

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 24 FEBRUARY 2021

1.00 PM

**A VIRTUAL MEETING BY ZOOM VIDEO
CONFERRING 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 you tube link for todays meeting is: https://youtu.be/R_VhOq4WudM

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 24)

To confirm the minutes from the previous meetings of 20 January 2021 and 3 February 2021.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 FYR20/1077/F
Land East Of 54 High Causeway Fronting, Spire View, Whittlesey.Erect a 3-bed

single-storey dwelling involving demolition of an outbuilding within a Conservation Area (Pages 25 - 38)

To determine the application.

6 F/YR20/1078/O

Land West Of 8-9 Hawthorne Grove Accessed From, Acacia Grove, March. Erect a dwelling (outline application with matters committed in respect of access) involving the demolition of existing garage/store and garden room (Pages 39 - 50)

To determine the application.

7 F/YR20/1155/O

Land North West Of Wingfield, Station Road, Wisbech St Mary. Erect up to 1no dwelling (outline application with all matters reserved) (Pages 51 - 60)

To determine the application.

8 F/YR20/1177/O

Land South East Of Corner Barn, Mouth Lane, Guyhirn. Erect up to 2no dwellings (outline application with matters committed in respect of access) (Pages 61 - 74)

To determine the application.

9 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor R Skoulding, Councillor W Sutton and Councillor M Purser,

PLANNING COMMITTEE



WEDNESDAY, 20 JANUARY 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs J French, Councillor A Lynn (Vice-Chairman), Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor Mrs M Davis,

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

P57/20 PREVIOUS MINUTES

The minutes of the meeting of the 16 December 2020 were confirmed as an accurate record.

**P58/20 F/YR20/0884/F
LAND TO THE NORTH OF, 15 BURNTHOUSE ROAD, TURVES, ERECT A
DWELLING (2-STOREY, 4-BED)**

David Rowen presented the report to members.

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

Mr Hall stated that the application site is surrounded on three sides by well established, 2-storey residential properties. He made the point that the Environment Agency Flood Map indicates that the whole of Turves is in Flood Zone 3 and at a previous Planning Committee a development had been approved in Wisbech, which is covered by Flood Zones 2 and 3 and next to a major river, however, applications in the villages of Turves and Benwick, which are also in Flood Zone 3 have been recommended for refusal. He stated that on review of the Environment Agency Flood Map, Turves although in Flood Zone 3, also benefits from flood defences at the Nene Washes Barrier Bank.

Mr Hall stated that when the application was submitted, the Planning Officer had initial concerns with regards to the size of the dwelling and the location of it, but the officer has been proactive and worked with him and as a result the design and position have now been revised, which can be seen in the officer's report. He stated that an independent Flood Risk Assessment has been submitted as part of the application, which has been approved by the Environment Agency.

Mr Hall stated that the site did have previous planning approval in 2005 for a residential dwelling and expressed the view that whilst the officer's report states that Whittlesey Town Council have concerns over the application, they were consulted on the first design which was for a larger dwelling, however, he does not think they have been reconsulted since the proposal has been scaled back. He drew members attention to the map on the presentation screen, and highlighted the red hatched area, which indicates the location for the proposed 2-storey detached dwelling, and then he drew members attention to the extreme right of the map, hatched in dark blue, which

was the site that David Rowen had referred to in the officer's report, which was approved for a pair of semi-detached dwellings in 2020, but this site is not on the market and no works have commenced. He stated that the site also had a Flood Risk Assessment, a sequential and exemption test, and that was approved.

Mr Hall referred to the green hatched area on the map, which is less than 100 metres from the proposed dwelling, where in 2019 planning permission was approved for a pair of semi-detached dwellings, which has now been built out and one of the properties has been sold and the other is for sale. He stated that a Flood Risk Assessment was carried out for that site and approved by the Environment Agency and added that those properties are in close proximity to the application being determined.

Mr Hall expressed the view that when driving through the Turves, there does not appear to be any plots available for sale. He concluded by stating that there have been no objections from neighbours, highways or the Environment Agency and expressed the opinion that the application is an infill development in accordance with the Local Plan and officers are happy with the design and the layout.

Members asked Mr Hall the following questions:

- Councillor Sutton asked Mr Hall to clarify, that should the application be approved, what mitigation measures he is proposing in the exception test? Mr Hall stated that his understanding is that in the Flood Risk Assessment it refers to raising the floor levels by 0.3 metres above the ground and the normal level is 0.15 so in this case the floor level is being raised by an additional 2 courses of brickwork and there has also been a request for other flood mitigation measures, which include waterproof plasterboard and sockets, and covers over vents. Councillor Sutton asked for further clarity with regard to the exception test and Mr Hall stated that various renewable energies have been included to make the building highly insulated above the requirement of Building Regulations.

Members asked officer's the following questions:

- Councillor Lynn asked how the application could fail the sequential test if there are no other plots of land available? David Rowen stated that the adopted Supplementary Planning Document in respect of flood water and flooding sets out what is deemed to be acceptable and the policy is clear in its statement that it is purely sites with planning permissions which are considered to be sequentially preferable.

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

- Councillor Benney stated that whatever building takes place in Turves is going to be located in Flood Zone 3. He added that he did have concerns with regards to water run off, but is pleased to hear Mr Hall has confirmed that he is going to build 2 bricks high. Councillor Benney stated that the reason for refusal appears to focus on the sequential test and, in his opinion, the application site would suit a dwelling and he can see no reason to refuse the application. He added that the sequential test aspect of the refusal is irrelevant when two applications for dwellings in the vicinity have been approved over the last couple of years, with site mitigation measures being in place which the agent has outlined. Councillor Benney stated that it is a good application, it is another house and the villages need people moving into them to support them. He expressed the view that he understands the flood risk that has been highlighted, however, there are already houses all around the application site and he will be supporting the application.
- Councillor Connor stated that he concurs with the comments made by Councillor Benney and added that there is no land for sale there and 99.9% of land in Turves is in Flood Zone 3, but the application site is worthy of a dwelling. He added that there are numerous dwellings all along Burnt House Road and he will be supporting the application.
- Councillor Mrs French stated that she agrees with the comments made by Councillors Benney and Connor, however, she does have concerns with regard to flooding in the area.

She added that if the application is approved, she would hope that proper drainage is put in place as much of the recent flooding episodes in March have been caused by surface water issues. Councillor Mrs French stated that she was on the Planning Committee when the Red Barn development was built and there were issues at the time, it has now been built for several years. She expressed the view that she cannot see anything wrong with the proposal before Members today and she will support the application.

- Councillor Sutton stated that he agrees with the point raised by Councillor Mrs French that consideration must be given with regard to flooding as to where development is approved, but there are already 60 dwellings in the vicinity and other sites have been approved. He referred to the sequential test and the policy that David Rowen had referred to, where it states available sites, either the same or similar, and added that the site next to the public house is not the same or similar. Councillor Sutton expressed the view that he will be supporting the application in this case.

Proposed by Councillor Benney, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation with delegated authority being given to the Chairman, Councillor Benney and Councillor Mrs French to apply suitable conditions in consultation with officers who will supply a draft list of conditions for consideration.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the officers have not demonstrated that there are alternative sites in Turves, the proposed site is surrounded by development and there are other applications in the vicinity that have been approved which has set a precedent.

(Councillor Benney declared an interest in this item, by virtue of the fact that he knows the Agent, Matthew Hall, in a professional capacity only, but this would not affect his decision making when determining the item)

(Councillor Cornwell took no part in the discussion or voting on this item due to a loss of IT connection)

(Councillors Mrs Mayor and Miscandlon declared an interest in this item, by virtue of the fact that they are both members of Whittlesey Town Council Planning Committee who has commented on the application, and took no part in the discussion or voting on this item)

P59/20

F/YR20/0902/F

LAND SOUTH EAST OF 106, WYPE ROAD, EASTREA; ERECT 3 X DWELLINGS (2-STOREY 5-BED) INVOLVING THE FORMATION OF 3 X NEW ACCESSSES

Gavin Taylor presented the report to members.

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

Mr Edwards made the point that this application for 3 dwellings comes with the support of officers and follows 3 recently completed houses, which were all part of an original outline approval for six dwellings and the site is infilling development which is consistent with the village's capability in LP3. He stated that he was disappointed with the late response from the Environmental Protection Team who only raised issues a couple of days before the deadline date. He explained that there were no issues raised at the outline stage and as the business adjacent to the site is currently building a new workshop, there was no mitigation required for that which was approved in 2020, and he questioned why is there now a need for the application site to have acoustic fencing installed.

Mr Edwards highlighted that the new workshop backs on to the application site as the previous buildings did that it is replacing, with the proposed workshop having no openings towards the site and being hidden by the existing laurel hedging that runs the full length of the boundary and beyond. He explained that, in the report, it points out that 2 bungalows were approved by the Planning Committee the other side of the business and again no acoustic mitigation was required for these and it should be noted that the workshop entrance doors face these bungalows.

Mr Edwards added that the applicant is ready to start work on site on these 3 dwellings as he had expected to start towards the end of last year and is happy to accept the conditions, but would prefer to install a standard 2.1M high close boarded fence instead and retain the laurel hedging.

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

- Councillor Meekins stated that the objections that have been received, appear to be surrounding the potential noise from the business at the back of the site and that if anybody is looking to buy a property with an agricultural engineering works in the vicinity then there must be the acceptance that there will be some noise expected. He added that he will be supporting the officer's recommendation on this application.
- Councillor Lynn expressed the opinion that the officers have done an exceptional job with the mitigation issues on this application. He added that there is bound to be an element of noise resulting from the agricultural works and it is vital for the residents in the dwelling to have a quality of life, even though they are living next door to a business. Councillor Lynn stated that he will be supporting the officer's recommendation for this application with the conditions in place.
- Councillor Cornwell expressed the view that the officers have made the correct recommendation. He added that it appears works have already commenced to clear the site and it will look better to see the frontage of the site replaced with proper hedging and he agreed that agricultural businesses can make noise and he expressed the view that any mitigation put in place strengthens the awareness of whoever is buying it that there is going to be some noise, so it acts as a prewarning. He added that he will be supporting the application.
- Councillor Mrs French stated that she concurs with Members comments and will be fully supporting this application.
- Councillor Sutton stated he agrees with the comments made by Members and added that the agent had highlighted that the Environmental Team had only responded just before determination date which is not ideal but given the Covid situation is understandable. He added that the acoustic fence will benefit the future occupants of the house and for the business too as it will avoid complaints and could affect the businesses' working hours or the way that it operates. He added that he does not consider that the difference in cost of an acoustic fence versus a normal fence on such a scheme would be a problem and he will also support the officer's recommendation.

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

(Councillors Mrs Mayor and Miscandlon declared an interest in this item, by virtue of the fact that they are both members of Whittlesey Town Council Planning Committee who has commented on the application, and took no part in the discussion or voting on this item)

P60/20

F/YR20/0943/F

86 CHARLEMONT DRIVE, MANEA.CHANGE OF USE OF SINGLE-STOREY WORKPLACE BUILDING FROM BUSINESS USE TO 2-STOREY ANNEXE BUILDING (2 X 1-BED ANNEXES) ANCILLARY TO EXISTING DWELLING INVOLVING RAISING THE HEIGHT AND INSERTION OF DORMER WINDOWS, REPLACEMENT OF EXISTING WORKPLACE DOOR WITH DOOR/WINDOW, ERECTION OF CONSERVATORY TO REAR AND INSTALLATION OF EXTERNAL

STAIRCASE (PART RETROSPECTIVE)

This item was withdrawn from the agenda.

P61/20

F/YR20/0968/F

LAND NORTH EAST OF, 34 ELDERNELL LANE, COATES; ERECT A DWELLING (2-STOREY 5-BED) WITH FARM OFFICE, 1.2 METRE HIGH (APPROX) WITH 1.6 METRE HIGH (MAX APPROX) METAL SLIDING GATES, DETACHED WORKSHOP AND CATTLE SHED (AS PART OF AN AGRICULTURAL HOLDING)

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mrs Dale who presented to the committee on behalf of her husband, the applicant.

Mrs Dale explained that Mr Dale was born in Coates into a farming family and he applied for a Cambridgeshire County Council holding to get a start in farming, so that he was not reliant upon his family. Mrs Dale added that they married in 1991, she is a Registered Nurse and works as a Deputy Sister at Peterborough Hospital part time, does the bookwork for the farm, is Chair of Governors at Doddington Primary School and alongside him and his daughters, she takes an active role in the care of the animals on the farm.

Mrs Dale explained that they moved to the starter holding at Doddington in 1992, which gave the family a base and an income, enabling them to be able to expand by buying and renting further land. She expressed the view they are now planning for the future, for when their tenancy finishes, and they have sufficient resources to help establish their daughter's farming career, which will release this holding for another young person to start farming. She made the point that when they relinquish their tenancy, they will farm more land at Coates than at Doddington as there are no opportunities to buy further land at Doddington as the land is all farmed by large estates, however, they feel there is more potential to expand their business at Coates.

Mrs Dale explained that Mr Dale classes himself as a mixed farmer and added that although a large part of the farm is arable, he has been involved with cattle all his life, helping with his father and grandfathers' cattle when he was younger and he also had a small herd of Charolais cattle, after getting established at Doddington. She stated that they started a new herd of Dexter cattle in 2011, with their daughter now involved who has a special interest in animals and the Dexter breed was chosen as they are smaller and are safer to handle due to their size. The family have taken them to educational events, e.g. Open Farm Sunday, as children are generally not frightened of them due to their calm manner and their smaller size.

Mrs Dale explained that although their herd is small at present with 8 breeding cows, it is not in its "infancy" and their herd was much larger, however, the decision was taken to reduce numbers, due to their daughter's commitments at school with A levels and health issues following a personal accident. She stated that the intention is to increase their numbers, in preparation for when their daughter has completed her University Degree in Animal Science, Health and Welfare.

Mrs Dale stated that the Dexter cattle work well with the rest of the farm, some of which is in Higher Level Stewardship and this environmental scheme allows the farm to support wildlife, by having grass margins, which provide a suitable habitat for voles, mice, birds and insects, and low grade hay to feed the cattle. She added that as well as being checked at least daily, the cattle need increased supervision at key times, e.g. for breeding, it is important for timing for artificial insemination; also for calving to ensure their safe delivery and for the care of the cow and calf and although the agricultural consultant states that the numbers of cattle do not warrant a full time person living on site, it is these key activities, observing and listening to the sounds the cattle make, that cannot be done effectively by visiting, once or twice a day, being on site allows them to

manage the cattle and the other farm work.

Mrs Dale stated that the dwelling at the farmyard is also the farm office and the place where they hold meetings with different people for the running of the farm. She made the point that farming needs to be carried out with regard to the weather and the temperature, which means that last minute decisions are frequently made.

Mrs Dale stated that the workshop will contain high value tools, having this on the site where they live, means that they can stop to eat their evening meal and then continue to prepare for the next day's work, as well as better security overnight. She made the point that the thefts that are listed by Cambridgeshire Police are mostly from areas away from residences.

Mrs Dale explained that Mr Dale takes an active role in the drainage of the Fens, being District Officer for 2 drainage boards, Ransonmoor at Doddington and Feldale IDB, Coates / Eastrea and is a member of the Middle Level Conservation Committee. She concluded by stating that she hopes further consideration will be given to their application and understand that farming is the family's life, which Mr Dale wishes to continue in the village that he was born.

Members asked Mrs Dale the following questions:

- Councillor Meekins asked for clarification with regard to the number of acres that they are farming in the area where they are proposing to build the dwelling? Mr Dale stated there is a further 50 acres further down the lane and then on the other side of the village there is approximately another 150 acres. Councillor Meekins asked where the cattle are kept at the current time and Mr Dale stated that they are kept in paddocks either side of the current bungalow.
- Councillor Marks asked whether this will become the main farmyard and Mr Dale stated that he has another farmyard in Coates where all the large machinery will be kept, which is in Flood Zone 3 and is down two gravel tracks, situated beside the main East Coast railway line. Councillor Marks asked what the anticipated HGV vehicular movements were in the area and Mr Dale are stated that there will be very few. Councillor Marks questioned where any HGV would be able to turn around as the lane appears to be very narrow on the site layout and Mr Dale stated that on the rare occasion an HGV would need to access the site it would be able to turn around in his yard.
- Councillor Lynn stated that if planning permission was granted is the intention to move into the dwelling as soon as possible or not for another seven years? Mr Dale stated that he is looking to come out of the holding in 5 years' time and he has not applied for the additional two years. He added that in farming, nothing happens quickly, and he has to build sheds for the livestock and set up the infrastructure for the cattle and following that a paddock further down the lane needs to be created. Mr Dale stated that it will take between 4 and 5 years for him to get everything in place and built. Councillor Lynn asked Mr Dale to confirm whether there is the intention to have the property built and for it then to remain empty for 4 or 5 years. Mr Dale stated that he intends to do a lot of the work himself and the buildings need to be constructed for the cattle in the first instance and the pastures and fencing needs to be in place which will take two years. He added that the construction of the bungalow will be the last detail of the application to be sorted and then when the family moves in, the cattle will also be moved at the same time.

Members asked officer's the following questions:

- Councillor Benney asked whether the survey that took place was carried out by undertaking a site visit or was it undertaken by a desk top survey? David Rowen stated that it is usually the case that such surveys are carried out as a desk top exercise and it is very rare that an enterprise, which is mainly arable, would see a consultant actually visit the site and the information that is usually submitted to the consultant includes the acreage that is farmed and the nature of the enterprise in terms of the split of arable to animal which is the only information that the consultant needs and also for the business case it is very rare for a

consultant to need to visit the holding to make a judgement as to whether there is a functional financial case for a dwelling in such a location. Gavin Taylor stated that most agricultural assessments are carried out via desk top exercise and he clarified that the enterprise as a whole is viable and the viability is not in question with this application, the arable business on its own is a viable enterprise and the assessment is on the basis of functional need to ascertain whether a full time worker needs to reside on the site in order to perform the function of the farm and the agricultural side very rarely necessitates the need for an onsite permanent worker. Gavin Taylor explained that it is a functional assessment which has been undertaken on the basis of the livestock enterprise which is likely to yield a functional need, but it is the scale of the enterprise that is in question and the assessment that has to be carried out under LP12 of the Local Plan needs evidence to demonstrate as to whether the existing business demonstrates a functional need.

- Councillor Lynn stated that he notes in the report that 'it is not important at this time' and asked whether that is due to the length of time the applicant has on the County Council farming land, which is 5 years and then possibly two more, which gives seven years. He questioned that if the application had been submitted in four years' time would it be considered that there was more of a need for a dwelling to be on this property? Gavin Taylor stated that the application is to be considered in its current form with the information presented at this time and in four years' time the applicants' circumstances may have changed. Councillor Lynn expressed the view that he considers it to be relevant because the applicant may need to vacate the land that they are occupying.
- Councillor Skoulding asked officers to confirm whether they have ever had experience of dealing with livestock themselves and expressed the view that keepers of livestock need to be on hand 24 hours a day. Gavin Taylor stated that he has not worked with livestock, but he has dealt with other applications that have done. He is aware where temporary workers have utilised permitted development rights to temporarily stay on site during labour or on insemination of livestock.
- Councillor Marks asked whether the desk top study that has been carried out now takes into consideration the three years of setting up the land at this point as opposed to thinking about the future setting up of operation on this site. Gavin Taylor stated that the assessment that was carried out is based on a business plan and predications of that plan as to whether, it currently or could in the future, generate an essential functional need for a full-time worker. He added that with regard to set up times the assessment looks at what the existing need is now and whether in the future, with the scaling up of the business, there would be the need for a full time worker on the site. In both scenarios the consultant has advised a need has not been demonstrated.
- Councillor Cornwell expressed the view that the applicants have substantial land around the area and at some point they will need to move from one property to another and continue the farming operations. He added that at one time Eldernell was the senior of the two settlements of Eldernell and Coates and has always been an agricultural hamlet and over the years things have changed and it has become more of an upmarket residential area in parts of it, but it is still an agricultural based hamlet. He expressed the opinion that there appears to be a focus on the one element of the policy rather than the consideration of a farming operation which is trying to reorganise itself into a more centralised approach and unit.
- Councillor Meekins stated that it is his understanding that the legislation states that the applicant has to prove that there is an essential need to have someone on the site and 8 cows would not justify it to be an essential requirement. He asked officers to clarify what would be the number of cattle that would be required to justify the essential need for somebody to be on site? Gavin Taylor stated that the consultant has used the John Nix pocketbook, which is a standardised document which sets out the standard labour requirements for all types of livestock. He added that the standard labour requirement for one cow is 1.35 standard man days per year and in the submitted business plan, the 20 proposed cows would equate to 0.3 of a full-time worker. Councillor Meekins added that for it to become an essential requirement to have a dwelling on site the applicant would have to

have in the region of 60 cows and asked whether that figure would include calves? Gavin Taylor stated that the cow element refers to the heifers and the followers are the next generation and the projected scale is 20 cows and 50 followers, which is what the John Nix pocketbook sets out as equating to 0.3 of a full time worker.

- Councillor Marks questioned the figures that had been stated and asked whether the figure is only for hands on work for the time spent with the cows or does it also include all the other associated works such as hay making? Gavin Taylor stated that the way the consultant has used the John Nix pocketbook is a standard labour requirement and does not set out what particular elements of labour may or may not be required, but one cow requires 1.35 standard man days per annum for a range of functions required for that cow.

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

- Councillor Lynn stated that, in his opinion, it comes down to whether the family needs a house in the area and whilst he knows that there is an option to pass the County Council land down, the applicants have stated that they want to focus all of their efforts onto the Coates area. He stated that there will come a point in time that the family will need a home in Coates regardless of when that time comes and he would hope that if the house is built he would not want to see it left empty for years. Councillor Lynn added that if the application was approved, he would want to see conditions added to include waste storage, insect control and to ensure adequate light pollution measures are in place.
- Councillor Benney stated that he does not trust or welcome desk top studies, but he can see that the applicants are heavily involved in farming, which is not a job, it is a way of life and farming is currently having a very tough time. He stated that the best form of security for a farmer is to be living on site and added that a herd of cows are very expensive and can be in excess of £100,000 and he commends the applicant for his future plans and wishes him well.
- Councillor Murphy stated that it is refreshing to hear the applicant's plans and commends them for looking into the future and for planning ahead.
- Councillor Marks stated that he welcomes the application and will be supporting it. He added that if the application gets completed in a timely manner it will free up another County Council smallholding to enable a future generation to continue farming.
- Councillor Meekins stated he also welcomes the application and would like to see the pedigree herd of Dexter cattle expand.
- Councillor Connor stated that he commends the applicant on their proposed venture.
- Councillor Mrs French stated that she also agrees with the other Members comments, commends the applicant for their foresight, and she will be supporting the application.
- Councillor Sutton stated that he is not sure whether the application is all it seems to be, and he is concerned that the first application that was put in was withdrawn and made no mention of any livestock whatsoever. He added that he has mixed feelings on the application and if the application is approved, he hopes that the livestock issue is as genuine as it has been portrayed.

Proposed by Councillor Benney, seconded by Councillor Lynn and decided that the application be APPROVED, against the officer's recommendation, with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Benney and Councillor Lynn.

Members approved the application against officer's recommendation as they feels that the application site is the appropriate location to house cattle and for a workshop, the applicant has demonstrated that there is an essential and functional need for the property in order to expand their business which will lead to employment opportunities going forward.

(Councillors Mrs Mayor and Miscandlon declared an interest in this item, by virtue of the fact that

they are both members of Whittlesey Town Council Planning Committee who has commented on the application, and took no part in the discussion or voting on this item)

P62/20

F/YR20/1103/O

LAND SOUTH EAST OF, 43 WHITTLESEY ROAD, MARCH. ERECT UP TO 1 NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Ted Brand, the Agent.

Mr Brand explained that the proposal is for a house, within the curtilage of a bespoke joinery business, for the applicant and his family, which is a much needed for the business and will ensure its future, employment, and prosperity. He referred to the reasons for refusal summarised in the agenda report as there is no 'demonstration' that the house would be 'essential' for the business and failure of flood risk sequential test, diminishment of the open and underdeveloped character of the area, and is too prominent when viewed from the A141 by-pass and, in his opinion, these reasons do not justify refusal as there have been requests from officers for additional information and no communication until last week when he was informed of the officer recommendation and of the committee date.

Mr Brand stated that in light of the agenda report, his client has provided some additional information, which was forwarded to the officer on Monday, and this information included the fact that the applicant is spending increasing time at the business, way over normal working hours, for meeting customers, manufacturing joinery, deliveries, loading/unloading work vehicle, checking security, which is having an adverse effect on his wellbeing, family and the business. He added that there are no other available suitable workplace homes in the area and this family business has been established for 45 years, has always been profitable and has a full order book for the year ahead.

Mr Brand stated that there is no chance of the business closing as the applicant's wife is employed in the business and his oldest child is to join the business, as an apprentice, on leaving school within 18 months. He added that employment is being created with three of the occupants of the house employed on the site and a condition could restrict the occupation of the dwelling to people employed in the business and their families.

Mr Brand stated that with regards to flood risk, the expert consultant's site Flood Risk Assessment concludes low risk and the Environment Agency has no objection to this application. He explained when consulted the Middle Level Commissioners had no objection to this scheme, but have yet to comment to the Council, however, the Middle Level Commissioners and his clients have no knowledge of any flooding on this site or nearby, with a drain on the site boundary taking water from the site to the internal drainage board system.

Mr Brand stated that, with regard to the character of the area, the assessment that the character of the area is "open and underdeveloped" and that the views from the A141 by-pass would be "too prominent" have no evidence to support them and are not justified. He presented photographs to the committee and explained Marina Drive forms a very significant group of dwellings and businesses, many of them visible from the by-pass, with the site having a thick hedge on the east (by-pass) side and hedges and trees on the west boundary and the only significant view will be from a small part of Marina Drive.

Mr Brand stated that the scheme, which is supported by March Town Council, will cause no harm, help address climate change and provide much needed, good quality, housing, with there being, in his opinion, no actual, or real, risk of flooding and added that there is no adverse effect on the

character or appearance of the area. He explained that the scheme will enhance the local economy, and much needed employment, by allowing a long-established, local business to prosper. In this case, he feels the benefits far outweigh the concerns raised and he urged the committee to approve the application.

Members asked Mr Brand the following questions:

- Councillor Meekins asked Mr Brand to clarify where the applicant currently lives? Mr Brand stated that the applicant currently lives in Estover Road and his father lives on the site.
- Councillor Lynn asked Mr Brand to clarify that there was no sequential test submitted? Mr Brand stated that there was no test carried out because there is no real risk of flooding and the Middle Level Commissioners agreed with that fact. He added that although it is Council policy, the scheme was deemed to be in the open countryside, not in March and had a test been carried out it would have failed. Councillor Lynn stated that it may have been helpful to have seen the results of a test and asked whether there was a reason that the access was not included directly onto Marina Drive. Mr Brand stated that the application is to enhance the business and does not include that element.
- Councillor Marks asked for clarity that the applicant's father lives on the site already and the applicant will be living in the proposed dwelling? Mr Brand confirmed this to be the case. Councillor Marks stated that Mr Brand has said that there has been no flooding close by and highlighted that the grass field adjacent to Foxs Marina quite often appears to suffer from flooding and asked Mr Brand to clarify the point he made with regard to not flooding locally? Mr Brand stated he meant on the site or on any land adjacent to the site, with all the land to the north being owned by the applicant's family and as far as he is aware neither has the area to the other side of Marina Drive, including the field with a caravan on by the allotments.
- Councillor Cornwell stated that the frontage of the main site down to the bypass on Whittlesey Road contains very large main drains and the water does drain off into there. He asked for clarity as to whether there is no intention of having an access off Marina Drive onto the plot as he feels that one of the problems of building alongside that part of the bypass is that there is no way of accessing the town unless you use a vehicle, although there is a so called footpath at the bottom of Marina Drive immediately adjacent to the plot, which is so unsuitable for pedestrians to use, he cannot understand why the County Council have never blocked it off as it is dangerous and asked whether there is anyway to exit the site without using a vehicle. Mr Brand stated it is about half a mile to walk to the local supermarket and added that if that is a concern then a condition requiring any access would be acceptable. Councillor Cornwell highlighted that there have been many applications refused for the old public house site, which is close by, because it is almost impossible to cross the bypass due to traffic issues and if applications are refused for that site then why should this application not be turned down based purely on the constant need for vehicles to access and egress the property. Mr Brand stated that the applicant has to drive three miles to and from the application site to his current home and, therefore, the amount of traffic would be reduced. Councillor Cornwell reiterated that his concern is there is no provision for safe pedestrian egress or access to the property.
- Councillor Skoulding stated that before the bypass was constructed it was Peas Hill all the way to Whittlesey Road, which historically never flooded and when the bypass was built, it cut Peas Hill in half and that is why it became Marina Drive. He added that the footpath that Councillor Cornwell had referred to was introduced by the County Council when they built the bypass.

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

- Councillor Mrs French stated that she knows the Whittlesey Road very well, adding that with regard to the flooding issues that have caused concern in recent weeks, this particular area being discussed today has not actually flooded which she finds surprising. She referred to

the extremely large drain that Councillor Cornwell had referred to which helps to alleviate the risk of flooding. Councillor Mrs French referred to officer's report at 5.3 and 5.4, where it states that there have been no environmental objections concerning flooding and to the presentation screen where a picture had been taken from Whittlesey Road where houses and businesses are sited, including a couple of new dwellings and there is also a garage and MOT testing centre and she is surprised that it states in the report that it will be detrimental to the A141, as there are many houses on the A141, which, in her opinion, are not detrimental to that road. She expressed the opinion that the applicant's family business has been operating for 30 or 40 years and the family wish to continue the business and, in her view, the proposal is for a nice house and people are entitled to nice houses if they can afford it and this will go towards supporting local businesses. Councillor Mrs French expressed the opinion that the country is currently starting economic recovery following the Covid 19 pandemic and this proposal is ideal for doing that. She stated that the residents who live in Foxs Boatyard walk to the local supermarket and there is a public footpath there and, in her opinion, this application should be supported and local businesses should be supported. She expressed the view that the state of Marina Drive is appalling and it would not be right to insist that access should be by that road as it is in a dreadful state.

- Councillor Cornwell referred to the presentation screen and stated that the photograph shows the width of the plot at Marina Drive and, in his view, he would not like to see an access included from Marina Drive. He added that it is a good viable business and if the application is approved, he is concerned that one of the main reasons cited to turn down development on the old public house site will disappear.
- Councillor Miscandlon stated that he is concerned with regard to the refuse collection arrangements, due to the excessive length of the driveway, and stated that would need to be looked into further and also, in his opinion, there should be no access permitted for vehicles at any time onto Marina Drive as it is an area which should be stopped off for pedestrians only.
- Councillor Mrs French stated that Marina Drive is a public highway and there are residents from Foxs Boatyard who already reside there and for that reason it cannot be stopped up. She stated that it is her understanding that Cambridgeshire County Council do intend to resurface it. Councillor Miscandlon stated that he meant that access from the proposed site to Marina Drive should not be allowed and Councillor Mrs French agreed that ideal access would be from the exiting site and not Marina Drive.
- David Rowen stated that with regard to access from Marina Drive, if members were minded to grant planning permission then a condition could be imposed to prevent any access being taken through Marina Drive in the future. He added that in terms of the principle of the application, and whilst everybody wants to support local business, members need to qualify how the dwelling is essential for the business to operate in the future. He added that, in his experience, most joinery workshops do not have residential elements to them and there are a lot of industrial sites around the district which do not have residential elements to them.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with the conditions imposed on the planning permission being agreed in conjunction with the Chairman, Councillor Mrs French and Councillor Skoulding.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal supports a needed local business, provides security for the business by the applicant living on site, is in a sustainable location, would not have a detrimental impact upon the character and visual amenity of the area and has never suffered from flooding due the large drainage ditch in the vicinity.

3.41 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 3 FEBRUARY 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton,

Officers in attendance: Nick Harding (Head of Shared Planning), Alison Hoffman (Senior Development Officer), Gavin Taylor (Senior Development Officer), Nick Thrower (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P63/20 **APPOINTMENT OF VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 - 2021**

It was proposed by Councillor Connor, seconded by Councillor Mrs French and resolved that Councillor Mrs Davis be elected as Vice-Chairman of the Planning Committee for the remainder of the Municipal Year, 2020/21.

P64/20 **F/YR20/1017/O**
LAND SOUTH EAST OF DOVE COTTAGE, GULL ROAD, GUYHIRN. ERECT UP TO 4 X DWELLINGS AND THE FORMATION OF 3 X VEHICULAR ACCESSES INVOLVING THE DEMOLITION OF AN EXISTING OUTBUILDING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Nicholas Thrower presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Tim Slater the agent.

Mr Slater advised that he was speaking on behalf of the applicant and Peter Humphrey Associates (as agent) in relation to this proposal. He expressed the view that he is mindful over the provisions of LP3 and LP12 of the Local Plan, but it is clear that in this instance that other material considerations are relevant and should be given significant weight in decision making, particularly in respect to this site, reference is made to be numerous recent planning permissions along Gull Road, which have individually and cumulatively, fundamentally changed the character of this road and set a number of precedents, which are relevant to the proposal before the committee, but notwithstanding the fact that the councils public access mapping search function has not worked for over a week now, and the research that he has carried out indicates that there are about a dozen new plots approved along the stretch of Gull Road since the adoption of the Local plan in 2014.

Mr Slater stated that it is acknowledged that there have been refusals along Gull Road and it is contended that the character of this area has changed in the interim and that the open character with intermittent buildings that LP3 sought to protect is now no longer the case and this area is in essence now a linear settlement within which this proposal is infill within an existing gap and this change in circumstance is considered material to the determination of the application. He explained that he is aware that the Local Plan is now somewhat dated and is undergoing a review,

and he hopes that the emerging plan will recognise the changing character of not only of Guyhirn, but other similar settlements.

Mr Slater expressed the view that the changing character of the settlement is acknowledged within the response of the Parish Council, who support the application, which he welcomes and that there are no technical or environmental constraints to the development going ahead. He stated that the previous applications on this site included additional land in Flood Zone 3, which he has now removed from this application to address the concerns in relation to flood risk.

Mr Slater stated that it is proposed to design the Reserved Matters submission to accord with the recommendation from the accompanying Flood Risk Assessment, with matters of scale and impact to be fully assessed at that stage, and it is noted that an objection refers to adverse impacts on residential amenity, however, it is reiterated that the application is made in outline only and that the layout and appearance of the buildings do not form part of this application and are intended for illustrative purposes only. He explained that the National Planning Policy Framework (NPPF) and much of the Government White Paper is seeking to deliver more new homes to meet need and the application before members is considered to be consistent with those aims, which no doubt will be rolled forward into the emerging Local Plan.

Mr Slater added that the proposal is consistent with a significant number of planning decisions made by the Council in the last 5 years in respect to infill development along Gull Road, there are no technical constraints to development, with the proposal being consistent with the aims of the NPPF and, therefore, the changes to material considerations surrounding the site are sufficient to outweigh the outdated policies referred to in the recommendation.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify that, if planning permission is granted, then flood mitigation steps will be put in place to build the land up above the flooding level? Mr Slater confirmed that the application is an outline application and all matters that come forward as Reserved Matters applications by planning law must be consistent with the outline planning application. He added that the conclusion of the Flood Risk Assessment require the finish of the floor levels to be 1.1 metres above the existing levels and this will be done within the Reserved Matters and at that point matters of scale and impact can be assessed by the Local Planning Authority.
- Councillor Sutton stated that he cannot understand why it needs raising by 1.1 metres if it is in Flood Zone 1. Mr Slater stated that it is set out in the Flood Risk Assessment and in the event of a flood breach of the defences that is what the recommendation is of the Drainage Engineer in this case.
- Councillor Meekins stated that the point has been made regarding the Fenland Local Plan being outdated, but the current Local Plan is the one that must be adhered to. He referred to a previous application in 2018, which is for dwellings on land to the south of the application being determined, and asked whether it is for the same applicant? Mr Slater stated that he is not aware of the land ownership details of the other site. Councillor Meekins added that his concern is that if planning permission is granted for four houses in a linear development, which is contrary to the current Local Plan, it could be used as a precedent to build another four houses on the adjacent land.

Members asked officer's the following questions:

- Councillor Cornwell stated that the photograph provided to members is not up to date as there is a development north of Dove Cottage, which is marked on some of the plans. He asked officers to clarify what the substantial difference is between the site which is currently being developed north of Dove Cottage and the application before members? Nicholas Thrower confirmed that there is currently a development of four dwellings to the north of Dove Cottage, which is a 2016 planning application, which was reported to the Planning Committee and recommended by officers for refusal. The decision of the committee at the

time was to grant planning permission given the shortfall at the time of the 5-year housing land supply. Councillor Cornwell stated that if the application is refused today what would be the chances of the Council losing at an appeal hearing, because, in his view, there is very little difference between the proposal site and that of the one that is being constructed. Nick Harding stated that as Nicholas Thrower has explained that the difference now is that at that time there was no 5 year land supply, whereas now there is, and under the Government's rules when you have not got a 5 year land supply there was in place something called the tilted balance and, therefore, there is greater presumption in favour of development than there would otherwise be and that is why planning permission was approved for the four dwellings to the north of Dove Cottage. Nick Harding added that members are aware that planning applications need to be determined in accordance with the Fenland Local Plan and the key issue with this application is the fact that only small scale infill is allowed and the gap between the development on either side of the site is very significant hence the officers recommendation for refusal. Councillor Cornwell stated that at 1.6 of the report it refers to harm to the character and appearance of the area and, in his opinion, the whole area has changed over a number of years with Gull Road now being like an extension to the village of Guyhirn. He added that he understands the comments made with regard to the earlier dwellings being built out under different rules, but he finds it strange that the officer's recommendation is for refusal when the rest of the area is built on.

- Councillor Benney expressed the opinion that the application is infill and asked for confirmation from officers concerning applications in the vicinity. Nicholas Thrower confirmed that the 2016 application was determined by the Planning Committee in 2018 and is now being built out. He added that the 2020 scheme referred to is a revised scheme on the same site and that was delegated due to the previous decision that was in place and was implementable.

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

- Councillor Benney stated that there are 4 plots currently being built out in the vicinity of Dove Cottage and he cannot see how the application can be refused. He added that the proposal is in Flood Zone 1 and, in his view, he cannot see anything wrong with the application and he concurs with the comments made by Councillor Cornwell that the character of the area has changed significantly over the years and there is the need for nice houses in the area. He stated that he will be approving the application.
- Councillor Sutton stated that the developments in the area have a history and he referred to a previous application on the opposite side of the road, which was recommended for refusal and was overturned. He expressed the view that the four dwellings currently being built were also recommended for refusal and that was decision was also overturned by members. Councillor Sutton appreciated that officers are sticking rigidly to the Local Plan, but made the point that each application should be looked at on its own merits and members of the committee must be consistent in their decision making.

Proposed by Councillor Sutton, seconded by Councillor Benney and decided that the application be APPROVED against the officer's recommendation with delegated authority being given to officer's to apply suitable conditions.

Members did not support the officer's recommendation of refusal of planning permission as they feel that it would not be over urbanisation as it is already urbanised with other applications that have been approved which has set a precedent and would not be detrimental to the character of the area.

P65/20

F/YR20/1082/F

**LAND WEST OF SUNSET ROOMS, STATION ROAD, WISBECH ST MARY.ERECT
6 X DWELLINGS (2-STOREY 3-BED)**

Alison Hoffman presented the report to members.

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

Mr Edwards explained that the application is for 6 dwellings at land west of the former Sunset Rooms, Station Road, Wisbech St Mary, with the application being before the committee with the support of officers, following the granting of permission for 3 other dwellings on the site and made the point that he has worked closely with Planning Officers making the revisions as required to obtain their recommendation of approval. He stated that the site is within Flood Zone 1, which is unlike most of the village, and it abuts the built form as it was part of the car park for the former Sunset Rooms, which is previously developed land and as the report states Wisbech St Mary is a growth village where development will be appropriate either within the existing urban area or as a small village extension.

Mr Edwards stated that the site is served via an existing access, which used to serve the Sunset Rooms and historically had a vast amount of traffic using it, with the proposal making the best use of the land and finishing off this part of the village. He asked the committee to support the officer's recommendation and approve the application with the conditions recommended.

Members asked Mr Edwards the following questions:

- Councillor Sutton asked for confirmation as to whether the land ownership also includes the road and also riparian ownership for the ditch, which is in a poor state. He asked for clarity as to how details of the riparian ownership will be conveyed to the new owners and whether an informative could be added so that the condition of the ditch can be improved? Mr Edwards stated that it is his understanding that as it is riparian then permission needs to be sought in order to carry out any works on the ditch with the opposite side. Councillor Sutton stated that he cannot imagine that the other party would not wish to engage to have works carried out on the ditch and he added that if the application was approved then an informative should be added.
- Councillor Mrs French referred to the recent reports of flooding that she has been receiving and stated that there needs to be an element of follow up work undertaken with regard to ensuring that those responsible maintain the areas of dykes they are accountable for. She added that she will support the application if there is a condition included that the surface water is managed correctly and not left to flood the rest of Wisbech St Mary.

Members asked officers the following questions:

- Councillor Sutton asked for clarity that the footprint for the outline planning permission is the same or very similar to the proposal before members. Alison Hoffman stated that it is a different form of development, so it is not exactly the same, but as part of the presentation that was shown to members a comparison and contrast of the two schemes was shown. She added that due to the nature of the roadway a similar position would have to be adopted and the current development layout is more preferential in terms of the relationship of the property that sides on to the end of the site and the earlier application was an outline application, which did not commit the layout, so this application has to be looked at in its own right.
- Alison Hoffman referred to an earlier comment made with regard to additional conditions with regard to surface water and added that surface water would fall under the remit of Building Regulations. She added that applying drainage conditions in this case would not necessarily meet the tests outlined in the NPPF in that such matters would be dealt with under Building Regulations and North Level Internal Drainage Board have not raised any comment regarding the drainage ditch. Nick Harding stated that he concurs with Alison Hoffman but added that if members wished to add an informative to remind future occupants of their riparian responsibilities that could be considered.
- Councillor Marks referred to 5.5 regarding refuse collection and asked that if the homeowners are going to make their own private arrangements for refuse collections would

that still be the same size vehicle as a normal refuse freighter? Alison Hoffman stated that the issue is the constraints of the access point, there isn't an accessible point to place the bins and the fact that the bin travel distance exceeds the RECAP guidelines. She added that as part of the conditions, a refuse collection strategy would have to be submitted, which would identify what the arrangements would be put in place, what the individual obligations of the homeowners would be with regard to presenting their bins for collection and it would be for the refuse contractor who is providing the service to specify what types of vehicle would be used. She stated that the officer's role would be to secure a bin collection service and not to drill down into the finer detail. Nick Harding added that the road is going to be a private road and the Council's refuse freighters do not access properties on private roads for fear of any damage caused which could then make the Council liable. However, the service could be delivered by the authority if an indemnity was received from the owner of the road.

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

- Councillor Sutton stated that he has read the report thoroughly and it is always good to see Agents and Officers working proactively together. He thinks that the proposal is beneficial to the village and fully supports the officer's recommendation.
- Councillor Cornwell asked whether the end of the lane, which always used to serve the car park at the bottom for the large community centre, is to be blocked off or will it become an access or egress point for the community centre. Councillor Sutton stated that he drove in off Station Road and drove out on Beechings Close as it is currently open, and he was able to drive straight through.
- Councillor Mrs Mayor stated that she does not have an issue with the application, but she is concerned with the issue of the drain, although she appreciates that North Level IDB have said that they have no comment to make. She added that the drain needs to be looked at and she would like to see officers carry out further investigation work to ensure that it is maintained properly.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and decided that the application be APPROVED, as per the officer's recommendation, with the addition of an informative to the permission in relation to the drain.

P66/20

F/YR20/1090/O

**LAND NORTH OF, SPRINGFIELDS, EASTREA.ERECT UP TO 5 X DWELLINGS
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS)**

Gavin Taylor presented the report to members.

Members received a written representation, read out by Gavin Taylor, from Councillor Bob Wicks, ward councillor.

"Thank you for the opportunity to present this further information. As you are all aware that prior to Christmas we had substantial rainfall which resulted in an amount of flooding in the county and failure of a number of Sewerage pumping stations in the Coates, Eastrea and Turves ward. These pumping stations were at Coates, Eastrea (Drybread Road) and Aliwal Road. While the failure of the Eastrea station did not cause the same outcome as in Coates, residents of Springfield did experience a backup of effluents which did result in the restriction of their access to sanitary provision. This was particularly the case at the far end of Springfields, close to the proposed development. The actual cause of the failure is being investigated at this time by Anglian Water".

Members received a presentation, in accordance with the public participation procedure, from Mr David Broker, the Agent.

Mr Broker expressed the view that this is another marginal location where it does not quite fit with policy, but is very close to doing so and he compared it with Wype Road also in Eastrea. He stated that there are 3 reasons for the recommendation of refusal, one of which is Policy LP3 of the Local Plan with Eastrea being a small village where limited scale of residential infill will be allowed, secondly Policy LP12 Part 3 where development in the open country side and thirdly details of the means of access.

Mr Broker highlighted each aspect in turn and stated that Planning Committee members have considered similar locations elsewhere in Fenland and have ruled in favour of the necessity to sustain the growth of the rural settlements and pointed out that, at the last Planning Committee, members approved residential development in Wype Road Eastrea, which was supported by the Planning Officer and determined as infill. He expressed the opinion that infill has always been limited to 1 or 2 dwellings between existing residential units close by and he added that in that location there are no less than 6 dwellings, 3 very large houses previously approved and under construction, a farm access and 3 further dwellings which have been approved. He stated that further 2 dwellings have been constructed beyond the original last dwelling on that side of the road extending again into open countryside in a most prominent position.

Mr Broker pointed out that previously the Committee have questioned the terminology of open countryside again supporting limited development in such locations and added that whilst not wishing to get entwined with Wype Road Eastrea, the two sites draw very close comparisons as they are both at opposite ends of the village, both opposite to existing residential properties and both backing onto open farmland/countryside. He added that the application site before members is far less prominent with regard to being seen by the public and less obtrusive of views to the open countryside.

Mr Broker stated that with regard to the details of means of access, it has always been his understanding that small scale residential development of up to 5 units could be served off an un-adopted road, which the Common Road is, but the County Highways have insisted upon detailed road alignment and construction plans and have highlighted the need to obtain permission from the Department of the Environment as this 30m length of access is also a public byway or common road and they also require a 5m width of roadway when Springfield is in fact only 4.6m wide. He made the point that knowing that the scheme would be recommended for refusal and, after discussions with the Planning Officer, it was decided that given the substantial expense of the required professional detailed plans and the fact that obtaining permission from the Department of the Environment could take several months, the information has not been submitted, but stated that should the committee support the application such details for the access it will be provided.

Mr Broker added that there have been numerous comments concerning the access along Springfield and onto the A605, the Highways Authority has raised no objection on these matters and the applicant has made a written offer of a contribution toward infrastructure in the locality to the Whittlesey Town Council, but has received no response. He concluded by stating that if approved the application will assist in sustaining this small settlement.

Members asked officers the following questions:

- Councillor Cornwell stated that the Highways Authority appear to have concentrated on the width of Springfield, however, he does not see an issue with this, but highlighted that there

appears to be an issue when Springfield meets the A605 when you cannot see on the right hand side, it is a blind spot and asked officers to confirm whether this concern has been identified? Gavin Taylor stated that he was aware of several concerns, which were highlighted by residents with regards to the constraints of the access and this was discussed with the Highways Officer, but there was no objections raised on those grounds on that basis and he added that if officers were going to propose to refuse an application on a technical ground, then there needs to be technical evidence or the support of the professionals to do that and, therefore, it was considered that there was insufficient evidence to warrant a recommendation for refusal on those grounds.

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

- Councillor Murphy stated that he has reviewed the application and expressed the view that the application site is in the open countryside, there is no way that the application can be classed as infill development and added that he agrees that the application is against LP3 and LP12 of the Local Plan, with the Local Plan still being current and needs to be taken into consideration. He expressed the view that the proposal is over development and added that Whittlesey Town Council have also agreed with the recommendation for refusal as well as 28 letters of objection to the proposal. He stated that he will supporting the officer's recommendation.
- Councillor Meekins stated that he concurs with the comments made by Councillor Murphy and added that the Local Plan needs to be adhered to and added that the Planning Officer has identified issues with regards to sewerage problems over the last few months. He referred to the 28 letters of objection and highlighted that 11 of the letters are from Springfields who do not agree to the proposal. Councillor Meekins stated that the Town Council, Highways, and residents are not in favour of the proposal and it does not accord with the Local Plan and, therefore, in his opinion the committee should be supporting the officer's recommendation for refusal.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be REFUSED as per the officer's recommendation.

(Councillor Connor registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters that he was pre-determined on this application, and took no part in the discussion and voting thereon)

(Councillor Marks 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 that she is a member of Whittlesey Town Council's Planning Committee, but was not at the meeting when this application was discussed)

P67/20

F/YR20/1112/F

ANAEROBIC DIGESTION PLANT, SOMERSET FARM, CANTS DROVE, MURROW.FORMATION OF A DIGESTATE LAGOON WITH A 4.5M HIGH SURROUNDING EARTH BUND AND A 1.2M HIGH CHAIN-LINK FENCE (RELOCATION APPROVED UNDER F/YR18/0648/F)

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the public participation procedure, from Mr Rob Edwards, the Agent

Mr Edwards stated that he represents the applicant, Adapt Biogas, as they seek to gain full planning permission for the construction of an anaerobic digester lagoon at Somerset Farm, which will replace an identical lagoon that gained planning permission from Fenland District Council in 2018, but remains unbuilt and the proposed location of the new lagoon is 105 metres to the east of the previous site proposed in 2018. He made the point that the footprint of the new lagoon partly overlaps that of the existing permission and the reason for changing the location is to avoid the need to divert a ditch, which passes through the western part of the previous application area and the new location also better integrates into the existing field boundaries.

Mr Edwards explained that the nearest properties to the application site are those on Cants Drove to the north and Gull Drove to the south and the new location does not involve building any closer to these properties than was previously proposed in the 2018 application. He stated that the applicant wishes to acknowledge that construction of the lagoon banks has already commenced, but this was completed under the control of the previous site management and the new site management team, which has been in place since early January, has since ceased works to await the planning decision.

Mr Edwards stated that the proposed lagoon is intended to serve the adjacent anaerobic digestion plant, trading as Murrow AD Plant Ltd, and the plant itself has been in operation for approximately 10 years, producing clean and renewable biogas from agricultural feedstocks. He stated that the site has recently successfully developed a connection to the National Grid gas transmission network, allowing biogas to be directly injected into the gas distribution and supply network, displacing fossil-fuel based natural gas use and this is the first development of its kind anywhere in the UK and is seen by National Grid as an exemplar project that it wishes to promote to other similar businesses in support of its decarbonisation agenda.

Mr Edwards explained to members that digestate is a bi-product of the anaerobic digestion process and it has a significant value for agricultural irrigation and fertilisation, replacing mains water and chemical based fertiliser respectively with associated environmental benefits. He stated that as irrigation and land-spreading is generally only required seasonally, storage capacity in the form of a lagoon is required which will fill during the winter months and be emptied over the growing season.

Mr Edwards advised that, in 2013, Fenland District Council gave planning permission for a digestate storage lagoon at this location and, in 2018, a second lagoon was granted planning permission to the east of the existing AD plant, but construction of this lagoon was not completed at the time, and it is now proposed to construct at an amended location as described. He made the point that all practical and operational details remain exactly as that previous permission, only the red line boundary has changed.

Mr Edwards stated that he is aware of the Parish Council's objection relating to traffic and odour, but he suggested that these issues are unchanged from the 2018 permission, and both are addressed through the current application and made the point that it remains the case that the 2018 permission can be lawfully implemented by the applicant should the current application not succeed. He stated that, in terms of concerns with regard to odour, reinforced plastic sheeting

will be used to cover the lagoon, which will prevent surface water evaporation and wind stripping and, therefore, odour.

Mr Edwards stated that, of the five recommendations relating to odour provided by the Council's Environmental Health Officer, the applicant has confirmed that four have already been implemented and the fifth, relating to installation of a wind recording station on site, will be accommodated. He added that it is recognised that traffic generation is a sensitive issue and has been a key consideration for other applications at this location, but the operation of the lagoon itself will not generate significant traffic as it is filled by pipeline from the AD plant and emptied seasonally for irrigation to local agricultural land; the majority of these movements already occur through the operation of the first lagoon, but the current application will allow greater buffering capacity and, therefore, more even timings of vehicle movements throughout the spreading season.

Mr Edwards explained that the longer-term intention is that the additional digestate storage provided by the lagoon will allow more material from the adjacent farm to be treated through the digester (as opposed to being taken off-site as at present) facilitating a reduction in vehicle movements and the installation of the second lagoon will also support the business case for installation of an umbilical spreading system, reducing the long-term reliance on road transport. He stated that the addition of the lagoon will support the continued success of an innovative, high technology local business, allow better management of the process and cause little to no adverse effects and for this reason he would hope to see planning permission granted, with for the reasons described no additional conditions to the 2018 permission being justified, but respected that the final decision rests with the committee.

Members asked officers the following questions:

- Councillor Sutton referred to the presentation screen and asked for clarification to be provided on the dimensions on one of the slides as he wished to check that there was enough width to allow for maintenance of the existing drain. Officers confirmed that the measurements were 4.5 metres and 10.9 metres. Councillor Sutton stated that he would have like to have seen a slightly greater width than 4.5 metres included.

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

- Councillor Sutton stated that the road surface by the plant is in an awful condition and is not roadworthy for vehicles and the Highway Authority need to take steps to improve its condition.
- Councillor Connor stated that he is aware that road improvements were due to take place in Cants Drove by the Highway Authority.

Proposed by Councillor Sutton, seconded by Councillor Connor and decided that the application be APPROVED, as per the officer's recommendation, with an informative to added to the permission in relation to there being sufficient space to adequately maintain the drainage ditch.

(Councillor Mrs French left the meeting at 14.45pm and took no part in the discussion or voting on this item)

P68/20 PLANNING APPEALS.

Nick Harding presented the appeals report to members.

Members agreed to note the contents of the appeals report.

2.57 pm

Chairman

F/YR20/1077/F

Applicant: Mr & Mrs Sutton

Agent : PDG Architects

Land East Of 54 High Causeway Fronting, Spire View, Whittlesey, Cambridgeshire

Erect a 3-bed single-storey dwelling involving demolition of an outbuilding within a Conservation Area

Officer recommendation: Refuse

Reason for Committee: Referred by the Head of Planning on advice of the Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 This proposal for a bungalow would be an extension to the Spire View new development off Cemetery Road in Whittlesey. At present it is part of the rear garden of No 54 High Causeway which backs onto Spire View.
- 1.2 In 2019, the Spire View development was extended into the rear gardens of No 54 and No 56 High Causeway when permission was granted for an additional 3 bungalows.
- 1.3 This was considered acceptable as the gardens were long, plus the outbuildings and vegetation provided screening. This protected the character of the area which is part of Whittlesey Conservation Area and caused limited harm to the setting of No 56 which is grade II listed and No 54 which is a Building of Local Importance.
- 1.4 This proposal will result in the loss of the separation distance between these heritage assets and the new development on Spire View which will cause harm to the setting of these buildings, and the conservation area. In this instance the public benefit of the provision of one additional dwelling would not outweigh that harm as set out in paragraph 196 of the NPPF.
- 1.5 When viewing the site and proposed bungalow from Spire View, the proposed development is also considered to be at odds with the adjacent 2 storey dwellings and bungalows resulting in an incongruous form of development.
- 1.6 For the above reasons the proposal is recommended for refusal as it would be contrary to Policies PL16 and LP18 of the Fenland Local Plan 2014.

2 SITE DESCRIPTION

- 2.1 This application site is part of the rear garden to No 54 High Causeway which currently contains an outbuilding, greenhouse and other domestic paraphernalia. It is at the bottom of (and will be accessed from) a new cul de sac of new dwellings known as Spire View off Cemetery Road. The location of the application site is such that it is between No 22 (a new bungalow) and No 23 (a new 2 storey dwelling).

- 2.2 The site lies within Whittlesey Conservation Area and the host dwelling is a Building of Local Importance. It is also within the setting of No. 56, a Grade II listed building. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 This application is for the erection of a 3-bed single storey dwelling within the rear garden of No 54 involving the demolition of the outbuilding. The dwelling will result in a further extension to the recent development of land behind the Fire Station on Cemetery Road and to the west of 27-31 Cemetery Road, known as Spire View. This was for twenty dwellings granted under F/YR16/0704/O and F/YR18/0353/RM. In 2019, 3 more dwellings were granted permission under F/YR19/0514/F, involving the subdivision of this same garden and the adjacent garden (No 56). Both these properties benefitted from long rear gardens (east/west).
- 3.2 The application is in full for an “L” shaped bungalow with 3 bedrooms and an open plan lounge/ kitchen/ dining area. The roof will be tiled and the walls will be red brick with black weatherboarding, similar to the bungalows to the east. An area of private amenity space will be provided to the rear (west) of the bungalow. An off-road parking area (3m x 12m) is to be provided adjacent to the bungalow.
- 3.3 The supporting information states that the applicant and current owners of 54 High Causeway need single storey accommodation and plan to move into the new dwelling. It also states that the layout of the dwelling has been designed to continue the street scene of the adjoining new residential development

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QJ7YKCHE01U00>

4 SITE PLANNING HISTORY

F/YR20/3008/COND	Details reserved by conditions 2 (archaeology) and 6 (ground levels) of planning permission F/YR19/0514/F (Erect 3 x dwellings (2 x single-storey 3-bed and 1 x single-storey 2-bed)) Land East Of 54-56 High Causeway Accessed From Cemetery Road	Approved	05.03.2020
F/YR19/0514/F	Erect 3 x dwellings (2 x single-storey 3-bed and 1 x single-storey 2-bed) Land East Of 54-56 High Causeway Accessed From Cemetery Road	Granted	25.10.2019
F/YR19/0222/NONMAT	Non-material amendment: change window to French doors to rear elevations relating to planning permission F/YR18/0929/F (Erection of 4 x single-storey 2-bed dwellings) Plots 15 – 18 Land West Of 27 – 31 Cemetery Road	Approved	17.04.2019
F/YR18/3062/COND	Details reserved by conditions 4, 6, 8, 9, 10, 11, 12, 13, 14, 16 and 17 of planning permission F/YR16/0704/O (Erection of 20 dwellings (Outline application with matters committed in respect of access and layout)) Land West Of 27 - 31 Cemetery Road	Approved	07.09.2018
F/YR18/0353/RM	Reserved Matters application relating to detailed matters of appearance, landscaping and scale pursuant to outline permission F/YR16/0704/O for the erection 20 dwellings comprising of 5 x 2-bed 11 x 3-bed and 2 x 4-bed two storey houses and 2 x 1-bed single storey bungalows Land West Of 27 - 31 Cemetery Road	Approved	26.08.2018
F/YR18/0929/F	Erection of 4 x single-storey 2-bed dwellings Plots 15 – 18 Land West Of 27 – 31 Cemetery Road	Granted	02.01.2019
F/YR16/0704/O	Erection of 20 dwellings (Outline application with matters committed in respect of access and layout) Land West Of 27 - 31 Cemetery Road	Granted	09.08.2017
F/YR11/0587/EXTIME	Erection of 13 x 2-bed bungalows (including 7 chalet bungalows) with garages (renewal of planning permission F/YR05/0708/F) Land West Of 27 - 31 Cemetery Road	Granted	24.10.2011
F/YR05/0708/F	Erection of 13 x 2-bed bungalows (including 7 chalet	Granted	27.07.2006

5 CONSULTATIONS

5.1 Whittlesey Town Council- no objection and therefore recommend approval

5.2 North Level IDB- no comment to make

5.3 CCC Highways *The proposal results in no material highway impact. I have no highway objections.*

5.4 FDC Conservation Officer

This application concerns the erection of a 3-bed single storey dwelling involving the demolition of an outbuilding within a conservation area at land to the east of 54 High Causeway in Whittlesey. The dwelling will effectively be an extension of a recent development at land west of 27-31 Cemetery Road, Whittlesey for twenty dwellings under F/YR16/0704/O and F/YR18/0353/RM, and 3 further dwellings granted permission under F/YR19/0524/F. The site lies within Whittlesey Conservation Area and adjacent to the rear gardens and therefore within the setting of No. 56, a grade II listed building, and No. 54, a Building of Local Importance.

Consideration is therefore given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of this proposal on the character and appearance of Whittlesey Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal put forward is not acceptable. The following comments are made:

The proposal seeks to erect a further non-descript dwelling within the garden of the properties mentioned above, effectively as an extension to the existing development site. The site is regrettably dense and its proximity to the boundary of the conservation area has impacted on views into and out of the area as well as the character and appearance of it. It was deemed that the three dwellings constructed under F/YR19/0524/F would not have any additional impact on the character or appearance of the conservation area but that there would be some limited impact on the setting of both the listed building (No. 56) and the BLI (No. 54), but that this impact would be minimised by screening provided by trees and existing outbuildings within the plots as well as the considerable length of the plots themselves, which provided a clear amenity space for the properties in question, and an effective buffer zone from the new development. This further development will encroach directly into the garden of No. 54 thereby effectively removing that buffer zone and removing the screening of the outbuilding itself, along with the trees and shrubs, which appear to have been lost since the last phase of development.

The heritage statement submitted in support of the application fails to recognise the importance of setting, stating instead that “the land to the rear is not visible, therefore does not contribute to their character”. On the contrary, visibility is not the only factor when considering setting and the long plots of both these buildings contribute quite significantly to their character, as they are representative and reflective of a traditional mediaeval burgage plot – or at the very least a continuation of that tradition of subsistence gardens to the rear of properties, as can be seen from historic mapping. They are certainly key in acting as a buffer between the heritage assets (both designated and undesignated) and the new build development. The statement has therefore failed to meet the requirements of the NPPF paragraph 189, as it has failed to recognise the significance of the assets, the contribution made by their setting and therefore the impact of the proposal.

To encroach within this space with a modern development would harm this setting and therefore the significance of No. 54 and that of No. 56 (Listed Building). If approved, it would set an uncomfortable precedent for the piecemeal erosion of setting. Furthermore, it has been put forward as part of the application that the requirement for the new build is due to a need for single storey accommodation for the owners of No. 54. It is not clear that it necessarily follows that the solution is for an incongruous new build in the garden rather than a purchase of one of the approved bungalows on the Spire View development, or indeed any other bungalow as part of the usual market process.

It is felt therefore, that the impact has not been sufficiently understood or described, and insufficient justification offered in terms of public benefit to outweigh the harm now identified as per paragraph 196 and 197 of the NPPF.

RECOMENDATION: REFUSE.

5.5 FDC Environmental Health

There are no implications for local air quality with this proposal.

There are no implications with noise being created by this proposal and there are no local noise sources which could adversely affect the house and occupants.

There are no issues with ground contamination and no known former contaminative use of the site. However, the roof to the building to be demolished. I would recommend the attachment of the standard unsuspected land contamination condition.

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

Consequently, there are no objections to this proposal, subject to the attachment of the above condition.

5.6 Local Residents/Interested Parties

None received

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraphs 192-202

National Planning Practice Guidance (NPPG)

National Design Guide 2019

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;

LP11 – Whittlesey;

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

8 KEY ISSUES

- **Principle of Development**
- **Character of Area and Heritage Assets**

- **Residential Amenity**

9 ASSESSMENT

Principle of Development

- 9.1 The site is previously developed land (residential curtilage) within the built framework of Whittlesey where new housing development can be supported (Policy LP3). Therefore, the principle of the development could be supported, but this is subject to there being no detrimental impact on the heritage assets, residential amenity and the character of the area as set out below.

Character of Area and Heritage Assets

- 9.2 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant. This application concerns the erection of a 3-bed single storey dwelling involving the demolition of an outbuilding within a conservation area at land to the east of 54 High Causeway. The site lies within Whittlesey Conservation Area and adjacent to the rear gardens and therefore within the setting of No. 56, a grade II listed building, and No. 54, a Building of Local Importance (BLI).
- 9.3 Consideration is therefore given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4 Consideration is given to the impact of this proposal on the character and appearance of Whittlesey Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.5 The proposal seeks to extend the Spire View development further by erecting another dwelling within the garden of No 54. The 2019 permission for 3 bungalows also extended Spire View into the rear garden of No 54 (and No 56).
- 9.6 In 2019 it was considered that the 3 bungalows would not have any additional impact on the character or appearance of the conservation area. However, it was noted that there would be some limited impact on the setting of both the listed building (No. 56) and the BLI (No. 54), but that this impact would be minimised by screening provided by trees and existing outbuildings within the rear gardens as well as the considerable length of the plots themselves, which created an effective buffer zone from the new development.
- 9.7 This proposal will encroach directly into that buffer zone, reduce the length of the rear garden to No 54 and also remove one of the outbuildings within the garden of No. 54 thereby diminishing the buffer zone and screening provided by the outbuilding along with the trees and shrubs.
- 9.8 The Conservation Officer considers that the Heritage Statement submitted in support of the application fails to recognise the importance of setting, stating instead that “the land to the rear is not visible, therefore does not contribute to their character”. Visibility is not the only factor when considering setting and the long plots associated with No 54 (and No 56) contribute quite significantly to their

character, as they are representative and reflective of a traditional mediaeval burgage plot or at the very least a continuation of that tradition of subsistence gardens to the rear of properties, as can be seen from historic mapping.

- 9.9 With the Spire View development, these long rear gardens are key in acting as a buffer between the heritage assets and the new development. To encroach within this space with a modern development would harm this setting and therefore the significance of No. 54 and that of No. 56 (Listed Building).
- 9.10 With regard to the personal circumstances stated in the application, it has been put forward that the requirement for the new build is due to a need for single storey accommodation for the owners of No. 54. In this instance, it is not clear why this is the only option available to the applicants. Other options would include the purchase of one of the approved bungalows on the Spire View development, or another bungalow as part of the usual market process.
- 9.11 It is therefore considered that the impact of the proposal has not been sufficiently understood or described, and insufficient justification offered in terms of public benefit to outweigh the harm now identified as per paragraph 196 and 197 of the NPPF.
- 9.12 Policy LP16 of the Fenland Local Plan 2014 also requires new development to deliver and protect high quality environments and make a positive contribution to the street scene. The western end of the Spire View cul de sac consists of two large detached dwellings which provide a focal point at this end of the development. The application site currently provides a satisfactory visual break between these large houses and the new bungalows along the northern side of Spire View. The loss of this separation and the erection of an " L" shaped bungalow with relatively no frontage would be visually jarring, give the appearance of being a cramped form of development and would be at odds with the existing street scene.
- 9.13 The proposal is therefore considered to be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 196 and 197 of the NPPF. In addition, the proposal would not make a positive contribution to the street scene which would be contrary to Policy LP16 of the Fenland Local Plan 2014.

Residential Amenity

- 9.14 Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers.
- 9.15 The bungalow will be sited between Nos 22 and 23 Spire View. No 23 is a 2 storey property at right angles to the new bungalow. There is an en-suite window within this elevation which has the potential to provide some overlooking into the rear garden of the new bungalow. However, this is not considered to be significantly harmful. The new bungalow will be located sufficient distance from the host property No 54 so as to protect the amenity of the occupiers of the host dwelling and the new bungalow. Similarly, a sufficient amount of private amenity space and parking are to be provided. The proposal is therefore considered to comply with these aspects of Policies LP2 and LP16.
- 9.16 The access road Spire View is not adopted and owned by Rose Homes. It is unclear what the arrangements are for refuse collection. However, this could be secured by planning condition.

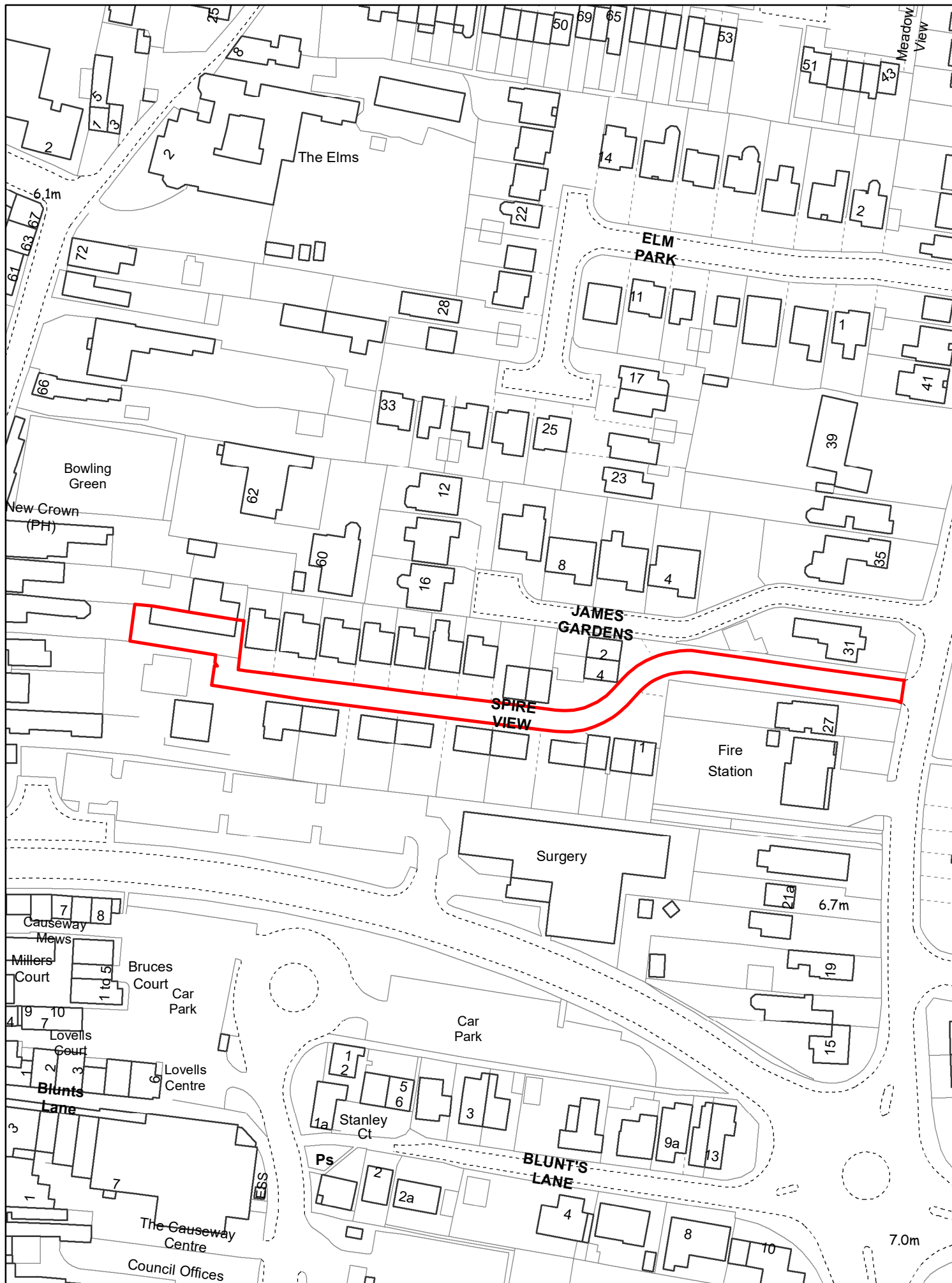
10 CONCLUSIONS

- 10.1 For the reasons set out above, the proposal is considered to be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Where a development proposal will lead to harm to the significance of designated heritage assets, this harm should be weighed against the public benefit of a proposal. In this instance the provision of one additional dwelling does not outweigh the harm caused as set out in paragraphs 196 and 197 of the NPPF
- 10.2 In addition, the proposal would not make a positive contribution to the street scene which would be contrary to Policy LP16 of the Fenland Local Plan 2014.

11 RECOMMENDATION

Refuse

1	Policies LP16 and LP18 of the Fenland Local Plan 2014 seek to protect and enhance heritage assets. The proposal would contribute to the piecemeal erosion of the character of the Whittlesey Conservation Area and the loss of the separation and buffer between the heritage assets and the previously approved new development at Spire View. This would impact detrimentally and cause harm to the setting of No. 56, a Grade II listed building, and No. 54, a Building of Local Importance and the Whittlesey Conservation Area. This would be contrary to Policies LP16 and LP18 of the Fenland Local Plan 2014, and paragraphs 189-196 of the NPPF.
2	Policy LP16 of the Fenland Local Plan 2014 requires new development to deliver and protect high quality environments and make a positive contribution to the street scene. The western end of the cul de sac consists of two large detached dwellings which provide a focal point at this end of the development. The application site currently provides a satisfactory visual break between these large houses and the new bungalows along the northern side of Spire View. The loss of this separation and the erection of an " L" shaped bungalow with relatively no frontage would be visually jarring, give the appearance of being a cramped form of development and would be at odds with the existing street scene. The proposal would not make a positive contribution to the street scene which would be contrary to Policy LP16 of the Fenland Local Plan 2014.



Created on: 23/11/2020

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F/YR20/1077/F

Scale = 1:1,250



56 HIGH
CAUSEWAY

OUTBUILDING

54 HIGH
CAUSEWAY

2000 BRICK WALL

OUTBUILDING

OUTBUILDING

22 SPIRE VIEW

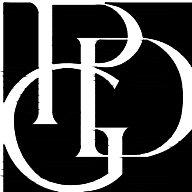
1800 CLOSE BOARDED FENCE

52 HIGH
CAUSEWAY

1800 CLOSE BOARDED FENCE

23 SPIRE VIEW

GRASS











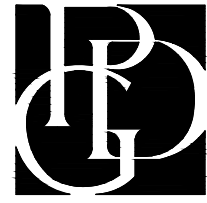
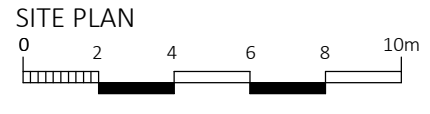
NEW DWELLING TO REAR OF 54 HIGH CAUSEWAY
FOR MR & MRS SUTTON
EXISTING SITE PLAN

Scale: 1:200@A3
Drawn: EAL

Date: Oct 2020
Dwg No: 20027/PL02

PDG ARCHITECTS LTD
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-  Permeable Block Paving - Brindle
-  Path - Concrete Footway Slabs
Bradstone Peak Riven in Buff - 600mm
-  Patio - Concrete Footway Slabs
Bradstone Peak Riven in Buff - 450mm
-  Gravel
-  Soft Landscaping
-  Gate 1800mm High
-  New 1800mm High Close Boarded Fence
-  Existing Fence

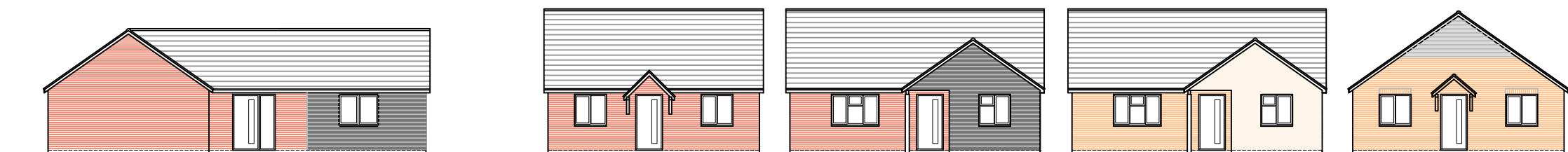


**NEW DWELLING TO REAR OF 54 HIGH CAUSEWAY
FOR MR & MRS SUTTON
PROPOSED SITE PLAN**

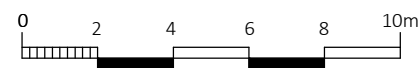
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Date: Oct 2020
Dwg No: 20027/PL03

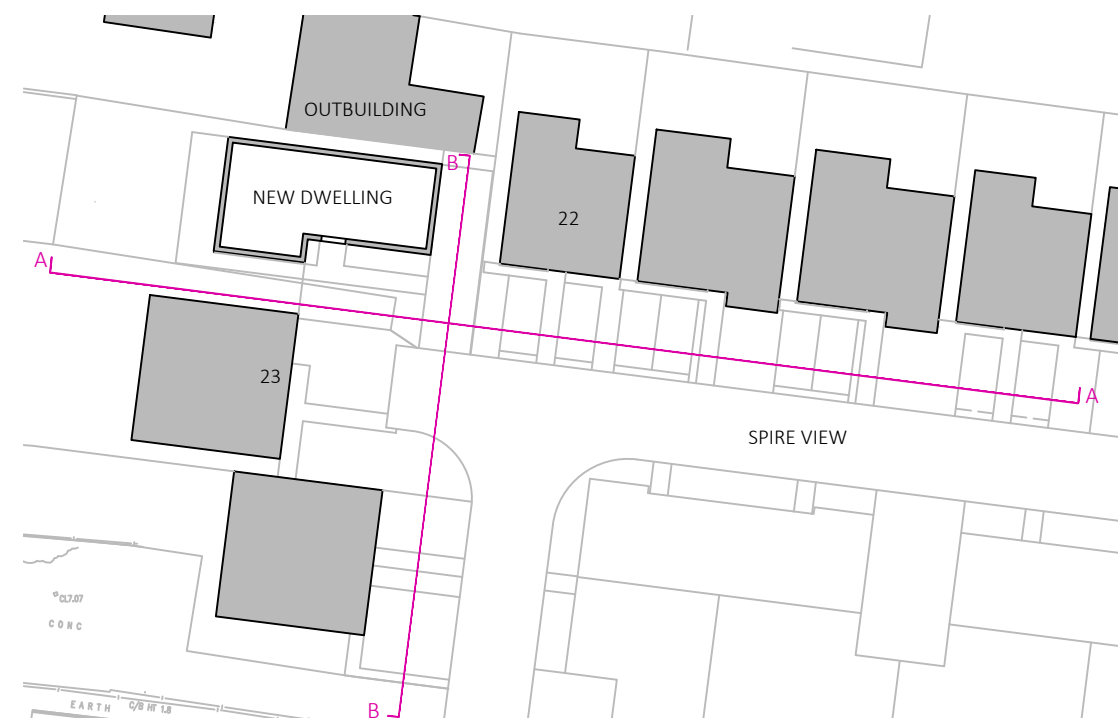
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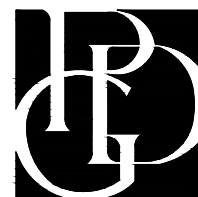
STREET ELEVATION (1:200) A-A
SPIRE VIEW



STREET ELEVATION (1:200) B-B
SPIRE VIEW

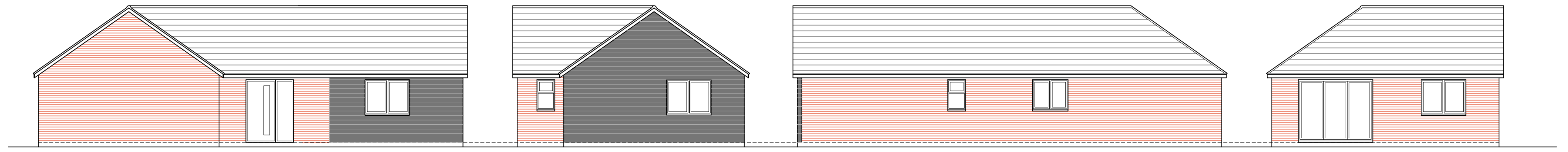


SITE PLAN 1:500



NEW DWELLING TO REAR OF 54 HIGH CAUSEWAY
FOR MR & MRS SUTTON
PROPOSED STREET SCENES - SPIRE VIEW
Scale: 1:200/500@A3 Date: Nov 2020
Drawn: EAL Dwg No: 20027/PL05

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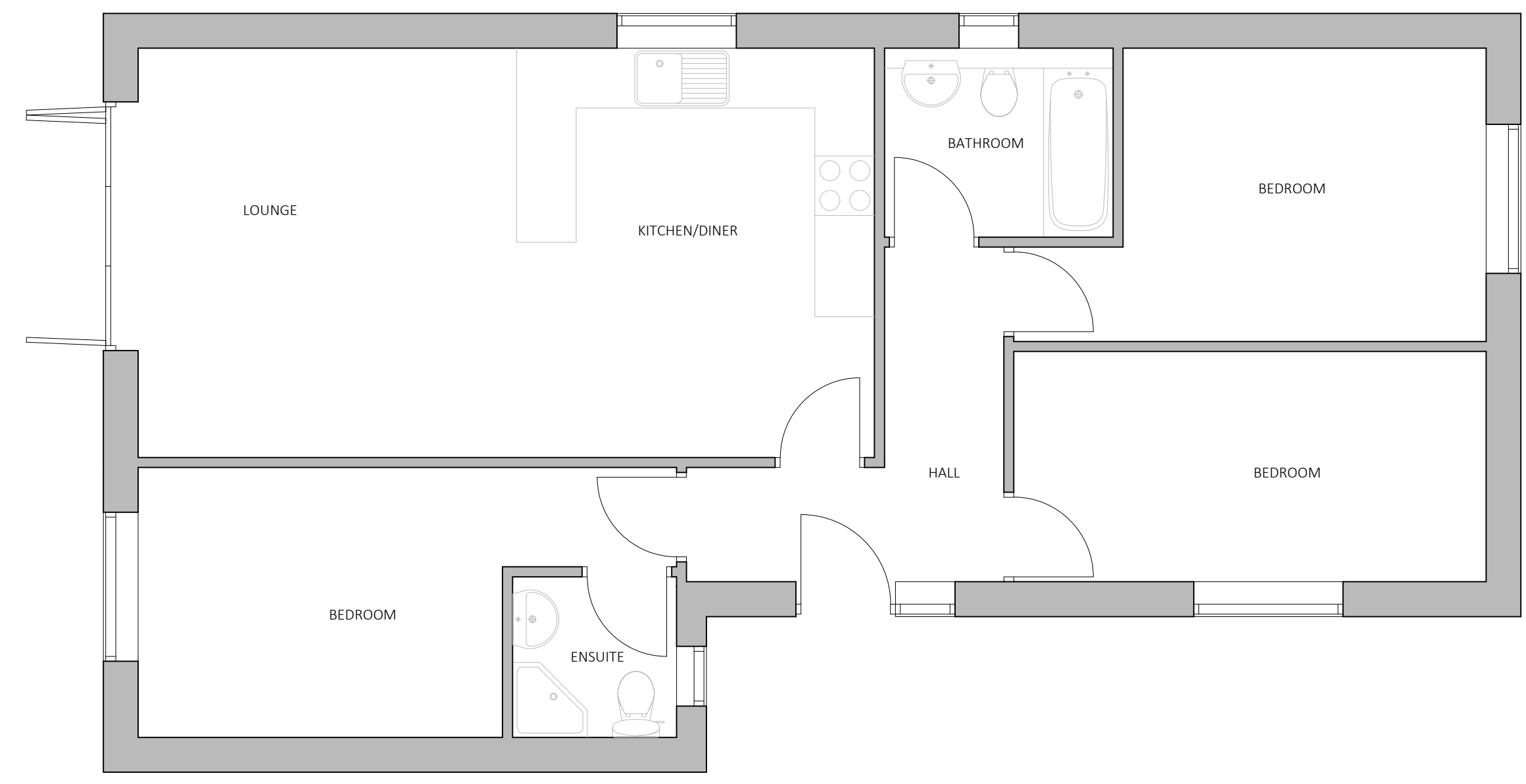
SOUTH ELEVATION 1:100
 0 1 2 3 4 5 6 7 8 9 10m

EAST ELEVATION

NORTH ELEVATION

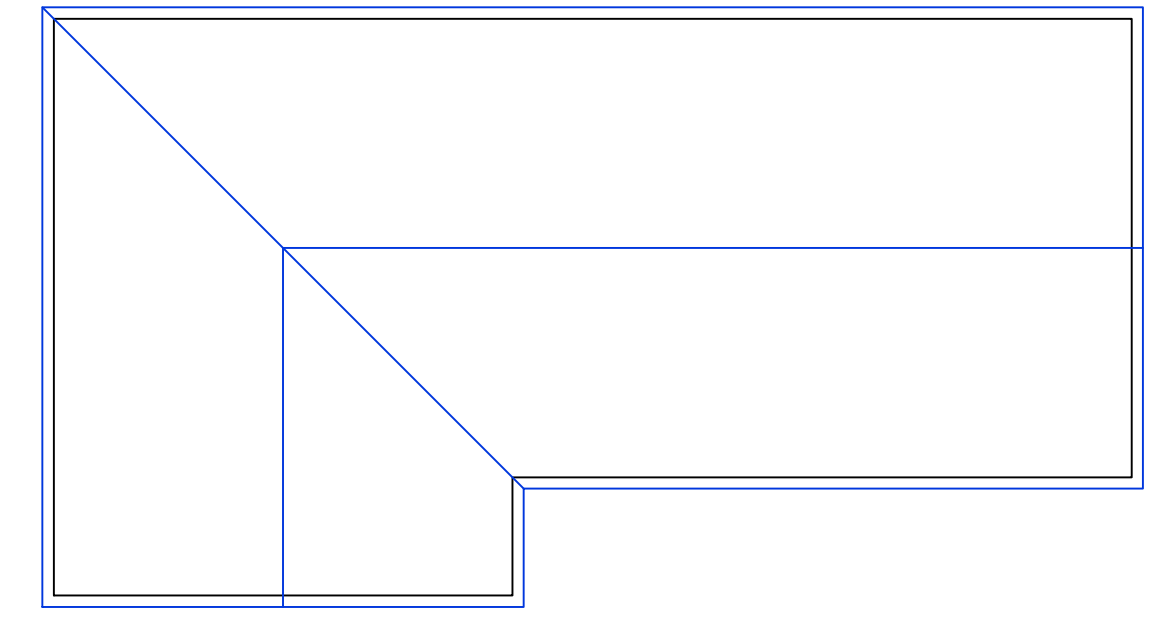
WEST ELEVATION

- Tiles
- Red Brick
- Hardieplank (Black)
- Grey Windows and Doors



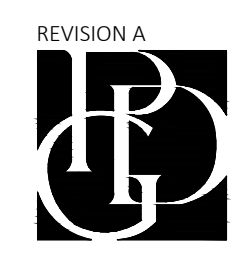
GROUND FLOOR PLAN 1:50

0 1 2 3 4 5m



ROOF PLAN 1:100

0 1 2 3 4 5 6 7 8 9 10m



REVISION A
 General update to elevations
**NEW DWELLING TO REAR OF 54 HIGH CAUSEWAY
 FOR MR & MRS SUTTON**
PROPOSED PLANS AND ELEVATIONS
 Scale: 1:50/1:100@A2 Date: Oct 2020
 Drawn: EAL Dwg No: 20027/PL04A

EAL 09 11 2020
PDG ARCHITECTS LTD
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F/YR20/1078/O

Applicant: Mr John Mortlock

**Agent : Mr Craig Brand
Craig Brand Architectural Design
Services**

**Land West Of 8-9 Hawthorne Grove Accessed From, Acacia Grove, March,
Cambridgeshire**

**Erect a dwelling (outline application with matters committed in respect of access)
involving the demolition of existing garage/store and garden room**

Officer recommendation: Refuse

**Reason for Committee: Referred by the Head of Planning on advice of the
Committee Chairman**

1 EXECUTIVE SUMMARY

- 1.1 This application is for the subdivision of the gardens of No 8 and No 9 Hawthorne Grove and the erection of a new dwelling, including the demolition of a garage and garden buildings
- 1.2 The application is in outline with only access committed at this stage and reuses the existing access to the garage of No 9 Hawthorne Grove which is off Acacia Grove.
- 1.3 Illustrative drawings show a 2 storey dwelling of similar design and scale to the adjacent properties on Acacia Grove which is considered to be acceptable.
- 1.4 However, there are concerns about the amount of overlooking from the rear of the proposed dwelling into the rear gardens of Nos 6 and 7 Hawthorne Grove, and the closeness of the rear windows of the proposed dwelling and No 7 which would only be 15.5m apart.
- 1.5 It is considered that due to the proximity of the proposed dwelling (likely to be 2 storey) to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove the proposal would not create nor protect and retain an acceptable level of privacy for the existing and future occupiers of these properties. As such it would fall short of the level of amenity required by new development as set out in Policies LP2 and LP16.
- 1.6 The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site is to the east of 18 Acacia Grove in March but forms part of the rear garden of No 8 and No 9 Hawthorne Grove which are sited at right angles to Acacia Grove. The site includes the garage, a garden room, store and parking area serving No 9 Hawthorne Grove.
- 2.2 Within the vicinity, the development is laid out in blocks of detached/ semi-detached houses mostly built at the same time with gardens of a similar length (each plot measuring approximately 38m long).

- 2.3 These corner plots often gain access to their garages and parking spaces from the adjacent road, as is the case here with No 9 Hawthorne Grove. The site measures 11.5m wide (frontage to Acacia Grove) and 19.75m deep. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is in outline with only access committed at this stage. The proposed access will utilise the dropped kerb currently serving the existing garage.
- 3.2 The Illustrative drawing has been amended during processing in response to the Officers concerns/comments. Drawing 522-1-Rev C shows a detached, 2 storey, 3 bed dwelling with attached single garage. One parking space is shown (5.2m x 2.6m). The garage/ store measures 3.3m x 7.2m. The illustrative design with hipped roof and ground floor bay window is similar to those in the vicinity. The footprint of the dwelling is shown as 6.7m x 8.8m. The building line is shown to follow that of 18 Acacia Grove which would result in the rear garden having a depth of 7m.
- 3.3 The replacement parking to serve the host dwelling is to be provided to the front of No 9 Hawthorne Grove in a tandem arrangement (2.7m x 10m) served from a new dropped kerb off Acacia Grove. The illustrative plan also shows an alternative option to create a new access off Hawthorne Grove.
- 3.4 At the request of Officers, the latest revision shows the proximity of the proposal to the neighbouring properties No 6 and No 7 Hawthorne Grove.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QJN2D7HE06P00>

4 SITE PLANNING HISTORY

None

5 CONSULTATIONS

5.1 March Town Council: Recommend approval

5.2 FDC Environmental Services: Recommend approval with condition

There are no implications for local air quality with this proposal.

There are no implications with noise being created by this proposal and there are no local noise sources which could adversely affect the house and occupants.

There are no issues with ground contamination. or any known former contaminative use. However, I would request that the standard unsuspected ground contamination condition is attached to any consent granted:

UNSUSPECTED CONTAMINATION

CONDITION: If during the development, contamination not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted and obtained, written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

5.3 CCC Highways
21.12.2020

The parking and access arrangement for the proposed property is similar to the existing arrangement for the parent property. This is therefore considered acceptable.

The revised parking access arrangement for the parent property is very close to a junction. It would be better if tandem parking was provided along the side of the parent property with access off Hawthorne Grove. That said, the agent has detailed low walls around the proposed access, which provides good inter-visibility between drivers emerging from the access and other highway users.

For this reason I am unable raised any objection to the proposed arrangement.

For clarity the agent should detail the wall south of the proposed access as being 0.6m in height. For clarity and ease of condition wording the agent may be minded to detail pedestrian splays either side of the new access. The access should detailed as being sealed and drained 5m deep and for the width of the access to prevent gravel migrating into the footway.

Defer for amended plans.

23.12.2020

In response to the amended plan 522-1-Rev A (which is similar to Rev C in terms of the new access to the host dwelling):

Is the applicant open to the idea of changing the access to the alternative? This would provide a better parking arrangement for the parent property and would reduce the amount of engineering required to the garden frontage.

Local Residents/Interested Parties

- 5.4** Four letters of objection were received from the occupiers of No 6 and No 7 Hawthorne Grove following the first consultation in November/December 2020
Concerns include:

Backfill/Overdevelopment

I thought building in back gardens had stopped(backfill)!! Overdevelopment of the site, the proposal is out of character with the area. To build the proposed property , it needs both No 8 & 9 Hawthorne Grove rear gardens to accommodate it, thus proving that the site is too small, making the proposed property being built closer to neighbouring properties (including mine), which then causes problems with overlooking and loss of privacy.

Density/Over development

Devaluing property

Drainage/ Flooding

If there was to be a problem in the future with drainage, who's responsibility would it be to rectify it? When there is a heavy rainfall, the junction of Acacia Grove and Hawthorne Grove is underwater spreading across the junction of both roads.

Local services/ schools unable to cope

Loss of view/Outlook

Parking arrangements/ Traffic highways

Another back garden property with a garage for one car and the original property with cramped area for two cars parked across the front of the house. The difference with this one is that leaving the house would involve reversing with a right hand blind spot over the pavement on the inside corner of the busy T junction while avoiding the many children going to and from junior and infants schools. A very dangerous situation.

The parking arrangements at No 9 is dangerous, due to them having to reverse out on to a T junction on a corner, with a blind spot. With a Junior and Infant school very close by and parents walking to and from the schools with their children on the pavement, it will be an accident waiting to happen. With No 9 and the proposed build, this could result in a large number of cars parking on an already gridlocked Acacia Grove, causing even more problems with the school run parking

Proximity to property/ Overlooking/loss of privacy for Hawthorne Grove residents
The plot is not large enough for a three bedroom house and taking part of No 8's garden (or so called storage space), makes the proposed property too close to the neighbouring boundaries. I will have a large bedroom window that overlooks my property and garden causing loss of privacy.

Visual Impact/ Out of Character with Area
The visual impact would be a 3 bed out of character house squeezed onto a small plot to fill a gap. It will be out of character and not in keeping with the 1930's houses that will be either side of it.

- 5.5** On 16th December a statement was received from the Agent in response to the first consultation and neighbours' concerns above. Key points raised were:

House design/ Character of the area/ Backfill/ Over development
The application seeks to establish the principle of constructing a new dwelling re-using the existing vehicular access serving the current garage to 9 Hawthorne Grove. The house design is purely illustrative to show that a new dwelling can be achieved on the site to be in keeping with the existing streetscene as evidenced by the photograph on page 5 of the Design and Access Statement. The comments of "design, appearance, out of character, not in keeping with the area" are disproven by the illustrative dwelling design by the bay window and hipped roof commonly found in Acacia Grove and Hawthorne Grove.

The assertion that it is "backfill" is unfounded as the new dwelling will be frontage development in keeping with the building line of the existing properties on Acacia Grove.

The proposal is for a single dwelling so there is no "over development of the site" and will not seriously effect "local services and schools." In fact the proposal is aimed at a young family with children attending the nearby nursery, infant and junior school on Maple Grove, saving the daily drive and find a parking space.

Parking/ Highways
The illustrative proposal provides 2 car parking spaces as required in the form of the garage with a second space in front; or in front of the house as found at 18 Acacia Grove. The removal of the existing 1.8m high fence and hedge which obstructs pedestrian visibility to the existing garage and also 18 Acacia Grove's vehicular entrance will improve pedestrian safety; when the owners reverse off their properties and for pedestrians using the footpath.

In respect to 9 Hawthorn Grove, the 2 spaces shown and the point of access shown are a suggestion. The access point can easily be amended to be off Hawthorn Grove with the second space at the side of the house. The parking in the front gardens of Hawthorne Grove is common practice in the area, used by No 7 and 8 Hawthorne Grove, so 9 will be no different.

Reversing out from either properties will be no worse than any other property in Hawthorne Grove or Acacia Grove in fact it will be better due to the modern pedestrian visibility standards applied with no front boundary treatments over 600mm high.

Street parking at school times and after working hours are always a problem where old existing housing took no consideration for cars or their parking provision. The problem is exacerbated with the majority of families now having 2 cars in the household along with work vans. The proposal can achieve 2 car parking spaces for each property, traffic movements are likely to be before school times and after due to householders working hours. There will be minimal, if any effect on street parking spaces due to off road parking provision provided on each property.

Drainage/ Flooding

The objectors' letters also raise comments on flooding on the corner of the road junction. This is not a flooding issue but a lack of capacity in the storm water sewers during an intense thunderstorm of duration; when the minor road (Hawthorn Grove) run off drains cannot be catered for in the major road (Acacia Grove) storm drain because of the heavy flow it has already collected from the surface of the road and house roofs. All compacted gardens (lawns) have water lay on the surface during heavy storms but drain into the ground within a few hours afterwards. Modern Building Regulation requirements ensure new dwelling roofwater is adequately discharged; it has to be remembered that the existing buildings on the application site take their drainage to somewhere and a new property will not be much larger.

- 5.6** In January 2021 a second consultation was undertaken with the neighbours on revised drawing Rev B as well as the Agent's Statement above. Rev B shows a reduction in the size of the rear first floor windows and proposes Bedroom 1 to the rear rather than the front. It should be noted that the design of the dwelling is purely illustrative at this stage as the details are a reserved matter. More detail has been added to the plan with regard to the proposed parking to the new dwelling and the replacement parking to be provided to the host dwelling. It should also be noted that the latest revision (Rev C) is the same as Rev B the only difference is that it includes the location of the neighbouring properties No 6 and No 7 Hawthorne Grove plotted on the drawing at the request of the Officer.

The neighbours' comments/ concerns were as follows:

- *Switching the bedrooms makes no difference to loss of privacy in my garden. The only thing different to me is the windows overlooking my garden have been slightly reduced in size which makes very little difference to me being overlooked but numbers 8 & 9 Hawthorne Grove are not.*
- *The changed parking for No 9 now shows a dropped kerb option on Hawthorne Grove allowing for tandem parking along the side of the property, this still is too close to the T- junction. Visibility is blocked by parked cars. This T Junction is only 200m from the rear entrance to one of two infant schools. The footfall is very busy at this junction during school days.*

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2019

Context
Identity
Built Form
Movement

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
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- **Principle of Development**
- **Access**
- **Indicative Layout, Scale, Appearance and Replacement Parking**
- **Residential Amenity**
- **Other Considerations**

9 ASSESSMENT

Principle of Development

- 9.1 The proposal is in outline with all matters reserved except for access for the construction of a single dwelling, following the demolition of a garage and outbuildings. The application site is located within the market town of March, which is one of four settlements within which the majority of the District's new housing development is proposed according to Policy LP3 of the Fenland Local Plan 2014. Policy H2 of the March Neighbourhood Plan 2017 also supports Windfall Development.
- 9.2 Notwithstanding this, in this instance, it is considered that the subdivision of the rear gardens of Nos 8 and 9 Hawthorne Grove to allow for the erection of a new dwelling facing onto Acacia Grove would impact detrimentally on the residential amenity of neighbouring properties for the reasons set out below. Therefore the principle of the subdivision and redevelopment of these rear gardens is not considered to be acceptable in this instance.

Access

- 9.3 Only the access to the new dwelling is committed at this stage. The proposed dwelling will utilise the existing access used by No 9 and therefore there is no

objection to this aspect of the proposal, subject to parking, visibility splays and drainage being satisfactorily addressed by planning condition.

Indicative Layout, Scale, Appearance and Replacement Parking

- 9.4 Policy LP16 requires new development to deliver and protect high quality environments and make a positive contribution to the street scene.
- 9.5 Details of the proposal are to be submitted for consideration as part of a reserved matters application. Although it is indicated from the submitted information that the property will be 2 storey and of a similar scale and appearance to the direct neighbour in the street scene, No 18 Acacia Grove. However, the proposal includes an attached single garage. Due to the relatively restricted depth of the plot, there are limited options for siting the dwelling elsewhere within the plot. The illustrative layout places the frontage of the proposed dwelling in a similar line as No 18 Acacia Grove. This then allows for a rear garden depth of 7m (11.5m wide). Two appropriately proportioned parking spaces including the garage could be possible to serve the new 3 bed dwelling which would meet the parking standards and the illustrative design has the potential to comply with Policy LP16.
- 9.6 Details of the replacement parking to serve the host dwelling has been amended in response to the Highways Officer's comments. The neighbour objections have also raised concerns with regard to road and pedestrian safety.
- 9.7 The Highways Officer acknowledges that the replacement parking and access arrangement for No 9 Hawthorne Grove would be very close to a junction and it would be better if tandem parking was provided along the side of the parent property with access off Hawthorne Grove. But he also acknowledges that details have been provided of the low walls around the proposed new access, which provides good inter-visibility between drivers emerging from the access and other highway users and for this reason is unable to raise any objection to the proposed arrangement.
- 9.8 In response the agent has provided an amended plan which shows a new access off Acacia Grove but also an alternative vehicular access from Hawthorne Grove.
- 9.9 The Highways Officer has requested that the agent uses only the alternative access off Hawthorne Grove as this would provide a better parking arrangement for the parent property and would reduce the amount of engineering required to the garden frontage. Notwithstanding this, Officers do have concerns about the proximity of the new parking to the front door of No 9 Hawthorne Grove and the impact on the street scene of this amount of parking to the front of No 9. If the proposal was acceptable in all other areas, the applicant would be invited to consider a better arrangement for the replacement parking.

Residential Amenity

- 9.10 Policy LP2 (last bullet point) requires development proposals to positively contribute to creating healthy, safe and equitable living environments through the avoidance of new development causing adverse impacts and refers to Policy LP16. Policy LP16 (e) seeks to ensure that development is of high quality and does not adversely affect the amenity of neighbouring or future users.
- 9.11 The proposed two-storey property will inevitably have bedroom windows at first floor level located within the rear elevation. The illustrative drawing (Rev C) now shows Bedroom 1 and the bathroom window facing south with views into the rear gardens of No 6 and 7 Hawthorne Grove, which will be only 15m and 7m

(respectively) from this rear elevation. It is considered that the potential impact from this overlooking would be significantly detrimental when compared to the private amenity currently enjoyed by the occupiers of these properties. Furthermore, both these neighbouring properties benefit from 2 storey rear extensions with first floor windows. There would be (approximately) 15.5m distance between the proposed rear windows and existing window to No 7. Although the views would be angled (approximately 45 degrees), this is also considered to add to the detrimental impact of the proposal on the amenity of the occupiers of the existing properties and also be detrimental to the occupiers of the proposed dwelling.

9.12 Whilst it is noted that the elevational treatment of the proposed dwelling is illustrative only, due to the proposal site being surrounded by residential properties, it is considered that there is little opportunity to relocate the bedroom windows to alternative side elevations, without it resulting in similar overlooking.

9.13 It is therefore considered that the proximity of the proposed dwelling to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove would impact adversely on the living environment and amenity of the occupiers of these properties (Policies LP2 and LP16)) and would not deliver a high quality environment for the future occupiers of the proposed dwelling (Policy LP16). For all the above reasons the proposal is considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014. Policy H2 (a) of the March Neighbourhood Plan 2017 requires proposals to not result in unacceptable impact on levels of light, privacy and private amenity space for the occupants of proposed dwellings. With regard to the impact of proposals on existing neighbouring properties, Policy H2 (a) refers to Policy LP16.

Other Considerations

9.14 The agent has submitted further justification for the development. The key points are set out below:

- *The first floor bedroom extension window of No7 is also just visible through the Eucalyptus tree. As indicated on the site layout plan a separation distance in excess of 15m can be achieved between bedroom windows, which is currently impeded by the Eucalyptus tree.*
- *The only overlooking will be of the neighbouring gardens immediately behind the proposed new dwelling which is shown to be positioned a minimum of 7m from the boundary to No7; which is the same distance as approved for 5 Ash Grove, built on a virtually identical sized plot under reference F/YR13/0281/RM. The same property also has virtually the same rear elevation.*

9.15 The presence of the Eucalyptus tree is not considered to be adequate justification to allow the proposal nor is it considered to be appropriate mitigation to prevent the overlooking into the proposed and existing windows, as it could be removed in the future.

9.16 The development at Ash Grove referred to by the agent was approved in outline in 2011 (F/YR11/0118/O). This was prior to the adoption of the Fenland Local Plan 2014 and the updated policies relating to residential amenity. It is accepted that there are a number of similarities between this application and the Ash Grove development, including the 7m depth of the proposed rear garden and the amount of overlooking into the neighbouring rear gardens. Officers now consider that this is amount of overlooking not acceptable.

9.17 A key difference however is the distance between the rear elevation of No 32 Maple Grove and the Ash Grove property which was 25m compared to 15m with this proposal. For the above reasons the two developments cannot be considered on a like for like basis.

10 CONCLUSIONS

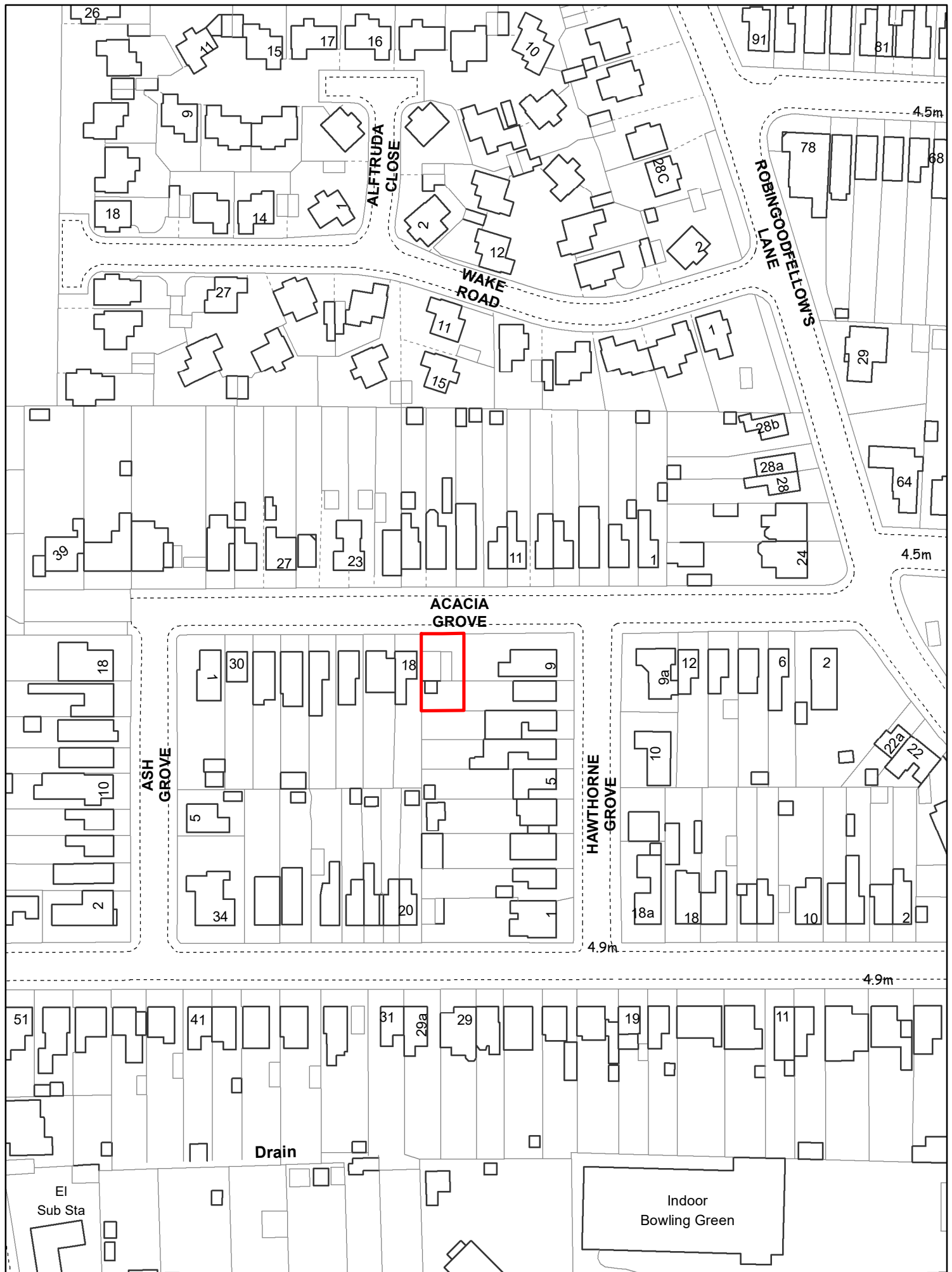
10.1 The purpose of an outline planning application is to establish the principle of development on a site and the purpose of the accompanying illustrative details is to show how that development could be 'reasonably' accommodated and to allow reasonable assumptions to be made as to character and amenity impacts. The details illustrated show that while a conventional, and therefore likely, dwelling could reasonably be accommodated in terms of character impact, such a dwelling would inherently have relationship issues with surrounding properties due to the constrained length of the plot, and the proximity of existing neighbouring dwellings. While matters of detail are reserved for future consideration it is not considered a likely or reasonable prospect that a future dwelling proposed would not have first floor bedroom windows in the rear elevation and that neither both adequate relationships or acceptable living conditions could be achieved.

10.2 In conclusion, it is therefore considered that the proximity of the proposed dwelling to the rear curtilage and rear elevation of Nos 6 and 7 Hawthorne Grove would impact adversely on the living environment and amenity of the occupiers of these properties (Policies LP2 and LP16)) and would not deliver a high quality environment for the future occupiers of the proposed dwelling (Policy LP16). For all the above reasons the proposal is considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014, and Policy H2 (a) of the March Neighbourhood Plan 2017.

11 RECOMMENDATION

Refuse for the following reason:

1	<p>Policy LP2 of the Fenland Local Plan 2014 requires development proposals to positively contribute to creating healthy, safe and equitable living environments through the avoidance of new development causing adverse impacts. Policy LP16 of the Fenland Local Plan 2014 seeks to ensure that development is of a high quality and does not adversely affect the amenity of neighbouring or future users.</p> <p>Due to the illustrated proximity of the proposed dwelling (indicated as being two storey) to the rear curtilage and rear elevations of Nos 6 and 7 Hawthorne Grove the application has failed to adequately demonstrate that a future dwelling on the site would create or protect and retain a high quality environment which would facilitate the required level of amenity and avoid any adverse impacts required by new development as set out in LP2 and LP16. The proposal is therefore considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
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Created on: 17/11/2020

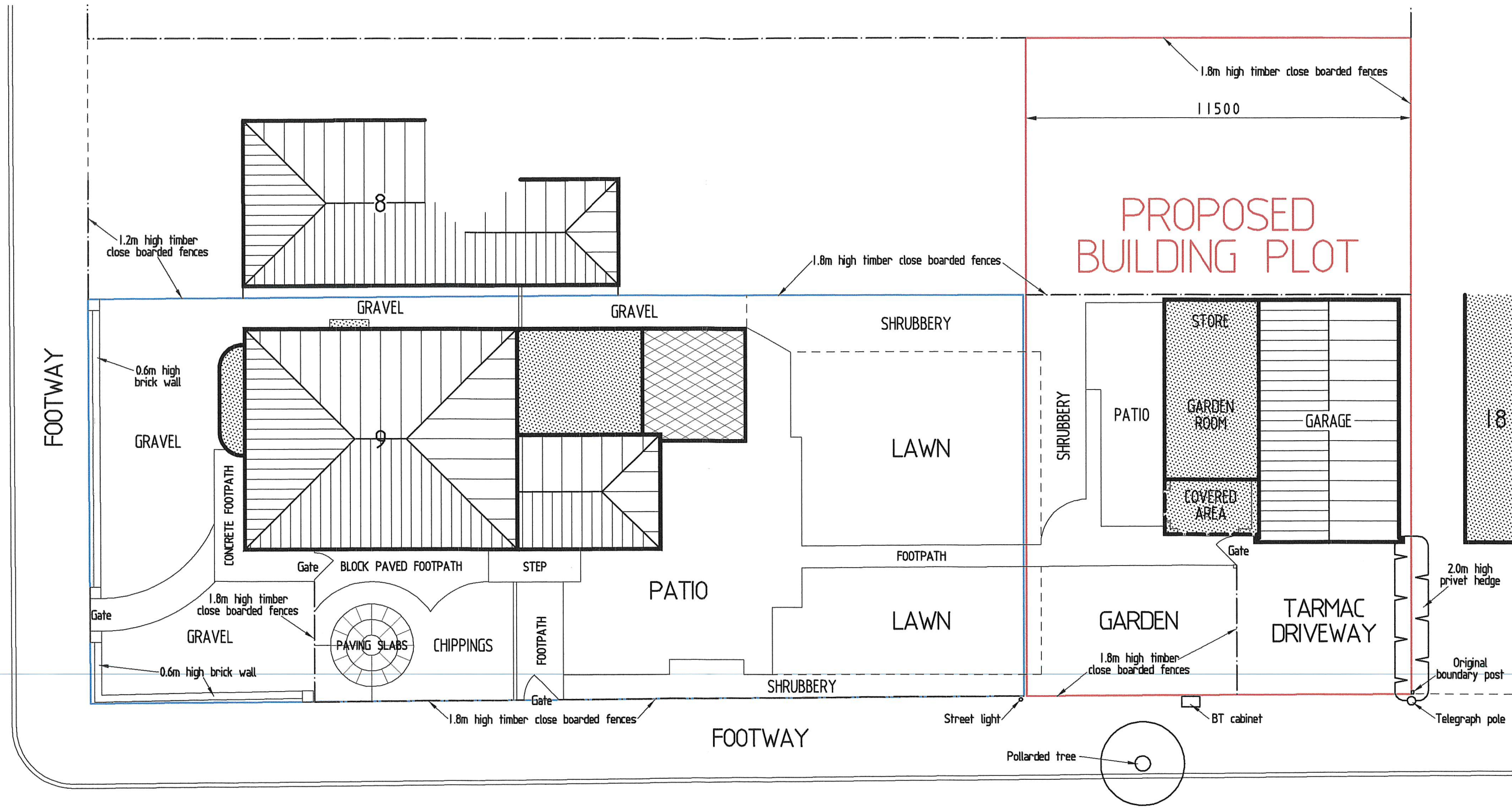
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F/YR20/1078/O

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HAWTHORNE GROVE



ACACIA GROVE

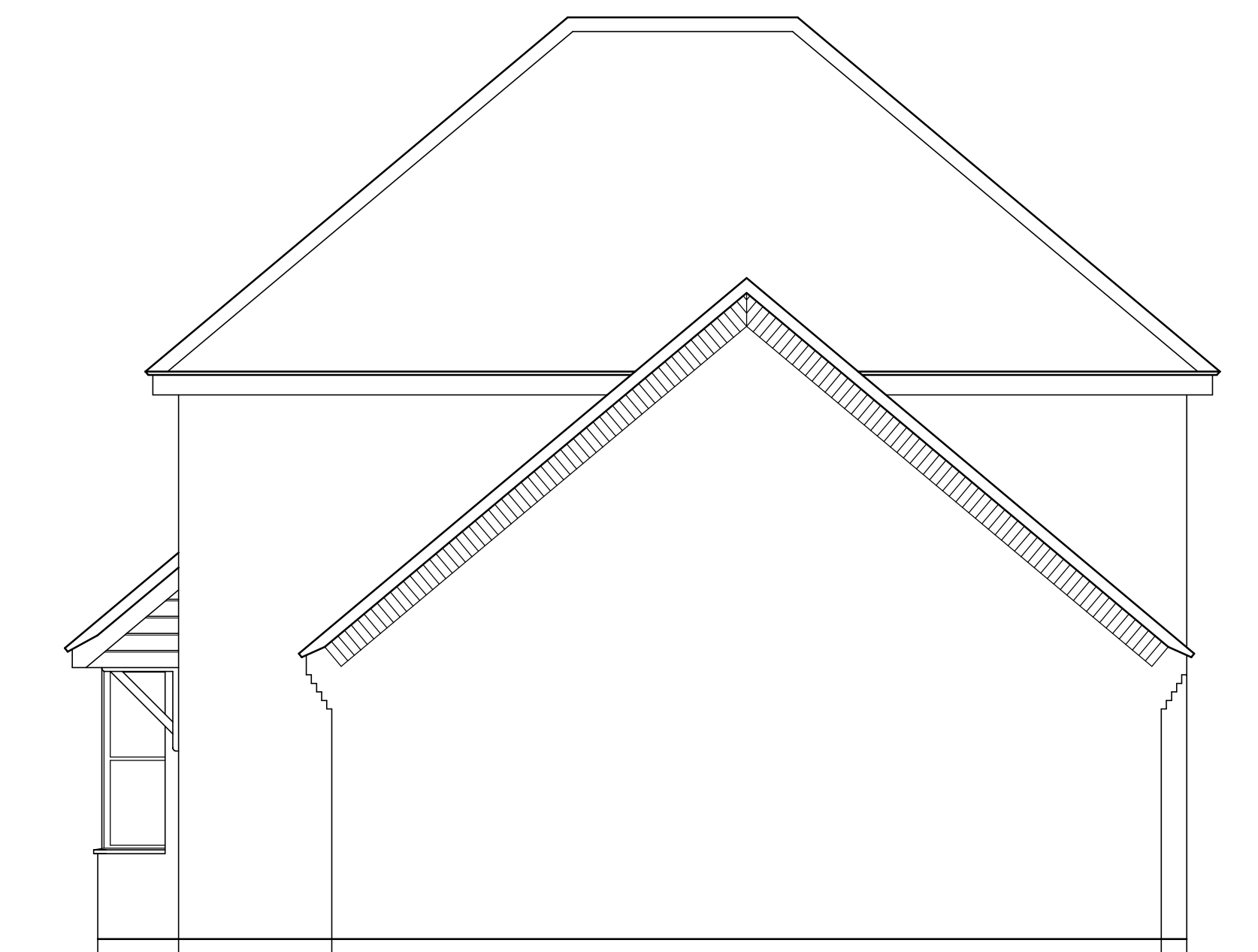
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 A SINGLE TWO STOREY DWELLING ON LAND WEST OF
 9 HAWTHORNE GROVE, MARCH FRONTING ACACIA GROVE
 ILLUSTRATIVE PLANNING APPLICATION DRAWING

Client:-
 Mr JOHN MORTLOCK,
 5 WINDSOR DRIVE, MARCH

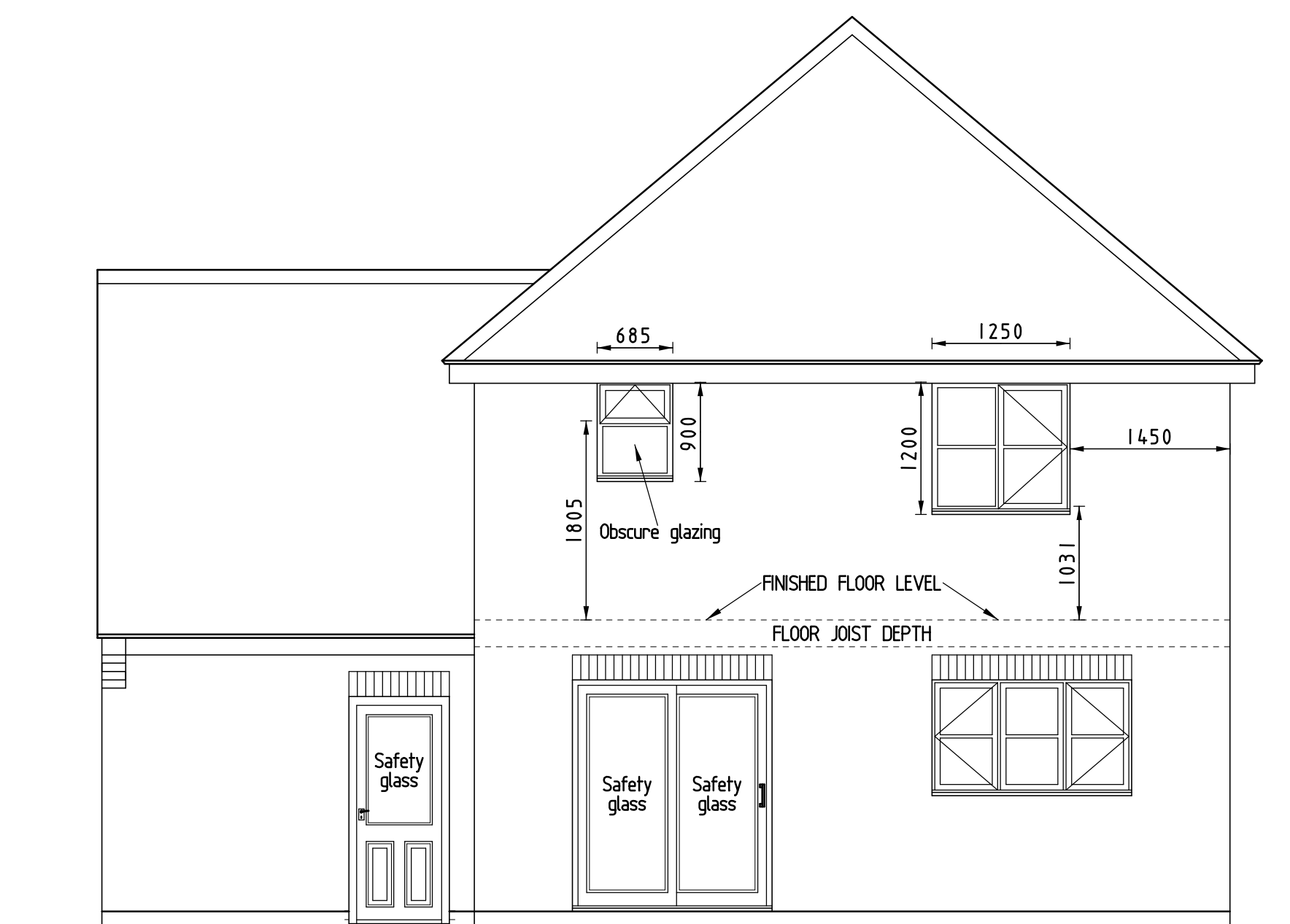
Scales:- 1:125 Date:- OCTOBER 2020 Drawing No:- CAD 522 / 0 Rev:-

Craig Brand Architectural & Highway Design.

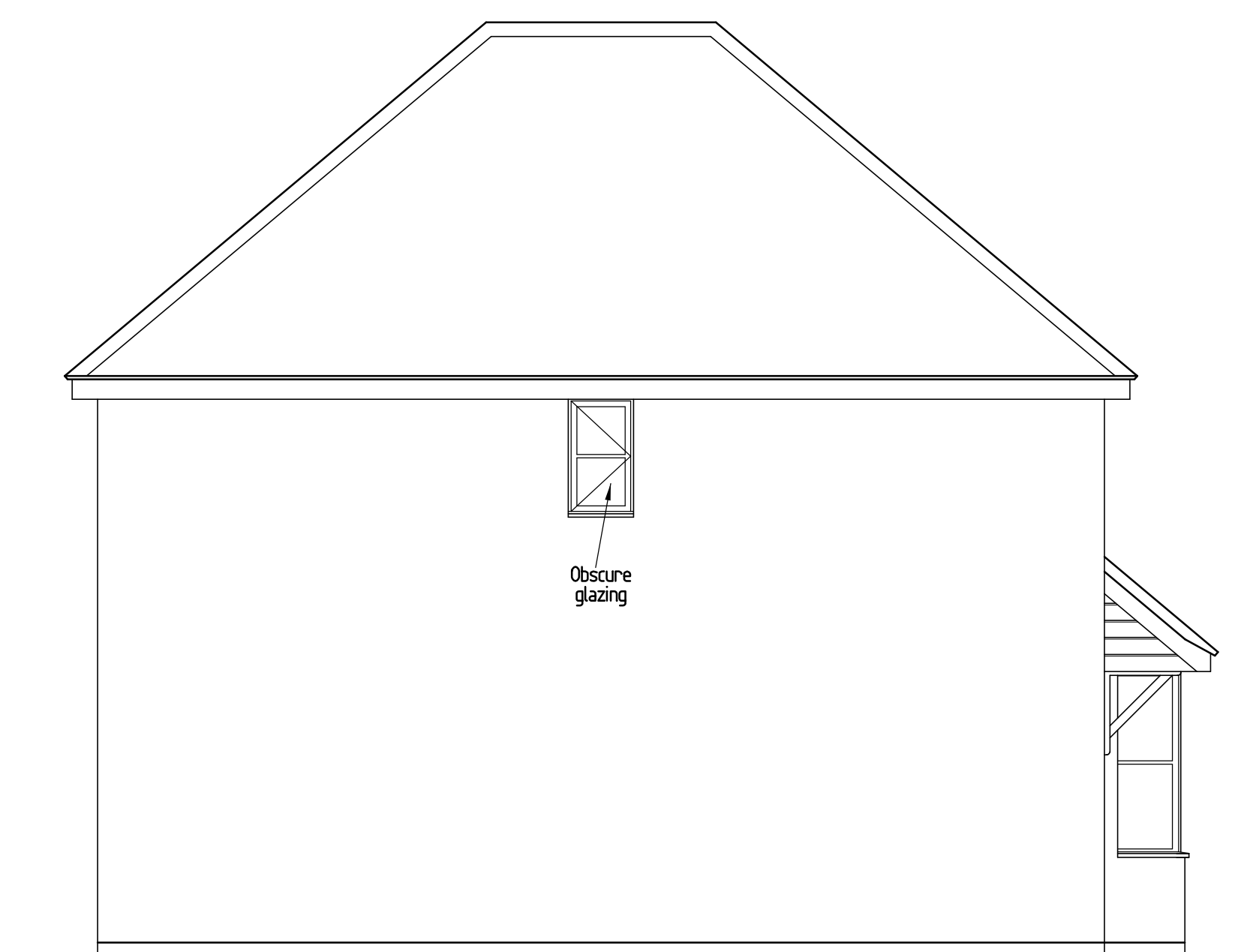
9 Cricketers Close,
 March, PE15 9RU.
 Tel: (01354) 656977.



ILLUSTRATIVE SIDE ELEVATION



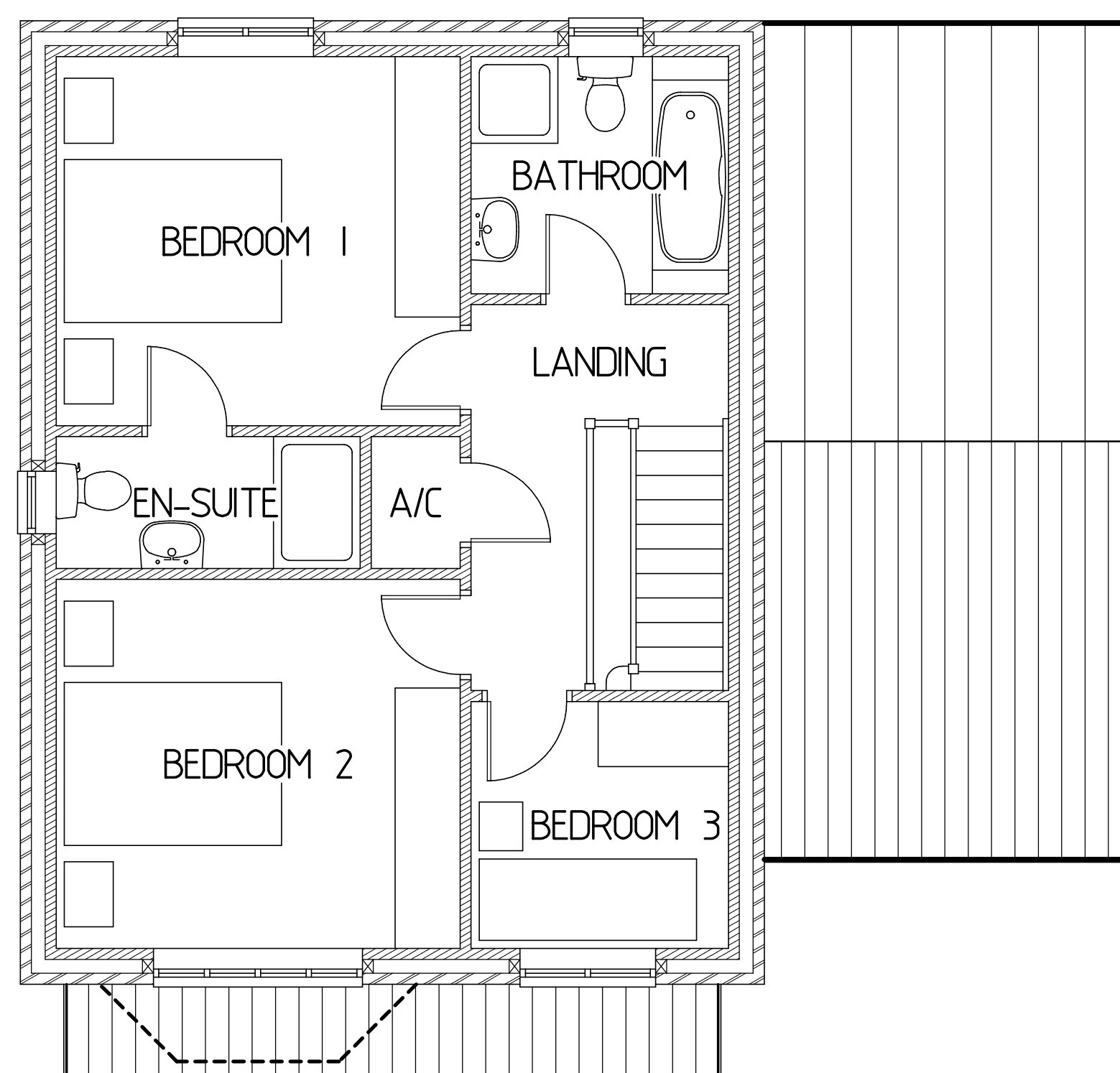
ILLUSTRATIVE REAR ELEVATION



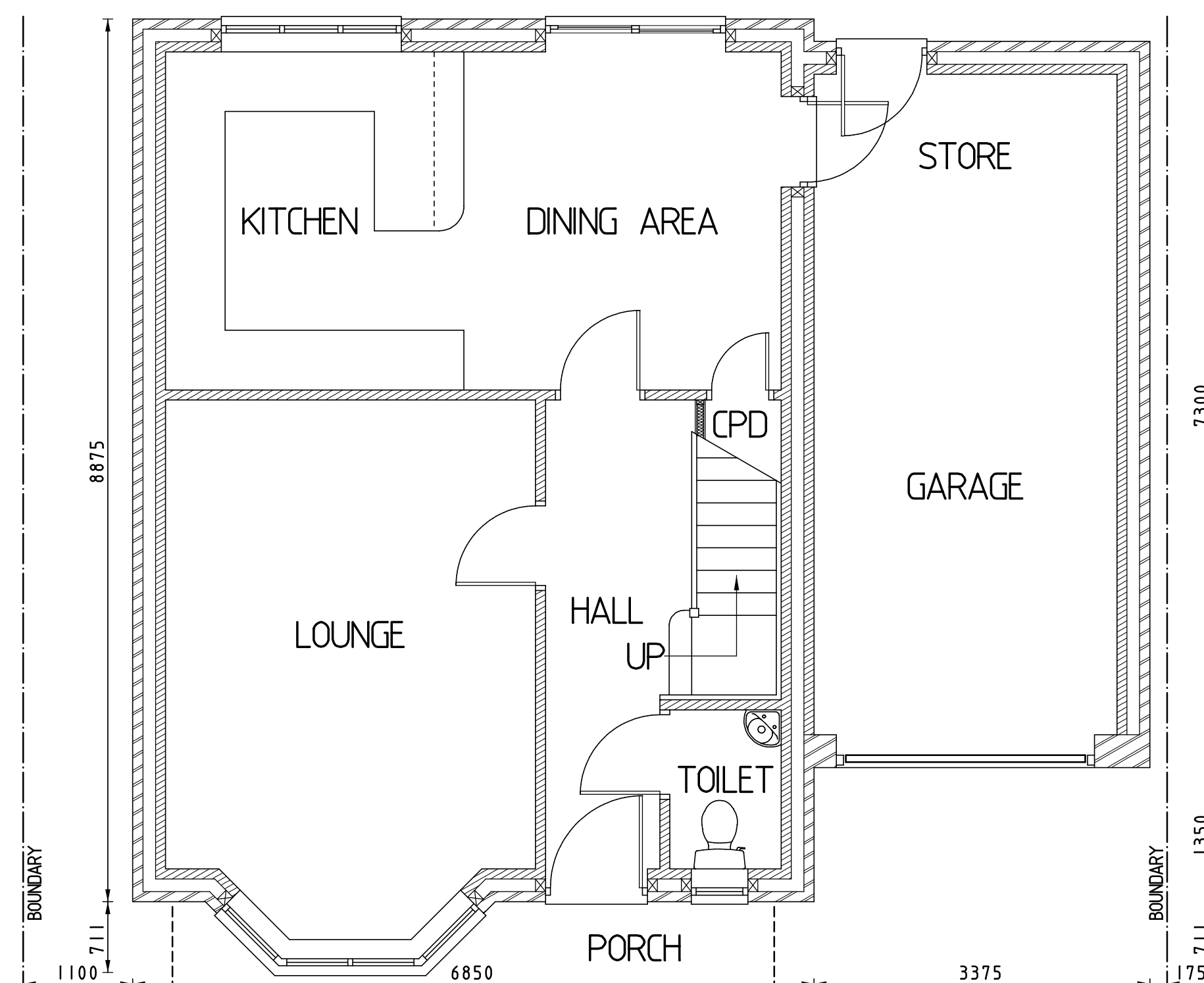
ILLUSTRATIVE SIDE ELEVATION



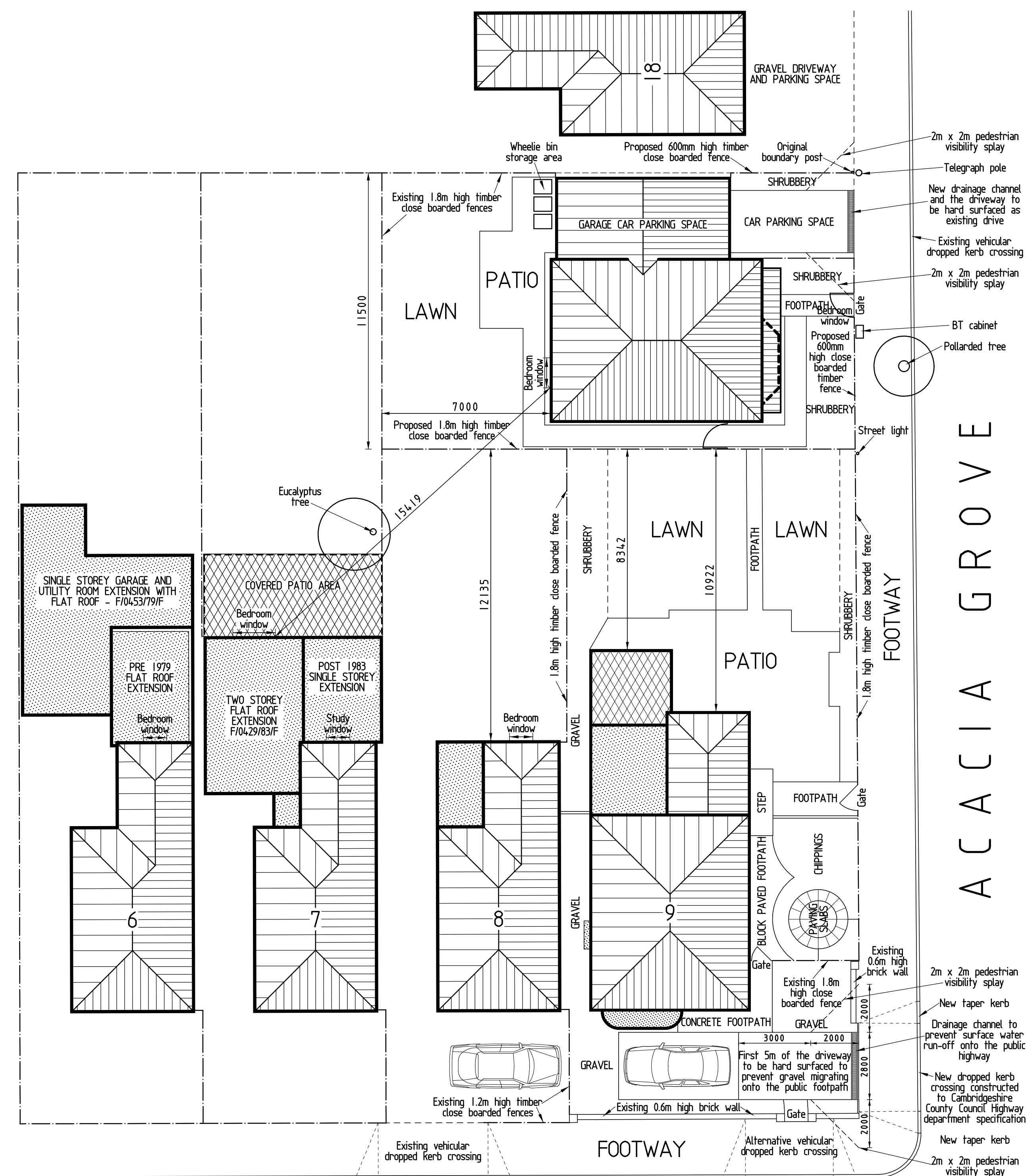
ILLUSTRATIVE FRONT ELEVATION



ILLUSTRATIVE FIRST FLOOR LAYOUT PLAN



ILLUSTRATIVE GROUND FLOOR LAYOUT PLAN



HAWTHORNE GROVE

ILLUSTRATIVE SITE LAYOUT PLAN Scale 1:125

Drawing Title:- OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A SINGLE TWO STOREY DWELLING ON LAND WEST OF 9 HAWTHORNE GROVE, MARCH FRONTING ACACIA GROVE ILLUSTRATIVE PLANNING APPLICATION DRAWING			
Client:- Mr JOHN MORTLOCK, 5 WINDSOR DRIVE, MARCH			
Scale:- 1:50, 1:125	Date:- OCTOBER 2020	Drawing No:- CAD 522 / I	Rev:- C

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ACACIA GROVE

F/YR20/1155/O

Applicant: Mr & Mrs Atwell

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

Land North West Of Wingfield, Station Road, Wisbech St Mary, Cambridgeshire

Erect up to 1no dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on Advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning approval for a single dwelling on garden land currently associated with Wingfield. It should be noted that a proposal for two dwellings on the site was refused in 2014 with this refusal being the subject of an appeal to the Planning Inspectorate.
- 1.2 The Planning Inspectors appeal decision in 2015 was unequivocal in its assessment that the site was not adjacent to the built form of the settlement and its development would be contrary to Local Plan Policy LP12.
- 1.3 Although the agent has endeavoured to rebut the earlier appeal decision in the current submission the argument put forward does not address the matters raised and relies on the presence of development which pre-dates both the earlier refusal by the District Council, the current local plan and indeed the Planning Inspectorate appeal dismissal.
- 1.4 It is contended that there is no material change in circumstance that would render this scheme acceptable through the passage of time given that the development plan against which the earlier submission was considered remains the development plan for the District. Even when giving weight to the NPPF with regard to para. 78 considerations there would be no grounds to support the application noting the earlier planning history.

2 SITE DESCRIPTION

- 2.1 The site comprises garden land associated with Wingfield which is a detached bungalow situated on the periphery of Wisbech St Mary. Located immediately to the south-west of the Volmary site, a large scale nursery business, the area is laid to grass with a low level fence to the site frontage and fencing to the north-east and north-west.
- 2.2 The site is on the periphery of the settlement of Wisbech St Mary some 1.2 km from the village post office and shop, it has previously been deemed by the Planning Inspector as an elsewhere location which does not adjoin the built form of the settlement.

2.3 The site is within a flood zone 1 location.

3 PROPOSAL

3.1 This submission seeks outline planning permission of the erection of 1 dwelling, all matters are reserved for later consideration albeit an illustrative scheme has been submitted which shows a chalet style dwelling.

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

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR14/0684/O	Erection of 2 no dwellings	Refused 16.10.2014 Appeal dismissed 15.04.2015
F/YR14/0143/F	Erection of a single-storey rear extension to existing dwelling Wingfield Station Road Wisbech St Mary	Granted 16.04.2014

5 CONSULTATIONS

5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 11th January 2021, the Council recommended APPROVAL'.*

5.2 **Cambridgeshire County Council Highways Authority:** *'I have no objections to the development in principle. When access is committed the highway access crossover should be set out with tapers [..]'.*

5.3 **Environment & Health Services (FDC):** *'The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposed development.'*

The application site lies in close proximity to an adjacent commercial site whose operations may have a detrimental impact on sensitive development such as a dwelling.

Our records show the adjacent site has in operation 'Bio-mass' boilers that are used to burn recycled wood chip fuel as a heating source for greenhouses. While the use of such boilers are permitted under environmental regulations, the applicant should have regard to this installation when considering this proposal.'

5.4 **North Level Internal Drainage Board:** *'My Board has no objections to the above application. There is a riparian drain to the north and east of the site and the applicant needs to be made aware of their responsibilities in relation to this drain'.*

5.5 **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).

7 **POLICY FRAMEWORK**

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

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 10 - Presumption in favour of sustainable development

Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 55 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects

Para. 78 – rural housing

Chapter 11 - Making effective use of land

Para. 155 – Flood risk

7.2 **Fenland Local Plan 2014 (FLP)**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

LP14 – Flood Risk and Renewable Energy

LP15 – Transport Network

LP16 – Delivering and Protecting High Quality Environments

7.3 **National Design Guide (NDG)**

C1 – Understanding and relate well to the site, its local and wider context

I1 – Responding to existing local character and identity

H1 – Healthy, comfortable and safe internal and external environment

H2 – Well-related to external amenity and public spaces

8 **KEY ISSUES**

- **Principle of Development**
- **LP12 considerations – settlement boundary**
- **NPPF Para. 78 considerations**
- **Visual amenity and character**
- **Residential amenity**
- **Highway safety**
- **Flood risk**
- **Relationship with commercial premises**

9 **BACKGROUND**

- 9.1 A scheme for two dwellings was refused in 2014 by the LPA for the following reasons:
- 1 The proposed development would result in the extension of the linear features of the surrounding area and would result in ribbon development at a long distance from the main settlement of Wisbech St Mary. As such the proposal is contrary to the provision of policies LP12, particularly parts (a) and (e), of the Fenland Local Plan 2014.
 - 2 The proposed development, by virtue of its location adjacent to an existing established business, would result in the introduction of a sensitive use which would have the potential to constrain the operation and viability of the existing business. As such the proposal does not accord with part (o) of policy LP16 of the Fenland Local Plan, 2014.
- 9.2 This decision was the subject of an appeal where the Inspector upheld the decision with regard to refusal reason 1. However, concerns related to reverse sensitivity were not upheld by the Inspector and a partial costs award was granted to the appellant in this regard. The Inspector considered that there was an absence of any evidence of harm to the living conditions of the future occupiers and that this suggested that the operation of the nursery would not be constrained, nor the viability of the business threatened.
- 9.3 However, this did not outweigh the Inspectors conclusion that the appeal site would not be an appropriate location for the proposed development with regard to the policies for development within the rural area.
- 9.4 Officers would also draw the attention of Councillors to a recent delegated approval for a dwelling on land some 100 metres south-east of the current application site (Planning Reference: F/YR20/0300/F). Whilst not cited by the applicant's agent within the current submission this approval could be deemed relevant to the consideration of the current scheme, and certainly warrants being drawn to the attention of the committee.
- 9.5 Although locationally 'nearby' the dwelling approved at the Fens Falconry site was a component of a wider proposal to enhance an established falconry centre and the scheme included the delivery of aviary and lecture/office buildings. There was an evidenced 'need' for the dwelling and as such the normal locational considerations were not paramount in the evaluation of the application. Both the NPPF and Fenland Local Plan supported the development and whilst the dwelling did not follow the established pattern of frontage development along Station Road no character harm was identified, and a favourable recommendation was therefore forthcoming.
- 9.6 The dwelling to serve the Fens Falconry site was assessed against policies relevant to the nature of that proposal as opposed to being considered solely as a market dwelling and the consent as granted was 'tied' to the operation of the falconry enterprise in perpetuity; as such whilst this approval may be considered as 'relevant' it is not deemed 'material' to the consideration' of the current application before the Committee.

10 ASSESSMENT

Principle of Development

- 10.1 This application falls to be considered against Policy LP3 and LP12 with regard to the appropriateness of the location for residential development; due regard must also be given to the planning history of the site. Whilst Wisbech St Mary is identified in Policy LP3 as a Growth Village it is also necessary to consider the sites relationship to the settlement and particularly relevant is Policy LP12 which gives unequivocal guidance as to what constitutes the 'developed footprint' of a village and the circumstances in which new development may be supported. This aspect of the schemes compliance, or otherwise, is considered in detail below.
- 10.2 Notwithstanding the principle issue highlighted above it is also necessary to consider matters of character, residential amenity, highway safety and flood risk. Given that the site is closely situated to an established nursery business due regard must also be given to whether there would be any reverse sensitivity issues arising from the proposal.

LP12 considerations – settlement boundary

- 10.3 The agent asserts in the submitted design and access statement that although the Planning Inspector considered that the 'built form' terminated some 250 metres from the proposed site, formed by the grounds of the Manor House and field opposite, their view is that there is no break point in development given that the Manor House and its grounds are protected from development.
- 10.4 The evidence given for this is a refusal for development within the grounds of the Manor House in 1993 which indicates that the Manor House and its grounds should be considered as part of the built form which would in turn continue until the last dwelling; this being Wingfield.
- 10.5 The argument postulated is noted however the commentary contained within LP12 to define the continuous built form clearly excludes 'gardens, paddocks and other undeveloped land with the curtilage of buildings that are clearly detached from the continuous built-up area of the settlement'. This is clearly the situation on the ground in respect of the continuous built-up area and as such no weight may be given to the argument put forward. Indeed, the streetscene view submitted in support of the current proposal clearly illustrates the 'break point' previously highlighted by the Planning Inspector.
- 10.6 The agent also identifies that planning permissions were granted in 1990, 1998 and 2002 for residential properties beyond the Manor House, however all these pre-date the current local plan. It is further noted that these properties were in situ when the development of this site was last considered by both the LPA and in turn the Planning Inspectorate and as such are not material to the current proposal.
- 10.7 It is accepted that the scheme has now been reduced in the number of dwellings proposed however given that it is a principle issue rather than issue of the number of dwellings at question this offers no weight to the proposal in terms of its acceptability.
- 10.8 In his consideration of the earlier planning appeal the Inspector placed full emphasis on the policy criteria of LP12 noting that the scheme failed to meet the requirements of Criterion (a) as the site was not adjacent to the existing developed footprint of the settlement. In terms of his supporting analysis of the

site he considered that *'the continuous built form of the settlement along Station Road ends approximately 250 metres south-east of the appeal site. There is a clear physical separation, formed by the grounds of the Manor House and the field opposite, between the group of buildings around the appeal site and the edge of the continuous built up area of the village along Station Road. On this basis, I consider that the location of the appeal site is not within or adjacent to the existing developed footprint of the village, as defined in the footnote to the policy. As such, the proposed development would not accord with criterion (a) of Part A to Policy LP12'*. Moving on to consider criterion (e) the Inspector further noted that that the proposals would extend the linear feature of the line of 6 dwellings to the south-east of the appeal site, whilst the presence of a single dwelling to the north-west side of the nursery entrance was noted this was considered to be 'separate'. Although it was acknowledged that the *'presence of the adjacent nursery buildings and the properties opposite the appeal site would limit any visual harm which the proposed dwellings may cause to the open character of the surrounding countryside'* the proposal remained contrary to the terms of criterion (e).'

NPPF Para. 78 considerations

- 10.9 For the sake of completeness due regard has been given to paragraph 78 of the NPPF which post-dates the earlier consideration of proposals for this site. Para 78 of the NPPF allows for the introduction of housing where it will *'enhance or maintain the vitality of rural communities'* with key emphasis on allowing villages to grow and thrive, especially where such housing will support local services. It is explicitly identified in Para 78 that *'where there are groups of smaller settlements, development in one village may support services in a village nearby'*. Even if it is accepted that Wingfield forms part of a distinct group of houses this does not outweigh Policy LP12 in this instance.
- 10.10 This conclusion again has due regard to the consideration of the earlier appeal which acknowledged that whilst the site could not be deemed as 'isolated' it was not well located in relation to the village, being approximately 1.2 km from the post office and village store in the centre of the village and not served by a pavement, or indeed public transport. In conclusion the Inspector found that these factors would combine to *'make it difficult for occupiers of the proposed dwellings to travel by any other means than the private car to use local facilities' accordingly it was found that the site did not represent a 'particularly sustainable location within the rural area'*.

Visual amenity and character

- 10.11 It is accepted that the site could be developed without significant detriment to the locality, with the earlier appeal decision highlighting that the backdrop of the nursery buildings would limit any visual harm arising. The absence of harm in this regard does not however outweigh the earlier considerations highlighted in respect of Policy LP12.

Residential amenity

- 10.12 The site is of sufficient dimension to accommodate a dwelling without detriment to the adjoining residential occupiers of Wingfield, furthermore there is ample space on which to deliver appropriate private amenity space, parking and turning and to affect a roadside refuse collection.

- 10.13 Accordingly, subject to detailed design the site could be developed to accord with the requirements of Policies LP2, LP12 and LP16 of the FLP (2014) and there are no matters to reconcile in this regard at outline stage.

Highway safety

- 10.14 The LHA have raised no objection to the scheme proposals and as such it is accepted that at the scheme, subject to detailed design, has the potential to comply with Policy LP15 and LP16 of the FLP in so far as they relate to matters of highway safety and layout.

Flood risk

- 10.15 The site is within a Flood Zone 1 location and as such there are no matters to reconcile with regard to flood risk. Surface water considerations will form part of any Building regulations approval for the site.

Relationship with commercial premises

- 10.16 Against the backdrop of the earlier appeal decision and mindful that the Environmental Protection team have not raised an objection to the current scheme it is not considered that a refusal on the grounds of reverse sensitivity could be upheld. Although in the intervening period between the earlier refusal and the current submission consent has been granted to extend the boiler house facility on the Volmary site, immediately rear of the application site, this consent secured noise mitigation measures in a direct response to residential amenity concerns highlighted during the consideration of that scheme.
- 10.17 It is considered therefore considered that it would not be appropriate or warranted to withhold consent on the grounds of Policy LP16(o)

11 CONCLUSIONS

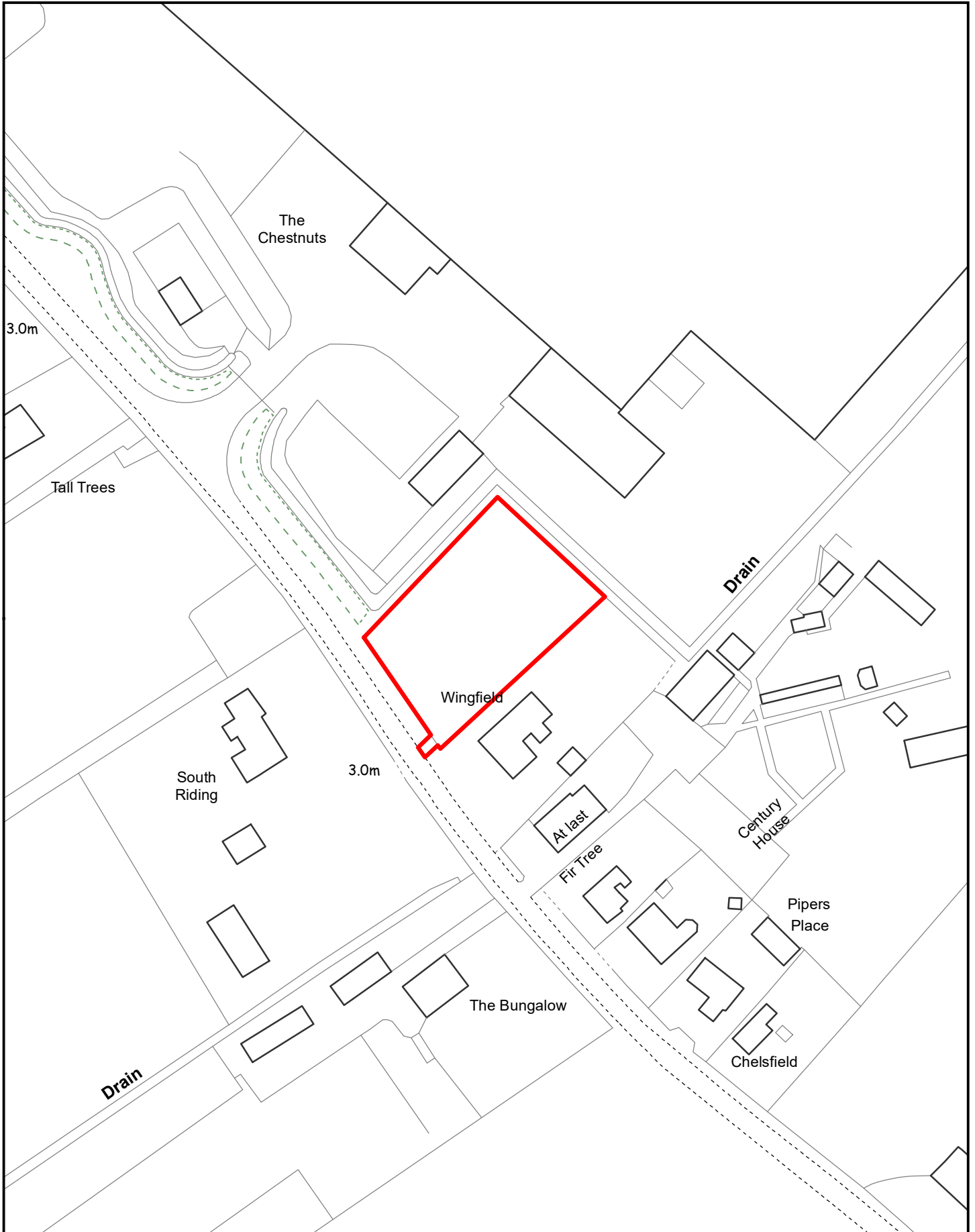
- 11.1 Development of this site remains clearly contrary to Policy LP12 of the Fenland Local Plan and as such this application must be resisted. Whilst it is clear that the scheme would represent any further impacts with regard to other relevant policy framework the absence of 'other harm' does not outweigh the fundamental in principle issues with the location which would represent a development which is unsustainable in the context of both national and local planning policy.
- 11.2 Whilst the agent has sought to make a case for the site being adjacent to the built footprint of the settlement this argument is not convincing when considered against the earlier appeal decision which remains the correct, and only, interpretation of the relevant Policy framework.

12 RECOMMENDATION: Refuse

Reasons for refusal

1	The proposed development would result in development which does not adjoin the developed built footprint of the settlement of Wisbech St Mary and would result in the extension of the linear features of the surrounding area thereby resulting in ribbon development at a long distance from the main settlement of Wisbech St Mary. As such the proposal is contrary to
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	the provision of policies LP12, specially parts (a) and (e), of the Fenland Local Plan 2014.
2	<p>The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, given that it is not adjacent to the developed built footprint of the settlement.</p> <p>Policy LP3 seeks to direct development to the most sustainable areas; as the proposal does not fall within any of the categories which would be considered acceptable under Policies LP3 and LP12, nor does it comply with Paragraphs 78 or 79 of the NPPF it is concluded that the proposed development is not sustainable. As a consequence of the sites location future occupants would be reliant on private motor vehicles to access services and facilities</p> <p>The development would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and the aims of the NPPF 2019.</p>



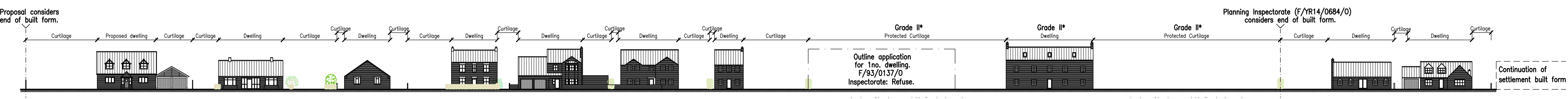
Created on: 08/12/2020

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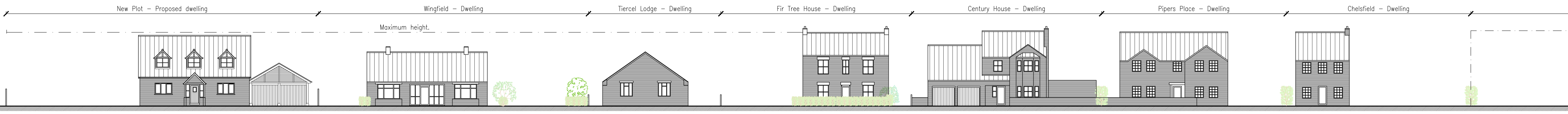
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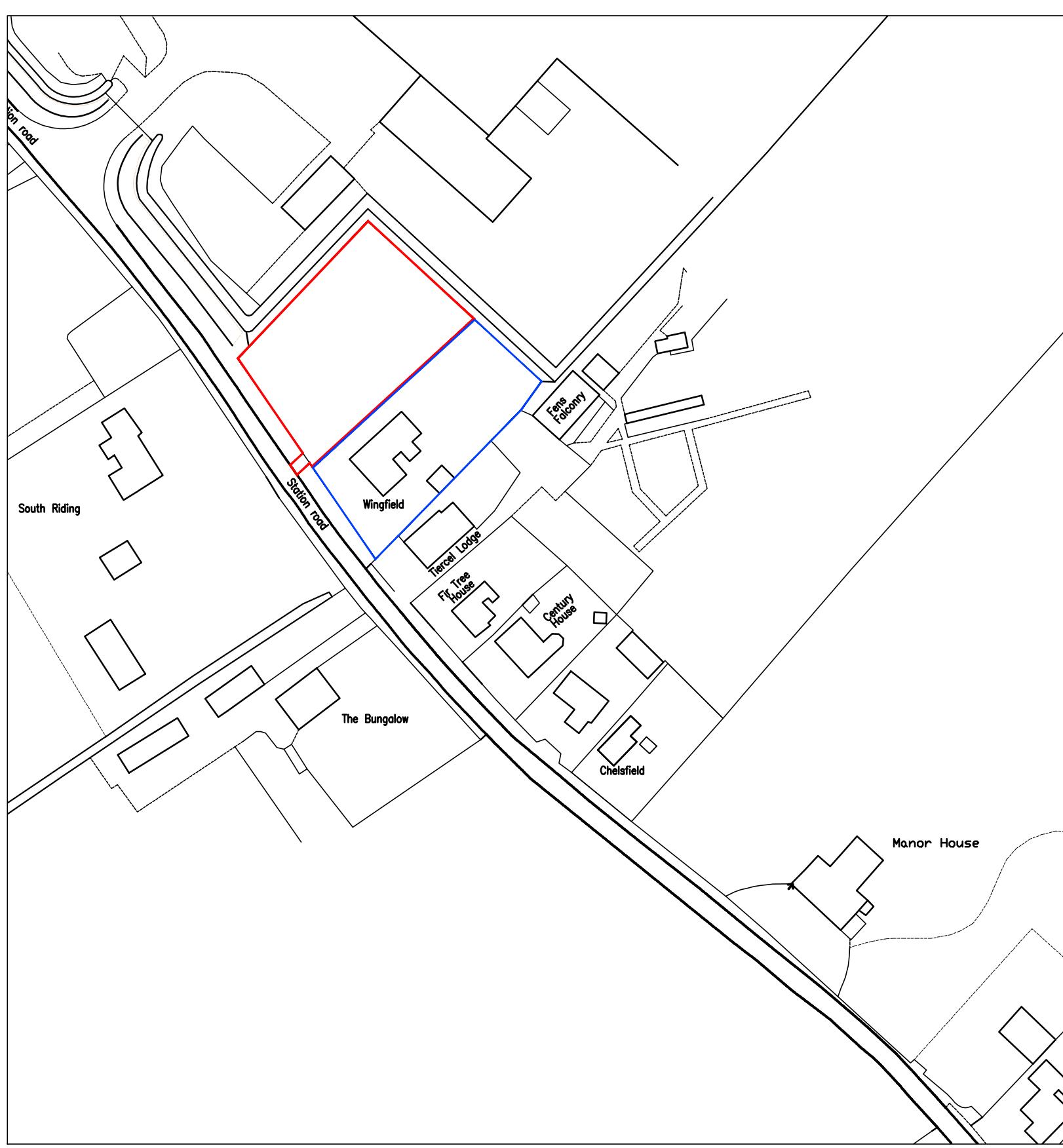
Indicative Street Scene 1:500 (North-East)



Indicative Street Scene 1:200 (North-East)



Indicative Site Plan 1:200



Location Plan 1:1250

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
OUTLINE FOR 1NO. DWELLING.

SITE
LAND NORTH-WEST OF WINGFIELD
STATION ROAD
WISBECH ST MARY
CAMBS.
PE13 4RY

DRAWING
INDICATIVE OUTLINE

CLIENT
Mr & Mrs Atwell

DATE November 2020 SCALE As Shown at A1 JOB No. 6217/PL01B

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Fensland District Council
Building Design Awards
Building Excellence in Fensland
Category Winner 20, 09, 10
Overall Winner 2010

F/YR20/1177/O

Applicant: Mr N King

**Agent : Swann Edwards
Architecture Limited**

Land South East Of Corner Barn, Mouth Lane, Guyhirn, Cambridgeshire

Erect up to 2no dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refusal

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

1 EXECUTIVE SUMMARY

- 1.1 This submission seeks outline planning permission for the erection of two dwellings in an area identified as being an 'elsewhere location' in local planning policy terms.
- 1.2 Earlier schemes for similar developments have been consistently resisted as non-compliant with planning policy. Whilst Paragraph 78 of the National Planning Policy Framework has been introduced since the proposed development was last considered this does not overcome the earlier reasons for refusal which were based on the location of the site and flood risk.
- 1.3 Even when assessing the scheme in the context of Paragraph 78, which would require this 'group of dwellings' within an open countryside location to be first accepted as a 'smaller settlement' in its own right the site is still found to be functionally isolated and as such contrary to the aims of Planning Policy to deliver sustainable development.
- 1.4 Furthermore the site is within a flood zone 3 location and the application fails to deliver a robust and policy compliant sequential test which accords with the guidance contained within the Cambridgeshire Flood and Water SPD. As a consequence, it therefore fails to demonstrate that there are no sequentially preferable locations on which 2 additional houses could be delivered which would be at lower flood risk.
- 1.5 The location of the proposed site and its flood risk classification are such that a recommendation of refusal is forthcoming.

2 SITE DESCRIPTION:

- 2.1 The site lies to the south-east of Mouth Lane, Guyhirn; it forms part of a parcel of land immediately to the south-east of Corner Barn and Inlays Barn and south-east of Newberry Lodge.
- 2.2 To the north-east of the site is a large detached dwelling which whilst originally served by the access intended for the proposed dwellings is now accessed directly from a new access which runs along the north-eastern boundary of the application site, this access did not require planning permission as Mouth Lane is an unclassified road.
- 2.3 The application site is laid to grass with post and rail fencing and some intermittent tree planting, the western boundary is formed by low level close boarded fencing.
- 2.4 Whilst there are residential properties within the vicinity these are sporadic, and the location is distinctly rural in character. Detached from any settlement core, albeit with a Guyhirn postal address, the site is situated within Parson Drove and Wisbech St Mary parish and located over 1 km from Tholomas Drove, over 1km from Guyhirn and circa 2km from Wisbech St Mary.
- 2.5 The site is within a flood zone 3 location.

3 PROPOSAL

- 3.1 This application seeks outline planning permission for the erection of 2 dwellings, with matters committed in respect of access. An illustrative site plan and street scene accompanies the proposal indicating how the site may be developed and it is clear that the site can accommodate two dwellings of a similar scale to that approved, and constructed, to the north-east.

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

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR18/0533/F	Change of use of land for domestic purposes and erection of a single-storey side extension to existing dwelling, detached car port and stables (The Stables)	Granted 24.07.2018
F/YR17/1212/O	Erection of up to 2no dwellings (outline application with matters committed in respect of access) (Land South East of Corner Barn	Refused 13.02.2018
F/YR16/3057/COND	Details reserved by conditions 3, 5 and 6 Of planning permission F/YR15/0139/F (Land East of Corner Barn)	Approved 20/07/2016
F/YR16/0298/F	Erection of 1 x 4-bed and 1 x 5-bed 2-storey dwellings (Land South East of Corner Barn)	Refused 15/07/2016

F/YR15/3020/COND	Details reserved by conditions 2, 3, 5 and 6 Of planning permission F/YR12/0670/F (Land East of Corner Barn)	Approved 21/08/2015
F/YR15/0314/PNC	Change of use from agricultural building to 2-storey 2-bed dwelling (Class Q (a) (b)) (Building South East of Corner Barn)	Further details not required 11/06/2015
F/YR15/0139/F	Erection of a 2-storey 4-bed dwelling with Integral double garage and detached triple garage/workshop/store (Land East of Corner Barn)	Granted 17/04/2015
F/YR14/0950/PNC	Change of use from agricultural building to 2- storey 2-bed dwelling (Building South East of Corner Barn)	Refused 23/01/2015
F/YR12/0670/F	Erection of a 2-storey 5-bed dwelling with attached garage and 2 x single-storey outbuildings for use as workshop/garage and storage (Land East of Corner Barn)	Granted 19/10/2012
F/YR07/0253/F	Erection of an agricultural storage building	Granted 11/04/2007
F/YR05/0626/F	Erection of a single-storey side extension to existing dwelling (Inlays Farm)	Granted 04/08/2005
F/YR02/1058/F	Conversion and extension of barn to form day nursery with 2-bed flat over 15/01/2003	Refused
F/YR02/0567/F	Conversion and extension of barn to form day nursery with 2-bed flat over (Inlays Farm)	Refused 28/06/2002
F/99/0866/F	Conversion of barn to a 3-bed dwelling Inlays Farm	Granted 07/12/2000
F/91/0350/F	Change of use of agricultural building to dwellinghouse and formation of residential curtilage (Land Buildings North of Inlays Farm)	Granted 27/04/1992

5 CONSULTATIONS

5.1 Parish Council

'At the meeting of Wisbech St. Mary Parish Council on 11th January 2021, the Council recommended APPROVAL. However they would prefer this application to be for only one dwelling'.

5.2 Cambridgeshire County Council Highways Authority

'I question the sustainability credentials of this development. Consideration should be given to whether the location is suitable for further development. Any occupants of the dwellings will be reliant upon private vehicle trips.'

The proposed access is already shared and therefore provides suitable access to the development proposal.

I have no highway objections subject to FDC considering this development to be policy compliant in terms of sustainability'.

5.3 Environment Agency

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

National Planning Policy Framework Flood Risk Sequential Test In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. 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) carried out by Ellingham Consulting Ltd (Report Ref: ECL0366/Swann Edwards Architecture) dated November 2020 are adhered to. The FRA states: -Finished floor levels to be set no lower than 2.15m above Ordnance Datum (AOD) - The development to have at least two storeys - Flood resilient construction to a height of 300mm above the finished floor level'

Also recommends informatives regarding the Floodline Warnings Direct service, the use of flood resilient construction and foul drainage and offers advice to the LPA regarding flood warning and evacuation planning.

5.4 North Level Internal Drainage Board

'North Level District IDB has no comment to make with regard to this application'.

5.5 Environment & Health Services (FDC)

'The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to affect or be affected by the noise climate or air quality. Records show the application site has not been previously developed and therefore is unlikely to have been affected by ground contamination.'

5.6 Local Residents/Interested Parties:

One letter of objection has been received in respect of the proposal (adjacent occupier) and 7 letters of support (5 from residents of Mouth Lane, 1 from North Brink, Wisbech and 1 from March; these may be summarised as follows:

Objections:

- **Access, Traffic or Highways:** The present surface of Mouth Lane is very poor. Additional traffic would not be beneficial. Already there is little or no space for passing traffic so consequently verges outside properties are damaged despite residents trying to keep them looking neat and presentable. The current volume of traffic and excessive speed of some vehicles using the shared access is a concern. Additional traffic could compromise safety.
- **Visual and residential amenity:** Overlooking/loss of privacy, loss of view/outlook, proximity to property, visual impact.
'As the rear of the stables is to a large part glass not only would I lose all privacy externally but a considerable amount internally.'
- *'The Stables' could be visually dwarfed by the proposed development.'*
- Density/Over development
- Anti Social behaviour
- Devaluing property
- Drainage
- Noise

Support:

- Supports application as it seems this could be very beneficial to the community
- Previously a neighbour of the applicant and notes that the properties he has built *'have greatly added to the status and wellbeing of the lane. His buildings are always of the highest quality and inject a certain class to the area. I have always admired his work and believe a further two properties would enhance the corner considerably'*.
- *Land [...] not suitable for farming so buildings surely must be the answer.*
- *'two further properties for families who will be supporting local schools, tradesman post office etc. I am sure the local residents would welcome them with open arms.*
- *Support applications to build homes [for applicant and his son] recognise [that they] need a local base in which to live*
- *Support the importance of local businesses for the benefit of the economy, of which [the applicant's company] is one. As many trades are involved in the construction of a property, we believe this will also provide local income to other companies and trades in the local community'*
- *'Will improve the area by infilling the unused land and would also be nice to have more people living in our road'*
- *'Would be aesthetically pleasing'*
- *'Scheme will improve community even more'*
- *Considers that 'a sympathetic build would be required to really enhance the streetscene but with the existing barn conversions, stable conversions and the large 'farmhouse' style house in existence, a truly rural street scene is easy to create. Definitely an asset to our community in Mouth Lane'.*

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

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

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide (2019)

C1 – Understanding and relate well to the site, its local and wider context

I1 – Responding to existing local character and identity

H1 – Healthy, comfortable and safe internal and external environment

H2 – Well-related to external amenity and public spaces

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

LP14 -

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- Principle of Development
- Paragraph 78 considerations
- Character and Amenity
- Residential Amenity
- Risk of flooding
- Highways and infrastructure
- Other matters

9 BACKGROUND

9.1 The dwelling adjacent to the current application site was approved in 2015, this was constructed in accordance with a revised scheme for a dwelling initially granted planning permission in 2012. The original decision was a committee overturn as Members did not support officer's recommendation of refusal as they felt that the scheme was a quality development, not out of character with the area for which local support had been forthcoming. These factors were considered all to outweigh the refusal recommendations which related to the open countryside location, the unsustainable nature of the site and the incongruous nature of the development which was considered to be detrimental to the open character of the landscape. Whilst the existence of an extant approval had to be given weight when considering the 2015 proposal it would not be appropriate to cite this earlier decision as justification for yet more unsustainable development in this location.

9.2 Against this backdrop a similar scheme for two dwellings submitted under F/YR17/1212/O was refused under delegated powers; this refusal has not been tested at appeal, nor has an earlier refusal for two dwellings on the site under F/YR16/0298/F.

10 ASSESSMENT

Principle of Development

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework. The weight that should be attributed to these policies and documents are considered below. The site is an elsewhere location as defined by Policy LP3 of the FLP in that is detached from the main settlement core within what is essentially an open countryside location as such there is no policy support given that the proposal is not demonstrably essential for the efficient operation of agriculture, horticulture etc. In addition to the locational deficits of the scheme in terms of its sustainability the site is also located within a Flood Zone 3 area and as such would be contrary to Policy LP14 (B) of the FLP.
- 10.2 The NPPF position would be similar in terms of flood risk; and the location of the site away from any main settlement would render the scheme unsustainable as clearly the site is some way from the settlement core with the intended occupiers the dwellings being reliant on private motor transport.
- 10.3 It would appear that the main thrust of the argument postulated by the agent relies on Para 78 of the NPPF. Whilst it is acknowledged that to '*promote sustainable development in rural areas*' Para 78 of the NPPF **does** allow for the introduction of housing where it will '*enhance or maintain the vitality of rural communities*' the key emphasis is on allowing villages to grow and thrive, especially where such housing will support local services. It is explicitly identified in Para 78 that '*where there are groups of smaller settlements, development in one village may support services in a village nearby*'. Para 78 considerations are addressed below.

Paragraph 78 considerations

- 10.4 A key focus of the submitted design and access statement is the Court of Appeal decision re Braintree DC v SSCLG (2018) '*where it was found by the Court that there is [...] no description or specified minimum number of dwellings or population set out in the NPPF to define what constitutes a settlement. To this end the Court found that despite a site being located outside of the defined settlement boundary it would not be 'isolated' within the context of paragraph 79 (formerly 55) of the NPPF as it was located within a collection of existing buildings.*'
- 10.5 Whilst it is fully accepted that the lack of physical isolation may result in a 'smaller settlement' in the context of Para 78, this does not overcome 'functional isolation' when considering whether a 'smaller settlement' is a sustainable location.
- 10.6 However Para.78 of the NPPF does not give carte blanche for development where there are 'groups of dwellings' as the framework in this regard is only reasonably enacted where such development will support and sustain settlements; it is contended that the location identified whilst not 'physically isolated' **is** 'functionally isolated' and as such not compliant with the golden thread of 'sustainability' that runs through the NPPF.
- 10.7 The Para.78 argument has been tested by a 2020 appeal decision relating to a site at Crooked Bank, Elm (F/YR19/0828/F). In this instance the Planning Inspector upheld the decision of the LPA in refusing planning permission for a

single dwelling within a group of dwellings located on the periphery of Elm. Salient points are listed below caveated by the fact that there are many similarities between the current application under consideration and this earlier appeal.

- Site at Crooked Bank was within a group of dwellings forming 'Begdale' and as such was not isolated
- *Whilst 'one new dwelling would be a social benefit to the area [and] new customers and potential employees for local businesses and services and the construction of the development would also generate economic benefits. However, given the scale of development these combined benefits would be modest.'*
- Proposal would have a 'negligible effect on the vitality of the rural community of Begdale or the vitality of those nearby such as Elm'.
- *Whilst it was acknowledged that there were 'some services, facilities and employment opportunities nearby, these [did] not include healthcare or education. [...] no substantive evidence [was provided to allow the Inspector] to fully assess access to bus services or the frequency of those services connecting to larger centres [it was also noted that] many of the roads in the area do not benefit from footpaths or street*
- *'Future occupiers of the proposed dwelling would have limited transport choice other than to rely on private motorised transport to access services, facilities and employment. Whilst one new dwelling would only give rise to a small number of trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm. I accept the travel circumstances of any future occupants of the proposal would be similar to those experienced by many existing residents living in the area. However, this does not justify the proposal'.*
- *Although the Inspector recognised 'the overall national objective to boost the supply of housing, the combined benefits of the scheme [were] still relatively modest such that they are outweighed by the environmental harm arising from the dependence on the private car and development in the countryside.*
- *In conclusion the Inspector identified that 'the proposed development would not therefore amount to sustainable development when considered against the Framework as a whole. For [those] reasons the proposed development would not provide a suitable site for housing, having particular regard to the accessibility of local services and facilities. It would therefore be in conflict with Policies LP3 and LP12 of the LP and the Framework which taken together seek to ensure a sustainable pattern of development.'*

10.8 Whilst this current scheme proposed two dwellings, as opposed to the one considered under the Crooked Bank submission it does share the locational characteristics of the Crooked Bank proposal and as such this appeal decision is a material consideration when evaluating this submission.

Character and Amenity

10.9 The agent asserts within the submitted Design and Access statement that the site *'forms a gap within the frontage of the continuous built form between Leighwood and Newberry Lodge'* and that its *'authorised use [...] is agricultural however due to its relatively small scale, its unconventional shape and the fact that it is within private ownership, it is not practical or possible to farm the land'*.

- 10.10 Whilst it is accepted that there are a number of dwellings which sporadically address Mouth Lane it is not considered that these constitute a built up frontage. Similarly, whilst the area of land may not be practicable to farm it is not a given that every piece of land which cannot be farmed has to be developed. It is further noted that the original south-western (side) boundary shown for the dwelling to the north-east was located some 22 metres from the dwellings flank wall, whereas as delivered on site there is only 4.6 metres from the flank wall of this dwelling to the side boundary of the proposed plots; with the excluded land now forming part of the site currently under consideration.
- 10.11 As indicated the character of development in this location is of open countryside sporadically interspersed with a variety of dwelling styles of differing scales. Whilst viewed in isolation additional dwellings may sit appropriately in context, they will serve to consolidate development thereby detracting for the open countryside qualities of the area.
- 10.12 That said it is not considered that significant harm would accrue to the locality as a result of such consolidation and as such the proposal could not be deemed as unacceptable in character terms and accordingly represents no issues in respect of LP16.

Residential Amenity

- 10.13 The comments of the neighbouring occupier are noted regarding the potential impact that this scheme would have on their residential amenity with regard to overlooking, loss of privacy, loss of view/outlook, proximity to property and visual impact. However, this is an outline application and the specific details would be the subject to a reserved matters submission at which time matters of privacy and overlooking could be fully addressed. That said the relationship of the proposed dwellings to 'The Stables', the orientation of the plots and the separation distances evident are such that it is accepted that a scheme could be delivered which achieves compliance with Policies LP2 and LP16 of the FLP in terms of acceptable residential amenity impacts.

Risk of flooding

- 10.14 The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding. The site lies within Flood Zone 3 and the proposed development is classed as 'more vulnerable'. Table 3 of the PPG to the NPPF states this type of development should be subject to the application of the sequential test and should the sequential test be satisfied the exception test should then be applied.
- 10.15 Whilst it is recognised that there have been two consents given for residential accommodation in the vicinity of this site it should be recognised that the first was a committee overturn where greater weight was given to the 'quality of the development' and the second was a prior notification submission where only the 'site specific flood risk' could be considered; not the more fundamental sequential test requirements of the NPPF and Fenland Local Plan.
- 10.16 Limited information has been submitted in respect of the sequential test, merely a statement as follows:

'The site lies within Flood Zone 3 of the Environment Agency's flood maps for planning. Policy LP14 and Section 14 of the NPPF require a Sequential approach to development by locating new development proposals on land at lowest risk of

flooding it the first instance. In accordance with the Cambridgeshire and Peterborough Flood Risk SPD an area of search of reasonably available sites which could accommodate the development should be established. On the basis that this application is submitted on the strength of Mouth Lane being a settlement for the purposes of paragraph 78 of the NPPF following case law, the area of search for the Sequential test would be Mouth Lane. As can be seen from the extract below, there is no other land available at lower risk of flooding and therefore the site passes the Sequential Test. Following successful completion of the Sequential Test, Policy LP14 and Section 14 of the NPPF require the Exception Test to be passed, demonstrating that the site would (a) represent a community benefit which would outweigh flood risk and (b) would be technically safe from flooding. With regards to (a) the applicant is committed to providing a dwelling which strives to achieve a carbon status by means of sustainable construction methods and techniques within the fabric of the building. A condition to this effect would be duly accepted on any permission granted. The proposal would help support the local community and existing services and facilities in accordance with paragraph 78 of the NPPF. With regards to (b), a technical site specific flood risk assessment accompanies this submission which demonstrates that the proposal and the surroundings will be technically safe from flooding’.

- 10.17 The agent asserts that the area of search should be restricted to Mouth Lane as this is deemed a settlement in its own right. This is a novel and spurious assertion given that guidance within the SPD clearly indicates that the first part of the sequential test preparation should be agreeing with the LPA the geographical area over which the test is to be applied, and that this would usually be over the entire LPA area and may only be reduced in discussion with the LPA because of the functional requirements and objectives of the proposed development [...] and because there is an identified local need for that type of development.
- 10.18 As this site is in an elsewhere location away from the main village core the sequential test search area would extend clearly wider than Mouth Lane, and indeed the settlement of Guyhirn and there are clearly sites available in areas of lesser flood risk within other ‘elsewhere’ locations in the District. Even when restricting the search area to Guyhirn recent evidence shows that there are sites with permission that have yet to be developed. Accordingly, it can be demonstrated that the proposal does not meet the requirements of the sequential test.
- 10.19 As the scheme fails to meet the sequential test it is not necessary to explore the exception test requirements however for the sake of completeness it is accepted that the applicant would accept a condition requiring sustainable construction methods and techniques and fabric of the building, however such benefits have not been quantified. It is however accepted that the second part of the exceptions test relating to a suitable site specific flood risk is satisfied given that appropriate confirmation in this regard has been received from the Environment Agency.
- 10.20 Given that the applicant has failed to adequately evidence that there are no sequentially preferable sites; and the scheme will not bring about wider sustainability benefits to the community that outweigh flood risk the proposal is deemed contrary to Policy LP14 of the Fenland Local Plan, adopted May 2014 and must be resisted.

Highways and infrastructure

- 10.21 Again it is recognised that this scheme when viewed in isolation from other relevant planning policy framework offers an appropriate layout and no objection has been raised with regard to highway safety. However, the CCC Highways team have identified that consideration needs to be given to the sustainability credentials of this type of development.
- 10.22 It is noted that the agent in the design and access statement highlights that there are nearby bus stops providing access to Wisbech and Peterborough; it is accepted that there is a bus stop at the end of Mouth Lane at the junction with High Road (some 560 metres from the site) and that there are various services and facilities on offer within close proximity to the site. However, the nature of Mouth Lane as a rural road with no footpaths or lighting is not conducive to accessing public transport. Similarly, the distance from Guyhirn village centre (1.73 km to the primary school), the nearest settlement which provides only limited services, and the lack of safe walking routes compound the locational disadvantages of this site.
- 10.23 As such whilst the scheme in layout terms meets the requirements of Policy LP15 and LP16 in layout terms; it fails to comply with Policy LP15 (d) in that the site is not located so that it maximises accessibility and helps to increase the use of non-car modes.

Other matters

- 10.24 Devaluation of property has been raised by a local householder although this is not a material consideration in planning terms.

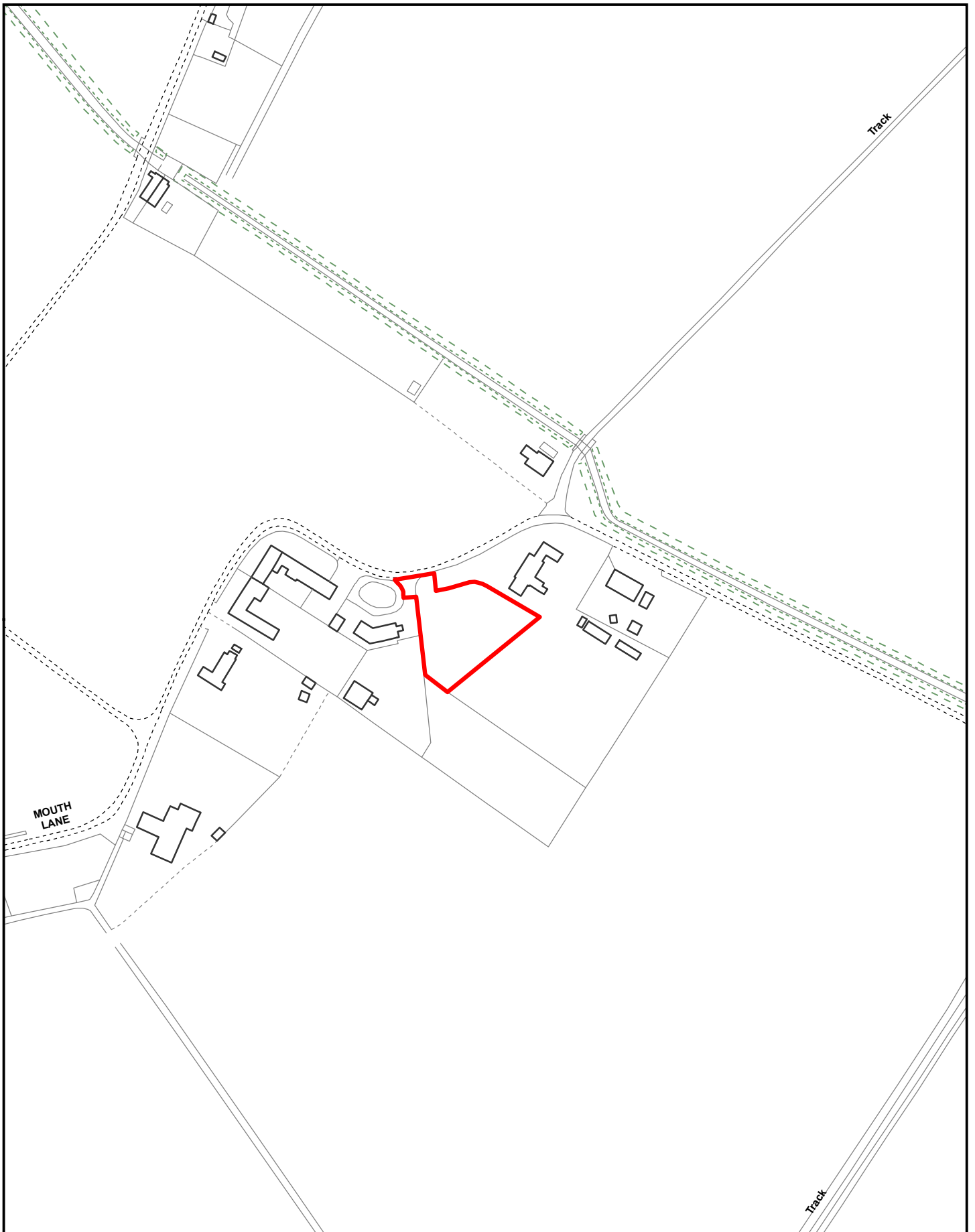
11 CONCLUSIONS

- 11.1 Whilst the scheme comes forward with a level of local support this does not in itself direct the planning response to the scheme, which should be grounded on the relevant national and local planning policy having due regard to relevant case law.
- 11.2 This continues to be an unsuitable location within a high risk flood area and as such the only planning response should be to withhold consent. It is noted that the earlier scheme refusals have not been tested at appeal, with the scheme merely being re-presented for consideration in the expectation that a differing recommendation will be forthcoming.

12 RECOMMENDATION: Refuse

1	Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal fails to demonstrate that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location. The development therefore does not comply with the requirements of Policy LP3. Whilst Paragraph 78 of the National Planning Policy Framework does allow for additional housing within settlements where such housing will <i>enhance or maintain the vitality of rural communities the location of the site under consideration and the scale of development proposed is not considered to future the aims of Paragraph 78 and to such an extent that the policy framework which seeks to protect the countryside from unjustified development.</i>
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2	<p>Policy LP14 (Part B) of the Local Plan requires development in Flood Zone 3 areas to undergo a satisfactory sequential test to demonstrate that the development cannot be delivered elsewhere in a location of lower flood risk. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. Consequently, the proposal fails to satisfy policies LP2, LP14 and LP16 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding. Furthermore the submission does not comply with the NPPF or the Cambridgeshire Flood and Water Supplementary Planning Document, adopted 15th December 2016.</p>
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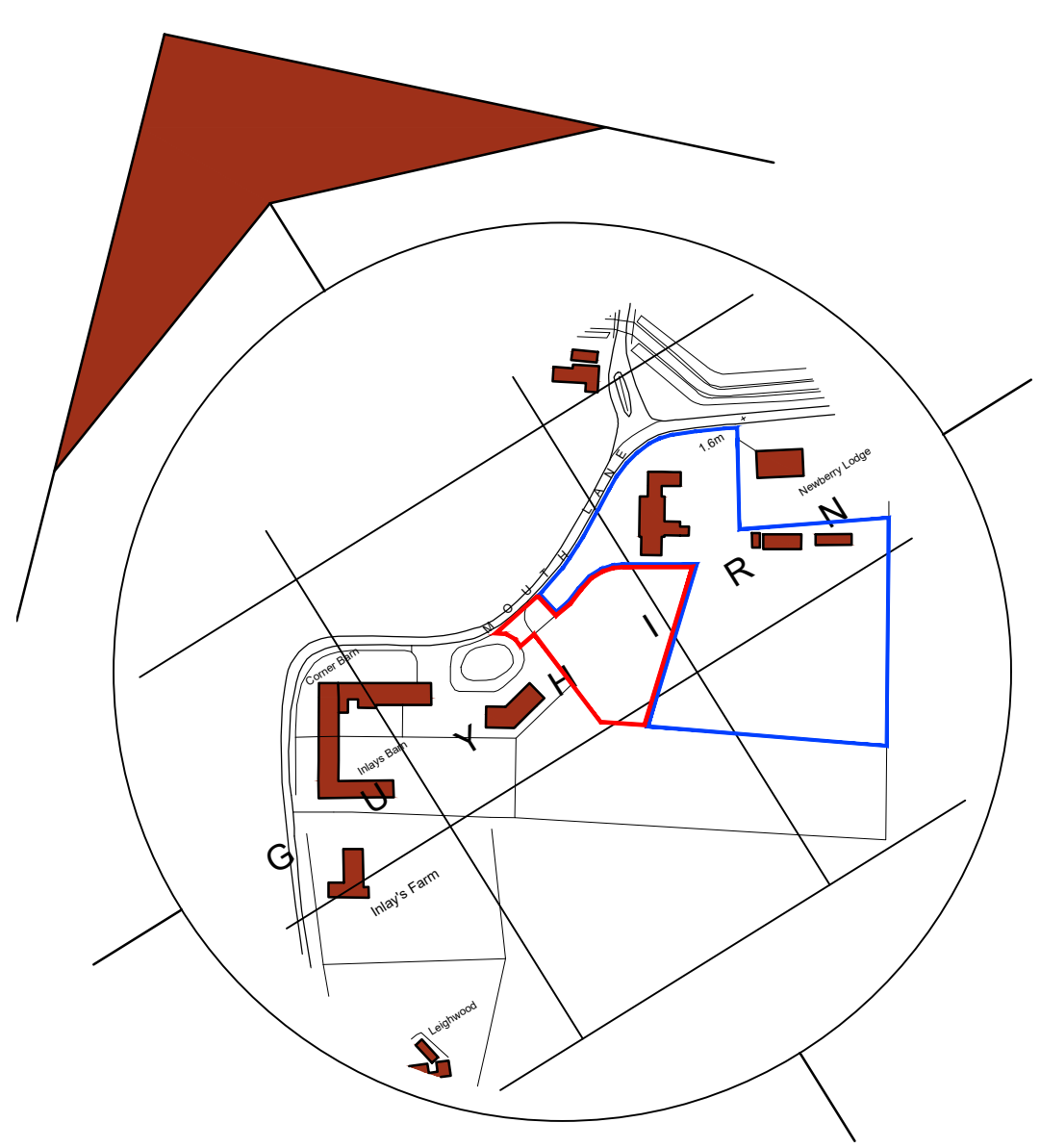
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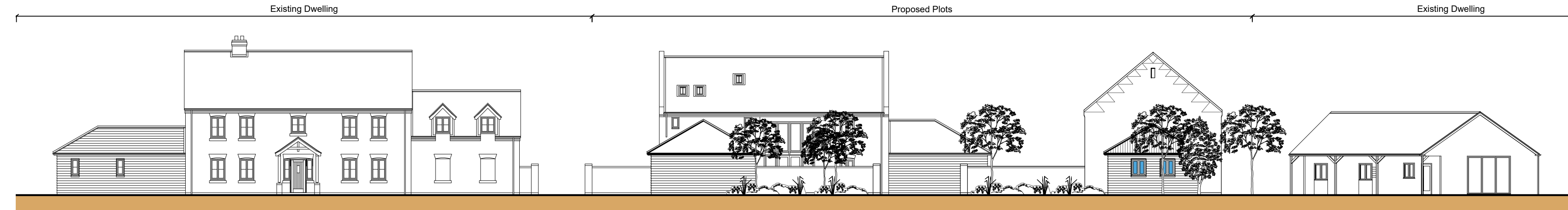
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Scale = 1:2,500





Location Plan
Scale: 1:2500



Indicative Mouth Lane Elevation
Scale: 1:200



Indicative Site Plan
Scale: 1:250

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

SITE PLAN KEY

- Indicates existing trees and hedges
- Indicates proposed trees and hedges
- Indicates neighboring properties (from ordinance survey location plan)
- Indicates site levels
- Indicates site access point
- Indicates proposed new dwellings

Status
FOR APPROVAL

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Job Title Proposed New Dwellings Land East of Corner Barn Mouth Lane, Guyhirn For Mr and Mrs N King	Date September 2020	Scale As Shown Sheet Size A1
Drawing Title Planning Drawing	Job No. SE-1481	Drawn by RS
	Dwg No. PP1000	Revision E