ammendments made to suite planning/conservation officers comments. NA MDV

A 10.04.19 FIRST ISSUE NA MDV

Rev Date Details Drawn Checked
Issued for:

PLANNING

Project Name:	Project No:
22 LONDON ROAD	362
CHATTERIS	Dwg No:
PE16 6AU	01A
	Rev:
	B
Drawing Name:	Scale:
EXISTING SITE LOCATION AND BLOCK PLAN	Varies @A3
Drawn By:	Date:
NA	10.04.2019
Checked By:	Date:
MDV	10.04.2019

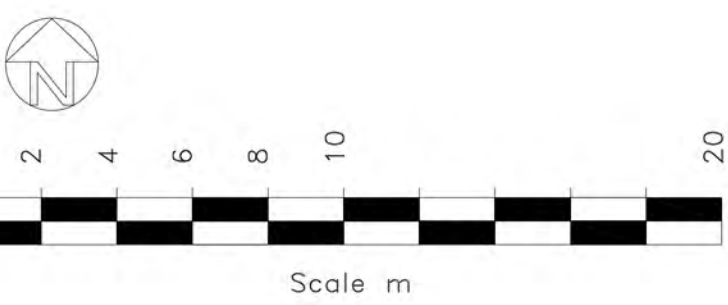
DWELLING AREAS (GIA)

UNIT 2 - (GROUND FLOOR 86.03m²)
(FIRST FLOOR 86.03m²)
(4BEDROOM)

DWAF WALL WITH BRICK
PIERS @4m C/C AND CLOSED
BOARDED TIMBER FENCE
BETWEEN PIERS AT 1.8m
HIGH

DWAF WALL WITH BRICK
PIERS AND METAL ESTATE
FENCING AT 1m HIGH AS PER
ELEVATION D-D

1.8m
CLOSED BOARDED TIMBER
FENCE



20.01.2019	FIRST ISSUE	NA	MDV
Rev	Date	Details	Drawn
Issued for:			
PLANNING			
Project Name:	22 LONDON ROAD CHATTERIS PE16 6AU	Project No:	362
Dwg No:	002	Rev:	-
Scale:	1:200 @A1	Drawn By:	NA
Drawing Name:	PROPOSED SITE PLAN	Date:	20.01.2019
Checked By:	MDV	Date:	20.01.2019



Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.

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- MATERIALS
- 01

Buff Brick Flemish bond
- 02

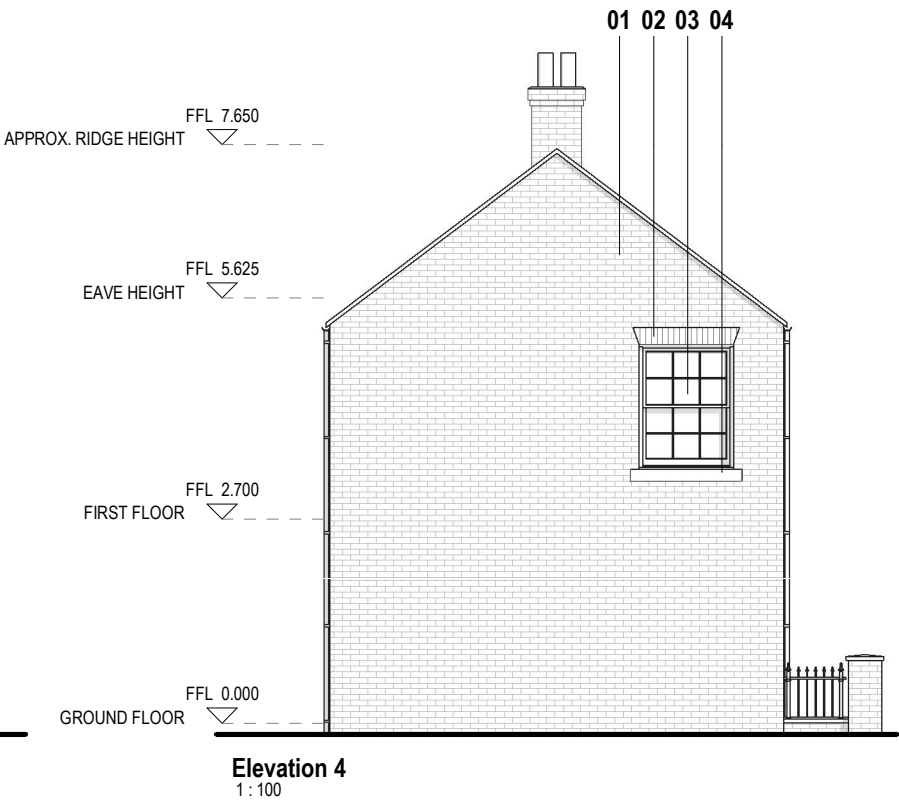
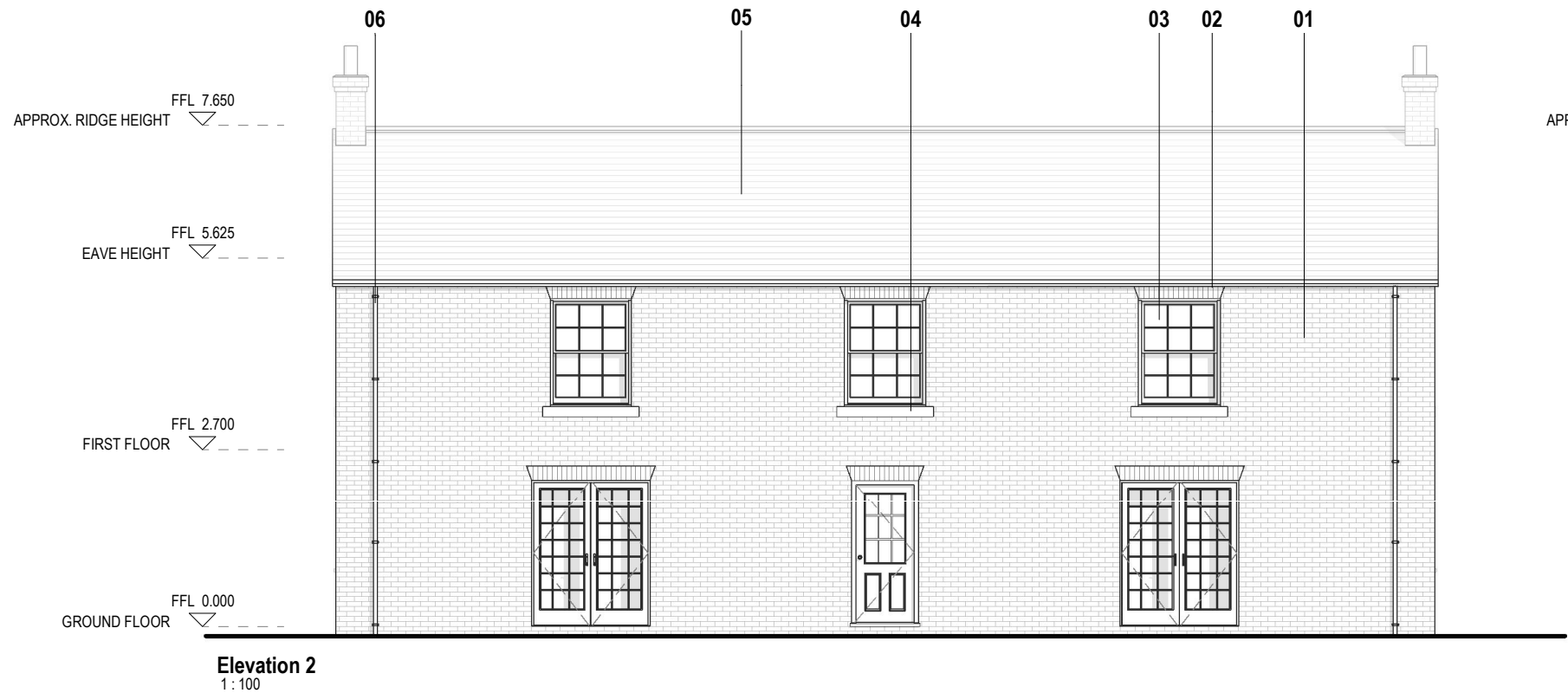
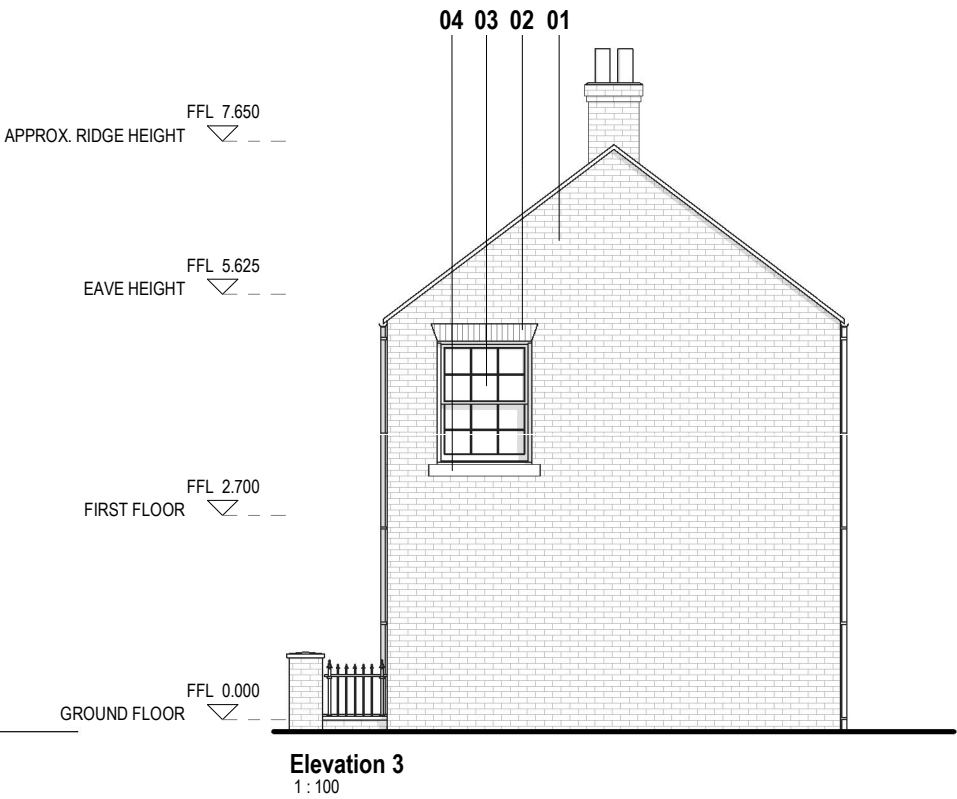
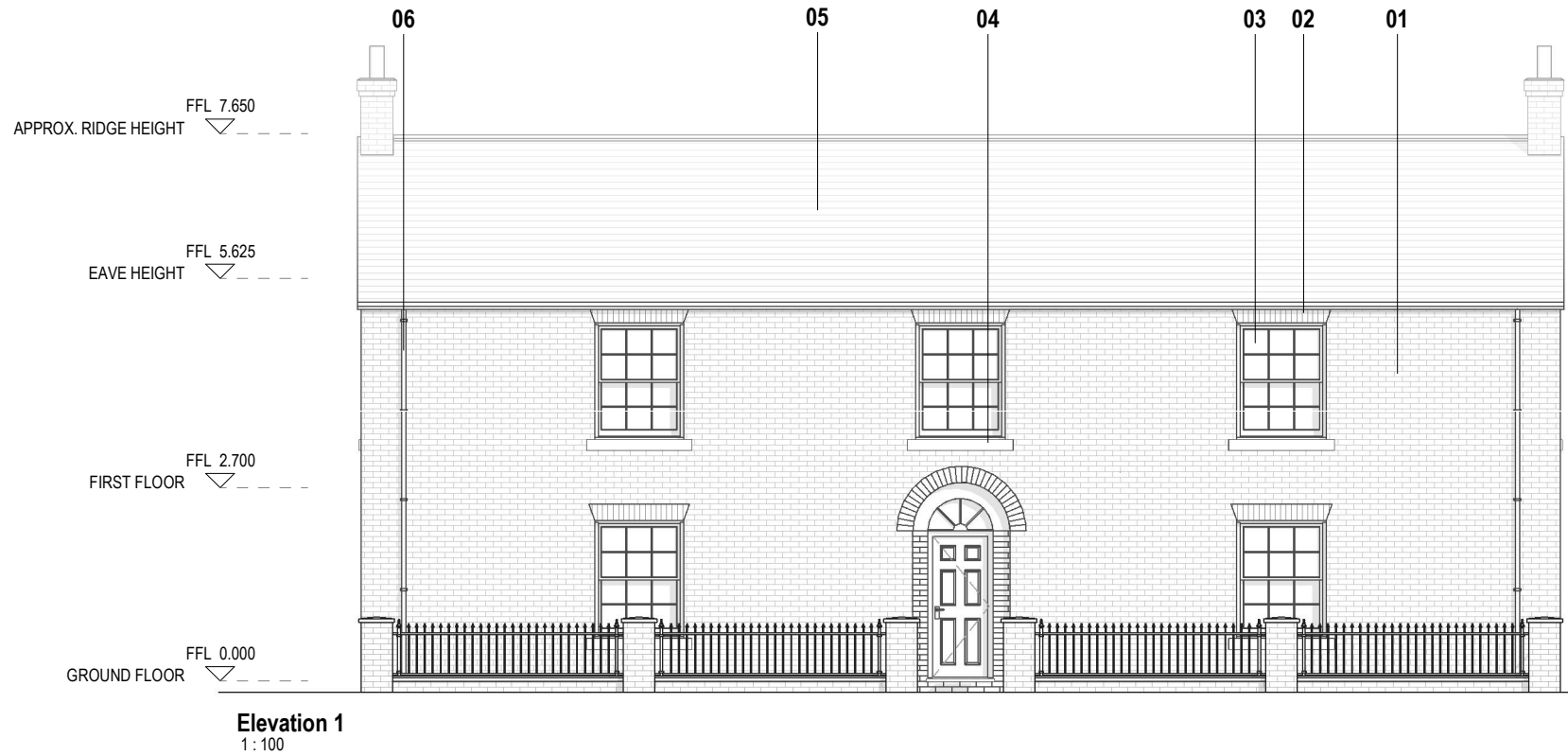
Brick Header Course
- 03

White Painted Timber Sash Windows
- 04

Stone Cill
- 05

Slate Roof
- 06

Black Gutters and Downpipes



21.11.19 FIRST ISSUE		NA		MDV	
Rev	Date	Details	Drawn	Checked	
Issued for:					
PLANNING					
Project Name:			Project No:		
22 LONDON ROAD,			562		
CHATTERIS			Dwg No:		
PE16 6AU			005		
			Rev:		
Drawing Name:			Scale:		
PROPOSED ELEVATIONS			1 : 100 @A3		
Drawn By:		Date:			
NA		23.01.20			
Checked By:		Date:			
MDV		23.01.20			

AREA SCHEDULE

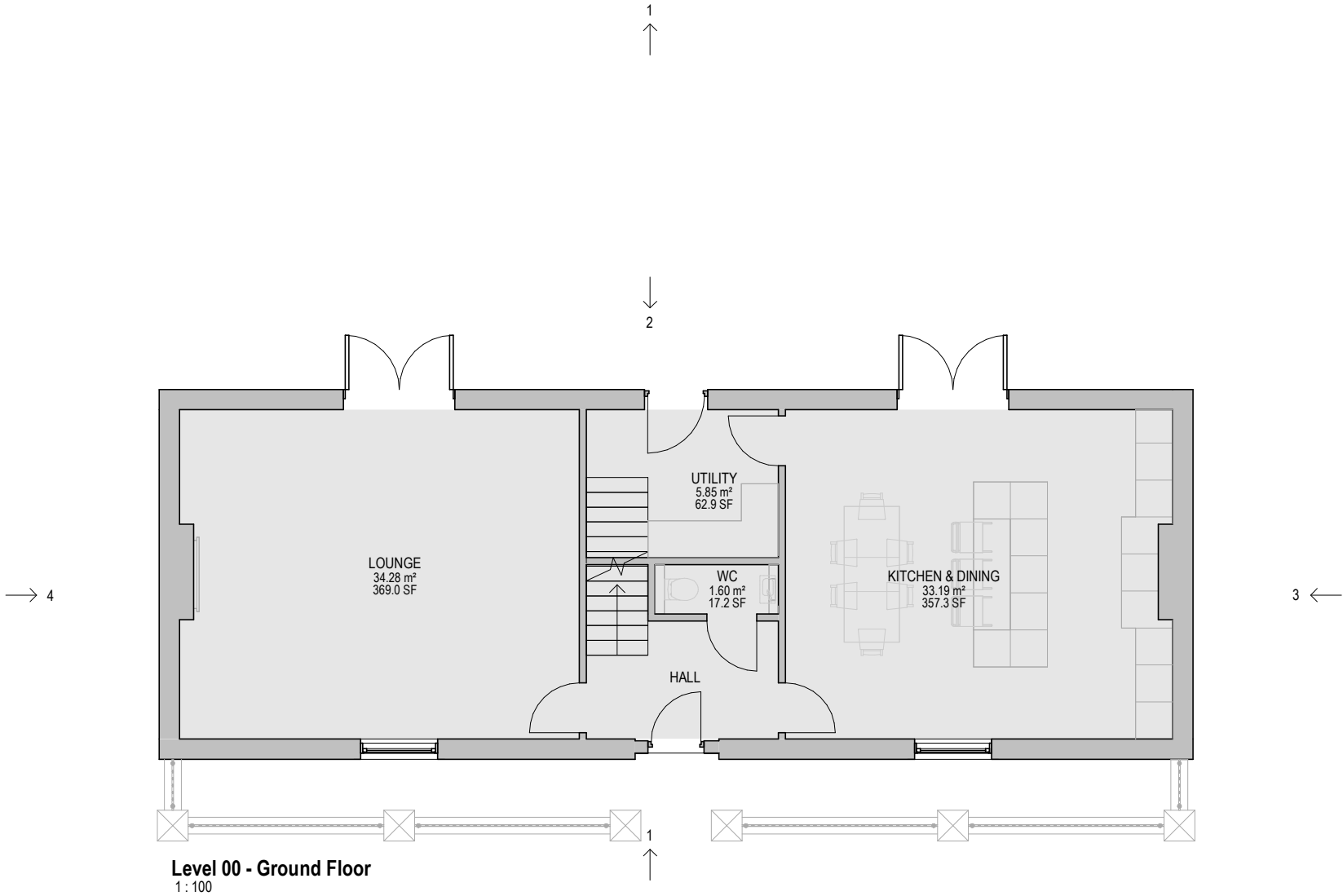
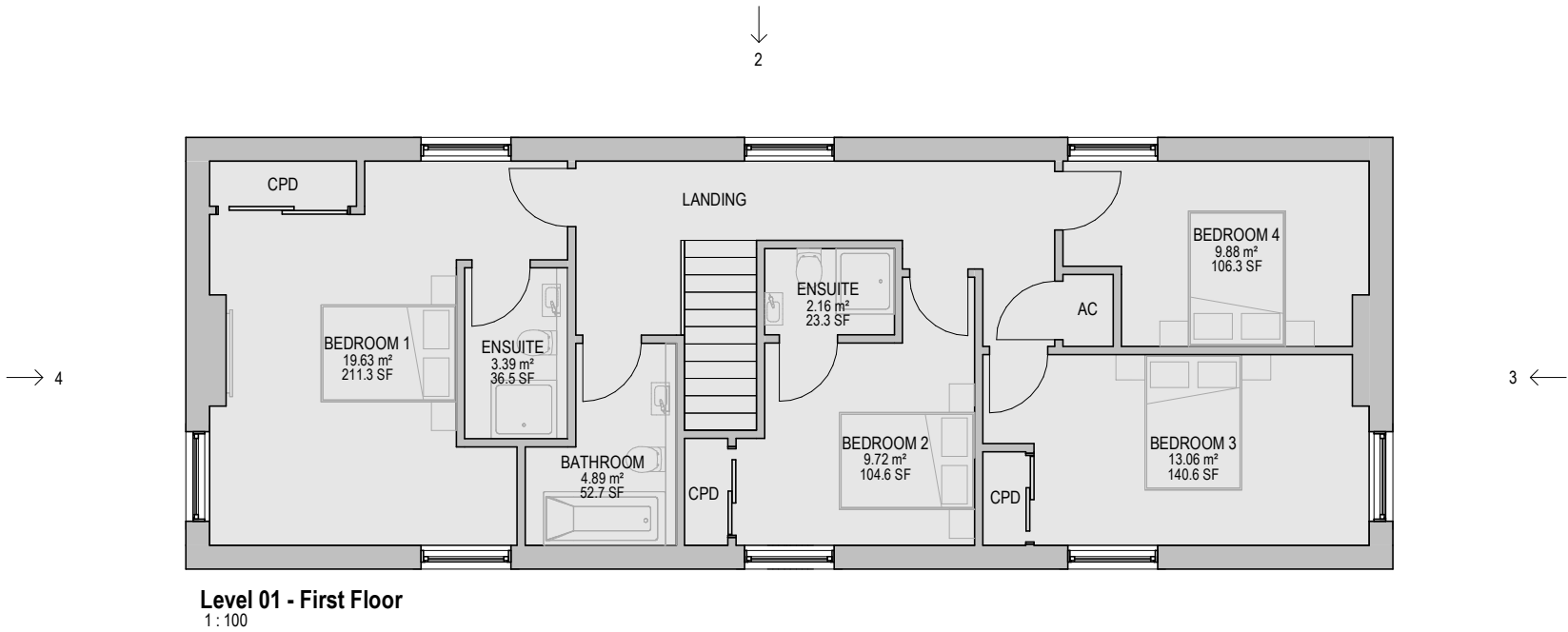
FLOOR LEVEL	AREA (m2)	AREA (sq ft)
GROUND FLOOR	86.03 m²	925.99 ft²
FIRST FLOOR	86.03 m²	925.99 ft²
	172.05 m²	1851.98 ft²

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- Proposed Walls
- Proposed Area
- Principal Entrance



21.11.19 FIRST ISSUE	NA	MDV
Rev Date	Details	Drawn Checked
Issued for:	PLANNING	
Project Name:	Project No:	
22 LONDON ROAD,	562	
CHATTERIS	Dwg No:	
PE16 6AU	003	
	Rev:	
Drawing Name:	Scale:	
PROPOSED FLOOR PLANS	1 : 100 @ A3	
Drawn By:	Date:	
NA	23.01.20	
Checked By:	Date:	
MDV	23.01.20	

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F/YR20/0740/F

Applicant: Mr M Large

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

Land to the south of 125 Fridaybridge Road, Elm

Erect a 2-storey 3-bed dwelling

**Reason for Committee: Number of representations contrary to the Officer
Recommendation**

1. EXECUTIVE SUMMARY

- 1.1. The application proposes the construction of a new, 2-storey dwelling within a Limited Growth Village.**
- 1.2. The application site is located between a plot with planning permission and an existing dwelling, and is also on land within Flood Zone 3.**
- 1.3. Residential dwellings have been refused on the application site under delegated powers on two separate occasions in the last 2½ years.**
- 1.4. The application is not accompanied by a satisfactory sequential test.**
- 1.5. The proposal is therefore considered to be unacceptable in its current form and amendments would not overcome the in-principle issue relating to development on the site within Flood Zone 3.**
- 1.6. The proposal is therefore recommended for refusal.**

2. SITE DESCRIPTION

- 2.1.** The site lies to the west of Fridaybridge Road and east of Back Road, Elm. To the immediate north is an attractive cottage with a modest garden and to the south is an area of open land with consent for the construction of a new dwelling. Beyond that site to the south is a large recently constructed two-storey dwelling with attached garage. Properties in Back Road form a backdrop to the site, of particular note is Carnaby House – a rendered cottage with slate roof and dormer windows. The site is vacant and overgrown with scrub grass and weeds.
- 2.2.** The east and west boundaries of the site are part hedgerow, part open, although with more native species in the eastern boundary. The southern boundary is open, with a closeboard fence separating the land to the south from the existing dwelling beyond, and a similar boundary treatment proposed as part of the approved dwelling on the land immediately to the south. The northern boundary is partly closeboard fencing with the remainder formed by the side wall of an outbuilding associated with the cottage on that land.

2.3. The application site lies mainly within flood zone 3.

3. PROPOSAL

3.1. The proposal is for the construction of a two-storey 3-bedroom dwelling with a detached single garage and parking/turning provision.

3.2. The dwelling proposed is 8.4m tall, with an integral chimney projecting above the ridge at the northern end. The main entrance is located on the front (east) elevation as viewed from Fridaybridge Road. The elevations shown detail solar photovoltaic panels on both the east and west elevations of the main roof.

3.3. The footprint of the dwelling measures approximately 10m by 8m, with a private garden area identified as being 127m².

3.4. The dwelling is proposed to be served by its own independent access off Fridaybridge Road with parking and turning to the side and front of the dwelling.

3.5. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QDVLHSHE03000>

4. SITE PLANNING HISTORY

F/YR20/0297/F	Erect a 2-storey 3-bed dwelling with garage	Refuse 28/5/20
F/YR18/0441/F	Erection of a 2-storey 3-bed dwelling, a 1.8m high (max height) close boarded rear boundary fence and the formation of a new access	Grant 26/6/18
F/YR17/0946/F	Erection of 1x2-storey 3-bed dwelling with detached garage and 1x2-storey 3-bed dwelling, installation of 1.8m high close boarded boundary fence to the rear and the formation of two new vehicular accesses	Refused 21/3/2018
F/YR17/0161/F	Erection of 2x2-storey 3-bed dwellings with detached garages	Withdrawn 31/3/2017

5. CONSULTATIONS

5.1. Parish Council

Comments awaited

5.2. FDC Environmental Health

No objections. Recommend condition regarding unsuspected contamination.

5.3. Cambridgeshire County Council Highways Authority:

No highways objections subject to the inclusion of conditions regarding construction of the vehicular access, visibility splays, parking and turning prior to occupation, and the limitation of vehicular access gates at the premises.

5.4. Environment Agency

Paragraph 158 of the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Local Planning Authority must

determine if the sequential test is passed. Comments are made on the assumption that the proposals have passed the sequential test.

No objection to the proposal, but strongly recommend the mitigation measures set out in the FRA are adhered to.

5.5. Local Residents/Interested Parties:

7 responses were received from members of the public in relation to the application (Back Road, Fridaybridge Road, and Broad Lane - Elm, Bevis Lane - Wisbech St Mary, Mountbatten Drive – Wisbech)

The reasons given for the support were as follows:

- Natural infill
- Enhance the street scene
- Improve the appearance of the site

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 127: Well-designed development

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

Para 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 159-161: Need for the exception test.

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

National Design Guide 2019

Context

Identity

Built Form

Nature

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8. KEY ISSUES

- **Principle of Development**
- **Flooding and Flood Risk**
- **Visual Appearance and Character**
- **Residential Amenity**
- **Highway Safety**

9. BACKGROUND

- 9.1. Planning permission has been refused on two previous occasions for development of the land in question, which lies within flood zone 3. The applications were not accompanied by suitable sequential test documents.
- 9.2. Consent was granted in 2018 for the construction of a dwelling on the land to the south, which lies within flood zone 1.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the settlement of Elm, on land designated within flood zone 3, the zone of highest flood risk. There are therefore two matters of principle relevant to the consideration of the application. The first of these is whether or not development at this scale is appropriate within the settlement of Elm, and the second is whether or not the development is justified in terms of flood risk. The second of these issues is considered separately below under the heading Flooding and Flood Risk.
- 10.2. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.3. Elm is a Limited Growth Village, one of five such settlements in the third level of the hierarchy where policy LP3 identifies that *“For these settlements a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village”*.
- 10.4. On that basis, and due to its location as an infill site between existing dwellings and an approved permission, the principle of the construction of a new dwelling within Elm is considered to be acceptable, and consideration is therefore given to the site specific impacts of the proposal.

Flooding and Flood Risk

- 10.5. The application is located within Flood Zone 3, which is the flood zone of highest risk outside functional flood plains. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land within lower flood risk areas.
- 10.6. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development in lower flood risk areas than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.7. The application is accompanied by a Flood Risk Assessment, produced by Ellingham Consulting in February 2020, which was also submitted alongside the most recently refused application on the site (F/YR20/0297/F).
- 10.8. The Flood Risk Assessment includes a section regarding the sequential test identifying a single site, off Back Road, as being reasonably available for development. This site is then ruled out of consideration as the ground levels at the application site are higher by approximately 0.2m.
- 10.9. The sequential test is deficient as it has failed to fully consider all reasonable available sites for development within the settlement. There is no evidence submitted alongside the application to suggest the applicant has conducted an assessment of the permissions granted within Elm to establish how many of those sites are classed as reasonably available and should be considered as part of the sequential test.
- 10.10. Given the number of dwellings permitted in Elm within the last three years there is no justification for requiring the current proposal to be granted permission without a full and proper sequential test being undertaken.
- 10.11. On that basis, the proposal is considered to be contrary to the requirements of policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework (2019) in respect of the issue of Flood Risk.

Visual Appearance and Character

- 10.12. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.13. This area of Fridaybridge Road has seen a significant level of development over the past few years and there are a number of properties of similar character and scale evident within the streetscape. The road runs parallel with Back Road to the west and as such views through to properties along Back Road are afforded through gaps within the street scene. The site layout has been amended from the previous refusal of permission so as to retain this feature, although it does result in the north gable of the building being located within 1m of the site boundary.

- 10.14. The property is typical of a modern 3-bedroomed dwelling, with a dual-pitch roof and a north-south ridge, with an integral chimney at the northern end. The elevation details show an off-centre main entrance under a canopy porch, with the most notable features being a central window spanning the ground and first floor to provide illumination to the staircase, and solar photovoltaic panels detailed on both the front and rear elevations of the roof.
- 10.15. The ridge height of the building is shown as 8.4m, which is marginally higher than the 8.2m ridge approved immediately to the south. The proposed materials of construction are a textured red brick used in the construction of a recent dwelling to the south of the site, and a concrete pantile in a terracotta finish, which is present in only limited quantities in the wider vicinity of the application site. It would be reasonable to impose a condition relating to materials of construction should permission be granted, with a note to the applicant requiring the roof tiles to be more in keeping with their immediate surroundings, and as such this is not considered to justify refusal of the application.

Residential Amenity

- 10.16. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.17. The plan submitted details a private amenity space of 36% of the site area, which is sufficient to meet the policy guideline minimum. This provision does however result in unusual parking and turning arrangements for the property, with one space immediately in front of the living room window and main entrance
- 10.18. The impact of the proposal on the residential amenity of the neighbouring properties must also be considered. The main aspects of the dwelling are from its front and rear elevations, with only limited openings to the south elevation and none at all on the north side. The relationships between these main windows and the properties towards which they face are typical of separation distances in the vicinity and will not result in unacceptable levels of harm to nearby residential amenity. The location of the proposed dwelling on the plot along with the design of the neighbouring permission ensures that there will be no adverse impact on the amenities of that dwelling. There will however be some impact on the garden area of the dwelling to the north, and its associated garden from the proximity of the proposed dwelling.
- 10.19. The proposed scheme would result in the construction of the side elevation of the dwelling only 1m from the shared boundary, and located immediately to the south of that garden area. There would therefore be some loss of light to that garden area however this would not affect early morning or evening sun, and the impact during the middle of the day would be more limited due to the angle of the sun in the sky at those times.

Highway Safety

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

- 10.21. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required.
- 10.22. The proposal makes provision for the parking and turning of two vehicles on site, and the Highways Authority has noted that subject to conditions securing the provision of the details shown on the plans at an appropriate stage during the development they have no objections to the scheme.
- 10.23. There is therefore no justification for refusal of the scheme on Highways Safety grounds.

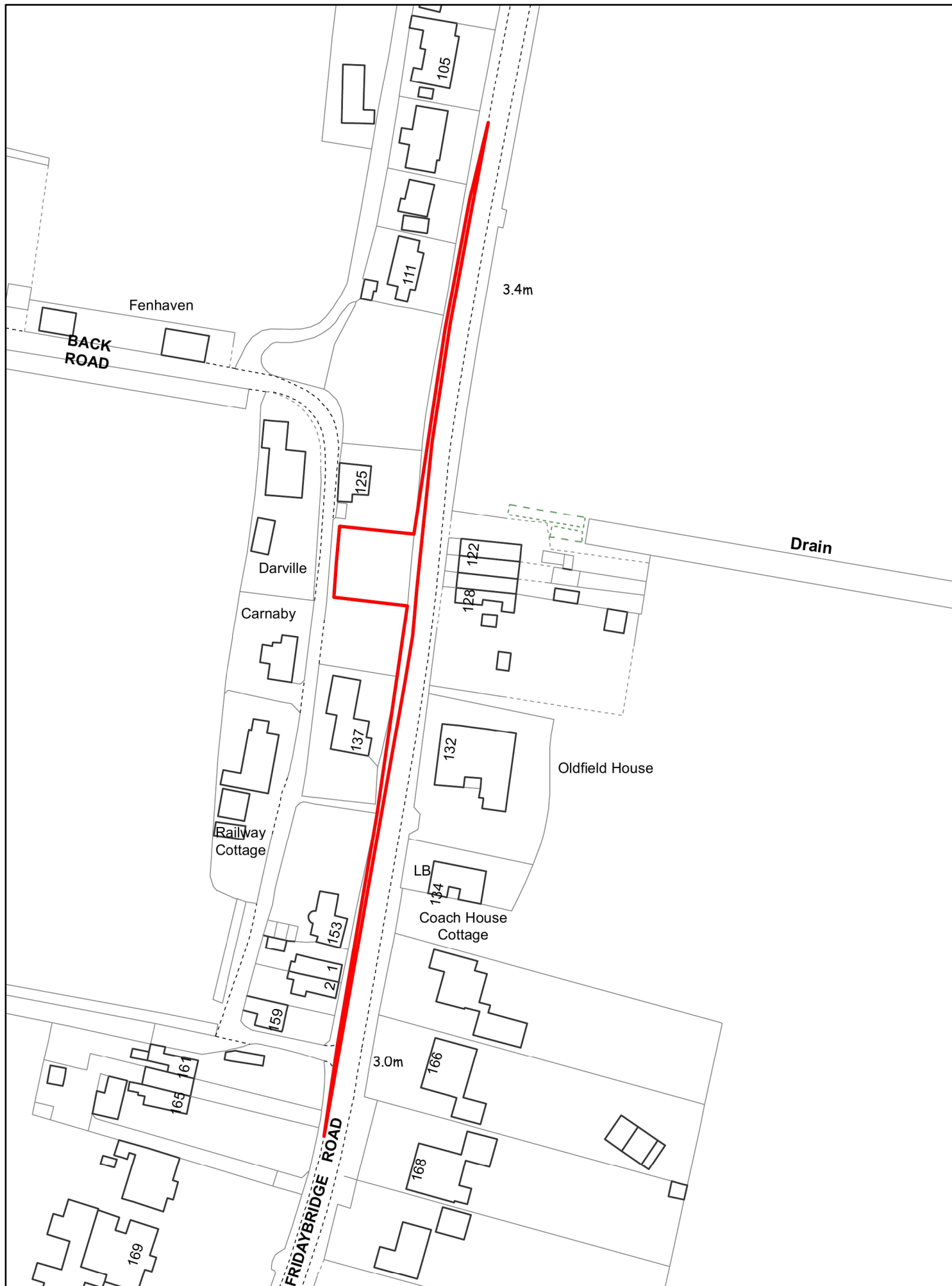
11. CONCLUSIONS

- 11.1. The proposal is for the construction of a single dwelling with associated parking and turning. The proposal would constitute infill development within a settlement designated as a Limited Growth Village, where such a proposal could be acceptable.
- 11.2. The site is located on land within Flood Zone 3 however, and is not accompanied by a sequential test demonstrating that there are no available sites within zones of lower flood risk capable of accommodating the development. The proposal therefore fails the sequential test and as such is contrary to planning policy LP14 of the Fenland Local Plan, and paragraphs 155-165 of the National Planning Policy Framework.
- 11.3. The proposal would also, due to its size and position within the site, have an unacceptable impact on the residential amenity of the neighbouring dwelling, contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).

12. RECOMMENDATION

REFUSAL, for the following reasons.

- | |
|---|
| <p>1. Policy LP14 of the Fenland Local Plan and Section 14 of the National Planning Policy Framework set out a sequential approach to development with regards to flood risk, requiring development proposals to demonstrate that there are no sequentially preferable locations for the proposed development. The application is for the construction of a single, 3-bedroom 2-storey dwelling, on land that is designated as Flood Zone 3. There is no full sequential test accompanying the application identifying and assessing the extent of other reasonably available sites for development within the settlement to demonstrate that the proposal is required to be located on land lying within flood zone 3, and therefore the proposal is contrary to the requirements of policy LP14 of the Fenland Local Plan (2014) and section 14 of the National Planning Policy Framework (2019).</p> |
|---|



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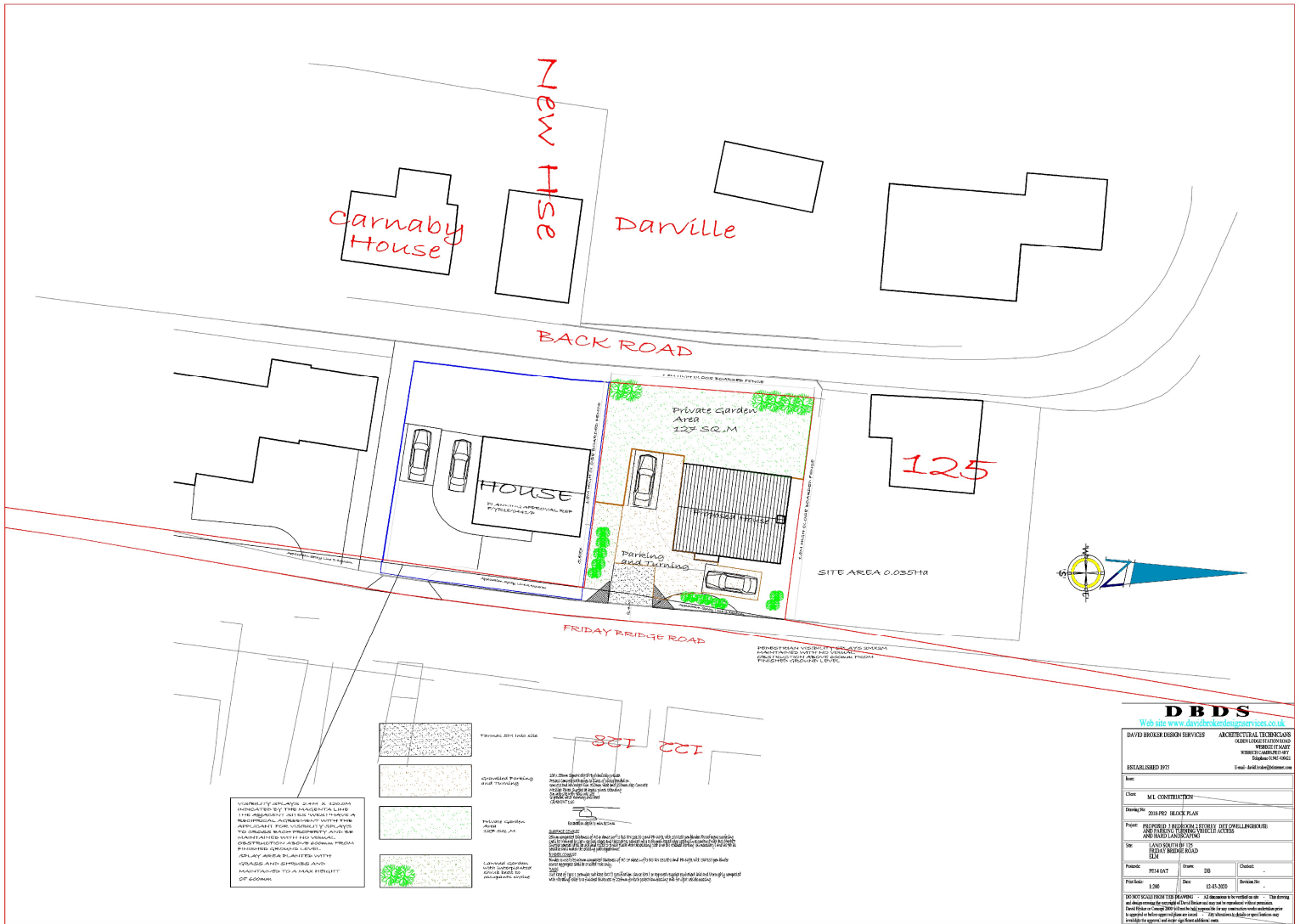
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F/YR20/0751/F

Applicant: Mr & Mrs Bellamy & Mr & Mrs White

**Agent: Mr Sam Herring
Swann Edwards Architecture Limited**

Land north of 1-5 Brewery Close, Parson Drove

Erect 4no dwellings comprising of 2x3-bed single-storey, 1x2-storey 4-bed and 1x2-storey 4/5 bed with garages including temporary siting of a caravan during construction on Plot 3 only

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

1. EXECUTIVE SUMMARY

- 1.1. The scheme is for the development of an area of disused land to the rear of existing residential development within Parson Drove.**
- 1.2. The site is within a Limited Growth Village where such proposals are indicated in the Local Plan as being acceptable in principle.**
- 1.3. The applicant sought preliminary advice with regard to the proposal, which indicated there are several areas of concern with regard to the scheme, however minimal changes were made prior to submission.**
- 1.4. The site is located in an area dominated by single-storey residential development.**
- 1.5. The proposal includes the construction of two, 2-storey property on the frontage of the site that would be at odds with the distinctive character of their surroundings.**
- 1.6. The scheme layout results in several adverse impacts on neighbouring residential amenity. It also demonstrates unacceptable relationships between the proposed dwellings in terms of overlooking of garden spaces and privacy impacts between rooms within the dwellings.**
- 1.7. Officers consider that these matters could be overcome through a proactive approach to the design and layout of the site, however the applicant has declined to make any further changes to the proposal and has requested the application is determined on the basis of the plans as submitted.**
- 1.8. Officers are therefore left with no alternative but to recommend refusal of the application on the basis of its harm to existing amenity, poor levels of proposed amenity, and its impact on the character of its surroundings.**

2. SITE DESCRIPTION

- 2.1. The application site is an area of vacant land between the residential developments on Brewery Close, Ingham Hall Gardens, Main Road and Springfield Road, Parson Drove.
- 2.2. The land is enclosed on all sides by 1.8m closeboard timber fencing, with two entrances, one off Brewery Close and one off Springfield Road. There is an existing concrete hardstanding/roadway within the site, leading from the Springfield Road access.
- 2.3. The properties adjoining the site are all single-storey in nature, with the exception of the 2 dwellings on Main Road. All the dwellings on Ingham Hall Gardens and Springfield Road are single storey, as are the majority of those on Brewery Close, with only 3 properties at its western end being of 2-storey nature.
- 2.4. The application site is on land designated as being within Flood Zone 1, the zone of lowest flood risk.

3. PROPOSAL

- 3.1. The proposal is for the construction of four new dwellings on the land. Two of these properties are to be single-storey, and two are 2-storey. The two bungalows would be located at the northern end of the site, with the two-storey dwellings located flanking the entrance to the site off Brewery Close.
- 3.2. Each of the four properties benefits from a single garage and additional driveway parking. The dwellings would be served by a single, central private driveway running between the two plots at the front of the site and with a limited turning space immediately adjacent to the proposed bungalow on plot 1. This driveway is shown on the plans as being enclosed by closeboard fencing alongside plots 2 and 3 and the adjacent gardens on Springfield Road.
- 3.3. The scheme includes the provision of a temporary caravan during the construction period for the proposed dwelling on plot 3.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QEYBFTHE01U00>

4. SITE PLANNING HISTORY

F/YR09/0252/FDC	Erection of 4 x 2-bed detached bungalows and 1 x 3-bed detached bungalow with associated garages/parking and landscaping and 6 parking spaces to serve existing bungalows on Springfield Road	Grant 7/8/09
F/YR12/0232/FDC	Erection of 4 x 2-bed detached bungalows and 1 x 3-bed detached bungalow with associated garages/parking and landscaping and 6 parking spaces to serve existing bungalows on Springfield Road (Renewal of planning permission F/YR09/0252/FDC)	Grant 6/6/12

5. CONSULTATIONS

5.1. Parish Council

Recommend approval subject to conditions requiring additional drainage measures at the entrance to Brewery Close, and restoration of Springfield Road and Brewery Close to their current state at the end of the development.

5.2. FDC Environmental Health

Contaminated land survey should be required by condition and undertaken prior to the commencement of the development. Recommend a time limit placed on construction activities.

5.3. Cambridgeshire County Council Highways Authority

No highway objections. Recommend conditions to ensure the access is sealed and drained and the parking & turning arrangement is retained in perpetuity. The comments relate solely to the impacts of the proposed access on the highway network and do not refer to the access arrangements within the site.

5.4. Local Residents/Interested Parties

22 responses have been received from members of the public. 21 of these were in support of the proposal from 20 separate residences (on Ingham Hall Gardens, Main Road, Brewery Close, The Bank, and Springfield Road, all within Parson Drove). 1 response raised objection (on Ingham Hall Gardens). A letter of support was subsequently received from this address.

The letters of support identify the following justification.

- Enhance visual aspect
- Improve security to the rear of home
- Vacant site in a central location
- Complies with Neighbourhood Plan and reflects the existing executive homes nearby
- Previously had planning permission
- Welcome the suggested improvements to Brewery Close roadway
- Will support services in the settlement
- Utilises the existing reinforced concrete driveway

The objection identifies the following reasons.

- The access road is unfit for purpose

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 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

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

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context

Identity

Built Form

Movement

Homes and Buildings

Resources

Lifespan

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

Parson Drove Neighbourhood Plan

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

8. KEY ISSUES

- **Principle of Development**
- **Visual Impact & Character**
- **Residential Amenity**
- **Highway and Driveway Safety**
- **Other Matters**

9. BACKGROUND

- 9.1. The application site has previously been the subject of planning permission for residential development (5 bungalows). This was originally granted in 2009, and an extension to the time period for implementation of that permission was subsequently granted in 2012.
- 9.2. That permission was never implemented, and pre-dates the current Fenland Local Plan, which was adopted in 2014.
- 9.3. The applicant sought pre-application advice in respect of the current scheme, and was advised that whilst the principle of residential development was acceptable, the details of the proposal demonstrated harm to the character of the area and poor residential amenity, both for the proposed dwellings and the adjacent properties.

- 9.4. During the consideration of the application, correspondence with the agent with regards to the redesign of the proposal to achieve a positive recommendation from Officers stated *“The client does not wish to make any further changes to the scheme and would therefore like to proceed with presenting the proposal to the planning committee for determination.”*

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2. Parson Drove is a Limited Growth Village, one of five such settlements within the hierarchy where a small amount of service provision will be encouraged and permitted over the plan period.
- 10.3. Policy 2 of the Parson Drove Neighbourhood Plan notes that proposals for fewer than 5 dwellings will be supported. The scheme is for the construction of four new dwellings and is therefore compliant with Policy 2.
- 10.4. It is clear therefore that the principle of the residential development of the site is acceptable, and consideration must then be given to the details of the proposal.

Visual Impact & Character

- 10.5. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the District. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.6. As noted above in paragraph 2.3, the Springfield Road/Ingham Hall Gardens/Brewery Close area is predominantly single-storey development, of a simple design and appearance, with very limited examples of 2-storey properties. Those examples are either visually more related to the Main Road through Parson Drove, or are located at the edge of this residential area, forming a visual enclosure of the wider development.
- 10.7. The proposed development would result in the construction of four dwellings, two of which would be 2-storeys in height, in the centre of the developed area. These 2-storey properties would be at odds with the distinctive character of this part of Parson Drove, and as such would appear incongruous within the street scene. The applicant has sought to demonstrate that this is not the case by providing a street scene drawing from Brewery Close showing the proposal in context. The scene shows a bungalow on the corner of Ingham Hall Gardens and Brewery Close, the two proposed 2-storey dwellings, and one of the 2-storey dwellings located at the end of Brewery Close. It omits however four bungalows that clearly form part of the street scene in Brewery Close separating the proposals from the existing 2-storey dwelling, due to the fact that these properties are accessed from Springfield Road. Due to this omission, and the presence those properties have within the Brewery Close street scene, the submitted street scene is not considered fit for purpose.

- 10.8. The proposed scheme provides for plots 3 and 4 to face towards the new driveway serving the properties, and as such these dwellings would present a side elevation to Brewery Close. The Design and Access Statement accompanying the application states that as the side elevations of the proposed dwellings contain visual interest there will be no harm caused to the street scene by the development. Officers do not agree with this statement as set out below.
- 10.9. Plot 3 has been designed with a stepped frontage and includes a lower, narrower section at the southern end where it borders Brewery Close. This would provide some visual interest however it would not be in character with the majority of development on Brewery Close, which faces the road. It would also have the potential to result in adverse impacts on amenity levels within the dwelling, which are considered separately later in the report.
- 10.10. Plot 4 by contrast is shown as being enclosed by a fence along the boundary with Brewery Close. That fence is shown as being located approximately 7.5m closer to the roadway than the existing site boundary and immediately adjoining the footpath. The full 2-storey side elevation of the dwelling would then be located 1.2m behind the fence. The side elevation detail does show a single first floor bedroom window in this elevation, however this is not considered sufficient for the proposal to complement and enhance the street scene in this location, with the proposed dwelling instead having a dominating and overbearing impact on the street scene. It is therefore considered that there is minimal visual interest, and harm is identified to the visual interest of the street scene.
- 10.11. Plots 1 and 2 are single-storey dwellings located to the rear of the application site with no presence within the street scene. Their single-storey nature combined with lack of visibility results in them having no harmful impact on the character of the area.
- 10.12. The Design and Access Statement states that the proposed dwellings have been designed so that they all front the driveway that serves them. Whilst this is accepted, the limitations of space within the application site and the scale of the dwellings proposed to be constructed result in a poor relationship between the proposed dwellings and that driveway. The proposed dwelling on plot 4 is located less than 0.3m from the driveway serving the development, which combined with the proposed fence immediately adjoining the opposite side of the road would have an unacceptable, overbearing impact on the character of the development. Amenity issues also arise as a result of this relationship however these will be considered separately.
- 10.13. Finally with regard to the impact of the proposal on character in the area is the matter of the proposed driveway serving the development. The boundary of plot 3 with the access driveway is noted on the layout plan as being a closeboard fence (so as to provide privacy to its garden). This immediately adjoins the eastern side of the access drive. Once the driveway passes plot 4, it is then enclosed on both sides by closeboard fencing, resulting in a narrow, corridor style access to the remaining dwellings that provides an extremely poor quality environment serving those properties.
- 10.14. In conclusion, the design of the development is considered to be harmful to the existing distinctive character of the area. This arises as a result of the location of the plots within the site, their scale and the particular design choices made. Officers consider that an acceptable solution could be found to ensure development of the site for residential purposes that complements and

enhances this character, however the applicant has declined the opportunity to make changes to the scheme to enable such a recommendation to be made.

Residential Amenity

- 10.15. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.16. The Design and Access Statement accompanying the application states that each plot contains the 1/3 private garden space indicated within policy LP16.
- 10.17. The proposed development however results in several significant issues with regard to residential amenity, relating to the properties proposed, and the impacts of those properties on the neighbouring dwellings.
- 10.18. Given the extensive nature of the amenity issues resulting from the proposal, these are set out in the report on a plot by plot basis.

Plot 1

- 10.19. Plot 1 is a 3-bedroomed single-storey dwelling, with an integral single garage and a single external car parking space. It is located at the north end of the site and its garden is on the northern side of the building. The site plan shows it is separated from plot 2 by a 0.7m wide path that runs round the rear of the property to its garden. That path is between 0.75 and 0.9m wide as it runs alongside the eastern boundary of the site. The rear personnel door of the garage opens onto the path, and there are windows to bedroom 2 and a bathroom looking out over it towards the eastern boundary.
- 10.20. The rear (north facing) elevation of the dwelling contains another bedroom window and the main kitchen window, along with utility and wet room windows, whilst the family area of the kitchen open west onto a small patio area located to the side of the plot adjoining the turning space provided for the private driveway serving the whole scheme.
- 10.21. The main living room looks out over this patio area, and also includes a bay style window looking south. Bedroom 3 is lit by a small window immediately adjacent to the main entrance of the dwelling on the south elevation. There is a central corridor style hallway lit by sun tubes, which gives access to the main rooms within the building.

Amenity issues

- Main lounge looks out directly into the main lounge of plot 2 over a distance of less than 8m.
- Bedroom 3 of plots 1 and 2 also look out directly at each other over a distance of 8.5m.
- Use of the patio area to the side of the dwelling will be adversely impacted by the adjacent turning head.
- The pathway between the garages for plots 1 and 2 would not allow residents to pass each other.
- The eaves of the proposed bungalow will project above the neighbouring fence (to Nos. 4 and 6 Ingham Hall Gardens) by 0.9m, and with an overall ridge height of 6.2m). The dwelling would be sited approximately 10.9m

from the closest rear wall of the neighbouring dwellings and as such would have a visually overbearing and dominant impact on these properties to the detriment of residential amenity.

- Turning head serving the development would not be practical if vehicles are parked on the driveways of plots 1 and 2.

Plot 2

- 10.22. The layout of the single-storey dwelling on plot 2 is broadly speaking a mirrored version of that for plot 1 of the scheme, with only a slight difference around the location of the utility room and family area within the kitchen to maximise the impact of the south facing elevation on the family area.
- 10.23. Plot 2 shares the pathway leading between the garages with plot 1, although its garden area is located to the south of the proposed dwelling rather than the north. The south boundary of the garden is formed in part by the side wall of the detached garage serving plot 3, with the layout plan indicating the remainder of the garden being enclosed by a closeboard fence. The garden wraps around the western side of the property and immediately adjoins the shared driveway serving the development.

Amenity Issues

- Main lounge looks out directly into the main lounge of plot 1 over a distance of less than 8m.
- Bedroom 3 of plots 1 and 2 also look out directly at each other over a distance of 8.5m.
- The eaves of the proposed bungalow will project above the neighbouring fence (to Nos. 6 and 8 Ingham Hall Gardens) by 0.9m, and with an overall ridge height of 6.2m). The dwelling would be sited approximately 10.9m from the closest rear wall of the neighbouring dwellings and as such would have a visually overbearing and dominant impact on these properties to the detriment of residential amenity.
- Use of the garden will be adversely impacted by use of the adjacent driveway.
- Turning head serving the development would not be practical if vehicles are parked on the driveways of plots 1 and 2.

Plot 3

- 10.24. Plot 3 is a two-storey dwelling with a single-storey element projecting from its southern elevation accommodating a family area with the kitchen/dining room. The dwelling includes 4 bedrooms, one of which is located on the ground floor at the north eastern corner. This bedroom is served only by a north facing window that looks directly out at the single garage, which is separated from the property by approximately 1.6m. It has a centrally located main entrance facing onto the access driveway, which leads into a hall area serving the downstairs rooms and a central staircase leading to the first floor. Upstairs are located three further bedrooms, one with en-suite wet room, and a shared bathroom.
- 10.25. Bedrooms 2 and 3 within the property are located with windows looking out from the front (west) elevation, whilst bedroom 4 is lit only by rooflights within the eastern roof slope.

Amenity Issues

- Private garden is only separated from the driveway serving the development by a fence.
- Garden is overlooked by the bedrooms of plot 4 from a distance of 7-7.5m.

- Existing boundary trees to the east would overshadow the rear windows of the property at ground and first floors.
- Relationship with boundary trees would result in pressure for their removal. Removal of the trees would result in additional impacts to neighbouring amenity (10 Ingham Hall Gardens).
- Relationship with Brewery Close would result in lack of privacy within the family area of the dwelling, which would lead to pressure to erect fencing that would harm the street scene.

Plot 4

- 10.26. Plot 4 is the largest of the dwellings proposed, and flanks the eastern side of the access driveway serving the development. It has a central main entrance facing east, which is flanked to the north by a ground floor bedroom, and to the south by the main living room. To the rear (west) of the dwelling, a large kitchen/dining/family room leads onto one part of the garden, created by enclosing a section of the existing roadside verge. A wide single garage is linked to the property by a utility room and study.
- 10.27. At first floor level, the property has three bedrooms, a shared bathroom and a games room/gym space that also incorporates a bathroom facility. Two of the bedrooms face east, whilst the third bedroom is located at the south western corner of the building, looking out over Brewery Close.

Amenity Issues

- Front bedroom windows overlook the only garden space for plot 3.
- Rear garden provides poor amenity space due to its shape and limited intervisibility between the two distinct areas.

Highway and Driveway Safety

- 10.28. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.29. As noted above, the Highways Authority has no objection to the proposal with regards to its impact on the Highways Network. Their comments do not however incorporate a consideration of the arrangements within the site, as the proposed driveway is to be a private access.
- 10.30. The driveway serving the development is indicated as being 4.5m wide along its length. This width would be further limited by any lighting proposals for the driveway to ensure adequate visibility along its length for use in dark conditions. It would then be flanked by boundary fencing alongside plots 2 and 3, and by the existing fence to the neighbouring land to the west once it passes plot 4. A limited turning area would be provided at the northern end of the driveway, although this would be of limited use when vehicles are parked on the driveways of plots 1 and 2. The presence of the boundary fencing would create a very enclosed access route to the dwellings, which in turn would have the impact of significantly restricting visibility for vehicles entering and exiting the driveways of plots 2, 3 and 4 in particular and would result in conflict with policy LP15 of the Fenland Local Plan, which requires a safe and convenient access to be provided.

Other Matters

- 10.31. The proposed scheme does not indicate any locations for proposed bin storage or collection. Each of the plots has sufficient land associated with them to

accommodate bin storage. As the scheme serves the dwellings via a private driveway, bins would need to be presented at the edge of the adopted highway for collection. Plots 3 and 4 could undertake this without conflict, however the only method by which bins associated with plots 1 and 2 could be brought for collection would be along the access driveway. The previously identified concerns regarding the enclosure of the driveway with fencing also results in potential harm to safety between pedestrians and vehicles accessing the dwellings along the driveway in general, and particularly when manoeuvring bins for collection.

- 10.32. The plans do not identify any specific collection point for bin collection, and the likelihood therefore is that bins would be left for collection on the footpath adjoining Brewery Close. The lack of an identified collection point increases the likelihood that bins will be left for collection at the nearest point to the property to which they relate, which would result in them immediately flanking the access into the site. This would result in them obstructing the view from vehicles looking to enter or leave the site and would also be harmful to the safety of the vehicular access. This could be controlled however through the use of an appropriately worded planning condition requiring the provision of an agreed, formal bin collection point prior to the occupation of the development.
- 10.33. Several of the comments received from members of the public relate to remediation works promised by the applicant to the existing carriageway on Brewery Close, and the Design and Access Statement makes reference to road improvement works to resolve a surface water flooding issue. It is noted that the plans do not identify where this issue exists, nor the specific works proposed to resolve the matter. Notwithstanding either of these points, there is no mechanism within the scope of the planning application to require works to be undertaken to resolve an existing issue such as this as part of a planning permission, and therefore this cannot be considered as a benefit of the scheme.

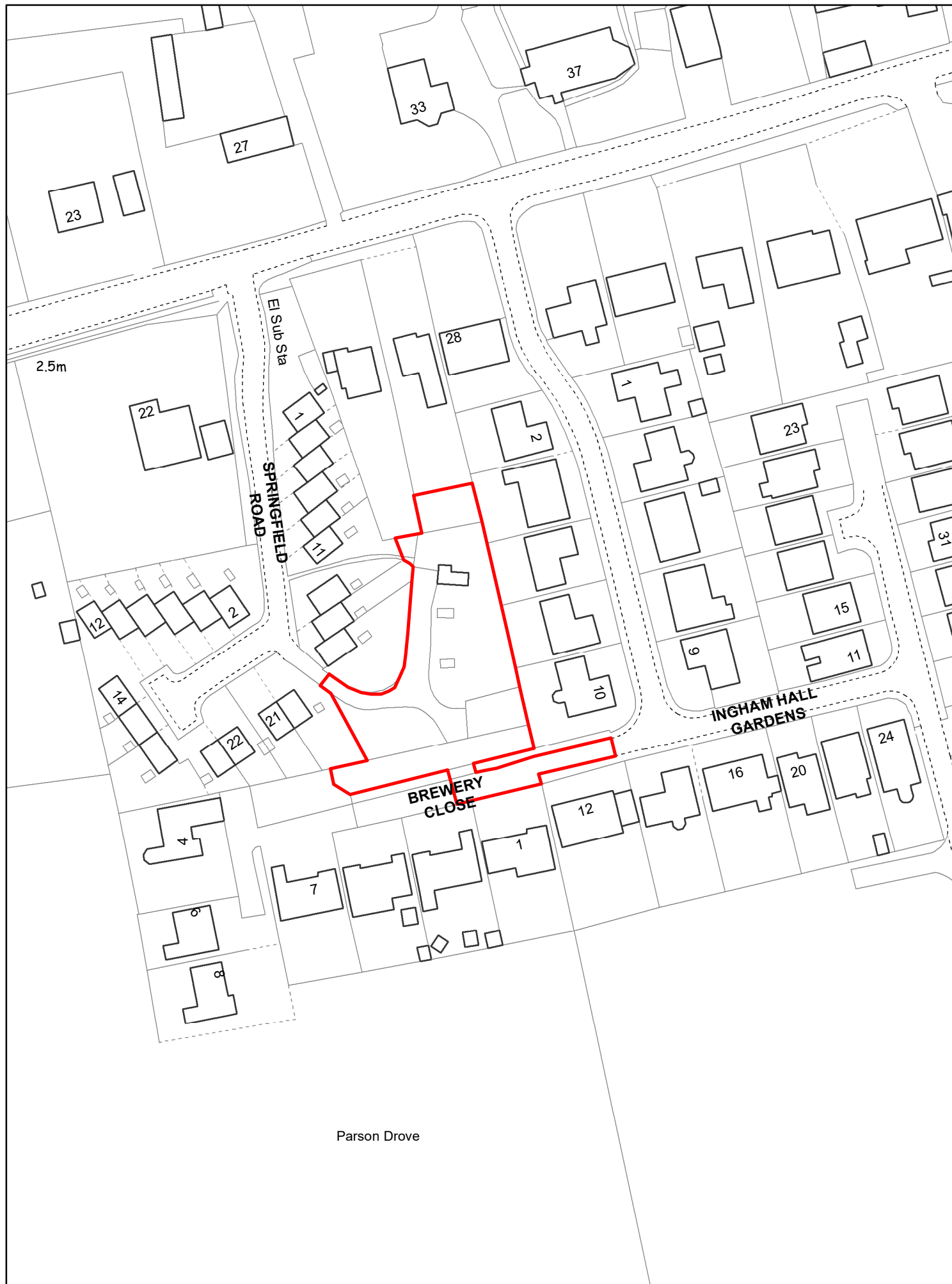
11. CONCLUSIONS

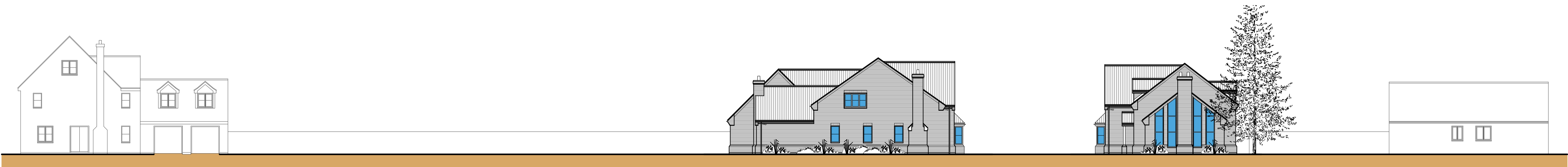
- 11.1. The application proposes residential development on an infill site within Parson Drove, where the principle of such development is acceptable. The number of dwellings proposed is such that the Parson Drove Neighbourhood Plan also supports the principle of development.
- 11.2. The proposed development was the subject of pre-application advice from the Local Planning Authority and the applicant was informed that although the principle of development was supported, the specific details of the scheme raised several issues that would prevent a recommendation to grant permission. Limited changes have been made to the application as a result of the pre-application advice, and the applicant has indicated they do not wish to make further changes to the scheme prior to its determination.
- 11.3. Whilst the principle of development on this site is acceptable, the specific details of the proposal result in a scheme, through the design, layout and scale, which would constitute the overdevelopment of the site and which would create a poor quality living environment for future occupiers, adversely impacting on the amenity of neighbouring residents and which would appear out of keeping with the surrounding area. This would be contrary to the relevant planning policies and the recommendation is therefore to refuse planning permission

12. RECOMMENDATION

REFUSE, for the following reasons.

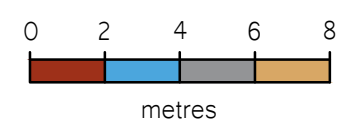
- | | |
|----|--|
| 1. | Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users. The development by virtue of its design, layout and scale would represent the overdevelopment of the site creating a substandard living environment for future occupiers as well as adversely impacting upon the amenity of neighbouring residents through overbearing and visual dominance. The scheme would therefore be contrary to the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014) and would also conflict with the aims and objectives of the NPPF and the National Design Guide. |
| 2. | Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The development by virtue of its scale and design would result in excessive, prominent and incongruous features within the Brewery close street scene at odds with the prevailing character and appearance of the area. This would be contrary to the requirements of Policy LP16 of the Fenland Local Plan (2014) and would also conflict with the aims and objectives of the NPPF and the National Design Guide. |





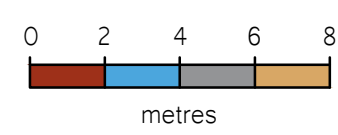
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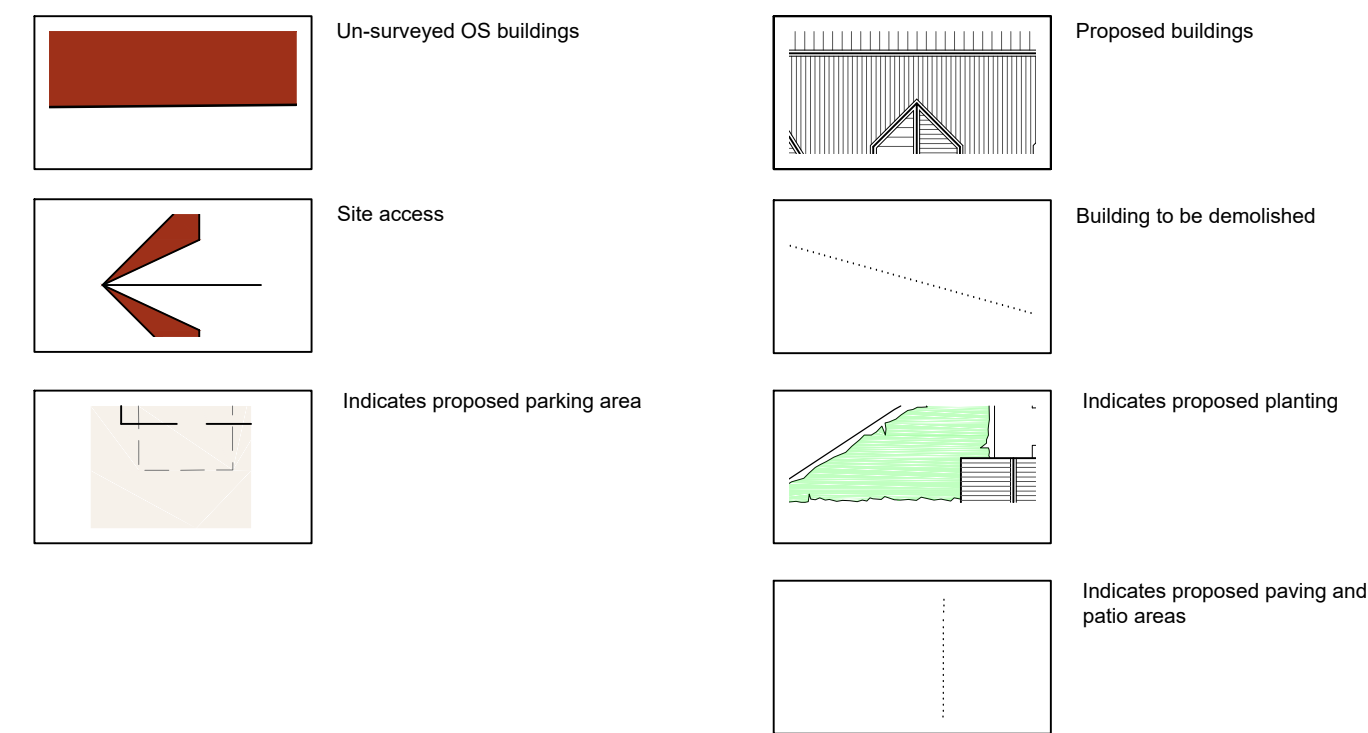


Site Plan

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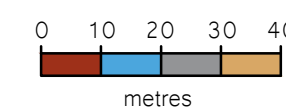


SITE PLAN KEY



Location Plan

Scale: 1:1250



- General Notes
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 5. Any discrepancies are to be brought to the designers attention.

Revisions

A	Mar 2020	Porch amended following client comments
B	Apr 2020	Amendments following client comments on 30/03/2020
C	June 2020	Amendments following client comments
D	July 2020	Revised for Planning
E	July 2020	Temporary caravan location added
F	Aug 2020	Red line amended

Status

FOR APPROVAL

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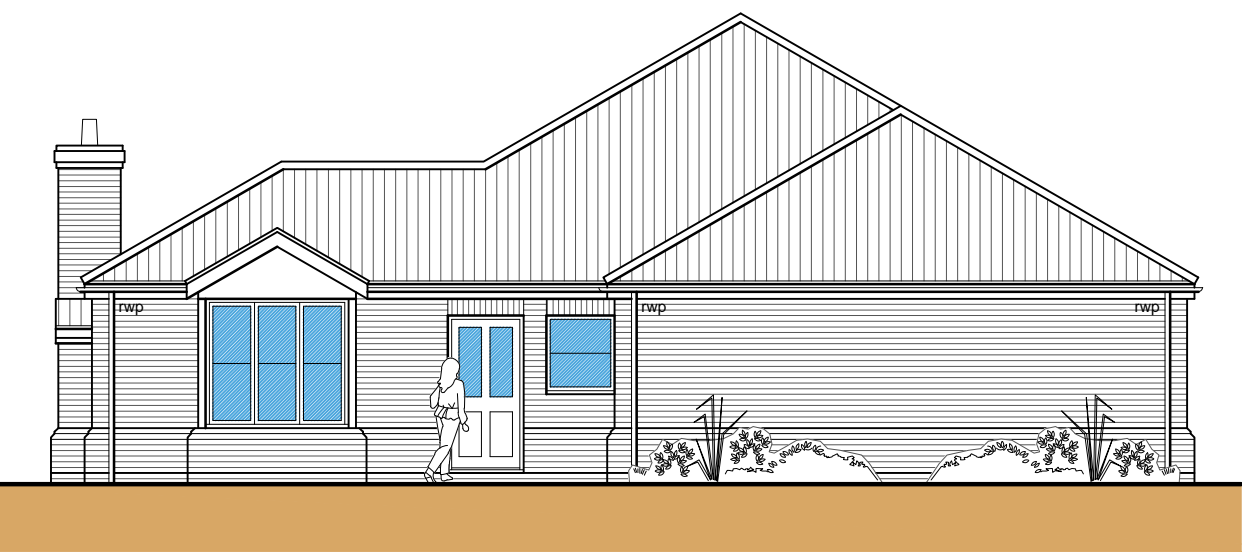
Proposed Residential Development Brewery Gardens Parson Drive, for: Mr&Mrs Bellamy & Mr&Mrs White	Job Title February 2020	Date February 2020	Scale Various Sheet Size A1
	Drawing Title Planning Drawing Site Plan & Location Plan	Job No. SE-1281 Dwg No. PP1000	Drawn by SHe Revision F

Plot 1



Front Elevation (W)

Scale: 1:100



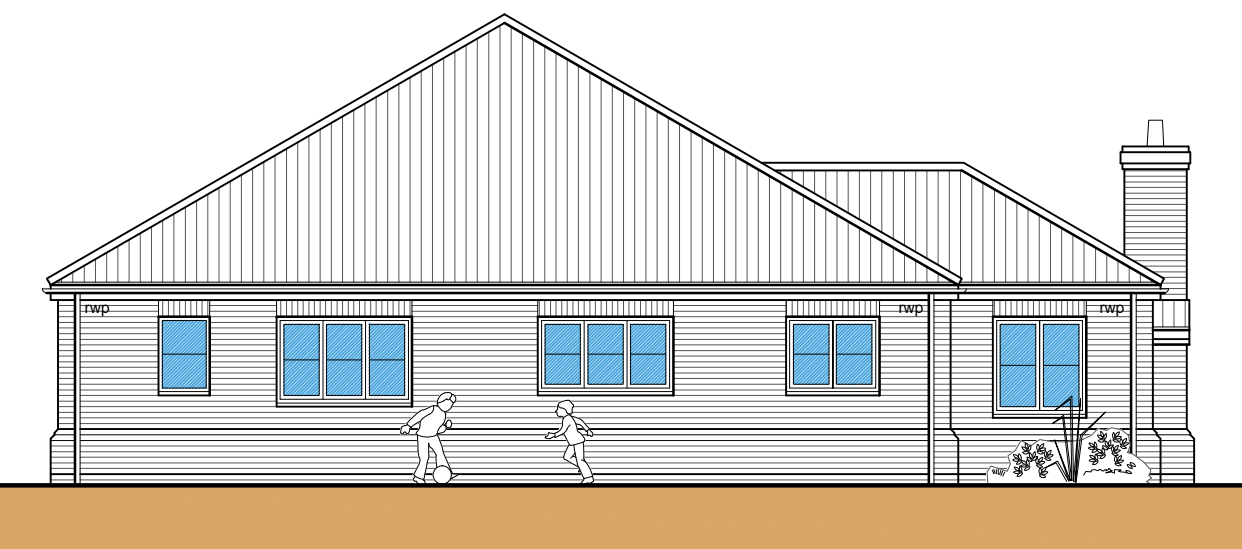
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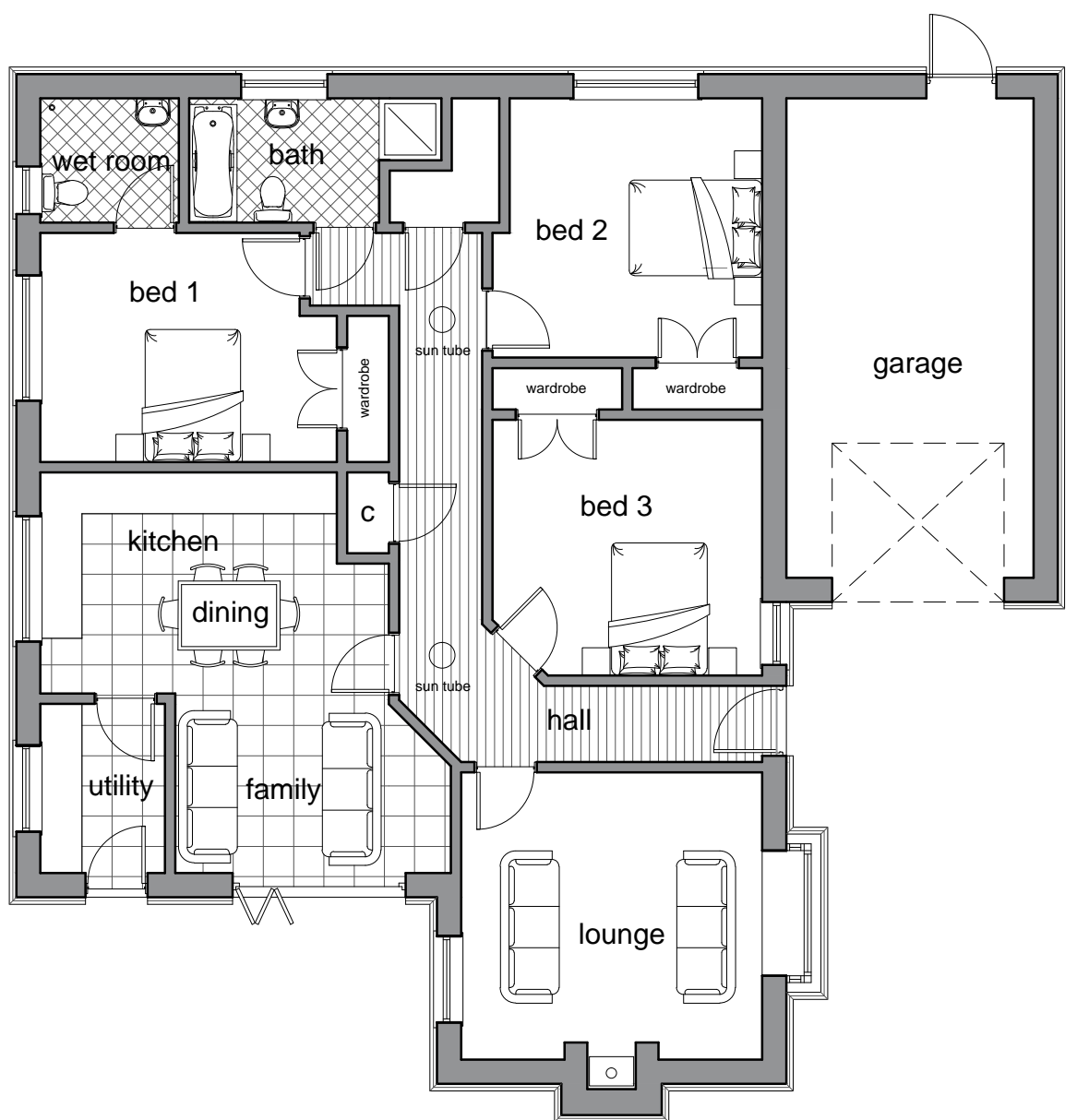
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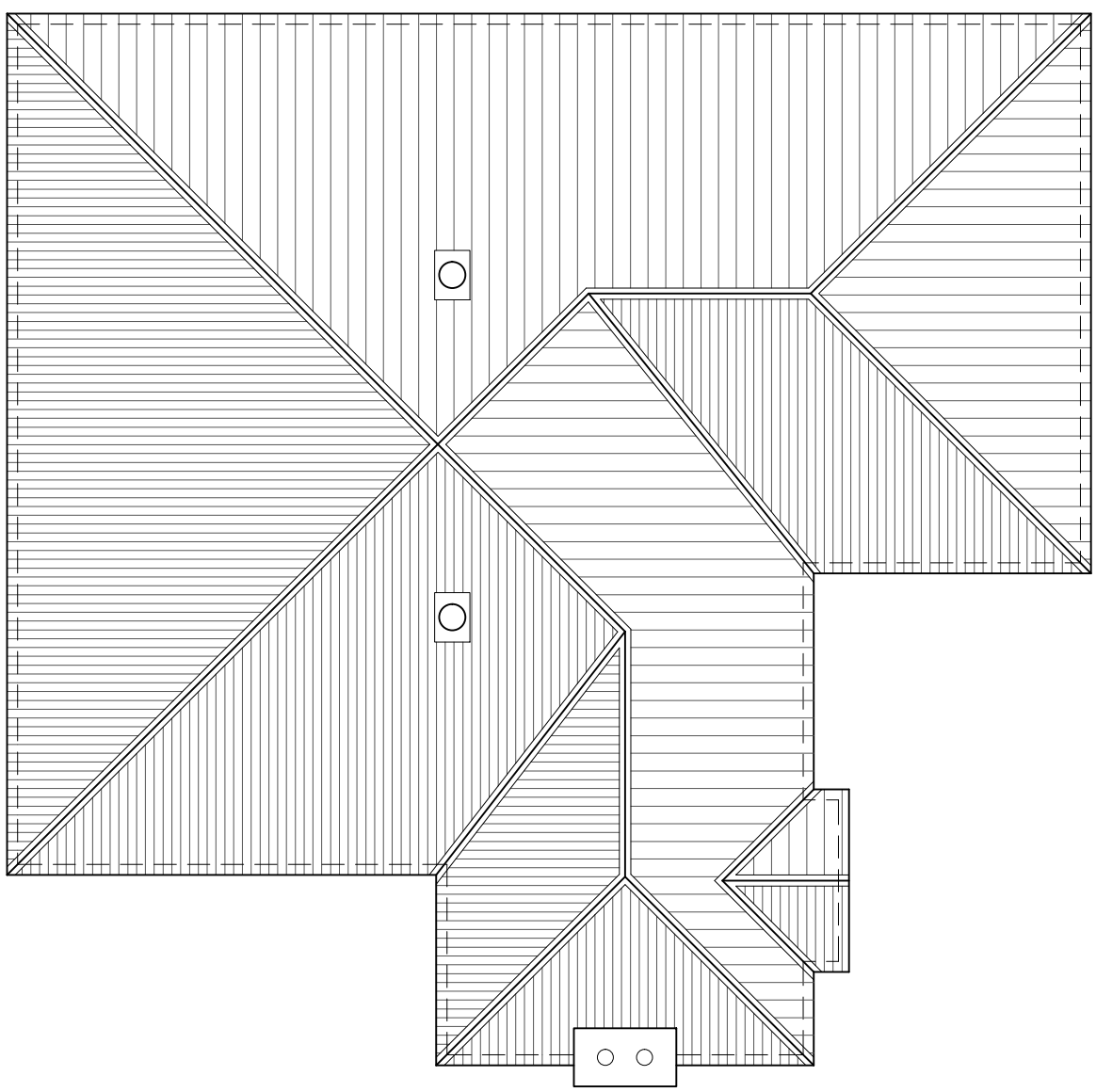
Side Elevation (N)

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Floor Plan

Scale: 1:100



Roof Plan

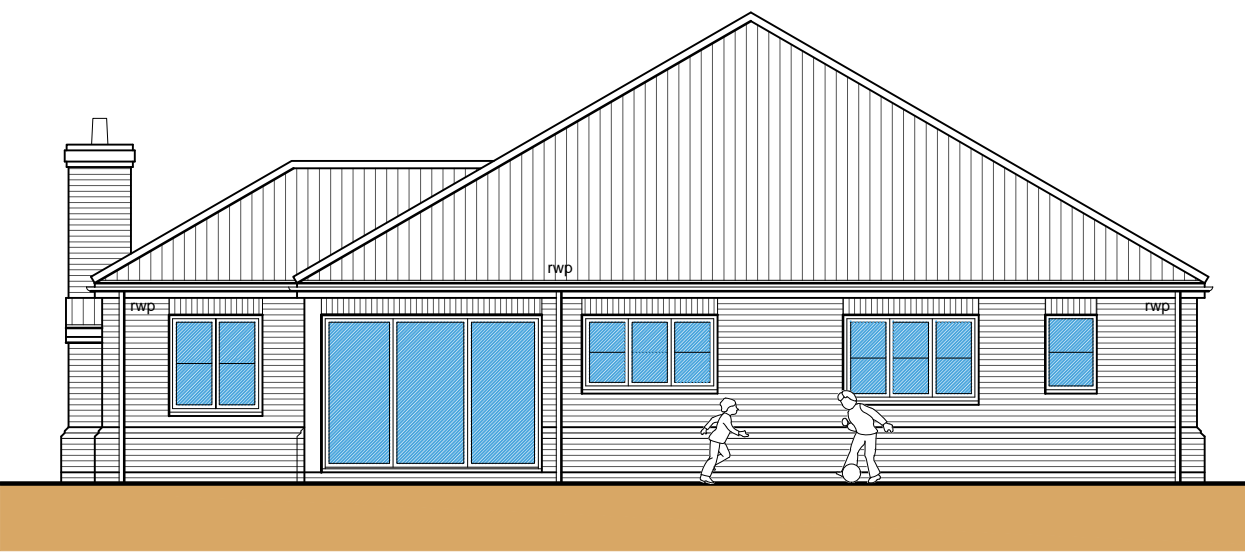
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Plot 2



Front Elevation (W)

Scale: 1:100



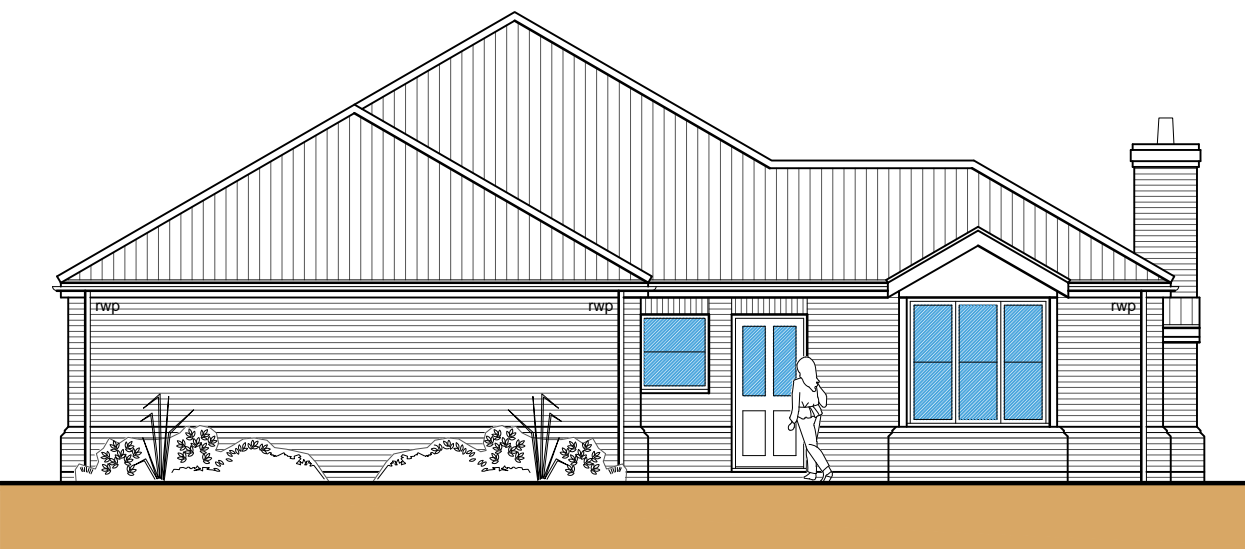
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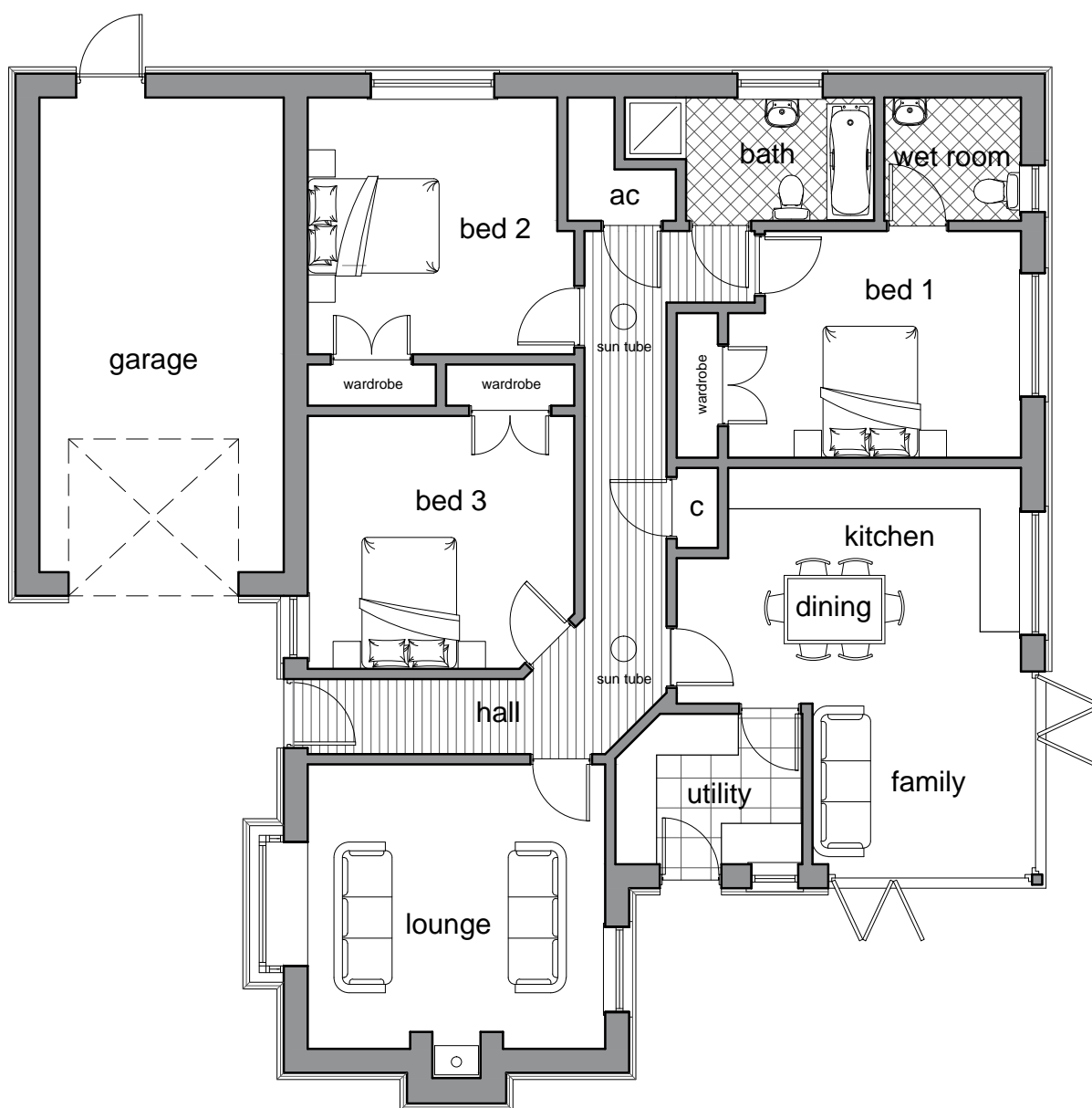
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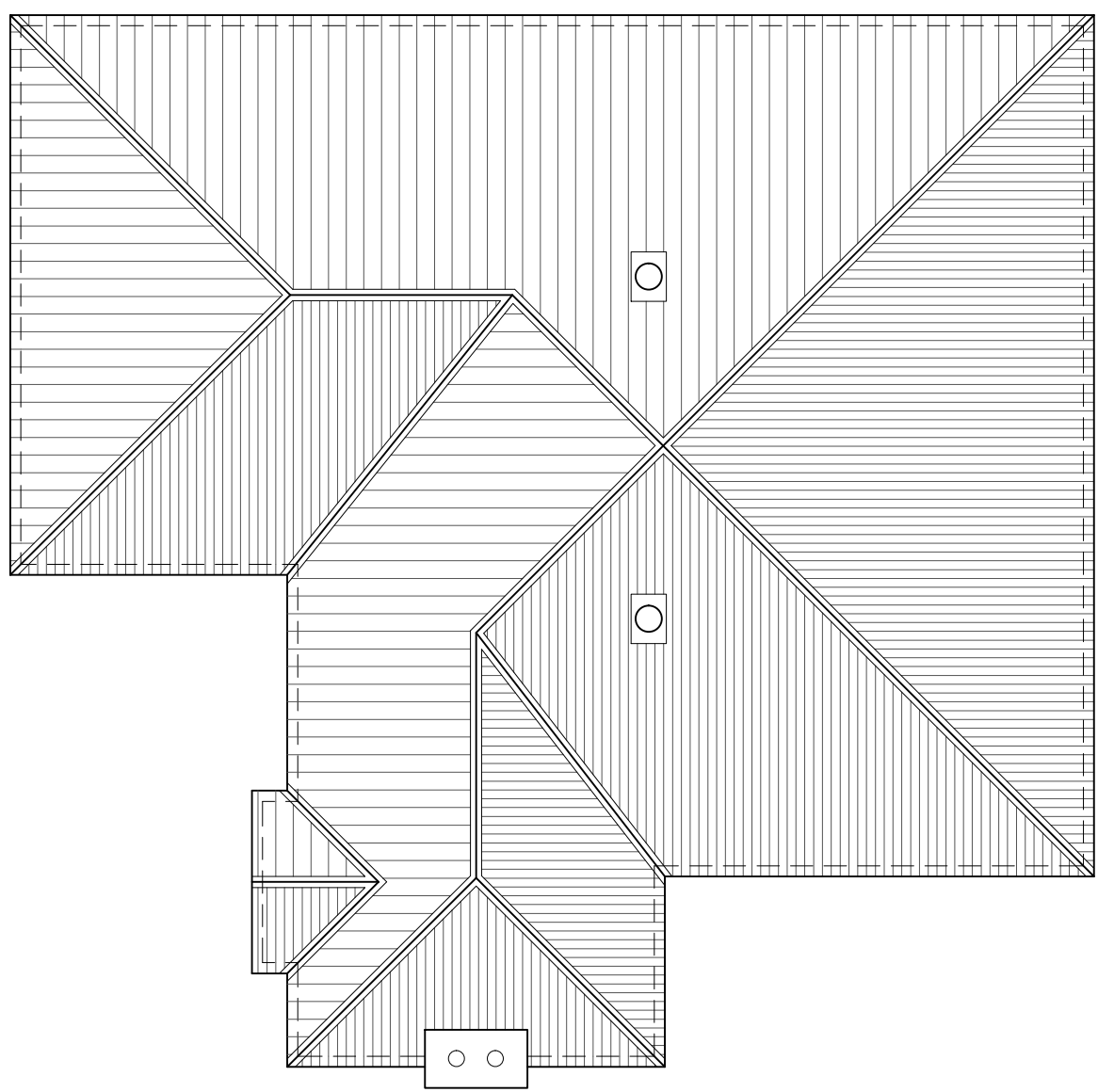
Side Elevation (N)

Scale: 1:100



Floor Plan

Scale: 1:100

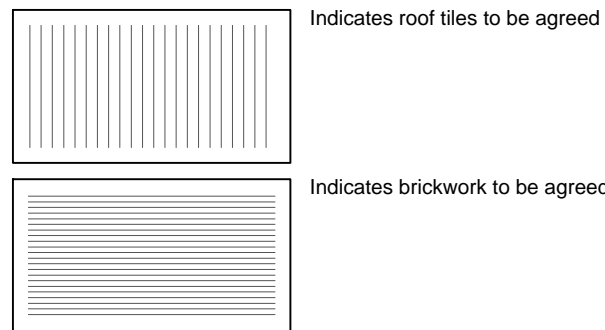


Roof Plan

Scale: 1:100

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ELEVATION KEY



Windows and doors - White UPVC Casement
Rainwater goods - black half round gutters and black round downpipes

Revisions	
A	Mar 2020
B	June 2020

Status
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Proposed Residential Development Brewery Gardens Parson Drove, for: Mr&Mrs Bellamy & Mr&Mrs White	Job Title	Date	Scale
	Planning Drawing	February 2020	1:100
	Plots 1 & 2		Sheet Size
	Floor Plans and Elevations		A1
	Job No.	SE-1281	Drawn by
	Dwg No.	PP1100	SHe
			Revision
			B

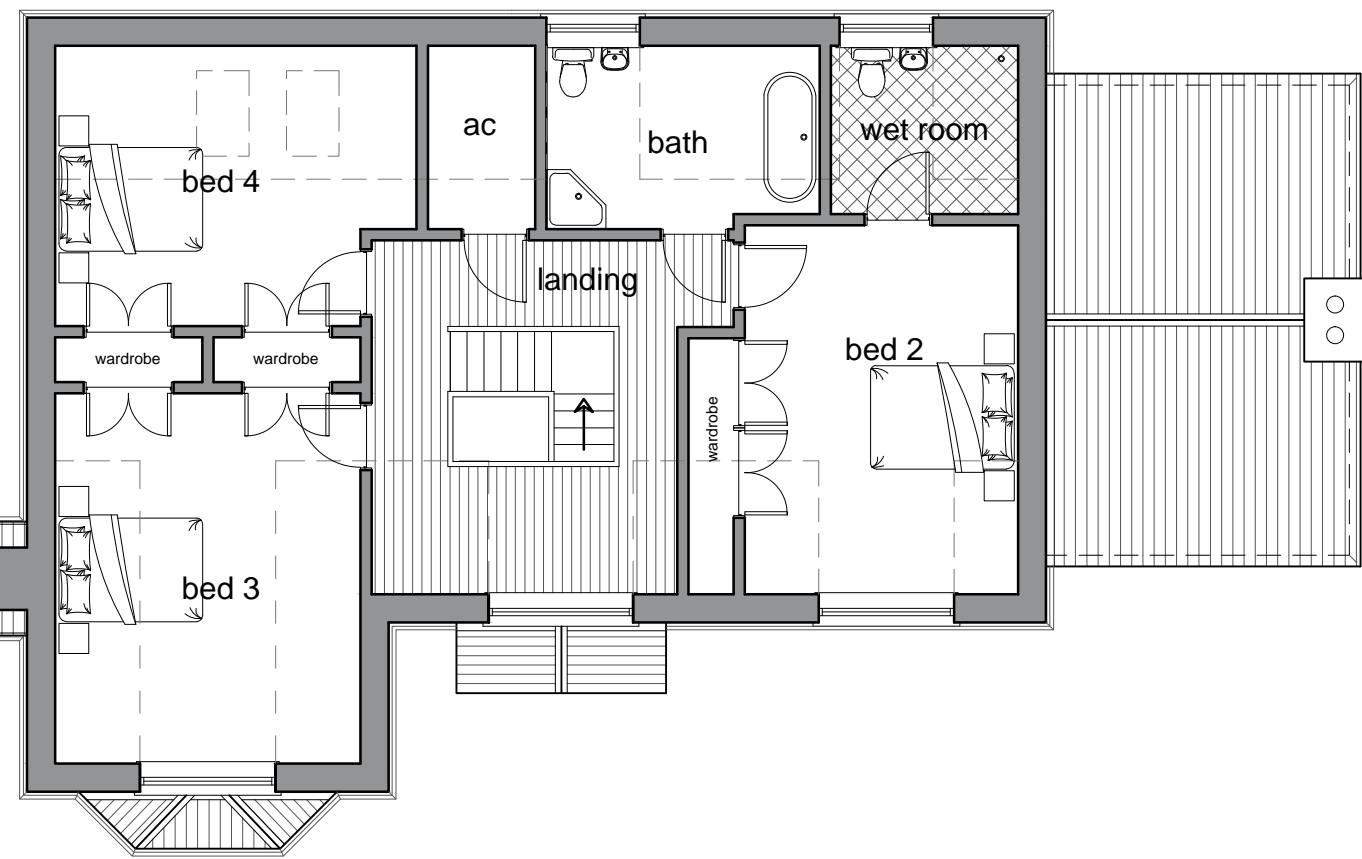
Plot 3



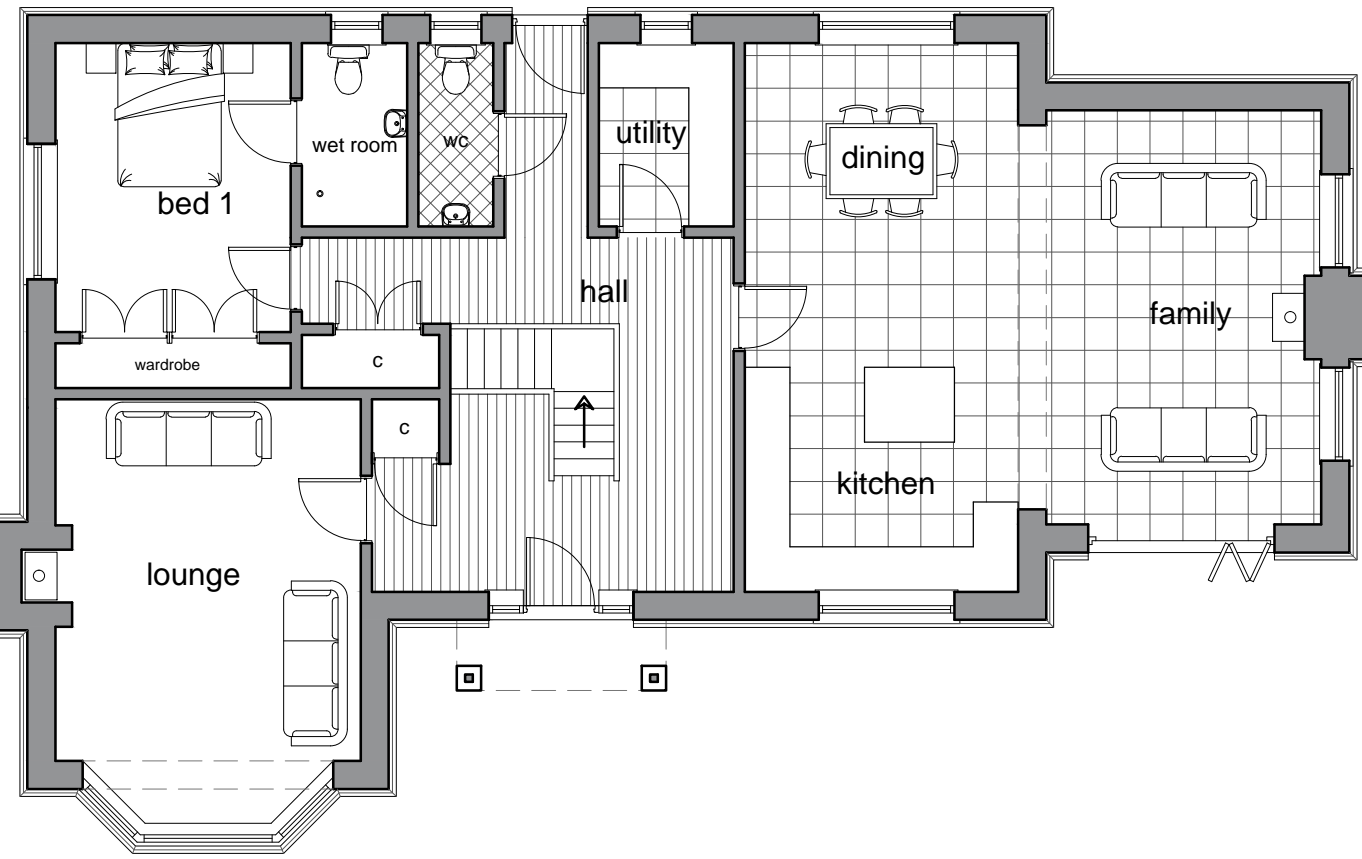
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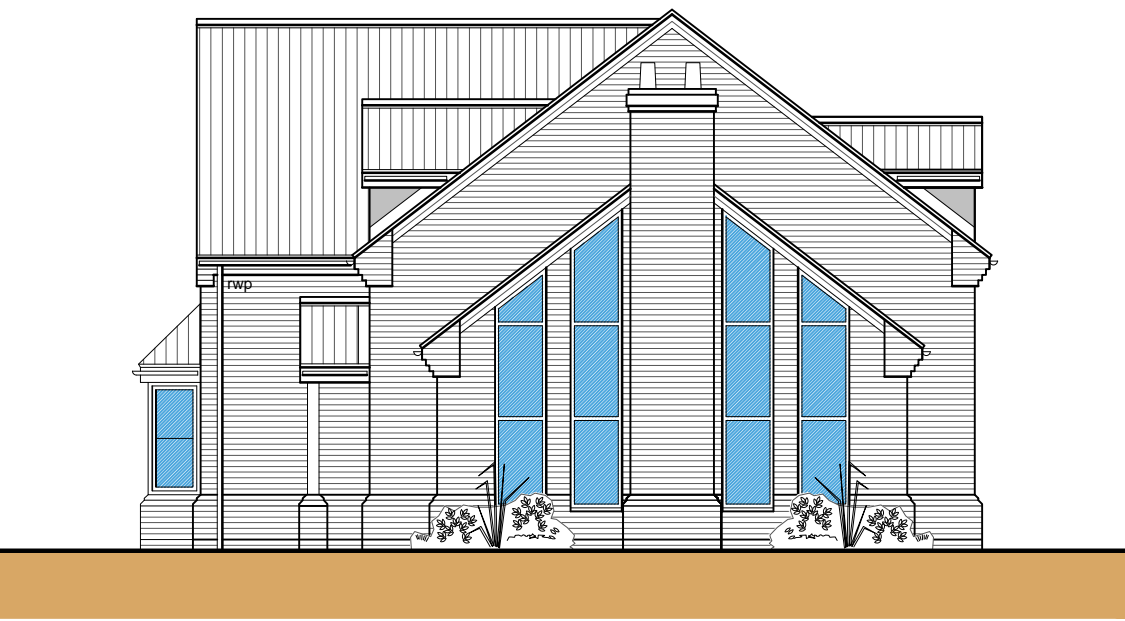
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First Floor Plan
Scale: 1:100



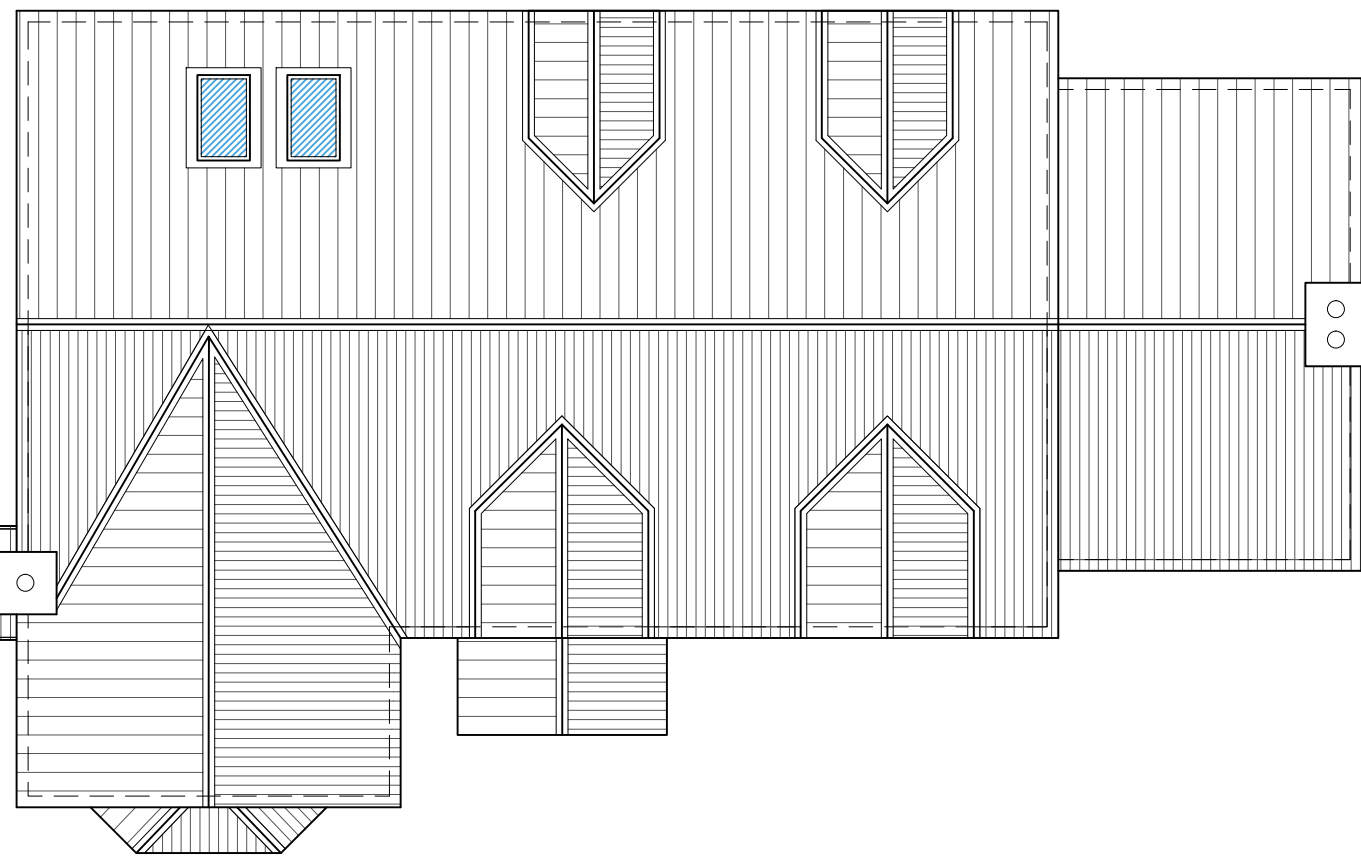
Ground Floor Plan
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Side Elevation (S)
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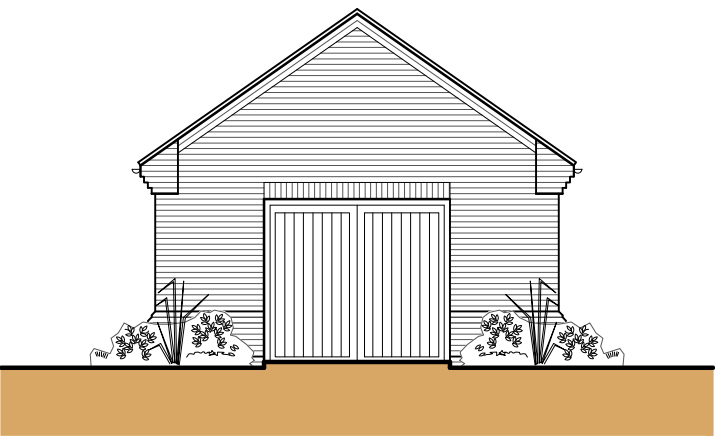


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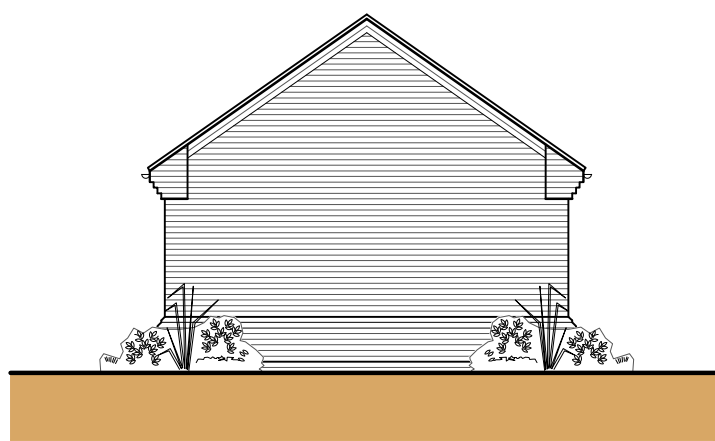


Roof Plan
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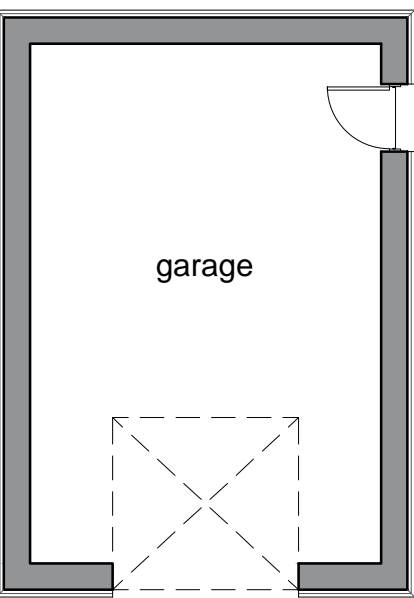
Plot 3 Garage



Front Elevation (W)
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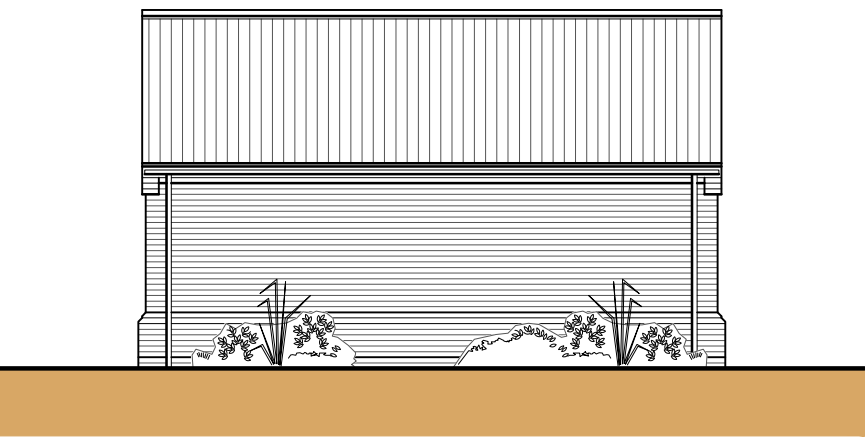
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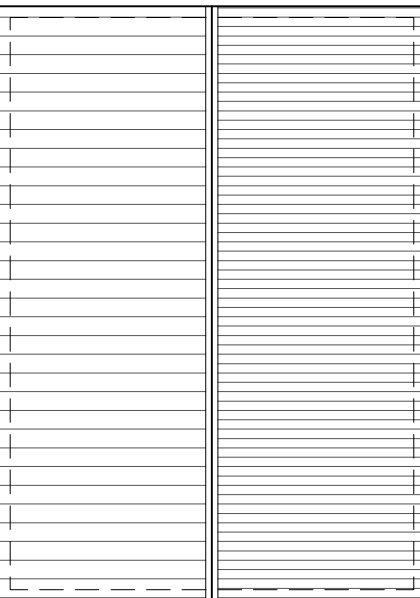
Floor Plan
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Side Elevation (S)
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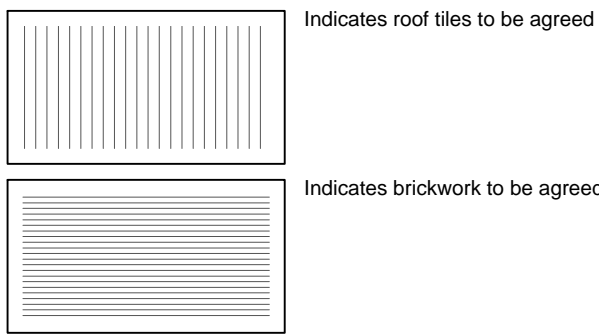
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Roof Plan
Scale: 1:100

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Windows and doors - White UPVC Casement
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Revisions		
A	Mar 2020	Porch amended following client comments
B	Apr 2020	Amendments following client comments on 30/03/2020
C	June 2020	Amendments following client comments
D	July 2020	Dormer removed

Status
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Proposed Residential Development Brewery Gardens Parson Drive, for: Mr&Mrs Bellamy & Mr&Mrs White	Job Title	Date	Scale
	Planning Drawing	February 2020	1:100
	Plot 3 & Plot 3 Garage		Sheet Size A1
	Floor Plans and Elevations		
	Job No.	SE-1281	Drawn by
	Dwg No.	PP1101	Revision
			D

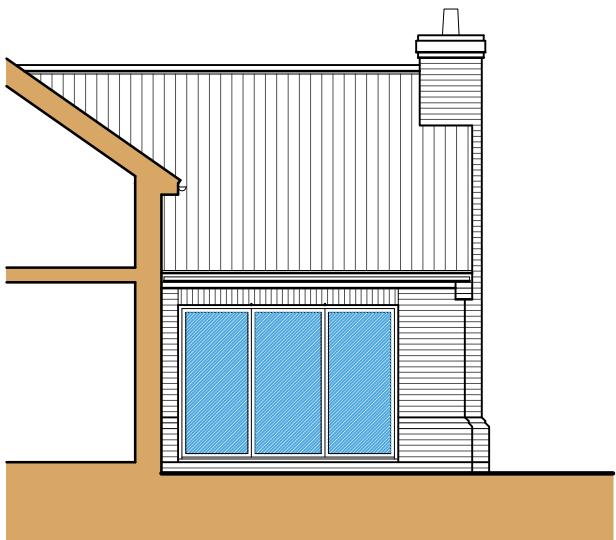
Plot 4



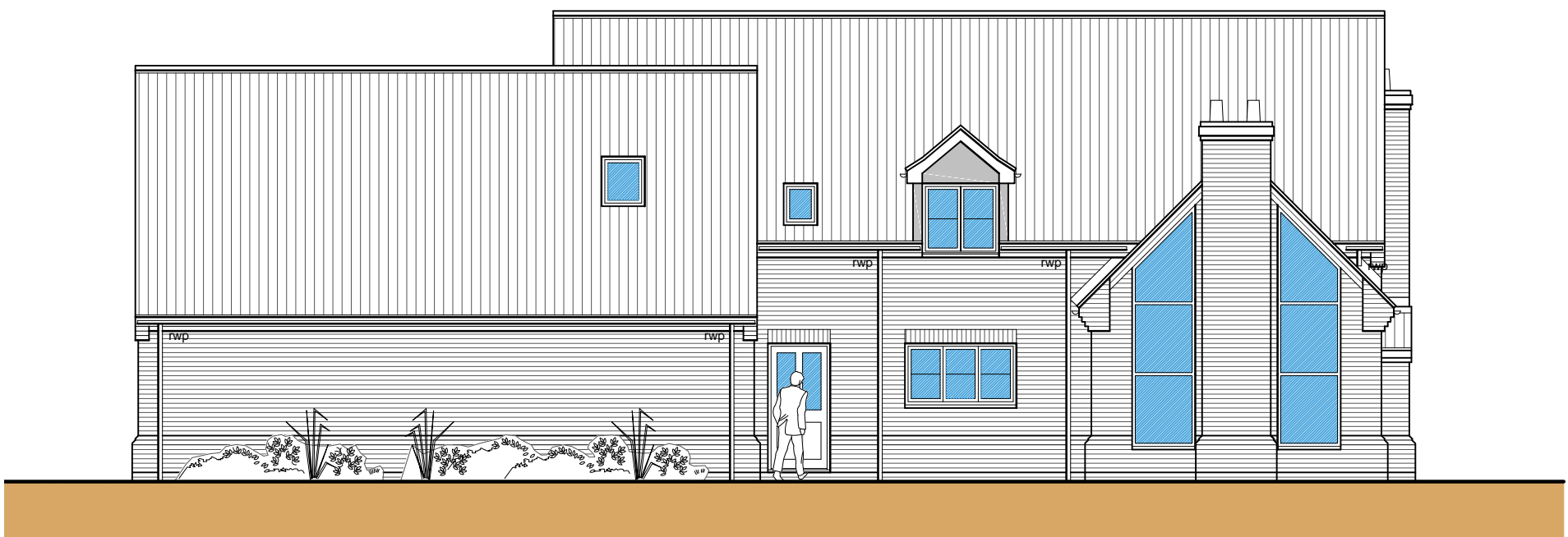
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Side Elevation (N)
Scale: 1:100



Elevation A-A
Scale: 1:100



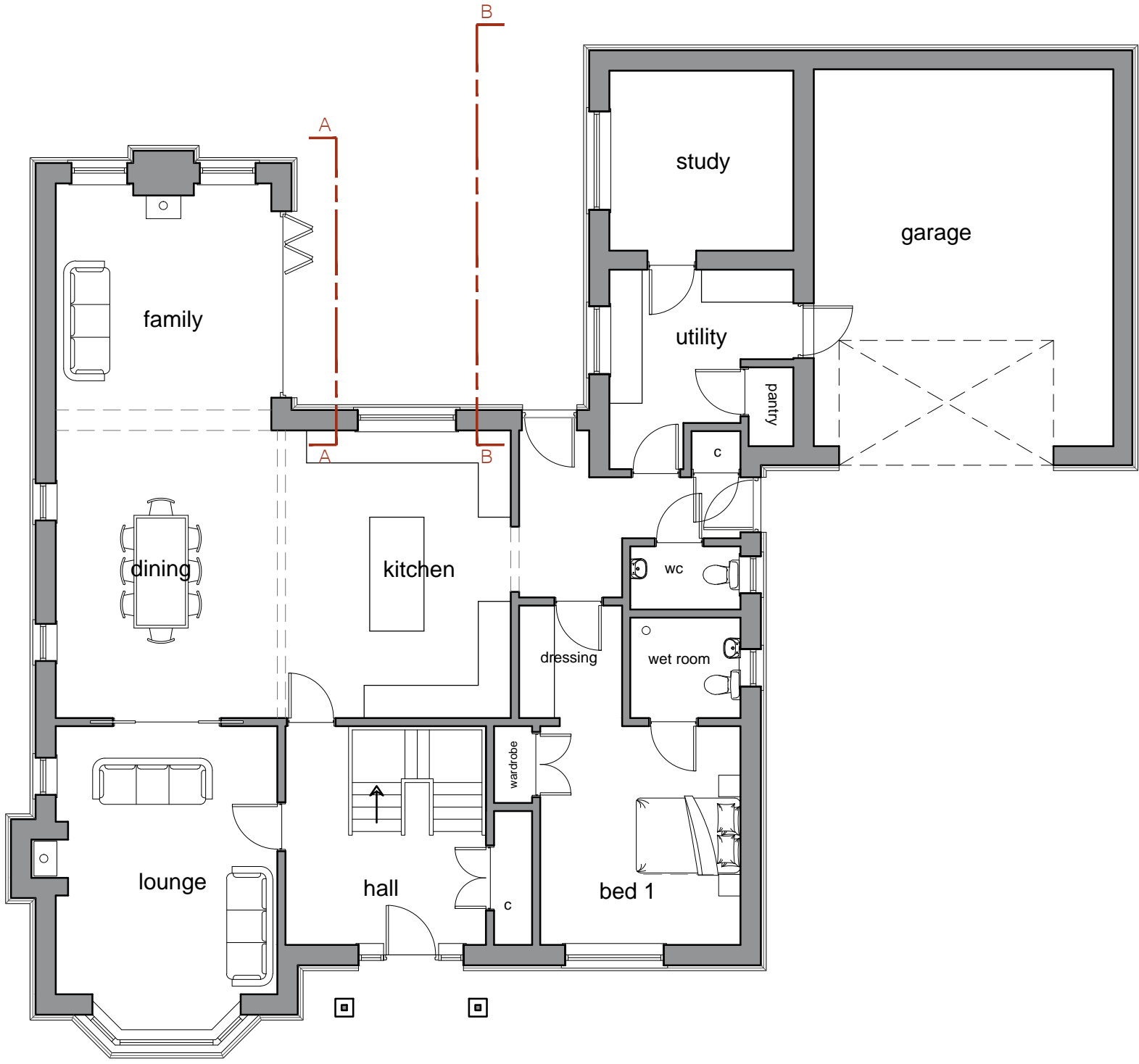
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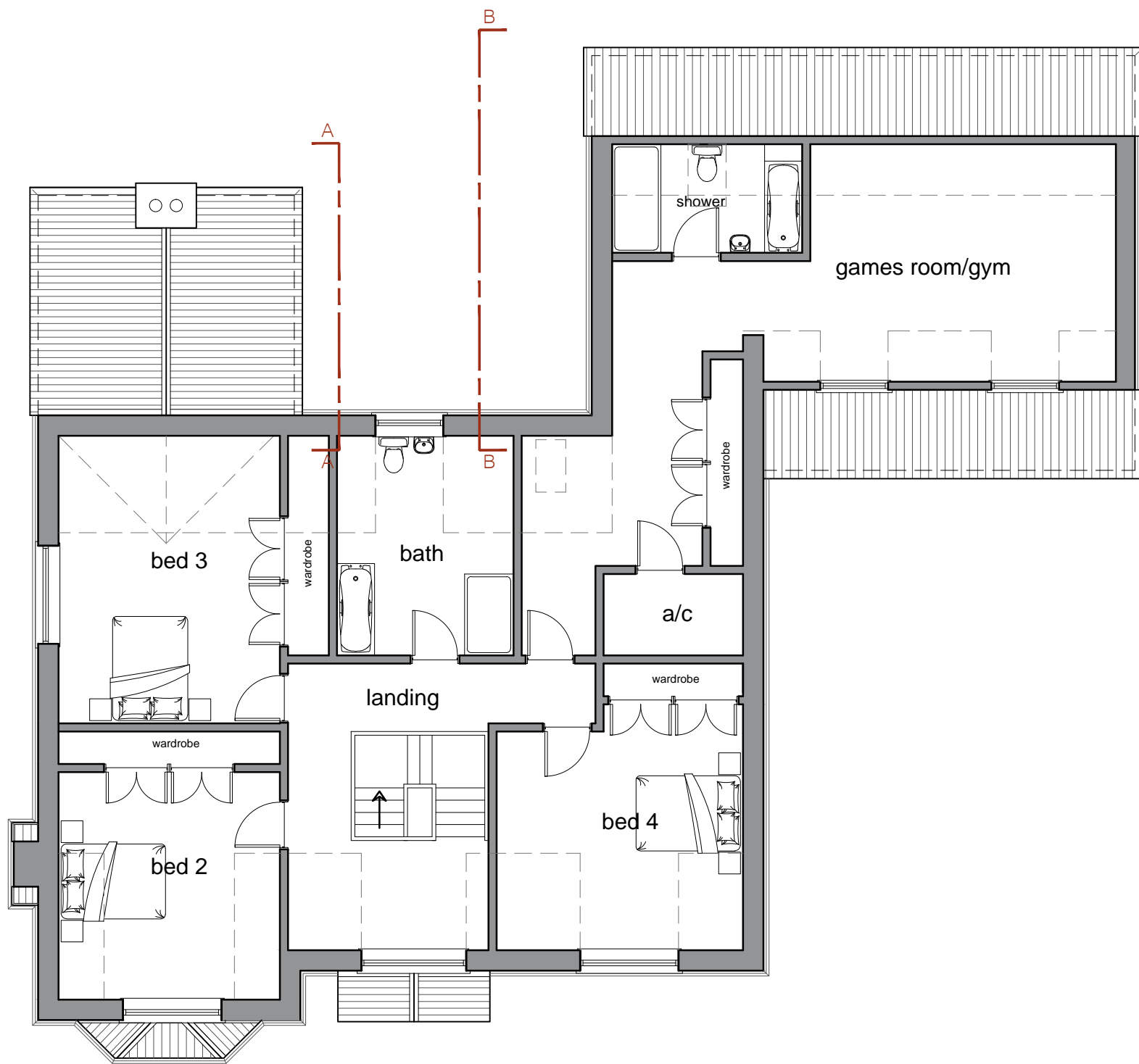
Side Elevation (S)
Scale: 1:100



Elevation B-B
Scale: 1:100



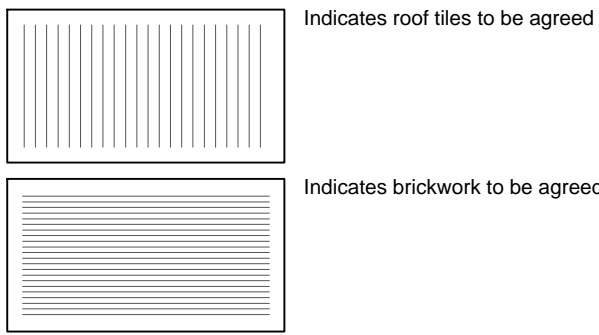
Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

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

ELEVATION KEY



Windows and doors - White UPVC Casement
Rainwater goods - black half round gutters and black round downpipes

Revisions		
A	Mar 2020	Porch amended following client comments
B	Apr 2020	Amendments following client comments on 30/03/2020
C	June 2020	Amendments following client comments

Status
FOR APPROVAL

SWANN

EDWARDS

ARCHITECTURE

Swann Edwards Architecture Limited, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Proposed Residential Development Brewery Gardens Parson Drove, for: Mr&Mrs Bellamy & Mr&Mrs White	Job Title	Date	Scale
	Planning Drawing	February 2020	1:100
	Plot 4		Sheet Size A1
	Floor Plans and Elevations		
	Job No.	Drawn by	
	SE-1281	SHe	
	Dwg No.	Revision	
	PP1102	C	

F/YR20/0760/PIP

**Applicant: Mr Jon Green & Mr Denis
Rimmer. Ely Diocesan Board of Finance
& Chorus HA**

**Agent : Dr Robert Wickham
Howard Sharp & Partners LLP**

Land North of The Rectory, Whittlesey Road, Benwick, Cambridgeshire

Residential development of up to 3 dwellings (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: The scheme of delegation does not give officers delegated powers to determine applications of this nature.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks Permission in Principle for the residential development of the site for up to 3 dwellings - as to whether the location, land use and amount of development proposed is acceptable.
- 1.2 The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 1.3 A full planning application for residential development of the site for 2 dwellings was refused in 2019 due to site location conflicting with the settlement strategy of the Fenland Local Plan, flood risk and unacceptable impacts on a non-designated heritage asset.
- 1.4 The site is considered to fall outside of the built envelope of Benwick and development of the site would not constitute residential infilling. As such, the proposal would conflict with the settlement strategies of the Fenland Local Plan - policy LP3.
- 1.5 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 1.6 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.
- 1.7 The recommendation is to refuse permission in principle for residential development of this site.

2 SITE DESCRIPTION

- 2.1 The site lies to the north of Benwick and north of the river Nene and comprises an area of overgrown land located at the north east (rear) of the Old Rectory. An informal but established access exists leading off from Whittlesey Road (B1093) which currently serves the rear of the Rectory.
- 2.2 The site is bounded along the northern boundary by mature hedges and trees. The frontage and southern boundaries are generally open with sporadic trees and hedges and the rear boundary (west) is enclosed with a 2m high close boarded fence where it abuts the old Rectory. A footpath runs along the frontage terminating near to the proposed access.
- 2.3 The site lies in Flood Zone 3.

3 PROPOSAL

- 3.1 The 'Planning in Principle' (PiP) application is for residential development of up to 3 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:

- (1) location,
- (2) use; and
- (3) amount of development proposed,

and establishes whether a site is suitable in principle. Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of PiP alone does not constitute the grant of planning permission.

- 3.2 The application is supported by indicative plans detailing how the development could be laid out and appear – but these are not committed at this time.
- 3.3 The Planning Statement sets out that the development would comprise one new dwelling and two affordable dwellings.
- 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/YR19/0420/F	Erection of a 2-storey 4-bed dwelling with detached garage	Refused 11.07.2019
F/YR03/1130/O	Erection of 2 detached houses with garages	Refused 22.10.2003

5 CONSULTATIONS

5.1 Benwick Parish Council

- Objects on the following grounds: -
- Road Safety no visual splay due to blind bridge
- Not in keeping with the heritage house at rear of site

- Concern that plot is so low in comparison to river (water table) which could affect sewage and foul water
- Flood Plane 3 impact
- Outside of village planning envelope

Environment Agency

- 5.2 Raises no objection. Considers the main source of flood risk at this site is associated with watercourses under the jurisdiction of the White Fen Internal Drainage Board (IDB). Recommends the IDB is consulted.

Reminds the LPA of para 158 of the NPPF and the requirement to apply the sequential test for development in flood risk areas.

Expects local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Provides advice to the applicant re: flood warning and resilience measures and foul drainage management noting that the site is located in an area which is not served by the public foul sewer.

FDC Environmental Protection

- 5.3 *This application has been considered and there are unlikely to be any objections in principle to any proposal to develop this site for residential purposes, although there may be conditions recommended to be attached to any consent granted.*

CCC Highways

- 5.4 *"The proposed shared access will need to be a minimum 5.0m wide, 10m deep sealed and drained. The access gradient should not exceed 1:20 where it meets Whittlesey Road (10m) and the access should include tappers either side of the access as per the attached.*

"The footway should also be extended to the site access, of which will assist with the visibility splays in this direction. 2mx2m ped visibility either side of the shared access. Visibility splays 2.4mx215 will be required in both directions and or clear visibility to the start of the 30mph speed limit (where 2.4mx43m will be the applicable visibility distance).

"If the applicant can address the above points, I will be able to provide a positive recommendation."

Local Residents/Interested Parties

- 5.5 2 letters of objection received from the resident of the adjacent Old Rectory raising the following concerns;
- The site is not a brownfield site as it has not been previously built on
 - The site was originally part of the Rectory garden, which was retained by the church when the Rectory was sold and subsequently rented by the Rectory for many years as a garden extension
 - The site lies outside of the established footprint of the village
 - The applicant's justification for residential development, based on wording used on a neighbouring, but unrelated, change of use application, is tenuous
 - The development is not "infill" development
 - Targets for new build property are arbitrary numbers, a nice ambition, but have no bearing on the appropriateness, or otherwise, of new development in specific locations.

- Permittance of development in order to chase targets brings the efficacy of the planning process into question
- Approval would set a precedent leading to urban sprawl
- Development of the site was previously refused
- The applicants have closed off the right of way between The Rectory and the Whittlesey Road which is an established prescriptive right of way
- Closing this off prevents access to the Old Rectory for presenting wheeled bins for collection and access to the LPG and septic tank
- The water main supply pipe runs under the site, and the landline over it. Discontinuity of these by the development would also cause severe disruption and degradation of amenity.
- Provides information on the history of the Old Rectory e.g. constructed in 1869-70. It is of the Gothic revival style, with polychrome brickwork and an angular, complex roof style. These are all hallmarks of the notable Victorian architect Samuel Sanders Teulon who also constructed the church (demolished in 1985).

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

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
LP12: Rural development
LP14: Climate Change and Flood Risk
LP15: Facilitating a More Sustainable Transport Network in Fenland
LP16: Delivering and Protecting High Quality Environments Across the District
LP18: The Historic Environment
LP19: The Natural Environment

7.5 Supplementary Planning Documents/ Guidance

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- 8.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PiP regulations) that provides opportunity for an applicant to apply as to whether 'Permission in Principle' is acceptable for a site, having regard to specific legislative requirements and, in accordance with the NPPG (58-012-20180615) as to whether the location, land use and amount of development proposed is acceptable. The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The approval of PiP alone does not constitute the grant of planning permission.
- 8.2 The PiP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 8.3 PiP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PiP to minimise the upfront and at-risk work of applicants.
- 8.4 The key issues associated with this application are considered to be;
- Principle of Development
 - Highways & Access
 - Impact on the historic environment
 - Ecology & Biodiversity
 - Other matters

9 BACKGROUND

- 9.1 A full planning application for residential development of the site for 2 dwellings was refused in 2019 on the following grounds;
- 1. The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and 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 10 of the NPPF.*
 - 2. The application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural character of the area therefore failing to make a positive contribution to the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e) and LP16(c and d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.*
 - 3. The development would be located within the historic grounds of the mid-19th Century Rectory which is an undesignated heritage asset. The setting of the*

Rectory is characterised by its spacious grounds and grand scale. The proposal by reason of its close proximity to the Rectory, large scale, and use of poor quality materials would jar with the external appearance, character and setting of the Rectory and would therefore cause substantial, unjustified harm to the significance of the undesignated heritage asset contrary to policies LP16(a) and LP18 of the Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and the sustainability aims of chapter 16 of the NPPF (2019).

- 9.2 The applicant subsequently submitted a pre-application enquiry in December 2019 for residential development of the site for 2 dwellings of different design to that previously applied for. Whilst the designs were considered and comments provided, the main thrust of the response was reiterating concerns over the 'in-principle' issues of the development relating to location in respect of the settlement strategy of the Local Plan, flood risk and sequential test and impacts on heritage assets. An unfavourable recommendation was therefore provided.

10 ASSESSMENT

Principle of Development

Site Location

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 sets out the settlement strategies for the district and is an important part of the delivery of sustainable development in the area. LP3 identifies Benwick as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal defines this as "The development of a relatively small gap between existing buildings."
- 10.2 Further to LP3, Policy LP12(Part A) supports development in villages subject to compliance with 11 criteria (a to k). LP12A(a) establishes support where development sites fall within the developed footprint of the settlement and sets out (under the footnote*) when and where sites are considered to fall within or outside of a village. Having regard to the specific footnote criteria under (a) and (b); the site lies within an area of dispersed, intermittent buildings that appear detached from the main settlement and forms what was once an undeveloped curtilage to the Rectory - whose setting is notably detached from the developed footprint. An area of allotments and the cemetery are located to the west and an access road and river lies to the east thereby visually divorcing the site and surroundings from the built-up area of Benwick. The site is very much at the edge of Benwick and relates more to the rural countryside than to the built-up area of the settlement.
- 10.3 The footnote criteria of LP12 therefore dictates that the site lies outside of the village and as such there is no support for the development under LP3 or LP12 - which is only applicable for development within villages as defined by the aforementioned footnote criteria. Whilst the site would not be considered as 'isolated' having regard to paragraph 78 of the NPPF, nonetheless it does not follow the settlement strategy as set out under LP3 and LP12. With regards to paragraph 78 of the NPPF; whilst the future occupiers of the development would likely support the existing facilities and services of Benwick, these facilities do not appear to be under any kind of threat to justify an exception to the policy in this

case, notwithstanding that this benefit would be very modest through the introduction of 'up to' 3 dwellings.

- 10.4 The applicant's planning statement refers to the granting of permission under F/YR15/0411/F for an extension to the existing cemetery whereby the officer's report sets out that the site is in the settlement of Benwick. Whilst this observation is noted, it is considered that in the context of that particular application, officers considered the site in relation to the existing cemetery and the intended use of the application site as an extension to this which would likely benefit the residents of Benwick in the main. Notwithstanding this, the 'development' was for a change of use of the land, not for physical buildings. This is significantly different to the application now before the Council both in respect of land use, physical development and wider community benefits. As such, it is concluded that this example reference is not comparable or material to this application.
- 10.5 In addition, the applicant refers to planning permission for a new dwelling under F/YR12/0981/F at Nene Parade (granted in February 2013 at Planning Committee). This decision pre-dates the adopted development plan and it would appear from the minutes of that meeting that the site was considered to be brownfield land by the Planning Committee. Therefore, the material considerations of that proposal are not comparable to the undeveloped parcel of land now before the LPA. Notwithstanding this, similarly to the current Local Plan, the adopted development plan at that time (the 1993 Fenland Local Plan) identified the site as lying outside the then 'development area boundary'.
- 10.6 In conclusion, the proposal would constitute development in an 'Elsewhere' location as defined under LP3 which seeks to restrict that to essential rural-based development, which is not applicable to this proposal. As such, the proposal is in clear conflict with LP3.

Flood Risk & Drainage

- 10.7 The site lies in Flood Zone 3 and therefore at a high risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 3, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 and then in Zone 2 which could accommodate the development.
- 10.8 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site does not lie within or adjacent to the village (having regard to the definition under LP12 Part A (a)) the scope for the sequential test would need to be the whole of the rural area (villages and open countryside). This advice is consistent with the Council's previous approach which has been supported through appeal decisions for residential development (see F/YR17/1213/O and F/YR17/1115/F).
- 10.9 The applicant was advised of this both through the previously refused application and the subsequent pre-application discussion that took place prior to the submission of this application. The applicant's supporting Flood Risk Assessment (FRA) instead has restricted the scope of the sequential test to Benwick only and has drawn on applications which they consider are similar. However, the example

they provide is for an infill plot within the built envelope of Benwick having regard to the LP12 criteria.

- 10.10 The applicant goes on to assess individual planning permissions which are reasonably available to accommodate the development concluding that as none of these sites are in a lower area of flood risk and therefore that the application site is at an equal risk of flooding to those with approval. Furthermore, they conclude that as the number of completed developments is lower than the allocated amount for Benwick in the plan period, it is considered that the sequential test is passed.
- 10.11 As noted above, the scope for the sequential test is considered to be too narrow given that the application site falls outside of the settlement having regard to the settlement criteria of villages under policy LP12 and there is no explicit benefit in developing this site out over other rural areas sites in lower flood risk areas. Furthermore, given that the village housing allocations set out under policy LP4 are grouped under a consolidated “other locations” (rural areas and villages) with a target of 1,200 homes - which have already been exceeded in the plan period through village development alone, the particular housing allocation figures for Benwick are irrelevant. This is notwithstanding that the principle aim is to locate housing in lowest areas of flood risk in the first instance, irrespective of any specific housing targets.
- 10.12 The applicant has proceeded to address the exception test for development in flood risk areas indicating that the development would incorporate sustainable construction elements e.g. rainwater harvesting, sustainable drainage systems and green energy and that it would be demonstrated that it would be safe for its lifetime from flooding. The proposal would be to raise the land/ buildings to achieve minimum finished floor levels of 1.1m (c.100mm above adjacent road level) whereas existing ground levels are between 0.05m aOD and 0.23m aOD which does raise concerns over potential visual impact and surface water dispersal. It is important to note that the indicative sketch elevation drawing does not denote the necessary site/ building levels as set out in the recommendations of the FRA. Nonetheless, these are technical matters that would need to be satisfied should PiP be granted.
- 10.13 It is considered therefore that the sequential test has not been adequately applied or met. Consequently, the application fails to demonstrate that there are no alternative reasonably available sites with a lower probability of flooding to accommodate the development. 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 10 of the NPPF.

Quantum of development

- 10.14 The quantum of development proposed (max. 3 dwellings) would introduce a tighter knit form of development than is currently found in the locality and may result in harm to the character and settlement pattern of the area. However, it is noted that the application seeks PiP for ‘up to’ 3 dwellings and the visual impacts of the development would ultimately be considered at technical details stage, whereby a reduction of dwelling numbers or scale may be deemed necessary to address any such harm.

Highways & Access

- 10.15 The Local Highway Authority have been consulted and have indicated that subject to the submission of technical details in respect of visibility splays and access arrangements, they have no objections in principle.
- 10.16 The PiP regulations prohibit any form of conditions being imposed to this development and as such, any information requested regarding parking provision and access would either need to be submitted as part of any subsequent Technical Details Application, or a new full planning application. Detailed car and cycle parking and access proposals would be assessed within the submission of a Technical Details Application.

Impact on the historic environment

- 10.17 The Council's Conservation team previously identified the adjacent Rectory as dating to around the same period as the (now-demolished) church in the mid 1800's. Whilst not listed, the Rectory is considered to be a non-designated heritage asset. The Rectory is a large structure set in a spacious curtilage and this highlights its historical importance and grandeur when it was once associated with the Church. Whilst the Church no longer remains, the Rectory remains relatively unchanged, maintaining its Gothic features, original style timber fenestration and the surrounding, undeveloped land maintains its prominence and significance.
- 10.18 Policy LP16(a) seeks to protect and enhance affected heritage assets and their settings commensurate with policy LP18 and Chapter 16 of the NPPF. LP18 requires all development that would affect any heritage asset to;
- (a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest; and
 - (b) identify the impact of the proposed works on the special character of the asset; and
 - (c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.
- 10.19 The application is not accompanied by a heritage statement with the only reference to the effect of the development on heritage found in the Planning Statement setting out;

"Care has been taken, even at this early stage to show how the dwellings will be subservient to the non-listed heritage asset. As it is a matter of principle there is scope to accommodate the input from the Conservation section of the authority. But it needs to be stressed that NPPF commends new development that adds to character (see para 185)."

- 10.20 As already noted, the final quantum, design and layout of dwelling(s) here would have to be considered at future technical detail stage and therefore the actual harm to the setting would have to be assessed at that stage also (see also 10.12 above) . As such, whilst this aspect cannot necessarily form grounds for refusal, it nonetheless highlights the concerns over development of this site and the potential unwarranted harm to the setting and character of this non-designated heritage asset having regard to the aims of policies LP16 and LP18 of the FLP and Chapter 16 of the NPPF.

Ecology & Biodiversity

- 10.21 The previous planning application was accompanied by an ecology report. The findings of the report concluded that there generally poor to low potential for suitable habitat but opportunities for biodiversity enhancement existed.
- 10.22 It is considered that the report findings and that of the Wildlife Officer are still valid and the opportunities to enhance biodiversity in and around the site through the development would be a matter to be addressed at technical details stage.
- 10.23 The Council's Wildlife Officer previously visited the site and concluded that habitat potential for protected species was generally low and the requirement for further bat and reptile investigation would not be necessary prior to determining the application and recommended that bird and bat boxes are erected throughout the site, that all existing mature boundary trees and hedgerows are retained and protected during construction, along with further, native planting. In addition, and as recommended in that ecology report; further survey works for the presence of reptiles should be carried out prior to any site clearance. The Officer has also advised that should any mature trees need to be removed (although not proposed) that these are first inspected for Bats and that any construction trenches should be covered or a means of escape included to cater for ground mammals e.g. Badgers, Hedgehogs etc. Subject to this, the development would result in no net loss in biodiversity.
- 10.24 The above could be reasonably secured through planning condition at technical details stage and would accord with LP16(b) and LP19 of the FLP.

Other matters

10.25 *Affordable Housing*

Whilst the applicant has indicated that the development would comprise 2 affordable houses, no information has been provided as to whether any registered providers (RP) would be interested in taking on such a low number of stock or what type of affordable housing this would comprise. Officer's current understanding is that RPs generally tend only to be interested in major development schemes. Nonetheless, the LPA is unable to secure any planning conditions or legal agreements at the PiP stage, nor has the final quantum of development been agreed as set out above. Therefore, the provision of affordable housing at this site would be a matter at technical detailed stage and limited weight can be afforded to this.

10.26 *Precedent*

The resident has raised concerns that PiP agreement of this site would set a precedent for development around this location.

- 10.27 It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be considered by those determining subsequent planning applications. Recent case law has established that;

"a local planning authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision-making."
(R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050)

- 10.28 The site has been found by Officers in applying the settlement criteria under LP3 and LP12 (footnote) to be outside of the settlement of Benwick (which is consistent with the previous decision in 2019, F/YR19/0420/F (and the pre-

application advice provided) with no material considerations advanced through this submission to indicate an alternative view should be drawn.

- 10.29 Whilst each case is to be determined on its own merits, a contrary conclusion would, in effect accept that the site lies within the settlement whereby future development proposals on or adjacent to the site could be considered acceptable in principle (subject to compliance with the relevant Local Plan policies i.e. LP3, LP12 etc.) taking into account the need to maintain consistency of decision making.

Access Rights

- 10.30 The resident of the Old Rectory has raised concerns that the applicant has blocked up a former access point from the Old Rectory to Whittlesey road which now prevents the occupiers of the Rectory being able to present their bins for weekly collection or to have the LPG tank and septic tank maintained.
- 10.31 The rights by the owner to access the application site is not one that can be controlled through the planning process and would constitute a civil matter. It is understood that another access serves the Old Rectory accessed via the lane which runs parallel to the river.

Utilities

- 10.32 The same resident has also expressed concerns that existing utilities run over and/or under the site. The matter of redirecting such services is a matter for the developer to overcome and cannot be reasonably controlled through the planning process.

11 CONCLUSIONS

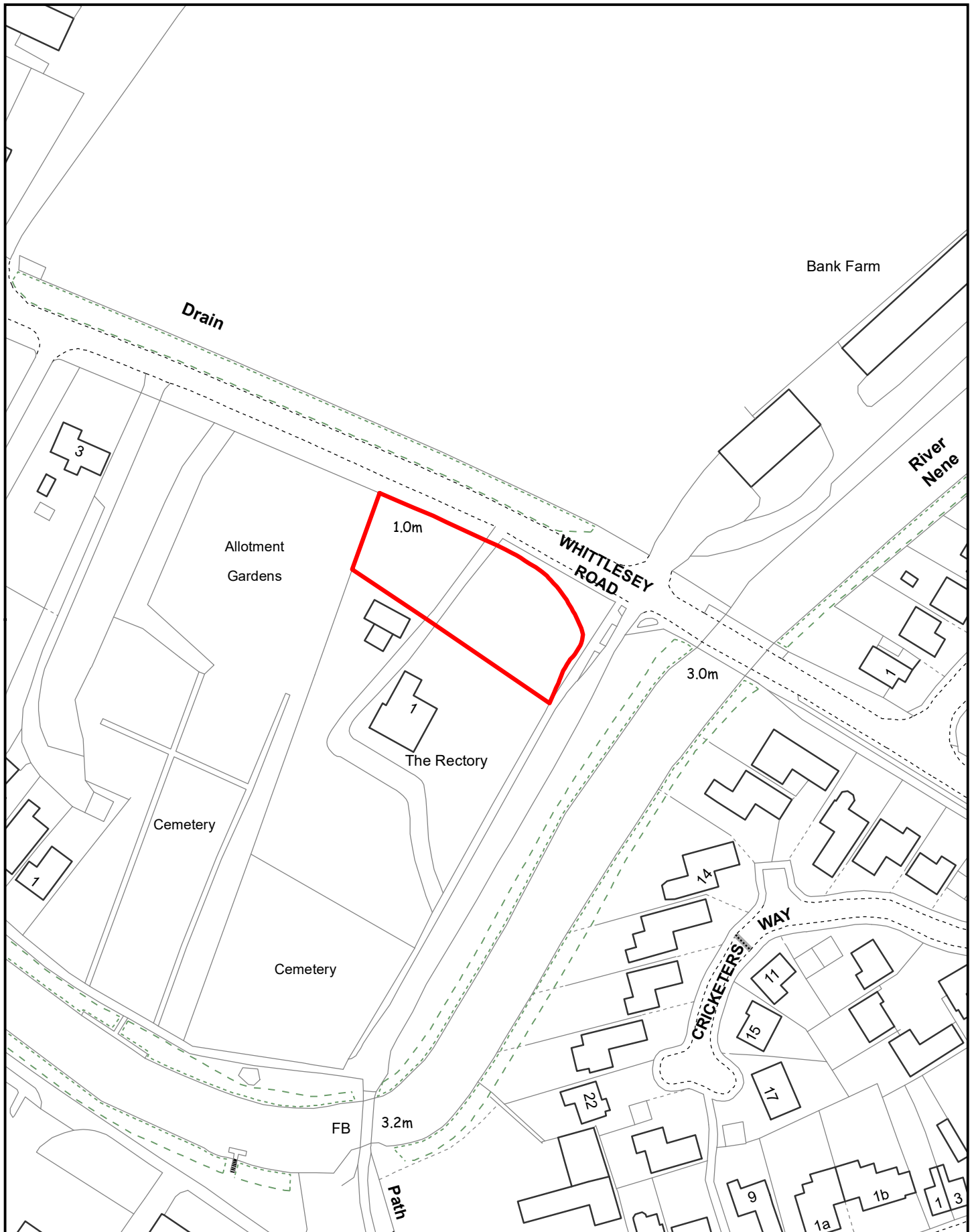
- 11.1 The application seeks permission in principle for the residential development of the site with matters of location, land use and amount of development proposed.
- 11.2 The site falls outside the built envelope of Benwick and development of the site would not constitute residential infilling and instead would result in an erosion of the dispersed, loose knit pattern of development and rural character of the area. As such, the proposal would conflict with the settlement strategies of the Fenland Local Plan - policies LP3 and LP12.
- 11.3 Furthermore, the site lies in an area at high risk of flooding and insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy which seeks to steer development to the lowest area of flood risk in the first instance. As such, the proposal conflicts with FLP policy LP14 and Chapter 14 of the NPPF.
- 11.4 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Officers consider there are no overriding material considerations to indicate a departure from the development plan is warranted in this instance.

12 RECOMMENDATION

- 12.1 Refuse Permission in Principle for the following reasons;

1.	The application site constitutes an area of land located outside the developed footprint of the settlement. The development proposal would
----	--

	result in an incursion into the rural countryside rather than small scale residential infilling causing unwarranted harm to the rural, loose-knit character and settlement pattern of the area. The proposal is therefore considered to be contrary to Policies LP3 and LP12 of the adopted Fenland Local Plan (2014).
2.	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met. Consequently, the application fails to demonstrate that there are no alternative sites to accommodate the development which are reasonably available and 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 10 of the NPPF.



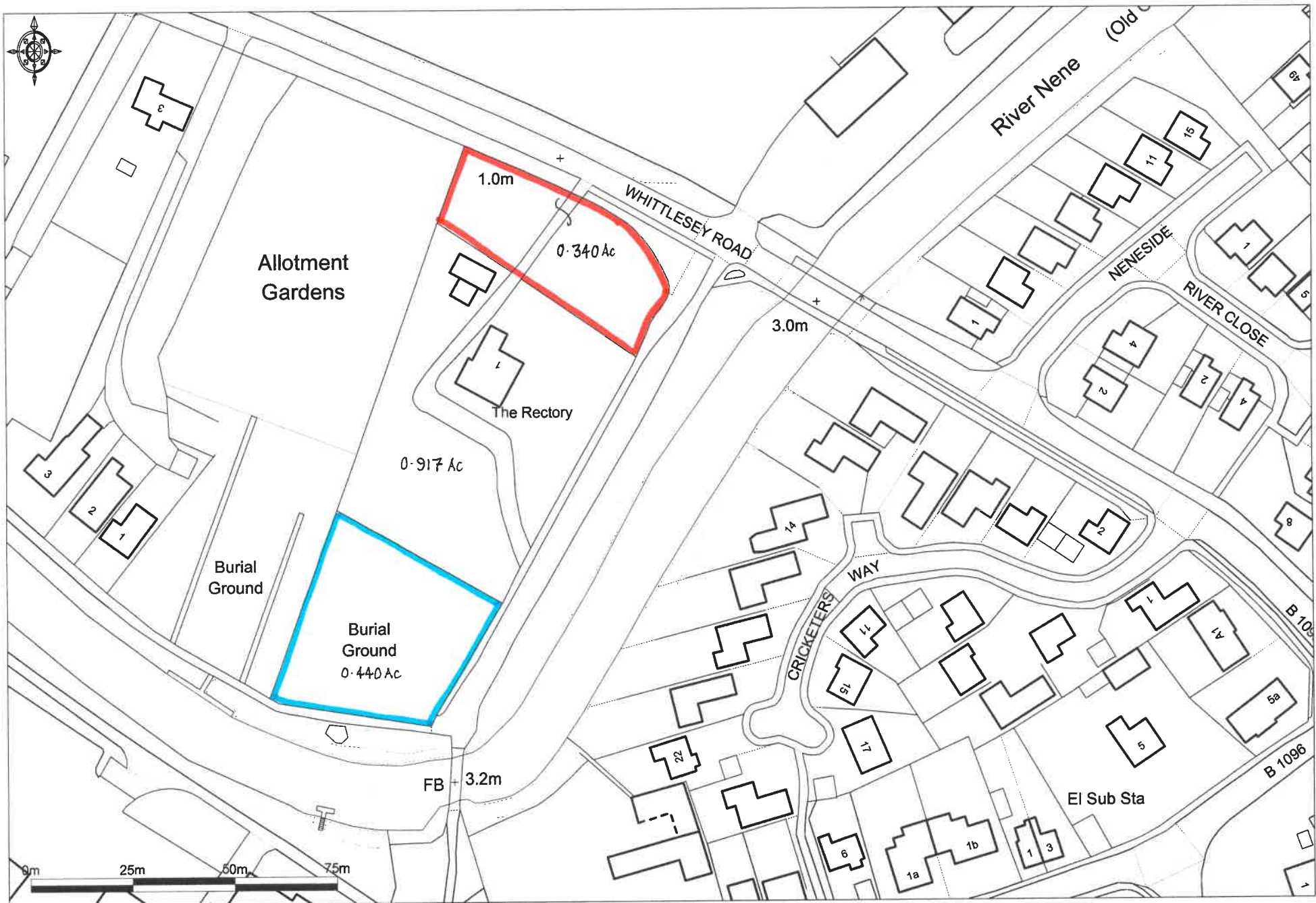
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BENWICK: CAMBRIDGESHIRE
EXTRACT FROM TL 3490NW PRINTED NOV 2014
OS LICENCE NUMBER 100004704

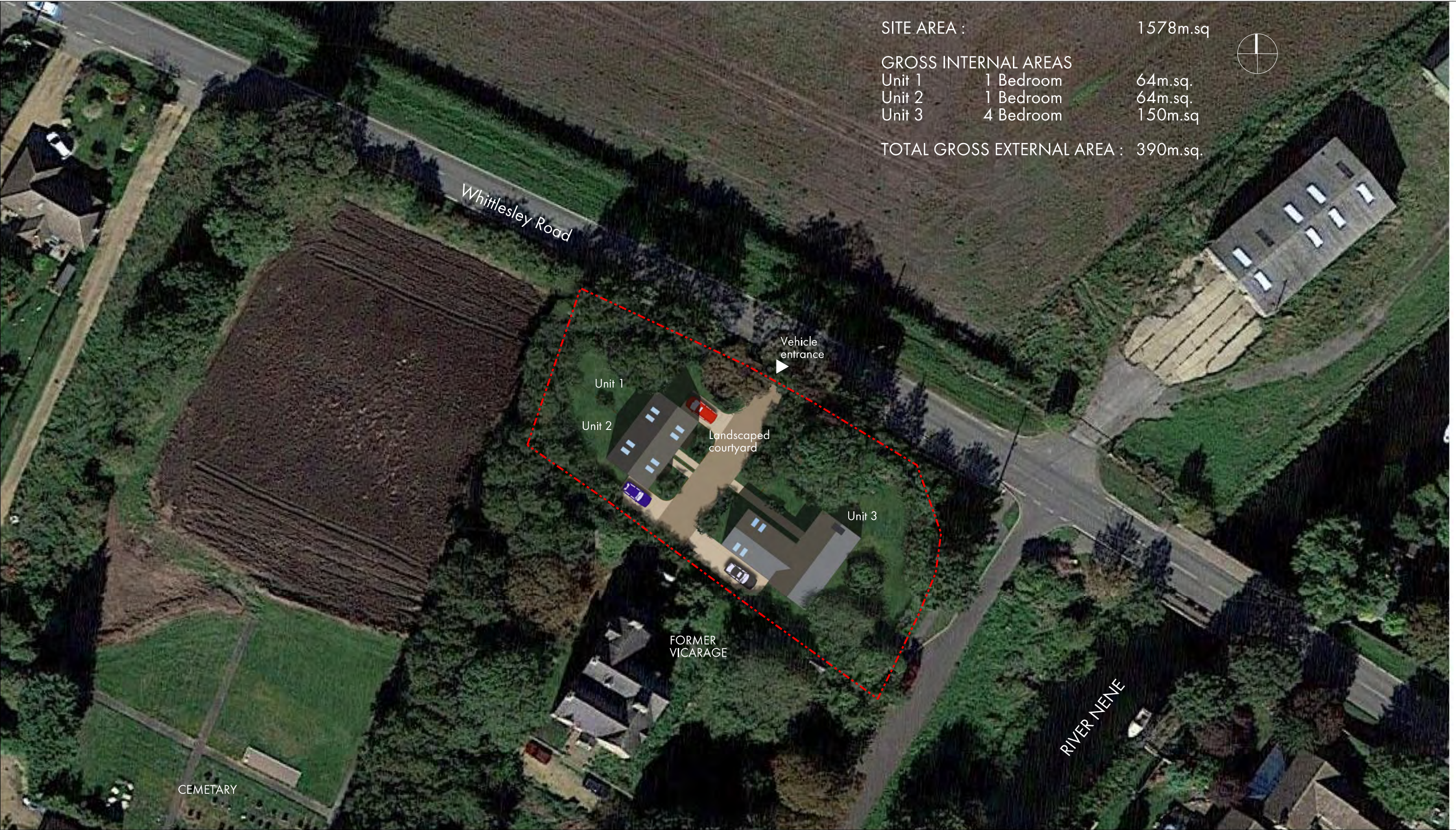
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SITE AREA : 1578m.sq

GROSS INTERNAL AREAS
Unit 1 1 Bedroom 64m.sq.
Unit 2 1 Bedroom 64m.sq.
Unit 3 4 Bedroom 150m.sq

TOTAL GROSS EXTERNAL AREA : 390m.sq.

Issue History		By	Chk	Notes 1. All areas are approximate gross internal 2. Do not scale, use figured dimensions only. 3. All dimensions to be checked on site Scale (m) <div><div></div><div>0</div><div>1</div><div>5</div><div>10</div><div>20</div><div>40</div></div>	NICHE ARCHITECTS LLP 79 Great Peter Street Westminster London SW1P 2EZ Tel: 020 7222 3232 Email: mail@nichearchitects.co.uk Copyright Niche Architects LLP. Company No. OC341061. Registered in England.	Project BENWICK DIOCESE OF ELY		Project No. 0194	
						Drawing Title PROPOSED SKETCH PLAN		Drawing Number 0194_PLN_001	
						Scale @ A3 1:500		Revision Revision Date 20.08.12	



Issue History	By	Chk	Notes	NICHE ARCHITECTS LLP 79 Great Peter Street Westminster London SW1P 2EZ Tel: 020 7222 3232 Email: mail@nichearchitects.co.uk Copyright Niche Architects LLP. Company No. OC341061. Registered in England.	Project	Project No. 0194
			1. All areas are approximate gross internal 2. Do not scale, use figured dimensions only. 3. All dimensions to be checked on site		BENWICK	DIOCESE OF ELY
			Scale (m) 0 1 5 10 20		Drawing Title INDICATIVE SKETCH ELEVATION	Drawing Number 0194_PLN_002
					Scale @ A3 1:200	Revision Revision Date 20.08.12

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