

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 31 MARCH 2021

1.00 PM

VIA ZOOM CONFERENCING SYSTEM

Committee Officer: Jo Goodrum

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

The you tube link for todays meeting is:

- 1 To receive apologies for absence.
- 2 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.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 Previous Minutes (Pages 3 - 16)

To confirm the minutes from the meeting of 24 February 2021.

- 5 F/YR20/0471/RM
Site of Former Eastfield Nursery, Eastrea Road, Whittlesey
Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to Outline Permission F/YR16/1017/O for the



The Government Standard

Erection of (up to) 169 dwellings and associated works (Pages 17 - 48)

To determine the application.

6 F/YR20/0952/VOC

Land North of Orchard House, High Road, Wisbech St Mary

Variation of Conditions 10 (surface water drainage) and 11 (list of approved drawings) relating to Planning Permission F/YR17/1217/F (Erection of 76 dwellings comprising 29 x 2-storey 4-bed, 6 x 3-storey 4-bed, 29 x 2-storey 3-bed and 2 x blocks of flats (4 x 1-bed and 8 x 2-bed) with associated garages, parking, play area and landscaping involving the formation of a new access road (Pages 49 - 70)

To determine the application.

7 F/YR20/1013/F

Land North of Meadowcroft, Silt Road, March

Erect a building for storage of vehicles and machinery in association with groundworking business and personal use including 1.4 metre high (approx) timber gates and 1.2 metre high (approx) post and rail fencing and formation of hardstanding and 1.5 metre high (approx) grass bunding (Pages 71 - 88)

To determine the application.

8 F/YR20/1138/O

Land South of 85-89 Upwell Road, March

Erect up to 6 x dwellings involving upgrade to access (outline application with all matters reserved) (Pages 89 - 100)

To determine the application.

9 F/YR21/0022/VOC

South of Gorefield House, Cattle Dyke, Gorefield

Variation of Condition 11 (1.8m footway) of Planning Permission F/YR14/0690/F (Erection of 4 x 2-storey 4-bed dwellings with double garage) to require the delivery of a footway solely to the frontage of the development site (Pages 101 - 118)

To determine the application.

10 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 M Purser, Councillor R Skoulding and Councillor W Sutton.



PLANNING COMMITTEE

WEDNESDAY, 24 FEBRUARY 2021 - 1.00 PM

PRESENT: 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 M Purser, Councillor R Skoulding and Councillor W Sutton,

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

P69/20 PREVIOUS MINUTES

The minutes of the meeting of the 20 January and 3 February 2021 were confirmed as accurate records.

P70/20 F/YR20/1077/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**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Kirsten McKelvie, the agent.

Kirsten McKelvie explained that the proposal is for a single storey 3-bedroom dwelling to the rear of the applicant's current dwelling, which is accessed from Spire View to the east, and that the intention is for the applicant to move into this new dwelling as they do not want to leave the area but require a single storey dwelling. She expressed the opinion that there is a high demand for bungalows in the area, close to the Town centre and stated that Rose Homes, the developer for Spire View, has said that the previously approved bungalows, now all sold, were over-subscribed.

Kirsten McKelvie expressed the opinion that this is recognised by the fact that this application is supported by the Town Council and although the proposal lies within the Conservation Area, it is right on the edge and relates more to the development of Spire View, outside of the Conservation Area. She stated that the proposed dwelling is 'L' shaped and effectively completes the development to the rear, continuing the elevation lines of the adjacent plots and added that currently between these dwellings is a short length of fencing accessing into the existing garden of 54 High Causeway.

Kirsten McKelvie explained that the new dwelling would provide an active frontage to Spire View, thereby improving the development and providing separation between the new development and this rear corner of the Conservation Area and added that there are very limited views of the proposed single storey dwelling from High Causeway, between 54 and the new two-storey dwelling at 52 High Causeway, constructed within the last 6 months. She explained that the roof of the new dwelling is hipped towards the rear of 54 High Causeway to reduce its impact and the proposed dwelling is set further back from the existing dwelling than the current outbuilding by

approximately 6m and if planning permission was granted, a condition to incorporate some appropriate planting or hedging at the boundary between 54 High Causeway and the proposed dwelling could be considered to shield the proposal even further.

Kirsten McKelvie stated that the garden to 54 High Causeway is being reduced, but this is negligible given the already approved and constructed bungalows to the rear which reduced the size of the original garden and stated that the existing dwelling is still retaining a considerable rear garden, 27m for over half the width of the plots and 11.5m from the single storey projection, plus a large garden to the front of the property.

Members asked Kirsten McKelvie the following questions:

- Councillor Sutton asked for clarity regarding the applicants' name and, following confirmation, he decided he would withdraw from the debate and voting on this item, due to the possibility of the applicant being a member of his family.
- Councillor Marks asked whether the driveway is for 2 car parking spaces and Kirsten McKelvie confirmed that there are two tandem spaces for the dwelling.

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

- Councillor Benney expressed the view that the road is not yet finished, and the site is currently incomplete. He made the point that all the other dwellings on the site have been purchased, which proves that there is a need for the development. Councillor Benney stated that the site has a derelict building on it which is in disrepair and is an eyesore and, in his view, the proposal is making good use of land which would otherwise be left unused and could attract vermin and possible antisocial behaviour. He expressed the view that although the officers report states that the proposal is not in keeping with the other bungalows, in his opinion, everything does not need to be the same and he feels the proposal will tidy that area up and bring symmetry to the end of Spire View. Councillor Benney stated that with regard to the comment concerning the proposal being built within the grounds of a Conservation Area, there have been other planning approvals given in other parts of the district where a development was approved which was in the curtilage of a Listed building and he cannot see an issue with this proposal. He expressed the opinion that homes are needed, and, in his view, it is an excellent use of an available site and will bring a much-needed home and he would hope that the application is approved.
- Councillor Cornwell expressed the view that the proposal appears to be crammed in and is slightly at odds with the new development. He added that he cannot see how the proposal is having an effect on the dwelling at number 54 to the same degree as the impact it has on Spire View and he agrees with the point raised in the officers report where it states 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.
- Councillor Murphy stated that Whittlesey Town Council have no objection to the proposal and neither do any of the local residents which he found surprising and, in his opinion, he cannot see any reason why the application should not be supported.
- Councillor Cornwell stated that the possible reason why there has been no feedback from residents is because the development is new and some of the properties are still unoccupied.
- Councillor Mrs Davis expressed the view that the proposal tidies the corner up and will ensure that the derelict land is made use of. She stated that she is sure the neighbouring properties would prefer to see a dwelling rather than the unsightly area currently in place and she will be supporting the proposal.
- Councillor Mrs French stated that she agrees with the comments made by Councillor Mrs Davis and added that the proposal will tidy the area up and she will support the application.

The Chairman invited officers to provide any points of clarification to the committee.

- Nick Harding stated that the application should not be determined on the amount of representations received for and against a development proposal, it should be considered having regard to whether it complies or does not comply with planning policy and in relation to any relevant material planning considerations. He added that the proposal should not be determined on the basis of the condition of the site, as going forward it may encourage people to not look after their property and their sites as a way in to obtain planning consent on a site. Nick Harding stated that there is no guarantee that the owner of the bungalow may move into the dwelling if it is approved and constructed and, therefore, this should not be a consideration when determining the proposal. He stated that there are two elements of the National Planning Policy Framework which are particularly relevant in this case and he referred to Paragraph 1.93 which states that 'Great weight should be given to the conservation of the access irrespective of the level of harm that the development proposed may give rise to.' He added that secondly paragraph 1.94 states that 'Any harm that arises should require clear and convincing justification' and at paragraph 1.96 it states that 'Where harm is less than substantial, the harm should be weighed against the public benefits of the proposal'. Nick Harding explained that in this instance there is one property proposed for construction and given that there is a five year land supply and the housing delivery test has been passed, in his opinion, he does not think that there are the characteristics and heritage asset in place nor a strong case to say that the benefits of this proposal outweigh the less than substantial harm that the development will give rise to.
- Councillor Murphy asked Nick Harding to explain what could be sited on the land if the proposal is not supported? Nick Harding stated that there is now requirement for all parcels of land to have development on them and there is no reason why this piece of land cannot remain part of the domestic curtilage of the host dwelling and for the outbuilding on the site to be refurbished for the land to be properly maintained and presented.
- Councillor Benney stated that he appreciates that there is not a requirement for land to have any development on it but the proposal before members today has development on it. He added that the proposal is far enough away from the Grade 2 Listed Building and there have been no points raised by any of the Conservation Groups. He stated that the proposal has the full support of the Town Council and there are no letters of objection and expressed the view that it will tidy up a piece of land.

Proposed by Councillor Benney, seconded by Councillor Murphy 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 Murphy.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal will provide a high quality development, will improve and enhance the area and is far enough away from the historical asset so that it will not be detrimental or cause any harm.

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

(Councillor Mrs Mayor declared an interest in this item, as she is a member of Whittlesey Town Council Planning Committee, but had took no part in the discussion or voting on this item)

P71/20

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

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Craig Brand, the agent.

Mr Brand referred members to the presentation screen and explained the slides being shown, with slide 1 showing 3 previous garden developments in close proximity to the application site, slide 2 showing the 2 new dwellings in Hawthorne Grove which have side gardens and slide 3 showing the new dwelling in Ash Grove which has a 7m deep rear garden; with first floor bedroom and bathroom windows in the rear elevation overlooking the neighbouring gardens. He explained that the plot is of constant width and 19.8m deep, requiring only a 6.6m deep garden to achieve the minimum one third private amenity set out in Policy LP16 part H.

Mr Brand stated that the committee report gives one reason for refusal; overlooking causing loss of privacy and stated that as shown on the site layout drawing the new property will not directly face onto the back of 7 and 6 Hawthorne Grove only the ends of their gardens. He expressed the view that overlooking of the gardens will be no worse than the Ash Grove house in Slide 3 and the main bedroom at the rear will be the homeowners; with work and family commitments making it unlikely to be used during daylight hours. He added that generally only when opening and closing the curtains will there be any overlooking of the neighbouring gardens, when they are unlikely to be in use and all gardens do have some degree of overlooking from first floor windows as has been stated in past Planning Inspectorate decisions.

Mr Brand expressed the view that the submitted illustrative house designs depth could be reduced slightly and possibly positioned slightly further forward to give extra garden depth. He pointed out that on slide 4 it shows the original rear bedroom window of No7 and the nearer extension bedroom window, with the original bedroom reduced to a box room study with boiler cupboard caused by the access corridor to the extension bathroom and bedroom, however, the slide does not clearly show the lean-to roof which obscures views into the ground floor windows.

Mr Brand expressed the opinion that in 30 years as an agent there has never been any guidance published in any of the Local Plans on separation distance requirements and it has always been the Officer's opinion on each application. He stated that the illustrative application drawing shows the bedroom window is offset 10.3m from the rear of the neighbours bedroom window and the 15m plus separation that will be achieved by a new house, in his opinion, is more than adequate considering bedrooms normal night time use and stated that you would also have to intentionally look towards No7 to see the window. He stated that if Members have concerns about the separation distance between windows the property could be handed as shown on Slide 5, so the distance is increased to 19m minimum.

Mr Brand stated that permission is sought for the erection of a house not a block of flats which could have a daytime lounge and kitchen overlooking the neighbouring properties on Hawthorne Grove and by making the proposed main adult bedroom at the rear and children's bedrooms at the front there will be minimal overlooking and loss of privacy to the Hawthorn Grove properties. He concluded by stating that the lost parking for No9 will be addressed by new off-street parking adjacent to the house similar to that shown in Slide 6.

Members asked Mr Brand the following questions:

- Councillor Cornwell stated that officers have stated that the proposal does not comply due to the inadequate amount of amenity space and added that Mr Brand had alluded that the dwelling could be moved forward slightly in order to gain some further space. He asked Mr Brand that if that was the case would it not interfere with the building line? Mr Brand stated that the depth of the house could be reduced slightly by 2ft and then if the Planning Officers

allowed the proposal to be moved forward by 1ft, then it would provide an additional 3ft of garden space. He added that currently there is a 7 metre deep rear garden and the minimum one third is 6.6 metre depth, which complies with the amenity space requirements under LP16(h) of the Local Plan. He stated that it is not the final design and the plans could be revised by shrinking the house size down by 2ft and bringing the proposal forward by 1ft. Councillor Cornwell stated that the proposal is already in advance of the building line in Acacia Grove anyway and he would not expect that the Mr Brand would want to bring the dwelling any further forward. Mr Brand stated that in Ash Grove the dwellings are only set back 3 metres from the back of the footway. Councillor Cornwell stated that this proposal is not in Ash Grove and cannot be used as a comparison as each application is considered on its own merits.

Members asked officers the following questions:

- Councillor Sutton stated that if the agent wanted to move the proposal forward by another foot, would officers agree? David Rowen stated that when a new house is being constructed, a foot is only a negligible amount and by moving the house a further foot forward, although it would not have an impact on the street scene of Acacia Grove, consideration would have to be given with regard to what would be achieved in terms of further separation and overcome the overlooking issue at the back and a foot in distance would not achieve a great deal.
- Nick Harding stated that members also need to be mindful of the consequences beyond the building line issue that may arise. He added that if the house is moved forward slightly, there is currently parking in front of the proposed garage on the indicative plan and if that car parking space in front of the garage is only currently within the allowable amount on which you can park a car and the space is reduced, there is the issue of a car overhanging the pavement which is not something that officers would endorse.
- Councillor Mrs French stated that she would be concerned if the dwelling was moved forward and added that there are already parking issues in that area. She asked whether it was possible that the proposal could be a dorma bungalow which would overcome the issue of overlooking and possibly alleviate some of the neighbours' concerns. David Rowen explained that the application is for a 2 storey dwelling and added that to overcome the issue of overlooking by erecting a dorma bungalow would then bring forward an issue in terms of how a dorma bungalow would fit into the street scene in terms of character and appearance when the predominant form of development in the Hawthorne Grove and Acacia Grove corner are 2 storey type of dwellings.

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

- Councillor Murphy expressed the view that he feels very strongly when it comes to the issue of overlooking. He added that he feels very sorry for the residents of 6 Hawthorne Grove who are suffering from constant overlooking.
- Councillor Meekins stated that he agrees with the points raised by Councillor Murphy and he added that, in this case, it maybe necessary to consider the comments of the neighbouring properties as they will be the ones who will be directly affected. He added he has considered the comments made by Councillor Mrs French with regard to the car parking issues and the traffic congestion. Councillor Meekins added that he will be opposing the application.
- Councillor Skoulding stated that he cannot see an issue with the application and stated that it could be altered so that the garage could be moved to the other side to alleviate some of the issues.
- Councillor Mrs Davis stated that she agrees with the officer's recommendation and she expressed the opinion that the dwelling does not fit in the space provided.
- Councillor Sutton stated that he cannot support this application. He added that the proposal does not conform with national guidance and, in his opinion, the house should not be brought forward. He added that he agrees with the comments made by Councillor Mrs Davis.

- Councillor Cornwell stated that the application has many short comings, and, in his opinion, the officers have made the right recommendation.
- Councillor Mrs French expressed the view that in principle the site could accommodate the dwelling, but she does not agree with the overlooking and suggest that the applicant reviews the plans and brings another proposal back to the planning officers without any overlooking.
- Councillor Benney stated that he agrees with the comments made by other members with regard to the proposal being shoehorned into the space and agrees with the officer's recommendation.
- Councillor Purser expressed the view that he agrees with the officer's recommendation and he cannot support the application.
- Nick Harding clarified with members that with regard to his earlier comments in the previous application, the point he was making was that when determining applications, a decision should not be made on the basis of the number of supporters or objectors to a scheme. The detail of what each individual person is saying should be taken into account and its relevance considered from a planning perspective on the proposal before members and in the context of material planning considerations and planning policy.
- Councillor Connor stated that he has listened to the debate and agrees with the comments made. He added that with regard to the comments made by Councillor Mrs French he agrees that it could be a building plot for something else if the agent and applicant liaise with officers.

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

(Councillors Mrs French, Purser and Skoulding declared under Paragraph 14 of the Code of Conduct on Planning Matters that they are members of March Town Council, but take no part in planning matters)

P72/20 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)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the Agent.

Mr Slater stated that members will remember that at the last planning committee they determined a site on the edge of Guyhirn for infill development and it was concluded that material planning circumstances relating to the site and its surroundings were such that spatial planning policy could be outweighed by other material circumstances. He added that in some ways the consideration of this application is similar as it is for an infill plot within a linear form of development on the edge of the village.

Mr Slater suggested that, given the status of Wisbech St Mary as a growth village and the level of local services and facilities within the village, is material and that it in Fenland terms this site is in a sustainable and accessible location. He stated that members will be aware that the aim of the planning system as set out in the National Planning Policy Framework, (NPPF), and quoted in most committee reports is to secure sustainable development.

Mr Slater added that it is contended that the range of good and services available within walking or cycling distance to this new development on the edge of Wisbech St Mary is superior to that available to new dwellings that are permitted within the centre of much smaller villages in the

district, which have a much lower level of services and facilities, and many new developments have been approved in the smaller villages in recent years. He acknowledged that the appeal decision is clearly material to the consideration of this application and the officer places great weight on this in their report.

Mr Slater stated that the Appeal Inspector gave great weight to the Local Plan in his decision as it was newly adopted and up to date in April 2015, however, in his view, this is no longer the case as the plan is now clearly dated as the Council is now preparing a new plan. He stated that given the weight attributed to the plan at the time, the Inspector took a strict interpretation of LP12 confirming that he did not consider that the site was part of the built form and at that point he concluded that it was not in conformity and dismissed the appeal; there was no real secondary consideration of other issues.

Mr Slater expressed the view that in the interim, the plan is now dated and there have been 2 new versions of the NPPF which have moved the planning agenda on with greater weight placed on delivering new homes and acknowledgement in paragraph 77-78 of the NPPF of the need for rural homes to enable rural communities to grow and thrive. He stated that there are no technical objections to the proposal; it lies within Flood Zone one and has the support of the Parish Council and it is, therefore, concluded that the proposal can be regarded as being sustainable infill development and that the local plan policies are now dated such that other considerations can be given greater weight in decision making and, therefore, requested that permission be granted.

Members asked Mr Slater the following questions:

- Councillor Murphy advised Mr Slater that the Local Plan is still in place and is likely to be the case for the next 18 months to 2 years. Mr Slater stated that he is aware of the status of the Local Plan.
- Councillor Cornwell asked Mr Slater whether there is any residential property to the north of the site or is Wingfield the last residential property? Mr Slater stated it is the last residential property and it is commercial development beyond that.

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

- Councillor Cornwell stated that at 5.3 of the officer's report, it states that Environmental Services appear to have concerns over the biomass boilers at the greenhouses, but have no concerns over light pollution upon residential properties. He stated that light pollution is a considerable issue in the locality, and he would ask officers to raise this point with that department.
- Councillor Sutton expressed the opinion that he does not believe that the Local Plan is out of date and is having to be reviewed due to Central Government policies. He stated that he recalls the appeal decision as the Council incurred costs and added that whilst he can see the argument on both sides, he has made it clear in the past that different Appeal Inspectors have different opinions. He added that he is yet to decided on how he will vote on this application.
- Councillor Benney expressed the view that this application cannot be classed as being in the open countryside. He added that it is a large piece of land and there is the need for housing to be delivered and, in his view, the piece of land is at the end of the road and there would be no more development beyond the proposal site, unless Volmary sell up, which he feels is unlikely. Councillor Benney stated it is in Flood Zone 1 and is ideal for development, and he is surprised the proposal is only for one dwelling. He expressed the opinion that when you enter a village it is pleasing to see a nice smart looking dwelling and, in his opinion, Wingfield is not one of the most attractive dwellings he has seen and to have a nice new bungalow will set the scene for when visitors arrive in Wisbech St Mary. Councillor Benney stated that the application has the support of the Parish Council and also the local Ward Councillor and, in his opinion, looking at the site and what it delivers, it will be a nice dwelling for somebody and it will deliver a nice quality development for a family. He stated that he will be going against the officer's recommendation.
- Councillor Meekins stated that he disagrees with the comments made by Councillor Benney

and stated that the proposal is adjacent to his ward and he knows the area well. He stated that the Local Plan is still in operation and there have been appeal decisions made on the site before and the Inspector rejected it. Councillor Meekins added that it is potentially the last building on the site and expressed the view that the proposal does go against the Local Plan and, in his opinion, Wisbech St Mary is becoming very built up and he cannot see how one more house there is going to go towards the housing requirement in Fenland. He stated that the proposal goes against the Local Plan and he will be supporting the officer's recommendation for refusal.

- Councillor Connor stated that he agrees with the comments made by Councillor Benney and added that it will make a very nice bungalow for somebody and stated that there have been no objections to the application and the local ward member supports the proposal. He stated that he will be voting against the officer's recommendation and will be supporting the application.
- Councillor Cornwell stated that he asked Mr Slater deliberately whether there was any development to the north of the plot and clearly there is not and he added that the reasons for refusal is due to the proposal not adjoining the developed built footprint of the settlement of Wisbech St Mary. He referred to the plan on page 59 of the officer's report, it shows that there are properties to the south, so there is linear development there. Councillor Cornwell expressed the view that the proposal would finish off that side of the road and the entry to the village of Wisbech St Mary and he will be voting against the officer's recommendation.
- Councillor Skoulding stated that he agrees with Councillor Cornwell, it is in the village of Wisbech St Mary and falls within the 30mph speed limit and he will be voting against the officer's recommendation.
- Councillor Marks stated that he agrees with Councillors Skoulding and Cornwells comments. He added that there is a clear demarcation by the glasshouse gates and at the present time land is very scarce and people want to build houses and for that reason he thinks the proposal should be approved.
- David Rowen stated that the Inspectors decision in 2015 clearly considered the surroundings of the site, the proximity of Volmary and the existence of housing adjacent to the site and concluded that the site was in an unsustainable location. He added that there is a need to deliver housing, however, there is a 5 year land supply, the housing delivery tests have been met and the NPPF also balances the requirement to deliver housing alongside the requirement to deliver sustainable development. David Rowen added that there have been numerous appeal decisions which have come in which have concluded that the contribution of one dwelling towards the 5 year land supply is not a significant contribution to justify going against planning policy. He stated that in this instance consideration needs to be given as to whether the proposal forms part of the continuous built form as set out in the policy of the Local Plan, referring to paragraph 10.8 of the officers report where it sets out the Inspectors conclusion in the previous appeal decision giving a definition of where the built form finishes. David Rowen stated that members need to consider if they are minded to approve the application against the officer's recommendation what justification they have to substantiate the Inspectors decision 6 years ago was incorrect. He added that Nick Harding had stated earlier that the fact that the ward member and the Parish Council have no objection to the application is not in itself a determining factor as to whether planning permission should be granted.
- Stephen Turnbull stated that there is a legal duty on the committee to determine in accordance with the adopted Local Plan, unless there are material planning considerations indicating otherwise. He added that the fact that the Parish Council and local member support or oppose the application is not a material planning consideration.

Proposed by Councillor Benney, seconded by Councillor Skoulding 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 Skoulding.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal is not located in the open countryside, the proposal will enhance the area and LP12 of the Fenland Local Plan is a subjective point which they do not agree with in this case. Councillor Benney also added that there appears to be no consistency when applications are determined by the Planning Inspectorate.

(Councillor Mrs Mayor had left the meeting prior to the vote taking place on this item and took no further part in the meeting thereon)

P73/20 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)

David Rowen presented the report to members.

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

Mr Edwards explained that the application has the support of neighbouring properties and the Parish Council and acknowledged the comments made by them that they support the proposal, but they would prefer a single dwelling and added that his client would accept this if that would be preferential to the committee. He added that that the layout is purely indicative with only access committed at this stage, and with the site falling within Flood Zone 3, it is no different to many other developments within the district and the submitted Flood Risk Assessment demonstrates that the scheme can be made technically safe from flooding.

Mr Edwards explained that with regards to the finished floor level of the development it should be noted that the dwelling is required to be lifted 1.0m above the existing land level whereas a development approved by the committee at the last meeting in Guyhirn required the finished floor lifting higher from the existing ground level than required, and as the report states the Environment Agency have no objection to the proposal. He added that the site is in a continual line of development except for the current site that meanders around the road and the stretch from the original impressive farmhouse of Inlays Farm incorporates two barn conversions both of a high quality and then the newly converted former agricultural building known as the Stables which has recently been completed as a dwelling and is adjacent to the site. He stated that the other side of the site is the applicants own dwelling which again is an executive styled dwelling which sits very comfortably in the street scene and the plot was approved by this committee against officer's recommendation.

Mr Edwards expressed the opinion that this stretch of dwellings is then finished with the replacement bungalow Newbury Lodge, with this and the original farmhouse are the only properties that the applicant has not been involved in and the dwellings in this area are of a high standard and finish adding that the proposal in front of members, whether for one or two dwellings will be of the same quality and will enhance the area. He explained that the indicative layout shows two executive barn styled properties which because of the host property could well have existed and reads as a complete ~~instead~~

Mr Edwards stated that the site is served via an existing access on to Mouth Lane and the site is agricultural at present, but of a size that is no longer commercially viable to farm and with the built form around it lends itself to a residential site. He expressed the view that the proposal makes the best use of the land and will finish off this part of the village and the lane.

Members asked Mr Edwards the following questions:

- Councillor Benney asked Mr Edwards to clarify why the sequential test that was submitted

with the application did not cover a larger area as alluded to by David Rowen in his presentation. Mr Edwards stated that the reason was to be consistent with previous scenarios. The proposal is in Flood Zone 3 and whilst there is the potential for development in Guyhirm in Flood Zone 1, he has an approved recommendation for the Flood Risk Assessment from the Environment Agency which, in his opinion, should take a precedence.

Members asked officer's the following questions:

- Councillor Meekins stated that Mr Edwards has stated that the applicant would be happy if permission was only granted for one dwelling and he asked officers if they would prefer if the application was only for one dwelling rather than two? David Rowen stated that if the application were to be for a single dwelling, the recommendation would not change given the clear conflict with Local Plan policy.

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

- Councillor Cornwell stated that this is another application where the Local Plan does not acknowledge the situation of what he would call hamlets. He added that he was surprised to see how the area has been upgraded over the years to become a tiny hamlet based on the original farm.
- Nick Harding stated that when the Council started to prepare the adopted Local Plan it made decisions over its spatial strategy, which means that the Council has its housing requirement that it needs to satisfy and the Council makes choices about how that growth will be distributed across the district and in doing so makes decisions how that growth will be distributed amongst the rural settlements and hamlets. He added that the Council made a purposeful decision not to allow growth to take place in hamlets and this was included in the current Local Plan.
- Councillor Mrs Davis stated that when taking the Local Plan into consideration the application is in an elsewhere location and the officer's recommendation should be agreed with.
- Councillor Benney stated that he takes a different view and added that not everybody wishes to live in a standard dwelling and this proposal will become a nice dwelling. He stated that Fenland needs to attract people to the area that will bring their money with them, with many people choosing to live in rural areas and stated that the current policy blocks that and is detrimental to the area and, in his opinion, the application will be a nice addition to the area. Councillor Benney expressed the view that individual houses will make an area individual and special and there is the need to build quality developments in an area. He expressed the opinion that why should the Council put a block on people having what they want and stated that if somebody is prepared to buy a plot and build two nice houses on it, the proposal should be welcomed and encouraged. Councillor Benney stated that this is all part of Covid recovery, and employment and boosting the economy should be encouraged in the area. He expressed the opinion that if the plots come onto the market, they will not be on the market for long as somebody will buy them and deliver high quality housing. He added there are no objections to the application, and he will be voting against the officer's recommendation on this proposal.
- Councillor Murphy stated that the Local Plan is in place for a reason and he added that the application is in Flood Zone 3 and there should be no development in that flood zone and he will vote to support the officer's recommendation.
- Councillor Mrs Davis stated that an elsewhere location is exactly that as is a hamlet and she added that area has been determined as an elsewhere location. She expressed the view that the Local Plan is in place for a reason and just because a dwelling would look nice in a rural location, does not make it acceptable or right. Councillor Mrs Davis stated that she will be voting to support the officer's recommendation.
- Councillor Sutton stated that the issues with this application are twofold and added that the first issue is that it is in Flood Zone 3 and secondly there have been recent overturns when determining planning applications and he expressed the opinion that the committee's

decision making needs to be consistent. He stated that due to recent approvals given where the committee has gone against the officer's recommendation, the only way to remain consistent is to approve the application.

- Councillor Skoulding stated that North Level Internal Drainage Board, have made no comments on the application and if they had identified an issue then they would have commented.
- Councillor Meekins stated that Mr Edwards has stated when asked about the sequential test that there is land available in Guyhirt where the properties could be built. He added that he is concerned that by going against recommendations of professional officers and legal professionals as the committee have already done so will end up with the Council encountering repercussions.
- Councillor Marks stated that it is not only Flood Zone 3 that has encountered flooding issues, both Flood Zones 1 and 2 have suffered from recent flooding problems. He expressed the view that the focus appears to be with concerns surrounding Flood Zone 3, but as has been seen, other zones can also encounter flooding issues. Councillor Marks added that the drainage board have stated that they do not have an issue, and, in his opinion, he does see any concerns with the proposal.
- Councillor Cornwell stated that flood zone issues get misconstrued and added that this issue centres around the River Nene as opposed to the Internal Drainage Board areas. He added that when he made the point earlier with regard to hamlets, it did not mean he was supporting the application. Councillor Cornwell expressed the view that over the past few meetings the committee have made different decisions concerning applications in elsewhere locations and in his opinion until there is a new Fenland Local Plan in place to help members determine applications in elsewhere locations, the committee should be adhering to the Local Plan which is still current.
- Councillor Benney stated that the Council are looking to bring forward the Nene Waterfront Development, which is in Flood Zone 3, which is by the harbour in Wisbech and the Council are bringing forward their own land for development. He added that if mitigation measures can be put in place for the Waterfront development, they can also be put in place for the proposal before members. Councillor Benney added that there needs to be consistency when deciding what parts of Flood Zone 3 are built on and there has been the same issues raised at various different planning meetings, but it does not mean you cannot build on it, but there has to be mitigation in place to cope with it. Councillor Benney stated that Mr Edwards has already confirmed that he intends to build the land up slightly, but not as much as an application that was previously approved for a site in Guyhirt and if members are looking to be consistent then this application should be approved.
- Councillor Mrs French referred to a point made by Councillor Meekins with regard to decisions made against officers recommendations and she stated that as a member of the committee it is your fundamental right to overturn planning applications as you see fit. She added that with regard to flooding there were 3 serious episodes of flooding in March last year in Flood Zone 1, and an ongoing piece of work is being undertaken by County Council to address the issues. She added that funding has been applied for from Central Government to alleviate flooding issues across the whole of Fenland. Councillor Mrs French stated that she agrees with Councillor Sutton that if this application is not approved there is no consistency in place.
- Councillor Mrs Davis stated that the recommendation for refusal on this application is not just based on Flood Zone 3, it is an elsewhere location and the current Local Plan is quite clear in its guidance.
- Nick Harding stated that whilst a number of members of the committee disagree with the adopted Local Plan, there must be an acceptance that it is the adopted Local Plan for the Fenland District area and the legislation is quite clear and states that it is the primary source when decision making on planning applications. He added that to go against the policy, there must be specific and special reasons that are associated with this specific development and from the comments made by members this afternoon they appear to be general points, which are nonspecific to the application. He added that, in his opinion, there

does not appear to be any specific exceptional circumstances that have been cited, which could mean that the committee could go against planning policy in this case. Nick Harding stated that the Environment Agency are only interested in the submitted Flood Risk Assessment and are not interested in the application of the sequential test and that responsibility lies with the District Council. He added that the Environment Agency only look at the technical information which has identified what the risks are and where they come from and also what the level of water would be in the event of a breach or storm event. Nick Harding stated that the Internal Drainage Board are also only interested in how surface water from the site will be disposed of and if it goes into their system they want to ensure it is correctly designed and they will receive reimbursement for accepting the water. He added that it is clear in Government Policy that the sequential test has to be followed and development has to be located in those locations where flood risk is at its least. Nick Harding advised that Government policy does distinguish between certain geographical area types and the policy does accept that urban areas, which are located adjacent to a river does have a flood risk, but you are allowed to mitigate it by raising floor levels. He stated that in this case the application site is in an elsewhere location and the Council's own policy and National Policy states that development should not be allowed in those locations.

- Councillor Marks asked what other sources should members consider when determining applications and Nick Harding confirmed that the National Planning Policy Framework and the Planning Practice Guidance are sources of information and the Council also has a Supplementary Planning Guidance document which is adopted in respect of how flood risk is dealt with. Nick Harding stated that the officer's recommendation on this application is based on the demonstration that the development proposal does not comply with the relevant local and national planning policies. Councillor Marks asked for confirmation that by putting the mitigation measures in place by raising the floor level is it still deemed to be unacceptable? Nick Harding stated that is not permissible because Government policy states that you have to go through the sequential test and only if that is passed and, where appropriate the exceptions test, a mitigation scheme is then permitted.
- Councillor Meekins stated that you cannot compare the proposal before members and the Nene Waterfront Development when Wisbech has flood defences in place to protect it in the event of a breach.
- Councillor Benney stated that whatever mitigation is put in place will never be enough and the chances of Wisbech flooding are still high even with the flood defences in place.
- Councillor Sutton expressed the view that a conclusive decision should be made with regard to whether development in Flood Zone 3 is permissible or not. He added that there is far more chance of Wisbech flooding as opposed to any other area in Fenland.

Proposed by Councillor Mrs Davis, seconded by Councillor Meekins that the application be refused as per the officer's recommendation. This proposal was not supported on a vote by the majority of members

Proposed by Councillor Marks, seconded by Councillor Mrs French and decided 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 Marks, and Councillor Mrs French.

Members did not support the officer's recommendation of refusal of planning permission as they feel that flood risk is not an issue on this site, whilst there may be other sequentially preferable sites in the area these are not owned by the applicant and the benefits of the proposal outweigh the negative aspects.

(Councillor Murphy had left the meeting prior to the vote taking place on this item and took no further part in the meeting thereon)

3.42 pm

Chairman

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F/YR20/0471/RM

Applicant: Mr Lee Padimore
Taylor Wimpey East Midlands

Agent : Ms Linzi Melrose
CC Town Planning

Site of Former Eastfield Nursery, Eastrea Road, Whittlesey, Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR16/1017/O for the erection of (up to) 169 x dwellings and associated works

Officer recommendation: Approve Reserved Matters

Reason for Committee: Town Council comments and number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping for 158 dwellings. In addition, the Outline permission also requires the submission of additional details at reserved matters stage relating to;
 - Provision of children's play and public open space (condition 11),
 - Ecology enhancements (condition 12),
 - A scheme for bird and bat boxes across the site (condition 13),
 - Details of existing and proposed levels cross the site (condition 16).
- 1.2 The principle of development was established under the initial outline permission F/YR16/1017/O for up to 169 dwellings. The Outline application assessed the transport impacts of the development and was considered to be acceptable. This application seeks to agree the detailed design elements of the development.
- 1.3 A significant number of objections have been received – a majority of which raise concerns over the proposed footway link to Charles Road to the west. This link has been assessed by Officers, the Police and the Council's Transport and Open Spaces teams and is considered to be important in providing community cohesion, sustainable travel options and improving security through additional surveillance in the area. The applicant has agreed to a financial contribution toward the footpath delivery.
- 1.4 Matters of drainage have also been carefully considered and it is concluded that there are no technical objections to the drainage strategy – the final details of which are required to be formally discharged via a condition compliance application.
- 1.5 It is considered that the application complies with relevant planning policy and is recommended for approval, subject to conditions and securing a S106 agreement for the financial contribution toward the footway link.

2 SITE DESCRIPTION

2.1 The site comprises 5.57 Ha of former Nursery land to the south of Eastrea Road, off the existing round-about. The site abuts existing housing to the west, on the south side of Eastrea Road, and estate roads leading off Bellmans Road, and to the south it abuts the Lattersey Nature Reserve. It also sits directly opposite the Larkfleet residential development to the north, accessed via Dandelion Drive. A track leads along the eastern boundary serving the Gildenburgh Water diving lake.

2.2 There is a small area of public open space (owned by FDC) at the end of Diana Close along the south west boundary. This area of open space also provides pedestrian access to the Charles Road estate and to the Lattersey Nature Reserve.

2.3 The site is within Flood Risk Zone 1 an area considered to be at the lowest risk of flooding.

2.4 The site forms a strategic allocation for development under Policy LP11 of the Fenland Local Plan, 2014.

3 PROPOSAL

3.1 The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping (with access previously approved at outline stage). In addition, the Outline permission also requires the submission of additional details at reserved matters stage relating to;

- provision of a minimum of 0.222hectares of children's play provision including details of play equipment, and 0.278 hectares of public open space (condition 11),
- Ecology enhancements to balancing ponds and green infrastructure buffer to the southern boundary (condition 12),
- A scheme for bird and bat boxes across the site (condition 13),
- Details of existing and proposed levels cross the site (condition 16).

Layout

3.2 The layout has undergone several amendments through consideration of this application, mainly to address initial concerns over visual impacts, vehicle access and turning (including bin collection point locations), some parking layout concerns and distance separation between proposed and existing properties. In addition, the scheme has been amended to address drainage concerns and linkages to existing communities and boundary treatments. The amendments have led to a reduction in the overall quantum of development from 168 to 158 dwellings.

3.3 The layout takes the form of a primary road though the development accessed directly off the A605 as approved at outline stage as well as a small pocket of 5 dwelling accessed directly from Eastrea Road at the north west. Turning heads are provide at key locations, with private driveways spurring off to serve pockets of dwellings, primarily at the fringes of the development.

3.4 All estate roads incorporate turning heads and bin collection points serving the private driveways are located adjacent to the adoptable highway.

- 3.5 Dwellings mainly present their principal elevation onto their respective roads with rear gardens generally backing onto neighbouring rear gardens.
- 3.6 Beyond the built development the site opens to areas of planned open space which also incorporates a sustainable urban drainage (SuD) attenuation pond at the south of the development. A local equipped area of play (LEAP) is located in the southern half of the development adjacent to the existing area of open space to the east of Diana Close and Bellmans Grove. A 2m wide footway/ cycleway link is proposed to connect the development to this area of existing open space. The development also includes an area of informal open space in the northern half of the site
- 3.7 All dwellings include on-site parking achieved through driveways and some with either detached or integral garages.
- 3.8 An electricity sub-station and gas governor is proposed to be located along the primary route at the north east area of the site (adjacent to Plot 158). A pumping station is proposed along the eastern boundary (adjacent plots 104/ 105).

Scale & appearance

- 3.9 The dwellings are predominantly 2-storey with the exception of 4 pairs of semi-detached and three triple terraced, 3-storey dwellings which incorporate rooflight windows. The dwellings are all traditional in form, incorporating porch canopies and traditional casement windows. The triple terraced properties incorporate ginnels to enable access to the rear.
- 3.10 The scheme proposes a mixture of buff/brown and red facing brick with intermittent half-rendered finished dwellings. A mixture of red and grey roof tiles is proposed throughout the scheme. Where garages are proposed, these are all single-storey and proposed to be finished in materials to match their associated dwelling.
- 3.11 The electricity sub-station which measures 4m x 4m by 4.2m to ridge is proposed to be finished in red facing brick with brown roof tile.

Landscaping

- 3.12 The landscaping proposes a mixture of hard and soft landscaping material across the site. Within each property, amenity areas are proposed to be laid to grass and a mixture of trees and shrubs incorporated into front gardens and the wider amenity areas. Hedges are used in places to define front and side boundaries where they meet the highway.
- 3.13 The primary road is proposed to be surfaced in tarmac, with private drives and raised roads block paved in a brindle colour pavours. Within the properties themselves, driveways are proposed to be finished in tarmac with paving slabs providing paths to front doors and side accesses to rear gardens. The private amenity area for each dwelling is enclosed with close boarded fencing except where they front onto the public realm where there will be 1.8m high brick wall. In order to compensate for level differences, where the proposed rear gardens back onto existing gardens 2.0m high fences are proposed to be topped with a 450mm trellis to further aid screening.
- 3.14 The eastern boundary adjacent to the Gildenburgh Water access comprises the retained and enhanced hedgerow with close boarded fence within each curtilage.

- 3.15 The open spaces comprise a mixture of wildflower and amenity grass with the existing hedge, generally around existing drains being retained. Around the perimeter of the attenuation ponds a mixture of wildflower, including for wetlands is proposed, following the requirement to introduce biodiversity enhancements. A range of new trees and shrubs are also proposed along the road edge along the frontage.
- 3.16 The LEAP is proposed to be surfaced with grass and is proposed to be fenced in using a 1.1m high estate rail fence where it abuts residential curtilage.
- 3.17 The SuDS pond is proposed to be enclosed with a 1.2m high post and rail fence with gated access.

Drainage scheme

- 3.18 The drainage strategy has been amended during consideration of this application and follow detailed discussion with the Lead Local Flood Authority (LLFA). Whilst the final drainage and management strategy is to be discharged through a planning condition secured under the outline consent (conditions 4 and 5), the general approach is committed via the layout and is supported by a technical assessment of the strategy.
- 3.19 The intention is to discharge surface water drainage via the SuDS a pond, into an existing drain north of the pond. This will ultimately run to the Gildenburgh Water lake which is connected to the IDB system to the south east (drain #19).
- 3.20 The existing Anglian Water surface water sewer serving the development at Bellmans Grove, which crosses the site is to be diverted slightly to accommodate the development, but nonetheless discharged into the same connection point.
- 3.21 Foul drainage will be treated at the pumping station on the eastern boundary and pumped up to a point along the A605 to the east.
- 3.22 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/3065/COND	Details reserved by conditions 4 (Surface Water Drainage Strategy), 5 (Maintenance of Surface Water Drainage and SuDs), 9 (Foul Water Drainage) and 15 (Management and Maintenance of Streets) of planning permission F/YR16/1017/O (Erection of up to 169 dwellings (Outline with matters committed in respect of access only)) and Condition 1 (Footway Link) of permission F/YR20/0337/NONMAT	WITHDRAWN
F/YR20/0337/NONMAT	Non-material amendment: Variation of condition 17 to amend approved access drawing and condition 6 relating to provision of footway relating to planning permission F/YR16/1017/O (Erection of 169 x dwellings (max) (Outline with matters committed in respect of access only))	APPROVE 04.06.2020
F/YR19/3092/COND	Details reserved by conditions 7 and 10 of planning permission F/YR16/1017/O (Erection of 169 x dwellings (max) (Outline with matters committed in respect of access only))	APPROVE 23.10.2019

F/YR16/1017/O	Erection of 169 x dwellings (max) (Outline with matters committed in respect of access only)	GRANT
		24.01.2019
F/YR15/0505/SC	Screening/Scoping Opinion: Erection of 169 dwellings with associated infrastructure and landscaping	FNREQ

5 CONSULTATIONS

5.1 Whittlesey Town Council

July 2

The Town Council recommend refusal due to the inconsistencies between the plan and the planning statement, there is now also 85 objections lodged with FDC. The police have also expressed concern with the rear access into the central terraced properties. The Town Council would request that the footpath will not be included within the planning statement.

Nov 5

WTC request a deferment for re-examination of plans by Cambridgeshire County Council Highways in respect of safety for vehicular access to and from the A605. Also, the land level calculations are in dispute and need to be checked.

Feb 4

The Town Council recommend refusal as the referral reasons in the previous application have not been addressed, they would also like to comment as follows: The elevation plan is the same as the previous one, showing the development to be about 1 – 2 metres above Bellmans Grove, this is incorrect and once again is the wrong plan. Gildenburgh are refusing to allow the water runoff onto their site so now the drainage plan is incorrect and requires amendment.

5.2 CCC Lead Local Flood Authority

We have reviewed the following documents:

- *Drainage & Maintenance Strategy, Stafford Infrastructure Engineering.*
Dated: 17th February 2021.
- *Drainage Strategy Plan Sheet 1, Stafford Infrastructure Engineering, 8943-401-Rev. C. Dated: 16th February 2021.*
- *Drainage Strategy Plan Sheet 2, Stafford Infrastructure Engineering, 8943-402-Rev. C. Dated: 16th February 2021.*
- *Drainage Strategy Plan Sheet 3, Stafford Infrastructure Engineering, 8943-403-Rev. C. Dated: 16th February 2021.*
- *Drainage Strategy Plan, Stafford Infrastructure Engineering, 8943-400-Rev. C. Dated: 16th February 2021.*

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving on all private driveways and a large SuDS basin. A low flow swale will be installed within the basin to provide additional surface water treatment and silt retention. Surface water will then discharge into the existing lagoon within the site at 8.08 l/s during all events up to and including the 1 in 100 year storm event plus a 40% allowance for climate change. This lagoon then outfalls into the adjacent watercourse to the west of the site.

The ground in the lower reach of the site will be raised approximately 700mm above ground level. A land drain will be installed around this part of the site boundary to capture any overland flows from the raised area.

Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

We look forward to reviewing the detailed design as part of future applications to discharge condition 4 of outline permission F/YR16/1017/O.

5.3 CCC Highways

I have no highway objections subject to the following conditions:

- 1.) *No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).*
Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard. Refer to advisory 1.

- 2.) *No works shall commence on site until such time as detailed plans of the Roads and footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.*
Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

- 3.) *Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.*
Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

- 4.) *The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.*
Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

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

6.) All vehicular accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway/footway/carriageway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway.

7.) Prior to the commencement of use of the site, the approved wheel washing facilities shall be provided, and maintained, to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority

Reason: To prevent mud and extraneous material being deposited on the highway.

5.4 **Wildlife Trust**

I have reviewed the latest documents...including the Long-Term LEMP 22/9/20 (as updated) and the Drainage and Maintenance Strategy 17.02.21

I would conclude that sufficient information has now been provided in relation to the retention and the enhancement of the existing pond, as per the planning condition. I would point out that it is still missing from both the Statement of Aims and the Management Objectives in the LEMP, but is marked much more clearly on the updated Landscape Plan (3 of 3). The LEMP does provide detail later in the report regarding management and the Landscape plan shows planting lists of aquatic and marginal plant species to be included.

I would be happy to review survey and monitoring data regarding the habitats on the site in future years if that is helpful; these are committed to in the LEMP.

5.5 **Anglian Water**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Foul Water

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 9 of outline planning application F/YR16/1017/O, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

5.6 Environment Agency

We have reviewed the surface water disposal proposals for this development. It is understood that infiltration SUDs are not being considered. We are satisfied with the proposed scheme as it relates to the protection of groundwater.

We understand that condition 7 (remediation strategy) of F/YR16/1017/O has been partially discharged. We have therefore not reviewed the reserved matters details from a land contamination perspective. However, we would draw attention to relevant comments in our letter ref AC/2016/125177/02-L01 dated 03/12/2017.

The proposed development is located on or within 250 metres of an historic landfill site that may produce landfill gas. Landfill gas, consisting of methane and carbon dioxide, is produced as the waste in a landfill site degrades. Methane can present a risk of fire and explosion, whilst carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend upon the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures. Development on top of or within 50 metres of any landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- *Waste Management Paper No 27*
- *Environment Agency LFTGN03 Guidance on the Management of Landfill Gas*
- *Building Research Establishment guidance BR414 Protective Measures for Housing on Gas-contaminated Land 2001*

- Building Research Establishment guidance BR212 Construction of new buildings on gas-contaminated land 1991
- CIRIA Guidance C665 Assessing risks posed by hazardous ground gases to buildings 2007

5.7 **FDC Arboricultural Officer**

My comments relate to the supplied tree protection measures and proposed landscape scheme.

The Tree Protection Plans and associated Arboricultural Method Statement are acceptable and will provide the necessary protection to ensure the long-term potential of those trees implicated in the development.

I note the project arboricultural consultants will supervise key phases of the construction and request that supervision notes are forwarded to the tree office for works within the RPAs of the retained trees.

The proposed landscape scheme is comprehensive and the use of native species and wildflower meadow and wet areas is welcomed. The long-term landscape management plan is thorough and will ensure the proposed scheme establishes well and is maintained.

The scheme will enhance the biodiversity of the area with the creation of additional habitats and the inclusion of the wildflower areas should provide a significant resource for insects and birds.

5.8 **FDC Environmental Protection**

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the development.

However, I note the proximity of this development to nearby existing residential dwellings and I would like to point out that this service has received complaints regarding noise from clearance works at this site. Therefore, in the event that planning permission is granted, I recommend a condition is placed on the permission that stipulates work is conducted between the hours of 8am and 6pm, Monday to Friday; 8am – 1pm on Saturdays and no noisy work to be conducted on Sunday and Bank Holidays. I also recommend a condition that requires measures are put in place to ensure dust escape from the site is mitigated so that the construction phase does not impact upon any nearby existing residential dwellings.

I would also like to highlight that officers from this service were unable to recommend discharge of all of the Contaminated Land conditions imposed on the outline application for this site (F/YR16/1017/O), as a Contaminated Land Verification Report for this site is still outstanding.

[Following receipt of Construction Management Plan 18.03.2021]

I refer to the recent submission of a construction & environmental management plan associated with the proposed development at Eastrea Road, Whittlesey.

The Environmental Health Team note the submitted information that describes measures to be implemented to address potential for environmental nuisance considered likely from this type of proposal if not mitigated.

An effective Construction Environmental Management Plan should include as a minimum,

- *Proposed hours of operation - relative to industry standards that protects the interests of the local amenity,*
- *Noise – suitable measures to reduce the likelihood of creating unwanted noise nuisance,*
- *Dust – further measures to control the spread of airborne particulate matter and the control of mud travel in the interests of air quality and ground conditions,*
- *Other measures to prevent unwanted nuisance arising from light, odour or smoke etc. and,*
- *Complaints procedure – a commitment to maintaining positive community relations and improving standards.*

Having reviewed the submitted information the applicant has covered what this service would expect to see, proportionate measures to address potential nuisance from a proposal of this scale. We therefore have no adverse comments to make and welcome the applicant carries out the development in accordance with this hereby approved document or one that covers the same measures of mitigation.

5.9 FDC Environmental Services (waste and refuse)

The amendments and tracking illustrate the overhangs/private land crossing issues previously raised have been resolved including the adjustments to the turning heads.

Shared collection points also now in place for plots 12-18, 50-54, 135-138, 55-58 & 59-65.

5.10 Cambs Fire & Rescue

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

5.11 Cambs Police

I can confirm this office have reviewed amended documents and drawings in relation to the above Reserved Matters Application and are in support. We have been consulted regularly in regards to improvements to the design and layout in terms of promoting community safety and reducing vulnerability to crime. That level of support will remain in place and we are more than happy to work with the developers to ensure these measures continue.

I have read some of the local concerns from residents re the proposed footpath link. This proposed footpath would allow the potential for natural surveillance and the addition of lighting, surfacing and future maintenance which I would ask be secured by a planning condition. I do have concerns that if this piece of land is left unmanaged will almost certainly provide ‘desire lines’ to and from the new development with minimal natural surveillance and be vulnerable to anti-social behaviour for both developments. I understand some residents have intimated this concern in their responses. I consider that a properly designed footpath with consultation from our office could bring a real connectivity to the proposed new development and the local area.

As always this office would welcome the opportunity for consultation on all external lighting plans when available. No further comments at present. I would also welcome the developer looking to achieve Secured by Design accreditation for this development, which we can assist.

5.12 Environment Agency

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

5.13 Middle Level Commissioners & Whittlesey Combined IDB

No direct comment received – (see section 10.55 to 10.63)

5.14 Natural England

No specific comments provided, but provides generic advice on natural environment impacts and opportunities

5.15 FDC Open Spaces

FDC's Open Spaces team would be happy for a developer to use the land within [the FDC owned area of Open space] to link with a future development.

Specifically, I would be happy for the footpath that currently ends within the [the FDC owned area of Open space] to be extended, using FDC's specification for such a footpath, to join with a future development.

5.16 CCC Archaeology

Thank you for consulting us with regard to this updated scheme. We have no comment and no objection.

To update you: an archaeological excavation is currently under way examining a Roman settlement at this eastern fen edge of former Whittlesey island.

5.17 Cllr David Davies (Whittlesey Town Councillor – Lattersey Ward)

This planning has again [been] amended to include a foot path into Diana close, even though at the planning consultation in 2016 the developers agreed to remove said pathway from the plan. This area is populated by elderly residents who are concerned about the increase in footfall and parking. this relates to similar problems we have on the estate.

Again a 2nd new plan was submitted where the foot path was not shown on any of the plans, but on searching through the documentation was included in the plan. (appears to have been well hidden) This has raised a lot of the residents interest and the plan was rejected by them not one good comment backing the proposed building was received by you.

Now this new planning submission has now being received this time showing the footpath which again has gone against the original planning and agreement made by the planners at the above public consultation at the Manor leisure centre in 2016. I will point out a statement was made on result of the public consultation in 2016 which is in the documents on this thread.

Concerns have also been raised by residents over the removal of contaminated soil from the site and using two companies who specialize in this area of work. No one knows what this contamination is and the way they filled in the massive hole so quickly with rubble and soil from other areas on the site is worrying a lot of the residents.

Why is this not on the documentation. I can only wonder if the objections raised by the resident have been read by the planning team as it appears that no

consideration seems to have being given to the residents' concerns and that is a worry.

Local Residents/Interested Parties

5.18 Objections

104 objections received from individuals at 86 properties in the following areas;

- Oldeamere Way x 10
- Bellmans Grove x 25
- Diana Close x 13
- Mountbatten Way x 7
- Charles Road x 19
- Hannington Close x 2
- Roman Gardens (Eastrea) x 1
- Eastrea Road x 3
- The Grove x 1
- Walnut Close x 1
- Kendall Croft x 1
- Windsor Place x 1
- Kingfisher Road x 1
- Pinewood Avenue x 1

Raising the following concerns;

- Access
- Anti Social behaviour
- Density/Over development
- Drainage
- Flooding
- Environmental Concerns
- Noise
- Traffic or Highways
- Wildlife Concerns
- Objects to the footway link which raises concerns over ASB, dog fouling, rat running and criminal activity
- Pedestrian access should be through the nature reserve
- The footway link is unnecessary
- Local services/schools - unable to cope
- Waste/Litter
- Larger footfall through the nature reserve
- Devaluing property
- Light Pollution
- Backfill
- Design/Appearance
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Loss of view/Outlook
- Proximity to property
- Visual Impact
- Would set a precedent
- Increase in crime and fear of crime
- Residential Amenity
- Smell
- Shadowing/loss of light
- Lack of supermarket

- Parking arrangements
- Lack of affordable housing
- Concerns over fence maintenance
- Does not comply with policy
- Ground contamination
- Impact on nature reserve
- Sewerage system unable to cope
- The developer should fund any works outside of the site boundary
- May force the Archery Club at New Road to close due to vandalism
- Loss of open space for recreational activities
- Drainage proposals will harm water quality at Gildenburgh Water diving lake

Please note that some residents have objected on several occasions, totalling 139 objections.

5.19 **Support**

1 letter of support from a resident at Bellmans Grove raising the following matters;

- a good idea to give the new residents easy access to the health benefits of the nature reserve and a safer route into Whittlesey centre by environmentally friendly walking and cycling
- might make the estate feel less cut off and more part of the community – although surveillance needs to be considered

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 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Paragraphs 124-132: Requiring good design

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

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

7.3 **National Design Guide 2019**

Context

Identity

Built Form

Movement

Nature
Public Spaces
Uses
Homes and Buildings
Resources
Lifespan

7.4 Fenland Local Plan 2014 (FLP)

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP6 – Employment, Tourism, Community Facilities and Retail
LP7 – Urban Extensions
LP11 – Whittlesey
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP18 – The Historic Environment
LP19 – The Natural Environment

7.5 The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

7.6 Supplementary Planning Documents/ Guidance

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

8 KEY ISSUES

- **Principle of Development**
- **Layout;**
 - Pedestrian/ Cycle links
 - Dwellings
- **Scale & Appearance**
- **Landscaping**
- **Biodiversity & Ecology**
- **Residential Amenity**
- **Drainage**
- **Other matters**

9 BACKGROUND

9.1 The site benefits from Outline planning permission for the erection of up to 169 dwellings with the main point of access committed at that stage.

9.2 This application has undergone several revisions since submission, with a total of three rounds of resident consultation following amendments mainly relating to

general layout, levels and boundary treatments. The resident comments above therefore reflect all comments received throughout the consideration of this application.

10 ASSESSMENT

Principle of Development

10.1 The principle of development was established under the initial outline permission F/YR16/1017/O. The Outline permission also secured Full planning permission for the access and associated works at the B1040, subject to the final design being agreed through the S278 highways process.

10.2 The outline application assessed the transport impacts of the development for up to 169 dwellings in terms of anticipated flow and capacity and was considered to be acceptable. Furthermore, the impact of the development on public services and the adjacent Local Nature Reserve (LNR) through increased footfall were also considered and the principle of developing the site was accepted, subject to mitigation agreed through a S106 agreement for financial contributions toward education and the Wildlife Trust, for improvements to the LNR.

10.3 As such, whilst the concerns raised by residents in respect of quantum, access locations, traffic implications, lack of affordable housing and demands on local services are noted, these were matters explored at the outline stage and found to be acceptable or non-material. As such, it is not appropriate to re-visit these matters or the principle of development. This application seeks to agree the detailed design elements of the development, the impacts of which are assessed as follows.

Layout

Access & Highways

10.4 The layout follows a relatively conventional approach; a main spine road with the use of secondary and tertiary routes to serve small pockets and cul-de-sacs.

10.5 The layout has been amended through consideration of the application, primarily to address road geometry e.g. vehicle tracking, to ensure that the Council's refuse lorries can safely manoeuvre around the site without conflicting with other road users, pedestrians and infrastructure.

10.6 The primary road and secondary roads are proposed to be built to adoptable standard whereas the tertiary roads serving small pockets of dwellings are intended to be privately managed. In this regard, bin collection points are located close to the junctions of adoptable road to comply with RECAP guidance.

10.7 The LHA (Local Highway Authority) and the Council's Environmental Services team has reviewed the layout and confirmed that the road alignments, geometry and bin collection points meet with their standards, subject to conditions securing delivery etc.

10.8 The LHA has requested several planning conditions. Their first condition relates to future management/ adoption of streets – but details for this are already required through condition 15 of the Outline consent. Likewise details of foul and surface water drainage and the access details including visibility maintenance is

not being considered as part of this reserved matters application. The construction of the roads and footways can be secured via a planning condition, but it is not necessary to secure this pre-commencement and instead can be secured prior to any above-ground works proceeding. The matter of wheel washing facilities is secured via the proposed Construction Management Plan (CMP).

10.9 As such it is considered that the layout provides appropriate access and highways infrastructure for the nature and quantum of the development in accordance with policy LP15 of the FLP.

Pedestrian/ Cycle links

10.10 A significant majority of resident objections and the objections raised by the Town Council centre around the proposal to include a pedestrian/ cycle link into the area of open space behind Diana Close and the south of Bellmans Grove. This land is owned by FDC and already includes a footway network approximately 70m east of the application site boundary which links Charles Road to Bellmans Grove. The area of open space also includes an informal pedestrian link, via a gate to the LNR to its south.

10.11 The objections raised mainly focus on existing ASB issues associated with the open space and streets around the Charles Road estate areas, and that the link may exacerbate this and provide a rat-run e.g. for those wanting to evade the Police. Furthermore, concerns are raised that the streets e.g. Diana Close are quiet, tranquil areas and that the increase in footfall associated with introducing the footway to the new development may disrupt this and cause stress and anxiety to existing residents, many of whom are reported to be elderly.

10.12 As noted above, the application site sits within a strategic allocation identified as 'North and South of Eastrea Road' under policy LP11. The land to the north – the Larkfleet development is already underway and the 2 development sites are divorced by the A605, but linked via the roundabout.

10.13 Policy LP11 sets out conditions and requirements of development within these locations, identifying the need to take into account nearby protected sites e.g. the LNR and the Nene Washes SSSI. Relevant to this section however, LP11 also sets out the need to seek opportunities to enhance open space provision adjacent to the existing area and fully exploit foot and cycleway links to the town. LP11 sits under the umbrella of LP7 – the main driver for urban extensions which sets out criteria (a) to (v) which it seeks to secure in order to achieve sustainable development. These criteria (relevant to the footway link) include;

- (a) Make efficient use of land;
- (b) Demonstrate how it will contribute to enabling healthy lifestyles;
- (g) Provide, commensurate with the scale of the urban extension, a network of open spaces and green infrastructure for amenity, play, sport and recreation, including allotments, local nature reserves, woodlands, green spaces, wildlife corridors and stepping stones for the migration, dispersal and exchange of wild species. Such provision should respond positively to the wider area to ensure enhanced linkages and networks;
- (p) Ensure Rights of Way are protected, and enhanced where possible;
- (s) Create safe environments, which incorporate appropriate design solutions that demonstrate inclusion of crime prevention measures that assist in reducing crime, the fear of crime and anti-social behaviour;

(v) Contribute to delivery of the applicable town strategy and market town transport strategy (once prepared).

10.14 LP7 and LP11 both assist in meeting the Local Plan's vision for facilitating the creation of a more sustainable transport network in Fenland as set out under policy LP15, which ultimately seeks to improve accessibility for everyone by all modes of travel and to minimise the distance needed to travel and increase the options available to undertake such journeys. All development proposals are expected to contribute to the delivery of this vision. This is in-line with national policy and aligns with current aims to better connect Whittlesey Town Centre via cycle routes e.g. with improvements to the National Cycle Route 63 between Peterborough, Whittlesey, Eastrea and Coates. This is also the approach acknowledged in the Travel Plan for the latest Phase 4 development of the Larkfleet site to the north (F/YR20/0861/F), which proposes a pedestrian/ cycle link to Crescent Road, west of the site, and will be expected to secure direct vehicular and pedestrian access to Drybread Road to provide multi-modal permeability.

10.15 Notwithstanding this, policy LP2 seeks to ensure that development enables communities to flourish, provides effective sustainable and safe transport networks, and LP3 which seeks to create cohesive and inclusive communities through development.

10.16 The indicative Outline masterplan under F/YR16/1017/O denoted a footway link directly south to the LNR from within the site. However, given that one already exists on the adjacent open space via a formal gated pedestrian access, it seems logical to utilise this by enabling pedestrian access from the application site into the open space, rather than forging another punch-through to the LNR.

10.17 Residents have advised that during the public consultation event held by the applicants, the residents' objection to a footway link were acknowledged and this was removed from the indicative masterplan. It is acknowledged that the design and access statement submitted with the outline application referred to this. However, the application was in Outline only and did not commit to any specific layout principles – with matters of layout now being considered at reserved matters stage. Whilst 'Access' was committed, this was only for the main point of access to the site from the highway. As such, the provision, or not, of a footway link was not agreed by the LPA when approving the Outline Planning permission, but nonetheless would fall to be considered at reserved matters stage and in accordance with the adopted development plan at that time, as set out above.

10.18 In addition, the Travel Plan submitted with the Outline Planning Application F/YR16/1017/O set out at 3.2.3;

"Subject to the layout of the masterplan, it may also be possible to provide additional pedestrian connections to the west of the site to Mountbatten Way and Charles Road (via a small area of public open space)."

10.19 A review of the minutes of the Planning Committee meeting (20th June 2018) which considered the indicative layout indicates that Members raised the point of a pedestrian footway link that specifically would not be opened for vehicles.

As such, there is no strong evidence to indicate that the footway was explicitly ruled out.

- 10.20 Having regard to the location of the site, if no alternative pedestrian route was secured, future occupiers of the development would need to head north to the A605 before making their way to the town centre. Perhaps more importantly, future primary school pupils wishing to access New Road Primary School would incur a journey distance on foot of around 1.2Km, whereas if a footway/cycleway was provided linking to the existing infrastructure at Charles Road this would be reduced to around 0.8Km, or approximately a third of the distance and would therefore have a far better likelihood of people using it to walk or cycle to the school, than to use their private motor car, which could otherwise create further congestion and issues along streets around the school. Likewise, people accessing the train station or Industrial areas along Station Road would benefit from a more direct link. This is aside from the environmental and social implications of directing people along the main A605 highway to get to these services and facilities.
- 10.21 The prospect of utilising the Lattersey Nature Reserve as an alternative route has been raised by some residents. However, this area is unlit, offers poor surveillance and is not surfaced appropriately to accommodate a main commuter route to key services in Whittlesey, thereby raising travel and community safety concerns, notwithstanding the likely ecological impacts of encouraging this level of footfall during peak times. Several residents have also raised concerns over the adverse ecological impacts of the development which would run counter to the suggestion of directing people through here for key journeys..
- 10.22 Within the area of FDC open space, there are 2 passages which lead westwards out onto Charles Road – one to the south of 16 Diana Close which is a narrow passage between fences, and one to the north of No.11 which is a pathway, lit by streetlight and with grassland on either side, in more open surroundings. This connects to footways leading northwards to Bellmans Grove and west out onto Charles Road then to Bellmans Road.
- 10.23 It is clear that the northern route is the most formal and desirable, as it offers better access and overall surveillance. The location of the footway within the application site has therefore been negotiated, locating it as far north as possible without conflicting with existing trees, to encourage use of this northern route.
- 10.24 The Council's engineering team has reviewed the proposal and estimated the works to deliver the footway extension as around £25,000 to £30,000 and the Council's Tree Officer has confirmed that there is sufficient room to achieve this without compromising trees, with room to grade the raised banks to accommodate the cut-through. The Council's Open Spaces team has also confirmed that they would be willing to accommodate the footway and would review security options and opportunities in the design.
- 10.25 The applicant has proposed to deliver the footway within their site up to the boundary and secure this with fencing, to enable FDC to link up to this when ready to do so. They have proposed a financial contribution of up to £30,000 to provide the FDC link and associated infrastructure e.g. streetlighting.

10.26 In-line with LP7(s) and LP17 of the FLP, Officers have discussed the implications and opportunities of the footway link with Cambridgeshire's Police – Designing out Crime Officer ('The Police'). The Police have had regard to the residents' concerns raised in their assessment of this infrastructure and have carried out a site visit, rather than a desktop assessment, but consider that the link is an important point of access, as it would formalise a desire line through to key services where this would likely be forged informally over time. They raise concerns that if this link is not 'designed in' at this stage, then opportunity may be lost to achieve a safer environment should an informal link be forged in the future.

10.27 They also consider that the layout, which includes a merger of open spaces and directing some housing to front onto the area of open space would improve surveillance where this currently doesn't exist due to existing houses in Diana Close being single-storey. Notwithstanding that they consider the Charles Road area to be a low crime area, and do not agree that ASB incidents will significantly rise as a result of the development. They have agreed to work with the LPA in achieving a layout which would assist in addressing existing ASB issues and lack of surveillance in this area. The final layout and design of the footway (and associated infrastructure) within FDC's land is therefore subject to further consideration but would not form a detailed part of this application.

10.28 It is acknowledged that introducing a link here would likely increase footfall through the Charles Road estate e.g. school and commuter trips, and residents will likely notice an increase in people circulating in the area. However, Officers consider that this is not a sufficient reason alone to avoid securing this infrastructure which would future-proof the development in terms of sustainable travel options and enhance community cohesion.

10.29 This application commits to provide the means (including a financial contribution) to create a sustainable travel link up to its boundary and it is considered that this would meet with the aims of FLP policies LP1, LP2, LP3, LP7, LP15 and LP16 in respect of providing transport links which would encourage non-car modes of travel, would assist in forging communities, would expand on an existing area of open space and could be designed in such a way to assist in addressing existing community safety and fear of crime concerns (LP17), subject to ongoing support and design input from the Police's designing out crime team.

Dwellings

10.30 The dwellings are served by privately owned driveways, providing policy-compliant levels of parking in accordance with Appendix A of the FLP. Each property is served by policy-compliant levels of private amenity space – a minimum of a third of each plot and dwellings are spaced and oriented so as to avoid overlooking and overbearing impacts. As noted above waste collection is either by roadside collection in the cases of adopted roads, or by bin collection points where served by private drives. Following some amendments to the layout, the Council's Refuse team has confirmed that the proposed arrangements are satisfactory.

10.31 Cambs Police have commented on the application and raises no concerns subject to approval of lighting details.

10.32 In summary, the layout of the residential properties raises no concerns in respect of access, density, amenity or safety in accordance with policies LP2, LP16, LP17 and LP19 of the FLP.

Scale & Appearance

10.33 The dwellings are predominantly 2-storey with the exception of four pairs of 3-storey dwellings and the 3 blocks of terraced properties on which incorporate roof lights windows. The dwellings are all traditional in form incorporating porch canopies and traditional casement windows. The triple terraced properties incorporate ginnels to enable access to the rear.

10.34 The development offers a satisfactory palette of external materials - three types of facing brick and some dwellings to incorporate half-render.

10.35 The electricity sub-station is proposed to be finished in red facing brick with grey roof tile which will assimilate well into the street scene.

10.36 Condition 16 of the Outline permission required level details for the development. The submitted details provide existing and proposed ground levels and finished floor levels which have enabled an assessment of the impacts of the development and what mitigation may be required. The levels details are considered to be acceptable, subject to appropriate boundary screening to protect the privacy of existing adjacent properties as set out below.

10.37 Given the overall scale of the development and with its main access from The A605, the development itself will form its own character area with a notable transition from those opposite at the Larkfleet development and along Bellmans Grove. As such the development is not considered to result in any conflict with the existing character and appearance of the area.

10.38 In summary the scale and appearance of the development is considered to accord with policy LP16 of the FLP.

Landscaping

Highways & Driveways

10.39 The primary roads are proposed to be surfaced in tarmac whereas the secondary roads and private driveways are proposed to be surfaced in brindle colour block paving. In this regard, the hard landscaping for the main highway routes is acceptable and will add interest, differentiating between the hierarchy of the streets.

10.40 All driveways are proposed to be tarmac surfaced which is also acceptable.

Open space

10.41 The areas of open space are proposed to be landscaped using a mixture of grass, shrubs and tree planting and will provide an acceptable environment for future occupiers – noting that the fringes of the development at the south east and southern extents will transition well toward the LNR.

10.42 The layout secures appropriate levels of open space which includes a policy compliant area of formal play space, as required under condition 11. Furthermore, the open space is served with appropriate access infrastructure which will assist in encouraging people to access the wider settlement and LNR, thereby promoting healthy lifestyles in accordance with Policy LP2. In addition,

through linking with the FDC owned area of open space, this provides a larger overall area of open space for the wider community to access.

- 10.43 The Wildlife Trust has reviewed the management plan and, following some requested amendments to detail how existing trees and hedges are managed, is satisfied that the management plan in practice would provide a good level of ongoing maintenance. The Council's Arboricultural Officer has reviewed the submitted landscaping and tree protection plans, and also concludes that they are acceptable.
- 10.44 The applicant has provided a Long-Term Landscape Management Plan which mainly deals with the biodiversity enhancements and management of existing vegetation. This document does not provide specific details of the long-term management and maintenance of the children's play areas – or the specification of the equipment proposed to be located on the area of POS. It is recommended that a condition securing this detail is included. It is anticipated that all of the open space will ultimately be maintained and managed by a management company, financed through a levy charged to homeowners of the development.
- 10.45 In conclusion, the proposed soft landscaping scheme and future maintenance of this is acceptable and accords with policies LP16 and LP19 of the FLP, however further agreed details specific to the areas of play provision is required in order to ensure the long term benefits of the proposal for future residents is secured.

Boundary treatments

- 10.46 As a general rule, boundary treatments within the public realm comprise brick walls whereas boundaries away from public areas are generally 2.0m high close boarded fences. The use of brick walls in public realm areas will reduce future maintenance thereby reducing the risk of the street scene becoming unsightly through unpainted or poorly maintained panels. In key areas where land levels vary adjacent to existing housing, a 450mm high trellis is proposed on top of boundary fences to reduce the potential for overlooking into existing properties from some ground floor windows, albeit that separation distances are appropriate.
- 10.47 In conclusion, the proposed landscaping schemes and future maintenance of the open space is acceptable and accords with policy LP16 and LP19 of the FLP in respect of providing high quality environments with biodiversity opportunities.

Biodiversity & Ecology

- 10.48 Condition 12 of the Outline permission requires the landscaping and layout details to also include biodiversity enhancement measures, in view of the existing features on site and its proximity to the adjacent LNR. Such enhancement includes the slight reprofiling of the existing storage pond along the eastern boundary, the inclusion of marginal wetland planting this and the main SuDS pond, native planting and green buffer along the south and south eastern boundaries. Condition 13 also requires a scheme for bird boxes.
- 10.49 The Wildlife Trust has assessed the proposals and following some clarification and amendments consider that the scheme is acceptable and has offered to continue working with the developer to monitor the effectiveness of the measures on future habitats.

10.50 It is therefore concluded that the proposal satisfies conditions 12 and 13 of the Outline consent and complies with the aims of policies LP16 and LP19 of the FLP.

Residential Amenity

10.51 Whilst the development itself raises no concerns over any conflict with future occupier's residential amenity, existing residents have also been considered as part of the design.

10.52 As noted, the boundary treatments between future and existing occupiers generally comprise 2m high fence with trellis top to reduce any potential for views into adjacent properties.

10.53 The proposed dwellings generally back onto rear gardens of existing dwellings and all achieve adequate separation distances so as not to result in any significant overlooking, overshadowing, loss of light or overbearing impacts. Whilst it is recognised that the outlook for some residents may alter through the development it is not considered that severe harm will arise and that some degree of outlook change would occur given the allocated nature of this site for development.

10.54 In this regard, the proposal is not considered to compromise the amenity of existing residents in accordance with policy LP16 of the FLP

Drainage

Surface Water

10.55 Condition 4 of the Outline permission requires details of a site wide surface water drainage scheme. Whilst this detail is required to be formally discharged through a condition compliance application, nonetheless the developer has sought to agree this detail now as it shapes the layout of the site and how it functions from a drainage point.

10.56 The Outline scheme provided an 'in-principle' drainage strategy which denoted that surface water would be discharged at the north eastern corner of the site. However, following further investigation by the developer this has revealed that this is not possible due the fall of the land, and that an alternative discharge point is required. This has therefore been revised to now discharge into an existing drain channel along the eastern boundary, via a series of attenuation ponds at the south of the site. This discharge point also takes surface water from Bellmans Grove development via an underground pipe which runs west to east through the site. This already exists and will be realigned to suite the site layout but will discharge as it currently does.

10.57 The surface water would enter the drain which discharges at an outlet at the north west corner of Gildenburgh Lakes – diving centre.

10.58 The owners of Gildenburgh Lakes have raised objections to this, citing that there is no legal right for the developer to drain into the lake and that this is not how surface water from the site naturally drains – indicating an alternative route. The owners also raise concerns over the impact of receiving surface water from the site and how this may affect the quality of the water which is essential for the successful operation of the business (see responses dated 12 February 2021, 7 February 2021, 27 October 2020, 2 July 2020).

10.59 The applicant claims that as the drain already exists (and that the alternative proposed by Gildenburgh Lakes are not viable options) and that they are legally entitled to drain to it. They have sought independent advice on this matter, via Eversheds Sutherland who confirm that in their opinion the developer would be legally entitled to manage the surface water as proposed. Officers consider that this matter would ultimately be one under civil law and/or law set out under the Land Drainage Act and that the onus would fall on the developer to ensure that they are acting legally, or alternatively by Gildenburgh Lakes to demonstrate the opposite. If it is subsequently found that the developer has no legal ability to drain as they have proposed, they would need to revise the drainage strategy and regulate this through a revised planning application.

10.60 However, the matter of water quality is an important consideration for the LPA. If the diving business relies on a certain quality of water and the development has potential to adversely impact this quality, this could subsequently have an adverse impact on the business and would be contrary to the economic growth aims of Policy LP6 and the NPPF.

10.61 It is acknowledged that Middle Level Commissioners as the IDB and the Whittlesey Combined IDB (WCIDB) have agreed the discharge rates for the development and the LLFA has accepted the drainage strategy having regard to the water quality anticipated to be discharged from the site and ultimately into the Lake. However, the developer has sought to further address Gildenburgh Lakes' concerns over water quality by proposing a Construction Surface Water Management Plan (CSWMP) to monitor the quality of the water at outfall source throughout the build, to check that the filtration systems designed into the drainage system e.g. via permeable pavements, attenuation pond which incorporates a siltation basin are performing as intended and does not denude the quality of the water at the Lake. The CSWMP would be a live document that will be updated as determined necessary through an on-going monitoring programme to ensure that measures remain adequate to maintain the surface water quality exiting the site.

10.62 Officers consider that this is a pragmatic and effective way to monitor and safeguard the quality of water discharged from the site and will enable the early employment preventative measures, should they be required, to safeguard the quality of the water at the lake. This proposal is in the backdrop to the fact that historically the development site would have likely drained some insecticides, pesticides and some hydrocarbons into the drainage systems, via general greenfield run-off through its former nursery use and without the attenuation ponds now proposed and also that it appears that the surface water from Bellmans Grove estate has historically taken this route.

10.63 Both the IDBs and LLFA are satisfied that the method of drainage is acceptable and it is considered that the development would comply with the aims of Policy LP14.

Foul Drainage

10.64 A scheme for foul drainage is also required to be submitted prior to development commencing as laid out under condition 17 of the Outline permission. Whilst this detail has been submitted through this submission and raises no technical issues or capacity concerns with Anglian Water who accept the proposals, this is also a matter to be discharged under the formal submission of a conditions

discharge application. Nonetheless, the indications are that the method and layout of the foul drainage system would be appropriate.

Other matters

10.65 Whilst it is considered that most comments and concerns raised have been addressed in this report the following matters require consideration;

Ground Contamination

10.66 Concerns have been raised that the site is contaminated and that the condition of the ground is unknown. Ground contamination was a known constraint of the site at Outline stage, with Condition 7 of the consent requiring a full conceptual site model and remediation strategy to be agreed with the LPA, prior to the development commencing. Officers have liaised with the Council's Environmental Protection Team who have been working on the strategy with the developer. It is anticipated that an application to discharge condition 7 will be submitted shortly. As such, the matter of ground contamination is already captured through condition 7 of the Outline consent and is not a concern for this reserved matters application at this time.

Devaluing of property

10.67 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

Light pollution

10.68 Whilst no detail has been provided in respect of street lighting to indicate that pollution will arise, lighting details are required to be submitted and a planning condition can reasonably secure this. Any lighting scheme would be assessed by the Council's Environmental Protection Team taking into account any potential impacts on existing residents, as well as the Police in respect of security. In addition, the Wildlife Trust would also be consulted in respect of potential impacts on ecology through any proposed lighting.

Waste/Litter

10.69 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. The district council has a statutory duty to collect household waste and the layout demonstrates that adequate household waste collection arrangements would be provided. The scheme is considered to achieve policy compliant arrangements for household waste collection.

Noise & Odour

10.70 While the operational aspect of the development is not anticipated to yield significant concerns over noise and odour, given the residential nature, it is possible that construction activities on-site may have potential for nuisance through odour, noise and vibration. In this regard, the applicant has submitted a Construction Management Plan, to protect the amenity of existing neighbours and users of the highway and this has been accepted by the Council's Environmental Protection Team.

Would set a precedent

10.71 It is uncertain what precedent in particular some residents are concerned may be set through this development. The scheme is for 2-storey properties set within a site allocated for development which was approved at outline stage. Notwithstanding that each case is to be determined on its own merits, there are

no specific issues associated with this development that are considered may set a precedent on future proposals.

Lack of supermarket

10.72 Whittlesey is designated as a growth area and whilst maybe desirable, the lack of supermarket does not restrict residential growth of this market town, notwithstanding that residential development of this site was already accepted under the Outline consent.

Concerns over fence maintenance

10.73 The developer has confirmed that the fencing they intend to erect will abut existing fences, which is relatively standard practice and is not considered by Officers to be of significant concern. Fences will be maintained by their respective owners or by the aforementioned management company where in the public realm.

May force the Archery Club at New Road to close due to vandalism

10.74 The Archery Club at New Road has expressed concerns that the increase in residents may result in an increase in vandalism to their site. Notwithstanding that residential development of this site was already accepted at Outline stage, Officers consider it would be unreasonable to assume that occupiers of this site would increase the risk of vandalism and ASB.

11 CONCLUSIONS

11.1 The reserved matters submission proposes a policy compliant scheme which raises no issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highways layout.

11.2 It is considered that the scheme complies with relevant planning policy and may be supported noting that the granting of reserved matters sits alongside the requirement for the developer to appropriately discharge the conditions imposed on the original outline planning permission or those matters within the S106 agreement.

11.3 Accordingly, Officers consider that the reserved matters submission can be recommended for approval subject to conditions and the completion of a S106 agreement addressing the financial contribution toward the footway link and an agreement to enable the Local Authority to connect to it when they are in a position to do so.

11.4 Whilst it is acknowledged that it is not common to secure S106 agreements at reserved matters stages, in this case; information regarding the ability of the footpath connection has evolved since outline stage whereby a firmer understanding of opportunities to connect given the committed layout now proposed and 'in principle' landowner agreements now exist. As such it is considered appropriate and reasonable to secure a S106 agreement against this application for this infrastructure.

12 RECOMMENDATION

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Development, securing a financial contribution toward the footway link and formal agreement to enable the Local Authority to connect to it.
2. Following completion of the S106 obligation application F/YR20/0471/RM be approved subject to conditions listed below.

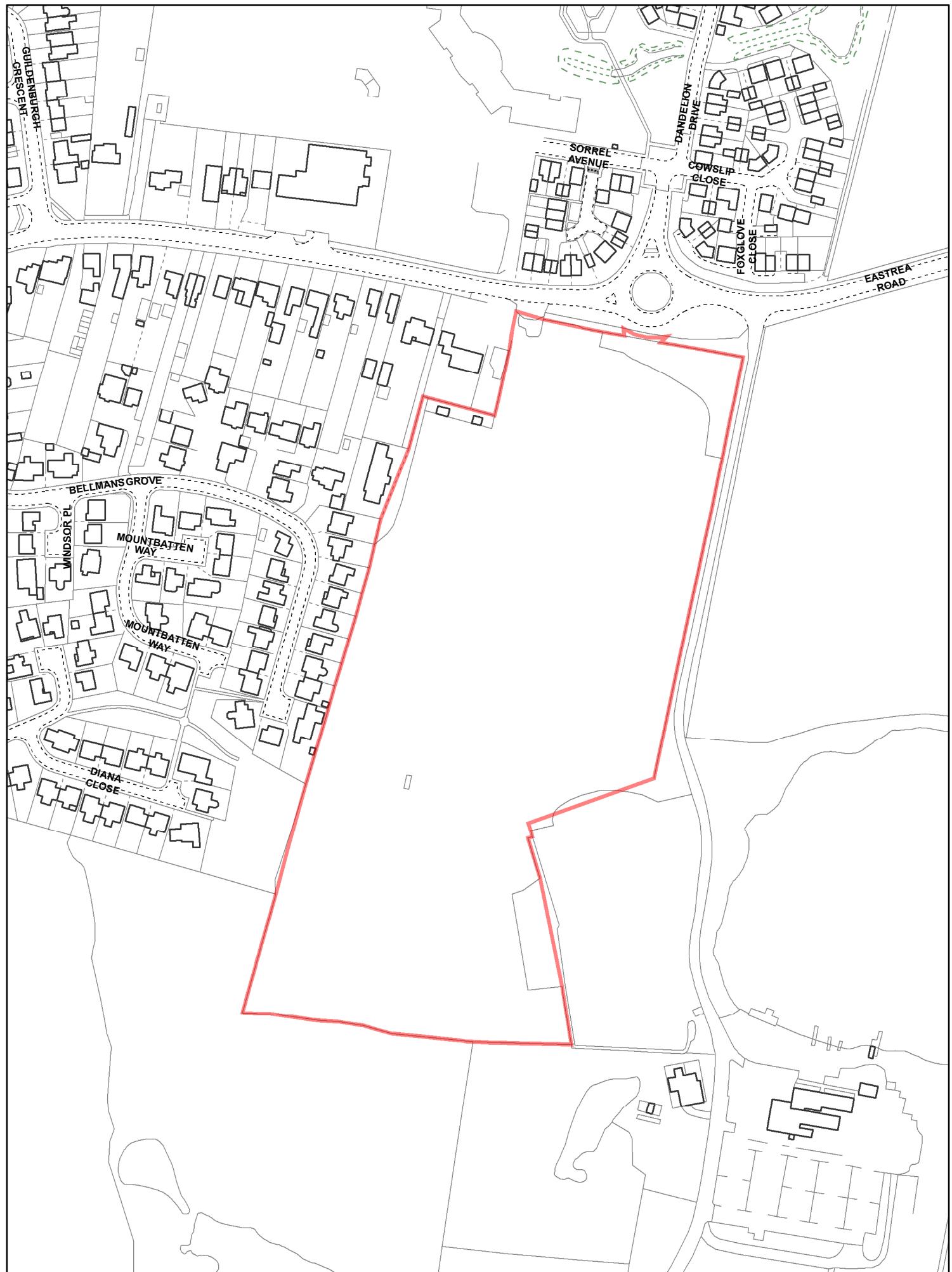
OR

3. Refuse the application in the event that the obligation referred to above has not been completed and the applicant is unwilling to agree to an extended period of determination of 1 month, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

The proposed conditions are as follows;

1.	<p>No works shall proceed above slab level until such time as detailed plans of all roads, footways, cycleways including construction, lighting and drainage details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
2.	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining road.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
3.	<p>Prior to the first occupation of each dwelling the proposed on-site parking and turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
4.	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the installation of lighting to the front or side elevations of plots 90, 91, 92 and 93 (as detailed in Schedule 2, Part 1, Classes A and D);</p> <p>Reason: In the interests of protecting bats from adverse light pollution in view of the proximity of these dwellings to the Lattersey Nature Reserve, in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.</p>

5.	<p>No development above slab level shall take place until details for the provision of fire hydrants including any phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.</p> <p>Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.</p>
6.	<p>Notwithstanding the submitted Long-Term Landscape Management Plan, prior to any above-ground works proceeding, a scheme detailing the ongoing management and maintenance of the childrens play provision and areas of public open space as detailed on plan reference 10013/48.1D shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and thereafter maintained in accordance with the details approved.</p> <p>Reason: To ensure the long term enjoyment of public open space facilities in accordance with policies LP2, LP13 and LP16 of the Fenland Local Plan, 2014.</p>
7.	<p>The garages serving their relevant property shall be used for the parking of vehicles and ancillary storage only and shall not be used as habitable rooms.</p> <p>Reason: To ensure that adequate off-street parking is retained in the interests of highway safety and residential amenity in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.</p>
8.	<p>The footpath link on the western boundary as detailed on plan ref: 10013/48.1D shall be provided prior to the occupation of the 100th dwelling. The link where it meets the western boundary shall be permanently secured at that boundary with 2.4m high fencing, until such time that a connection is made from the adjacent land.</p> <p>Reason: In order to improve permeability and accessibility to the wider settlement in the interests of encouraging sustainable modes of travel in accordance with policy LP11 and LP15 of the Fenland Local Plan, 2014.</p>
9.	List of Approved Plans;



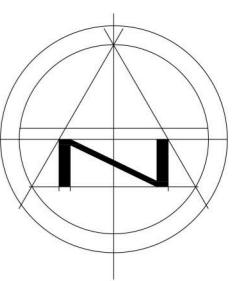
Created on: 11/06/2020

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F/YR20/0471/RM

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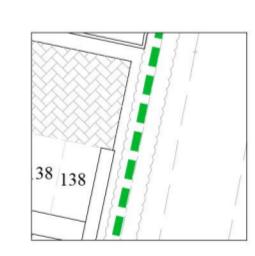
Accommodation Schedule

House Code	House Name	Floor Area	House Type	Beds	Storeys	No.
PD414	Corsham	1256	Detached	4	2	15
NT41	Trusdale	1243	Detached	4	2	16
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NB31	Braxton	1092	Semi	3	2.5	16
H1298		1298	Terrace	3	2.5	03
PT36	Easedale	931	Semi	3	2	25
PA34	Gosford	866	Semi	3	2	36
H983		983	Terrace	3	2	01
PA25	Canford	689	Semi	2	2	10
H799		799	Terrace	2	2	01
Total						158

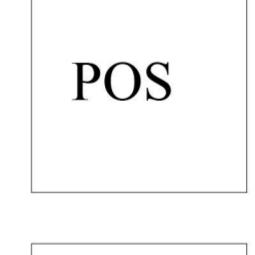


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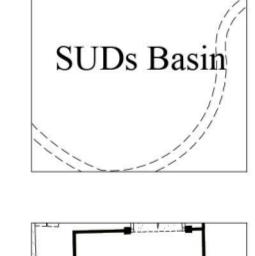
Taylor Wimpey Legal Boundary



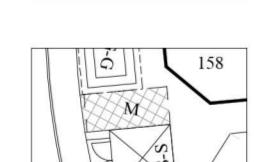
Areas of Public open Space



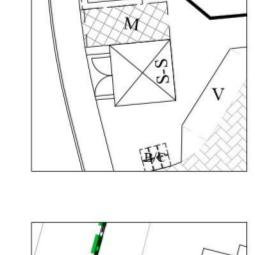
SUDS Basin



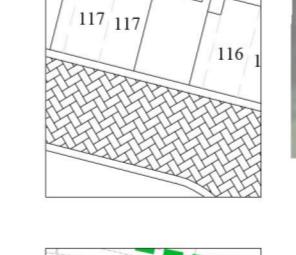
Foul Water Pumping Station with Black Tarmac Access - 215mm thick / 1800mm high boundary wall with concrete coping with 1800mm high steel palisade gates



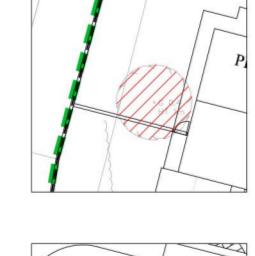
Electric Sub-Station



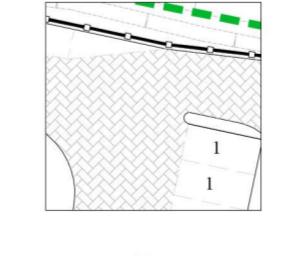
Block Paved Shared Surfaces to County Highways Specification



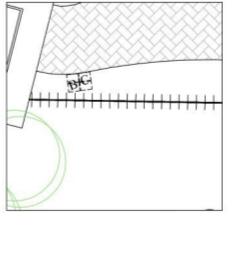
Existing vegetation to be removed



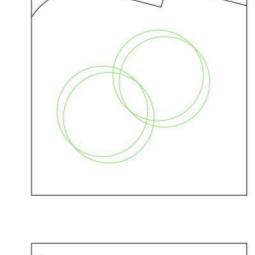
Permeable Block Paved Shared Driveways



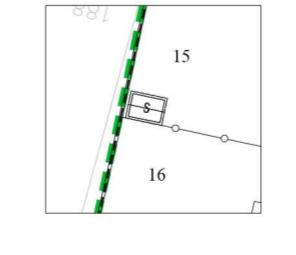
1.1m Estate Style Railings
Refer to Detail:STD/BOUND/23.1



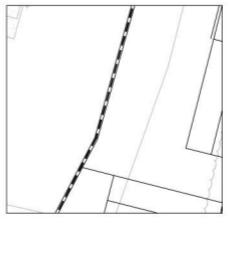
Indicative tree location



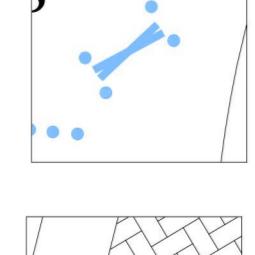
Shed - Position subject to detailed engineering design



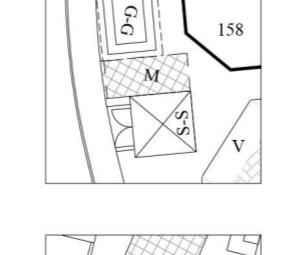
2.0m Close Board Fence with 0.4m Trellis
Refer to Detail:STD/BOUND/07.1



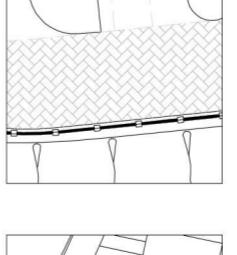
Proposed play equipment



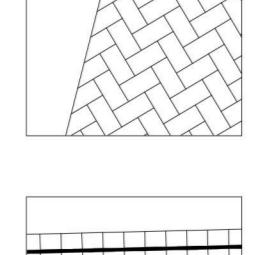
Bodpave Parking Space - Sub station maintenance use only



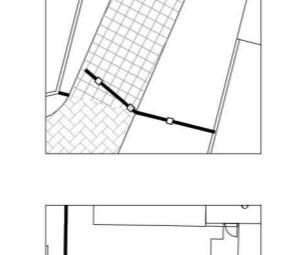
1.2m Post & 3 Rail Fence
Refer to detail: STD/BOUND/03.1



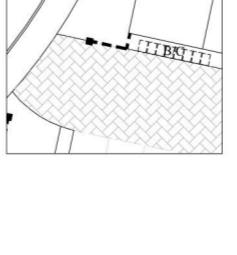
Existing AW SW Easement



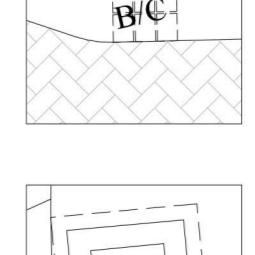
Gated & Bodpave surfaced Link - Emergency vehicle use only



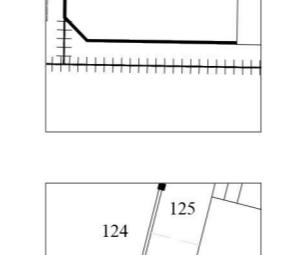
0.6m Brick Wall Detail
Refer to detail: STD/BOUND/31



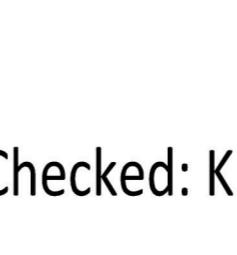
Bin Collection Point



1.8m Screen Wall
Refer to detail: STD/BOUND/31.2



1.8m Close Board Fence
Refer to detail: STD/BOUND/06.2



D - Masterplan updated to suit layout 10013.22 Rev J.
C - Layout redrawn following planning and highway comments
B - Layout redrawn following planning and highway comments
A - Planning boundary changed to legal boundary

MAC. 16.02.21
LP 18.12.20
KB 17.09.20
KB 08.04.20

Taylor Wimpey

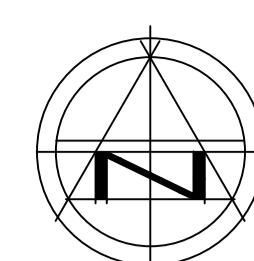
EASTREA ROAD, WHITTLESEY - MASTERPLAN

Drawn: LP Checked: KB Date: 06/09/2019 Scale: 1/500 @ A0 Dwg. No. 10013 / 02D

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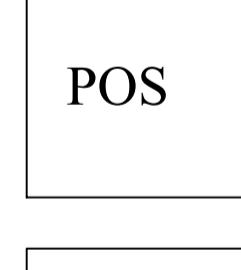


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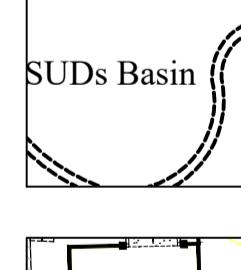
Taylor Wimpey Legal Boundary



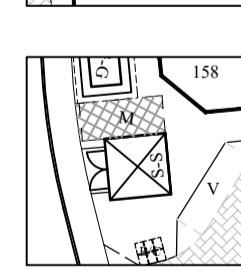
Areas of Public open Space



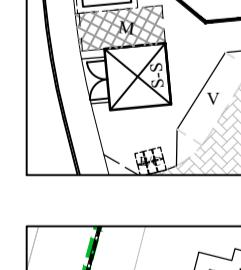
SUDS Basin



Foul Water Pumping Station with Black Tarmac Access - 215mm thick / 1800mm high boundary wall with concrete coping with 1800mm high steel palisade gates



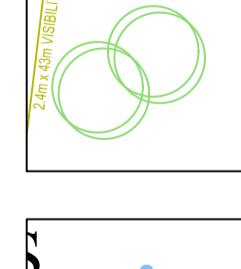
Electric Sub-Station



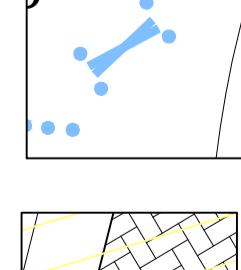
Existing vegetation to be removed



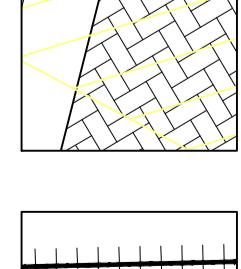
Indicative tree location



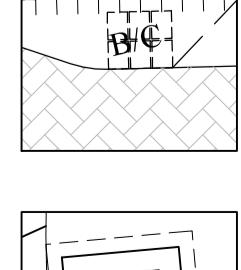
Proposed play equipment



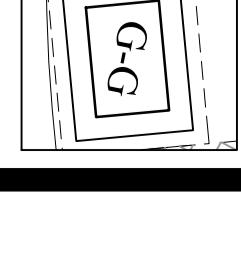
Existing AW SW Easement



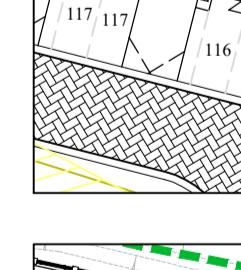
Bin Collection Point



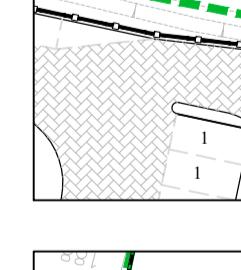
Gas Governor



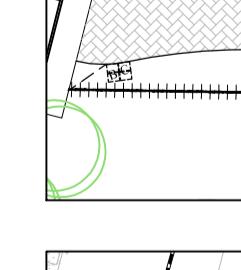
Block Paved Shared Surfaces to County Highways Specification



Permeable Block Paved Shared Driveways



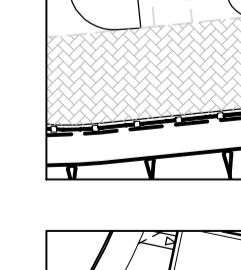
1.1m Estate Style Railings
Refer to Detail:STD/BOUND/23.1



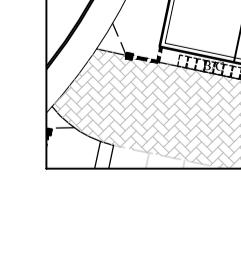
2.0m Close Board Fence with 0.4m Trellis
Refer to Detail:STD/BOUND/07.1



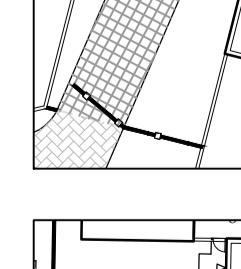
1.2m Post & 3 Rail Fence
Refer to detail: STD/BOUND/03.1



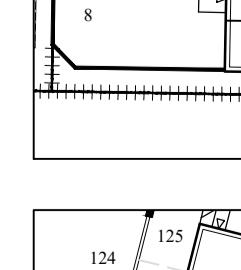
0.6m Brick Wall Detail
Refer to detail: STD/BOUND/31



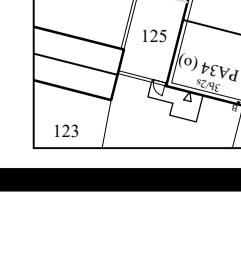
Gated & Bodpave surfaced Link - Emergency vehicle use only



1.8m Screen Wall
Refer to detail: STD/BOUND/31.2



1.8m Close Board Fence
Refer to detail: STD/BOUND/06.2



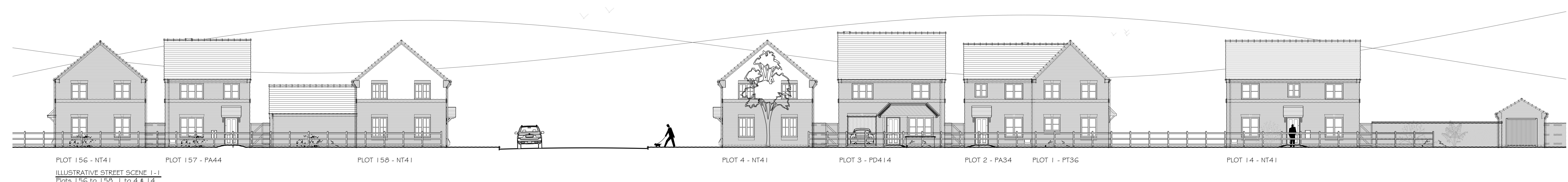
J - Footpath link amended to landscape comments, P139 garage added. LP 15.02.21
H - Turnhead to Road 9 & Road 10 amended to highways request. LP 09.02.21
G - Layout amended following LPA, highways & refuse comments. LP 07.02.21
F - Layout redrawn to LPA comments. LP 18.12.20
E - Layout redrawn to LPA comments. LP 04.11.20
D - Maintenance Parking Space added next to substation. AB 23.10.20
C - Layout redrawn following planning and highway comments. KB 09.09.20
B - Planning boundary changed to legal boundary. KB 08.04.20
A - Layout redrawn to 168 units, timber frame omitted. LP 09.12.19

Taylor Wimpey

EASTREA ROAD, WHITTLESEY - SITE DEVELOPMENT PLAN

Drawn: LP Checked: KB Date: 06/09/2019 Scale: 1/500 @ A0 Dwg. No. 10013 / 22 J

UNIT 2 | THE OSIERS BUSINESS PARK | LAVERSALL WAY | LEICESTER | LE19 1DX | T 0116 2816400 | F 0116 2816423

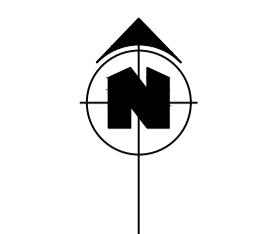


D: Redrawn in accordance with 10013-22J KB 15.02.21
 C: Redrawn in accordance with 10013-22F KB 06.01.21
 B: Layout redrawn following planning and highway comments KB 17.09.20
 A: Section line amended MAC 07.04.20

**Taylor
Wimpey**

EASTREA ROAD, WHITTLESEY - STREET SCENE

Drawn: KB Checked: LP Date: 03/01/2020 Scale: 1/100@A0 Drg no: 10013/050
 UNIT 2 | THE OSIERS BUSINESS PARK | LAVERSALL WAY | LEICESTER | LE19 1DX | T 0116 2816400 | F 0116 2816423



F/YR20/0952/VOC

Applicant: Mr Daniel Baker
Queensbridge Homes Ltd

Agent : Mr Gavin Welch
Michael Hyde And Associates

Land North Of Orchard House, High Road, Wisbech St Mary, Cambridgeshire

Variation of conditions 10 (surface water drainage) and 20 (list of approved drawings) relating to planning permission F/YR17/1217/F (Erection of 76 dwellings: comprising 29 x 2-storey 4-bed, 6 x 3-storey 4-bed, 29 x 2-storey 3-bed and 2 x blocks of flats (4 x 1-bed and 8 x 2-bed) with associated garages, parking, play area and landscaping involving the formation of a new access road)

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to accommodate revisions to the layout of the scheme which have been identified as necessary to resolve issues between with the approved layout and the requirements of the IDB maintenance strip.
- 1.2 There is no statutory definition of a 'minor material' but guidance indicates that such amendments are likely to result in a development which is not substantially different from the one which has been approved in terms of scale and/or nature.
- 1.3 In this regard, the quantum of development will remain the same within the site as will the overall appearance of the appearance within its setting. Whilst there are some changes in respect of some of the units in terms of both positioning and how far they will be located into the previously approved public open space these revisions when viewed in the context of the approved scheme are negligible in character and residential amenity terms. In addition they will not result in a scheme which is markedly different in terms of POS provision.
- 1.4 There remains an issue with the technical detail of the road layout relating to the delivery of an appropriate turning head to resolve, however the applicant is intending to address this through the submission of an amended drawing. It is envisaged that a further update will be provided to the committee in this regard; with any recommendation made by the committee being subject to the satisfactory resolution of this element.
- 1.5 Similarly obligations contained within the earlier S106 agreement which formed part of the original approval will be secured through supplemental deed.
- 1.6 It is considered that the scheme revisions may be considered as minor material amendments as allowed under Section 73 of the Town and Country Planning Act and that the submission may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site has an extant approval for a 76 dwelling scheme, it is currently in agricultural use and is situated to the north of High Road, Wisbech St Mary. The proposed access utilises the exiting field access and lies between two detached two-storey dwellings which form part of the frontage development on the north-west side of High Road.
- 2.2 The site area is 3.82 hectares in total and is bounded to the west, north-west and north-east by drainage ditches. The north-western swathe of the site lies within flood zones 2 & 3.

3 PROPOSAL

- 3.1 This submission comes forward under Section 73 of the Town and County Planning Act and seeks to gain approval for what the agent considers to be minor material amendments to the existing approval. The agent highlights in the submission are required '*Primarily to resolve issues between with the approved layout and the requirements of the IDB maintenance strip. The reasons for this and the proposed remedies are explained in the Planning Statement submitted onwards. Variation for the condition is 20 is also sought for some minor changes to the external appearance of the house types and changes to the design of the garages and carports*'.

- 3.2 In summary the amendments proposed are as follows:

- Adjusting the proposed layout along the eastern and northern edges of the site to allow the drain maintenance strips to be increased to 6m and 9m respectively when measured from the brink as surveyed.
- The blocks of flats (previously approved at the end of the access road either side of the hammer head are relocated to the triangular area in the most northerly corner of the site
- The type B & D properties that previously occupied the corner of the site now to be occupied by the flats are relocated to form a continuation of the pattern of houses that run along the north-eastern boundary accessed from the main loop road with the rear of these dwellings overlooking Sawyer's drain, with the final two pairs set back to form a gradual change in frontage towards the flats

NB: properties have been re-numbered to maintain a logical progression of numbering across the site

- The rearranged units in this corner of the site has a knock-on effect on the units elsewhere along the north-eastern boundary resulting in the units being pushed further along into the POS, with a net loss of 590m² of POS in this area. In the proposed alternative layout unit 18 sits approximately 23 metres further along the road.
- The revisions to the layout, along with the proposed electrical substation lead to a net loss of 677m² of public open space
- To mitigate this loss two changes to the design of the public open space are proposed, the first being an overlap of the POS and maintenance strip which has been discussed with the North Level District Internal Drainage Board. The hard border between the POS and maintenance strip will be removed, and proposed tree planting thinned, so that the maintenance strip can be incorporated withing the POS, a net gain of 1,415m² resulting in a gross increase of 738m² of POS on the site.

- Secondly, the swale has been redesigned into a more compact form within the corner of the site which still holds the required amount of water, but more efficiently than the elongated form previously proposed. The area of land taken up by the swale, and banking down to the swale, has been reduced from 2,100m² to 1,050m² in effect halving the amount of POS being used by the swale.
- Along the eastern edge of the site of the site units 69 to 72 have been moved back 1.5m each to create more room in front of the properties. This allows the parking for units 70 and 71 to be allocated in a parking court arrangement in front of the properties as opposed to side parking driveways creating the required space for the maintenance strip to be expanded.
- To the eastern edge of the site, units 63-64 have been moved to the left by 2.4m to allow for the increase of maintenance strip width, with the garden depth unit 65 reduced. Due to the double garages, the garden of unit 65 is wider typical, so even at the reduced depth retains an area of 71m².
- In the area adjacent to Wilson's Drain there is a requirement for a 6 metres wide maintenance strip and changes to the layout are dealt with through minor movements of parking and units rather than layout reconfiguration.
- The two facing units of units 69/70 & 71/72 have been pushed back 1.5 metres each to create slightly larger mews arrangement between the two pairs of properties allowing the parking for units 70 & 71 to be placed as bays in the mews rather than as private drives.
- Units 63/64 have also been moved 1.8 metres further away from the maintenance strip

- Addition of an electrical substation adjacent to Plot 18 (freestanding brick-built substation for a transformer up to 1500kVA with pitched roof, which will be constructed using the same external masonry and roofing as the dwelling houses to ensure the substation fits within the site). Whilst this will result in a small loss of POS in this area this is offset by the changes to the POS boundary.
- Variations to house types A & B relating to general detailing, i.e. reduction in depth of proposed cills/headers, deletion of keystones and false GRP chimneys.
- Revisions to the garages to seek to '*harmonise the style of the garages with the style of the houses introducing the same detailing of elements such as ridges, eaves, rainwater goods and materials*'. The dimensions of the units are also slightly adjusted to match brick coordination dimensions.
- Updated surface water drainage strategy to address the revised layout and confirm the suitability of the revised swale within the POS.
- The application also seeks to discharge conditions relating to:
 - External lighting
 - Flood mitigation
 - Provision of Fire Hydrants
 - Securing obscure glazing in respect of the landing window of plot 71 (noting that this is now an en-suite bathroom as opposed to a landing)
 - Removal of non-native planting in the shrub mix proposed
 - Details of Bird & Bat Boxes

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

4 SITE PLANNING HISTORY

F/YR19/0569/ VOC	Variation of condition 20 to enable amendment to approved plans of planning permission F/YR17/1217/F [...] to change the layout to meet the required maintenance of drainage ditches and swales; highways changes and garage changes	Withdrawn
F/YR19/0544/ NONMAT	Non-material amendment: Alterations to appearance comprising addition of detailing stonework, canopies/ door porches and addition of photovoltaic panels to dwellings, and change House Type D2 3-storey 4-bed to House Type E 2-storey 3-bed dwelling, relating to Planning permission F/YR17/1217/F	Approved 22.07.2019
F/YR17/1217/F	Erection of 76 dwellings: comprising 29 x 2-storey 4-bed, 6 x 3-storey 4-bed, 29 x 2-storey 3-bed and 2 x blocks of flats (4 x 1-bed and 8 x 2-bed) with associated garages, parking, play area and landscaping involving the formation of a new access road)	Grant 11.04.2019
F/YR15/0502/O	Erection of 50 dwellings	Granted 18.08.2017
F/YR15/1109/F	Erection of 4 x 2-storey 4-bed dwellings with double garages and paddock facilities including stable blocks	Refused 12.01.2017
F/YR11/0703/F	Erection 5no x 2-storey 5-bed 3no x 2-storey 4-bed with detached garages and 3no x 2 storey 2-bed dwellings involving the demolition of existing building.	Granted 24.04.2014

5 CONSULTATIONS

5.1 **Parish Council:** 'At the meeting of Wisbech St. Mary Parish Council on 9th November 2020, the Council recommended REFUSAL.'

Councillors would like to again bring your attention to the brick built bus shelter located on the High Road which affects the visibility splays. They reiterate that this building is their asset and no permission has been given to remove, destroy or replace this asset. Therefore, the vehicle access would not be suitable. They are also concerned by the proposed changes to the drainage'.

Following re-consultation the Parish Council have maintained their objection as follows:

'At the meeting of Wisbech St. Mary Parish Council on 8th March 2021, the Council recommended REFUSAL. The High Road in Wisbech St. Mary has suffered from severe flooding in the past and the Parish Council are concerned regarding the drainage.'

'They would also like it to be noted that they do not agree with this development as the parish hasn't received any financial community support in S106 monies and they feel that this is just not acceptable for a development of this size and the impact it will have on the local community.'

'The issues regarding the bus shelter are still ongoing and the Parish Council note that they have not received any communication from the agent with regards to this situation moving forwards'.

5.2 **CCC Highways:** Originally requested that the applicant revert back to the originally approved road layout, however following further clarification from the case officer with regard to the scope of the VOC submission has amended these comments to note that the *'revised layout does not provide a suitable turning head arrangement at the end of the spine road, and the shared surface area to the north-eastern corner is unsuitable for adoption. A hammer head turning area with a footway wrapped around its perimeter should be detailed at the end of the spine road. The shared surface area can remain private. If it is easier for the applicant to revert to the approved layout, then I will amend adoption limits for the turning head at detailed design stage.'*

5.3 **CCC (Lead Local Flood Authority):** Originally responded that they were unable to support the variation of condition 10 for the following reasons:

'Proposed Surface Water Drainage Scheme - The updated drawings submitted as part of this application indicates the updated surface water drainage scheme. The proposed change from a swale to the basin is acceptable subject to updated calculations. However, the agreed drainage strategy was for the use of permeable paving across the site, and a discharge rate of 2.6 l/s. The updated drawings do not include any permeable paving and indicate that the surface water will discharge to the north at a rate of 10 l/s. This is not supported by the LLFA, as the site is losing the source control (required in section 6.3.7 of the Flood and Water SPD) from the permeable paving reducing the water treatment and quality, as well as increasing the discharge from the site approximately by a factor of 4. The proposals should keep the permeable paving agreed during the application F/YR17/1217/F and the agreed discharge rate.'

'Once the above information has been agreed, updated hydraulic calculations should be submitted to demonstrate that the proposed basin is suitably sized to manage surface water for the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm event, including a suitable allowance for climate change.'

Following re-consultation in respect of amended details comment as follows:

[...] As Lead Local Flood Authority (LLFA) we can remove our objection to the variation of condition 10 to include the updated drainage strategy. The submitted documents demonstrate that surface water can be managed through the use of permeable paving over private parking and shared parking and

access areas. Surface water will then enter the proposed basin with a discharge from site at 10l/s.

Recommend informatics regarding Pollution Control.

5.4 **Environment Agency:** 'As we did not recommend the conditions referred to, we have no comment to make on this application' in respect of the re-consultation confirm that they have 'no further comment to make on this application.'

5.5 **North Level Internal Drainage Board:** 'My Board has no objections in principle to the above application, however would make the following observations:

1. A formal relaxation of my Board's byelaws in respect of Wilson Drain on the eastern boundary of the site is still required. Due to the proximity of housing to the proposed 6 metre corridor a condition on this relaxation will be required to indemnify the Board against damage to three dwellings when operating a 30 tonne hydraulic excavator within this 6 metre corridor. There needs to be an understanding that 6 metres is the actual width taken by the heavy machinery and with no garden as buffer the homeowners will inevitably be concerned at the close proximity in which we will be required to work to maintain this section of drain.
2. IDB easement strips must be kept flat and at the current level, i.e. no ground raising within the easement strip.
3. The byelaw distance as approved will be strictly enforced i.e. 6 metres from brink of the drain on the eastern boundary and 9 metres from the brink of the drain on the northern boundary.'

5.6 **Designing Out Crime Officers:** 'I can confirm this office has reviewed the Variation of conditions 10 (surface water drainage) and 20 (list of approved drawings)

We are happy to support with no objections in terms of community safety or vulnerability to crime'.

5.7 **Cambridgeshire Fire and Rescue**

[...] To ensure the pre-commencement part of the condition is met, I will need to receive an approved mains design from the Water Authority once the Applicant has applied for one. Once received – I will mark up a provision for fire hydrants & return to the Water Authority. When this has been complete I will be able to discharge a pre-commencement condition.

Prior to occupation will need to be notified that the hydrants have been installed to a satisfactory standard, at which point we will arrange an inspection of the apparatus to ensure they are ready for operational use. Once this has been undertaken the condition will be met in full.

5.8 **Local Residents/Interested Parties**
None received

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 47: Determine applications in accordance with development plan

Paragraphs 54-56: Planning Conditions and Obligations

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context: C1 - Relationship with local and wider context

Identity: I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

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

Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

8 KEY ISSUES

- **Principle of Development**
- **Implications of changes – character and amenity**
- **Implications of changes – residential amenity**
- **Implications of changes – highways**
- **Implications of changes – drainage**
- **Implications of changes – public open space provision**
- **Evaluation of whether the changes are ‘minor’ in the context of the approved scheme**
- **S106 and Legal obligations**
- **Parish Council comments**

- **Conditions (including evaluation of supplementary information received)**

9 BACKGROUND

9.1 As acknowledged by the agent in the submitted Planning Statement which accompanies the submission '*A number of applications have been made for the site across the past decade, with the site application and number of dwellings have increased from the original 2011 application of 11 units to a larger site of 76 made in the latest full application validated in 2017 and approved in 2019 (F/YR17/1217/F).*

Since [approval of F/YR17/1217/F] a non-material amendment (FR/YR19/0544/NONMAT) was made in June of last year to make aesthetic changes to the proposed house types, which was approved in July [2019]. Two discharge of condition applications have also been made to deal with all conditions that were required to be discharged for works up to and including works at slab level.'

9.2 It is further identified in the submitted Planning Statement that the current submission is made to address matters arising at the technical design phase which have identified that '*the layout as approved did not allow for the correct maintenance zones around the site and a variation of conditions application was made in June 2019 to correct this. However due to the changes required to the layout to amend the maintenance strip leading to a loss of public open space, Fenland Planning Department informed that it could not be covered as a variation application. The application was withdrawn in October 2019 so that a full application could be made as recommended. A full application [which did not proceed to validation] was made in April 2020 to make changes; however, this was also withdrawn. The withdrawal of this application followed a conversation with the North Level IDB which highlighted that the maintenance strip could be combined within the POS so not to lead to a loss in area, upon which advice from Fenland Planning Department was updated to recommend a Variation of Condition application*'.

10 ASSESSMENT

Principle of Development

10.1 The principle of a development of this scale in this location has been clearly established by virtue of the extant planning permission F/YR17/1217/F as has the quantum of development. It is necessary to evaluate however whether there are any matters arising as a consequence of the revised details in terms of character and visual amenity (LP16), residential amenity (LP2 and LP16), highway safety (LP15) and drainage and flood risk (LP14).

10.2 In addition, it must be established whether the changes proposed to the original approval are acceptable as minor material amendments in the context of the approved scheme.

10.3 Finally, any issues arising with regard to the original Section 106 must be explored and reconciled.

Implications of changes – character and amenity

10.4 The quantum of development will remain the same as will the overall appearance of the appearance within its setting. Whilst there are some changes in respect of some of the units in terms of both positioning and how far they will be located into the previously approved public open space these revisions, when viewed in the context of the approved scheme, are negligible in character and amenity terms.

Implications of changes – residential amenity

10.5 Similar to above the changes proposed in terms of the positioning of the dwellings and the revisions to the POS layout will have no consequence with regard to the residential amenity of existing householders. The amendments largely relate to land to the north/north-east of the site and as such these are at some distance from the existing households situated to the south-east within Chapel Avenue and Walnut Close and of no consequence to the householders in High Road.

10.6 Within the scheme itself appropriate separation and layout is maintained, and the scheme continues to achieve compliance with Policies LP2 and LP16 of the FLP (2014)

Implications of changes – highways

10.7 The LHA initially commented that the applicant should revert to the originally approved layout; however, the LPA does not have such discretion to insist on this and must consider the scheme as submitted – unless of course there are justifiable technical reasons to support such a stance.

10.8 Further clarification has been provided by the LHA which identifies that a suitable turning head arrangement should be provided at the end of the spine road. They recommend that a hammer head turning area with a footway wrapped around its perimeter should be detailed at the end of the spine road. The agent is in the process on amending this element of the scheme and the revised drawings are anticipated prior to the consideration of this item at committee, a written update will be provided to the committee in this regard.

10.9 Subject to the revised drawing being accepted by the LHA, essentially a matter of technical detail, the scheme will continue to achieve compliance with Policy LP15 of the FLP (2014)

Implications of changes – drainage

10.10 As a consequence of the scheme revisions the surface water drainage strategy for the site have been revisited and amended details provided to support this Section 73 application.

10.11 The LLFA initially confirmed that the change from a swale to a basin was acceptable however they noted that permeable paving was also required as per the original scheme approval. This has been addressed by the applicant and the LLFA have confirmed that the submitted documents now demonstrate that surface water can be managed through the use of permeable paving over private parking and shared parking and access areas with surface water then entering the proposed basin with a discharge from site at 10l/s.

- 10.12 Similarly no objection has been raised to the scheme by the North Level Internal Drainage Board, whilst they have made a number of comments relating to the ongoing responsibilities of the developer/householders these appear to be matters covered by their byelaws and as such have no implications in terms of the planning considerations of the proposal.
- 10.13 The scheme maintains conformity with the requirements of Policy LP14 in so far as they relate to flood risk and surface water management and as such the revisions are acceptable.

Evaluation of whether the changes are ‘minor’ in the context of the approved scheme:

- 10.14 This submission is made under Section 73 of the Town and Country Planning Act 1990 (as amended). New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 73 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are options for amending a proposal that has planning permission, these being:
 - A non-material amendment (a section 96A application)
 - A minor material amendment (a section 73 application)

There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

- 10.15 Whilst the changes listed in the proposals section appear extensive when listed, in reality, within the context of the approved scheme, they are considered minor. The quantum of development will remain the same as will the overall appearance of the appearance within its setting.
- 10.16 There is greater flexibility to agree changes to layout and design when considering larger scheme proposals. This understands that the impacts of revisions to a single plot are likely to be greater as the constraints of the surrounding area are likely to be more significant. Within a greenfield setting on the periphery of a settlement, as in this case, there is more scope to accept more significant changes as ‘minor’ when giving due regard to context.
- 10.17 Having due regard to the changes proposed and mindful of the responses which have been forthcoming in response to the consultation process undertaken it is considered that the changes proposed may be deemed as minor in the context of the original approval and may proceed as a Section 73 approval.

S106 and Legal obligations

- 10.18 The earlier approval secured the following items under the Section 106 agreement –
 - Delivery of a LEAP – trigger being prior to the occupation of Phase 3
 - Submission of a public open space maintenance scheme prior to any development above slab level and ongoing maintenance in perpetuity

- NHS contribution of £27,600 – trigger being prior to commencement of any development on site

10.19 These provisions will be taken forward to the revised approval and as required under clause 16.1 of the earlier S106 the applicant will be required to enter into a supplemental deed to reflect the revised details.

Parish Council comments

10.20 The comments of the Parish Council are noted, and whilst it is clearly disappointing that the scheme will not provide for the full policy obligations it remains the case that viability was fully explored as part of the original submission, this being duly accepted by the Committee. It is not possible or indeed warranted to revisit this aspect of the proposal.

10.21 In respect of the bus shelter, again this is as per the original approval and is a civil matter for the developer to resolve. They (the developer) have indicated that they are '*aware of comments from the Parish and have received separate correspondence from them directly, and this is something the client is now discussing with them so we can resolve in a future application relating to the bus shelter details*'.

Conditions (including evaluation of supplementary information received)

10.22 Section 73 results in the issue of a new stand-alone consent and as such conditions imposed on the original approval must be brought forward to any decision notice granted, similarly it will be necessary to vary the terms of the original S106 to ensure that the scheme maintains continuity with the original obligation.

10.23 It is further noted that the applicant as an integral part of this submission has sought to discharge the 'detail' of some of the matters previously conditioned for future submission; these relating to external lighting, flood mitigation, the provision of fire hydrants, confirmation that the landing window of Plot 71 should be obscure glazed, removal of non-native planting from scheme and details of bat and bird boxes.

10.30 For ease of reference the table below covers these aspects

Condition	Item	Submission details	Response
5	External lighting	A drawing has been submitted showing locations along with calculations of light levels and product information (19031-EXT-LTG and Kingfisher VivaCity Pro product information sheet refers)	The Designing Out Crime team have confirmed that they have no objection to the scheme as presented; accordingly, it is appropriate to vary this condition to solely require implementation in accordance with the

			agreed details
6	Flood mitigation	A drawing is included demonstrating the proposed concepts for providing flood resilient and resistant measures within the design of the units and demonstrating compliance with this condition. These concepts will be developed upon as part of the technical design stage of the project. See drawing 3QH7-MHA-ZZ-ZZ-DR-A-20001. Also included in the application is a revised Flood Risk Assessment by Geoff Beel Consultancy which is revised for the changes to the site layout discussed in the previous section.	This condition was a safeguarding condition and as such does not require the submission of details. The condition will therefore be reimposed.
9	Provision of Fire Hydrants	A drawing is included which identifies proposed locations for hydrants across the site and distances to furthest points within dwelling units demonstrating the compliance to Approved Document Part B. See drawing 3QH7-MHA-SA-XXDR-A-01108.	<p>It is noted that in the absence of an approved mains design from Anglian Water it is not possible to discharge the submission element of this condition.</p> <p>Accordingly, the condition will be reimposed as per guidance from the Cambridgeshire Fire and Rescue Service</p>
16	Window of plot 71 shall be obscured glazed	Drawing 3QH7-MHA C1-ZZ-DR-A-00401 now includes a note to confirm that this window will be opaque glazed and fixed on unit 71, however it should be noted that the window is now into an en-suite bathroom as opposed to a landing as stated in the condition.	This condition becomes superfluous as a result of the revised layout given that there will be a requirement to build in accordance with the approved plans.

17 (i)	Non-native planting	It has been confirmed that the non-native <i>Cornus Sibirica</i> has been removed from Native Shrub Mix 9A and will be replaced with pro-rate quantities of other species.	Again, this condition becomes superfluous given the updated details.
17 (ii)	Bird & Bat Boxes	Bird and bat boxes are proposed to select units and are now identified on the boundary treatment drawing along with specifications of products and mounting heights. See drawing 3QH7-MHA-SA-CC-DR-A-01104.	Comments of the Councils Ecologist are awaited in this regard and will be reported to the committee, the condition may be amended to require implementation only should the details be confirmed as satisfactory.

10.31 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed conditions and their response will be updated to the committee as part of the written update in order to evidence that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows;

- Condition 4 – Levels
- Condition 8 - Archaeology
- Condition 14 - Materials

11 CONCLUSIONS

11.1 The principle of development has been clearly established through the earlier grant of full planning permission. The changes proposed, largely as a consequence of the need to ensure appropriate maintenance strips are available with regard to the drains which run to the northern and eastern boundaries of the site are considered acceptable in the context of the approved scheme. This being subject to the technical detail raised by the LHA being addressed to their satisfaction.

11.2 Whilst the amendments proposed appear extensive when viewed in isolation they are, within the context of this major housing development scheme, minor. There are no implications or consequences arising from agreeing the

amendments proposed and as such a favourable recommendation may be forthcoming.

12 RECOMMENDATION

Grant subject to:

- (i) Receipt of amended drawing resolving highways layout issue and re-consultations with no new grounds of objection arising
- (ii) Prior completion of supplemental deed securing the obligations outlined in respect of F/YR17/1217/F; should the supplemental deed not be completed within 3-months of the committee decision, due to delays on the applicants part, delegated authority is given to Officers to refuse the scheme.

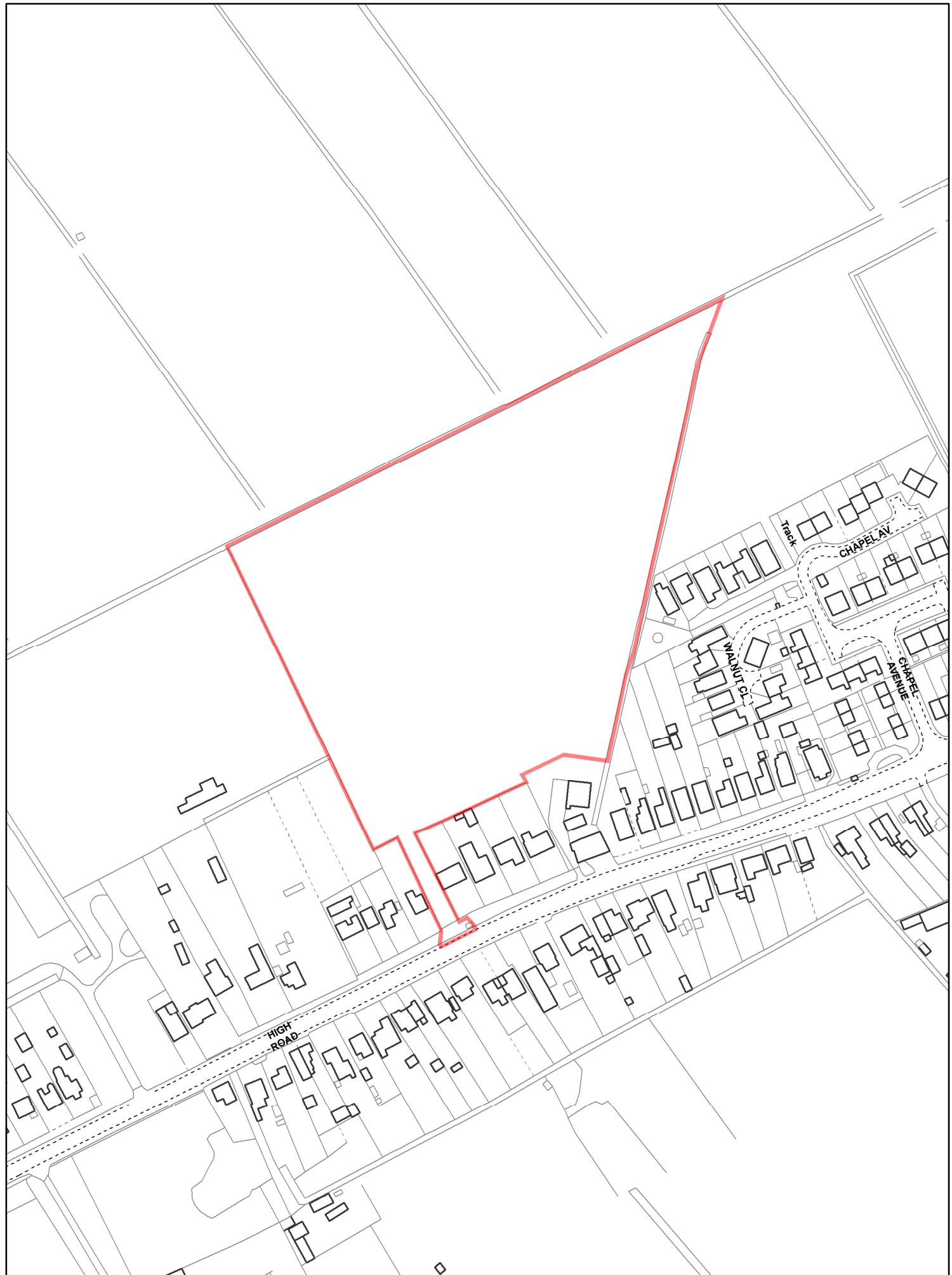
Conditions

1	<p>The development permitted shall be begun before the 11th April 2022</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved amended remediation strategy.</p> <p>Reason: To control pollution of land and controlled waters in the interests of the environment and public safety and ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>The development shall be undertaken in full accordance with the details contained within the following documents:</p> <p>Construction Traffic and Compound Plan reference: 3QH7 MHA SA XX DR A 01105 S2 P2, and Site Waste & Management Plan Document - Revision A - Dated 20.01.2020 (as previously submitted and agreed under conditions discharge application F/YR19/3124/COND)</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings.</p>
5	<p>The external lighting scheme as detailed on drawing number 19031-EXT-LTG</p>

	<p>REV P1 shall be implemented in full accordance with the agreed details and retained thereafter in perpetuity.</p> <p>Reason: In order to ensure that the site meets the crime prevention guidelines in accordance with</p>
6	<p>The scheme shall be delivered in full accordance with the Flood Risk Assessment (FRA) submitted for this development by Geoff Beel Consultancy dated January 2020 GCB/QUEENSBIDGE and the proposed mitigation measures shall be fully adhered to -</p> <ul style="list-style-type: none"> i. Finished floor levels of the proposed development will be set no lower than 2.0mA0. ii. Flood resilient and resistance measures will be incorporated into the development. iii. The development will be two storeys. <p>Reason: To prevent the increased risk of flooding and take appropriate measures with regard to flood risk management in accordance with Policy LP14 of the Fenland Local Plan, adopted May 2014.</p>
7	<p>The proposal shall be delivered in full accordance with the recommendations of the Ecological Report prepared by Wild Frontier Ecology Report (as updated 2nd July 2019 in support of conditions discharge submission F/YR19/3058/COND).</p> <p>Reason: To protect and enhance biodiversity on site in accordance with Policy LP19 of the Fenland Local Plan, adopted May 2014</p>
8	CCC Archaeology condition – precise wording to be advised
9	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
10	Surface water drainage strategy condition to be confirmed by LLFA
11	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff subcatchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraph 165 of the National Planning Policy Framework</p>
12	Landscaping condition to be advised

13	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.</p>
14	<p>Prior to the commencement of the relevant parts of the work full details of the materials to be used in the development hereby approved for the walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
15	<p>No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed estate roads and private drives within the development have been submitted to and approved by the local planning authority. The estate roads and private drives shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p>Reason: To ensure a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan.</p>
16	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
17	<p>Prior to the first occupation of any part of the development hereby approved, visibility splays shall be provided on each side of the main estate access to High Road and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Minimum dimensions to secure the required splays shall be 2.4 metres measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 120 metres measured along the channel line of the highway carriageway and the centre line of the proposed access.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>

18	<p>All vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive, or that a suitably qualified ecologist first carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.</p> <p>Reason: To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation.</p>
19	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



Created on: 15/10/2020

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100023778

F/YR20/0952/VOC

Scale = 1:2,500



Key to Notation

- Extent of planning application area
- Adjacent land owned by the applicant
- Limits of Public Open Space

Hard surfaces

- 5.0m wide access road
- min. 1.8m wide footpath adjacent to access road
- Shared access court in buff coloured asphalt
- Block paved driveway
- Paths and paths to rear gardens
- Safety play surfacing

Refer to structural engineer's (WML) drawings for specifications, build-ups and edging details of hard landscaping.

Soft landscaping

- Private gardens: turf to plot frontages
- Ornamental or native hedge planting
- as landscape architect's drawing
- Shrubs and herbaceous planting
- Wildflower grass area
- Swale
- Amenity grass area

Refer to landscape architect's (ELD) drawings for specifications and planting mixes of soft landscaping.

Schedule of Types

Houses		Garages	
Type	Count	Type	Count
A1	6	G1	3
A2	3	G2	5
B	20	G3	1
C	16	G4	7
D	13	G5	1
E	6	G6	1
F1	2	G7	1
F2	2	G8	1
F3	2	Total	76
			20

Garage Unit Directory

Unit	Type	Ownership	Unit	Type	Ownership
G:01	G2	01	G:12	G4	48
G:02	G2	02	G:03	G4	50, 68
G:03	G2	03	G:14	G4	60, 67
G:04	G1	05	G:15	G4	55, 65
G:05	G2	15	G:16	G3	59
G:06	G2	18	G:17	G7	55, 56
G:07	G1	19	G:18	G5	12, 54
G:08	G4	20, 21	G:19	G6	51, 52, 53
G:09	G4	22, 23	G:20	G8	17, 47
G:10	G1	24			
G:11	G4	44, 45			

Dwelling Unit Directory

Unit	Type	Unit	Type	Unit	Type
01	A1	21	B	61	B
02	B	22	B	62	B
03	B	23	B	63	C
04	A2	24	B	64	C
05	A1	25	D	65	C
06	D	26	D	66	C
07	D	27	D	67	C
08	D	28	D	68	C
09	D	29	F1	69	C
10	D	30	F2	70	C
11	A1	31	F3	71	C
12	A2	32	F4	72	C
13	A1	33	F5	73	C
14	A2	34	F6	74	C
15	A1	35	F1	75	C
16	B	36	F2	76	C
17	B	37	F3		
18	A1	38	F4		
19	B	39	F5		
20	B	40	F6		

P3 2020-09-03 Issued for VOC application
 P2 2020-09-01 Issued for coordination within design team
 P1 2020-04-02 Initial issue
 REV DATE DRN CHK

CLIENT
 Queensbridge Homes Ltd.

PROJECT TITLE
 Wisbech St. Mary
 Cambridgeshire

TITLE
 GA Site Block Plan

SUITABILITY
 Suitable For Information

DRAWN / CHECKED INITIAL ISSUE DATE SCALE
 GW / CY APR 2020 1:500 @ A1

DRAWING ID Project Originator Volume Level Type Role Number Status Revision
 3QH7 - MHA - SA - XX - DR - A - 01102 - S2 - P3

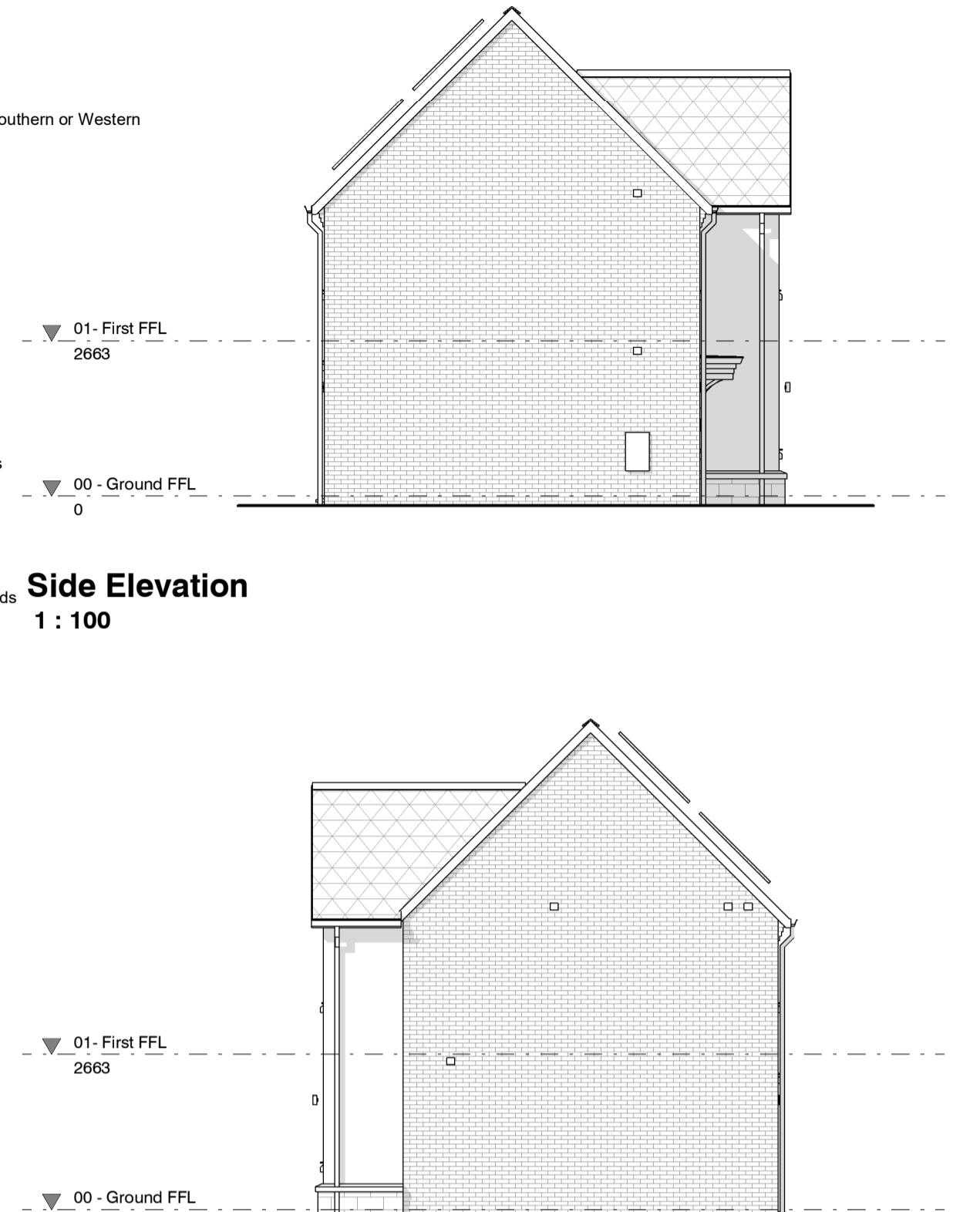
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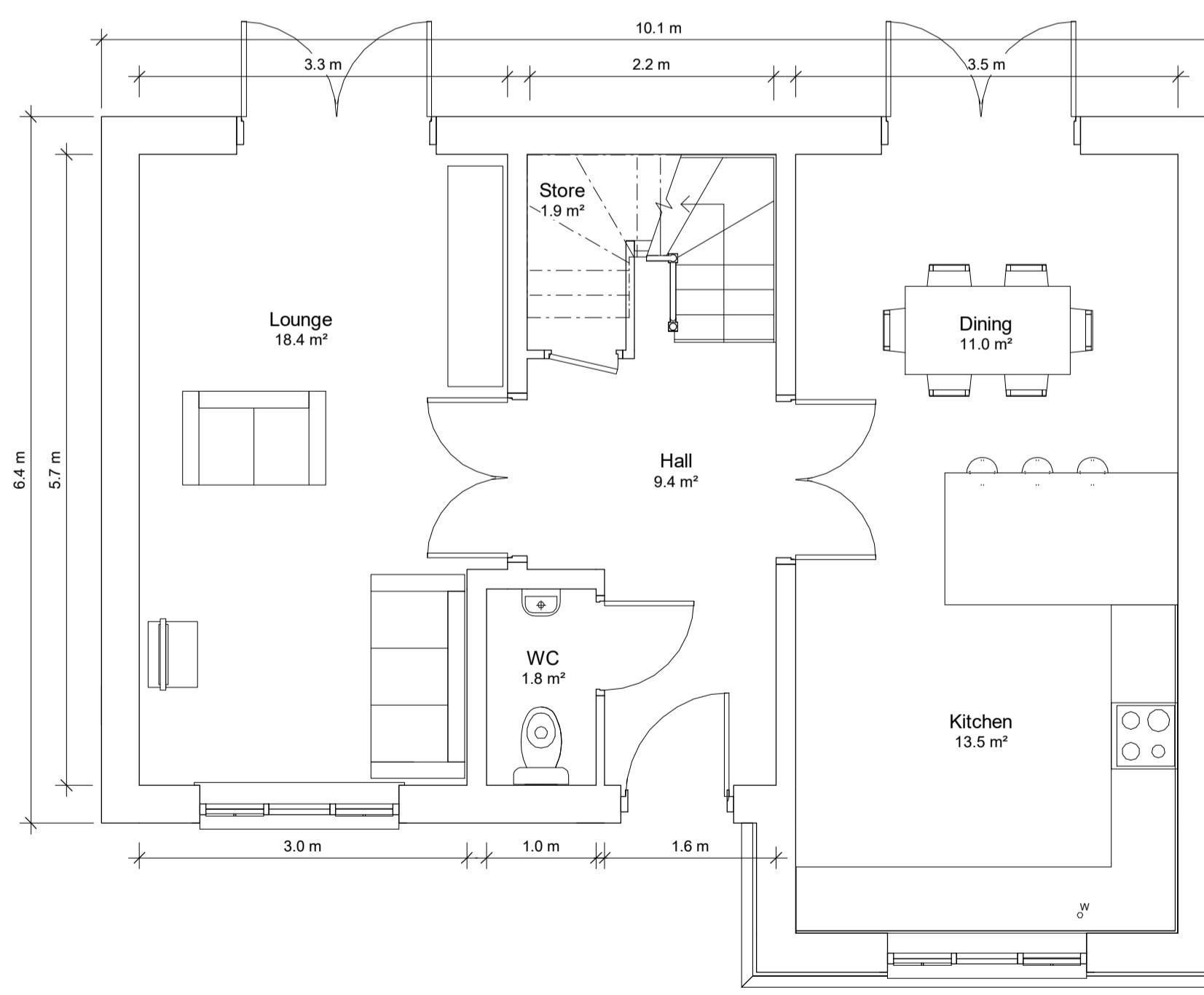
Front Elevation
1 : 50



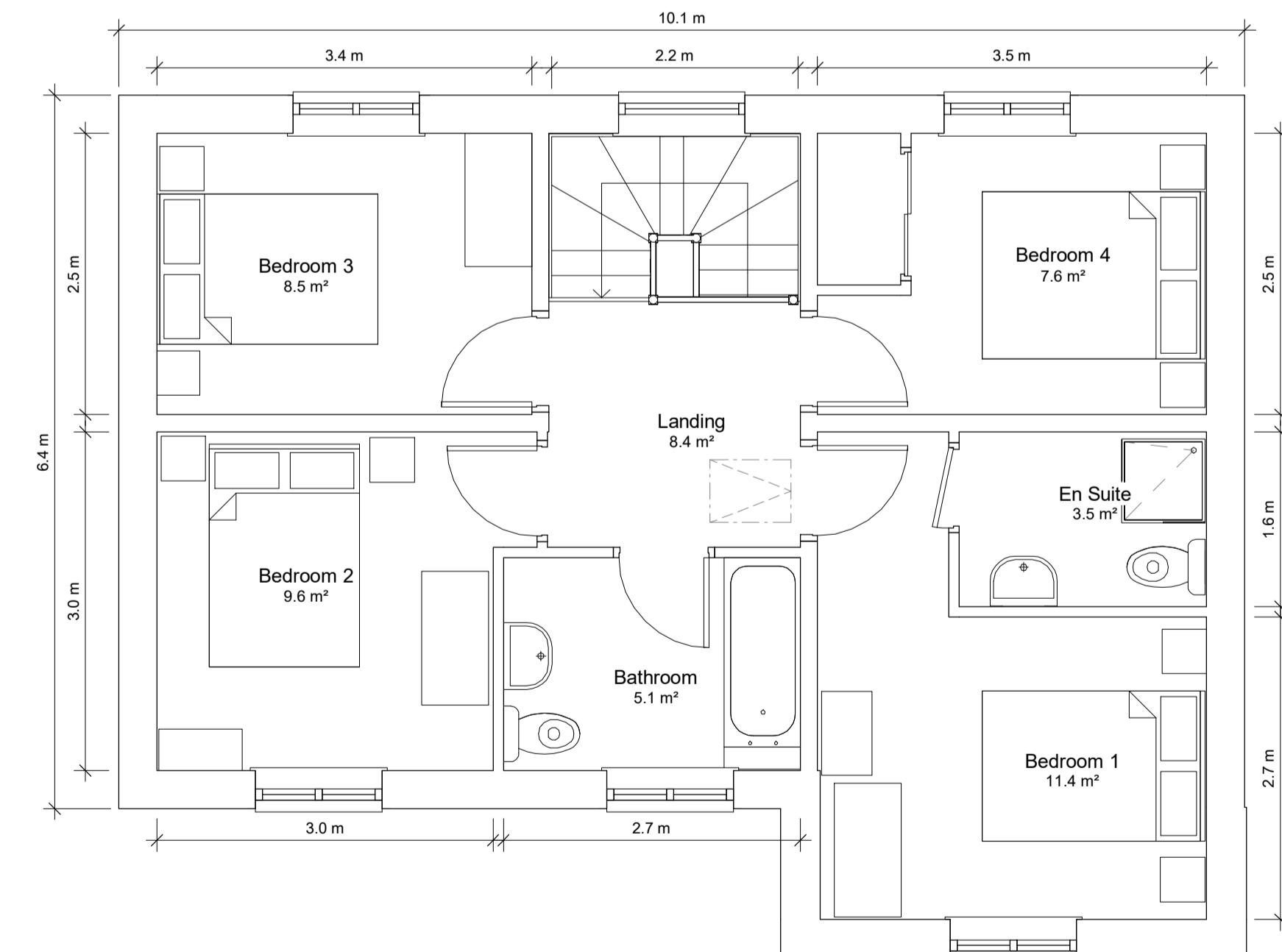
Rear Elevation
1 : 50



Side Elevation
1 : 100



Ground Floor Plan
1 : 50



First Floor Plan
1 : 50

P13	2020-09-04	Issued for VOC application	GW	CY
P12	2020-04-07	Issue for April 2020 application	GW	CY
P11	2019-06-24	Revised following planning validation letter	IR	GW
P10	2019-06-03	Non-material amendment issue	IR	GW
P9	2019-03-22	Rooms dimensions provided	GW	GW
P8	2019-03-14	External dimensions	GW	GW
P7	2019-03-08	Revised internal arrangement	AL	GW
P6	2019-02-19	Revised front door & rear feature window	AL	GW
P5	2019-02-18	Revised following comments received from QBH	GW	CY
P4	2019-02-18	Revised external dimensions following client's comments.	GW	CY
P3	2019-01-15	Revised for comments	JC2	GW
P2	2019-01-15	Issued for comments	MHD	GW
P1	2019-01-15	Revised for comments	MHD	DRN
REV	DATE	DESCRIPTION	GW	GW

CLIENT
Queensbridge Homes Ltd.

PROJECT TITLE
Wisbech St. Mary
Cambridgeshire

TITLE
House Type A2 G.A.

SUITABILITY
Suitable For Information

DRAWN / CHECKED
MBD / GW

INITIAL ISSUE DATE
OCT 2018

SCALE
As indicated @ A1

DRAWING ID
3QH7 - MHA - A2 - ZZ - DR - A - 00201 - S2 - P13

Project Originator Volume Level Type Role Number Status

Suite 1B Origin 1 +44 (0)161 834 0118

70 Spring Gardens 1 +44 (0)161 834 4798

Manchester info@mhaarchitects.com

www.mhaarchitects.com



Room Schedule		Room Schedule	
Name	Area	Name	Area
00 - Ground FFL		01-First FFL	
Dining	11.0 m²	Bathroom	5.1 m²
Hall	9.4 m²	Bedroom 1	11.4 m²
Kitchen	13.5 m²	Bedroom 2	9.6 m²
Lounge	18.4 m²	Bedroom 3	8.5 m²
Store	1.9 m²	Bedroom 4	7.6 m²
WC	1.8 m²	En Suite	3.5 m²
		Landing	8.4 m²

Area Schedule (GIA)		Area Schedule (GIA)	
Level	Area	Level	Area
00 - Ground FFL	70 m²	00 - Ground FFL	59 m²
01-First FFL	70 m²	01-First FFL	59 m²
Grand total	141 m²	Grand total	119 m²

Areas subject to technical development of the design.

Lengths a nominal at widest/longest points, refer to drawing for full measurements.

Areas subject to technical development of the design.

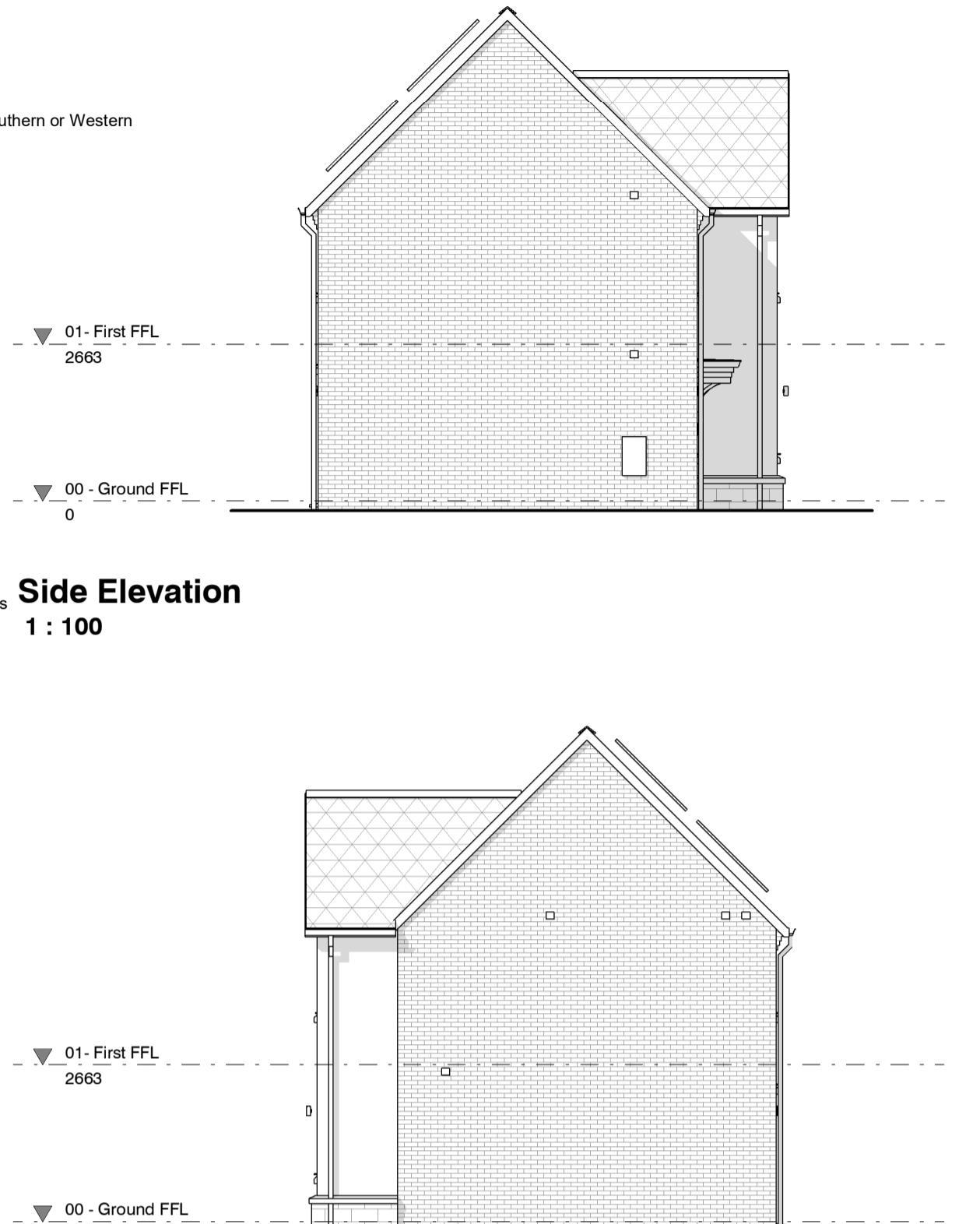


Front Elevation

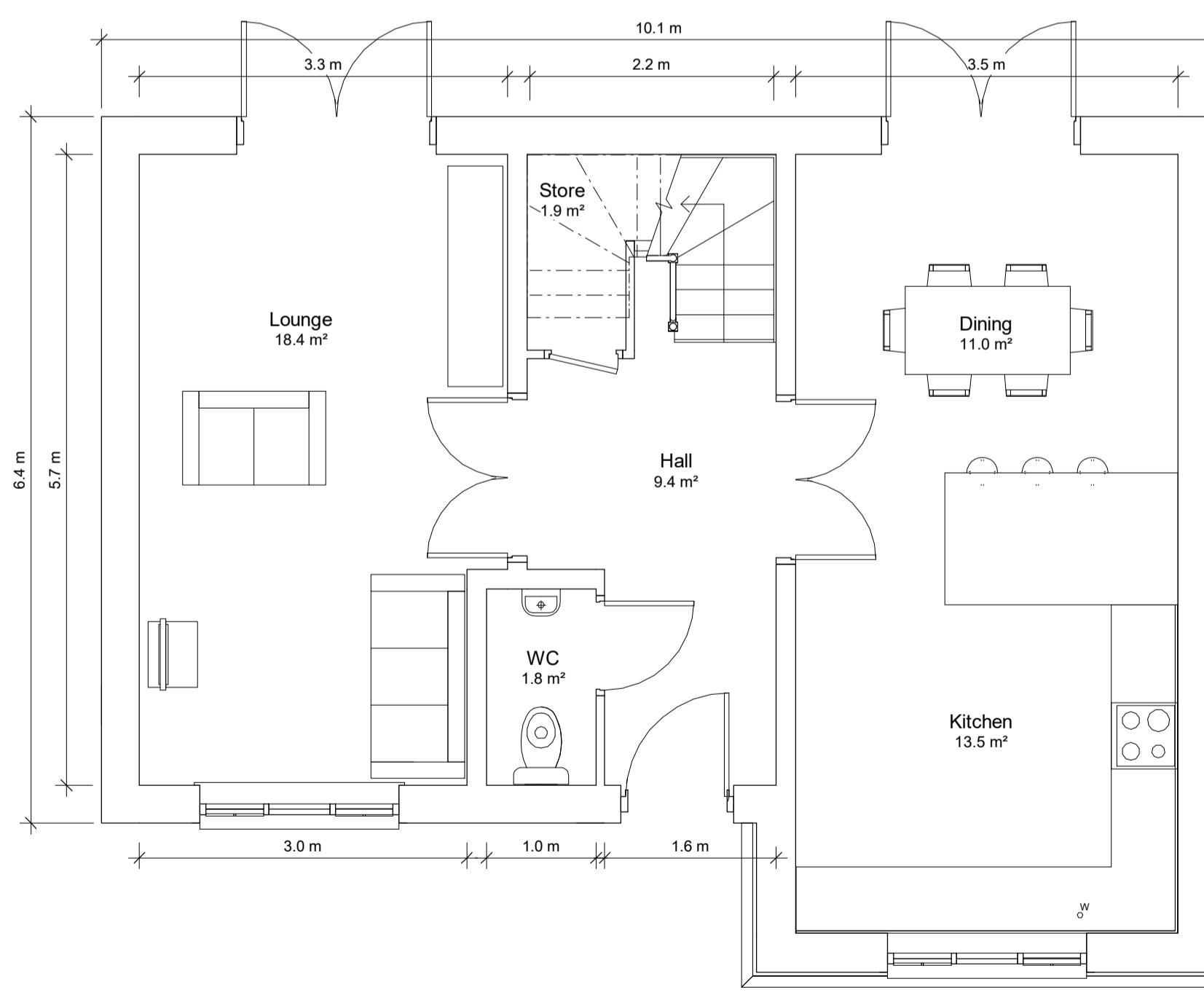


Rear Elevation

1 : 50

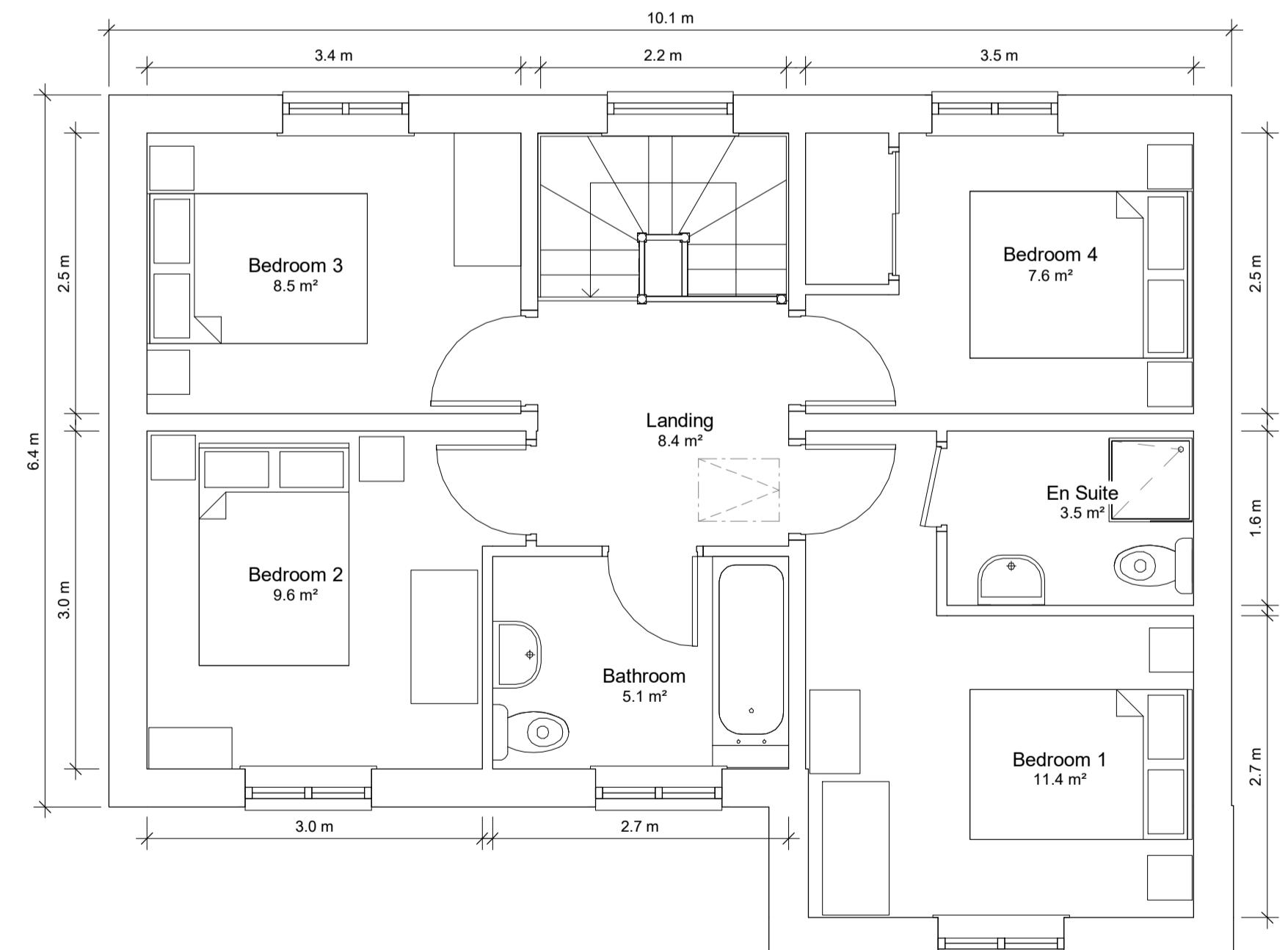


Side Elevation



Ground Floor Plan

1 : 50



First Floor Plan

1 : 50

Room Schedule		Room Schedule	
Name	Area	Name	Area
00 - Ground FFL		01- First FFL	
Dining	11.0 m ²	Bathroom	5.1 m ²
Hall	9.4 m ²	Bedroom 1	11.4 m ²
Kitchen	13.5 m ²	Bedroom 2	9.6 m ²
Lounge	18.4 m ²	Bedroom 3	8.5 m ²
Store	1.9 m ²	Bedroom 4	7.6 m ²
WC	1.8 m ²	En Suite	3.5 m ²

Areas & lengths subject to technical development of the design.
Lengths a nominal at widest/longest points, refer to drawing for full measurements.

Area Schedule (GEA)		Area Schedule (GIA)	
Level	Area	Level	Area
00 - Ground FFL	70 m ²	00 - Ground FFL	59 m ²
01- First FFL	70 m ²	01- First FFL	59 m ²

Appendix B: Subject to technical development of the design

2020-09-04	Issued for VOC application	GW
2020-04-07	Issue for April 2020 application	GW
2019-06-24	Revised following planning validation letter	IR
2019-06-03	Non-material amendment issue	IR
2019-03-22	Rooms dimensions provided	GW
2019-03-14	External materials noted	GW
2019-02-28	Revised internal arrangement	AL
2019-02-22	Revised internal arrangement	AL
2019-02-19	Revised front door & rear feature window	GW
2019-02-18	Revised following comments received from QBH	GW
2019-01-23	Revised externals following client's comments.	JCZ
2019-01-10	Issued for comments	JCZ
2018-11-15	Issue for comments	MPS

DATE	DESCRIPTION
------	-------------

JECT TITLE
Visbech St. Mary
Cambridgeshire

House Type A2 G.A.

ABILITY

Suitable For Information

INITIAL ISSUE DATE: OCT 2018
SCALE: As indicated @ A1
WING ID: 3QHZ - MHA - A2 - ZZ - DB - A - 00201 - S2 - P13

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Manchester **e** contact@mhaarchitects.com

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F/YR20/1013/F

Applicant: Mr P Purse

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

Land North Of Meadowcroft, Silt Road, March, Cambridgeshire

Erect a building for storage of vehicles and machinery in association with groundworking business and personal use, including, 1.4 metre high (approx) timber gates and 1.2 metre high (approx) post and rail fencing, and formation of hardstanding and 1.5 metre high (approx) grass bunding

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of building for storage of vehicles and machinery in association with a groundworking business and personal use, including, 1.4 metre high timber gates and 1.2 metre high post and rail fencing, and formation of a formal access, hardstanding and 1.5 metre high grass bunding.
- 1.2 Planning permission has been refused three times for the erection of a storage building on this site, though the descriptions have differed slightly each time, the current scheme is essentially an iteration of the previously refused applications, however the building proposed has a slightly larger footprint and is 0.5m higher.
- 1.3 The application site is considered to be 'Elsewhere' in relation to the settlement hierarchy; in such a location a proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's proposal does not constitute an 'agricultural' operation or any of those identified within LP3 as above.
- 1.4 The proposed development is considered an alien urban feature in a tranquil rural setting. Furthermore, it is considered that if planning permission were to be granted the operation of a site of this scale has potential to result in significant disturbance to the amenity of the occupiers of Medway Cottage opposite and of the use of this quiet county lane.
- 1.5 Consequently, the recommendation is to refuse the application.

2 SITE DESCRIPTION

2.1 The application site is located close to the railway line on the eastern side of Silt Road, a single-track tarmac road, devoid of passing places and footpaths with grass verges either side and serving two existing dwellings. This site was formerly a grassed paddock area with no formal access (as visible on Google Maps) and has since been cleared and laid to hardcore, a number of vehicles and building materials are parked/stored, lighting and CCTV installed, stable/shed erected and gated access has been created without the benefit of planning permission . The area to the north of the site contains an unauthorised mobile home which is excluded from the application. To the south is Meadowcroft, a detached 2-storey dwelling, with extensions/alterations nearing completion.

3 PROPOSAL

3.1 The application seeks full planning permission to erect a building for storage of vehicles and machinery in association with the applicant's ground working business, part of the building will also be used to store hay bales. This building measures 18.5m x 9.75m and 6.1m in height, to be constructed Moorland Green vertical plastic coated box profile cladding with concrete panels below and natural grey fibre cement roof.

3.2 Also proposed is a formal access, which is gated, tarmac for the first 6m leading to a tarmac chipping drive and hardstanding area within the site, concrete apron in front of the building and 1.5m high grass bund to the south west of this hard landscaping. The site incorporates an area of land previously given permission for domestic purposes and is proposed to separate this with a 1.2m post and rail fence. The shed/stable does not form part of this application.

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QIK581HE01U00>

4 SITE PLANNING HISTORY

F/YR18/0344/F	Change of use of land for domestic purposes and erection of a 2-storey rear extension and detached triple garage to existing dwelling involving demolition of existing garage and store	Granted 4/6/2018
F/YR17/0818/F	Erection of a 5.6 metre high building for the garaging/parking of applicant's vehicles and storage of hay/straw/tack; retention and extension of existing hardstanding (including change of use of part paddock to additional residential curtilage); erection 1.5 metre high (max) fencing to enclose retained and extended paddocks (including change of use of former residential curtilage to paddocks)	Refused 07/12/2017
F/YR17/0060/F	Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)	Refused 28/04/2017
F/YR16/0863/F	Change of use of site from agricultural land to B1(c) business use involving the erection of a 5.6m high storage building and the siting of a temporary mobile home (whilst works are being carried out to modernise Meadowcroft) (part retrospective)	Refused 16/11/2016

5 CONSULTATIONS

5.1 Environmental Health (FDC) (14/11/2020)

A site visit hasn't been made and this response is based on a desk-top study. Documents considered are: -

*Planning Application dated 29 September 2020.
Location Plan
Site Plan
Aerial photo*

This proposal will not have any adverse effects on the local air quality climate.

This proposal won't have any issues concerning noise.

Ground contamination isn't an issue.

Consequently, there are no objections to this proposal.

5.2 Environmental Health (FDC) (28/1/2021)

A site visit hasn't been made and this response is based on a desk-top study.

Documents considered are: -

Design and Access Statement – Rev. A - L Bevens Associates Ltd

Location Plan

Site Plan

Response by Environmental Health – dated 14 November 2020

Various neighbour responses since previous response by Environmental Health

There are issues to raise and our comments in the response on 14 November 2020 still stand.

Consequently, there are still no objections to this proposal.

5.3 Cambridgeshire County Council Highways (16/11/2020)

Will this application result in a material increase in vehicle movement along Silt Road, or will the proposed building simply provide ancillary storage of plant and material that is currently being stored on the adjacent site? If you are unable to answer this question, can you request the agent provides further clarification of any additional trips that will be generated as a result of the development?

The highway access crossover should be drained into a soakwell if it cannot be piped into an adjacent ditch/drainage system. I have no issues with the private access surface water discharging to the unbound material on the driveway.

What is the largest/longest vehicle to use the access? The gate setback distance should accord with the access design vehicle.

Defer for amended plans.

5.4 Cambridgeshire County Council Highways (7/1/2021)

Based on the information the applicant has submitted, the development will not result in a material increase in traffic along Silt Road or any unacceptable harm to the highway network.

No highway objections subject to the following condition recommendations.

1.) Prior to the commencement of use of the access hereby permitted, the means of vehicular access will be laid out and constructed in accordance with the approved plans.

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

2.) Prior to the first use of the vehicular access onto Silt Road, all vegetation shall be cut back to the highway boundary along the frontage of Silt Road and maintained in perpetuity.

Reason - To ensure adequate access visibility onto the public highway and to achieve compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2017.

Advisories

1.) *This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.*

2.) *The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.*

5.5 Town Council

Recommend approval.

5.6 Environment Agency (10/11/2020)

Please note that this application falls under Advice Note 6 of your Local Flood Risk Standing Advice.

Environment Agency Position

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

Advice to LPA

In accordance with paragraph 158 of the National Planning Policy Framework, 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. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5.7 Environment Agency (8/1/2021)

We have reviewed the amendments submitted and have no further comment to make on this application.

Environment Agency Position

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

Advice to LPA

In accordance with paragraph 158 of the National Planning Policy Framework, 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. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5.8 Network Rail (30/11/2020)

Thank you for consulting Network Rail regarding the above application. Network rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land at all
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's

land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a / I possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), *Thuja Plicata* "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen – Popular (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

5.9 Network Rail (11/1/2021)

In addition to the above, the following was provided:

Thank you for consulting Network Rail on the above planning application and providing us with the opportunity to comment. It is imperative that the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionAnglia@networkrail.co.uk before works commence on site.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be

damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

5.10 Network Rail (2/2/2021)

Please see the below for additional comments.

All works, both temporary and permanent, should be designed and constructed, so that they will have no influence on the stability of NR's existing structures and adjoining land. Methodology adopted in the development should not import undue settlement and vibration on NR infrastructure and assets.

The developer is responsible for a detailed services survey to locate the position, type of services, including buried services, in the vicinity of railway and development site. Any utility services identified shall be brought to the attention of Senior Asset Protection Engineer (SAPE) in Network Rail if they belong to railway assets. The SAPE will ascertain and specify what measures, including possible re-location and cost, along with any other asset protection measures shall be implemented by the developer.

Any scaffold which is to be constructed adjacent to the railway boundary fence must be erected in such a manner that at no time will any poles fall within the platform and 2.75m from the live OHLE and protective netting around such scaffold must be installed.

If there is hard standing area near the boundary with the operational railway, Network Rail would recommend the installation of vehicle incursion barrier or structure designed for vehicular impact to prevent vehicles accidentally driving or rolling onto the railway or damaging the railway lineside fencing.

5.11 Middle Level Commissioners IDB

No comments received.

5.12 Local Residents/Interested Parties

Nine supporting comments have been received (1 from Creek Fen, 6 from Upwell Road, 1 from Smiths Drive, 1 from Badgeney End, all in March) in relation to:

- Belongings are better out of site to help reduce rural crime/for security
- No visual impact and would not look out of place
- In keeping with area and practical for welfare of livestock
- No increase in traffic or noise in the 4 years the applicant has been on site
- Wider site has been transformed
- Building would tidy up outside storage
- Building is needed; trailer and agricultural machinery currently stored elsewhere

One objection has been received from the lead trustee of the Family Trust for Medway Cottage, Silt Road in relation to:

- Three previous applications have been refused
- Impact on the environment and quality of life is potentially worse than previous schemes

- Discrepancies with the submitted design and access statement and application form
- Large external storage area, no details in relation to use and concerns over visual impact
- Site not well screened
- Proposed landscaping would take time to provide benefit
- Existing hedge blocks visibility
- Concerns over control of the use

Reference was made to previous comments still being relevant, however these have not been provided with this application and as such are not referred to.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1

Identity – I1

Built Form – B2

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Cambridgeshire Flood and Water Supplementary Planning Document 2016

March Neighbourhood Plan 2017

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved.

8 KEY ISSUES

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

9 BACKGROUND

9.1 Planning permission has been refused three times for the erection of a storage building on this site, though the descriptions have differed slightly each time, the current scheme is essentially an iteration of the previously refused applications, however the building proposed has a slightly larger footprint and is 0.5m higher. The most recent refusal F/YR17/0818/F was refused by the Planning Committee for the following reasons:

1. *The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed building by reason of scale and appearance and associated activity, will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to adopted policy LP2 and LP16(d) of the Fenland Local Plan (2014) in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area. The proposal is also considered contrary to the aims of The March Neighbourhood Plan in that the proposal fails to improve the quality of the built and natural environment, and the aims and objectives of the National Planning Policy Framework*

2. *The proposed development would likely result in harm to the amenity of neighbouring occupiers by reason of disturbance from large commercial vehicles and visits from employees accessing the site. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate to serve commercial vehicles. It is therefore considered contrary to policy LP2 and LP16(e) of the Fenland Local Plan (2014), and the vision of The March Neighbourhood Plan in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this isolated countryside location.*

9.2 Subsequently, permission has been granted at Meadowcroft for the change of use of land for domestic purposes and erection of a 2-storey rear extension and detached triple garage to existing dwelling involving demolition of existing garage and store, which was approved under planning application F/YR18/0344/F. This application proposes to utilise part of the domestic land approved.

9.3 The description of development and information submitted have been amended during the course of the application to ensure this accurately reflects the proposed use of the site/building.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 This site is considered to be in open countryside, whilst located close to the edge of March 'as the crow flies', it is however not considered to be easily accessible due to the constraints of Silt Road and the gated railway crossing. The appearance and narrowness of Silt Road is in keeping with the status of a countryside location and as such is considered to be an 'Elsewhere Location' in the Settlement hierarchy (Policy LP3) of the Fenland Local Plan 2014.
- 10.2 For development to be acceptable in 'Elsewhere' locations, the proposal must clearly demonstrate that it is essential for the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The applicant's proposal does not constitute an 'agricultural' operation or any of those identified within LP3 as above. Whilst it is acknowledged that equestrian use is considered 'outdoor recreation' and part of the building is used for the storage of hay and other equestrian paraphernalia, however there is no evidence of equestrian use necessary for a building of this scale and this is not the primary purpose of the building as can be attributed to the design of the building, information submitted with the application and the previous applications submitted.
- 10.3 The NPPF recognises the intrinsic character and beauty of the countryside and seeks to support thriving communities within it. The key consideration is whether the type and scale of the proposal undermines the key objectives of LP2 and LP16, and whether the use is appropriate to the site and its locality.
- 10.4 The development could provide a degree of local employment during construction which would support the continued sustainability and economic growth. Whilst Economic Development is of utmost importance to the Council, it should not result in inappropriate development being located on the open countryside in isolated unsustainable locations. The application asserts that the building is for the storage of vehicles and equipment associated with the applicant's ground working business, however it is asserted that no business would be run from the site nor would any customers or employees use the site for work or visit. It is therefore difficult to demonstrate economic benefit would occur from the development.

Design considerations and visual amenity of area

- 10.5 Generally, Silt Road is considered to be characterised as a relatively tranquil country lane, even taking account of the proximity to the railway line. By way of a comparison, photographs of the site before the unauthorised development indicates a verdant site with what appears a tranquil location and in use for purposes in keeping with the rural area. Silt Road itself being such a narrow route contributes to the retention of its tranquil status by limiting access by large vehicles.
- 10.6 The unauthorised development has removed trees and established a vehicular access, a mobile home and stable/shed (excluded from this application) and a large hardstanding area resulting in a harsh appearance more in keeping with an industrial character. This proposal seeks to reduce the gravel hardstanding, provide grass bunding and additional planting in an attempt to mitigate the impact on visual amenity, however the addition of a building of such scale and appearance, which would compete with the dwelling itself, and constructed in concrete wall, cladding and cement fibre roofing will result in a harsh urban environment. There is a lack of detail submitted regarding external storage on the proposed hardstanding, the appearance of this would be mitigated to some extent by the proposed bunding and a condition could be imposed limiting the

height of any external storage. Similarly, due to the requirements of Network Rail and a lack of detail in relation to the proposed additional landscaping it would also be necessary to impose a notwithstanding condition in this regard.

- 10.7 Reference is made to the proposal being similar to buildings of agricultural character. However, such buildings, by definition, relate to agricultural operations considered acceptable in the countryside, which accords with Policy LP3, and are often a necessary requirement of modern farming. However, this proposal is not an agricultural use, and therefore not necessary for activities appropriate to the countryside. Indeed, the key tenet of planning policy is to limit such buildings to only where they are necessary because of their visual impact.
- 10.8 It has been confirmed that the building is needed in this form to enable the large vehicles to access requiring such a height clearance. However, the resulting building, would compete with the dwelling it is associated with and is industrial in character and design. It is likely that CCTV and lighting will be required which would further urbanise the site, details of these elements have not been submitted but could be secured by way of a condition.
- 10.9 It is considered that the proposal will result in an urbanising impact upon this part of the open countryside. The proposed building by reason of height, scale and appearance will be an alien feature to the character of the area and therefore contrary to Policy LP16 (d) and the aims of the March Neighbourhood Plan.

Residential Amenity/Health and wellbeing

- 10.10 The proposal would result in the loss of an area of land which has had change of use for domestic purposes serving Meadowcroft, however the property still retains a large area of amenity space and as such this is not considered to be significantly detrimental. Concerns have been raised in respect of the potential for the proposed use and building to become standalone (separated from Meadowcroft), however due to the potential impacts on and relationship with the host dwelling it would be reasonable to impose a condition to ensure that this link was retained to avoid adverse impacts.
- 10.11 To the west of the site is the single-storey detached dwelling of Medway Cottage, the only other dwelling located along Silt Road, and the two dwellings enjoy a peaceful level of amenity in this rural location. Whilst there are no significant issues in relation to loss of privacy, light or outlook, overlooking and over shadowing, the applicant seeks to accommodate commercial vehicles and equipment, which would not normally be located within a building associated with a residential property (Meadowcroft). The extent and frequency of movements and storage of such machinery cannot be reasonably controlled and is considered likely to result in disturbance to what, apart from occasional train movements, is a tranquil location.
- 10.12 The unsuitable and impassable nature of this quiet country lane for larger vehicles to access the site, together with possible disturbance from activities within the site of such scale will lead to a detrimental impact on the amenity of the occupiers of Medway Cottage. The cumulative impact of these adverse factors is considered to be contrary to Policy LP2 and LP16(e) and the vision of the March Neighbourhood Plan.

Highways

- 10.13 The gates to the access are to be set back 6m; it is understood that the largest vehicle to use the access will be a 7 ½ tonne lorry which is a maximum of 6m in

length, as such the location of the gates is considered to ensure that Silt Road can be cleared by the largest waiting vehicle.

10.14 The LHA do not have any objections to the proposal subject to conditions and do not consider, on the basis of the information submitted, that there would be an unacceptable harm to the highway network. Therefore, although no evidence of harm to highway safety has been identified, nevertheless the impact of the development on the use of the highway and the resulting harm on the character of the countryside is considered elsewhere in this report.

Flood Risk

10.15 The application site is located in Flood Zone 3, the highest risk of flooding. The application is accompanied by a Flood Risk Assessment which advises that the site is at risk of surface water flooding at a depth of 0.3m – 0.9m; mitigation proposed is a water enter and exit strategy and provision of 0.9m of flood resilient construction above finished floor level. Recommendations are also made in relation to registering for flood warnings and surface water drainage requirements. A condition can be imposed to ensure the recommendations are adhered to.

10.16 The Environment Agency have no objections to the proposal, subject to consultation of the relevant IDB (this has been undertaken and no response received) and consideration of the sequential test. The application has not provided any information in relation to the sequential test, whilst it is acknowledged that the proposal will be used in association with Meadowcroft, no evidence has been provided regarding the necessity for this to be the case, as such the sequential test is not considered to be passed.

10.17 This site has been the subject to three applications for a similar proposal where this has been the case, however at no point was this included as a reason for refusal, as such it would be unreasonable to introduce this.

Ecology

10.18 The previous two applications refer to an ecology survey having been undertaken which identified bats, small numbers of reptiles and other wildlife/fauna on the site. Given the length of time since this report was undertaken it is considered that an updated report would be required to establish the current situation on site and relevant mitigation measures. Such a report would be required pre-determination, however given that the overall development is considered unacceptable it is not considered reasonable to put the applicant to additional cost and as such this has not been requested.

10.19 If members are minded to grant the application this would be required to be undertaken and could not be conditioned; it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision

11 CONCLUSIONS

11.1 Planning permission has been refused three times, for the erection of a storage building on this site, the latter two applications (F/YR17/0060/F and F/YR16/0863/F) refused by Planning Committee and there has been no change

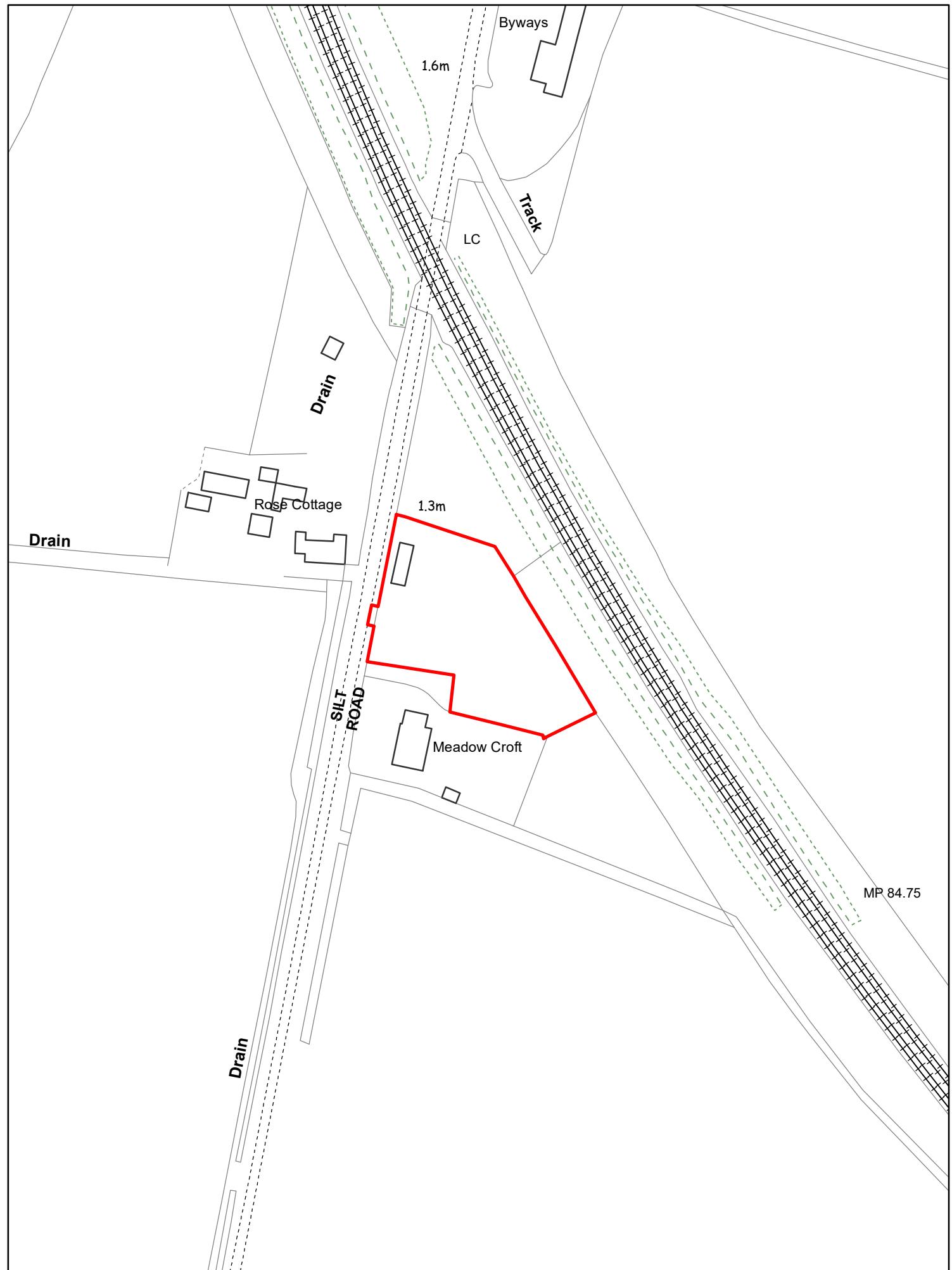
in circumstances since the refusal of these permissions. Though the descriptions have differed slightly each time, the current scheme is essentially an iteration of the previously refused applications, however the building proposed has a slightly larger footprint and is 0.5m higher. The proposed development is considered an alien urban feature in a tranquil rural setting. Furthermore, it is considered that if planning permission were to be granted the operation of a site of this scale has potential to result in significant disturbance to the amenity of the occupiers of Medway Cottage opposite and of the use of this quiet county lane.

12 RECOMMENDATION

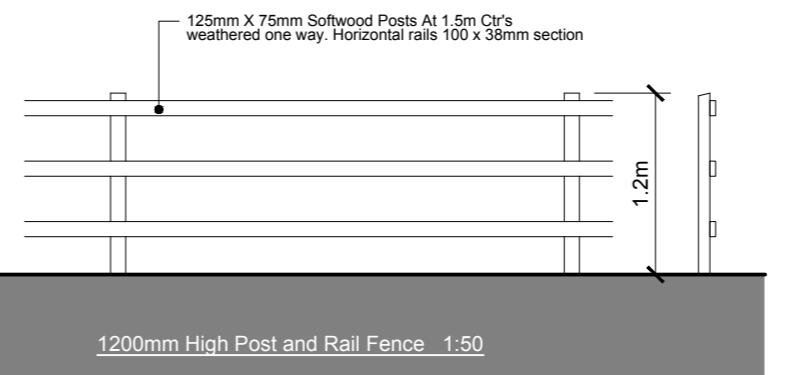
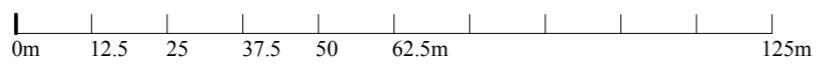
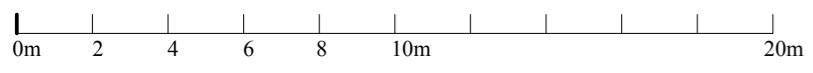
Refuse for the following reasons:

Reasons for refusal;

1	The development proposed is located outside the established settlement limits of March and is considered to be in the open countryside. The proposed building by reason of scale and appearance and associated activity, will result in an urbanising impact which is considered to be out of character with the tranquil character of the open countryside. The proposal is considered contrary to policy LP2 and LP16(d) of the Fenland Local Plan 2014 in that it fails to make a positive contribution to local distinctiveness and the character of the area and adversely impacts on the landscape character of the surrounding area. The proposal is also considered contrary to the aims of The March Neighbourhood Plan in that the proposal fails to improve the quality of the built and natural environment, and the aims and objectives of the National Planning Policy Framework
2	The proposed development would likely result in harm to the amenity of neighbouring occupiers by reason of disturbance from large commercial vehicles. It is also likely to lead to traffic conflict on a quiet narrow country lane with limited access and with no passing provision, which is considered inappropriate to serve commercial vehicles. It is therefore considered contrary to policy LP2 and LP16(e) of the Fenland Local Plan 2014, and the vision of The March Neighbourhood Plan in that it is likely to lead to adverse impact to the amenity of the occupier of Medway Cottage in this rural countryside location.



Scale: 1:1250

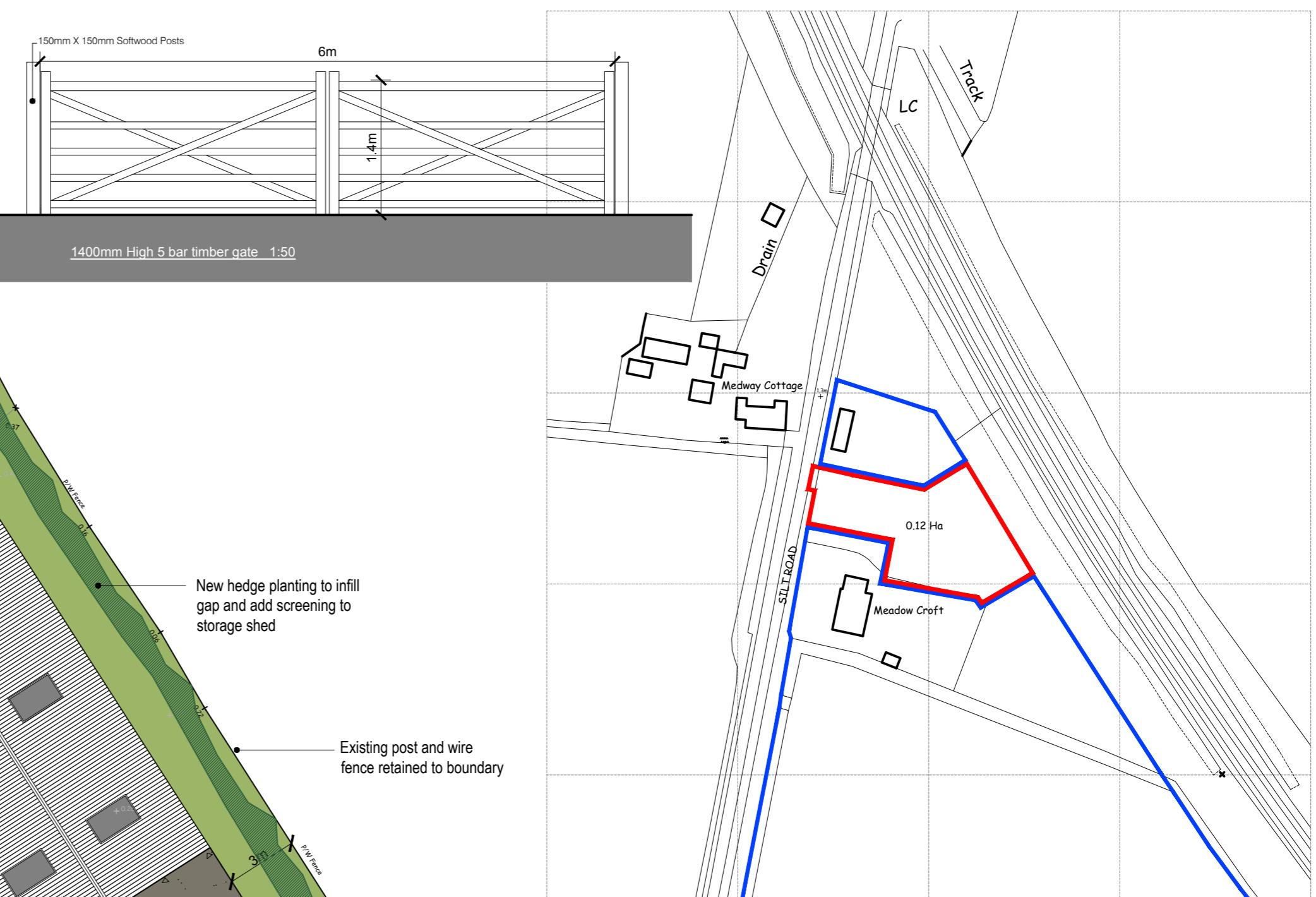


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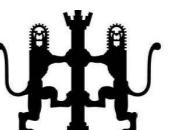
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Rev C Dec. 2020	Red/blue line amended to suit revised application description.
Rev B Sept. 2020	Amended to suit client comments.



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DRAWING STATUS	PRELIMINARY PLANNING	<input type="checkbox"/> <input checked="" type="checkbox"/>	CONSTRUCTION FILE COPY	<input type="checkbox"/> <input type="checkbox"/>
CLIENT	Mr P Purse			
PROJECT	Proposed Storage Building at Meadowcroft, Silt Road, March, Cambridgeshire.			
DRAWING TITLE	Location Plan Proposed Site Plan			
SCALE	DATE	DRAWN	CHECKED	
1:200 & 1:1250 @ A2	Sept. 2020	LB		
DRAWING NUMBER			REVISION	
CH20/LBA/551/FP-1-100			C	



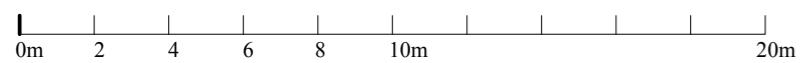
House Sparrow Bird Box

Starling Bird Box

Robin Bird Box

NOTE

**FOR SPECIFIC LOCATION OF BIRD BOXES PLEASE REFER TO
STORE ELEVATIONS**



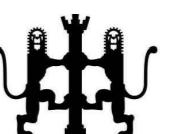
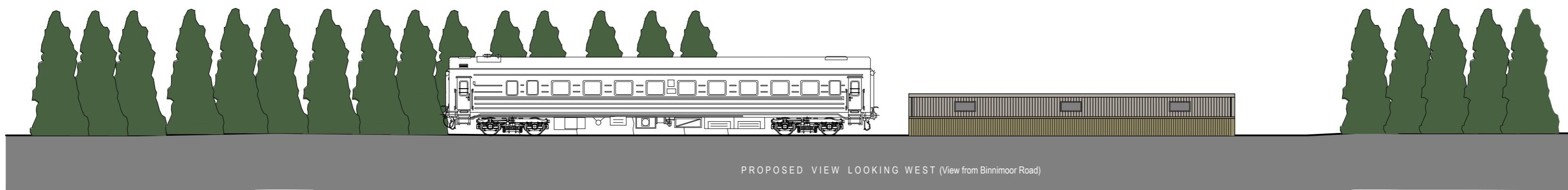
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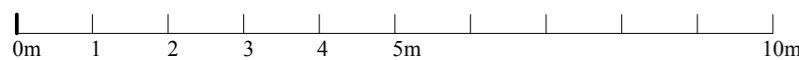
L Bevens Associates Architects Ltd
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 PLANNING FILE COPY

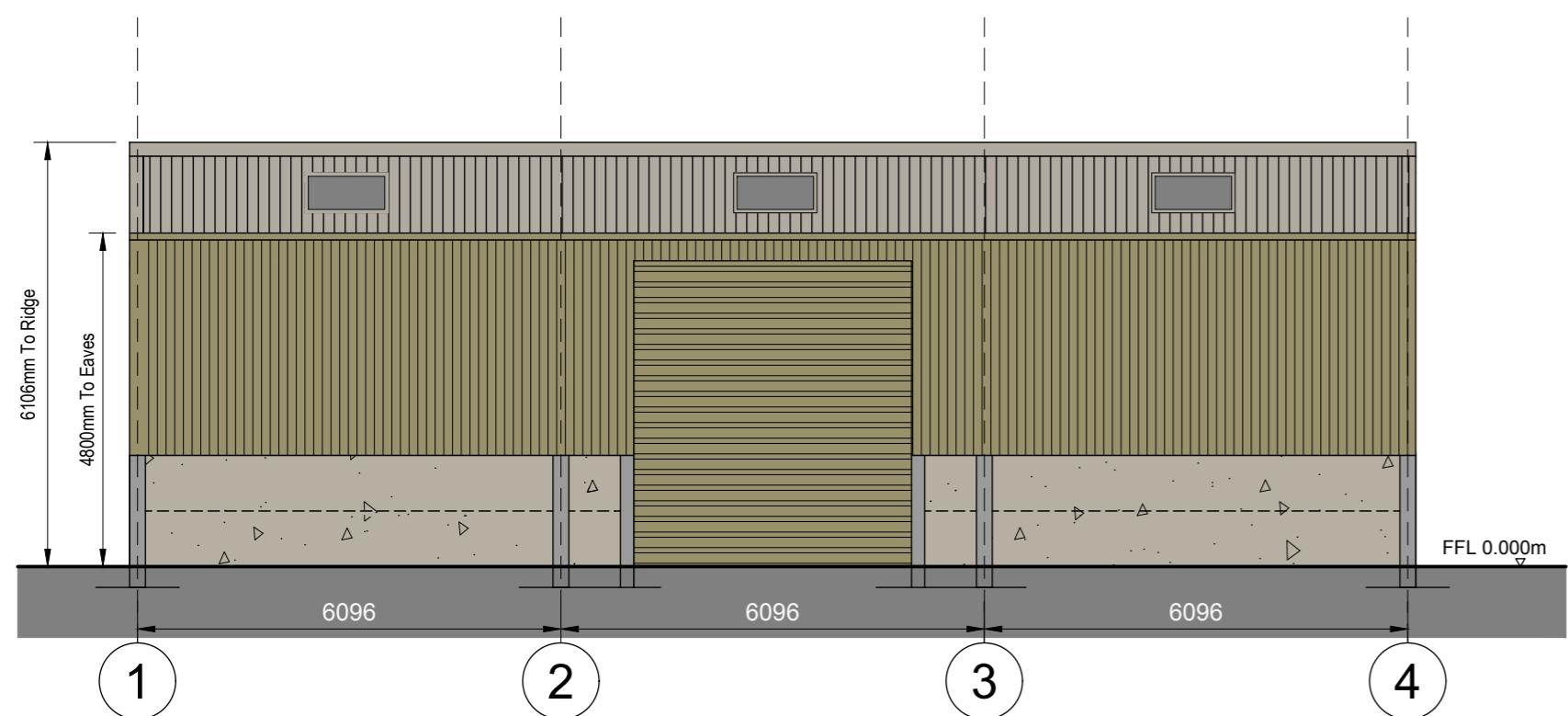
CLIENT Mr P Purse
PROJECT Proposed Storage Building at Meadowcroft,
Silt Road, March, Cambridgeshire

DRAWING TITLE
Proposed Site Sections

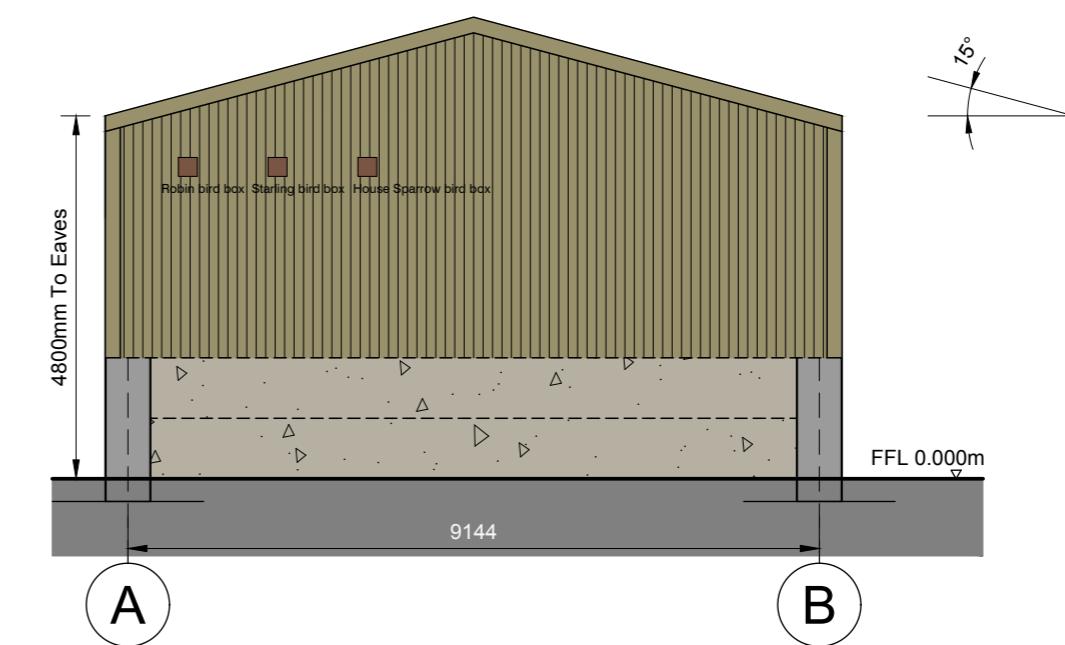
SCALE 1:200 @ A2 DATE Sept. 2020 DRAWN LB
DRAWING NUMBER CH20/LBA/551/FP-1-102 REVISION



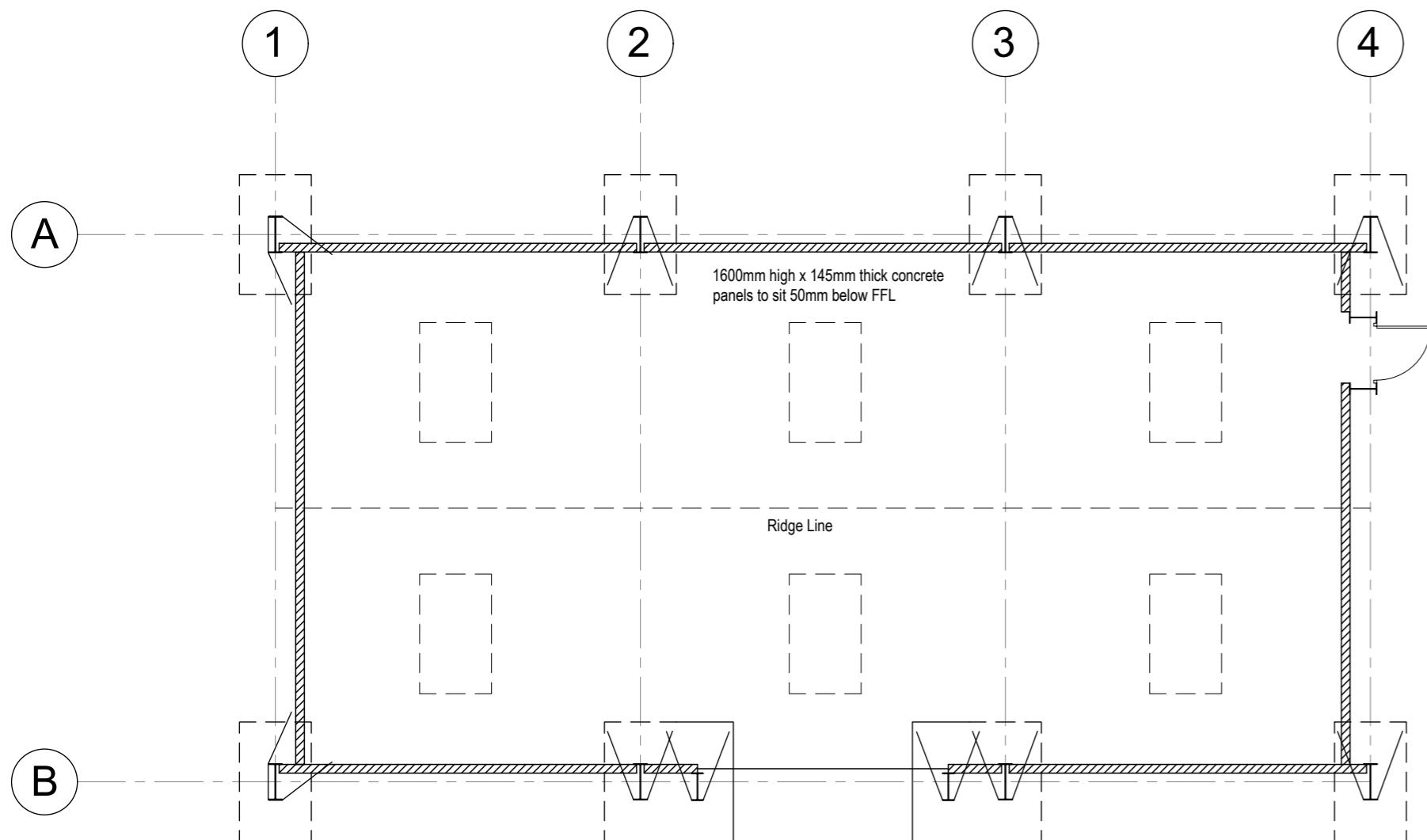
Roof cladding in natural grey P6R fibre cement with a closed ridge and fibre cement eaves closures. All rainwater goods i.e. galvanised gutters and black PVC downpipes.
Side cladding down 3200mm below eaves level in Moorland Green vertical 0.5mm plastic coated box profile with UltraZED side rails. Spill plates included. 1600mm high x 145mm thick concrete panels.



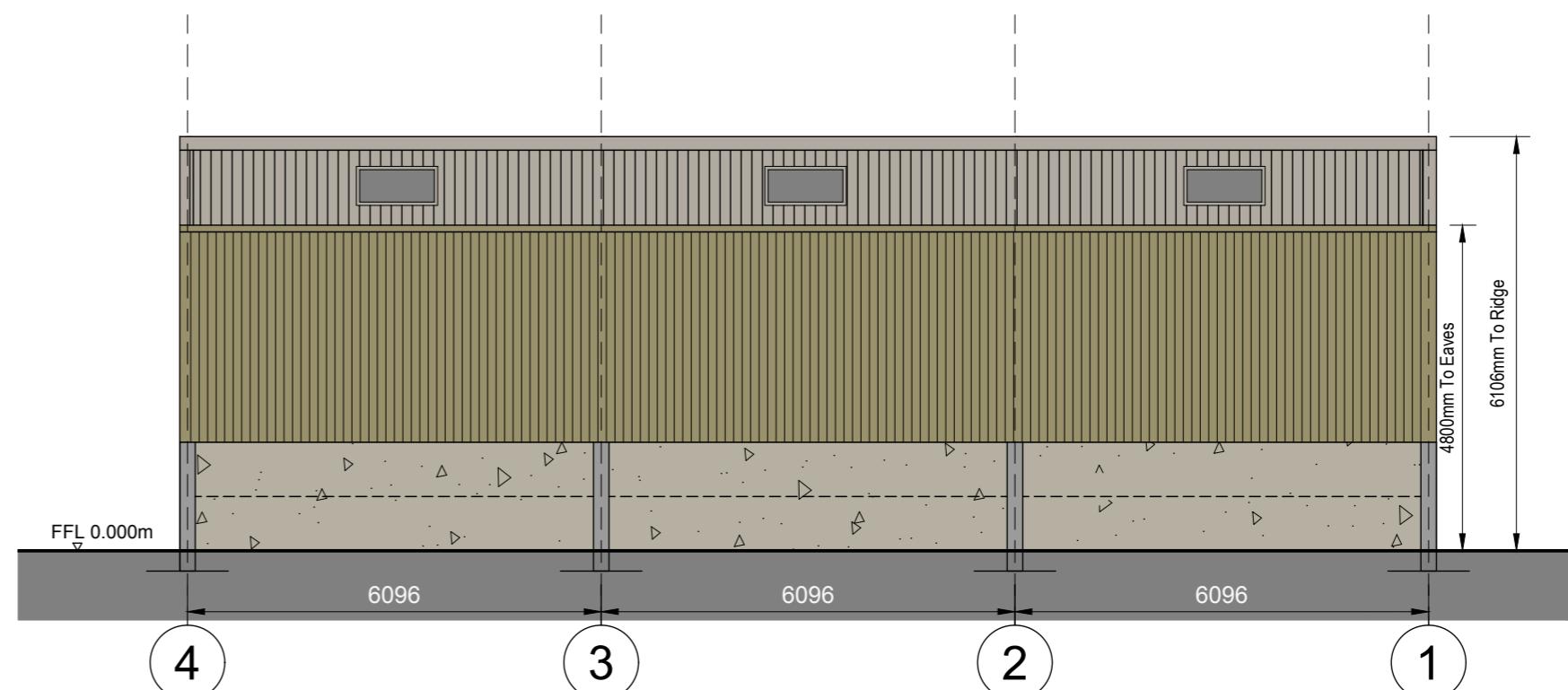
PROPOSED FRONT ELEVATION



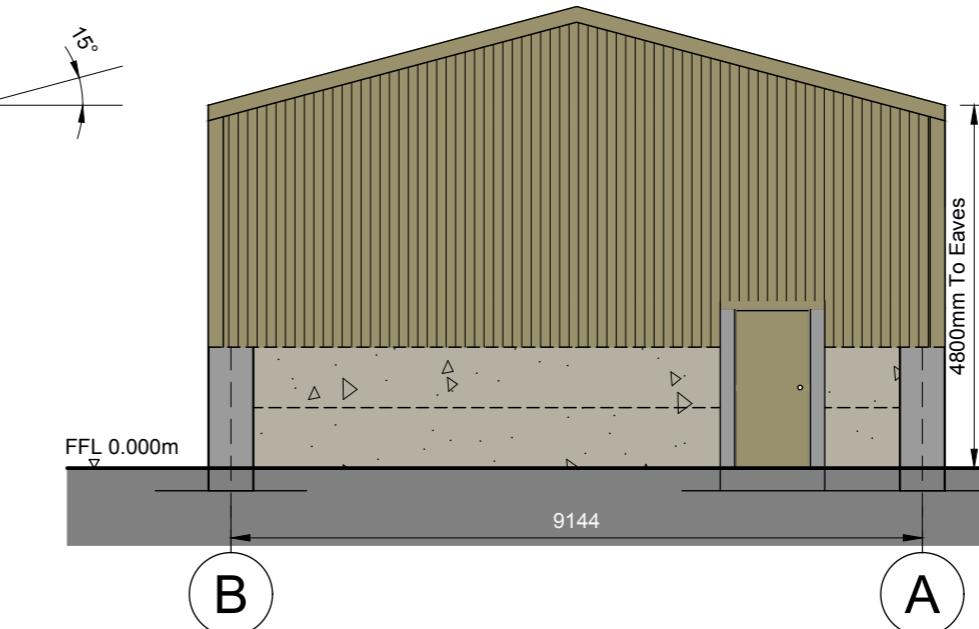
PROPOSED SIDE ELEVATION



PROPOSED FLOOR PLAN



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

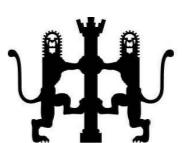
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 L BEVENS ASSOCIATES LTD ARCHITECTS		L Bevens Associates Architects Ltd The Doghouse 10 Cricketers Way Chatteris Cambridgeshire PE16 6UR Mob: 07733 562818 Tel: 01354 693969 Email: enquiries@lbevens-associatesltd.co.uk Web: www.lbevens-associatesltd.co.uk		
		<input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> PLANNING	<input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> FILE COPY	<input type="checkbox"/>
CLIENT Mr P Purse		PROJECT Proposed Storage Building at Meadowcroft, Silt Road, March, Cambridgeshire		
DRAWING TITLE Proposed Plan and Elevations				
SCALE 1:100 @ A2				
DATE Sept. 2020				
DRAWN LB				
CHECKED				
DRAWING NUMBER CH20/LBA/551/FP-1-101				
REVISION				

F/YR20/1138/O

**Applicant: The Executors of The Late Agent : Mr Ted Brand
W. Feary Brand Associates**

Land South Of, 85 - 89 Upwell Road, March, Cambridgeshire

Erect up to 6 x dwellings involving upgrade to access (Outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Town Council comments and number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application site comprises a parcel of undeveloped agricultural land set to the rear of continuous frontage development
- 1.2 A proposal for 4 dwellings on the site was previously refused and the appeal dismissed for reasons of significant and demonstrable harm to the character and appearance of the area in view of the incongruous location relative to the prevailing settlement pattern.
- 1.3 There are no material changes to the characteristics of the site since the last submission and no changes to the development plan against which, in law the application must be considered against.
- 1.4 Whilst a site for 9 dwellings was approved at the far end of Upwell Road in 2019, Officers do not consider that the sites are comparable, nor that this sets any precedent for backland development at the application site.
- 1.5 Officers consider therefore that there are no material planning reasons to indicate a departure from the development plan with this application and conclude that significant and demonstrable harm would occur with this latest application, consistent with the findings of the previous proposal.
- 1.6 The application is therefore recommended for refusal

2 SITE DESCRIPTION

- 2.1 The application site consists of a roughly rectangular parcel of grassed land accessed off Upwell Road by a gap in an otherwise built up frontage between 87 and the new build property adjacent to 99 Upwell Road.
- 2.2 The site is adjoined to the south, west and east by agricultural land with residential to the fore (north). The topography remains relatively level, with tree planting and hedgerow marking the western and eastern boundaries.

3 PROPOSAL

- 3.1 The application seeks Outline planning permission for the residential development of the land for up to 6 dwellings. The application is with all matters reserved, however the proposal is supported by an indicative layout denoting how the site could be developed to accommodate the quantum of houses proposed and shows a main route through the site with houses on either side. Whilst access is not committed, the indicative plan shows that the intention would be to access the site off Upwell Road between the frontage properties No's 89 and 87.
- 3.2 The application is accompanied by a planning statement and an ecology survey.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/0563/O	Erection of up to 4 x dwellings involving the formation of a new access (Outline application with all matters reserved)	Refused 14.11.2017 Appeal Dismissed 25.09.2018 (APP/D0515/W/18/3200338)

5 CONSULTATIONS

March Town Council

- 5.1 Recommend approval

Environment & Health Services (FDC)

- 5.2 *A site visit hasn't been made and this response is based on a desk-top study.*
Documents considered are; -
 - *Design and Access Statement – Brand Associates Ref. FE.EX.20/EJB/September 2020*
 - *Site Plan*
 - *Aerial photograph*
 - *Planning Application Ref. F/YR19/0931/O*

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

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

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

Middle Level Commissioners

- 5.3 No comment received

Cambridgeshire County Council Highways Authority

- 5.4 *I have no highway objections to the development in principle.*

This is an all matters reserved application. When access is committed the plans should state the dropped kerb crossover will be constructed to LHA construction specification. A sealed and drained crossover will need to extend to the highway boundary (LHA spec). The private access construction will need to be drained to prevent surface water runoff into the highway.

If FDC would like to the private road to be constructed to an adoptable standard, the road should be street lit, 5.5m wide with 0.5m service margins.

Local Residents/Interested Parties

Objectors

5.5 7 letters of objection received from properties at the following locations;
- Upwell Road x 5
- Cavalry Drive x 2

Raising the following concerns;

- Access & Highway safety
- Backfill/ Backland development
- Design/Appearance
- Environmental Concerns
- Loss of view/Outlook
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Traffic or Highways
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Encroachment into countryside
- Other developments are available
- Density/Over development
- Drainage
- Flooding
- Trees
- Light Pollution
- Noise
- Application does not accord with: NPPF para. 155, 163, 174a, b, 175a, 177 or LP1, LP3.3.11, LP16 b, c, d, e and LP19
- The Planning Inspectorate dismissed the appeal against the refusal of the previous application for 4 properties on this site
- As this application site is larger than the previous application (F/YR17/0563/O) this application will present more harm.
- The Planning Inspector dismissed the argument that this is an infill site (provides quote from the appeal)
- The agent refers to application number F/YR19/0931/O for 9 dwellings as setting a precedent whereas this site was brownfield land. This site is agricultural land.
- Not possible to form the access without removal of a street tree
- 2-storey development will harm views of skyline and the streetscene
- all the reasons for refusal of the previous application still stand

Supporters

5.6 16 letters of support received from residents at the following addresses;
Upwell Road x 12
Cavalry Drive x 3
Smiths Drive x 1

Raising the following points;

- Will enhance the area
- Will provide homes
- 6 bungalows would add to the area
- Would not harm street scene
- Would not harm wildlife

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context

Identity

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5 March Neighbourhood Plan 2017

H2 – Windfall Development

7.6 The Cambridgeshire and Peterborough Minerals and Waste Core Strategy

(2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

7.7 Supplementary Planning Documents/ Guidance:

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

8 KEY ISSUES

- **Principle of Development**
- **Design & Character**
- **Flood Risk & Drainage**
- **Ecology & Biodiversity**
- **Indicative Access**
- **Other Considerations**

9 BACKGROUND

9.1 A proposal for residential development of this site was previously refused by the LPA at the Planning Committee of November 2017 (see planning history). An appeal was lodged but was subsequently dismissed with the Inspector concurring with the Council's reasoning; that development of this land would be harmful to the character of the area due to its backland location. The Inspector considered that notwithstanding questions raised by the Council's housing supply at that time, that the development would result in significant and demonstrable harm which would not be outweighed by the benefits.

9.2 The appeal was determined with regard to the newly released NPPF in 2018 thereby demonstrating that policies of the Local Plan remained up to date.

9.3 It is with the backdrop of the Council's previous decision, the Inspectors conclusions, and the absence of any material amendments to the development plan that this application is assessed against.

10 ASSESSMENT

Principle of Development

10.1 This site adjoins the built footprint of March. The principle of development in March itself is acceptable in terms of the settlement hierarchy which identifies that March should be a main focus for housing growth, given that it is a sustainable location which offers good access to services.

10.2 Furthermore, policy H2 of the MNP supports development in March, subject to 7 criteria in addition to the provisions set out under the Fenland Local Plan, 2014. These criteria (a) to (g) are summarised as;

- Impact on levels of light, privacy and private amenity space,
- Not resulting in the net loss of formal or informal open space,
- The site is at a low risk of flooding
- The proposal includes a safe vehicular access and with no severe highways impacts
- The proposal provides any on or off-site infrastructure where required
- The proposal is of a high standard of design;
- The proposal will not result in the loss of community facilities or services without justification.

10.2 Given the position of the development outside of what can be considered the main built form of March, the proposal will represent urban sprawl into open countryside, contrary to the provisions of Local Plan Policy LP16 which seeks to ensure the delivery of high quality environments and H2 which seeks to secure high quality development. This is considered in more detail as follows;

Design and character

10.3 The principle of introducing dwellings within the back land area of 85-89 Upwell Road would be unacceptable when viewed in the context of Policy LP16. This view is taken given that the area is characterised by its uniform linear layout, which clearly addresses the road. In order to accommodate the dwellings, it is necessary to locate it to the rear of No's 85 and 89 which would be contrary to the existing settlement pattern.

10.4 The proliferation of units into the open countryside at this location represents urban sprawl at odds with the established pattern of development and thus contrary to both LP16 of the FLP and DM3 of the High Quality Environments SPD. This would also be contrary to policy H2 (f) of the MNP given that it would be of a layout design that would fail to respect the prevailing frontage character of the area and therefore not of high quality.

10.5 Existing backland development in the Upwell Road area was previously considered by both the LPA and the Planning Inspector but were considered to be comparatively different and did not set any precedent. Previously, consideration was given to existing in-depth development in the vicinity e.g. Upwell Park to the east. However, this was not deemed to set any precedents for backland development in the area, both through the Council's consideration of the scheme at Planning Committee in 2017 and through the subsequent planning appeal where by it was considered to be "*an anomaly in the otherwise linear building pattern*" which "*predate the Council's current policies*".

10.6 Whilst the Council has since that time approved an outline scheme for 9 dwellings at the edge of the settlement further east (ref: F/YR19/0931/O), this site offers significantly different characteristics to the application site, already incorporating buildings in depth, notwithstanding that it is located further away than Upwell Park, on the edge of the settlement and therefore offers less relationship to the application site. The application site in contrast comprises an area of undeveloped countryside behind a row of continuous frontage development on either side of the proposed point of access.

10.7 The applicant also shows the provision of access to further development as shown on their location plan and to allow for this application would set a dangerous precedent and see the proliferation of further piecemeal development contrary to the notion of "sustainable" development, and a process that can only prejudice the delivery of strategic housing allocations shown in the adopted Local Plan. This was a concern and a conclusion that was agreed by the Planning Inspector.

10.8 In this regard, it is understood that this land and land adjacent to the west has been promoted under the latest call for sites under the Local Plan review. However, as the land submissions are still under review and at this time, it is considered that very limited weight can be afforded to this, other than that the

land is being promoted and by different landowners and therefore not indicated at this time to come forward as a consolidated area of land.

- 10.9 Therefore, in the absence of any changes to the development plan, or any strong precedents having been set, Officers consider that significant weight is to be applied to the Council's previous conclusions for backland development of this site, and the conclusions of the Planning Inspector, in the interests of consistency of decision making.
- 10.10 Notwithstanding the significant and demonstrable harm to the settlement pattern and character of the area as previously established, the indicative layout denotes that 6 dwellings could reasonably fit within the site – albeit that the 2 plots on the eastern boundary offer limited private amenity space as arranged which would likely fail the requirement of LP16(h). However, there is likely to be sufficient room to reconfigure this e.g. through smaller dwellings or a reduced quantum, which would be a matter for reserved matters consideration.

Flood Risk & Drainage

- 10.11 The application site lies within flood zones 1. For developments (other than changes of use) less than 1 hectare in Flood Zone 1, the main flood risk issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere.
- 10.12 The applicant has stated that they will use soakaways as a means of disposal and this matter remains for consideration at the building control stage were permission to be granted.
- 10.13 Whilst it is acknowledged that surface water flooding has recently occurred with properties immediately adjacent to the site, this has also been the case in other areas where flooding may not have previously occurred. Given the small scale of the proposal, it would be for the developer to set out a suitable drainage strategy via the Building Regulations process to address any surface water impacts which may arise through the development. The indicative layout plan denotes a SuDS feature adjacent to the boundary to accommodate surface water run-off from the site. However, this would constitute development in its own right that would need to be included within the red line site boundary. As such, should an attenuation pond be an option, this would need to be secured with the application site and not outside as shown indicatively.

- 10.14 The previous application was not refused on these grounds and Officers therefore consider it could be deemed unreasonable to refuse the application on this ground.

Ecology & Biodiversity

- 10.15 Concerns have been raised by residents over the impact of the development on wildlife – with residents reporting a range of wildlife using the site.
- 10.16 The applicant has commissioned an Ecology survey to establish the existing ecology and habitats across the site and adjoining and the impacts and/ or mitigation that may be required to address this.
- 10.17 The ecology survey considers reptiles, Badgers, bats, birds hedgehogs and invertebrates and concludes that there are no habitats upon the site that are considered to have conservation value, although the potential presence of

protected species will need to be considered prior to and during development works.

- 10.18 Section 6 of the report sets out a series of opportunities for protecting and enhancing biodiversity through the development e.g. introducing landscape features such as ponds, wildflower areas, further reptile surveys and inclusion of bird and bat boxes/ bricks.
- 10.19 It is considered that there is sufficient evidence to indicate that development on this site could proceed without significant adverse impact of biodiversity and that opportunities are available to achieve biodiversity net gain. This would be subject to securing an agreed mitigation and enhancement plan following the principles as set out in the ecology report, should the application be approved, which would accord with the aims of LP16 and LP19 of the FLP.

Indicative Access

- 10.20 The LHA has raised no objections to the proposal indicating that the development would be unlikely to have an adverse effect on highways. Again, the precise details of the access arrangement would need to be agreed through a reserved matters submission. It is acknowledged that the previous proposal was not refused on highways grounds.
- 10.21 As such, it is concluded that the proposal would be unlikely to result in severe highways issues and that it is likely that a suitably designed access could be achieved to cater for the quantum of development proposed in accordance with Policy LP15 of the FLP, albeit that the indicative layout denotes that the access would not be built to adoptable standards

Other considerations

- 10.22 Some residents have commented that the development would lead to overlooking, loss of light, loss of views or outlook and light pollution. Some residents have also supported the proposal for bungalows or have objected on the grounds of 2-storey dwellings. For clarification, matters of scale are not committed with this application, and therefore whether the dwellings are single storey or otherwise is not considered with this application. Likewise matters of overlooking, loss of light and visual dominance would be matters to be considered at reserved matters stages, through the detailed design.
- 10.23 Likewise for matters of noise, it does not automatically follow that the introduction of residential development would generate severe noise issues – but the layout and road surfacing which may have potential to cause nuisance, notwithstanding construction activity would also be matters to be considered at detailed design stage.
- 10.24 The previous application was considered the Cambridgeshire County Council's Archaeology team who recommended a pre-commencement condition requiring a written scheme of investigation to be secured in the event of the application being approved. It is considered that this would still apply notwithstanding the absence of comments from that team with this latest application.

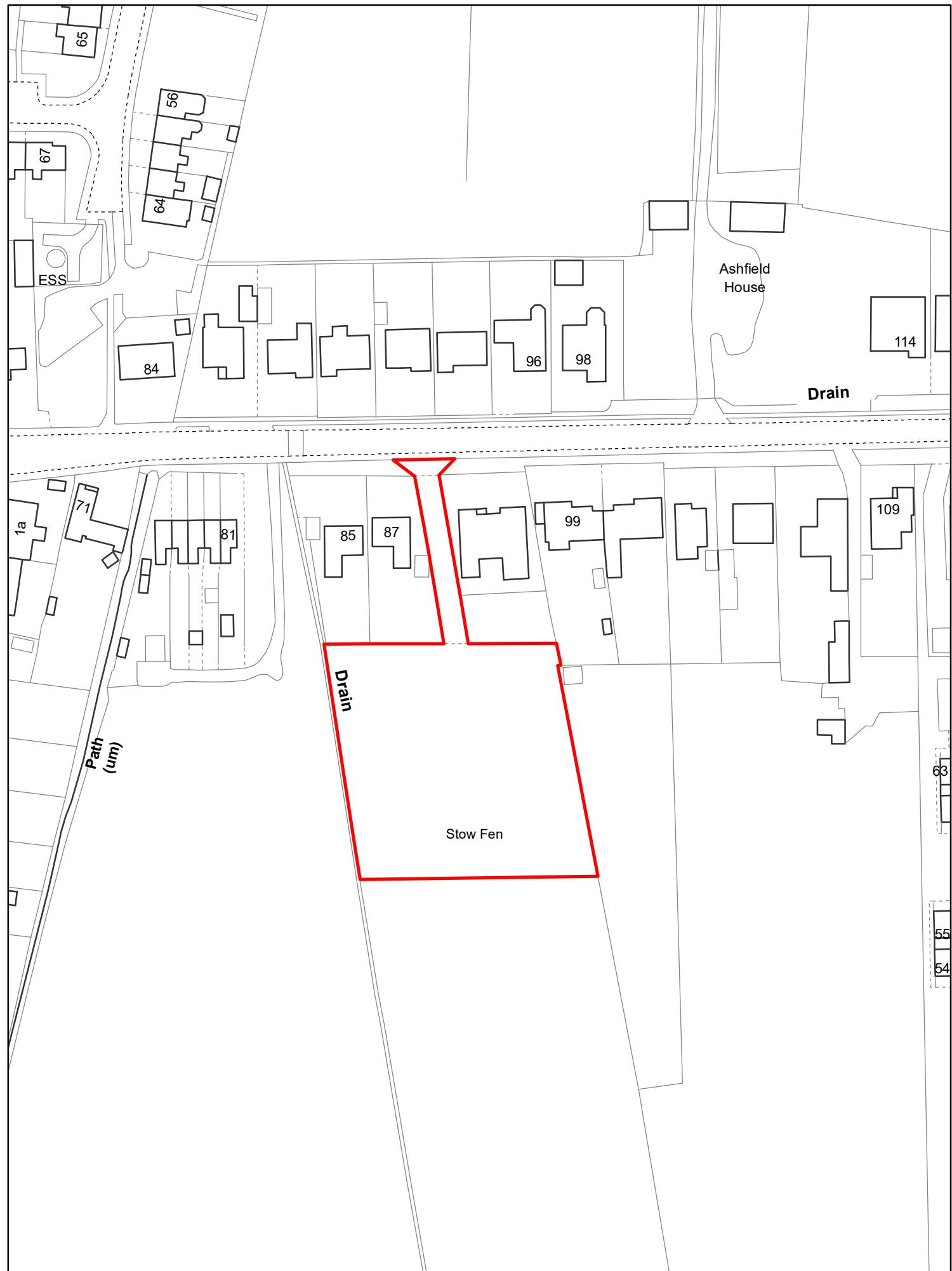
11 SUMMARY AND CONCLUSIONS

- 11.1 The application for outline permission for 6 houses follows a previous application for development of up to 4 dwellings in the same location, which was refused and subsequently dismissed at appeal due to significant and demonstratable harm to the character of the area due to the backland and incongruous location.
- 11.2 As with the previous proposal, this application yields no technical issues to warrant a refusal of the application on any technical grounds. However, importantly there are also no material changes to the development plan or the site surroundings. Therefore, in Officers opinion, the harm that was previously identified remains and the minor increase in quantum proposed would not substantially improve the benefits of the scheme when considered against the harm, in the context of overall housing demands across the district and the requirements of the development plan.
- 11.3 The Council is able to demonstrate a 5 year supply of housing meaning that the policies of the development plan are fully engaged and it is considered that there are no material planning reasons to depart from them in this instance. Previously, consideration was given to existing in-depth development in the vicinity e.g. Upwell Park to the east. However, this was not deemed to set any precedents for backland development in the area, both through the Council's consideration of the scheme at Planning Committee in 2017, and through the subsequent planning appeal.
- 11.4 Whilst the Council has since that time approved an outline scheme for 9 dwellings at the edge of the settlement further east, this site offers significantly different characteristics to the application site, already incorporating buildings in depth, notwithstanding that it is further away than Upwell Park and on the edge of the settlement, rather than in this case; an area of undeveloped countryside behind a row of continuous frontage development on either side.
- 11.5 In this regard, Officers consider it would be consistent for the Council to refuse the application for the same reasons as before, given that the site and surroundings and the adopted development plan have not materially altered. The application comes forward without any sound material planning reasons to indicate that Officers should take a different approach and Officers consider it would be wholly inconsistent to now allow the development.
- 11.6 The application submitted does not represent sustainable development in that it will represent urban sprawl into the open countryside and does not respect the form, character and settlement pattern of the existing area. As such, the proposal conflicts significantly with policy LP16 of the Fenland Local Plan, H2(f) of the March Neighbourhood Plan, 2017 in that it fails to achieve high quality development and paragraph 217 of the NPPF for the same reason.

12 RECOMMENDATION

12.1 Refuse for the following reason;

1.	Policy LP16 of the Fenland Local Plan (2014) requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposed development is shown to occupy a secondary position within the street scene which does not respond to the existing linear settlement pattern and therefore represents urban sprawl into the open countryside, contrary to Policy LP16 of the Fenland Local Plan, 2014 and H2 of the March neighbourhood Plan, 2017
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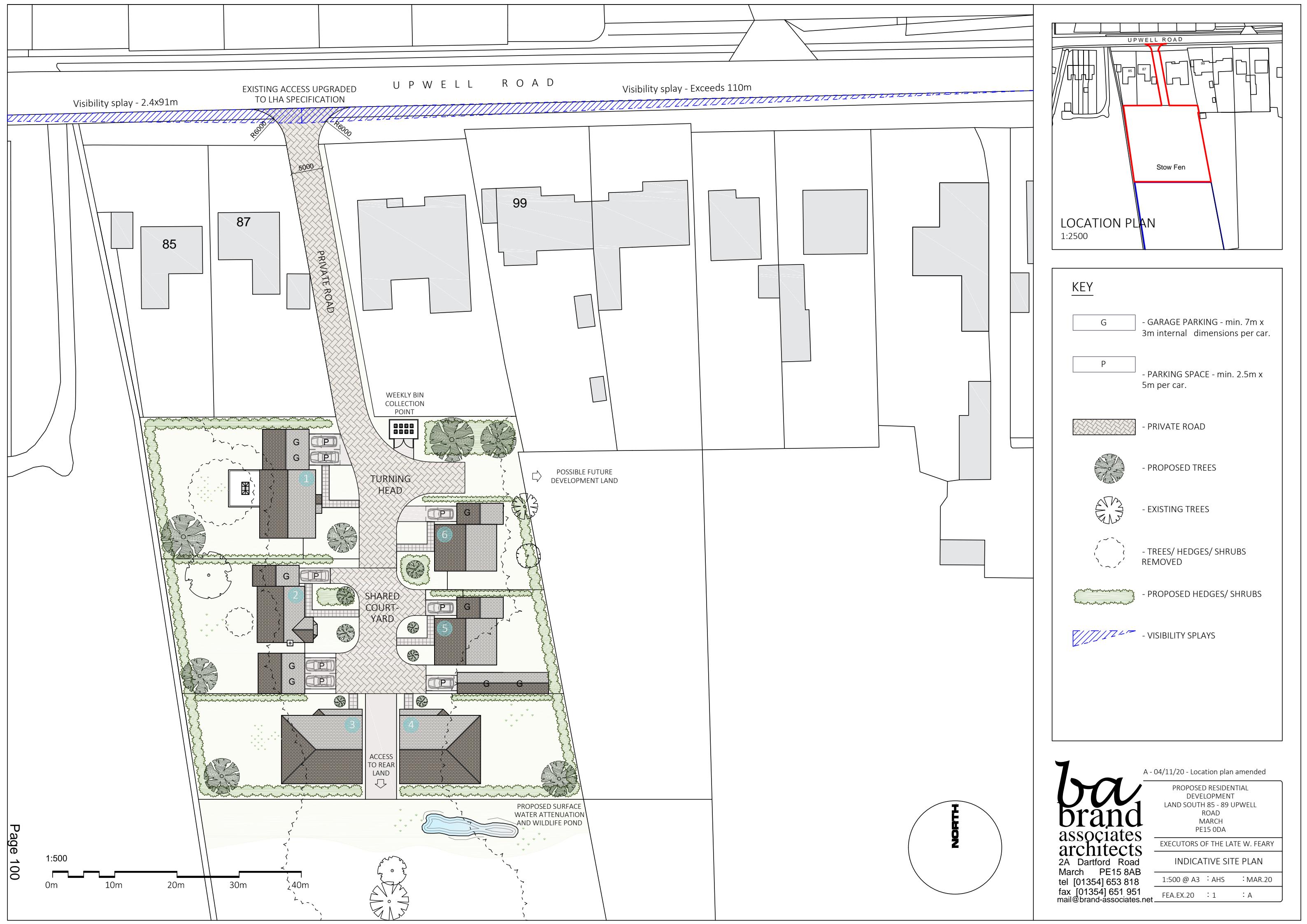
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F/YR21/0022/VOC

Applicant: Mr Peter Moules
Village House Ltd

Agent :

South Of Gorefield House, Cattle Dyke, Gorefield, Cambridgeshire

Variation of condition 11 (1.8m footway) of planning permission F/YR14/0690/F (Erection of 4 x 2-storey 4-bed dwellings with double garages) to require the delivery of a footway solely to the frontage of the development site.

Officer recommendation: Refuse

Reason for Committee: Parish Council comment contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This submission seeks to vary a condition imposed on the original application which permitted 4 x 2-storey 4-bed dwellings with double garages in order to relax the requirement for a footway to be delivered across the frontage of the development site to connect with the established footway to the north, a footway length of circa 140 linear metres. This link having been secured by condition 11.
- 1.2 The alternative scheme proposal put forward is to deliver the footway solely to the frontage of the development site; a footway length of circa 49 metres as opposed to the full length originally secured by the condition (circa 140 metres). It is noted that the full frontage of the development site is circa 70 metres however it is not necessary to extend the footway the full extent of the site frontage as it is not considered necessary for it to extend beyond the entrance to the most southerly plot.
- 1.3 The developer has put forward a viability case which seeks to evidence that the scheme is unviable should the full extent of footway be delivered, given the associated highway works that are required to the existing carriageway. Even in accepting the viability argument put forward the LPA must give due regard to the potential impacts of non-delivery of the full extent of the footway.
- 1.4 It is contended that the condition was imposed to safeguard highway and pedestrian safety and as such the footway is an integral part of the scheme as approved. The condition was legitimately applied having due regard to the Fenland Local Plan (2014) which placed a greater emphasis on sustainable and well-integrated developments. The footway was considered essential to provide the development with a safe pedestrian connection into the village and without it the development was considered isolated and disaggregated from the built form. The site itself is situated within a 60 mph zone with the 30mph zone beginning some 73 metres from the common boundary of the development site.

1.5 Whilst the LPA has some sympathy with the challenges faced by the applicant in seeking to deliver a viable scheme it is not considered that this should be to the detriment of highway safety. Whilst it is accepted that viability may be given weight when scoping more general planning obligation requirements as outlined in the Local Plan it should not be the overriding influence when matters of highway safety are under consideration as is the case in this instance.

2 SITE DESCRIPTION

2.1 The site comprises an area of land situated to the east of Cattle Dyke on the periphery of the settlement. There is an extant consent for the development outlined in the above description.

2.2 The 30 mph zone for the village approach is signed immediately to the north of the access to No 45 Cattle Dyke and the existing footway terminates just to the north of the side boundary to No 39, there are 4 intervening frontage properties between the application site and No 39, along with two further dwellings set back from Cattle Dyke.

3 PROPOSAL

3.1 This submission seeks to vary condition 11 of the original approval relating to the proposed development, the original condition requires that a 1.8 metre wide footway is provided to the frontage of the approved development site to extend to the existing footway provision which is located just north of No 39 Cattle Dyke.

3.2 This submission outlines the viability challenges faced in bringing forward the development and requests that the condition be varied to require the provision of a footway solely to the front of the development site, circa 49 metres of footway provision as opposed to the circa 140 metres required by the condition. This will result in an intervening area between the proposed footway and the existing provision being devoid of a footway for a length of circa 73 metres. It is acknowledged that there would be no purpose in the new footway extending south of the access to the most southerly plot of the new development, hence the discrepancy in linear metres quoted.

3.3 Detailed plans have been provided which outline the full extent of the highway works required under this condition.

3.4 In addition a viability case has been put forward in approved format which seeks to demonstrate that the scheme is unviable when the associated highway works are factored in, it is also shown that even in providing a footway solely to the front of the development site the developer would still attract a profit margin of less than the accepted figure of 20%.

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

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

4 SITE PLANNING HISTORY

F/YR18/0976/ ENQDIS	Application to seek confirmation of compliance with Condition 01 relating to planning permission F/YR14/0690/F	Complied with Condition 06.12.2018
F/YR17/3133/ COND	Details reserved by conditions 2, 3, 6, 8, 10 of planning permission F/YR14/0690/F	Approved 31.10.2017
F/YR14/0690/F	Erection of 4 x 2-storey 4-bed dwellings with double garages	Granted 05.11.2014
F/YR11/0728/F	Erection of 2 x 3-storey 5/6-bed dwellings with detached double garage/store and 1 x 3-storey 5/6-bed dwelling with attached garage/store	Granted 21.11.2011

5 CONSULTATIONS

5.1 **Parish Council:** '*Gorefield Parish Council supports this application they agreed that it seems reasonable for the developer to extend the footpath only as far as the 30mph sign. At some date in the future the Parish Council may be able to fund completing the rest of the footpath.*'

5.2 **Councillor Michael Humphrey, Roman Bank Ward:** '*While I appreciate the Ward Member consultation date has passed, I would like to make the following observation.*

The application to remove condition 11 does still provide the footpath to beyond the site boundary which although this is not as far as condition 11, I do feel it is reasonable and in line with the appraisal submitted to support the application. Having read the appraisal documents and the senior officer's comments I am at odds with the suggested increase which will require resale values in excess of £420k per property which given the location is unlikely.

I do feel a compromise would allow the applicant to deliver the 4 properties while a refusal may well jeopardise any prospect of the site moving forward in its present format as it will not be viable.

I am aware the Parish Council support this application and I concur with that view'.

5.3 **Section 106 Services (FDC):** Originally requested that the applicant submit a viability appraisal summary to support their statement. On receipt of the Senior Planning Obligations Officer has advised that the submitted appraisal includes assumptions regarding the land value and build costs, the latter being below the current BCIS figures. In addition, provision is made for external works and infrastructure costs, including the off-site works. Design and professional fees are also included which are below the industry standard and no contingency has been allowed. The appraisal includes a Gross Development Value of £1,450,000 based on property valuations ranging between £350,000 - £375,000 with a profit of 20% included.

The submitted HCA DAT (including the requirement to deliver Condition 11) delivers a Deficit of £222,996.

The Senior Planning Obligations Officer notes that '*having reviewed comparable evidence of new build properties I believe that there is scope to increase the Gross Development Value of the scheme which would go some way to reduce the deficit resulting in a scheme that would deliver the requirements of Condition 11 whilst also providing a reasonable return for the developer.*'

The applicant has submitted additional evidence in response to the above consultation response which has been duly considered; however the Senior Planning Obligations Officer remains of the opinion that there is scope to increase the GDV.

With regard to the comments made by the applicant regarding the LPVA (Local Plan Viability Assessment) values and those adopted in his HCA DAT the Senior Planning Obligations Officer notes that '*The purpose of the LPVA is to provide high level advice to assist FDC in assessing the deliverability of the Local Plan and consequently viability submissions for specific sites will always include different inputs than those included in the LPVA that have been adopted to reflect a typical or average site and as such are subject to a margin of uncertainty.*'

5.4 **Cambridgeshire County Council Highways Authority:** '*In my opinion, without a footway the development becomes unsustainable and fails to satisfy LP15/16 of the adopted Local Plan. Occupants will be forced to travel by private motor vehicle or walk along a 60mph road into the settlement of Gorefield, which will be particularly dangerous for vulnerable user groups, especially during inclement weather and or at night-time. Given Gorefield amenity is within walking distance of the development, I think the footway planning condition is perfectly fair and reasonable.*

I recommend the application is refused on both highway safety and policy grounds.

Following up on the above consultation response and mindful that it was still the intention of the applicant to provide a footway within the 60mph zone further clarification was sought from the LHA to which the following response was received:

'I feel there is a strong policy argument for the footway link to be formed, which is why the condition was imposed in the first place. Vulnerable pedestrian user groups being forced to share a road in this location is likely to deter sustainable travel trips by this user groups which is contrary to the aims of the Local Plan.

The highway safety argument is more subjective. The probability of a pedestrian being struck by a vehicle clearly increases exponentially when you force pedestrians to share carriageway space with vehicles. Cattle Dyke is not heavily trafficked, and the development will not produce a large amount of pedestrian movements. In daylight and in good weather conditions the probability of pedestrians being struck by a vehicle is relatively low. It will be when visibility is poor, due to inclement weather condition or reduced daylight, that I feel that

there will be unacceptable risk to highway safety. It is unreasonable to expect a motorist to be driving along Cattle Dyke in poor visibility conditions expecting a pedestrian (wheelchair user or parent with a pushchair) to be walking in the carriageway in this location i.e. because of the street transition into a rural road environment /national speed limit.

As I am sure you can appreciate, highway safety is often a balance of risk/probability in the pre-development scenario. For the reasons set out above, I am happy for you to recommend refusal on highway safety grounds as well as conflict with LP policy. You need to make it clear in your report that the applicant has a more viable scheme in the way of an internal footpath available to them, of which would address the policy conflict and design out any unacceptable risk to highway safety'.

5.5 **Local Residents/Interested Parties:** One letter of representation has been received which may be summarised as follows:

'We write regarding the removal of the proposed footway which would run in front of our house. We do not object to this application however we did understand there would also be work to the road and crossover to our property. This was to address problems caused by the camber resulting in large puddles forming and the uneven surface increasing large vehicle vibration and noise. Could you please advise if this will be addressed'.

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 34 - Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Para 54 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Para 56 - Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Para 57 - Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

7.2 National Planning Practice Guidance (NPPG)

Paragraph: 008 Reference ID: 10-008-20190509: The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

7.3 National Design Guide 2019

Movement: M1 – an integrated network of routes for all modes of transport

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

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Justification and viability**
- **Highway safety and sustainability**

9 BACKGROUND

9.1 Planning permission was originally granted for 3 dwellings at this site in 2011. This was a committee decision which endorsed the officer recommendation of approval. The proposal, whilst a departure from the development plan in force at that time, received support as it was considered that the proposal was in keeping with the character of the area. It is acknowledged that there was no requirement for the delivery of a footpath link associated with the grant of this consent.

9.2 Subsequent to the above approval a revised proposal for 4 dwellings was submitted in 2014; this proposal falling to be considered against the Fenland Local Plan (2014) which had superseded the earlier Fenland District-Wide Local Plan 1993. This application was approved as a delegated item and gave due regard to the recommendations of the Local Highway Authority which in turn aligned with the policy framework of the then newly adopted FLP, i.e.

'Note the site history F/YR11/0728/F granted permission for 3 dwellings with detached double garages/store. Since this application FDC has an adopted local plan which places a greater emphasis on developments integrating with communities and creating safer places for pedestrians and cyclists with an overarching aim to promote more sustainable developments. The development is proposed without any footway connection to the site. Without a suitable pedestrianized connection the development has little integration with Gorefield and its public amenity. A footway connection to the site is therefore essential to provide the development with a safe pedestrianized connection into Gorefield.'

By doing so the development will have sustainable travel choice options available for non-car borne user groups who want to access the school, shop and bus service within Gorefield. Without it the development is in isolation and disaggregated from the built form. Therefore a 1.8m footway should be secured by a Grampian condition linking the proposed development with the existing footway along Cattle Dyke. The details should be submitted and approved prior to the commencement of development. Details should include surface finish level, drainage, kerbing and street lighting. Without a safe footway connection to the application site the application is recommended for refusal due to its unsustainable poor integration with the built form to the north.'

APP/D0515/A/14/2214269 was an appeal for a similar type of development that had poor integration with its neighbouring built form. The Inspector dismissed the appeal because the development didn't promote a sustainable pattern of development.'

10 ASSESSMENT

Principle of Development

10.1 The principle of housing development on this site has been firmly established by virtue of the earlier grant of consent, the matter at issue solely relates to the provision of the full extent of footway secured as part of the approved scheme.

10.2 The National Planning Policy Framework under Paragraph 55 highlights that '*local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*'; it is contended that in the case under consideration the condition requiring the delivery of the footway was one such occasion, whereby development that was not deemed sustainable and represented issues of highway safety was 'made acceptable' by the condition as imposed and any reconsideration of the scheme should be made having given due consideration to this.

Justification and viability

10.5 Within the original statement submitted by the applicant in support of the current application it is noted that:

'The road adjacent to the footpath is substandard in terms of lateral profiling and is prone to standing water. The footpath construction incorporates a drainage system but CCC Highways is demanding that 300 sq mtrs of road surface be reprofiled and relaid in order to integrate the footpath with the road. In short, Condition 11 has grown from the provision of new infrastructure to include reparation of existing sub standard infrastructure. The total cost of meeting Condition 11 is now forecast to be £120k'. [..]

The central problem is the extension of the footpath from the site frontage to the existing footpath to the North, at the front of No 39 Cattle Dyke. The length involved (160mtrs total) produces a cost totally out of proportion to the value of a four dwelling site. The basic footpath cost including construction, drainage, design fees, administration fees and Drainage Board Infrastructure fees is £110K. Furthermore, the proposed footpath is not compatible with the existing substandard carriageway. CCC Highways has previously advised local residents that the highway is substandard along their frontage and that remedial works are required to the carriageway lateral profiling to alleviate a problem with standing water. These repair works are now being loaded onto Condition 11, taking the projected cost figure £10k higher to £120K.

In simple terms, the scheme as currently designed lays the cost of a footpath for eight properties and carriageway repairs/improvements on the value of just four dwellings. Six years have proven that the sums cannot be made to work. Condition 11 is neither fairly nor reasonably related in scale and kind to the permitted development.'

10.6 Whilst the Senior Planning Obligations Officer has largely accepted the viability scheme put forward there has been some questions raised regarding the Gross Development Values for the scheme, with particular reference to the likely market values of the new dwellings. The applicant has provided further commentary in this regard and provided sales estimates to support the original findings of their viability assessment. Support has also been proffered by the Ward Councillor with regard to the assertions made with regard to property values in the locality.

10.7 The additional sales information provided by the applicant, along with some more general observations from the applicant regarding how the costs of the development compare to those which have been utilised in the Local Plan and CIL Viability Assessment (LPVA) commissioned by the District Council have

been reviewed by the Senior Planning Obligations Officer who remains of the opinion that there is scope to enhance the GDV of the scheme. As part of his evaluation of the additional information tabled by the applicant the Senior Planning Obligations Officer has identified two other comparable properties for sale elsewhere within the district and also made observations regarding those properties which form part of the applicant's submission to demonstrate comparable house sales. In response to the comments made regarding the development costs utilised in his assessment compared to the amounts contained in the LPVA the Senior Planning Obligations Officer responds as follows:

'The purpose of the LPVA is to provide high level advice to assist FDC in assessing the deliverability of the Local Plan and consequently viability submissions for specific sites will always include different inputs than those included in the LPVA that have been adopted to reflect a typical or average site and as such are subject to a margin of uncertainty.'

- 10.8 The applicant has strongly rebutted the further observations of the Senior Planning Obligations Officer noting that the evidence he has provided is based on achieved figures during the last few months, 'based on hard facts' and that the 'asking' prices quoted may or may not be realistic. Furthermore he challenges the comparisons made relating to the individual properties quoted and gives an overview as to the length of time the quoted properties have been on the market and their marketing history noting that the observations made on potential comparables are based the expert advice of local agents.
- 10.9 Notwithstanding whether the viability case has been made, it is still necessary to assess whether it is indeed appropriate to relax the requirements for a footway in this location.

Highway safety and sustainability

- 10.10 The LHA have given their unequivocal view that the full extent of footway is required on the grounds of highway safety as captured in their consultation responses above.
- 10.11 Recognising the financial challenges in providing the footway the LHA suggested that consideration be given to delivering the element of footway serving the 4 new properties within that site and then delivering the remainder of the footway on highway land. In response to this the applicant has clarified that this would impact in two areas. The first being a reduction in the ultimate plot value as it would result in both solicited and unsolicited visitors having access over private land and the second concerning how this would manifest with regard to viability.
- 10.12 The applicant contends that it is not the section of footpath to the front of the development site which is contributing to the viability issue, noting that this is a shorter section of footway - less 'than the long expanse from the speed limit sign to the existing footpath outside of No 39' and that it is that section which will 'always be the real source of savings to achieve viability'.
- 10.13 Given that the LHA are resolute that the scheme should make provision for the full extent of the footway on highway safety grounds and in the absence of such provision the scheme is unacceptable in terms of Policy LP15 of the FLP (2014)

11 CONCLUSIONS

11.1 The National Planning Policy Framework under Paragraph 55 highlights that '*local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*'. It is contended that in the case under consideration that the highway safety matters identified by the LHA in their consultation response are of sufficient severity to outweigh the provisions of Paragraph 57 of the National Planning Policy Framework (2019) with regard to viability.

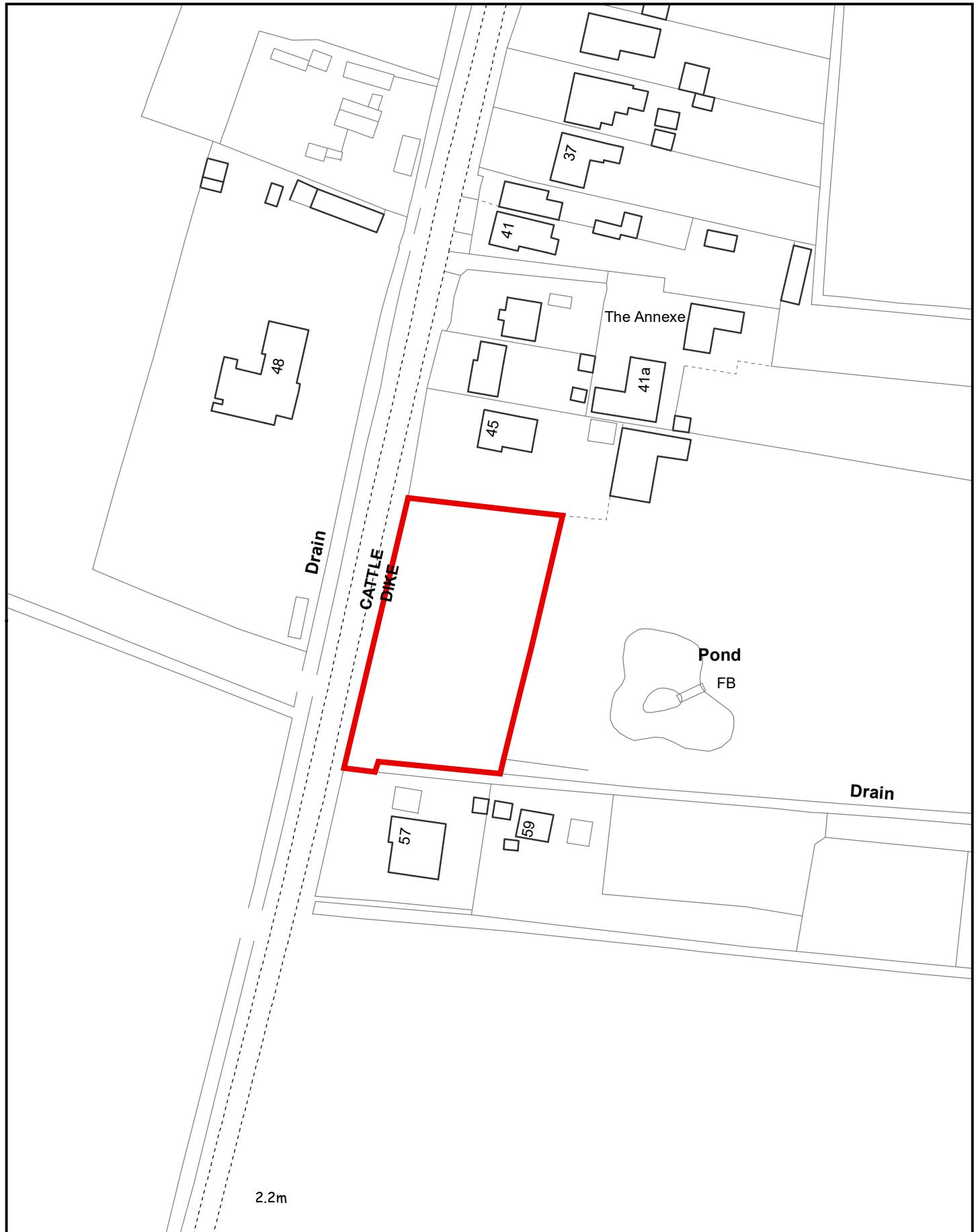
11.2 This is not a case where the scheme is not able to make 'contributions' to other infrastructure and should therefore be allowed under the provisions of Para 57 of the NPPF with no real 'harm' arising; it is a case where bona fide requirements for a footway provision, justified to make the development safe and sustainable as required by policy are being thwarted. The question that must be asked is whether the scheme would have been favourably recommended without the footway provision identified and it is the contention that the highway safety issues identified are such the scheme would not have met the requirements of Policy LP15 and would therefore not have been supported.

11.3 The LPA is not unsympathetic to the case made regarding the financial challenges faced by the applicant in delivering the site as these appear to be clearly expressed; however it is not considered that the solution proposed is the only one available to 'un-lock' the site for development. In this regard it is noted that there have been no alternative proposals for the site regarding the numbers or types of dwellings put forward and this is, it is considered, worthy of further consideration.

12 RECOMMENDATION: Refuse

Reason for refusal

1	The removal of a section of the previously agreed footway provision will have an unacceptable impact on highway safety and would result in a form of development which is also unsustainable in the context of the settlement; accordingly the scheme is contrary to Policies LP15 and LP16 of the Fenland Local Plan (2014).
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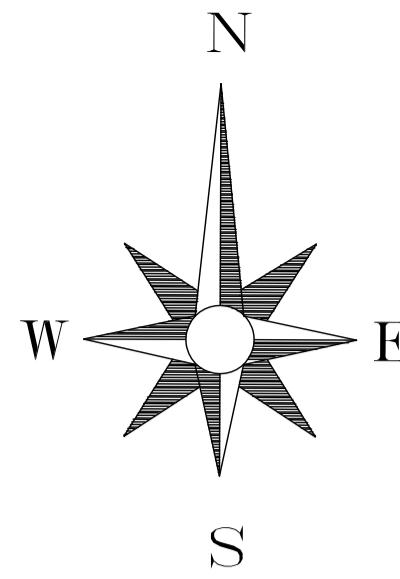
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F/YR21/0022/VOC

Scale = 1:1,250





Application boundary
shown red

CATTLE DYKE

PLOT 1

PLOT 2

PLOT 3

PLOT 4

Application boundary
shown red

REV	DATE	DESCRIPTION	BY

APPLICANT:

Village House Ltd.

PROJECT TITLE:
Proposed new dwellings on land
south of Gorefield House,
Cattle Dyke, Gorefield
Cambridgeshire.

DRAWING TITLE:
LOCATION PLAN

SCALE:
1:500 @ A1

HOUSE TYPE DETAILS:
TOTAL BOM -
TOTAL SOFT -
PLAN REF. SPEC REV TOTAL BOM -
SBP4561/PD/01 -

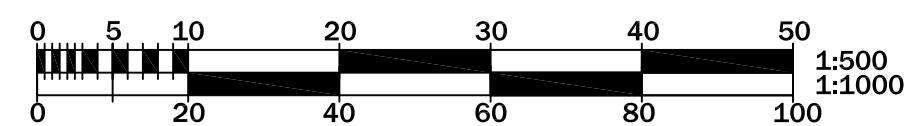
Village House Ltd.

Elm Farm, 63 Church Street, Warmington, Peterborough PE8 6TE
Tel: 01832 280850 Fax: 01832 280297 Mobile: 07977 454877

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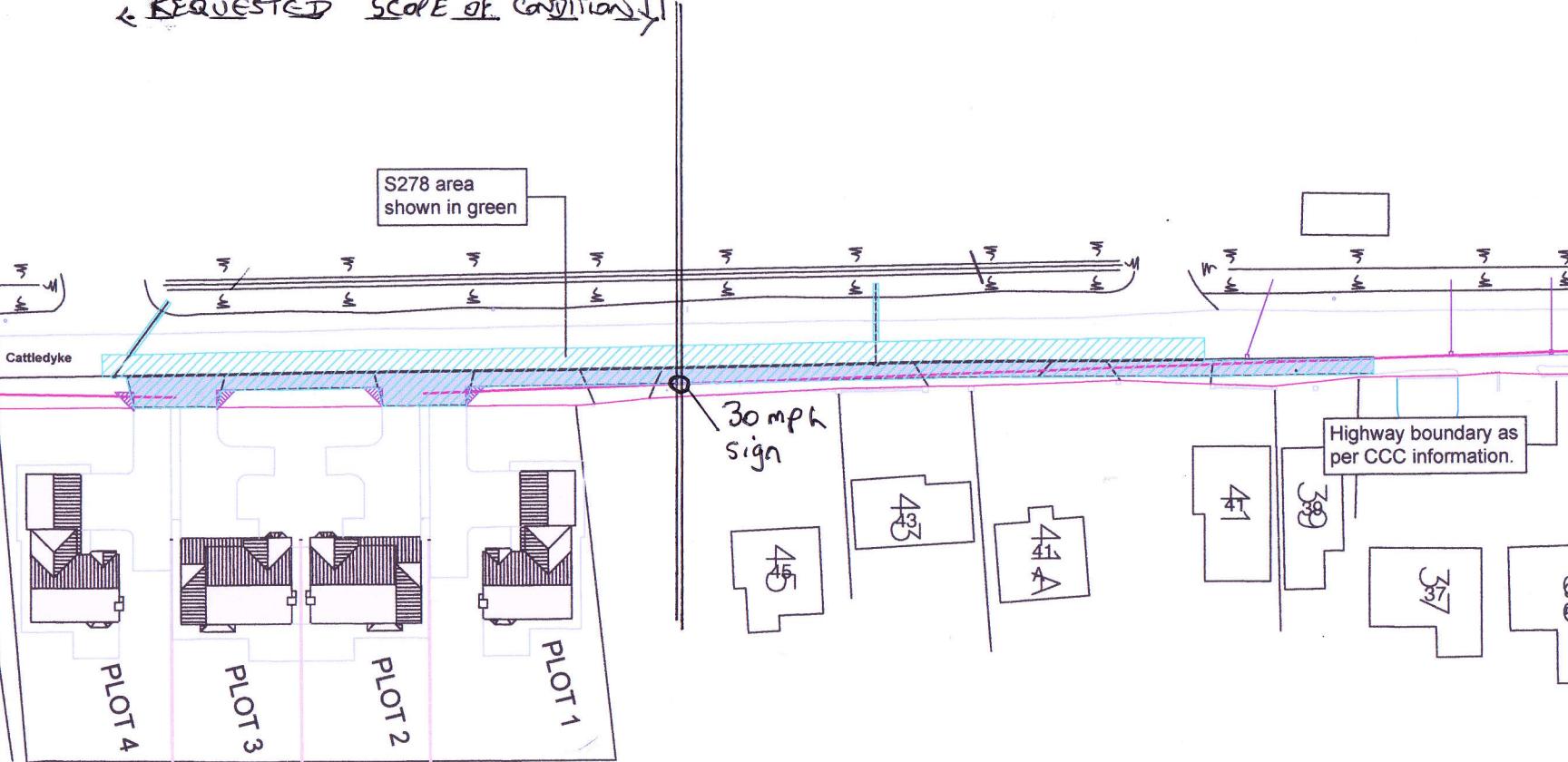
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REQUESTED SCOPe OF CONDITIONS



Notes:

1. All dimensions in meters (m) unless stated otherwise
2. Do not scale from this drawing, if dimensions are not clear, ask
3. This drawing is to be read in conjunction with all other relevant Architectural, Engineering and Service drawings
4. All highways works are to be constructed in accordance with Cambridgeshire County Council's (CCC) Housing Estate Road Construction Specification, 2018.
5. All compaction regimes to be carried out in accordance with BS 594987:2010
6. All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt

Location Plan



Project
Proposed New Dwellings
Land South of Gorefield
House, Cattledyke

Section 278 Plan

Scale:	1:500 @ A3
Drawn:	AC
Checked:	AC
Date:	17.10.2020
COBBS ENGINEERING LTD 448E March Road, Cambridge, PE7 2DW Mobile: 07828 589777 Email: Cobbsengineering1@gmail.com	
Drawing number	1044-2600-001

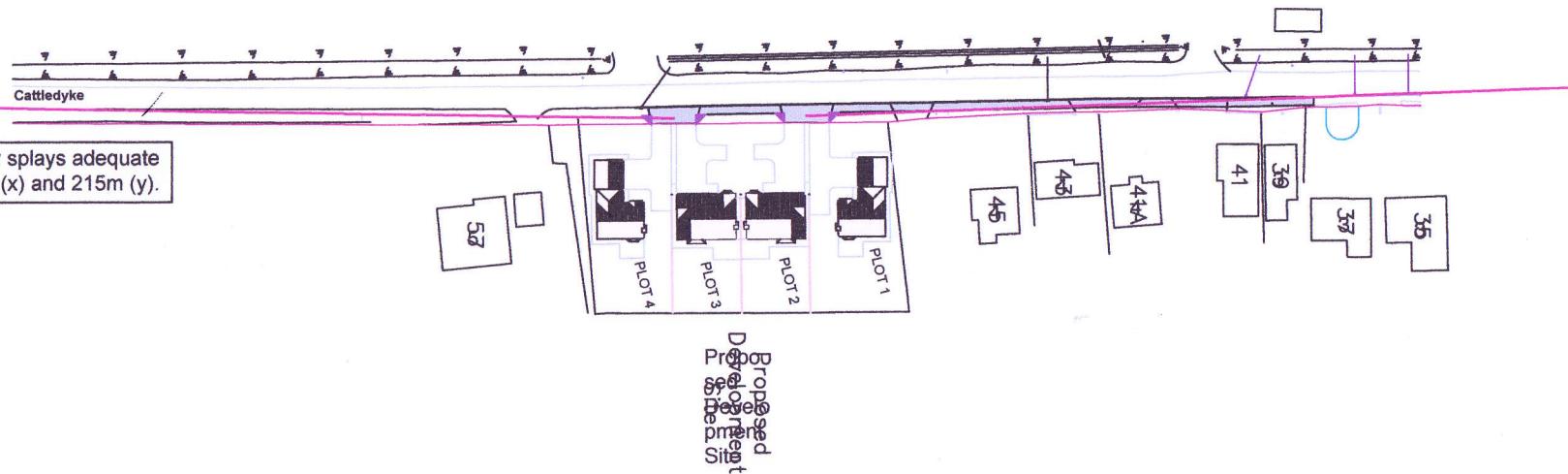


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2. Do not scale from this drawing, if dimensions are not clear, ask
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6. All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt

Pedestrian visibility splays adequate at 2m x 2m shown in purple. If in future an open plan frontage is not desired, any boundary treatment will need to be set back behind the splays. Any vegetation within the splays to not exceed 600mm in height.

Visibility splays adequate at 2.4m (x) and 215m (y).



Location Plan

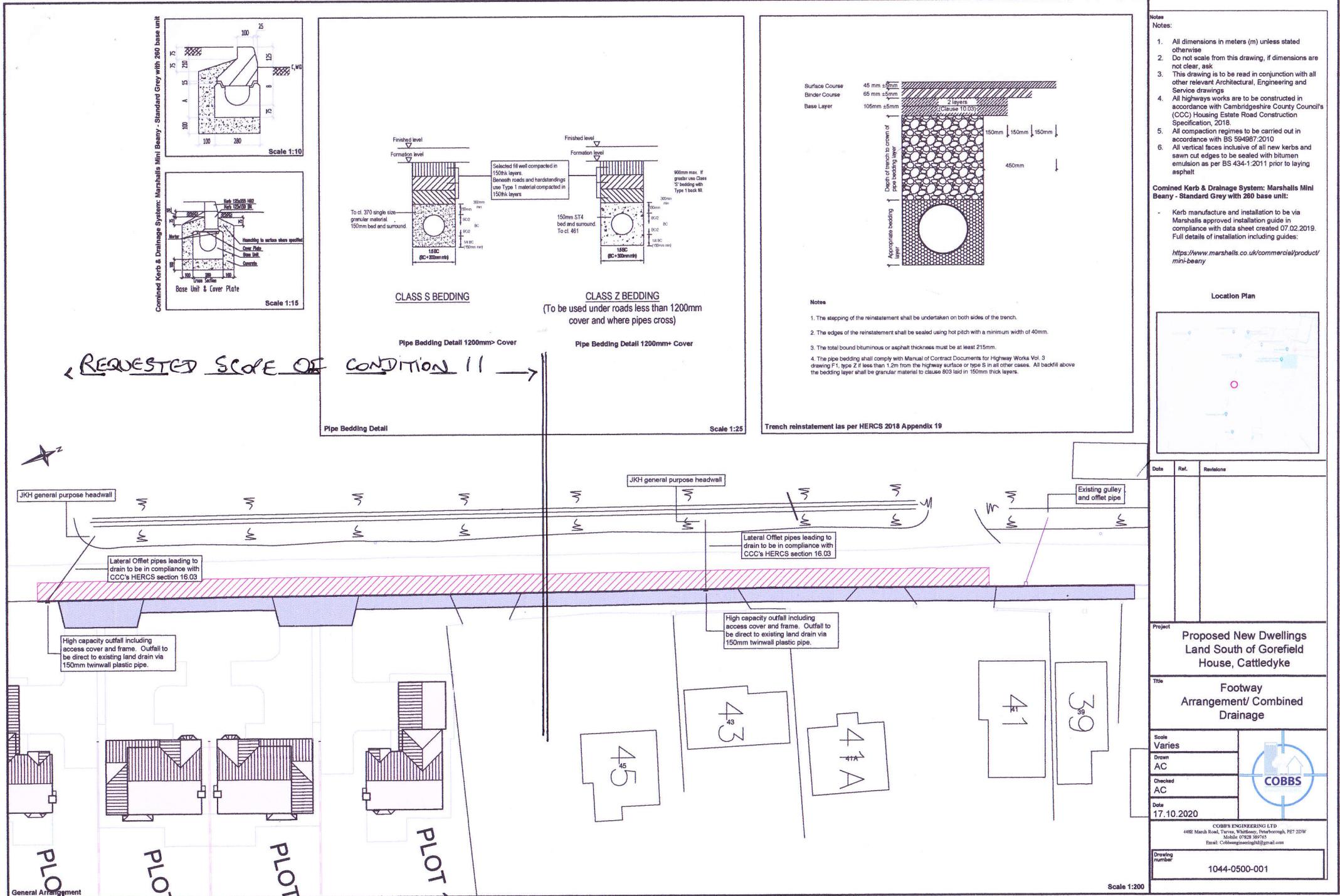


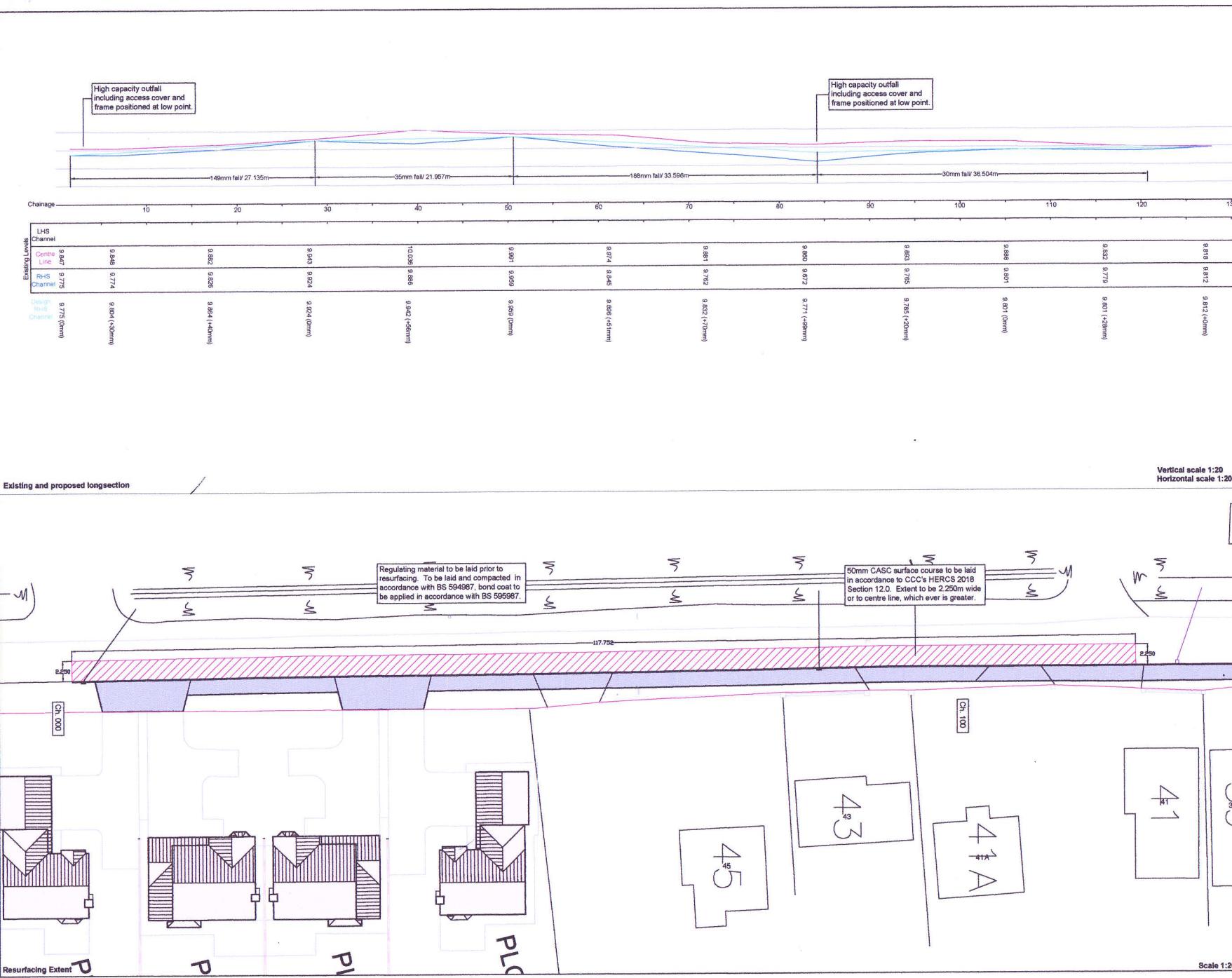
Project: Proposed New Dwellings
Land South of Gorefield House, Cattledyke

Title:

Visibility Splay

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Checked:	AC
Date:	17.10.2020
COBBS ENGINEERING LTD 4481 March Road, March, Cambridgeshire, PE17 2DW Mobile: 07828 599765 Email: Cobbeengineering@gmail.com	
Drawing number:	1044-2600-002





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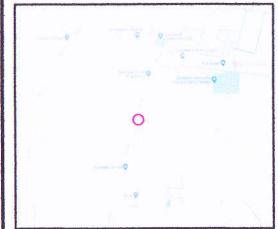
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2. Do not scale from this drawing, if dimensions are not clear, ask
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4. All highways works are to be constructed in accordance with Cambridgeshire County Council's (CCC) Housing Estate Road Construction Specification, 2016.
5. All compaction regimes to be carried out in accordance with BS 5949:2010
6. All vertical faces inclusive of all new kerbs and sawn cut edges to be sealed with bitumen emulsion as per BS 434-1:2011 prior to laying asphalt

Combined Kerb & Drainage System: Marshalls Mini Beany - Standard Grey with 260 base unit:

- Kerb manufacture and installation to be via Marshalls approved installation guide in compliance with data sheet created 07.02.2019. Full details of installation including guides:

<https://www.marshalls.co.uk/commercial/product/mini-beany>

Location Plan



Date	Ref.	Revisions
17.10.2020	001	Update on drawings and levels following re-survey and CCC feedback.

Project Proposed New Dwellings
 Land South of Gorefield
 House, Cattleyde

Title Carriageway Re-profiling, Levels & Extents

Scale	
Varies	
Dream	
AC	
Checked	
AC	
Date	

17.10.2020 COBB'S ENGINEERING LTD
448E March Road, Turves, Whittlesey, Peterborough, PE7 2DW
Mobile 07828 389765
Email: Cobbsengineeringltd@gmail.com

Drawing number
1044-0700-002-RevA

