

## AGENDA

### PLANNING COMMITTEE

WEDNESDAY, 3 JUNE 2020

1.00 PM

A VIRTUAL MEETING VIA ZOOM VIDEO  
CONFERENCING SYSTEM

Committee Officer: Jo Goodrum  
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### Comment

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

The meeting will be available to view on YouTube:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 20)  
  
To confirm the minutes from the meetings held on 6 May and 7 May 20.
- 3 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.
- 4 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 5 F/YR19/0834/O

Land at Womb Farm, Doddington Road, Chatteris, Cambridgeshire; Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way (Pages 21 - 54)

To determine the application.

6 Adoption of Planning Validation Requirements (Pages 55 - 56)

To advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.

7 Local Planning Enforcement Plan (Pages 57 - 68)

Members to consider the adoption of a Local Planning Enforcement Plan

8 Planning Appeals. (Pages 69 - 72)

To consider the appeals report.

9 Local Plan Viability Report (Pages 73 - 98)

To inform Planning Committee members of the results of the Local Plan Viability Report

10 Items which the Chairman has under item 4 deemed urgent

Members: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor W Sutton and Councillor M Cornwell,

## PLANNING COMMITTEE



**WEDNESDAY, 6 MAY 2020 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

**APOLOGIES:** There were no apologies received.

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

### **MINUTES SILENCE**

Members observed a minute's silence in memory of Councillor Alan Bristow, a District Councillor and former member of the Planning Committee, who passed away on 19 April 2020, and Kit Owen, a former District Councillor, who passed away on 1 May 2020.

### **P75/19      PREVIOUS MINUTES**

The minutes of the meeting of 26 February were confirmed as an accurate record.

### **P76/19      F/YR14/0977/O PIKE TEXTILE DISPLAY LIMITED, 16 NORTH END, WISBECH, CAMBRIDGESHIRE. ERECTION OF 21 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

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

- Councillor Murphy stated that in his opinion, as long as officers are in discussions with the Lead Local Flood Authority to ensure any issues and concerns are resolved, as well as officers finalising the details with regard to the section 106 agreement, he can see no reason why this application should be refused, it will bring much needed housing into Wisbech.
- Councillor Sutton stated that he concurs with Councillor Murphy and added that whilst he appreciates it is an indicative plan, there needs some consideration given at the reserved matters stage with regard to the parking layout. He added that he will be supporting the officers recommendation
- Councillor Lynn stated that this site has been left empty and derelict for a considerable amount of time. He added that he is pleased to see a decision is being reached with regard to the section 106 contributions.
- Councillor Meekins stated that the development is in his ward and it is a good proposal which has been put forward. He added that with regard to flood risk the last time the River Nene flooded in Wisbech was in 1978. Since then a wall was built to alleviate the risk of flooding again with further improvements to the wall made 10 years ago and there are water tight flood gates in the vicinity of the proposed site. Councillor Meekins highlighted that the

proposed site is adjacent to the A1101, which is one of the main routes into Wisbech. It is a very heavily used route but does not feel that there would be a significant impact on the traffic as a result of the development but does have slight concerns with regard to the sharp bend in the road to the right of the proposed development, which could cause some issue.

- Councillor Meekins identified the commercial amenities adjacent to the proposed site and also the concerns, which have been highlighted to him, by local residents concerning the inconsiderate parking by customers visiting the businesses. He added that he is aware that there have been concerns raised concerning the additional increase in noise, as a result of the proposal, however in his opinion; he does not feel that this will be a problem.
- Councillor Meekins stated that with regard to the section 106 contributions, he noted that Peckover School and Ramnoth School will receive a financial contribution and asked officers to clarify why Ramnoth School is receiving a higher contribution than Peckover, especially as children from this development would be unlikely to attend this school. He concluded that he warmly welcomes the application.
- Mr Nick Harding, clarified that the site already has an existing access onto the highway and that was taken into consideration by the Highways Authority, who raised no concerns. He added that with regard to the section 106 contributions, both Peckover and Ramnoth Schools have both undergone significant extensions and under Government guidance the Authority can seek financial contributions for school extensions that have been forward funded by the Education Authority.

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

**P77/19**

**F/YR19/0958/O**

**LAVENDER MILL, FALLOW CORNER DROVE, MANEA. ERECT UP TO 29 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Alison Hutchinson, the Agent.

Ms Hutchinson noted that the concerns of Parish Council have been stated but that there are exceptional circumstances with the redevelopment of this brownfield site which have removed the ability of the applicant to make S106 contributions.

She added that when outline planning permission was granted in 2016 the viability of the scheme was tight and it was agreed that the applicants could only make a partial contribution towards education and no provision for affordable housing.

Ms Hutchinson stated that following the grant of permission, the applicants sought to market the site but it was made clear that prospective purchasers were not willing to take on the costs of clearing the site and as a consequence, the applicants had to take on that work themselves. Before doing so, Natural England required additional surveys for bats to be carried out before they would agree to the demolition of the buildings in advance of any approved detailed replacement scheme which significantly delayed the project. However, the applicants have also had to carry out the archaeological and contamination surveys and to discharge the relevant conditions. All this has added to the costs and prevented the previous planning permission being able to be implemented.

Ms Hutchinson added that the result is that the costs of demolition and clearance are now known and were considerably larger than previously anticipated in the original application. When combined with the significant costs of drainage and the highway works required by the highway authority, as well as normal house build costs, this has led to fact that the scheme cannot now be



made viable with any contributions. This is regrettable but is a direct result of the very significant and known costs of removing the old and dilapidated Lavender Mill. These costs have been made known to the Council in the latest viability assessment and are agreed by the Council's own experts.

Ms Hutchinson concluded by stating that the applicants now have a prospective purchaser and asked members to approve the application in accordance with the officer's recommendation to allow the site to be built out and complete the removal of what is termed a '*blot on the landscape*' by the Parish Council.

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

- Councillor Hay asked for clarification with regard to one of the objections raised by Manea Parish Council, who have stated that the proposal does not include public open space. Councillor Hay stated that at 3.2 in the officer's report it states that the proposal includes an area of children's play area and asked for confirmation as to whether this would be classed as public open space. David Rowen confirmed that the indicative layout plan shows an area of open play space and that would be secured under condition 13 on page 42 of the agenda.
- Councillor Murphy stated that at 5.11 of the officer's report, it states that the Council would not wish to adopt any more open spaces or play areas and they should be managed and maintained by the developer or offered to the Parish Council.
- Councillor Marks stated that he does not believe the Parish Council would look to adopt any open space at the present time. Councillor Murphy stated that it does say it 'could' be offered to the Parish Council.
- Councillor Sutton expressed the opinion, that he is not surprised by the frustrations raised by the Parish Council however it is Central Government who give the directive that viability has to be taken into consideration. He added that he is pleased to see the pavement linking to Westfield Road is still included, and has to be constructed before any occupancy takes place on the site. He stated that he is concerned with the comments raised by Leisure Services who do not want to adopt any further open space.
- Councillor Hay expressed the opinion that she can see no reason for this application not to be granted. She added she is pleased to see that there is already somebody interested in building the site out. She stated that she would like to see added within the conditions, a reference made with regard to restrictions of the hours of work, within condition 12, where it clearly sets out when work can be carried out on the site.
- Councillor Benney stated that he is frustrated with the absence of a section 106 agreement. He stated that if the play area is going to be managed by a management company, could a bond be taken against them, in case of bankruptcy.
- Councillor Marks expressed the view that he agrees with the comments raised by both Councillor Hay and Councillor Benney. He added that he also has concerns with regard to Anglian Water being able to supply all the additional dwellings. The villagers of Manea have noticed that water tankers have been visiting the area since the Covid 19 lockdown already, and due to the proposal of the additional houses, it is a worry whether the village has the capacity to cope with an additional number of dwellings.
- Nick Harding stated that with regard to the question concerning a bond, this is something that could be put in place however there could be associated problems if one was included, as it could have further implications and the Council would end up adopting the area.
- David Rowen added that if members are minded to approve the application, then it would be possible to add a clause to condition 12 with regard to operating hours.
- David Rowen stated that with regard to the concerns raised in relation to water issues. It would be down to Anglian Water to ensure that they have the infrastructure which is fit for purpose and they have an obligation to do that under drainage legislation.

**Proposed by Councillor Benney seconded by Councillor Hay and decided that the application be APPROVED, as per Officer's recommendation. (to include the clause**

alongside condition 12, with regard to hours of work)

**P78/19**      **F/YR19/1028/F**  
**LAND NORTH OF MARCH BRAZA CLUB, ELM ROAD, MARCH,**  
**CAMBRIDGESHIRE. ERECT 6 NO DWELLINGS (2 X SINGLE STOREY 3-BED**  
**AND 4 X 2-STOREY 3-BED) INVOLVING FORMATION OF A NEW ACCESS**

This item was withdrawn from the agenda.

**P79/19**      **F/YR19/1075/F**  
**LAND SOUTH OF 1, OTAGO ROAD, WHITTLESEY, CAMBRIDGESHIRE. ERECT**  
**1NO DWELLING (2-STOREY, 3-BED) AND BOUNDARY CLOSE BOARDED**  
**FENCE APPROX 1.8M HIGH**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Councillor Chris Boden.

Councillor Boden stated that he is one of the local members for Bassenhally Ward where this application is situated. He added that this is the third attempt to gain planning permission for a dwelling on this small plot and stated that the Council refused both previous applications and the applicant appealed both times to the Planning Inspectorate in 2016 and in 2019. Councillor Boden made reference to the ruling from the Planning Inspector and quoted the findings from the decisions in 2016 and 2019 where both the appeals were refused.

Councillor Boden highlighted the main reasons for the refusal at appeal which included the effect of the proposal on the character and appearance of the area. Councillor Boden stated that he believes the Planning Inspectors were right in 2016 and in 2019 and, for the very reasons given in the Officers' Report today, and asked members to refuse this current application.

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

Mr Slater stated that by resubmitting this proposal, the applicant and Peter Humphrey Associates have been mindful of the planning history on this site and the previous appeal decisions. He stated that this application is a direct and considered response to the recent appeal decision- addressing the inspectors' objections to the previous scheme. The findings of the appeal were that the previous scheme which was a substantially larger chalet home would have adversely impacted on residential and visual amenity.

Mr Slater added that the scale of the dwelling has been significantly reduced to a modest 2 bed bungalow reducing the impact on the character of the area and the scale and form and appearance of the bungalow is similar to the bungalows opposite. He stated that the new proposal will not adversely impact on the amenities of adjoining properties and this is reflected in the officer's report. There is only one objection from a neighbouring property indicating that the issues with the previous scheme have been resolved.

Mr Slater stated that officers are only concerned with a single aspect of the development:, tandem development and its perceived impact on visual character. He stated that whilst tandem development is often difficult to accommodate it is usually due to its adverse impact on amenity of the surrounding dwellings- be that overlooking, overshadowing or noise and disturbance and in this instance this is frontage development and it is not the application property that would be non-frontage. He added that the officer report acknowledges that there are no amenity or technical constraints to the development and the refusal rests on a judgement as to whether the proposed

bungalow causes significant harm to the character and appearance of the immediate locality as set out in the policy.

Mr Slater stated that he respectfully disagrees with the officer's assessment and conclusion and added that this is a matter of judgement and members are requested to use their independent judgement. He added that whilst it is accepted that the proposal would have an impact; this is in part beneficial- bringing this unused and untidy plot back into use, and secondly it is considered that the proposal will not cause significant harm; it is a modest small bungalow in keeping with surrounding properties and will not cause significant harm to the character of the surrounding area.

Members asked Mr Slater the following questions:

- Councillor Sutton expressed the view that there is considerable history relating to this plot. He asked for clarification with regard to the site plan as to why the bungalow had been switched around 180 degrees and had that been discussed with the case officer or for other reasons? He also asked about the location of the dwelling that had been there previously which had been demolished? Mr Slater stated that the revisions to the current application had been in discussions with the case officer at the time. Mr Slater added that the dwelling that had been on the site previously which had been demolished was in his recollection somewhere which is central on the site.

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

- Councillor Sutton asked officers for clarification with regard to the location of the dwelling that had been demolished and also over amendments to the application. Nick Harding stated that by looking at Google Earth images and Google Street View the new build properties sit parallel to a longstanding bungalow next door and by looking at street view the bungalow that was demolished to make room for the 2 new dwellings was cited in the same position as the new houses.
- David Rowen stated that it is also his understanding of the site. He added that the intention of tweaking the scheme was to make it more suitable and to try to overcome reasons for highways refusal and also to overcome reasons for amenity reasons for refusal.
- Councillor Sutton stated that in the officer's report, there is a great deal of emphasis made on tandem development. He added that he is looking on Google Earth and next door to the proposal; there is already tandem development in situ.
- Councillor Hay stated that she understands Councillor Sutton's point with regard to the property next door. She added that in her opinion, this application is the reverse of tandem development and tandem development is something that is discouraged and in her opinion, this is a badly thought out plan.
- Councillor Benney stated that in his opinion, officers have made the correct recommendation. He added that looking at the planning inspectors view on this site and the impact it will have on the neighbourhood he cannot support the application and he will refuse it.
- Councillor Hay stated that there must be consideration given to the rest of the residents of the area.

**Proposed by Councillor Hay, seconded by Councillor Benney and decided that the application be REFUSED, as per Officer's recommendation.**

(Councillor Mrs Mayor declared that she is a member of Whittlesey Town Council and has previously raised an objection to this item and therefore will take no part in determination of this application and left the meeting at this point.)

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# PLANNING COMMITTEE



**THURSDAY, 7 MAY 2020 - 1.00 PM**

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

**APOLOGIES:** Councillor S Clark,

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

**P80/19**

**F/YR19/1082/F**

**LAND SOUTH OF HAROLDS BANK, SEALEY'S LANE, PARSON DROVE, CAMBRIDGESHIRE, CHANGE OF USE OF LAND TO A TRAVELLER'S SITE INVOLVING THE SITING OF 2NO MOBILE HOMES, 2NO TOURER VANS; ERECTION OF 2NO DAY ROOMS, 1.8 METRE HIGH FENCE AND 1.2 METRE HIGH POST AND RAIL FENCING (PART RETROSPECTIVE)**

David Rowen presented the report to members and drew their attention to the update report which had been circulated to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Councillor Gavin Booth as District Councillor.

Councillor Booth stated that he spoke to Officers in February and was advised that further reports had been requested regarding provision of traveller pitches and flood risk. He added that looking at the online file these do not appear to have materialised for public viewing and therefore, the justification Officers have given to approve this site after it has been refused twice in the last 3 years, demonstrates a lack of consistency in approach. He also requested that he was kept informed of progress on the application, sadly this did not happen.

He stated that the policies in place since the last 2 previous refusals have not changed and he fails to understand why a third application was allowed. He added that it appears to be based on an appeal elsewhere in the District, however, planning appeals do not set precedent as in case law, instead are informative in decision making and different sites will have their own individual characteristics.

Councillor Booth expressed the view that, in his opinion, the appeal site used to bring this third application is completely different in nature to the site in Sealey's Lane, which is in the open countryside

He stated that the officer report appears to dismiss the previous reasons for refusal even though they have not changed over the last 3 years and in his opinion the report does not make it clear enough that the site has been developed and occupied since October 2019, even though it was refused twice.

Councillor Booth stated that with regard to flood risk, the last correspondence on file from the Environment Agency is dated 3 January 2020 and objects to the proposal. He questioned why Officers are putting such weight on the agent's report, when in the past the Environment Agency report would determine the nature of flood risk and is also contrary to previous decisions made regarding caravans and flood risk, given their vulnerable nature.

Councillor Booth expressed the view that with regard to open countryside, it appeared that Officers have now changed their mind on why this is not a consideration citing the nursery at the end of Sealey's lane as justification. He added that the T junction with Harrold's Bank has been developed for a considerable number of years with farm buildings, a nursery and property, situated some distance from this proposed development and the site in question is quite visible in the open countryside and different in nature to the site referred to in the appeal at Bevis Lane.

Councillor Booth expressed the opinion that with regard to traveller status there is no public report on file regarding the provision of traveller sites across the District, however previously it was determined there were sufficient at this time, with some provision needed in the future. The Parish Council has pointed out that spare capacity exists at Turf Fen site in Murrow; it appears only 2 of the 6 plots are currently occupied there. He added that the officer report also indicates that traveller status can only be justified for one occupant, so why would they support the second plot, which goes against policy?

Councillor Booth added that since the occupation of the site in October he has received several complaints regarding loss of amenity due to the constant generator noise and light pollution in the open countryside. He stated that the Parish Council strongly objected to the planning application for the change of use, however the report before committee does not address the points raised and does not consider all the policy reasons the Parish Council objected to this and previous applications.

Councillor Booth made reference to various elements of the National Planning Policy Framework and also the Council's Local Plan which the Parish Council had highlighted.

Members received a presentation in accordance with the Public Participation Procedure, from Dr Sheila Child in objection to the application.

Dr Child outlined to the committee the previous planning application references and letters of objection. She explained that she wrote to the Planning committee on 30th December 2019 to object to this latest application and that despite three previous refusal decisions, the Planning Officer's recommendation is to grant this application. Dr Child stated that she objects most strongly to that recommendation and she added that in her opinion she believes that the grounds for refusing permission for the previous applications are still very valid and this new application does not address, or even attempt to address, the reasons for the original rejection decisions.

Dr Child expressed the view that contraventions of local planning and policy regulations appear to still apply, as does the unsuitability of the site for dwellings of any nature, evidenced by the site having already having been turned down for social housing development. Dr Child stated that the Councils Enforcement Team must be aware, that the applicants have continued to build and construct elements of this application. Dr Child stated that a number of youths are now living in the caravans and there is a large generator which has been installed and is working day and night. She stated that the applicants continue to disregard the law and do whatever they want.

Dr Child summarised the main points that she asked the Planning Committee to consider.

1) Sealeys Lane is a very narrow thoroughfare which is not even wide enough for two cars and reverts to single car width at exactly the point where this proposed development is located, which in addition, is a blind comer.

2) The recent extension of the footpath at the Main Road end of Sealeys Lane has further narrowed that section of the Lane. Lorries, trucks and vans frequently have to mount both the pavement and/or the edges of her property to make their way through. It is not suitable for an increased traffic load and should be subject to a weight limit.

3) There is no street lighting at all at the Harold's Bank end of Sealeys Lane. This means that the travellers will erect high intensity lighting to light their site - just as they have done at the Turf Fen site. Blinding the eyes of motorists in this way is really not a responsible practice and especially not at an already dangerous junction.

4) This plot of land was previously put forward as an exception site for affordable housing. This was rejected, not only on some of the grounds stated above but for reasons of distance from the shops, school and other essential services. Nothing has changed which could possibly make this application now worthy of consideration

5) Evidence from the Turf Fen site, which we can all see for ourselves, suggests that travellers will quickly turn the surrounding area into a scrap metal heap or a rubbish tip. Litter and other unwanted, unsavoury items are left on verges and will find their way into the Lane.

Dr Child concluded by stating that she does not necessarily disagree with traveller sites, provided they are in the right place and well away from residential areas. She added that, in accordance with local plans, there is already sufficient provision for traveller sites within the area and stated that there is no need for any more and certainly not on this site. She expressed the opinion that the very nature of being a genuine gypsy or traveller is to be free to move on as and when the mood takes you and questioned that should the applicants decide to move on, what and who will replace them. Dr Child asked the committee to refuse the application and for urgent and legal action to remove these unauthorised residents and their buildings from land they are not entitled to use.

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

- Councillor Hay asked officers to clarify whether there are any vacancies for traveller pitches over the area and whether there is a waiting list for any vacant pitches? David Rowen stated that advice has been sought from the Councils Traveller and Diversity Manager who has stated that there are no habitable pitches at the moment at and there is a waiting list for pitches at Council traveller's sites.
- Councillor Murphy expressed the opinion that he is in agreement with a great deal of what Councillor Booth and Dr Child have presented. He asked officers to clarify what the difference is between the application before members today and the previous applications that were refused? David Rowen stated the fundamental difference is not to do with the application site or the applications themselves, it is more to do with that there have been several appeal decisions received within the last 6 to 12 months. In particular the appeal decision with the Bevis Lane application which has various similarities to this site, with regard to flood risk, location and settlements in the countryside, which have changed officers thinking and approach on the way they look at this type of application based on the appeal decisions made by Inspectors.
- Councillor Benney asked for confirmation on how recent the figures are from the Traveller and Diversity Manager with regard to the waiting lists for traveller pitches, as he would expect them to be fluid? David Rowen stated that the information obtained is from within the last couple of weeks which sets out there are no habitable Council pitches available at present. The details of the waiting lists were not able to be provided.
- Councillor Murphy stated that he cannot understand why another traveller site a few miles away should deter from the application before members today. Each application should be considered on its own merits. David Rowen stated that he concurs with Councillor Murphy and agrees all applications should be taken on their own merits, appeal decisions do form

part of officers considerations especially when there is an appeal decision which includes fundamental principles on how to approach a particular type of an application. He added that the Bevis Lane application is similar to the application before members today, which would give an indication on how an inspector would perhaps determine an appeal should the application be refused.

- Councillor Hay stated that the previous applications which are no different to the one before the committee today had numerous reasons for objection. She added that she appreciates that there may be the need for additional traveller sites, but that does not mean that they should be given preferential treatment when granting planning permission. If the proposal was for a dwelling on that site, then in her opinion, the recommendation would be to refuse permission.
- Councillor Meekins expressed the view that the application has been refused before and the occupants on the site have already started work on the site, and if the application is approved then the Council would be guilty of giving into non-compliance by the occupants of the site.
- Councillor Benney stated that if the application was for a house it would be refused, it is in flood zone 3 and there is a distance of 450 metres which is unlit linking the site to Parson Drove. He stated there is no ecology report as the site had been cleared before the ecology report could take place. He expressed the view that works have taken place with total disregard for planning. He expressed the opinion, that travellers do have special status in law, and if this application is not passed and goes to appeal, then the Council would lose meaning that the Council would incur costs.
- Councillor Sutton stated that he shares many of the concerns raised by other members, but having sat as an as an observer at a recent planning appeal, in his opinion the committee would be foolish to go against the officers recommendation today.
- Councillor Mrs French stated that she agrees with comments that other members have made. The Council does not have an adequate supply of traveller pitches and if the application went to appeal it would cost the authority dearly.
- Councillor Benney expressed the view that there is also a human element to be considered and travellers do need somewhere to live, however his decision will be made on policy.
- Councillor Sutton stated that travellers are part of our community, but the way travellers live and work has changed significantly over the years.

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

**P81/19**

**F/YR20/0083/F**

**THE HOLLIES, MIDDLE BROAD DROVE, TYDD ST GILES, CAMBRIDGESHIRE  
ERECT A 3-STOREY 4/5-BED DWELLING WITH DETACHED GARAGE AND  
STUDY ABOVE INVOLVING DEMOLITION OF EXISTING DWELLING AND  
CHANGE OF USE OF LAND FROM Paddock TO GARDEN**

David Rowen presented the report to members and drew their attention to the update report which had been circulated to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from the applicant Mr Zane Watson.

Mr Watson stated that the property has been in his family's ownership for 78 years and was his great grandparents' home with his parents living at the adjacent property. He added that, in his opinion, the footprint of the proposal is not more excessive than in its current form and will be higher as the property falls within flood zone 3 so the bedrooms will need to be off the ground floor level. The garage proposed conforms to Council's policy.

Mr Watson stated that the existing bungalow is suffering from structural issues which are due to it



being next to the drain and why he is proposing to move the dwelling nearer to Jillendy which will also allow for easier maintenance of the drain.

He stated that to make use of all available space it was considered to make use of the attic space rather than leave it as empty space.

Mr Watson concluded by stating that he wants to be near his parents who fully support the proposal and added that with the current situation and worldwide pandemic it has been reiterated that family is important and we need to be there to look after each other.

Members asked Mr Watson the following questions;

- Councillor Benney ask for clarity that Mr Watson lives in his great grandparents' home and his parent still live in his grandparent home? Mr Watson confirmed that this is correct.
- Councillor Meekins asked for clarity with regard to the track and outbuildings which are in the vicinity of the property? Mr Watson explained that the track is a roadway, which runs to farm buildings and sheds. A new roadway will be installed to the right hand side of the property to access the buildings. Mr Watson confirmed that the land and farm buildings are owned by his parents but rented out to tenants.

Members asked officers the following questions;

- Councillor Murphy asked for clarification with regard to the replacement increase of the new dwelling which is shown in the officer's report as 257% and asked what the normal percentage that would be expected. David Rowen stated that the policy in the Local Plan talks about it being similar. The percentage increase in the proposal is significant and the scale is considered as inappropriate in this particular case.
- Councillor Hay asked for clarification with regards to ridge heights for 2 storey dwellings? David Rowen confirmed that a normal 2 storey ridge height would be 7.5 metres.

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

- Councillor Benney expressed the view that the proposal is for a 2 and a half storey dwelling and he is of the opinion that to utilise the loft space is a good use of space. He does not feel the proposal will be a blot on the landscape and in his opinion it will be an attractive building and be a beacon to the Fens. Larger families, require larger homes and officers have recommended refusal due to the scale of the development and apart from the bungalow next door, it is open countryside and he welcomes this development.
- Councillor Sutton stated that it is a big plot and should be replaced with something larger than what is currently on the plot and the reasons for refusal are subjective. He added that, in his view the proposal needs to be approved on its own merits. He does not feel it is out of character and nor not out of character with Fenland as a whole. He will be supporting the application. The bungalow currently on the plot has major structural defaults and for it to be moved away from the ditch will also allow better maintenance of the ditch.
- Councillor Mrs French agreed with Councillor Benney and Councillor Sutton and stated that there are large houses in other areas of Fenland, which started off as small dwellings and are now very large properties. She stated that she will be voting against the officer's recommendation.
- Councillor Lynn stated he cannot see any reason to reject this application. There have been no objections to the application. The applicant has enough space to build the property for his growing family.
- Councillor Meekins stated that he concurs with all the comments made by the other members and he will be voting in favour of the application and going against the officer's recommendation.
- Nick Harding stated that he hopes members of the committee can understand why officers

have made the recommendation to refuse the application. He explained that under policy LP12c it states that any replacement dwellings have to be of a similar size and scale to the original dwelling, hence the recommendation. Nick Harding added that if members are considering going against the officer recommendation then the proposing member needs to demonstrate why the particular element of the policy should be outweighed by the benefits that the development brings.

- David Rowen clarified that the Parish Council has objected to the proposal.
- Councillor Benney expressed the opinion, that the officer's report is recommending refusal because of scale and referred to the Local Plan. He stated that the policy is a guideline for members to consider and not a rule. He expressed the view that the proposal will be of a benefit to the community and he will be happy to propose the application to go against the officer's recommendation.
- Councillor Sutton stated that the development does not quite fit with policy, but the benefits do outweigh the consideration given to a particular area of the policy and he will be happy to second the proposal.
- Nick Harding stated that that if Councillor Benney were to approve the development proposal he would ask that he considers giving officers delegated authority to apply appropriate planning conditions in respect of the planning permission.
- Councillor Mrs French added that she would want reasonable conditions applied and not onerous conditions.
- Councillor Connor stated that he would ask that the conditions are decided in consultation with the Chairman and Vice Chairman, along with the proposer and seconder.

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

**Members approved the application against officer's recommendation for the following reasons; Councillor Benney stated that it is a subjective reason for refusal and the proposal is a benefit for the area and a benefit for Fenland.**

**It was decided that the conditions imposed on the planning permission be agreed in conjunction with the Chairman and Vice Chairman, Councillor Benney and Councillor Sutton.**

**P82/19      F/YR20/0099/F  
SITE OF FORMER DRP VEHICLE SERVICES, FALLOW CORNER DROVE,  
MANEA.ERECT 2 DWELLINGS (2-STOREY 4-BED) INVOLVING DEMOLITION OF  
EXISTING BUILDING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Alan Melton the Clerk of Manea Parish Council in support of the application.

Mr Melton stated that Manea Parish Council, recommend approval of the application. He stated that the Parish Council do not agree with the aesthetic impact information which is detailed in the officer's report. He added that the information with regard to flooding is disputed as that part of Manea does not flood and the reasoning behind the applicant not carrying out a sequential test is understandable and the applicant has agreed to raise the property by a metre and Mr Melton stated that there have already been two dwellings approved which has set a precedent and the fact that the property will be a metre higher will have little impact and the adjacent building or the aesthetic appearance of the area.

David Rowen read out a written representation received from Mr Ian Gowler, the Agent for the

Application.

Mr Gowler highlighted that the committees main comments in relation to the previous application F/YR18/0899/F for 3 dwellings were; too many dwellings, cramped development with little parking, don't disagree with development although site is in a flood zone and that two dwellings would seriously be considered.

He further stated that in relation to application F/YR19/0459/F, the comments of members were taken into account and the application resubmitted with just two dwellings but this application was refused by Officers.

Mr Gowler stated that the current application is for 2 dwellings with the size reduced to further to further improve the reduction in impermeable areas and additional detailing has been added to the house designs to match the recently constructed dwelling on the adjacent site. He made the point that the development of the site will also include formal road widening and a new footpath.

Mr Gowler indicated that in relation to flood Risk policy LP14d, the proposed development would now after changes, reduce the impermeable area by 65%, which will be a huge benefit to flood risk in the area passes the exception tests as with the benefit above, the site being previously developed and with the Flood Risk Assessment demonstrating the dwelling is safe.

Mr Gowler expressed the view that this proposal would remove the eyesore building on the approach to Manea which would be a benefit to the community as an exception to the requirement under paragraph 160a of the NPPF. He stated that the the buildings are let on a short term tenancy and the site is no longer appropriate for industrial businesses to be located close to the dwellings.

Mr Gowler expressed the opinion that the proposed houses are proposed to be a link in hierarchy from the new property of 1 and half storey and the large agricultural building that is around 2 and half storeys high which provides a balance to the street scene. He made the point that the bungalows opposite are set back from the road and past the proposed site the street scene is mostly larger properties.

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

- Councillor Benney stated that one of the reasons that the officers have listed as a reason for refusal is that the proposal is in flood zone 3. He feels that this risk can be mitigated and the land can be built up a metre. He expressed the opinion that the proposal is the entrance to Manea and to have a nice house on the entrance to the village will set a good impression. He added that when this application came to committee previously, the proposal was for three houses and the applicant was advised that if the number of dwellings was reduced, then the committee would consider it further. He stated that the applicant and agent have listened to the committee and we should be considering this proposal seriously.
- Councillor Hay stated that she remembers the proposal previously, when the committee concluded it was over development. She added the site is currently an eyesore, and already has residential dwellings in the vicinity on Fallow Corner Drove. Councillor Hay expressed the view, that although the proposal is in flood zone 3, development can be achieved and she will approve this application.
- Councillor Mrs French stated that she concurs with Councillor Benney and Councillor Hay and added that she would like to see the villages enhanced.
- Councillor Sutton stated that he also remembers when this proposal was last before the committee. He expressed the view that two dwellings on the site would enhance the area visually and the permeable area would be increased.

- Councillor Sutton added that the last time Manea had any flooding episode was 1912 and even if there was a breach in the flood defences, the level of the land to the rear of the proposed properties is at least a metre below road level and the chances of this area being flooded are remote. Councillor Sutton questioned why a sequential test would be needed at that location as it is a brownfield site. He stated that it will improve the area and he will be voting against the officer's recommendation.
- Nick Harding stated that in terms of the flood risk assessment and the need for the sequential test, that requirement forms part of the national planning policy guidance and is reiterated in the planning policy that the council has adopted, as well as the Cambridgeshire County Council policy in managing surface water and flood risk. He added that the Council has prepared some specific guidance around how flood risk and new development is dealt within Wisbech, which differs from other locations.
- Nick Harding explained that the reason why flood risk is important for the proposal before members today and in relation to it being brownfield, it is a change of use, changing from employment use to residential use and Government policy states that housing use is a more at risk use than employment use. Nick Harding explained to members the reasoning concerning the requirement to have the dwelling at 1 metre above the existing ground level, was to reflect a 1 in 100 year storm event there would be a 1 metre deep level of water on the site hence the need to have the dwelling 1 metre above ground.

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

**Members approved the application against the officer's recommendation for the following reason; The flood risk issue can be mitigated, and the benefits of bringing more houses to Manea and providing more homes to people outweighs any reason for refusing the application.**

**Members agreed to delegate authority to officers to apply appropriate conditions in consultation with the Chairman, Vice Chairman and Councillor Benney and Councillor Mrs French**

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

*(Councillor Marks declared a pecuniary interest in this application by virtue of the fact that his business supplies materials to the applicant and retired from the meeting for the duration of the discussion and voting thereon).*

**P83/19**

**F/YR20/0186/F**

**LAND WEST OF 110, WESTFIELD ROAD, MANEA, CAMBRIDGESHIRE. ERECT 1 DWELLING (2-STOREY 4-BED) INCLUDING AN OFFICE AND A DETACHED DOUBLE GARAGE IN ASSOCIATION WITH EXISTING BUSINESS**

David Rowen presented the report to members.

Members received a presentation in accordance with the Public Participation Procedure, from Mr Alan Melton the Clerk of Manea Parish Council in support of the application.

Mr Melton stated that members have always sought to encourage well designed and well thought out properties in settlements and on the edge of settlements. He stated that whilst he appreciates what officers have said with regard to the proposal being outside of the development area, under the new proposal, this dwelling will fall within the development area. He expressed the opinion, that as you approach Manea, this dwelling is exactly the type of property that they would like to see. He

added that in 10.4 of the officers report it makes reference to the business use, commercial premises and security cameras and that is a subjective view and should be down to the applicant as to whether he wishes to live adjacent to his business.

Mr Melton drew member's attention to a previous application where approval was given against officer's recommendation which was classed as an agricultural dwelling. He expressed the opinion that there is no such thing as an agricultural business, they are all business dwellings, it is no longer a vocation, and it is a business. He expressed the view that members need to be consistent when determining planning applications.

Mr Melton added that earlier in the year there was a month of torrential rain and there was no sign of flooding at the proposed site. He stated that he agrees it is a large house, but it is a well-designed house and will enhance the entrance to Manea and it will not mitigate any of the aesthetic appearance of Westfield, Road and it is the sort of house that should be on the outskirts to the village of Manea. He concluded that the Parish Council welcome this type of development and this executive home will support the business and enhance the entrance to the village

David Rowen read out a written representation received from Lee Bevens , the Agent for the application.

Mr Bevens reminded members that a similar scheme was presented at Planning Committee in August 2019, and this application attempts to address the reasons for refusal. With reference to refusal reasons 1 and 2 the sequential test argument is not relevant to this scheme as the whole point of the dwelling is to serve the immediate business use at the site, there is little point in putting the dwelling off the site and hopefully members understand this. The dwelling has been raised above ground level to meet all the necessary requirements contained within the supporting flood risk assessment and No objections have been raised by the Environment Agency.

Mr Bevens expressed the view that reason 3 of the previous refusal is slightly ambiguous as the development will make a positive contribution to the local character of the area offering a positive feature to the entrance to the village and help screen the industrial sheds currently seen when approaching Manea. He made the point that, there have been no negative consultee or neighbour responses to the proposal.

Mr Bevens stated that the applicants have been residents of Manea all their lives and purchased Westwood farm over 3 years ago for their businesses with the site being generally in a poor state,, with the front of the site covered in dense scrub and brambles. He made the point that the applicants have invested a great deal of time and money in recent years to improve it, and this has seen other local businesses with local people attracted to the site.

Mr Bevens made the point that there are now a number of businesses using the premises including their own haulage and storage business, a dog grooming business and a forklift business. The forklift business stores emergency forklifts and relies on the premises and the applicant's business to transports the hire machines 24 hours a day for 365 days a year. These businesses all employ Manea residents and in turn they support the local community.

Mr Bevens explained that the business started with just 1 lorry and now the transport company has some 9 lorries with the subsidiary business storing agricultural produce. He highlighted that members and FDC have been provided with additional letters which demonstrate that the businesses on the site are not only concerned with security, with some million pounds worth of equipment being in the yard. The unattended farm buildings and lorry fleet have been targeted for both theft of items such as tools and also for fuel theft with each lorry holding in excess of £500 worth of fuel which is a common target for thieves in exposed rural areas and a dwelling on site

would act as a deterrent.

Mr Bevens stated that his client would like it noting that for 8 months of the year the cold storage units on the site require 24 hour monitoring due to inclement weather from climate change which can mean checking and adjusting temperatures up to 6 times a day in any 24 hour period and at the moment this means that Mr Cook makes visits through the day and night. Living on site would allow Mr Cook to walk next door to check the temperatures and the site without disturbance.

Mr Bevens expressed the view that he proposed development would offer an attractive solution to the entrance of Manea when entering the village from Toll Drove, offering a solution that helps obscure the views of the large storage sheds behind the dwelling and garage. In his opinion whilst it is behind prevailing frontage development it is designed as a standalone dwelling to support the business being run from the address and therefore should not be viewed as setting any form of dangerous precedent for future applications in this area.

Mr Bevens expressed the view that the dwelling has been designed to be dual aspect, so as to provide two key elevations of glazing facing the entrance and side road to offer passive surveillance and attractive elevations. He feels the dwelling will help obscure the views of the large storage sheds when entering the village and additional proposed landscaping will assist with the screening and encourage biodiversity and wildlife and has been moved since the previous application to the highest point on the site to further mitigate against flooding concerns.

Mr Bevens made the point that numerous local residents have written in to support the proposal, together with businesses that use the premises and no objections have been received or raised by highways, the Environment Agency, Parish Council or perhaps most importantly immediate neighbours along Westfield Road. He referred to a further raised at the last planning committee by one member, stating that the applicants have no intention to apply for any further dwellings within the yard area, in fact it is more likely that future plans will be to apply for additional small starter business units adding further local employment and benefit to Manea, should it be approved.

Mr Bevens stated that the applicants want to continue to grow their successful family business at the address and this scheme will see the long-term future secured and continue to employ people. He hopes that members will see that the positives of this scheme outweigh the negatives and approve the scheme.

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

- Councillor Benney expressed the opinion that a boundary is not something that is fixed, it is something that moves over time. He added that the best kind of security you can have at a business, is being able to live on site. Councillor Benney expressed the view that from a business perspective, the proposal is something to enhance the business. He expressed the opinion that any surplus money that the applicant may have after selling his bungalow, could be invested into the local economy and that in turn benefits the area by providing additional employment for the local people. He added that by approving this proposal for the applicant to live on site, it will assist and act as a deterrent and in turn reduce crime. The proposal will enhance the area and the view as you arrive into Manea. Councillor Benney concluded by stating that there are no letters of objection at all and the applicant is doing the right thing for his business, for employment and for the village of Manea.
- Councillor Mrs French concurred with Councillor Benney and stated that she will support this application and approve it.
- Councillor Connor expressed the view that the only way to ensure your business is secure

is to live on site and he will be voting against the officer's recommendation.

- Councillor Lynn expressed the opinion that there is the need for diverse housing and for nice housing and he stated that he would like to see more forward thinking with regard to determining applications. He expressed the view that there is the need where people can grow and progress and the applicant deserves to have a home that suits them.
- Nick Harding highlighted to members that in August last year, one of the reasons planning permission was refused was on flood risk grounds. He stated that member's decisions should be consistent and in accordance with planning policies unless there are other considerations. Any proposal that members make must identify why the flood risk reason for refusal is outweighed. Members should also consider that the previous application was refused on its design and appearance, so members need to identify why the small revisions that are in the current scheme make it acceptable.
- Councillor Sutton stated that he agrees with many of the comments made by other members. Councillor Sutton expressed the view that members need to consider the key issue with regard to flood risk and whether they believe that the proposal is desirable for the company owner to have his house adjacent to his business rather than 200 yards away. Councillor Sutton expressed the opinion that if members think that is the case, then the sequential test becomes irrelevant, as it cannot be built anywhere else, it has to be there to serve its purpose. Councillor Sutton stated that he will be voting against officer's recommendation.
- Councillor Benney stated that although the proposal is in flood zone 3, there is mitigation in place. Manea does not flood and the benefits outweigh the bad and there are many good elements of this application.
- Councillor Sutton stated that there is a comment in the agenda pack with regard to linear development in Westfield Road. He added that this is not relevant for all sections of the road and highlighted certain properties within the road and also roads in the vicinity of the proposal. He stated that he disagrees with a comment in the officer's report which states that the majority of Westfield Road is linear. David Rowen stated that Westfield Road is a long road and there are numerous examples of in-depth development within the road, however the report makes reference to the prevailing character of Westfield Road in the vicinity of the application site.

**Proposed by Councillor Sutton, seconded by Councillor Mrs French and decided that the application be APPROVED, against the officers recommendation.**

**Members approved the application against the officer's recommendation for the following reason; The proposal to increase the business strengthens the view that it is an essential dwelling and the sequential test is therefore void. The Parish Council are supportive of the application and it will improve the area coming into the village of Manea.**

**Members agreed to delegate authority to officers to apply appropriate conditions in consultation with the Chairman, Vice Chairman and Councillor Sutton and Councillor Mrs French.**

*(Councillor Marks declared a pecuniary interest in this application, by virtue of the fact that the applicants are landlords on this site for one of his businesses, family friends and he has submitted a letter of support for the application, and retired from the meeting for the duration of the discussion and voting thereon).*

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F/YR19/0834/O

**Applicant:** Triman Dev (UK)  
Ltd/Robertson Strategic Asset Man Ltd

**Agent :** Mr S Machen  
Barmach Ltd

**Land at Womb Farm, Doddington Road, Chatteris, Cambridgeshire**

**Erect up to 248 dwellings (outline application with matters committed in respect of access) with associated site infrastructure including the creation of new vehicular accesses, internal roads, landscaping, open space (including a new play area), drainage and a new off-site section of footway along the A141 Fenland Way**

**Officer recommendation: Grant subject to completion of S106**

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

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## 1 EXECUTIVE SUMMARY

- 1.1 The proposal is in outline for up to 248 dwellings with only access being committed at this stage. The site comprises 8.27ha of high/medium grade agricultural land to the west of Chatteris.
- 1.2 Policy LP3 sets out a focus for growth around the 4 Fenland Market Towns, with FLP policy LP4 setting a target of 1,600 homes to be delivered in Chatteris within the plan period. Policy LP4 also sets out that residential development of up to 249 dwellings within or on the edge of market towns are acceptable. In this regard, there is in-principle support for the proposal of 248 dwellings at the western edge of Chatteris under LP4.
- 1.3 The illustrative masterplan satisfactorily indicates how the site could be laid out in order to achieve both the quantum of development and necessary supporting infrastructure.
- 1.4 Improvements to existing pedestrian infrastructure along Fenland Way (A141) and Doddington Road including bus stop improvements have been agreed in principle by the Local Highways Authority subject to final design.
- 1.5 The development proposes to align with the anticipated contributions as set out in the Council's recently published Local Plan viability report – proposing a 20% affordable housing provision on site and a financial contribution for infrastructure. As such, whilst the contributions fall short of policy compliance, Officers consider that the viability report can be given significant weight in the assessment of this application.
- 1.6 Having fully assessed all three dimensions of sustainable development it is concluded that there are no overriding technical objections or material considerations that indicate that permission should not be granted in this instance and the application should therefore be approved subject to the required planning obligations and conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site lies at the west of Chatteris and comprises an irregular shape parcel of land of approximately 8.27Ha. The site is former agricultural land and is generally flat with the exception of some man-made mounds. It has not been actively managed and is now predominantly overgrown with areas of dense scrub and grassland.
- 2.2 The land is bounded on the eastern side by the A141 (Fenland Way) highway and to the north by residential properties and Doddington Road. Fenland District Council's Traveller site also abuts the north eastern edge and a scrap yard is located at the north of the Travellers site. The south east corner of the site abuts land previously approved for a builder's merchant but not built out. Fillenham's Drain runs along the southern boundary of the site and beyond that are the 'Jack's' and 'Poundstretcher' retail units. Approval has also recently been granted for a 'Screwfix' store to utilise a section of this retail unit. An industrial building (16 Albert Way) lies approximately 150m to the north west.
- 2.3 The application site benefits from outline planning permission for industrial development (planning application reference F/YR02/1015/O). It also has reserved matters approval for Class B1 (office and light industry) and Class B8 (storage and distribution) development along with associated infrastructure including a new vehicle access from Doddington Road (planning application reference F/YR07/0980/RM). Under the reserved matters application, a total of 29,027 square metres of new employment floor space was approved including 10,524 square metres of Class B8 floor area, along with 672 parking spaces. A material start was made on site and this permission therefore remains extant.
- 2.4 The site lies in flood zone 1. There are no designated or identified non-designated heritage assets either within or close to the site.

## **3 PROPOSAL**

- 3.1 The proposal is in outline for up to 248 dwellings (reduced from the original proposal of 249 dwellings following revisions to the indicative layout) with only access being committed at this stage. Layout, Scale, Appearance and Landscaping are 'Reserved Matters' to be considered at a future date (should outline permission be granted). An illustrative layout and committed access plans have been submitted which have been amended during the process of the application to take account of statutory consultee's comments. These include: alterations to the access; further traffic information; increased landscape buffer along the southern boundary adjacent to Fillenham's Drain and amendments to the surface water drainage strategy. The location plan has also been amended slightly to take into account additional, unregistered land to provide a footway/ cycle way at the south east of the site.
- 3.2 The site is proposed to be served by 2 access points; one directly off the A141 Fenland Way and one from the Doddington Road between houses 4a and 8. The site is essential split in 2 parts with no through route for cars. This area opens up into an area of open space and sustainable drainage infrastructure.
- 3.3 In addition to the new accesses a minimum 1.8m wide pedestrian/ cycle route is proposed to link up with the existing infrastructure at the 'Jack's' roundabout which then continues through to Marham Way.

- 3.4 The existing footpath along Doddington Road from the Fenland Way roundabout to the access is also proposed to be upgraded through widening to around 2m and the existing footpath from the Fenland Way roundabout leading south to the Traveller site is also proposed to be extended southward to the Fenland Way access thereby enabling pedestrian access all the way along Fenland Way to the 'Jack's' roundabout.
- 3.5 The applicant has also agreed to upgrade the existing bus stops on Doddington Road closest to the site to comprise timetable information at the northbound stop and 2m x 2m hardstanding at the southbound stop.
- 3.6 The illustrative layout also provides details of the type of properties proposed, although the scale of the dwellings has not been committed, including:
- 52No. 2-storey 4 bedroom dwellings
  - 61No. 2-storey 3 bedroom dwellings
  - 57No. 2-storey 2 bedroom dwellings
  - 78No. 2-bedroom flats
- 3.7 The illustrative Masterplan is not necessarily the way the development will be carried out, it is just to demonstrate that up to 248 dwellings could be accommodated on this site; the final layout, appearance, scale and landscaping would be established at the reserved matters stage.
- 3.8 The following documents have been submitted to support the application:
- Planning Statement
  - Health Impact Assessment
  - Design and Access Statement
  - Master Plan/Illustrative Layout Plan
  - Access plans – A141 & Doddington Road
  - Commercial Viability Report
  - Landscape and Visual Assessment
  - Transport Assessment & subsequent technical note
  - Residential Travel Plan
  - Air Quality Assessment
  - Noise Assessment
  - Preliminary Ecological Appraisal with supporting surveys;
    - Great Crested Newt Assessment
    - Wintering Bird Surveys
    - Water Vole and Otter Survey
    - Bat Surveys
    - Nesting Bird Survey
    - Reptile Survey
  - Arboricultural Impact Assessment
  - Preliminary Site Investigation Report
  - Flood Risk Assessment
  - Drainage Strategy
  - Energy Statement
  - Utility Statement
  - Statement of Community Involvement

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

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR19/0386/SC	Screening Opinion: Residential Development (Up to 250 dwellings)	Deemed not EIA development 03.06.2019
19/0021/PREAPP	Residential Development	Concerns raised in respect of loss of employment land, residential amenity and connectivity 10.05.2017
F/YR08/3120/CO	Details reserved by Conditions 01 and 04 of planning permission F/YR07/0980/RM (Erection of units for B1 and B8 use)	Approved 15/01/2009
F/YR07/0980/RM	Erection of units for B1 (Office and Light Industry) B8 (Storage and Distribution) and associated parking 2 sub stations gatehouse and security barriers cycle and bin stores 2.0 metre high palisade fencing and associated infrastructure and landscaping	Approved 18/12/2007
F/YR06/0862/O	Industrial Development (10.9 HA) - Variation of Condition 02 of planning permission F/YR02/1015/O to extend time period for permission of the Reserved Matters	Granted 21/09/2006
F/YR02/1015/O	Industrial Development (approx. 27 acres)	Granted 18/11/2002
F/97/0468/O	Industrial development (approx. 27 acres)	Granted 13/01/1998
F/92/0452/O	Industrial development (approx 27 acres)	Granted 24/03/1993
F/1036/88/O	Use of agricultural land for industry	Granted 26/09/1989

#### 5 CONSULTATIONS

##### 5.1 Chatteris Town Council

*“The issue of free flowing traffic and access on to the A141 needs to be resolved before the Town Council will support the application. Traffic lights at Slade End roundabout are a necessity and the proposed footway from Doddington Road to the Jack’s site should also be a cycleway.”*

##### 5.2 FDC Environmental Protection Team

*“I can confirm that I am satisfied with the methodology of the Acoustic Design Statement report (Ref: PB9020-RHD-ZZ-XX-RP-Z-0005) dated 16.09.2019 and that it has regard to the relevant recognised guidance.*

*I acknowledge that there are areas of the proposed development which the report highlights will be exposed to daytime and night-time noise in excess of upper threshold levels as recognised Bs8233:2014. Having studied the levels and locations, I concur that the areas affected in the former are very small and*

*restricted to external amenity, and that those affected during the latter are also limited in relation to the scale of the total development site.*

*The report suggests what I deem to be sensible and achievable methods of mitigation, namely close boarded fencing which negates the need to orientate any proposed external amenity areas, and double glazing (standard specified in report) and acoustic trickle-vents for those dwellings considered to be in the 'medium' risk category for night-time noise exposure levels. I note that mention is given in para 6.1.5 to the optimising of orientation of affected properties and that this should be optimised to ensure that the most noise sensitive areas (bedrooms and living rooms) are facing away from nearby roads where possible.*

*Going forward, I would like to see a scheme submitted which details the noise mitigation methods to be adopted, and how these ensure compliance with the relevant standards for daytime and night-time noise levels. Confirmation will therefore be needed on which properties are to be orientated to ensure noise sensitive rooms do not face the nearby roads, as well as the submission of the close boarded fence positioning and also the exact specification of the trickle vents and double-glazing to be used, and at which locations.*

*I note that there are proposals to ensure that the proposed development is served by mains foul drainage (likely discharged by gravity) and that this will be taken forward by the relevant authorities.*

*The findings of the Preliminary Risk Assessment report (PB9020-RHD-ZZ-XX-RP-Z-0004) dated 16.09.2019 are also acknowledged, and I concur with the recommendations which include that an intrusive is necessary. The reasoning for this is highlighted in section 6.2.*

### **5.3 FDC Housing Team**

*"As it currently stands, we would expect a contribution of 25% on this site of 249 dwellings. The total number of dwellings we require would be 62. The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 43 affordable rented homes and 19 intermediate tenure in this instance. I am happy to discuss the details of the housing or tenure mix at a later date. Please be aware, that Fenland's current affordable housing need through our Housing Waiting List is showing a high volume of need for 2 bedroom properties, this is followed closely by 1 and 3 bedroom properties. I would be happy to provide these statistics for you at a later date, if required.*

*On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5, and the changes made by the new NPPF mentioned."*

### **5.4 FDC Arboricultural Officer**

*"The Arboricultural Impact Assessment is a fair appraisal of the existing vegetation condition and value and I concur that the outline scheme could proceed with an acceptable impact on the existing trees & hedgerows.*

*A suitably worded Arboricultural Method Statement can be prepared to ensure retained trees and hedgerows receive the appropriate protection.*

*However, we would be looking for any landscape proposal to ensure that hedgerows receive infill planting where necessary and boundaries adjacent to*

*existing residential sites/roads receive additional planting to reinforce the screening.”*

#### **5.5 FDC Economic Development Team**

*“I remain convinced, although in the absence of a detailed evidence study, that a proportion of the land surrounding the Jack’s store should be preserved for employment use. I am prepared to concede that with the emerging ‘Advanced Manufacturing Launchpad’ identified by the Local Industrial Strategy and the availability of land to the north of the former Produce World facility, can provide sufficient expansion land for industrial/manufacturing employment use, based upon current and potential future demand.”*

#### **5.6 FDC Planning Policy**

[Currently undertaking a review of employment needs across the district as part of the local plan review] *“This shows that at April 2018 we had a supply of 51ha of committed employment land. This will need to be updated with the 2019 data. But provides a good guide at this stage.*

*The site at Womb Farm Chatteris (application F/YR07/0980/REM) does form part of the committed 51ha employment land. It accounts for 9.1ha of the supply. The site has been suggested as both employment and housing and will be assessed as both [in the selection process].*

*A total of 10 new employment sites were suggested which totalled 37ha plus we also have the strategic employment areas identified in the adopted Local Plan. Therefore it looks like we will have a good supply of employment land if this site is no longer available for employment land.”*

#### **5.7 FDC Transport Team**

*“Having reviewed the information following our discussion yesterday I can confirm that we have no comments to make.”*

#### **5.8 FDC Open Spaces Team**

Advises has no comments to make

#### **5.9 PCC Wildlife Officer**

Following amendments to the indicative layout to increase the ecology buffer along the south of the site adjacent to Fillenham’s Drain advises that *“Assuming there is at least 22% public open space (as per FDC planning policy), I would have no objection to this revised layout, subject to my previous protected species advice/ conditions.”*

Advice & Conditions (summarised)

##### Bats

Any mature trees to be felled must be subject to a detailed inspection by an ecologist immediately prior to felling (bat protection)

*External lighting scheme required.*

##### Reptiles & Amphibians:

*Works to be implemented in accordance with the non-licensed method statement set out in section 7.1.4 of the EIA i.e. under ecological supervision with a directional to ‘push’ animals into retained habitat, during suitable weather conditions.*

Nesting Birds: (Starling, House Sparrow, Linnet & Song Thrush).

*As per section 7.1.9 of the EIA, a range of nesting boxes to be installed on a minimum of 30% of all new dwellings that cater for a number of different species such as House Sparrow, Starling & Swift – scheme to be agreed.*

*Barn Owls:*

*Pre-commencement survey for presence of barn owl to be undertaken by a suitably qualified ecologist, and that a replacement pole-mounted barn owl box is installed at a suitable location (to be agreed)*

*Water Voles:*

*An updated survey for evidence of water voles is carried out within one month prior to commencement of any site clearance works.*

*Hedgehogs:*

*Recommends that the following measures are secured:*

- a) All construction trenches are covered overnight or a means of escape provided for any hedgehogs;*
- b) Impenetrable barriers are avoided by providing adequate gaps in all new sections of garden (and other) fencing.*

*Badgers:*

*An updated survey for evidence of badgers is carried out within one month prior to commencement of any site clearance works.*

*Mammals:*

*Recommends that a suitably worded condition is imposed requiring that the site is checked for signs of mammal activity (e.g. foxes and rabbits) immediately prior to any ground works starting.*

*Habitats:*

*The site currently supports a range of valuable habitats including semi-improved neutral grassland and scrub as well as several uncommon plant communities including narrow-leaved bird's-foot trefoil and common cudweed which are both proposed to be lost.*

*Request that as set out in section 7.1.2 of the EIA, these plants are translocated to a suitable location within the application site to be retained as undisturbed habitat. Full details to be secured by condition.*

*Site design & landscaping:*

*The applicant should demonstrate that adequate natural green-spaces are available on site to provide areas of compensatory species-rich grassland and scrub habitats to benefit species including breeding birds and reptiles, as well as areas to receive the translocated plants.*

**5.10 Cambridgeshire County Council Local Highways & Transport Authority (LHA)**

Proactive and detailed discussions with the LHA have been ongoing with the LPA and the applicant - with the principle of the development agreed by the LHA subject to necessary mitigation and planning conditions/ obligations. Due to some CCC Transport Officers having been redeployed to assist with the impacts of Coronavirus, the LHA have not as yet been able to provide a formal set of planning conditions and these will follow in due course. In summary however, they have advised that they are supportive of the development subject to the following mitigation and commentary;

Widening of the Doddington Road footway – the LHA considers that there is sufficient land available to achieve this and a pre-commencement condition would be suitable to secure this.

Doddington Road bus stop – Despite the proposed indicative arrangement not being acceptable, the LHA considers that there is sufficient land available to achieve this and a pre-commencement condition would be suitable to secure this.

Fenland Way footway/cycleway (south) – The applicant has advised that the width of footway deemed achievable may fall short of the 2.4m requested by the LHA with a minimum of 1.8m considered achievable.

The LHA has advised that a 2.4m shared footway along Fenland Way would match that of the footway/cycleway by the ‘Jacks’ store which leads into Chatteris centre via the underpass. This would therefore provide safe infrastructure for travel into Chatteris centre via sustainable travel modes.

However, they have accepted the principle of securing the final detail via pre-commencement condition with demonstration that the widest possible footpath up to 2.4m has first been scoped out, with CCC having an ability to reject anything that is unnecessarily substandard.

Fenland Way footway (north)

The LHA are satisfied with the submitted details subject to final detail at s278 stage.

Fenland Way arm tactile paving. – Details are agreed in principle subject to final detail at s278 stage.

Doddington Road and Fenland Way (A141) Access details - Details agreed subject to timing of delivery and final detail at S278 stage.

Residential Travel Plan and householder travel packs – The details proposed are agreed.

#### 5.11 **Cambridgeshire County Council LLFA**

[Following receipt of amended drainage details];

*“We have reviewed the following documents:*

- *Drainage Strategy, Haskoning DHV UK Ltd, PB9020-RHD-ZZ-XX-RP-Z-0006. Dated: 05 November 2019.*

*Based on this and correspondence with the Middle Level Commissioners (MLC), as Lead Local Flood Authority (LLFA) we are able to remove our objection to the proposed development.*

*The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving to allow water to infiltrate into the ground in areas found to be viable for infiltration from soakaway testing that has been completed in line with BRE DG 365 standards. As the western part of the site is not suitable for infiltration, it has been proposed to attenuate surface water here in a large attenuation basin before it is discharged into the Fillenham’s Drain at QBAR greenfield rate for all events up to and including a 1 in 100 year event plus a 40% allowance for climate change.*



*The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse.*

*The site is located within Flood Zone 1. Although the site borders areas of Flood Zone 2 and 3 to the east and west, the site is topographically higher than these areas so is unlikely to be at risk from fluvial sources. The site is generally at very low risk from surface water flooding, with some localised areas of low to high risk thought to be associated with localised low spots which will be managed by the proposed drainage strategy.*

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

Conditions required securing a detailed surface water drainage scheme and the long term maintenance of this.

**5.12 Cambridgeshire County Council Education, Libraries and strategic waste**

*“Further to the Council’s [previous] submission ..., we have spoken with the applicant and their education consultant to review the data and as a result of those discussions the early years contribution has now fallen away. Also, we have provided further information on the primary/secondary mitigation projects.”*

Requests contributions in respect of: Primary education (£2,664,100), Secondary education (£2,842,749) and libraries and lifelong learning (£36,757). No contribution sought for Early years education or strategic waste.

**5.13 Cambridgeshire County Council Archaeology**

*“It is not considered likely that further archaeological investigation would add to our understanding of the history and land use and settlement in the area. We therefore do not object to the above referenced application for residential development and would not consider a condition requiring archaeological work to be necessary.”*

**5.14 Cambs Fire & Rescue**

Raises no objection subject to securing a scheme for fire hydrants

**5.15 Cambs Police**

*“..happy to support and also wish to be consulted should outline planning be granted so we can comment in regards to community safety and vulnerability to crime in respect of residential design and layout, landscaping, internal roads, open space and footways.*

**5.16 NHS England**

Advises that they are unable to provide comments at this time.

**5.17 Anglian Water**

Advises that 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 - requests an informative of this nature is recorded should permission be granted.

Confirms that the foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows. Requests a condition requiring a full drainage strategy is submitted

prior to commencement including whether a pumped or gravity regime is to be used.

Advises that the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board in respect of surface water management and that 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, they would wish to be re-consulted.

#### **5.18 Environment Agency**

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

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

##### **Objections**

1 letter of objection received raising the following concerns material to the application;

- Chatteris doesn't need more houses
- Pollution would be increased through additional cars and heating
- Increased traffic
- The area would be flooded if the pumps failed

##### **Supporters**

1 letter of support received making the following comments material to the application;

- There is a need for housing
- Chatteris is a nodal town with potential for expansion
- Social and economic benefits

### **6 STATUTORY DUTY**

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

### **7 POLICY FRAMEWORK**

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

Para 8: The 3 dimensions of sustainability

Para 57: Viability

Para 108-110: Safe and effective access which prioritises pedestrian and cyclists

Para 117: Promote effective use of land.

Para 127: Well-designed development.

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

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

#### **7.3 National Design Guide 2019; 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 & retail  
LP12 – Rural Area Development Policy  
LP13 – Supporting and Mitigating the Impact of a Growing District  
LP14 – Climate Change and Flood Risk  
LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP18 – The Historic Environment  
LP19 – The Natural Environment

#### 7.5 **Supplementary Planning Documents/Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

### 8 **KEY ISSUES**

- **Principle of Development**
- **Loss of Agricultural land**
- **Loss of Employment land**
- **Access, Highways and Transport**
- **Biodiversity & Ecology**
- **Flood Risk & Drainage**
- **Residential Amenity**
- **Planning Obligations**
- **Viability**

### 9 **BACKGROUND**

#### 9.1 *Transparency*

The agent acting on behalf of the applicant is Simon Machen who is currently acting in a temporary role as a Corporate Director for Fenland District Council. It is

important to note that both the 2019 pre-application enquiry and the submission of this application took place prior to Mr Machen's appointment with the Council.

#### *Pre-application*

- 9.2 The applicant undertook pre-application discussion in early 2019 whereby officers raised concerns that the site benefitted from an extant permission for employment land which was included in the 2013 employment land review, that the existing commercial businesses around the site may compromise residential amenity and that the connectivity of the site to the services and facilities of Chatteris was currently constrained.

#### *Employment land*

- 9.3 The site benefits from an extant planning permission for commercial use of the land for Class B1 (office and light industry) and Class B8 (storage and distribution) development along with associated infrastructure including a new vehicle access from Doddington Road (planning application reference F/YR02/1015/O and F/YR07/0980/RM). Under the reserved matters (RM) application, a total of 29,027 square metres of new employment floor space was approved including 10,524 square metres of Class B8 floor area, along with 672 parking spaces.

#### *EIA scoping and screening*

- 9.4 An Environmental Impact Assessment (EIA) Screening Opinion was issued by the LPA in June (F/YR19/0386/SC) which considered the potential for significant impacts arising through the development. The LPA advised that in their opinion, the proposal did not need to be supported by an Environmental Impact Assessment. This submission is considered to reflect that considered under the EIA screening undertaken and as such, it is still considered that the development would not constitute EIA development.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 sets out a focus for growth around the 4 Fenland Market Towns, with FLP policy LP4 setting a target of 1,600 homes to be delivered in Chatteris within the plan period. Policy LP4 also sets out that residential development of up to 249 dwellings within or on the edge of market towns are acceptable. In this regard, there is in-principle support for the proposal of 248 dwellings at the western edge of Chatteris under LP4.

### *Indicative layout and scale parameters*

- 10.2 The indicative plan provided denotes a range of dwelling types set around a network of primary, secondary and tertiary roads with pockets of open space which cumulatively exceeds the 22% open space requirement as set out in the developer Contributions SPD.
- 10.3 As such, whilst the layout is only indicative at this time, Officers consider that the proposed quantum of development could be delivered within the site area along with the policy compliant level of open space including supporting infrastructure.
- 10.4 In respect of establishing the principle of development therefore, it is considered that, subject to compliance with other relevant policies of the FLP as considered below, the principle of development can be supported having regard to policy LP3 of the FLP.

### **Loss of Agricultural land**

- 10.5 The site comprises 8.27Ha of Grade 2 and 3 agricultural land (data taken from DEFRA ‘magic’ mapping, 2020). The NPPF, paragraph 171(footnote 53) advises that the economic and other benefits of best and most versatile agricultural land (BMV land) should be taken into account and that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Annex 2 of the NPPF defines BMV land to be land in Grades 1, 2 and 3a of the Agricultural Land Classification.
- 10.6 Therefore, the site is identified as comprising ‘high grade’ to ‘medium grade’ (BMV) agricultural land. Having regard to the wider DEFRA mapping site, it is notable that a significant majority of Fenland District falls within the BMV land with only the urban areas of the main Market Towns, the Kings Delph and Morton’s Leam areas and the north of March including the prison area falling within the lower grades (3b and below). As such, it is recognised that there are very few areas of poorer quality agricultural land, and it would not be possible therefore for Fenland to achieve its housing targets without developing areas of BMV land. It is also important to note that the Council’s housing target is not a ceiling and opportunities to deliver housing in places outside of those allocated through the development plan should be favourably considered where they comply with the development plan when taken as a whole.
- 10.7 Notwithstanding this, the site area is not considered to be ‘significant’ having regard to para 171 of the NPPF and the extent of BMV land which would remain were the site developed. In this regard, it is considered that there is no conflict with the NPPF.

### **Loss of Employment land**

- 10.8 The site benefits from an extant permission for ‘B’ Class development having been implemented through the partial provision of an access approximately 10 years ago. Since that time however, the site has not been progressed.
- 10.9 Policy LP6 is the main policy driver for employment growth throughout the district and in the preamble sets out that over the plan period to 2031, evidence suggests a need to plan for around 7,200 jobs with a total figure of around 85Ha of employment land required to meet the projected labour demand.
- 10.10 Development of this site for residential use would therefore result in a loss of 8.27ha of employment land which needs to be weighed against the benefits of the scheme. LP6 sets out the Council will seek to retain high quality land and premises currently or last in use for ‘B’ class uses unless it can be demonstrated that there is no reasonable prospect of the site coming forward.
- 10.11 NPPF paragraph 121 sets out that;

*“Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

*a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;”*

- 10.12 Having regard to LP6, the land is not currently in use for employment as the development has never been completed, although is capable of coming forward if the appetite for completing the development arises. As such however, the requirements placed by LP6 do not apply in this instance. Furthermore, the site is not allocated or safeguarded as an area of employment growth through the current development plan, with the focus for future employment growth directed towards north Chatteris partly within the broad location for growth (see policy LP10) and the employment area around the South Fens Business Centre at Fenton Way also being an area for future expansion with an extant permission for development of around 8.3Ha of B2/ B8 land.
- 10.13 The Council's Economic Development Team has raised concerns about the potential loss of this site to residential development given the site's location adjacent to the retail development and considers that the surrounding land would be a logical expansion of commercial development. However, they have concurred that their evidence base requires refreshing and acknowledge the expansion to the Fenton Way commercial zone.
- 10.14 The Council's Planning Policy team are currently undergoing a review of the Local Plan and are in the process of assessing the anticipated employment land required through the next plan period. They have advised that at April 2018 there was a supply of 51ha of committed employment land which includes this application site. However, with the latest review, a total of 10 new sites have come forward totalling 37ha which indicates that without the application coming forward for employment land, the council would still have a sufficient supply to meet the anticipated further demand.
- 10.15 It is considered, therefore, that in the absence of any strong evidence to suggest that this site will come forward in the short to medium term as employment land, and that there appears to be sufficient land elsewhere to accommodate the future employment needs of the district, the loss of this site to residential development would not result in significant harm to the ability to provide employment land through the next plan period. This is notwithstanding the benefits that housing stock can provide in any case and the in-principle support of paragraph 121 of the NPPF.

#### **Access, Highways and Transport**

- 10.16 Policies LP15 and LP16 of the FLP seek to ensure that development can be served by adequate highways infrastructure – avoiding identified risks, maximising accessibility and helping to increase the use of non-car modes by giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport. Paragraph 108 of the NPPF requires development to take account of opportunities for sustainable transport modes, provide safe and suitable access for all people and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.17 The scheme is proposed to be served by 2 vehicular access points leading off Doddington Road and Fenland Way (A141) and this detail is committed as part of this application. The Local Highways Authority (LHA) has raised no concerns over the access arrangements, subject to conditions securing its timely delivery and overall construction detail.

- 10.18 The County Council's Transport Team have reviewed the transport assessment submitted with the application and has sought improvements to existing infrastructure, comprising;
- Widening of the Doddington Road footway from the access leading to the Fenland Way roundabout
  - Improvements to the Doddington Road bus stop
  - Fenland Way footway (north) linking the access at the Traveller site to the application site access along the A141
  - Fenland Way roundabout arm - introduction of tactile paving for pedestrians modelled as existing roundabout alignment and in the event that the roundabout is realigned under permission F/YR10/0804/O.
- 10.19 Following these requests, the applicant has provided a Highways Technical Note which sets out the intended mitigation and access arrangements. The applicant has agreed to these provisions which are considered necessary to improve pedestrian and cycle access to the services and facilities in Chatteris in addition to the bus stop improvements which would encourage non-car modes of transport around the district and beyond in-line with the aims of the NPPF and Policy LP15 of the FLP.
- 10.20 The applicant has also agreed to the provision of new pedestrian/ cycle infrastructure south of the Fenland Way access which would link up with the existing 2.4m wide footway/ cycle way which leads to the underpass and into Larham Way. The County Council has requested that this new infrastructure should be 2.4m in width as per the existing path.
- 10.21 In this regard, the land required to deliver the infrastructure falls on unregistered land and as such, the applicant has served the requisite notice (newspaper advertisement). No specific survey work or general arrangement plan has been provided for this infrastructure but the applicant has advised that they are confident that based on current site conditions, a minimum of 1.8m wide path can be provided with potential for wider which would be clarified at detailed design stage. In view of this, Officers consider that this application should be determined based on a worse-case scenario of a 1.8m wide footpath which is substantially narrower than the 2.4m footway and cycleway being sought and weighs against the scheme somewhat, given that this would be insufficient to enable the optimum cycle and pedestrian movement. This needs to be balanced against the benefits of the scheme.
- 10.22 Notwithstanding this, there is a clear need for provision of a path of some sort in order to enable future occupiers to access the existing retail site south and the wider settlement via non-car modes of transport and this would achieve this, albeit that if all that can be achieved is sub-2.4m in width this would not be optimal. Such infrastructure can be reasonably secured via planning condition stipulating that the expectation would be to achieve as close to 2.4m as possible and a strict minimum of 1.8m. In addition, there would be a requirement for the section of footway which falls under unregistered to be formally adopted by the LHA, the cost of which should be borne by the applicant but is yet to be finalised.
- 10.23 The LHA has confirmed their acceptance of the development having regard to the quantum of the development, proposed access arrangements and the supporting Transport Statement and addendums provided and subject to conditions securing the aforementioned infrastructure.

- 10.24 The applicant has produced a Residential Travel Plan to promote sustainable travel from the site. The County Council are satisfied with the Travel Plan submitted and are happy for it to be conditioned. Furthermore, the County Council are also satisfied for the proposed Household Welcome Packs outlined within the Residential Travel Plan to be conditioned.
- 10.25 In respect of planning conditions, due to some officers having been redeployed to assist with the impacts of Coronavirus, the LHA have not as yet been able to provide a comprehensive list of required conditions. However these will be forthcoming in due course and are not anticipated to be too onerous but will capture the necessary elements in order to secure the required mitigation as detailed above.
- 10.26 Although illustrative at this time, the internal road configuration comprises mainly of standard gauge road and footways alongside private drives and divides the site into 2 halves preventing a through route for cars from one access to the other which would ensure an even distribution of transport at each access point. It is expected that the scheme would however enable emergency access e.g. via a rising bollard system should one main access point be closed off. This detail would be secured through future reserved matters. Notwithstanding this, the general indicative layout is considered to demonstrate that adequate access could be provided within the site to serve the quantum of development proposed.
- 10.27 Whilst residents' comments which raise concerns in respect of congestion and pollution have been noted, Officers have been provided no clear evidence to substantiate this, or any concerns raised in this respect from the LHA or in respect of pollution, from the Environmental Health team. Therefore, Officers would be unable to robustly defend a refusal on this basis.
- 10.28 As such it is concluded that the development as proposed would not give rise to any severe, cumulative transport impacts, that safe and suitable access can be delivered and that encouraging sustainable modes of transport can be secured through the development thereby satisfying policy LP15 and LP16 of the FLP, albeit this is caveated somewhat by the uncertain final provision of the footway south of the Fenland Way access.

### **Biodiversity & Ecology**

- 10.29 The proposal seeks to retain trees and ditches around the edges of the site where possible in-line with policy LP16 and LP19 and would support opportunities for enhanced landscaping within the site and along the southern boundary adjacent to Fillenham's drain which now incorporates a wider ecology buffer following discussion with the Council's Wildlife Officer. Some clearance of mature trees and grassland would however be necessary to accommodate the development.
- 10.30 Furthermore, as set out in section 7.1.2 of the ecology report, the site currently supports a range of valuable habitats including semi-improved neutral grassland and scrub as well as several uncommon plant and recommends that these are translocated to a suitable location within the application site to be retained as undisturbed habitat. Full details of this could be reasonably secured by condition.
- 10.31 The ecology report also assesses the presence of protected species; Birds, Bats, ground Mammals, Water Voles, Reptiles and Amphibians and provides suitable mitigation in respect of supervising any clearance work, enabling future habitats,



further survey work immediately pre-construction and future hard landscaping methods to enable cross-commuting for ground dwelling species..

- 10.32 Therefore, subject to conditions securing the necessary mitigation as set out in the ecology report and as per the recommendations of the Council's Wildlife Officer which will also inform the layout and landscaping at reserved matters stage the proposal is anticipated to result in no net loss to biodiversity.

### **Flood Risk & Drainage**

- 10.33 Policies LP14 and LP16 of the FLP seek to ensure that development can be served by adequate surface and waste water infrastructure, avoids identified risk e.g. flooding, and uses sustainable drainage systems which should be designed to contribute to improvement in water quality in the receiving water course.

- 10.34 The site lies in Flood Zone 1 and therefore at the lowest risk of flooding. Given the scale of the development with a site area of over 1Ha, a site specific flood risk assessment (FRA) and drainage strategy has been provided which indicates that Sustainable Drainage Systems (SuDS) can be used at the proposed development to successfully restrict discharge rates in line with the Lead Local Flood Authority's requirements. The surface water is proposed to eventually discharge into the adjacent Internal Drainage Board controlled assets.

### *Surface water*

- 10.35 The County Council, as Lead Local Flood Authority, has considered the FRA and is supportive of the scheme subject to conditions securing a detailed surface water drainage scheme for the site, based on sustainable drainage principles and using infiltration where ground conditions are conducive to this and/or attenuation. Furthermore, the LLFA require details for the long term maintenance arrangements of the surface water drainage system (including all SuDS features). This could also be reasonably secured via planning condition.

### *Waste Water*

- 10.36 The applicant proposes to discharge foul water into the existing mains sewer. Anglian Water has reviewed the application and advises that 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. Therefore, the future 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.

- 10.37 Anglian Water advises that the foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows. Anglian Water raises no concerns over any existing problems and indicates that the development could be suitably accommodated subject to securing an agreed scheme for on-site foul water drainage works, including connection point and discharge rate. This could be reasonably secured via planning condition.

- 10.38 Comments raised by the local resident in respect of flooding if the pumping station(s) fails are noted. The site lies in Flood Zone 1 and is therefore identified as low risk in the case of a major flood event. Notwithstanding this, the district relies to a great extent on the pumped system which is maintained and managed by the Internal Drainage Board, who has raised no concerns to the proposal; likewise neither has the Lead Local Flood Authority.

10.39 In conclusion, the development lies in an area at lowest risk of flooding and could be served by sustainable surface water and waste water drainage systems which would avoid any potential increase in flood and pollution risk from the development in accordance with policies LP14 and LP16 of the FLP.

### **Residential Amenity**

10.40 The site lies adjacent to the A141 and in close proximity to a scrap yard and industrial premises to the north west. The Council's The Council's Environmental Health Team has noted the findings of the submitted acoustic report and has concurred with the recommendations set out e.g. close boarded fencing to enclose private amenity areas, double glazed windows and acoustic trickle vents in relevant areas of the site. Further reserved matters would need to demonstrate how the development accords with the recommendations. At this time however, there is sufficient information to demonstrate that a suitable scheme can be achieved which would protect future occupants from potential noise issues which accords with Policies LP2 and LP16 of the FLP. Furthermore, given that layout and scale is not committed, potential impacts on existing residents cannot be fully considered, however the indicative layout sufficiently indicates that a scheme could likely be secured which would not result in severe harm to the residential amenity of existing neighbouring properties e.g. through overlooking or overbearing impacts in accordance with Policy LP16.

### **Planning Obligations**

10.41 Policy LP5 of the FLP seeks to secure appropriate housing to meet the needs of the district including affordable housing as well as meeting the particular needs of all sectors of the community. Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district. LP15 seeks to ensure that all development contributes to the delivery of transport related infrastructure. LP16(g) seeks to ensure that development provides publicly accessible open space and access to nature.

10.42 Officers have undertaken consultation with Cambridgeshire County Council's Education, Waste and Transport teams, NHS England, the Council's Housing team and the Developer Contributions SPD; which amongst other things sets out open space and outdoor sports contributions.

The following contributions are sought;

#### Affordable housing

10.43 LP5 sets out that developments of 10 or more dwellings would require 25% of housing within that development to comprise affordable housing – therefore affordable housing 62 units for this development of 248 dwellings. Furthermore, the Council's housing team has advised that based on the Strategic Housing Market Assessment (SHMA) an affordable tenure mix of 70% affordable rented and 30% intermediate tenure is considered appropriate for this development. Therefore for this application, 43 dwellings should be for affordable rent and 19 dwellings for an intermediate tenure.

#### Education

10.44 Cambridgeshire County Council has identified that mitigation is required for the development in respect of Primary and Secondary education where all are at capacity and projects have been identified. They have confirmed that a contribution towards Libraries and Lifelong Learning is also required but that and

a waste contribution will not be sought in this instance. The education contributions are as follows;

#### *Primary Education*

- 10.45 Project: To expand Cromwell Community School to create an all-through school with 210 primary places. The total cost of the project is £6,980,000 and contributions will be sought on a basis of £26,641 per place. Therefore, a total contribution of £2,664,100 is sought as the development is expected to generate 100 places.

#### *Secondary Education*

- 10.46 Project: Expand secondary provision at Cromwell Community College from 7 to 8 forms of entry (150 places). The total cost of the project is £6,768,500 and contributions will be sought on a basis of £45,123 per place. Therefore, a total contribution of £2,842,749 is sought as the development is expected to generate 63 places.

#### *Libraries & Lifelong Learning*

- 10.47 Project: Remodel Chatteris Library to improve infrastructure and meet the demand of new residents, increasing the floor space available to the community and ensuring it is better able to meet the Think Communities Strategy. The total cost of the project is £6,980,000 and contributions will be sought on a basis of (£59 per head of population x 623 new residents OR £148 per dwelling): Total £36,757

#### Healthcare

- 10.48 NHS England has advised they are unable to provide any information at this time regarding mitigation. They have not provided any indication of a timeframe for being able to provide this information. As such, it is not possible to seek any contributions towards healthcare in this instance.

#### Open Space & Sports

- 10.49 In accordance with Developer Contributions SPD 2015 the open spaces and sports obligations can be broken down as follows: (site area is 8.73 hectares)

- Neighbourhood Park – £ 34,920 off site contribution
- Natural greenspace – £ 43,650 off site contribution
- Allotments – £ 8,730 off site contribution
- Outdoor Sports contribution – £ 69,840 off site contribution
- Children's Play – 0.3Ha area of locally equipped area of play (LEAP) (one third as Designated Equipped Playing Space and two-thirds as informal playing space)

- 10.50 These above contributions/ obligations are all considered to meet the statutory tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as they are required to mitigate the impacts of this development i.e. to make the development acceptable.

- 10.51 As noted in section 10.22 above, where a section(s) of the proposed southern shared footway falls on third party land, this would need to go through formal adoption by the LHA, the costs of which is usually borne by the applicant. This process would be secured via the overall planning condition securing the footway.

#### **Viability**

10.52 The applicant has acknowledged the recent 'HDH Planning & Development' independent viability report commissioned by the Council in respect of site viabilities across the district and the challenges that some developments are finding in meeting infrastructure and mitigation costs. As such, the applicant has proposed to deliver the site with planning contributions of 20% affordable housing and the equivalent of £2,000 per plot in financial infrastructure contribution which aligns with one of the scenarios set out in the report. A draft Unilateral Undertaking to Fenland District Council has been prepared by the applicant and submitted for consideration.

10.53 This is a lower affordable housing provision than set out under LP5 and significantly less than the financial contributions being sought by the County Council and for off-site open space, equating to £496,000 based on 248 dwellings.

10.54 The 'HDH' Local Plan Viability Report is an evidence base document to support the production of the Local Plan going forwards. The conclusions and recommendations do not represent Council policy but are intended to inform the Local Plan preparation. However, the viability report has been made public and is now a material consideration in planning decisions with the weight to be applied to it to be determined on a case by case basis. Policy LP5 of the FLP sets out that;

*"The Council will expect to secure affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment indicates these cannot be met in full."*

10.55 In this regard, Officers consider it reasonable for applicants to rely on the Council's own viability assessment to indicate the likely viability of their development.

10.56 Paragraph 57 of the NPPF sets out;

*"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."*

10.57 Having regard to the NPPF, Officers consider it is not unreasonable for applicants to rely on the Council's own viability assessment to indicate the likely viability of their development. Furthermore, Officers consider that the Council would likely find it difficult to defend at an appeal that a site could be more viable than that indicated in its own commissioned viability report.

10.58 It is concluded therefore whilst the policies of the Local Plan remain unchanged despite the publication of the Council's own viability report, the report itself can be given significant weight in the determination of this particular application.

## **11 SUMMARY AND CONCLUSIONS**

11.1 The policies in the NPPF when taken as a whole constitute the Government's view of what sustainable development means. Paragraph 8 of the NPPF lists the three dimensions to sustainable development; the economic, social and

environment dimensions, and says how these roles should not be undertaken in isolation, and therefore to achieve sustainable development a proposed development should jointly and simultaneously deliver gains that are economic, social and environmental.

- 11.2 In respect of the application site and its suitability for housing development, the site has a number of factors in its favour in terms of potential suitability for residential development as it:
- is in flood zone 1, the lowest risk category for fluvial flooding and that to which the NPPF directs residential development in preference,
  - can be served by safe and effective access,
  - is accessible to natural green space, play space and areas of open countryside thereby promoting leisure and health opportunities,
  - is remote enough from heritage assets above ground so as not to result in substantial harm and no Archaeological requirements exist,
  - is in suitable proximity of local services which can be accessed on foot, cycle and via public transport,
  - is of sufficient scale to incorporate affordable housing within the site.
- 11.3 In terms of constraints to the potential suitability of the site for development (especially for residential purposes), it is:
- the proposed development of the site will encroach into open countryside and will therefore have some landscape implications, albeit there is an extant permission for commercial development of the site in any case
  - the site currently comprises 8.27ha of grade 2/3 agricultural land which is defined as good to moderate land by Natural England and BMV land as per the NPPF.
  - development of the site would result in the loss of potential employment land for which an extant planning permission exists, albeit there is no clear evidence that this site would ultimately be developed in the short to medium-term for this purpose.
  - There may be insufficient land to provide a 2.4m wide shared footway/cycleway to the south of the Fenland Way access with potentially only a 1.8m wide footpath possible which limits the sustainable transport modes achievable along this stretch of path.
- 11.4 In terms of sustainability, the proposal would contribute towards economic growth, including job creation both during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. Furthermore, the scale of the development (as opposed to smaller sites of less than 11 dwellings) would yield some financial contributions e.g. towards education. In this regard however, it is acknowledged that the development would deliver a significant shortfall of said contribution which weighs against the scheme.
- 11.5 Environmentally, the proposal offers potential for the incorporation of additional planting and habitat enhancement and the visual impacts of the development are considered to be acceptable given the limited harm and net benefits arising from additional landscaping. The development will introduce enhancements to local infrastructure e.g. widened footpaths, new footpaths (and possibly cycleway) and enhanced bus stop which will have wider (social and environmental) benefits to the community. Finally, it would increase the supply of housing - including a 20% provision of affordable housing to aid in addressing the identified shortfall which has social benefits.

- 11.6 Having fully assessed all three dimensions of sustainable development and in applying the planning balance it is concluded that the benefits of the proposal outweigh the identified harm which is considered to be; limited landscape impact, loss of BMV land and the viability constraints which given the Council's assumptions in their own viability report is a likely scenario in such developments. In summary, there are no overriding technical objections that indicate that permission should not be granted, the application should be approved subject to the recommended obligations as set out in 10.51 to 10.52 above and the conditions as listed below which also seek to secure the necessary highway improvements/ mitigation.

## 12 RECOMMENDATION

1. **That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Planning, and**
2. **Following completion of the S106 obligation to secure the necessary contributions and affordable housing and open space as detailed in this report, application F/YR19/0834/O be approved subject to conditions listed below.**

**OR**

3. **Refuse the application in the event that the S.106 agreement referred to above has not been completed within 3 months and that the applicant is unwilling to agree to an extended period of determination to accommodate this, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.**

## 13 PROPOSED CONDITIONS

1.	<p>Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town &amp; Country Planning Act 1990.</p>
2.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town &amp; Country Planning Act 1990.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the approved plans listed in the table below insofar as they relate to site access.</p> <p>Reason: For the avoidance of doubt to ensure that the development is carried out in</p>

	accordance with the approved plans.
4.	<p>The residential elements of the development shall not exceed 248 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5.	<p><b>TRANSPORT CONDITIONS;-</b> To be finalised but will seek to secure the following in summary;</p> <ul style="list-style-type: none"> <li>i) Accesses onto Doddington Road and Fenland Way (A141) to be provided prior to first occupation.</li> <li>ii) Prior to commencement of development a scheme including timetable for implementation for the following highway measures to be provided and agreed in writing by the LPA; <ul style="list-style-type: none"> <li>a) Improvements to Doddington Road Bus Stop</li> <li>b) Widening of Doddington Road footway to 2m from the Doddington Road access linking to the A141 roundabout</li> <li>c) Tactile paving to the Fenland Way roundabout arm as detailed in principle on plan ref: PB9020-RHD-GR-RN-DR-D-0001 Rev P01.</li> <li>d) Provision of footway leading north from Fenland Way access linking to existing footway</li> <li>e) The provision of minimum 1.8m to maximum 2.4m wide footway from Fenland Way access leading south to roundabout. Details shall be provided to demonstrate that the maximum possible shared footway (up to 2.4m) has been scoped.</li> </ul> </li> <li>iii) Residential Welcome packs to accord with the details as set out with in the Residential Travel Plan ref: PB9020-RHD-ZZ-XX-RP-Z-0003 dated 16 December 2019 to be issued to all future occupiers upon their respective occupation of the development.</li> </ul>
6.	<p>Prior to the commencement of development, a Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire &amp; Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:</p> <ul style="list-style-type: none"> <li>a) Site wide construction programme.</li> <li>b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers,</li> <li>c) Construction hours and delivery times for construction purposes</li> <li>e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007</li> <li>f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 (1997)</li> <li>g) Maximum noise mitigation levels for construction equipment, plant and vehicles</li> <li>h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS:5228 (1997)</li> <li>i) Setting maximum vibration levels at sensitive receptors</li> </ul>

	<p>j) Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment</p> <p>k) Site lighting</p> <p>l) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless minor variations are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.</p>
7.	<p>Prior to or concurrently with the submission of the reserved matters for layout and scale details of the finished floor level of all buildings and associated external ground levels shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of visual and residential amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
8.	<p>Prior to or concurrently with the submission of the reserved matters layout application the following detail shall be submitted;</p> <p>(i) a plan showing the extent of the road and cycle network within the development which is to be adopted by the Local Highways Authority, and</p> <p>(ii) a scheme for the construction of and the long term management of any development roads, parking courts and footpaths/ cyclepaths within that phase which are not to be publicly adopted has been submitted to and approved in writing by the local planning authority.</p> <p>The scheme shall include:</p> <ul style="list-style-type: none"> <li>- road and footway cross-sections showing their levels and construction;</li> <li>- details of lighting (identify illumination levels within those areas and the style of any lighting columns and luminaires to be used);</li> <li>- the provision to be made for access to these roads by local authority refuse collection vehicles or alternative arrangements for collection.</li> </ul> <p>All roads and footways linking the dwellings to the adopted highway shall be constructed to at least binder course level prior to the first occupation of any dwelling unless an alternative timetable and scheme has been approved in writing by the local planning authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to ensure that roads are managed and maintained thereafter to a suitable and safe standard with adequate highway infrastructure provided in accordance with policy LP13, LP15 and LP16 of the Fenland Local Plan, 2014.</p>
9.	<p>Prior to or concurrently with the submission of the reserved matters for layout and landscaping a detailed surface water drainage scheme for the site, based on the</p>

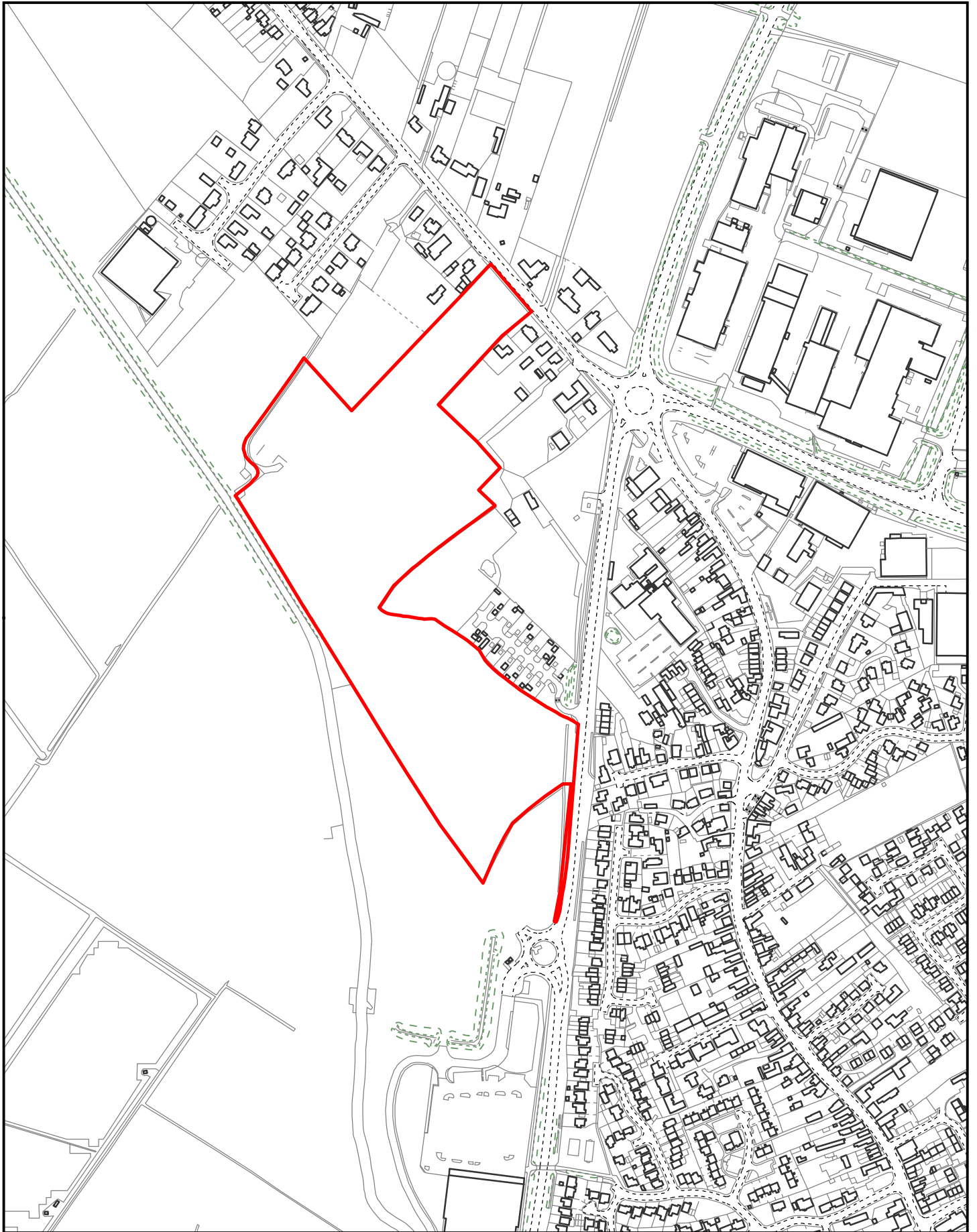


	<p>Drainage Strategy prepared by Haskoning DHV UK Ltd (ref: PB9020-RHD-ZZ-XX-RP-Z-0006) dated 5th November 2019 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented fully in accordance with the approved details before the development is completed.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy LP14 and LP16 of the Fenland Local Plan 2014.</p>
10.	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the 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 LP14 of the Fenland Local Plan 2014.</p>
11.	<p>Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) detailing the biodiversity enhancements and protection measures commensurate to the recommendations as laid out within Section 7 of the submitted Ecological Impact Assessment (United Environmental Services Ltd - Sept 2019) ('the EIA') shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following;</p> <ol style="list-style-type: none"> <li>1. How site clearance and construction works will be undertaken having regard to the protection of amphibians, reptiles, birds, bats, hedgehogs and other mammals which may be present,</li> <li>2. Translocation of botanical species as detailed at section 7.1.2 of the EIA;</li> <li>3. Details regarding numbers, designs and locations for a range of bat boxes/ bat tiles to be incorporated into the new dwellings</li> <li>4. Details regarding numbers, designs and locations for a range of bird nest boxes to be installed that cater for a number of different species such as House Sparrow, Starling &amp; Swift.</li> <li>5. Details of fencing to incorporate hedgehog gaps.</li> <li>6. External lighting scheme</li> <li>7. Details of a pre-commencement development survey for presence of barn owl to be undertaken by a suitably qualified ecologist, and that</li> <li>8. Details of a replacement pole-mounted barn owl box installed at a suitable location if tree 10 is proposed to be removed.</li> <li>9. Habitat management measures, timings, frequencies, monitoring, remedial measures, responsibilities and mechanisms for ensuring implementation</li> </ol> <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: In order to ensure that biodiversity and ecology in and around the site is preserved and where possible enhanced in accordance with policy LP16 and LP19 of the Fenland Local Plan, 2014.</p>
12.	<p>Prior to or concurrently with the submission of the landscape and layout reserved matters application a scheme, including dimensioned plans for the protection of retained trees, shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority. The scheme shall include:</p> <p>(a) a layout plan which shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of all trees to be retained and which also shows those proposed to be removed;</p> <p>(b) a Tree Constraints Plan showing the Root Protection Area/s (RPA) and the crown radius in relation to the proposed development layout;</p> <p>(c) a schedule of tree works for those trees to be retained, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons;</p> <p>(d) the location, alignment and specification of tree protective barriers, the extent and type of ground protection, and any other physical tree protection measures. The Tree Protection must be erected/installed prior to work commencing with that plot or phase and shall remain in place for the duration of construction works;</p> <p>(e) details of the alignment and positions of underground service runs;</p> <p>(f) any proposed alteration to existing ground levels, and of the position of any proposed excavations, that occurs within the root protection area of any retained tree.</p> <p>The development shall be undertaken in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and environmental quality in accordance with policy LP16 and LP19 of the Fenland Local Plan, 2014.</p>
13.	<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>
14.	<p>Prior to or concurrently with the submission of the landscape and layout reserved matters application a scheme detailing noise mitigation measures based on the recommendations set out in the Acoustic Design Statement report (Ref: PB9020-RHD-ZZ-XX-RP-Z-0005) dated 16.09.2019. The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: In the interests of protection of residential amenity in accordance with policies LP2 and LP16 of the Fenland Local Plan, 2014.</p>
15.	<p>Prior to the commencement of development a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>a) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or</p>

	<p>groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <p>(i) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(ii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>b) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>c) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.</p>
16.	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <p>(i) it shall be reported to the local planning authority within 1 working day;</p> <p>(ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;</p> <p>(iii) the remediation strategy shall be implemented as approved;</p> <p>(iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:</p> <p>a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;</p> <p>b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.</p> <p>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.</p>
17.	<p>Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with</p>

	<p>the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.</p> <p>Reason: To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p>
18.	<p>The development shall be carried out in accordance with the following Approved Plans insofar as they relate to access:</p> <ul style="list-style-type: none"> <li>-Location Plan L01 Revision A</li> <li>-Proposed Site Access: PB9020-RHD-GR-SW-DR-D-0001 P03</li> <li>-Residential Travel Plan: PB9020-RHD-ZZ-XX-RP-Z-0003</li> </ul>



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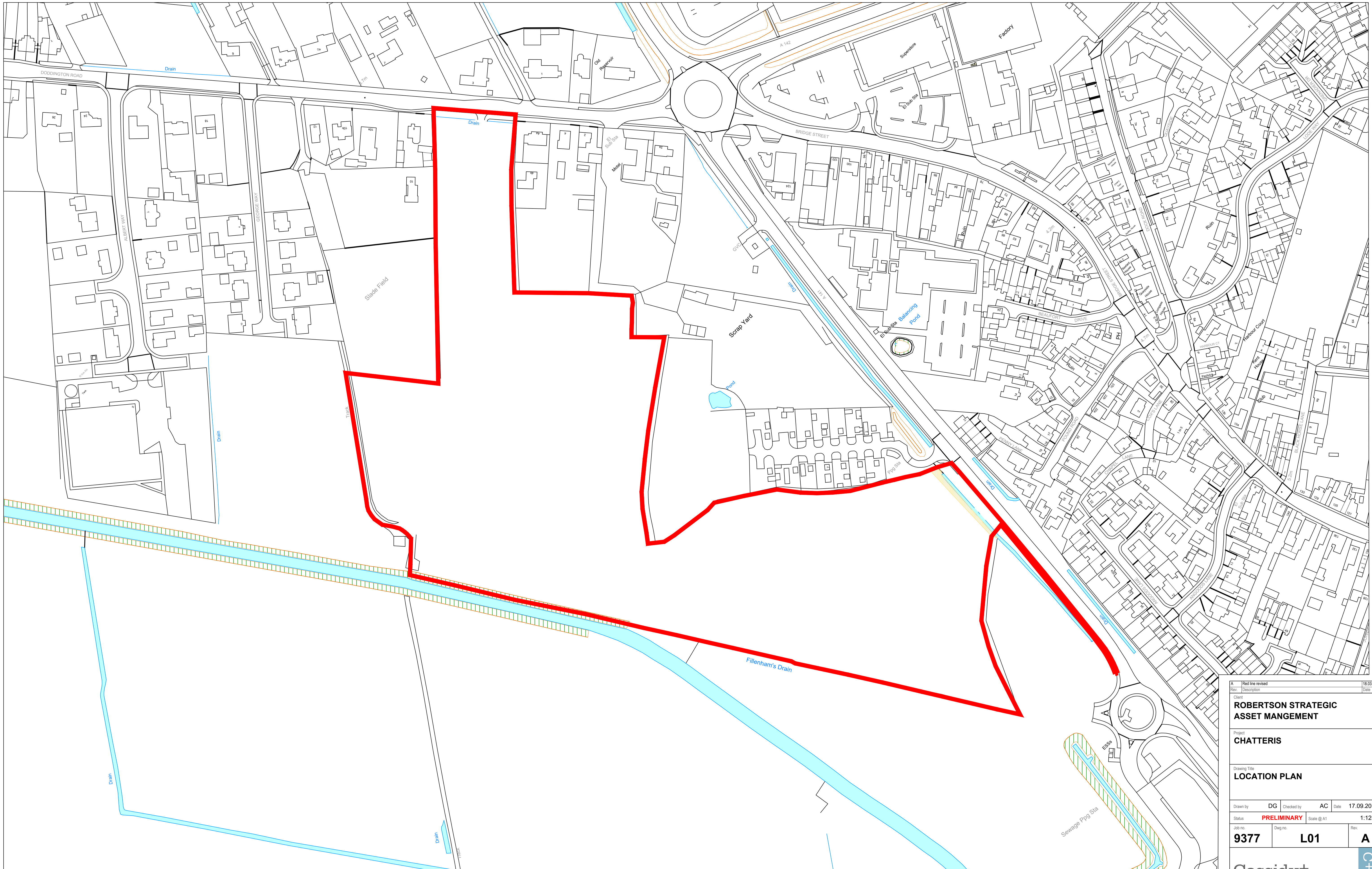
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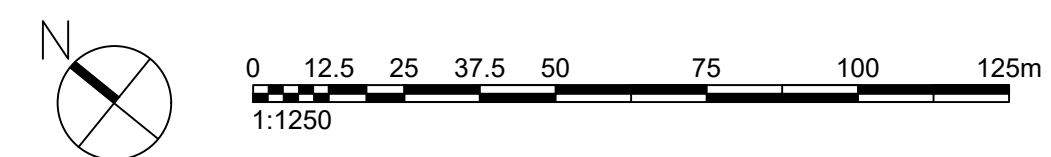
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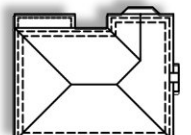
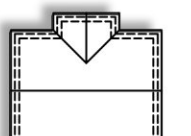
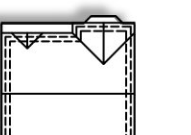
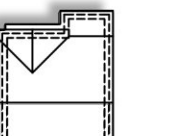
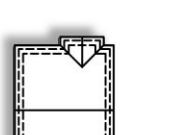
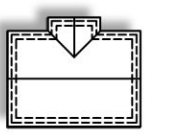
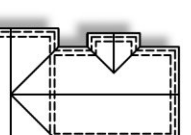
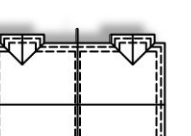
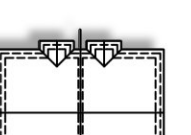


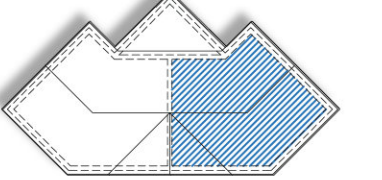
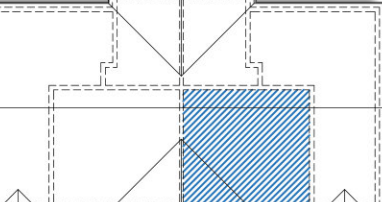
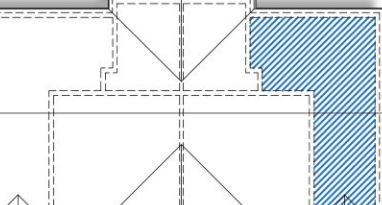
Rev. A	Red line revised	18.03.20
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Project		
<b>CHATTERIS</b>		
Drawing Title		
<b>LOCATION PLAN</b>		
Drawn by	DG	Checked by AC Date 17.09.2019
Status	<b>PRELIMINARY</b>	Scale @ A1 1:1250
Job no.	<b>9377</b>	Rev. <b>A</b>
Dwg no.	<b>L01</b>	
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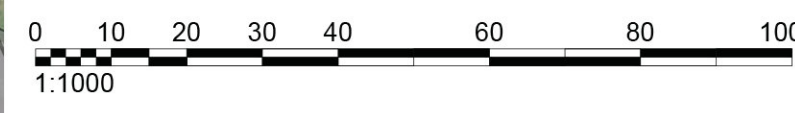




-  Type A (Oakford)  
140m<sup>2</sup> (1,500ft<sup>2</sup>)  
2 Storey - 4Bed  
Detached + Detached Double Garage  
14No
-  Type B (Newford)  
129m<sup>2</sup> (1,400ft<sup>2</sup>)  
2 Storey - 4Bed  
Detached + Detached Single Garage  
8No
-  Type C (Hareford)  
119m<sup>2</sup> (1,280ft<sup>2</sup>)  
2 Storey - 4Bed  
Detached  
13No
-  Type D (Chelmsford)  
116m<sup>2</sup> (1,250ft<sup>2</sup>)  
2 Storey - 4Bed  
Detached  
17No
-  Type E (Elderwood)  
82m<sup>2</sup> (895ft<sup>2</sup>)  
Detached  
2 Storey - 3Bed  
28No
-  Type F (Collingwood)  
82m<sup>2</sup> (895ft<sup>2</sup>)  
Detached  
2 Storey - 3Bed  
13No
-  Type G (Kingsford)  
82m<sup>2</sup> (895ft<sup>2</sup>)  
Semi-Detached  
2 Storey - 3Bed  
20No
-  Type H (Chelmsford)  
73m<sup>2</sup> (795ft<sup>2</sup>)  
Semi-Detached  
2 Storey - 2Bed  
22No
-  Type J (Cedarwood)  
70m<sup>2</sup> (750ft<sup>2</sup>)  
Semi-Detached  
2 Storey - 2Bed  
35No

-  App Type A  
62m<sup>2</sup> (670ft<sup>2</sup>)  
2Bed  
24No
-  App Type B  
62m<sup>2</sup> (670ft<sup>2</sup>)  
2Bed  
30No
-  App Type C  
70m<sup>2</sup> (750ft<sup>2</sup>)  
2Bed  
24No

● Emergency Access Bollards



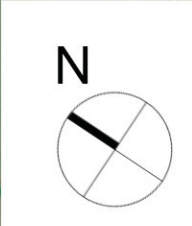
Client <b>ROBERTSON STRATEGIC ASSET MANAGEMENT</b>			
Project <b>CHATTERIS</b>			
Drawing Title <b>INDICATIVE SITE MASTERPLAN</b>			
Drawn by DG	Checked by AC	Date 13.09.19	
Status <b>PRELIMINARY</b>	Scale @ A1 1:1000		
Job no. <b>9377</b>	Draw no. <b>MP07</b>	Rev. <b>B</b>	

**C+A**

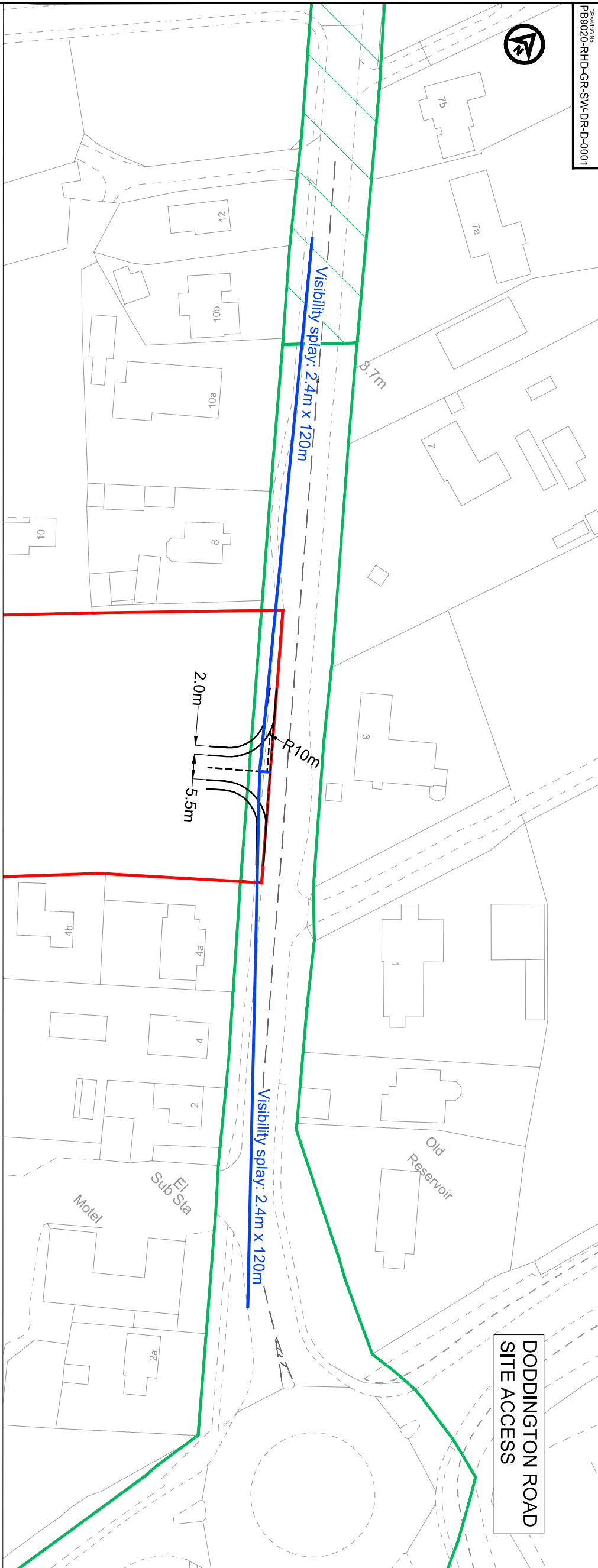
**Cassidy+Ashton**  
www.cassidyashton.co.uk

Architecture + Building Surveying + Town Planning

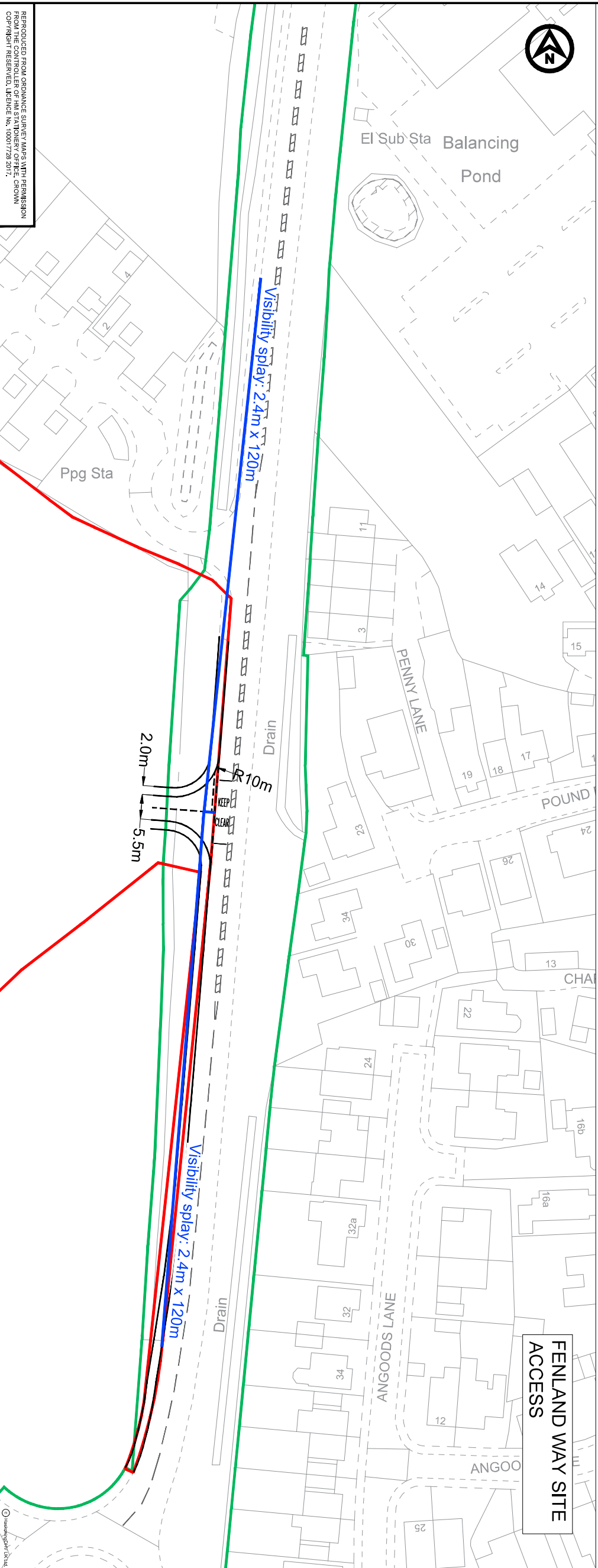
7 East Cliff, Preston, Lancashire, PR1 3JE 01772 258 356  
10 Hunters Walk, Canal Street, Chester, CH1 4EB 01244 402 900







**DODDINGTON ROAD  
SITE ACCESS**



**FENLAND WAY SITE  
ACCESS**

- NOTES**
1. Do not scale from this drawing. All dimensions are in metres unless noted otherwise.
  2. This drawing has been based on Drawing '9377 MP07 Indicative Site Masterplan' produced by Cassidy+Ashon and Royal HaskoningDHV cannot guarantee the accuracy of data.

**KEY**

- PROPOSED SITE ACCESS
- 4m/4m VISIBILITY SPYLA
- HIGHWAY BOUNDARY
- PRESUMED HIGHWAY BOUNDARY

REV	DATE	DESCRIPTION	BY	CHK	APP
P03	07/01/20	Changes to site and finished access elevation	SA	AB	AM
P02	13/06/19	Changes to drawing background	SA	AB	AM
P01					

**CLIENT**  
ROBERTSON STRATEGIC  
ASSET MANAGEMENT

**PROJECT**  
WOMB FARM, CHATTERIS

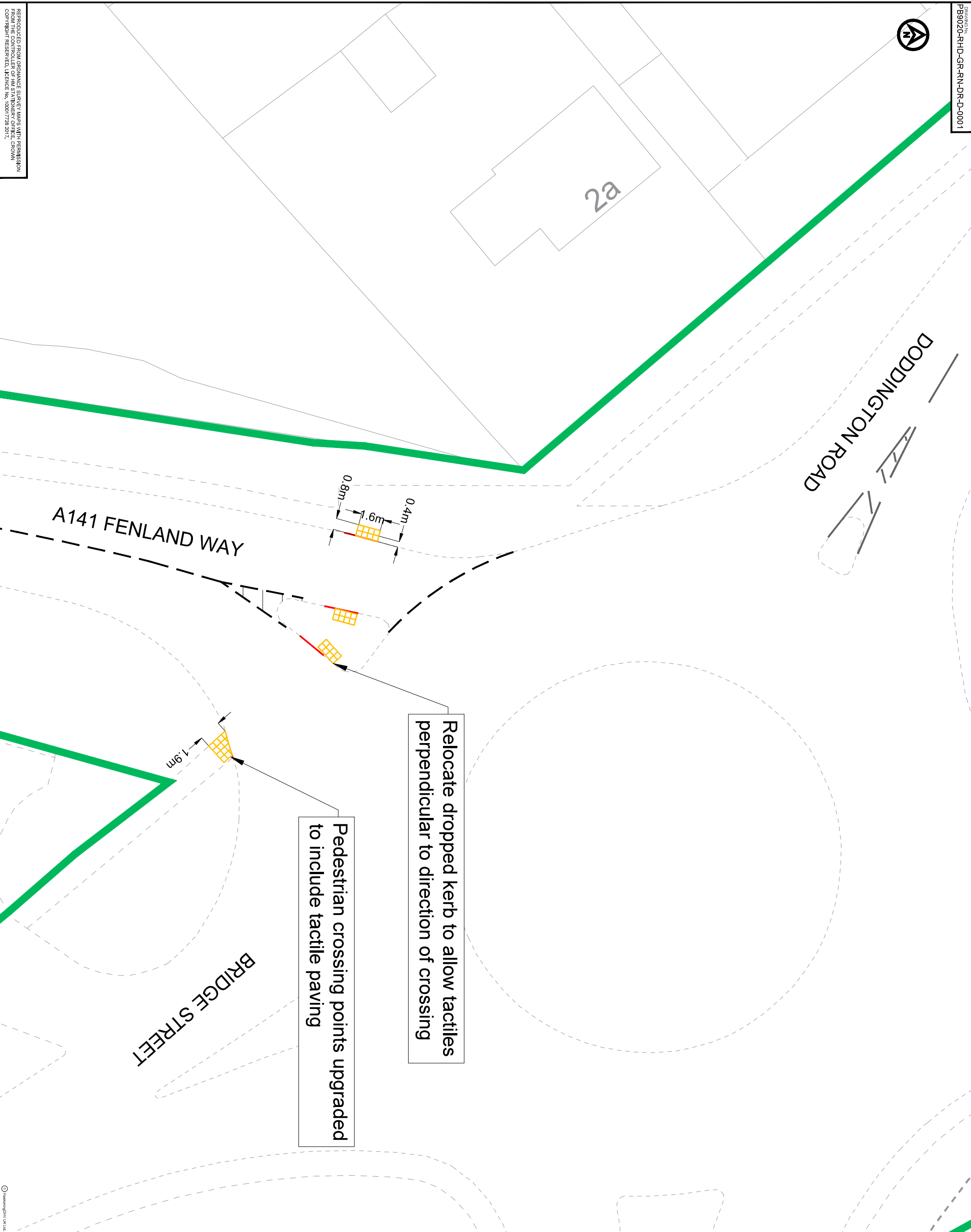
**TITLE**  
PROPOSED SITE ACCESS

**Royal HaskoningDHV**  
Enhancing Society Together

Business Development  
141 +64(0)773 2333 4455  
www.royalhaskoningdhv.com

<b>DRAWN</b>	JL	<b>CHECKED</b>	GA	<b>APPROVED</b>	AM
<b>DATE</b>	13/06/19	<b>SCALE</b>	1:1000	<b>CURR REF</b>	
<b>PROJNO</b>	PB9020-RHD-GR-SW-DR-D-0001	<b>REVISION</b>			P03





Relocate dropped kerb to allow tactile paving perpendicular to direction of crossing

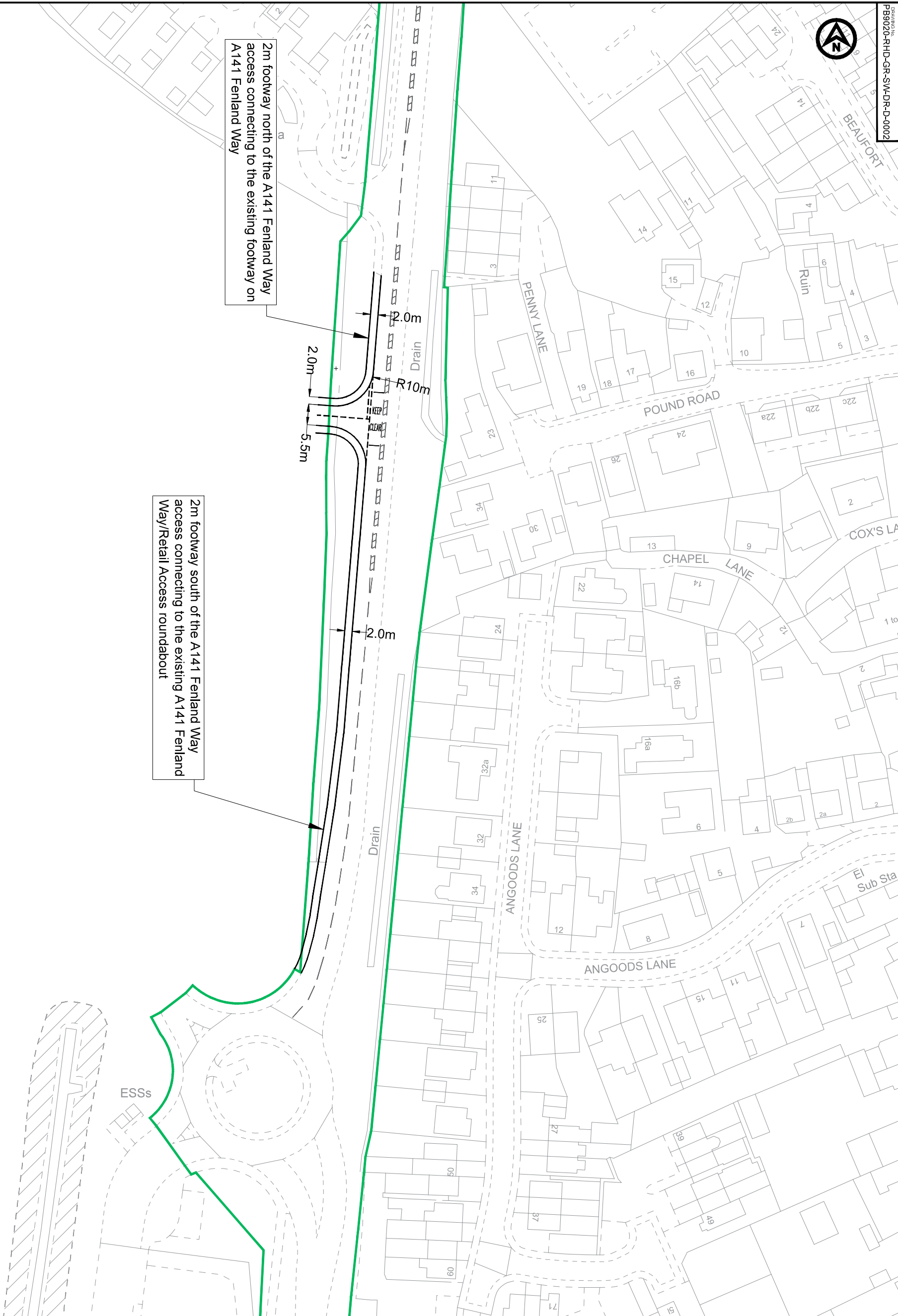
Pedestrian crossing points upgraded to include tactile paving

- NOTES**
1. Do not scale from this drawing. All dimensions are in metres unless noted otherwise.
  2. This drawing has been based on Drawing '9377 MP07 Indicative Site Masterplan' produced by Cassidy+Ashton and Royal HaskoningDHV cannot guarantee the accuracy of data.

**KEY**

	EXISTING DROPPED KERB
	PROPOSED TACTILE PAVING
	HIGHWAY BOUNDARY

REV. DATE   DESCRIPTION	BY   CHK. APPR.	
REGIONS		
CLIENT		
ROBERTSON STRATEGIC ASSET MANAGEMENT		
PROJECT		
WOMB FARM, CHATTERIS		
TITLE		
PEDESTRIAN IMPROVEMENT - EXISTING ROUNDABOUT LAYOUT		
<p>Royal HaskoningDHV Enhancing Society Together</p> <p>Robertson Strategic 144, 440/173, 203, 2455 www.royalhaskoningdhv.com</p>		
DRAWN: GA	CHECKED: NB	APPROVED: AM
DATE: 07.01.2020	SCALE: A3	CUSTOMER REF: .
PROJECT NO: PB9020-RHD-GR-RN-DR-D-0001	REVISION: P01	



2m footway north of the A141 Fenland Way access connecting to the existing footway on A141 Fenland Way

2m footway south of the A141 Fenland Way access connecting to the existing A141 Fenland Way/Retail Access roundabout

- NOTES**
1. Do not scale from this drawing. All dimensions are in metres unless noted otherwise.
  2. This drawing has been based on Drawing '9377 MP07 Indicative Site Masterplan' produced by Cassidy+Ashon and Royal HaskoningDHV cannot guarantee the accuracy of data.

**KEY**

- PROPOSED SITE ACCESS
- HIGHWAY BOUNDARY

REV.	DATE	DESCRIPTION	BY	CHK	APP
1/02	15/01/2018	INCORPORATING CLIENT COMMENTS	GA	AM	NS


CLIENT: ROBERTSON STRATEGIC ASSET MANAGEMENT

PROJECT: WOMB FARM, CHATTERIS

TITLE: FOOTWAY IMPROVEMENT - A141 FENLAND WAY



DRAWN	GA	CHECKED	NB	APPROVED	AM
DATE	07/01/2020	SCALE	A3	CUSTOMER REF.	
PROJNO	PB9020-RHD-GR-SW-DR-D-0002	REVISION	P02		

Agenda Item No:	<b>6</b>	
Committee:	<b>Planning</b>	
Date:	<b>3 June 2020</b>	
Report Title:	<b>Adoption of Planning Validation Requirements</b>	

## Cover sheet:

### 1 Purpose / Summary

The purpose of this report is to advise Members on the requirements of the National Planning Policy Guidance in respect of the requirement and procedure to update the Council's Local Validation List.

### 2 Key issues

- The key issues relate to the consideration of comments received following the undertaking of a consultation exercise carried out in consultation with relevant users of the service.

### 3 Recommendations

- The recommendation is to adopt the new Local Validation List with effect from 1 April 2020.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	N/A
<b>Portfolio Holder(s)</b>	Cllr Mrs D Laws
<b>Report Originator(s)</b>	Emma Nasta. Support Manager
<b>Contact Officer(s)</b>	Emma Nasta. Support Manager
<b>Background Paper(s)</b>	N/A

## Report:

### **1 Background / introduction**

- 1.1 Local Planning Authorities are required as part of the National Planning Policy Guidance (NPPG) to publish a list of information required in order to 'validate' planning applications, known as the local validation list. The local list requirements are prepared by the Local Planning Authority to clarify what information is required to be submitted with an application.
- 1.2 The Government requires Local Planning Authorities to review their local list requirements every 2 years.

### **2 Considerations**

- 2.1 A project group was formed and draft local validation lists were updated ready for consultation. This incorporated adding clearer, specific requirements for plans and reports, a revamped biodiversity checklist, updated website links, and the addition of reports and statements mainly relating to major applications, in line with current national planning legislation and local plan requirements.
- 2.2 Consultation was undertaken for a period of 4 weeks from 1 February 2020 to the 28 February 2020. The consultation was placed on Fenland District Councils website and also emailed to Developer Forum members and other agents. Comments were invited either via email or in writing.
- 2.3 A total of 2 comments were received. One from Cambridgeshire County Council highlighting some website links that are no longer live, which have subsequently been updated, and one from Middle Level Commissioners.
- 2.4 The comments from Middle Level Commissioners have been considered and it was concluded that their comments relate to the quality of information submitted and therefore sits within the decision making process rather than the validation process

### **3 Conclusions**

- 3.1 The local validation lists have been updated to reflect current legislation and local plan requirements, they have been consulted on and comments received have been considered.
- 3.2 It is recommended that Members approve the adoption of the updated Local Validation Lists from 1 April 2020.



<b>AGENDA ITEM NO 7</b>	
<b>PLANNING COMMITTEE</b>	
<b>Date</b>	<b>3 June 2020</b>
<b>Title</b>	<b>Local Planning Enforcement Plan</b>

**1. PURPOSE/SUMMARY**

The purpose of this report is to ask members to adopt a Local Planning Enforcement Plan

**2. KEY ISSUES**

2.1 The Enforcement Plan will provide greater transparency and accountability about the Planning Enforcement Function.

2.2 Sets out how an allegation will be prioritised and processed, and what the public should expect, both as those with concerns about and those accused of breaches of planning control.

**3. RECOMMENDATION(S)**

It is recommended that Members adopt the Local Planning Enforcement Plan

<b>Wards Affected</b>	All
<b>Forward Plan Reference No.</b> (if applicable)	-
<b>Portfolio Holder(s)</b>	Councillor Mrs D Laws
<b>Report Originator</b>	Lee Walsh (Planning Enforcement Officer).
<b>Contact Officer(s)</b>	Nick Harding (Head of Planning).
<b>Background Paper(s)</b>	Attached Planning Enforcement Local Plan

K:\REPORTS\REPTEMP.DOC

## 1. BACKGROUND

1.1 The Council has an adopted Corporate Enforcement Policy that covers all aspects of enforcement. This sets out the principles that are used to guide the Council in its application of various aspect of enforcement. The Local Planning Enforcement Plan is consistent with the Council's wider Enforcement Policy and seeks to provide greater transparency and accountability about the Council's Planning Enforcement Function. It sets out how an allegation will be prioritised and what the public should expect, both as those with concerns about and those accused of breaches of planning control. The draft plan is attached as an Appendix to this report for Members information.

1.2 The Planning Policy Guidance (PPG) published by the Government states that it is important for Council's to prepare and adopt a local planning enforcement plan because it:

- *'allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;*
- *sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;*
- *provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;*
- *provides greater certainty for all parties engaged in the development process.'*

1.3 The PPG emphasis that effective planning enforcement is important to :-

- *'tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;*
- *maintain the integrity of the decision-making process;*
- *help ensure that public acceptance of the decision-making process is maintained.'*

1.4 Further guidance is available on the Government website '*Planning Policy Guidance for Enforcement and Post-permission matters,*' via the following link.

<https://www.gov.uk/guidance/ensuring-effective-enforcement#planning-enforcement--overview>

## 2. CONCLUSION

2.1 Having given consideration to the circumstances of this matter it is recommended that the Local Planning Enforcement Plan is adopted.



# **Local Planning Enforcement Plan**

June 2020

## Introduction

- 1 The Council has an adopted **Corporate Enforcement Policy** which sets the general principle for dealing with investigations. The purpose of the Local Planning Enforcement Plan is to set out how the Council's Planning Compliance Team's deal with specific Planning Enforcement investigations.
- 2 Planning Compliance operates within the legislative framework of the Town and Country Planning Act 1990 (as amended) and all its subordinate and associated legislation. Planning Policy and Guidance contained within Local Plans, the National Planning Policy Framework and the online Planning Policy Guidance ensure decisions are open, consistent and fair.
- 3 The Planning Compliance Team must also comply with the law in the way it conducts its investigations under the Regulation of Investigation Powers Act (RIPA) and the Police and Crime Evidence Act (PACE). The Council has an adopted a **RIPA Policy**.

## Effect Enforcement

- 4 The Planning Policy Guidance for planning enforcement emphasises that:-  
*'Effective enforcement is important to:*
  - tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
  - maintain the integrity of the decision-making process;
  - help ensure that public acceptance of the decision-making process is maintained.'
- 5 An essential part of delivering effective planning enforcement is the adoption of a Local Planning Enforcement Policy. The policy:-
  - allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
  - sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
  - provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers;
  - provides greater certainty for all parties engaged in the development process.



## Purpose of the Planning Compliance Team

- 6 The purpose of the Planning Compliance Team is to protect the public and the environment from development that would cause harm and to ensure that the objectives of the planning system as a whole are not undermined. It is not the case that Planning compliance exists to 'punish' people who are responsible for a breach of planning control, but to prevent and remedy any harm caused. Any action taken by the Council has to be expedient and proportionate to the breach in question.
- 7 Someone who raises concerns about development is referred to as the informant. Their concerns will be investigated and they will either be reassured that what has been done is what the owner/occupier is permitted to do or entitled to do lawfully, or what action will be required to remedy the unauthorised development.
- 8 A person responsible for undertaking development will be known as the responsible person. This could be the developer, owner or occupier of the land and buildings. They will be informed as to whether they have breached planning controls or not, or whether an offence has been committed or not, and what they need to do to put it right. We will use deadlines to monitor the progress towards remedying a breach. If the agreed deadlines are not met without reason or explanation we will consider more formal action.
- 9 Unless the unauthorised development or works are completely unacceptable and the harm caused incapable of being mitigated, we will try to resolve all breaches of planning control through negotiations. We will invite a planning application to regularise the breach, which may take some time to submit, depending on the issues and/or evidence required to support the proper consideration of the application. For example, an application for a conservatory could be submitted within a few weeks where as an application for a business where an acoustic report is required could take a few months.

### A Breach or a Criminal Offence

- 10 The following constitute a **breach of planning control**:
  - the carrying out of development (building works or a material change of use) without the required planning permission, or;
  - Development not completed in accordance with approved plans, or;
  - Failure to comply with conditions attached to planning permission.

11 The following works constitute a **criminal offence**.

- unauthorised works to Listed Buildings,
- substantial demolition in a Conservation Area,
- unauthorised works to trees subject to Tree Preservation Orders or tree within a designated Conservation Area, and;
- advertisements displayed without consent,
- Failure to comply with the requirements of an Enforcement Notice, Breach of Condition Notice or S. 215 Amenity Notice
- The Breach of an Injunction

In such circumstances, the seriousness of the offence is likely to dictate the nature of the response. The more serious the more likely the defendant will find themselves facing proceedings in Courts.

#### **How we deal with allegations**

12 If you have any concerns about development you should contact the Council:

By Letter

Fenland District Council  
Planning Compliance  
County Road  
March  
Cambridgeshire  
PE15 8NQ

By Telephone,  
(01354) 654321

By Email  
[Planningenforcement@fenland.gov.uk](mailto:Planningenforcement@fenland.gov.uk)

By the Council's website  
[www.fenland.gov.uk](http://www.fenland.gov.uk)

13 All concerns about development must be accompanied by the full name contact details such as address, phone number or email address. The informant's details are kept strictly confidential and will not be disclosed to anyone outside of the Authority and will only be disclosed to officers within the Authority who have the appropriate authorisation.

- 14 We will not deal with anonymous complaints. This is to discourage vexatious complaints and there maybe occasions where we need the informant to provide additional information on what they have witnessed, which is especially relevant to alleged changes of use.

For example, were car repair and maintenance takes place we cannot monitor the site 24/7 and will need a log to provide details of the extent of the use such as number of cars, frequency and what works are witnessed.

- 15 Where concerns are received, we will create a file and research will be undertaken which includes checking ownership, the planning history, legislation and contact details of the responsible person.
- (a) The informant will receive an acknowledgement of their concerns within seven days of the date this is received.
- (b) Where the allegation involves development that appears to have serious harm to the environment or to amenity, or a criminal offence, a site visit will take place within five days of the date of the issue being brought to our attention. In all other cases a site visit will take place within fourteen days.
- (c) Officers will determine whether a breach of planning control has taken place.
- i) Where a Breach is found and causes little harm*
- We will invite the responsible person to submit a retrospective application (1<sup>st</sup> Challenge letter). They will be given 21 days to confirm what they will do to remedy the situation and we will then agree deadlines to be meet specific objectives, such as submitting an application.
  - If an application is not received by the agreed deadline the Council will decide whether it is expedient to take further action.
- (an appeal against a Planning Enforcement Notice where the responsible person wants retrospective planning permission is **twice** the fee of a planning application).
- ii) Where a breach is found and causes harm that can be controlled or reduced to acceptable levels through conditions or works to remedy the situation.*

- We will invite the owner to submit a retrospective application (1<sup>st</sup> Challenge letter). They will be given 21 days to confirm what they will do and we will agree deadlines for steps to be taken, such as the submission of a planning application.
- If no steps are taken by the agreed deadline, a second reminder letter will be sent giving the responsible person 14 days to explain the delay and to agree further deadlines.

(an appeal against a Planning Enforcement Notice where the responsible person wants retrospective planning permission is **twice** the fee of a planning application).

- If the agreed deadline is not met following the 2<sup>nd</sup> Challenge, a **Planning Contravention Notice (PCN)** will be served as a prelude to more formal action.

(a PCN requires the person who receives it to answer questions about the unauthorised development. It is necessary to establish the facts before the service of a more formal Notice)

*iii) Where a Breach found and is causing significant issues and there is no apparent solution a more robust approach will be taken.*

- The responsible person will be informed of the breach and that it is unlikely to receive planning permission with an explanation as to why. We will then agree a date by which they should cease the unauthorised use and/or remove any unauthorised works.
- We cannot refuse to accept a planning application if one is submitted.
- If they fail to meet the agreed deadline, a **Planning Contravention Notice (PCN)** will be served as a prelude to more formal action.

16 Any retrospective application will be assessed in accordance with the Council's established procedures, as with any planning application. We consult neighbours with shared boundaries in accordance with the Council policies and procedures. If the informant is not a neighbour then they may

not be consulted on the application as this may identify them. Our first objective would be to maintain the confidentiality of the informant unless their written consent is received to do otherwise. The Local Plan Policies and other supplementary Guidance can be found using the following link:

<https://www.fenland.gov.uk/planningpolicy>

- 17 If a retrospective planning application is not received, the Council will have to decide whether it is expedient to take formal action. The online Planning Policy Guidance is clear that:-

*'Nothing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.'*

*The guidance goes on to state that Councils should avoid taking action in the following circumstances:-*

- *there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;*
- *development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;*
- *in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where [planning conditions may need to be imposed](#).*

However, the failure to have the relevant planning permission could result in substantial cost and delay when the property is for sale. Planning Applications and application for Certificate of Lawfulness can take eight weeks or more to determine.

- 18 Those that submit retrospective planning applications or receive Planning Enforcement Notices have a right of appeal to the Secretary of State via the Planning Inspectorate. In such cases the Council has no control over the time taken to deal with the matter and it can take several months for the Appeal to be determined.

- 19 Where a criminal offence has occurred;
- i) The responsible person will be informed of the offence and what action will be taken against them. Any action will be proportionate to the seriousness of the offence they have committed.
  - ii) A responsible person may be invited to the Council offices to do an Interviewed under Caution. The responsible person should seek their own legal advice or representation in the circumstances. The interview will be taped, where such equipment is available.
  - ii) Depending on the seriousness of the offence, one of two options will be available to the Council.
    - 1) Minor matter causing minimal harm –  
The offender may be offered a ‘caution’ which will stay on record for two years and may be brought to the courts attention if future offences are committed.
    - 2) Major Offence causing significant harm –  
The offender may be prosecuted in the courts or injunction proceedings taken.
- 20 Following any conviction or where matters are so serious in their impact, the Council can take Injunction Proceedings or Direct action (where the Council does the works in default).

- 21 There are a number of Notices that can be served depending on the seriousness of the breach of planning control, which are listed below:-

#### Stop Notice

These are used in the most serious of cases, where harm to amenity and the character of the land are severe.

#### Temporary Stop Notice

These are used to stop the unauthorised use whilst the Council considers the most appropriate course of action. These are used where harm to amenity and the character of the land are substantial.

#### Planning Enforcement Notice (EN)

These are used either on their own, or in serious case, in conjunction with a Stop Notice. The Notice will tell you what you have done wrong and what you need to do to put it right. There is a right of Appeal against the Notice.

### Breach of Condition Notice (BoCN)

Where a planning permission has been given conditionally for development, a BoCN can be used to ensure conditions are complied with. There is no right of appeal against the Notice.

### Injunctions

The Council can use injunction proceeding to retrain a breach of planning control, but only where harm to amenity and the character of the land are severe.

### **Keeping People Informed**

- 22 All reports of planning breaches are taken seriously and we will keep you informed of any key stages in the investigation. We do provide contact details and you can contact officers for an update on progress during normal office hours.
- 23 Please note that some investigations can take some time so you may not hear from the planning compliance team on a regular basis, but as aforementioned, you are able to contact the case officer during normal working hours for an update at any time.

### **Terms**

- 24 Proportionate

Where the punishment/requirements are balanced against the seriousness of the offences /harm that is being caused.

### Expediency

The reasons for taking action are considered carefully, with an assessment of the effects of the unauthorised development such as the harm caused to individuals or the wider community and/ or against policy objectives weighed against the benefits of the development.

### Informant

The person or persons who have raised their concerns over development with the Council

### The Responsible person

The person or persons responsible for the unauthorised development and/or offence that has/have been committed. This may be the owners, occupiers or developers.

### Development

This is either a material change of use or operational development (buildings and structures), or a mixture of both as defined by Section 55 of the Town & Country Planning Act (1990) (as amended).

### Permitted Development

These are rights given to developer, owner and occupiers to undertake works and changes of use so long as they are in accordance with the criteria as set out in the Town & Country Planning (General Permitted Development) Order 2015 (as amended)

### **Useful Websites**

25 The following site contains useful information and advice.

<https://www.fenland.gov.uk/>

<https://www.gov.uk/government/collections/planning-practice-guidance>

<https://www.gov.uk/guidance/national-planning-policy-framework>

<https://www.gov.uk/government/organisations/planning-inspectorate>

<https://www.legislation.gov.uk/ukpga/1990/8/contents>



## PLANNING APPEAL DECISIONS

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

<b>Planning Application Reference: F/YR18/1038/F (appeal ref: APP/D0515/W/19/3228109)</b>					
<b>Site/Proposal:</b> 8 static caravans and associated works for gypsy/ travellers at Crazy Acres, Chase Road, Benwick					
<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>• <b>Character &amp; appearance</b></li> <li>• <b>Sustainability of location</b></li> <li>• <b>Flood risk</b></li> <li>• <b>Highway safety</b></li> <li>• <b>Other considerations</b></li> </ul>					
<b>Summary of Decision:</b>					
<p><b>Character and appearance</b> Inspector concluded that due to the flat expansive nature of the area, the structures and vehicles associated with the development would be a notable intrusion into the landscape that would detract unacceptably from its open, rural character which would be far more harmful than the 2 touring caravans permitted. contrary to LP5 and LP16.</p> <p><b>Sustainability of location</b> Inspector noted that Benwick contains a shop, a primary school, a public house, places of worship and a bus service to March and Whittlesey but which are located 2.5Km from the site. Concluded that whilst the families intention to link trips may mitigate the harm to some degree, the limited services available in Benwick, plus the fact that walking or cycling are unlikely to be attractive, mean the development will nonetheless result in undue reliance on private motorised transport, in conflict with Local Plan Policies LP2 and LP15 that promote the use of non-car modes.</p> <p><b>Flood risk</b> The site is in Flood Zone 3, with a high probability of fluvial flooding. Inspector concluded that the Sequential test for flood risk hadn't been met with a high probability that alternative sites in lower flood risk areas would be available to accommodate the development. Furthermore the wider community sustainability benefits of their development as part of the exception test had not been demonstrated.</p> <p><b>Highway safety</b> Inspector concluded that the access where it meets Whittlesey Road would offer sufficient visibility so as not to have an adverse effect on highway safety, and so in this regard would not conflict with Local Plan Policies LP5D(d) and LP15C that require safe access.</p>					

**Other considerations**

The inspector considered the need for the development and the specific circumstances of the applicant and their wider family but considered that these matters did not outweigh the identified harm.

**Planning Application Reference: F/YR18/0821/F and ENF/223/11/UW (Appeal reference APP/D0515/C/19/3226096 and APP/D0515/W/19/3226090)**

**Site/Proposal:** Change of use from agriculture to a residential use and the residential occupation of 3no static caravans (retrospective), Land West Of Bar Drove, Friday Bridge.

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Allowed with enforcement notice quashed, plus award of partial costs.
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**Main Issues:**

- **Character & appearance**
- **Gypsy status of occupants**
- **Other considerations**
- **Award of costs**

**Summary of Decision:****Character and appearance**

Inspector concluded that gypsy and traveller sites are not intrinsically discordant or out of character in the countryside and the use of landscaping would assimilate the development into its surroundings.

**Gypsy status of occupants**

Inspector considered appellant did not meet the planning definition of a traveller but that other residents of the site did. The individual circumstances of the family group as a whole carried significant weight.

The level of unmet need within Fenland for traveller pitches and the lack of alternative sites

were also given considerable weight.

**Other considerations**

The site is approximately a mile from Friday Bridge and the Inspector concluded that while there would be a reliance on the private car it was in a sustainable location. He also concluded that the development was unlikely to generate significant vehicle movements to the detriment of the highway.

**Award of costs**

The Inspector dismissed the majority of the appellants' claim for costs against the Council, however did conclude that the Council had acted unreasonably in providing evidence at the Hearing relating to traveller accommodation need rather than beforehand, and consequently awarded partial costs to the appellant.

**Planning Application Reference: F/YR19/0669/PNC04 (Appeal reference APP/D0515/W/20/3244922)**

**Site/Proposal: Change of use from agricultural building to a single storey 2-bed dwelling (Class Q (a) and (b)), Farm Building East Of 16 Turningtree Road, Whittlesey**

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

**Main Issues:**

- **Whether proposal is permitted development**

**Summary of Decision:**

**Whether permitted development**

Inspector concluded that the works involved to convert the building, namely the removal and replacement of all of the cladding to the building would go beyond the scope of those permitted under Class Q(b) and would therefore not be permitted development.

**Planning Application Reference: F/YR19/0277/O (Appeal reference APP/D0515/W/19/3240555)**

**Site/Proposal: Erection of a dwelling (outline application with all matters reserved), Land West Of 4 Walton Road, Leverington.**

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

**Main Issues:**

- **Character and appearance**
- **Living conditions of neighbouring occupiers**
- **Other matters**

**Summary of Decision:**

**Character and appearance**

Inspector considered development would be cramped and out of keeping with the form and appearance of neighbouring properties, as well as being detrimental to the open character of the area.

**Living conditions of neighbouring occupiers**

Inspector also considered that the two storey character of the proposal and its angular setting would result in a dominant position towards the host dwelling with overbearing and dominance of this. It was also not clear that there would be no overlooking of the other neighbouring dwelling.

**Other matters**

“The temporary and minimal economic benefits of the proposal and the limited contribution to housing supply” were considered to be outweighed by the detrimental effects, in the view of the Inspector.

Agenda Item No:	<b>9</b>	
Committee:	<b>Planning Committee</b>	
Date:	<b>3 June 2020</b>	
Report Title:	Local Plan Viability Report	

## 1 Purpose / Summary

To inform Planning Committee of the results of the Local Plan Viability Report.

## 2 Key issues

To support the preparation of the new Local Plan the Council commissioned consultants to carry out a whole plan viability study.

National planning policy places great importance on viability in plan-making. Whole plan viability reports are a crucial part of the Local Plan evidence base. The outcomes of the viability report are used to assist in the preparation of planning policies and ensuring that a Local Plan is deliverable and viable.

The executive summary can be viewed at Appendix 1 and the full report can be viewed on the website at: [https://www.fenland.gov.uk/media/16705/FDC-Viability-Assessment--HDH-2019-12-19-/pdf/FDC\\_Viability\\_Assessment\\_\(HDH\\_19-12-19\).pdf](https://www.fenland.gov.uk/media/16705/FDC-Viability-Assessment--HDH-2019-12-19-/pdf/FDC_Viability_Assessment_(HDH_19-12-19).pdf)

In summary the report concludes, that viability in Fenland is marginal and there is a clear north-south divide, with development in the northern part of the district (North of A47 Guyhirn roundabout) between 10% to 15% lower in terms of viability than the rest of the district. A 20% affordable housing requirement can be achieved in the south of the district, and none in the north. The report describes how much s106 monies can be expected and confirms there is no scope to introduce Community Infrastructure Levy (CIL).

The results of the Viability Report are currently being considered alongside other evidence in the drafting of the policies for the new Local Plan which is scheduled for public consultation in November/December 2020.

To be clear, Planning Committee is not being asked to approve the Viability Report and its publication does not change Council policy. The Viability Report is part of the evidence base to inform decisions on future policy in the new Local Plan (which will ultimately be approved by Council following a public examination). However, at this stage the findings are a material consideration in planning decisions.

Therefore Planning Committee is asked to note the outcomes which will be taken into consideration in determining planning applications from this point forwards, particularly in relation to affordable housing. Policy LP5 (meeting Housing Needs) of the Adopted Local Plan states that:

'(a) on sites of 5-9 dwellings, 20% of dwellings to be affordable housing...

(b) on sites of 10 or more dwellings, 25% of the dwellings as affordable houses (rounded to the nearest whole dwelling)...

The Council will expect to secure affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment indicates these

cannot be met in full. The viability assessment will be undertaken by the developer using a recognised assessment model.'

The publication of the Viability Report means that the Council's own evidence shows that the 25% requirement might not be able to be met. As such, the Viability Report is capable of being a material consideration in the determination of planning applications.

Consultation was carried out with the development industry on the viability report the [Key Issues Report](#) provides a summary of the main comments raised.

The draft Local Plan will be consulted on November and December 2020. The Council will update the viability report before publishing the proposed submission version of the Local Plan next year. This will ensure that the emerging Local Plan is viable and will take into account any comments received on the draft version of the Local Plan and Viability Report. This will also allow the effects of external factors such as the current uncertainties in the economy due to the COVID 19 pandemic and any changes as a result of Britain leaving the EU.

### 3 Recommendations

- Planning Committee is asked to note the outcomes of the Viability Report which will be taken into consideration in determining planning applications from this point forwards.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Cllr Dee Laws, Portfolio Holder for Planning
<b>Report Originator(s)</b>	Gemma Wildman, Local Plan Manager Carol Pilson, Corporate Director
<b>Contact Officer(s)</b>	Gemma Wildman Local Plan Manager Carol Pilson, Corporate Director
<b>Background Paper(s)</b>	Fenland Local Plan & CIL Viability Assessment

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## Local Plan & CIL Viability Assessment

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### **EXECUTIVE SUMMARY**

This non-technical summary document is a reproduction of Chapter 12 of the Fenland District Council Local Plan and CIL Viability Assessment. This summary, by its nature, is abbreviated. It is recommended that the document is read in full.

December 2019

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## 12. Findings and Recommendations

- 12.1 This chapter provides a non-technical summary of the overall assessment that can be read on a standalone basis. Having said this, a viability assessment of this type is, by its very nature, a technical document that is prepared to address the very specific requirements of national planning policy. As this is a summary chapter, some of the content of earlier chapters is repeated.
- 12.2 This Viability Assessment sets out the methodology used, the key assumptions adopted, and the results. It has been prepared to assist the Council with the assessment of the viability of the emerging Local Plan. The 2019 National Planning Policy Framework (2019 NPPF), the updated Planning Practice Guidance (PPG) and the Harman Viability Guidance require stakeholder engagement – particularly with members of the development industry. Consultation has taken place and, whilst there was not universal agreement, a broad consensus was achieved.
- 12.3 Fenland District Council (FDC / the Council) is preparing a Local Plan that will set out the future spatial strategy for the District and will include sites for allocation. The first stage of this is the publication of an 'Issues and Options' consultation document. Responses to the Issues and Options document will inform the scope and direction of the draft Local Plan, which the Council intends to publish for consultation in –the summer of 2020.
- 12.4 This Viability Assessment has been commissioned to inform the further development of the Plan. HDH Planning & Development Ltd has been appointed to advise FDC in connection with several matters:
- a. Review of Affordable Housing policy within the District (including tenure split).
  - b. Whole plan viability to consider all other standards and policy requirements.
  - c. To consider the scope for Community Infrastructure Levy (CIL).
- 12.5 In the three or so years before this report, various Government announcements were made about changes to the planning processes. The Ministry of Housing Communities and Local Government (MHCLG) updated the National Planning Policy Framework, (2018 NPPF), and published new Planning Practice Guidance (PPG) in July 2018. In February 2019 the NPPF was further updated (2019 NPPF), although these changes did not impact on viability. In May 2019 the viability sections of the PPG were updated again. In addition to these changes, the CIL Regulations and accompanying guidance (within the PPG) were also updated from 1<sup>st</sup> September 2019. The methodology used in this report is consistent with the 2019 NPPF, the CIL Regulations (as amended) and the updated PPG.

### Compliance

- 12.6 HDH Planning & Development Ltd is a firm regulated by the Royal Institution of Chartered Surveyors (RICS). As a firm regulated by the RICS it is necessary to have regard to RICS Professional Standards and Guidance. There are two principle pieces of relevant guidance,

being the *Financial viability in planning: conduct and reporting RICS professional statement, England (1<sup>st</sup> Edition, May 2019)* and *Financial Viability in planning (1st edition), RICS guidance note 2012*.

- 12.7 *Financial Viability in planning (1st edition), RICS guidance note 2012* is currently subject to a full review to reflect the changes in the 2019 NPPF and the updated PPG (May 2019). As part of the review, *Financial viability in planning: conduct and reporting. 1st edition, May 2019* was published in May 2019. This includes mandatory requirements for RICS members and RICS-regulated firms. HDH confirms that the May 2019 Guidance has been followed in full.

### Viability Testing under the 2019 NPPF and Updated PPG

- 12.8 The effectiveness of plans was important under the 2012 NPPF, but a greater emphasis is put on deliverability in the 2019 NPPF. The overall requirement (as set out at PPG 10-001-20190509) is that *'policy requirements should be informed by evidence of infrastructure and Affordable Housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106 .'*
- 12.9 This study is based on typologies that are representative of the sites to be allocated in the new Local Plan.
- 12.10 The updated PPG sets out that viability should be tested using the Existing Use Value Plus (EUV+) approach:

*To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called 'existing use value plus' (EUV+).*

- 12.11 The Benchmark Land Value (BLV) is the amount the Residual Value must exceed for the development to be considered viable.

### Viability Guidance

- 12.12 There is no specific technical guidance on how to test the viability in the 2019 NPPF or the updated PPG, although the updated PPG includes guidance in a number of specific areas. There are several sources of guidance and appeal decisions that support the methodology HDH has developed. This study follows the *Viability Testing in Local Plans – Advice for planning practitioners* (LGA/HBF – Sir John Harman) June 2012 (known as the **Harman Guidance**).
- 12.13 In line with the updated PPG, this study follows the EUV Plus (EUV+) methodology, that is to compare the Residual Value generated by the viability appraisals, with the EUV plus an appropriate uplift to incentivise a landowner to sell. The amount of the uplift over and above

the EUV is central to the assessment of viability. It must be set at a level to provide a return to the landowner. To inform the judgement as to whether the uplift is set at the appropriate level, reference is made to the market value of the land both with and without the benefit of planning.

- 12.14 The availability and cost of land are matters at the core of viability for any property development. The format of the typical valuation is:

$$\begin{array}{r}
 \textbf{Gross Development Value} \\
 \text{(The combined value of the complete development)} \\
 \\
 \text{LESS} \\
 \\
 \textbf{Cost of creating the asset, including a profit margin} \\
 \text{(Construction + fees + finance charges)} \\
 \\
 = \\
 \\
 \textbf{RESIDUAL VALUE}
 \end{array}$$

- 12.15 The 2019 NPPF, the PPG, the CIL Regulations and CIL Guidance are clear that the assessment of viability should, wherever possible, be based on existing available evidence rather than new evidence. The evidence that is available from FDC has been reviewed. This includes that which has been prepared earlier in the plan-making process, and that which the Council holds, in the form of development appraisals that have been submitted by developers in connection with specific developments – most often to support negotiations around the provision of Affordable Housing or s106 contributions. The approach taken is to draw on this existing evidence and to consolidate it so that it can then be used as a sound base for the assessment.
- 12.16 The PPG requires stakeholder engagement. So a consultation event was held on 19<sup>th</sup> September 2019. Representatives of the main developers, development site landowners, ‘call for site’ landowners, their agents, planning agents and consultants working in the District and housing providers were invited.

#### *Viability Process*

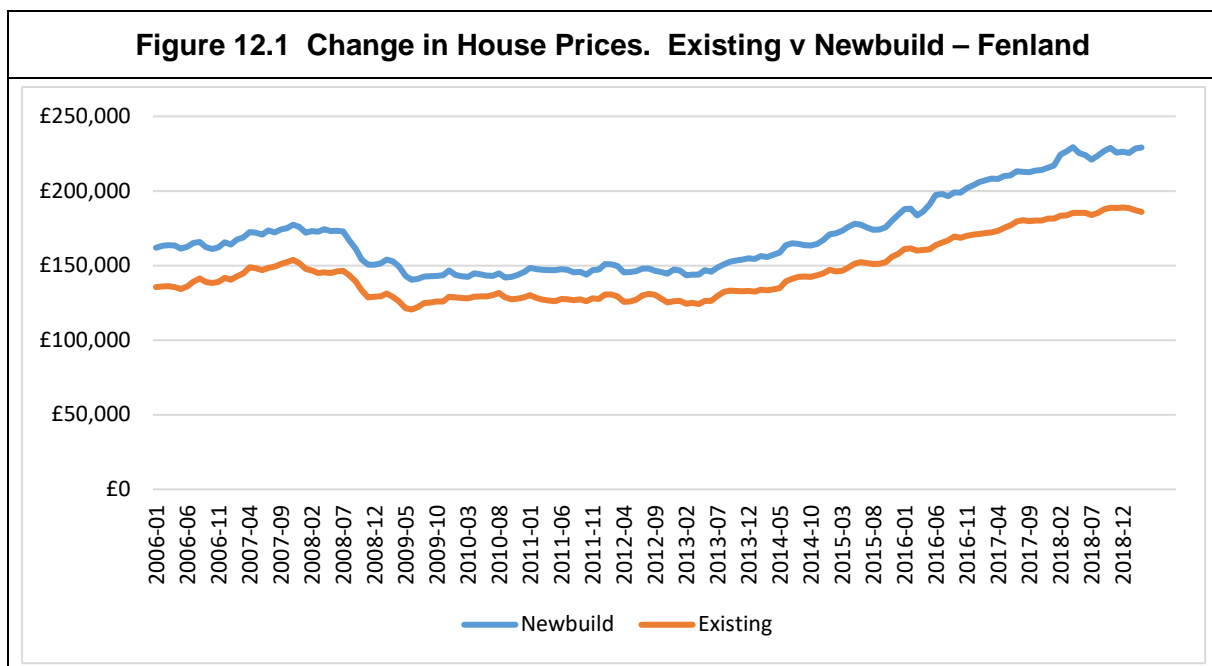
- 12.17 The assessment of viability as required under the 2019 NPPF and the CIL Regulations is a quantitative and qualitative process. The basic viability methodology involves preparing financial development appraisals for a representative range of ‘typologies’, and using these to assess whether development, generally, is viable. The sites were modelled based on discussions with Council officers, the existing available evidence supplied and on our own experience of development.

#### **Residential Market**

- 12.18 An assessment of the housing market was undertaken. The study is concerned not just with the prices but the differences across different areas.

12.19 When ranked across England and Wales, the average house price for FDC is 250<sup>th</sup> (out of 348) at about £202,805. To set this in context, the Council at the middle of the rank (174 – Herefordshire), has an average price of £264,989. It is relevant to note that FDC’s median price is a lower than the mean at £185,000.

12.20 Prices in the FDC area have seen a significant recovery since the bottom of the market in mid-2009. A characteristic of the data is that the values of newbuild homes have increased faster than that for existing homes. The Land Registry shows that the average price paid for newbuild homes in Fenland (£229,105) is about £43,000, or 23% higher than the average price paid for existing homes (£186,046).



Source: Figure 4.2 FDC Viability Assessment (December 2019)

12.21 This report is being completed after the United Kingdom voted to leave the European Union. It is not possible to predict the impact of leaving the EU, beyond the fact that the UK and the UK economy is in a period of uncertainty. Negotiations around the details of the exit are underway but not concluded, so the future of trade with the EU and wider world are not yet known. A range of views as to the impact on house prices have been expressed that cover nearly the whole spectrum of possibilities. There is clearly uncertainty in the market, and it is not for this study to try to predict how the market may change in the coming years, and whether or not there will be a further increase in house prices.

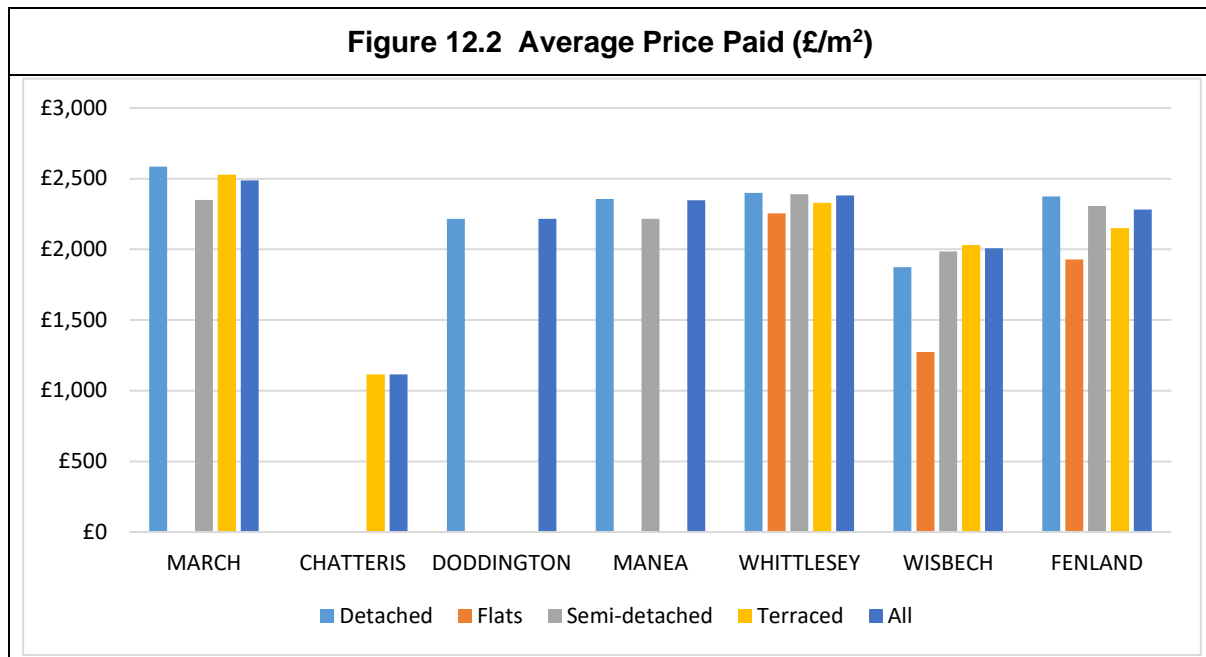
*The Local Market*

12.22 A survey of asking prices across the FDC area was carried out in August 2019.

12.23 The Land Registry publishes data of all homes sold. Across the FDC area 2,632 home sales are recorded since the start of 2018. These transactions (as recorded by the Land Registry) have an average price of £208,894. 320 newbuild home sales are recorded since the start of 2017. Each dwelling sold requires an Energy Performance Certificate (EPC). The EPC



contains the floor area (the Gross Internal Area – GIA). The price paid data from the Land Registry has been married with the floor area from the EPC Register. The Land Registry data can be broken down by house type and is summarised as follows:



Source: Figure 4.9 FDC Viability Assessment (December 2019). Land Registry and EPC Register (August 2019) Contains HM Land Registry data © Crown copyright and database right 2019. This data is licensed under the Open Government Licence v3.0.

12.24 The average price paid is £2,283/m<sup>2</sup>, ranging from £1,115/m<sup>2</sup> to over £3,260/m<sup>2</sup>.

*Price Assumptions for Financial Appraisals*

12.25 Bringing together the evidence (which we acknowledge is varied), the following price assumptions are used:

	Higher Value	Lower Value
Urban Sites	£2,275	£2,050
Flatted Schemes	£2,500	£2,250
Large Greenfield Sites	£2,450	£2,200
Medium Greenfield Sites	£2,400	£2,160
Small Greenfield Sites	£2,750	£2,500

Source: Table 4.8 FDC Viability Assessment HDH (December 2019)

12.26 The results are presented for two price areas. For this assessment we have divided the District with the area to the north of where the A47 crosses the River Nene (by the Rings End Roundabout at Guyhirn) being a lower value area, and the remainder of the District being a higher value area.

*Build to Rent*

12.27 The Council has not seen Build to Rent schemes coming forward however this is a growing development format. The Built to Rent sector is a different sector to mainstream housing and treated differently to mainstream housing under the PPG. A survey of market rents across the FDC area has been undertaken and from this the values of Private Rented Housing derived.

<b>Table 12.2 Capitalisation of Private Rents</b>				
	1 bed	2 bed	3 bed	4 bed
Gross Rent (£/month)	£510	£625	£680	£900
Gross Rent (£/annum)	£6,120	£7,500	£8,160	£10,800
Net Rent	£4,896	£6,000	£6,528	£8,640
Value	£97,920	£120,000	£130,560	£172,800
m <sup>2</sup>	50	70	84	97
£/m <sup>2</sup>	£1,958	£1,714	£1,554	£1,781

Source: Table 4.9 FDC Viability Assessment HDH (December 2019)

12.28 In this study we have assumed a value for private rent, in all areas, of £1,750/m<sup>2</sup>.

*Affordable Housing*

12.29 In this study, it is assumed that Affordable Housing is constructed by the site developer and then sold to a Registered Provider (RP). The following values are used across the FDC area:

- a. Social Rent – a value of £1,180/m<sup>2</sup>.
- b. Affordable Rent – a value of £1,400/m<sup>2</sup>.
- c. Intermediate Products for Sale – 70% of Open Market Value.

*Older People's Housing*

12.30 Housing for older people is generally a growing sector due to the demographic changes and the aging population. Based on the above, a value of £2,800/m<sup>2</sup> is assumed for Sheltered housing and £3,000/m<sup>2</sup> is assumed for Extracare.

**Non-Residential Market**

12.31 The following assumptions have been used:



<b>Table 12.3 Commercial Values £/m<sup>2</sup> 2019</b>					
	Rent £/m <sup>2</sup>	Yield	Rent free period		Assumption
Offices	£215	7.00%	1.0	£1,335	£1,500
Industrial	£75	7.00%	1.0	£1,001	£1,000
Retail - Centre	£270	8.00%	2.0	£2,894	£2,900
Retail (elsewhere)	£150	10.00%	2.0	£1,240	£1,250
Large Supermarket	£250	5.50%	1.0	£4,308	£4,300
Small Supermarket	£215	5.00%	1.0	£4,095	£4,100
Retail warehouse	£180	6.00%	2.0	£2,670	£3,270
Hotel (per room)	£4,500	5.50%	0.0	£81,818	£3,300

Source: Table 5.2 FDC Viability Assessment HDH (December 2019)

### Land Values

12.32 In this assessment the following Existing Use Value (EUV) assumptions are used.

<b>Table 12.4 Existing Use Value Land Prices £/ha</b>		
<b>August 2019</b>		
Industrial Land	1ha +	£100,000
	Less than 1ha	£250,000
Agricultural		£25,000
Paddock		£50,000

Source: Table 6.4 FDC Viability Assessment HDH (December 2019)

12.33 The updated PPG makes specific reference to Benchmark Land Values (BLV) so it is necessary to address this. The following BLV assumptions are made:

Brownfield/Urban Sites: EUV Plus 20%.

Greenfield Sites: EUV Plus £250,000/ha.

### Development Costs

12.34 These are the costs and other assumptions required to produce the financial appraisals.

*Construction costs: baseline costs*

12.35 The cost assumptions are derived from the Building Cost Information Service (BCIS)<sup>1</sup> data – using the figures re-based for Cambridgeshire<sup>2</sup>. The cost figure for ‘Estate Housing –

<sup>1</sup> BCIS is the Building Cost Information Service of the Royal Institution of Chartered Surveyors.

<sup>2</sup> The sample size for Fenland is very small (16) so the larger area is used.

Generally' is £1,281/m<sup>2</sup> at the time of this study: Through the September 2019 consultation it was suggested that a figure between the lower quartile figure and the median was appropriate and had been used.

#### *Other normal development costs*

- 12.36 In addition to the BCIS £/m<sup>2</sup> build cost figures described above, allowance needs to be made for a range of site costs (roads, drainage and services within the site, parking, footpaths, landscaping and other external costs).
- 12.37 A scale of allowances has been developed for the residential sites, ranging from 5% of build costs for the smaller sites and flatted schemes, to 15% for the larger greenfield schemes.

#### *Abnormal development costs and brownfield sites*

- 12.38 An additional allowance is made for abnormal costs associated with brownfield sites of 5% of the BCIS costs. Abnormal costs will be reflected in land value (and, in due course, at the development management stage, in the BLV). Those sites that are less expensive to develop will command a premium price over and above those that have exceptional or abnormal costs. It is not the purpose of a study of this type to standardise land prices across an area.

#### *Fees*

- 12.39 For residential and non-residential development we have assumed professional fees amount to 9% of build costs. Separate allowances are made for planning fees, acquisition, sales and finance costs.

#### *Contingencies*

- 12.40 For previously undeveloped and otherwise straightforward sites, a contingency of 2.5% has been allowed for, with a higher figure of 5% on more risky types of development, previously developed land. So, the 5% figure was used on the brownfield sites and the 2.5% figure on the remainder.

#### *S106 Contributions and the costs of infrastructure*

- 12.41 For many years, FDC has sought payments from developers to mitigate the impact of the development through improvements to the local infrastructure. In line with the Council's expectations it is assumed all the modelled residential sites will contribute £2,000/unit. Bearing in mind the considerable uncertainty in this regard a range of higher costs have also been tested.

### **Financial and Other Appraisal Assumptions**

#### *Interest rates*

- 12.42 Our appraisals assume interest of 6% p.a. for total debit balances, we have made no allowance for any equity provided by the developer.

12.43 An arrangement fee of 1% of the peak borrowing requirement is also allowed for.

#### *Developers' return*

12.44 This is a high-level study where it is necessary and proportionate to take a relatively simplistic approach, so, rather than apply a differential return (i.e. site-by-site or split), it is appropriate to make some broad assumptions. The updated PPG says '*For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies*'. An assumption of 17.5% is used across market and Affordable Housing.

#### *Site Acquisition and Disposal Costs*

12.45 An allowance 1% for acquisition agents' and legal fees. Stamp duty is calculated at the prevailing rates.

12.46 For market and for Affordable Housing, sales and promotion and legal fees are assumed to amount to 3.5% of receipts. For disposals of Affordable Housing, these figures can be reduced significantly depending on the category, so in fact the marketing and disposal of the affordable element is probably less expensive than this.

### **Local Plan Policy Requirements**

12.47 The specific purpose of this study is to inform the development of the emerging Local Plan and then, in due course, to assess the cumulative impact of the policies in the new Local Plan. The development of the policies is at an early stage and the options are still being explored, having said this, the policies can be separated into various and tested.

### **Modelling**

12.48 The approach is to model a set of development sites that are broadly representative of the type of development that is likely to come forward under the new Local Plan.

### **Residential Appraisals**

12.49 The appraisals use the residual valuation approach – they assess the value of a site after taking into account the costs of development, the likely income from sales and/or rents and a developers' return. The Residual Value represents the maximum bid for the site where the payment is made in a single tranche on the acquisition of a site. In order for the proposed development to be viable, it is necessary for this Residual Value to exceed the EUV by a satisfactory margin, being the Benchmark Land Value (BLV).

12.50 Several sets of appraisals have been run, including with varied levels of Affordable Housing and developer contributions.

12.51 These appraisals are based on the following assumptions. These base appraisals have been based on 30% Affordable Housing.

- |    |                         |   |
|----|-------------------------|---|
| a. | Affordable Housing      | 30% on sites of 10 units and larger (6 units and larger in rural areas) as 70% Affordable Rent, 30% Intermediate. |
| b. | Design                  | NDSS<br>Water efficiency / Car Charging Points  |
| c. | Developer Contributions | s106 - £2,000/unit.   |

12.52 The results vary across the modelled sites, although this is largely due to the different assumptions around the nature of each typology. The additional costs associated with brownfield sites result in lower Residual Values.

12.53 In the following tables the Residual Value is compared with the BLV. The Benchmark Land Value being an amount over and above the Existing Use Value that is sufficient to provide the willing landowner with a premium, and induce them to sell the land for development as set out in Chapter 6 above.

<b>Table 12.5a Residual Value v Benchmark Land Value - SOUTH</b>					
30% Affordable (70% Social Rent / 30% Intermediate), s106 £2,000/unit					
			EUV	BLV	Residual Value
Site 1	Green 2,000	South	25,000	275,000	140,018
Site 2	Green 750	South	25,000	275,000	178,655
Site 3	Green 150	South	25,000	275,000	166,115
Site 4	Green 75	South	25,000	275,000	171,397
Site 5	Green 35	South	25,000	275,000	80,760
Site 6	Green 20	South	50,000	300,000	76,153
Site 7	Green 12	South	50,000	300,000	233,750
Site 8	Green 9	South	50,000	300,000	1,052,920
Site 9	Green 6	South	50,000	300,000	943,653
Site 10	Green 3	South	50,000	300,000	1,343,358
Site 11	Green Plot	South	50,000	300,000	1,514,526
Site 12	Urban 300	South	100,000	120,000	-195,590
Site 13	Urban 40	South	100,000	120,000	-479,706
Site 14	Urban 25	South	100,000	120,000	-395,312
Site 15	Urban 25 HD	South	250,000	300,000	-1,187,858
Site 16	Urban 15	South	250,000	300,000	-502,528
Site 17	Urban 15 HD	South	250,000	300,000	-1,246,015
Site 18	Urban 10	South	250,000	300,000	-218,722
Site 19	Urban 8	South	250,000	300,000	-471,670
Site 20	Urban 8 HD	South	250,000	300,000	-813,359
Site 21	Urban 5	South	250,000	300,000	154,135
Site 22	Urban 3	South	250,000	300,000	251,326
Site 23	Urban Plot	South	250,000	300,000	268,740
Site 24	PRS 25	South	250,000	300,000	-1,825,683
Site 25	Bungalows 12	South	50,000	300,000	399,168

Source: Table 10.2a FDC Viability Assessment HDH (December 2019)

<b>Table 12.5b Residual Value v Benchmark Land Value - NORTH</b>					
30% Affordable (70% Social Rent / 30% Intermediate), s106 £2,000/unit					
			EUV	BLV	Residual Value
Site 1	Green 2,000	North	25,000	275,000	-72,129
Site 2	Green 750	North	25,000	275,000	-54,941
Site 3	Green 150	North	25,000	275,000	-139,012
Site 4	Green 75	North	25,000	275,000	-191,708
Site 5	Green 35	North	25,000	275,000	-253,986
Site 6	Green 20	North	50,000	300,000	-263,595
Site 7	Green 12	North	50,000	300,000	-101,395
Site 8	Green 9	North	50,000	300,000	583,903
Site 9	Green 6	North	50,000	300,000	501,657
Site 10	Green 3	North	50,000	300,000	875,159
Site 11	Green Plot	North	50,000	300,000	980,668
Site 12	Urban 300	North	100,000	120,000	-542,658
Site 13	Urban 40	North	100,000	120,000	-914,446
Site 14	Urban 25	North	100,000	120,000	-765,004
Site 15	Urban 25 HD	North	250,000	300,000	-848,423
Site 16	Urban 15	North	250,000	300,000	-945,096
Site 17	Urban 15 HD	North	250,000	300,000	-1,654,194
Site 18	Urban 10	North	250,000	300,000	-596,733
Site 19	Urban 8	North	250,000	300,000	-1,021,523
Site 20	Urban 8 HD	North	250,000	300,000	-1,129,987
Site 21	Urban 5	North	250,000	300,000	-286,279
Site 22	Urban 3	North	250,000	300,000	-364,255
Site 23	Urban Plot	North	250,000	300,000	-381,090
Site 24	PRS 25	North	250,000	300,000	-1,825,683
Site 25	Bungalows 12	North	50,000	300,000	-25,263

Source: Table 10.2b FDC Viability Assessment HDH (December 2019)

- 12.54 At the 30% Affordable Housing, the only typology where the Residual Value exceeds the BLV is the typology modelled at lower density with bungalows. Bungalows are modelled with a higher value. The Residual Values are notably higher in the higher value southern area and the lower value northern area.
- 12.55 These results are very much to be expected as the Council's Affordable Housing target is 25% across most sites, with 20% on smaller sites. A range of further appraisals have been run to inform the development of planning policy.

- 12.56 The core purpose of this study is to consider an appropriate Affordable Housing target. Sensitivity testing was carried out based on the (current) preferred mix of 70% Affordable Rent / 30% Intermediate Housing.
- 12.57 The results are significantly different across the southern and the northern areas. In the higher value southern area, on the larger greenfield sites, the 'tipping' point in terms of the Residual Value exceeding the BLV is between 20% and 25% Affordable Housing. This is in line with expectations, on the basis that some sites are delivering affordable in this area and that viability has got a little worse (costs rising more than values) since the Affordable Housing target was set. This would suggest that a 20% target would be appropriate.
- 12.58 In the lower value northern area, the larger greenfield typologies produce Residual Values that are less than the BLV without Affordable Housing, indicating that not only is development unable to bear Affordable Housing in this area, but is also unlikely to be forthcoming.
- 12.59 The smaller sites (in the 6 unit to 10 unit band) that are within the parishes in the 'designated rural area', in both the north and south of the District, have higher Residual Values, reflecting the slightly higher value attributed to residential development on smaller sites. These types of site are able to bear Affordable Housing so we would recommend a lower threshold is set. If a 20% Affordable Housing target is adopted, then the lowest practical threshold that allows for the delivery of a whole unit is 5. A policy threshold of 5 units would be appropriate.
- 12.60 Across both the northern and the southern areas, the brownfield typologies generate Residual Values that are not only below the EUV, but are also negative. This indicates that development on these types of site is likely to be unviable, even without the provision of any Affordable Housing. The Council's experience on the ground, through the development management system, is that some schemes are coming forward within the urban areas and on greenfield sites, but these are limited and are not generally delivering Affordable Housing (this is also, at least in part, because such sites tend to be small sites that are below the Affordable Housing policy threshold).
- 12.61 The Council should be cautious about allocating sites in the north of the District as these are unlikely to be forthcoming. Likewise, the Council should be cautious when relying on brownfield/urban sites to deliver housing (for example within the five year supply assessment) as such sites are clearly challenging to deliver. The exception to this advice is where there is clear evidence that a policy compliant scheme can be delivered on a site.

#### *Developer Contributions*

- 12.62 The initial analysis considered the impact of Affordable Housing on development viability. The ability to bear developer contributions (without Affordable Housing) was also considered
- 12.63 Most greenfield sites can bear up to £15,000/unit in developer contributions. In the northern parts of the District the scope to bear developer contributions is limited.

*Varied Developer's Return*

- 12.64 Through the consultation process, a range of views were expressed at to the appropriate developer's return. This is an area where there was not a consensus. A range of assumptions have been tested.
- 12.65 In the initial iteration of this assessment, the developer's return is assessed as 17.5% of the value of market housing and 6% of the value of Affordable Housing. 17.5% is the middle of the range suggested in the PPG.
- 12.66 It is accepted that using different assumptions in this regard has an impact on the Residual Value. It is notable that if the 20% assumption is used on both market and Affordable Housing, at 20% Affordable Housing little development is viable. This does not represent what is happening on the ground, as development is coming forward.

*Other Policy Requirements*

- 12.67 The Council is at an early stage of the plan-making process. We have been asked to test the impact of higher building standards on development viability. We have tested the additional costs of building to Option 1 and Option 2 as set out in the Government's consultation on 'The Future Homes Standard'.
- 12.68 The Council is also investigating seeking additional standards around accessible and adaptable standards. We have assessed what the impact would be of requiring all new homes to be designed to be accessible and adaptable dwellings with 10% of housing to be wheelchair adaptable dwellings.
- 12.69 The analysis shows that the additional costs on increased standards does have a detrimental impact on viability. At 20% Affordable Housing there would be limited scope to introduce higher standards, beyond the Accessible and Adaptable Category 2 Standard.
- 12.70 The consultation on the Future Homes Standard is being carried out on the basis any changes would be introduced from 2025. Whilst it is prudent to consider their impact now, there is little scope to introduce the emerging requirements at this stage.

*Affordable Housing v Developer Contributions*

- 12.71 The core balance in a viability assessment is between the provision of Affordable Housing and the payment of developer contributions towards strategic infrastructure and mitigation measures that are required to make development acceptable.
- 12.72 At the time of this assessment the Council has not completed the research behind the updated Infrastructure Delivery Plan (IDP) so does not know what levels of contribution will be sought from development in the future. In the base analysis it is assumed that the current typical contribution of about £2,000/unit will continue, although there is uncertainty around this pending the completion of the Councils Infrastructure Delivery Plan (IDP).



- 12.73 The analysis suggests that there is not capacity to seek increased levels of developer contribution with an Affordable Housing target of 20%.

*Suggested Affordable Housing Targets*

- 12.74 In the sections above, the ability of development to bear a range of costs has been considered. How this information is brought together will be a matter for the Council – bearing in mind its own priorities.
- 12.75 The results vary significantly between the southern and the northern areas. At the time of this assessment, the Council has not completed the research behind the updated Infrastructure Delivery Plan (IDP) so does not know what levels of contribution will be sought from development in the future. In the base analysis it is assumed that the current typical contribution of about £2,000/unit will continue. The above analysis suggests that there is not capacity to seek increased levels of developer contribution with an Affordable Housing target of 20%.
- 12.76 Should higher level of developer contributions be required to provide the infrastructure to support new development then it may be necessary to consider a lower affordable housing target. With a £5,000/unit developer contribution an affordable housing target of 10% would be appropriate in the southern area.
- 12.77 The smaller sites (in the 6 unit to 10 unit band) that are within the parishes in the ‘designated rural area’, in both the north and south of the District, have higher Residual Values, reflecting the slightly higher value attributed to residential development on smaller sites. These types of site are able to bear Affordable Housing of up to 25% so we would recommend a lower threshold is set (6 is the minimum under paragraph 63 of the 2019 NPPF).
- 12.78 At the time of this report, no strategic sites have been identified. In due course these will need to be tested individually. There is no doubt that the delivery of any large site is challenging. Regardless of these results, it is recommended that that the Council engages with the owners in line with the advice set out in the Harman Guidance (page 23):

*Landowners and site promoters should be prepared to provide sufficient and good quality information at an early stage, rather than waiting until the development management stage. This will allow an informed judgement by the planning authority regarding the inclusion or otherwise of sites based on their potential viability.*

- 12.79 In this context we particularly highlight paragraph 10-006 of the PPG:

*... It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan....*

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- 12.80 Based on the above a 20% Affordable Housing target is suggested on greenfield sites.

*Scope for CIL*

- 12.81 In the previous sections the ability to bear developer contributions was considered at varied levels of affordable housing. On greenfield sites in the south of the District, at 20% affordable housing there is scope for £2,000/unit, and at 10% affordable housing there is scope for £5,000 or so. Without affordable housing there is scope for £15,000 or so on greenfield sites in the south of the District.
- 12.82 The above analysis simply considers the ability to bear different levels of contribution, having no regard for how the contributions are paid. Developer contributions can be paid through the s106 regime or as CIL. Payments requested under the s106 regime are determined site by site as set out in CIL Regulation 122.
- 12.83 Where a CIL is in place, it is mandatory on all developments within the categories and areas where the levy applies. This is unlike s106 agreements (including Affordable Housing) which are negotiated with developers (subject to the restrictions in CIL Regulation 122 and within paragraphs 10-007 and 10-008 of the PPG). This means that CIL must not prejudice the viability of most sites. This difference is reflected in the CIL Guidance (within the PPG) that refers to a buffer.
- 12.84 The level of the buffer has been debated at many CIL hearings, but generally CIL Examiners like to see a buffer of between 30% and 50% between the Residual Value and the Benchmark Land Value. On this basis there is limited scope to introduce CIL.

**Commuted Sums**

- 12.85 The Council's preference is for Affordable Housing to be delivered on-site. This approach is in line with Paragraph 62 of the 2019 NPPF. Having said this, it is sensible for councils to set out guidance as to how a commuted sum would be calculated so as to provide transparency, and to avoid the undue delays that might arise during s106 negotiations if details of a payment had to be developed from first principles on each occasion. The approach used in the calculation of the developer contribution utilises the site viability analysis. It is based upon the contribution that the developer would have made if an on-site affordable contribution were delivered.
- 12.86 Paragraph 62 of the 2019 NPPF is clear that off-site provision or financial contribution in lieu '*can be robustly justified*'. On this basis, the above calculations provide a sound basis for determining a commuted sum figure. If the Council were to publish a 'standard commuted sum payment', we would recommend a £45,000/unit payment per affordable unit not delivered on-site.

*Impact of Change in Values and Costs*

- 12.87 Whatever policies are adopted, the Plan should not be unduly sensitive to future changes in prices and costs. In this report, the analysis is based on the build costs produced by BCIS. As well as producing estimates of build costs, BCIS also produce various indices and forecasts to track and predict how build costs may change over time. The BCIS forecasts an increase

in prices of 10.08% over the next 3 years<sup>3</sup>. We have tested a scenario with this increase in build costs. As set out in Chapter 4, we are in a current period of uncertainty in the property market. It is not the purpose of this report to predict the future of the market. We have tested four price change scenarios.

- 12.88 The analysis demonstrates that a relatively small increase in build costs will adversely impact on viability, although this is unlikely to be sufficient to impact on the deliverability of the Plan. Conversely a modest increase in value could have a significant impact in improving viability.

#### *Review*

- 12.89 The direction of the market, as set out in Chapter 4 above, is improving, and there is an improved sentiment that the economy and property markets are improving. There is however some level of uncertainty. Bearing in mind FDC's wish to develop housing, and the requirements to fund infrastructure, it is recommended that the Council keeps viability under review; should the economics of development change significantly, it should consider undertaking a limited review of the Plan to adjust the Affordable Housing requirements or levels of developer contribution.

- 12.90 In this regard it is timely to highlight paragraph 10-009-20180724 of the PPG.

#### *How should viability be reviewed during the lifetime of a project?*

*Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.*

*Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.*

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- 12.91 It is recommended that, on sites where the policy requirements are flexed, the Council includes review mechanisms.

#### **Older People's Housing**

- 12.92 As well as mainstream housing, we have considered the Sheltered and Eextracare sectors separately. Appraisals were run for a range of Affordable Housing requirements.

- 12.93 Based on this analysis, specialist older people's housing is not able to bear developer contributions (financial or Affordable Housing) in the FDC area.

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<sup>3</sup> See Table 1.1 (Page 7) of in *Quarterly Review of Building Prices*

**Non-Residential Appraisals**

- 12.94 As with the residential appraisals, we have used the Residual Valuation approach. We have run appraisals to assess the value of a site after taking into account the costs of development, the likely income from sales and/or rents, and an appropriate amount of developers' profit.
- 12.95 To a large extent the above results are reflective of the current market in the District and more widely. Office and industrial development are shown as being unviable, however this is not just an issue within FDC, a finding supported by the fact that such development is only being brought forward to a limited extent on a speculative basis by the development industry. Where development is coming forward (and it is coming forward), it tends to be from existing businesses for operational reasons, for example existing local businesses moving to more appropriate and better located town edge properties.
- 12.96 It is clear that the delivery of the employment uses is challenging in the current market. We would urge caution in relation to setting policy requirements for employment uses that would unduly impact on viability.
- 12.97 The larger format retail development is shown as viable with the Residual Value exceeding the Benchmark Land Value by a substantial margin. The Plan supports the development of retail uses in the town centres, but there are limited remaining opportunities within the town centres beyond those being currently pursued. The Council wishes to see a broad range of retailing in the towns, and the Plan directs this towards the town centres.
- 12.98 The analysis included hotel use. This is shown to be viable on greenfield and brownfield land.

**Conclusions**

- 12.99 The property market across the Fenland is mixed, although parts are active and development is forthcoming.
- 12.100 In simple terms the greenfield sites in the southern part of the District are shown as viable, but greenfield sites in the northern areas and the brownfield sites not viable. This is to be expected, generally the Council is achieving Affordable Housing on greenfield sites but not on brownfield sites. The Council should be cautious about allocating sites in the north of the District or relying on the brownfield sites, (for example within the five-year land supply assessment).

**HDH Planning and Development Ltd** is a specialist planning consultancy providing evidence to support planning authorities, land owners and developers. The firm is regulated by the RICS.

The main areas of expertise are:

- Community Infrastructure Levy (CIL)
- District wide and site specific Viability Analysis
- Local and Strategic Housing Market Assessments and Housing Needs Assessments

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