

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 23 SEPTEMBER 2020

1.00 PM

**VIA ZOOM VIDEO CONFERENCING
SYSTEM**

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

The meeting will be available to view on YouTube: [URL](#)

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 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 F/YR20/0054/O
Land South Of Meadowgate Academy Meadowgate Lane Wisbech, Hybrid application: Erect up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout and works to Meadowgate Lane (Pages 3 - 22)

To determine the application.

5 F/YR20/0441/O

Land south of 127-141 Coates Road, Eastrea,,Erection of up to 20 dwellings (outline application with all matters reserved) (Pages 23 - 34)

To determine the application.

6 F/YR20/00508/F

Land North Of, 39 March Road, Rings End,Erect a 2-storey 3-bed dwelling involving demolition of outbuilding (Pages 35 - 52)

To determine the application.

7 F/YR20/0692/O

Kitchen Garden Cottage, Coxs Lane, Wisbech,Erect a dwelling involving removal of existing portacabin (outline application with all matters reserved) (Pages 53 - 64)

To determine the application.

8 Items which the Chairman has under item 2 deemed urgent

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

F/YR20/0054/O

Applicant: Mr & Mrs Humphrey

**Agent: Miss Grace Humphrey
Peter Humphrey Associates Ltd**

Land South Of Meadowgate Academy Meadowgate Lane Wisbech Cambridgeshire

Hybrid application: Erect up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout and works to Meadowgate Lane.

Reason for Committee: Number of representations contrary to the Officer recommendation and Statutory Consultee views are in conflict with Officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The proposal is a hybrid application for the proposed road layout (in full) and the construction of up to 10 self-build dwellings (in outline).**
- 1.2. The application site forms part of the East Wisbech Strategic Allocation, covered by an adopted Broad Concept Plan, and is accessed from Meadowgate Lane. The principle of residential development of the land is identified in the Broad Concept Plan.**
- 1.3. The main issue for consideration is the impact of the proposed access to the site, as it has not proven possible to devise a solution that results in no harm to either highway safety or landscape character of the area.**
- 1.4. The scheme presented by Officers is considered to represent the best compromise between harm to the character of the area and highway safety.**
- 1.5. Other issues are acceptable, and there is a Woodland Management Plan proposed to facilitate public access into the woodland to the east of the site and increase its biodiversity value.**
- 1.6. The proposal is subject to an objection from the Highways Authority, but is presented with a recommendation to grant planning permission.**

2. SITE DESCRIPTION

- 2.1. The application site is an open area of grassland located behind the highway hedgerow off Meadowgate Lane. It is bordered to the east by an area of woodland in private ownership, and Meadowgate Academy to the north. It is bordered to the south by an existing land drain.**

- 2.2. The site itself is generally open and grassed, with sporadic groupings of trees separate to the more formal woodland to the east.
- 2.3. The site is accessed from the wider area by Meadowgate Lane. This is a narrow lane of varying width that leads onto Quaker Lane to the north, before joining Money Bank that gives access to the south east side of Wisbech. Quaker Lane and Meadowgate Lane both provide direct access to dwellings along their lengths, as well as forming the only vehicular route to Meadowgate Academy. The road is generally lightly trafficked.
- 2.4. Meadowgate Academy is a specialist academy for pupils aged 2-19 who have an Education Health Care Plan. As a result, all of the pupils that attend the school are brought to the site by car/minibus etc.
- 2.5. To the south of the site, Meadowgate Lane continues for approximately 600m, providing sporadic access to other properties and pedestrian links to the residential development to the west. It then terminates prior to joining the A47 to the south, and therefore does not connect to the wider highway network in this area. It does provide a route for pedestrians, and particularly facilitates walking and cycling from the aforementioned residential developments.
- 2.6. The site lies within the East Wisbech Strategic Allocation and the approved Broad Concept Plan.
- 2.7. The site lies within Flood Zone 1.

3. PROPOSAL

- 3.1. The proposal is a hybrid application for residential development of the site, including full permission for the road layout on the site including alterations to Meadowgate Lane, with the remainder of the proposal in outline to allow the scheme to be developed for self-build plots.
- 3.2. The applicant has also provided a Woodland Management Plan for the area of land to the east of the application site in order to offset the biodiversity impacts of the scheme.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q3W32SHE0D800>

4. SITE PLANNING HISTORY

F/YR19/0199/SCOP	Scoping Opinion - Residential development with associated public open space, infrastructure, local centre and school	FREQ 30/04/2019
F/YR04/4197/F	Retention of a 1 x 3-bay mobile classroom The College Of West Anglia	Granted 20/12/2004
F/YR01/0936/F	Retention of 1 x 3-bay mobile classroom The College Of West Anglia	Granted 02/11/2001
F/98/0384/F	Retention of 1x 6-bay and 1x 3-bay mobile classroom	Granted 16/9/98

F/95/0349/F	Siting of 1x 6-bay and 1x 3-bay mobile classroom	Granted 7/9/95
F/90/0205/F	Stationing of sports pavilion	Granted 5/10/90
F/0804/78/F	Erection of cloakroom/changing accommodation	Permitted 13/12/78

5. CONSULTATIONS

5.1. Town Council

Objection. Contrary to Broad Concept Plan and access is inadequate to serve further residential development.

5.2. Cambridgeshire Constabulary

No objections in regard to community safety or vulnerability to crime. Will need to consider surveillance, defensible space, lighting scheme and landscaping/layout as the development progresses.

5.3. Cambridgeshire Fire and Rescue Service

Request provision is made for fire hydrants by way of S106 or Planning Condition.

5.4. FDC Tree Officer

Woodland management proposals would lead to a long-term gain in biodiversity through a more diverse structure and species range. A full woodland management plan would be required. Poplars are unsuitable trees for location within residential gardens and the development could lead to pressure for some to be removed, however the presence of the woodland TPO would allow the LPA to require high quality replacement native trees.

5.5. Wildlife Officer

Impacts on protected species can be made satisfactory by an appropriately worded condition securing details of proposed mitigation. Applicant's proposal to compensate for habitat loss is an acceptable approach but would need to be secured by condition or legal agreement.

5.6. FDC Transport Team

Support the comments made by Cambridgeshire County Council Highways Authority

5.7. FDC Environmental Services

Refuse vehicle would need to access the site, and indemnity would be required against any damage to the road surface caused by waste collection operations if roads are not adopted.

5.8. Cambridgeshire County Council Lead Local Flood Authority

No objection. Request a condition regarding surface water drainage details to be agreed prior to commencement of each plot.

5.9. FDC Environmental Health

No objections. Would like to see a construction management plan, and request a condition regarding unsuspected contamination.

5.10. Cambridgeshire County Council Highways Authority

“The Meadow Gate Lane access arrangement results in an intimidating environment for pedestrians and particularly for pedestrians within vulnerable user groups. The arrangement also results in a confusing layout for motorists, with a gradual taper from two way traffic to single vehicle flows which could inadvertently force motorists into the path of pedestrians along the proposed shared use footway.”

Full comments of the Local Highways Authority are included as Appendix A to this report.

5.11. Kings Lynn and West Norfolk Council

No objection in principle provided no further development utilises the vehicular access. FDC need to be satisfied other issues such as highway safety, flood risk and drainage, residential amenity and ecology are adequately resolved.

5.12. Kings Lynn Internal Drainage Board

No objections raised.

5.13. Local Residents/Interested Parties:

12 responses have been received stating objections to the proposal from 7 separate properties (on Quaker Lane, Meadowgate Lane, Mansell Road, and Queen Elizabeth Drive). They raise the following matters:

- Meadowgate Lane is a narrow country lane, bordered by mature hedgerows
- Hedgerows will be lost
- Safety risk between vehicles and pedestrians using the lane
- Disruption to existing residents due to self-build nature of the site
- BCP makes no provision for access along Quaker/Meadowgate Lanes
- Increased noise and pollution due to traffic
- Concern this could become part of the wider development site (BCP)
- Could become a focus for anti-social behaviour
- Impact on wildlife and biodiversity
- No previous indication made of housing development
- Development on Stow Lane refused
- Sets a precedent
- Construction impacts on nearby properties
- Dispute that the previous equestrian centre generated more traffic than the proposal
- Lighting comments from statutory consultees conflict with each other
- Premature
- Increased traffic

6. STATUTORY DUTY

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

6.2. Section 1 of the Self-Build and Custom Housebuilding Act 2015 (as amended) requires Local Authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house-building. There are also duties under sections 2 and 2A of the Act to have regard to this register

when carrying out its planning functions and to give enough suitable planning permissions to meet the identified demand.

7. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 64: Planning policies should expect at least 10% of the homes to be available for affordable home ownership, unless a specific exemption applies

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

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

Para 175: Harm to habitats and biodiversity.

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context

Movement

Nature

Public Spaces

Uses

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP8 – Wisbech

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

East Wisbech Broad Concept Plan

8. KEY ISSUES

- **Principle of Development**
- **Self and Custom Build Housing**
- **Highway Safety & Character Harm**
- **Visual Impact & Character**
- **Biodiversity Impact**
- **Flood Risk**
- **Other Matters**

9. BACKGROUND

- 9.1. The application site is located within the East Wisbech Strategic Allocation, for which there is an approved Broad Concept Plan in place setting out the nature of the development proposed and how it is envisaged to integrate into the wider area.
- 9.2. The particular application site is located at the very edge of the BCP area, and is connected to the remainder of the allocation by a narrow strip of land between the woodland to the east, and an area identified for the potential expansion of the Meadowgate Academy. The analysis undertaken identified that this piece of land was not suitable for providing vehicular access into the wider BCP due to the nature of Meadowgate Lane. It was however indicated as being important to retain the existing walking and cycling links in the area, and connecting those to the overall Strategic Allocation to the north.
- 9.3. Notwithstanding that conclusion, the BCP does not seek to impose specific details on development, and does not therefore preclude development of this parcel of land with vehicular access, provided that access does not then lead into the wider BCP area.
- 9.4. There is no site-specific application background in relation to the proposal, although the land was included in a Scoping Request covering the entirety of the BCP site in 2019. No pre-application advice has been sought in respect of the scheme.

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. Wisbech is a Primary Market Town, one of four settlements within the highest level of the hierarchy where the majority of the development within the District is expected to take place over the plan period.
- 10.2. The application site forms part of the East Wisbech Strategic Allocation for residential development that is addressed by the East Wisbech Broad Concept Plan (BCP), and as such the principle of residential development of the land is in accordance with the relevant planning policies.
- 10.3. As noted in paragraph 9.2, the East Wisbech BCP addressed the issue of access from the land onto Meadowgate Lane, however this is a matter of detail rather than principle and therefore is considered below.

Self and Custom Build Housing

- 10.4. The application is submitted to the Local Planning Authority on the basis that the proposed plots are for self-build properties, and therefore in accordance with paragraph 64 (c) of the National Planning Policy Framework (2019) the site is exempt for a requirement to provide affordable housing. The Council also has a duty, as set out in law, to ensure such plots are available to meet the demand on the related register. Currently the Council has granted no permissions for dwellings specifically applied for as self or custom build. There are currently five individuals on the register and consequently this matter should be given weight in the decision making process.
- 10.5. The intention of such an application is to deliver serviced plots which come ready to build on and consist of road and service provision including drainage.

Highway Safety & Character Harm

- 10.6 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.7 Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.8 The proposed scheme is for the development of up to 10 dwellings on the land, with the plots identified on the proposed site plan suggesting that the development would be likely to accommodate 'executive' scale dwellings.
- 10.9 Highways standards indicate that for development of this number of dwellings, the vehicular access to the site should provide a 2-way vehicle flow (5-5.5m wide carriageway) with a segregated 1.8m wide footway. The plans originally submitted showed the culverting of approximately 50m of the drainage ditch on the western side of the existing carriageway, and the removal of the hedgerow on the eastern side of the carriageway to provide the required standards.
- 10.10 However, due to the existing character of the area which is that of a narrow country lane, and Local Planning Authority considered that significant harm would occur to part of Meadowgate Lane as a result of the proposed highways works and would therefore result in the scheme being contrary to the requirements of policy LP16 of the Fenland Local Plan which seeks to protect and enhance biodiversity on and surrounding the site and retain natural features such as hedgerows and drains.
- 10.11 Subsequently, the applicant entered into further negotiations with the Local Planning Authority and the Local Highways Authority to attempt to find a solution that reduced the character harm caused by the required highway works and yet was still acceptable from a highway safety perspective. Unfortunately after several design iterations, this proved to not be possible. The scheme presented to members therefore does not have the support of the Local Highway Authority, and the Highways Development Management Engineer's comments summary is referenced at 5.10, and the full comments are available as Appendix 1 of the Committee Report.
- 10.12 The amended highway proposal now presented for consideration sees some changes to the existing width of Meadowgate Lane to the south and the provision of a 1.5 m wide footpath along the eastern side of the road from the junction of the Meadowgate Academy School. The proposed footpath would be in part a shared surface to allow vehicles to pass each other beyond the Meadowgate Academy School and the entrance into the site. The shared surface would however still clearly define a pedestrian route to the side of the main roadway. Meadowgate Lane would be widened as it leads up to the site access from the north, facilitating two-way vehicle flow around the junction.
- 10.13 In considering the provision of a 1.5 m wide footpath, the Local Highway Authority has commented that the footpath will need to be lit which will result in

a further narrowing on the footpath in places. Normally a footpath should be 1.8 m wide on a road where the national speed limit applies (such as this part of Meadowgate Lane) and shared surfaces are only appropriate for roads less than 30 mph. The Local Highway Authority therefore suggests that the 30mph speed limit signs are relocated south of the development access. It is therefore considered appropriate to incorporate the relocation of the speed limit signs within a legal agreement which will form part of the planning permission.

- 10.14 This proposal would still be likely to result in the loss of some hedgerow to the east of the proposed footway, however this part is not of high quality and its loss would not significantly harm the character of the area, particularly in view of the retention of the existing trees along the boundary of the school site. A condition could be placed on any permission to address detailed impacts on the hedgerow and any proposed replacement planting to compensate.
- 10.15 The scheme presented to members remains a compromise given the in-principle support given to residential development on the site by the East Wisbech BCP. It would result in some harm to the character of the area through the loss of some hedgerow and the road widening, although this harm is now considered acceptable following the revisions to the scheme.
- 10.16 It is considered that a condition requiring details of the construction of the proposed road layout is appropriate, and that such a condition could also be used to ensure that the spur leading to the field/woodland maintenance access could be construction to a lesser standard to ensure that it is visually legible as a service road and not a formal link to the land beyond for access to the wider BCP area.
- 10.17 As the proposal is only for 10 dwellings and on the basis that it is within the remit of the Local Planning Authority to ensure no further vehicular access is granted to the wider BCP site from Meadowgate Lane, it is considered that the harm caused to the character of the area by the highway works and the concerns highlighted by the Highways Development Management Engineer are not sufficient to justify refusal of the scheme on highway grounds in this instance.

Visual Impact & Character

- 10.18 In addition to the character impact identified due to the proposed highway works considered in the previous section, there will be some visual impact to the area from the new dwellings. Although detailed design considerations are not for approval at this stage, it is prudent to include a design code condition to ensure that details relating to building heights and massing, materials and landscaping is considered and agreed prior to the submission of any reserved matters.

Biodiversity Impact

- 10.19 Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.
- 10.20 The proposal will result in some harm to biodiversity as a result of the development of an existing area of grassland, hedgerows and mature trees. It is noted however that the Wildlife Officer has identified that specific, targeted

mitigation measures can be incorporated into the proposal to offset the harm caused by the development of the site. These would include a long-term woodland management plan setting out all tasks and timings of woodland works. It should include the creation of woodland rides and glades in advance of clearance of the actual development site.

- 10.21 The applicant has submitted a Woodland Management Plan designed to bring the woodland area to the east back into public use and active management. Both the Tree Officer and the Wildlife Officer have indicated that this proposal would result in long term gain for the biodiversity of the area.
- 10.22 On that basis, it is therefore considered that the proposal does not result in harm to the biodiversity of the site in the long term, but that planning conditions requiring protected species mitigation and a legal agreement regarding the Woodland Management Plan would be necessary.
- 10.23 The applicant is aware of this requirement, however in light of the objection to the proposal from the Highways Authority, the LPA has not requested that such an agreement be prepared in advance of the Planning Committee considering the scheme.

Flood Risk

- 10.24 The site lies within Flood Zone 1 and whilst dwellings are categorised as 'more vulnerable' development within Flood Zone 1 is considered acceptable. Appropriate conditions will be imposed to ensure that the drainage of the site is adequate.

Other Matters

- 10.25 Several other matters have been identified as part of the consultation process in relation to the application and these are addressed as follows.

Not serving wider BCP area

- 10.26 The East Wisbech BCP identified that the development was not to be served by vehicular access from Meadowgate Lane. This remains the case, with the plans clearly stating that access to the east of the site is to the field/woodland only. It would be within the remit of the Local Planning Authority to control this through the layout of any proposals to develop the East Wisbech BCP ensuring that no access is possible, thus preventing the site serving the wider development area.

Traffic increases and noise/pollution

- 10.27 The proposal is for the construction of 10 dwellings on the land. There are currently 47 properties accessed off Quaker Lane and Meadowgate Lane, including the Meadowgate Academy immediately to the north of the site. The proposed development therefore would not result in an increase of such significance to justify refusal. The highways objections received in relation to the proposal relate to the specific details of the highway provision around the access to the development, and do not suggest that overall traffic levels along the road would be unacceptable.

- 10.28 The site is located within one of the most sustainable settlements within the Fenland District and whilst it is accepted that some journeys may still be made by private vehicle from the site, the location does allow for these to be minimal and do not justify refusal of the scheme.

Anti-social behaviour

10.29 The scheme is for a private residential development, that would increase supervision of the area in comparison to the current situation. The scheme has been assessed by Cambridgeshire Constabulary with a view to its impact in terms of Community Safety and they have identified no concerns with the proposal at this stage. There is therefore no justification for refusal of the application on these grounds.

Prematurity

10.30 This concerns the proposal to develop the site in advance of the development of the wider BCP scheme. The site itself is relatively self-contained in respect of the delivery of the wider BCP. As noted above, there is to be no vehicular access through the site to the wider development area, pedestrian links are adequately provided for through the woodland to the east, and these links would not be prejudiced by the development proposed. On that basis, the scheme is not considered to be harmful to the delivery of the wider BCP and refusal would not be justified on those grounds.

11 CONCLUSIONS

- 11.1 The principle of the residential development of the site is set out as acceptable within the East Wisbech Broad Concept Plan, and the site is located within Wisbech, which is within the highest level of the settlement hierarchy where the majority of development within the district is expected to take place over the plan period.
- 11.2 The development would result in the delivery of 10 self and custom build dwellings which would meet the demand currently on the Council's register.
- 11.3 The development would result in some harm and changes to the character of the area, and there is a highway safety impact concerning the proposed access to the site, with an unresolved objection from the Local Highways Authority. However, the scheme would see improvements to Meadowgate Lane and is considered to represent the best compromise with regard to mitigation of character harm and highway safety.
- 11.4 Overall the scheme is considered to be broadly in alignment with the approved BCP, to deliver self-build housing and to provide an acceptable compromise between character harm and highway safety. The recommendation is therefore on balance to grant the application subject to suitable conditions and the completion of a legal agreement relating to securing the Woodland Management Plan and also the Road Traffic Order for the relocation of the 30mph speed limit.

12 RECOMMENDATION

GRANT, subject to the following conditions and the completion of a legal agreement securing the woodland management plan proposed as part of the scheme and a Road Traffic Order for the relocation of the 30mph speed limit.

1	The improvements to Meadowgate Lane and the construction of the internal road layout hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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2	<p>Approval of the details of:</p> <ul style="list-style-type: none"> (i) the layout of the site (ii) the scale of the building(s); (iii) the external appearance of the building(s); (iv) the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason: To enable the Local Planning to control the details of the development hereby permitted and to ensure the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.</p>
3	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
4	<p>The development of the dwellings hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
5	<p>The Reserved Matters submission in accordance with Condition 2 above shall make provision for no more than 10 dwellings on the site.</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
6	<p>The dwellings hereby approved shall only be developed in accordance with the definition of self and custom build housing contained within the Self Build and Custom Housebuilding Act 2015 (as amended).</p> <p>Reason: The permission is granted without the requirement for provision of affordable housing on the site or other infrastructure contributions due to the nature of the proposal to provide plots for those people building or commissioning their own properties in line with paragraph 64 of the National Planning Policy Framework (2019). Development of the site by a business or commercial organisation would therefore require the consideration of such provision and the need for a legal agreement securing any agreed contributions.</p>
7	<p>Prior to the construction of any dwelling on the site, the works to Meadowgate Lane as detailed on approved drawing No. 19110-016 Rev P1 shall be completed to the satisfaction of the Local Highway Authority.</p> <p>Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with</p>

	Policy LP15 of the Fenland Local Plan 2014.
8	<p>Prior to the commencement of construction of any dwelling on the site full details of the internal road layout construction and associated works including drainage shall be submitted to and approved in writing by the Local Planning Authority. The works to be carried out prior to construction of the first dwelling.</p> <p>Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
9	<p>Prior to the commencement of construction of any dwelling on the site full details of all services, including foul and surface water details, shall be submitted to and approved in writing by the Local Planning Authority. The works to be carried out prior to construction of the first dwelling.</p> <p>Reason: In order to ensure that adequate services and drainage is provided in the interests of residential amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
10	<p>Prior to the commencement of development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement for their adoption has been entered into under Section 38 of the Highways Act 1980.</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.</p>
11	<p>No works shall commence on site until such time as a details of all site compounds/storage areas/parking/loading and unloading areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved plan.</p> <p>Reason: In order to ensure highway safety in accordance with Policy LP15 and residential amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
12	<p>No part of the development hereby approved shall be occupied until such time as a refuse collection strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be adhered to thereafter in perpetuity.</p> <p>Reason - To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
13	The landscaping details required under condition 2 shall include

	<p>detailed plans showing the position of all trees and shrubs over 1.5m in height on the site, clearly identifying those to be retained and measures for their protection during construction operations. They shall also include specification of any proposed planting on the plots as replacements for removed trees, with that specification to include species, planting sizes and densities. Planting shall be carried out within the first available planting season following completion of the plot to which it relates or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape details.</p> <p>Reason: To ensure the visual character of the area is protected in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
14	<p>Before any development commences in respect of the works to Meadowgate Lane, details of the removal of any existing hedgerow or trees along Meadowgate Lane and proposals for replacement planting, including a timetable, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure the visual character of the area is protected in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
15	<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>
16	<p>Prior to commencement of development of each plot within the development, detailed designs for the surface water drainage scheme for that plot shall be submitted to and agreed by the Local Planning Authority in accordance with the submitted Drainage Strategy (19110-001) Rev P5. The detailed designs shall include sustainable drainage features (SuDS) and once implemented the surface water drainage infrastructure shall be retained for the lifetime of the development.</p> <p>Reason: To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties in accordance with policy LP14 of the Fenland Local Plan (2014).</p>
17	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p>

	Reason: To control pollution of land and controlled waters 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.
18	<p>Prior to the first submission of Reserved Matters or the commencement of any development hereby permitted, whichever comes first, a mitigation and enhancement scheme in relation to the impacts on protected species identified in the Ecological Impact Assessment report from Wild Frontier Ecology dated October 2019 shall be submitted to the Local Planning Authority. The scheme shall identify measures to be incorporated into each of the proposed plots comprising the development. The reserved matters details relating to those plots submitted under condition 2 shall reflect the approved mitigation and enhancement scheme and the development shall be implemented in accordance with the approved details.</p> <p>Reason: In order to safeguard protected wildlife species and their habitats in line with the requirements of policy LP19 of the Fenland Local Plan (2014).</p>
19	<p>Prior to the submission of any reserved matters application, full details of a design code to be adopted for the development shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure that the development is brought forward in accordance with design principles ensuring the site is developed in a manner sympathetic to its surroundings.</p> <p>For the avoidance of doubt, the design code shall include mandatory elements to provide a clear framework for bringing development forward on the site and shall include, but not be limited to the following matters: Building heights and massing Construction materials Landscaping & boundary treatments</p> <p>Any reserved matters application will need to demonstrate compliance with the Design Code.</p> <p>Reason: In the interest of ensuring a high quality form of development that is sympathetic to its setting and the character of the local area in accordance with the requirements of policy LP16 of the Fenland Local Plan (2014).</p>
20	Approved Plans

APPENDIX A

Summary

The Meadow Gate Lane access arrangement results in an intimidating environment for pedestrians and particularly for pedestrians within vulnerable user groups. The arrangement also results in a confusing layout for motorists, with a gradual taper from two way traffic to single vehicle flows which could inadvertently force motorists into the path of pedestrians along the proposed shared use footway.

Pre-App

I had early pre-app discussions with agent/applicant who was willing to culvert the short length of watercourse and provide an extension of the existing Meadow Gate Lane street arrangement, of which involved extending the existing two way 5.0-5.5m wide carriageway up to the development access and providing a 1.8m wide footway along the eastern side of Meadow Gate Lane. Other planning considerations appear to have resulted in the layout as proposed.

Highway Safety Concerns

The proposed shared surface arrangement along Meadow Gate Lane is not suitable to serve a 10 dwelling development and is unsafe for pedestrian users. The carriageway widening and gradual taper to single track will result in a confusing road layout arrangement for road users. Without any formal priority flow traffic engineering / horizontal deflection islands, the proposed arrangement could force vehicles into a conflict scenario with pedestrians using the proposed Meadow Gate Lane footway or engender a scenario where vehicles drive into a full height kerb and damage their vehicles.

It is not suitable to have a dropped kerb footway in this location. A dropped kerb footway around the radius kerb into the development provides no protection for pedestrians. The absence of kerb upstand results in there being no vehicle deflection which in turn poses a risk to the safety of pedestrians using the footway. This also encourages faster entry and exit vehicle speeds.

There is the land available to provide an alternative to the proposed dropped kerb shared space footway. With this in mind, the risk to highway safety and pedestrian users can easily be designed out, if sufficient weight is given to this issue in planning terms.

Construction Issues

The Meadow Gate Lane carriageway arrangement appears to be contrived, to avoid the loss of a short length of watercourse on the western side of the Meadow Gate Lane carriageway. A significant length of the proposed footway alignment/Meadow Gate Lane can still be widened suitable for two traffic without affecting the watercourse. This is because the watercourse alignment only forms a small part/length of the highway development frontage. The applicant/agent could utilize what is currently highway verge to widen the carriageway so it is suitable for two way traffic and maintain sufficient space for the implementation of a 1.5m ideally 1.8m wide footway.

There are no geometric dimensions on the plans submitted. Geometric details should be annotated on the plan. The road layout is confusing for road users; the carriageway widens over a gradual taper to an unspecified width, but it would appear the widening is provided in order to provide suitable turning space in front of the junction area. Does this widening allow suitable turning space for refuse and emergency vehicles? Tracking plans are required for refuse and emergency vehicles. If suitable manoeuvring space is provided within the carriageway then why retain the dropped kerb footways around the

junction area. Again this provides a confusing layout for road users, and could result in faster vehicle entry and exit speeds into and out of the development access.

There is no tie-in with the proposed and existing footway along Meadow Gate Lane. The existing footway breaks away from the Meadow Gate Lane carriageway and forms a footpath connection with a vehicle access. A dropped kerb arrangement and footway link is required so pedestrians can cross the road. The carriageway should be at least 5.0m at this point to avoid creating a pinch point for two way traffic. Alternatively a crossing can be provided between a formal priority flow traffic island system.

The footway has been narrowed to 1.5m from the 1.8m wide footway that was detailed in initial pre-app discussions. The footway will need to be street lit which results in restricting the footway further. I suggest the footway is widened to 1.8m and full height kerb provided so pedestrians have adequate protection from motorists, along what is currently a 60mph laneway. Note shared surfaces are only suitable for roads less than 30mph/with a highway design/layout that reduces 85th%ile speeds to less than 20mph.

I suggest the 30mph speed limit signs are relocated south of the development access and urban/street arrangement extended with it.

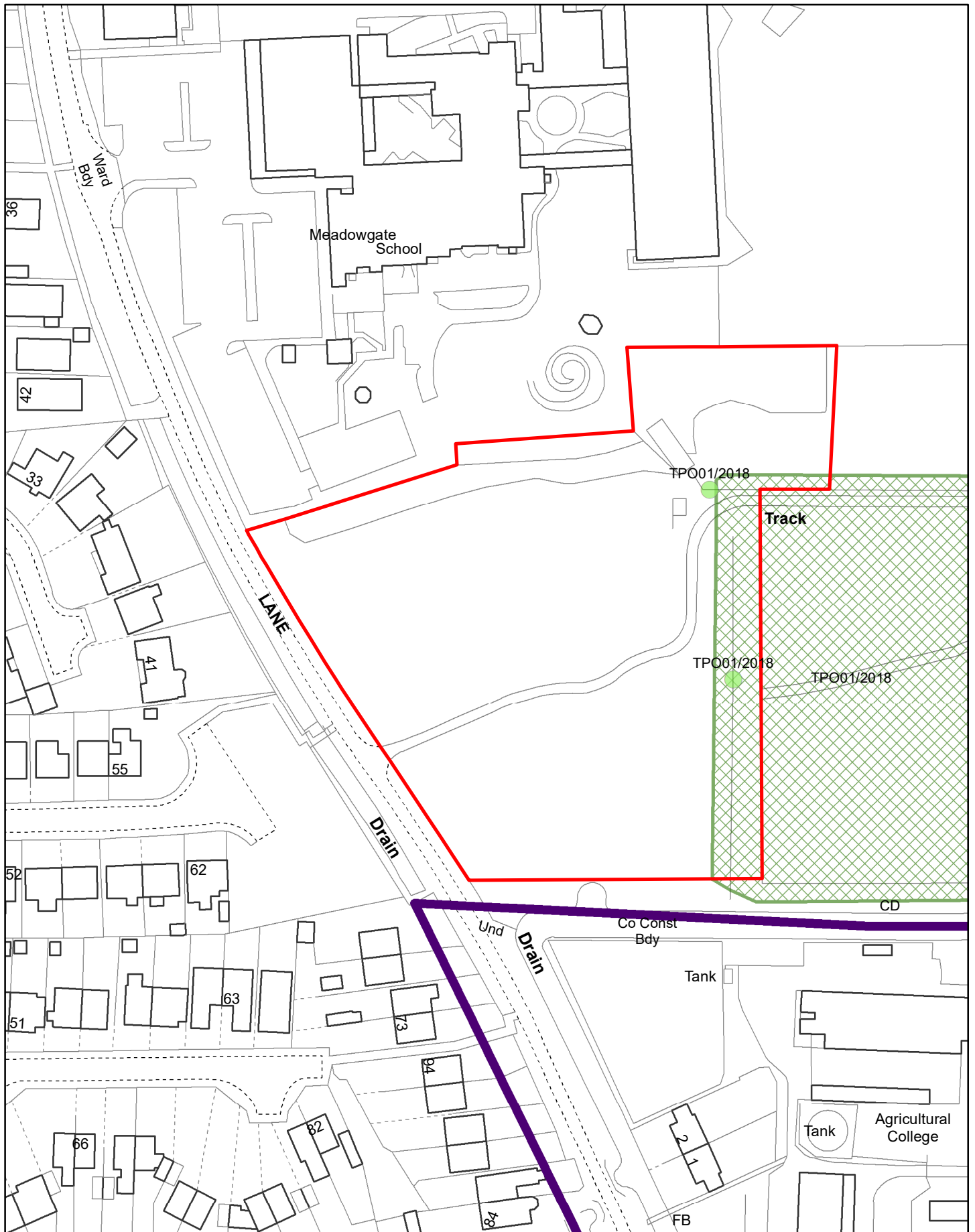
The applicant/agent has committed a lot of detailed design information of which is not relevant to the planning submission. This detail should be removed from the application. Highway earthworks, embankment stabilisation, carriageway construction and drainage should be submitted for consideration at detailed design /Section 278 stage. That said it is evident that significant engineering works are required to the watercourse embankment in order to provide the support to the carriageway construction. Once details are submitted for the S278 works, the engineering ramifications of delivering the highway works proposed could result in the watercourse being culverted anyway i.e. the carriageway vertical alignment, drainage and geotechnical engineering may result in there being insufficient land to deliver the proposed works.

A 2m wide verge will need to be retained at the edge of the carriageway to provide sufficient space for services, drainage etc. If this cannot be achieved this will result in a departure from standard (DMRB TD27/05) of which will require exception report sign off and road safety approved prior to commencement of the development.

Conclusion

The proposed layout results in highway safety issues. The proposed also results ongoing highway construction problems that will be difficult to revolve at detailed design stage. The proposal will also result in highway maintenance issues and potential insurance claims which will become the responsibility of the LHA to action/rectify.

Defer for amended plans or refuse the application for the highway safety reasons set out above.



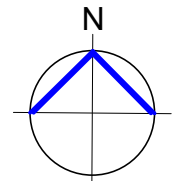
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F/YR20/0054/O

Scale = 1:1,250





Peter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 Illustrative Layout for Land South of
 Meadowgate Academy.

SITE
 Meadowgate Lane
 Wisbech
 Cambs
 PE13 2JH

DRAWING
 SITE PLAN

CLIENT
 Mr and Mrs P Humphrey

DATE: Sept 2019 SCALE: As Shown JOB No: 6076

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 ARCHITECTURAL DESIGN AND BUILDING
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31 OLD MARKET WISBECH CAMBS PE13 1NB
 Wisbech District Council
 Building
 Building Regulations & Planning
 Planning & Building Control
 Planning & Building Control
 Council House 2010

NOTES

1. Do not scale this drawing.
2. All dimensions are in millimetres unless stated otherwise.
3. This drawing to be read in conjunction with all other relevant drawings and specifications.
4. All proprietary items to be installed in strict compliance with manufacturers instructions and recommendations.
5. For further information see:
 - Proposed Sections see drawing 19110-016
 - Proposed Traffic Signage see drawing 19110-015
 - Proposed Construction details see drawing 19110-017
 - Proposed Setting Out Details see drawing 19110-014

Key

- HB-HALF BATTERED KERB
- BN-BULLNOSE KERB
- TN-TRANSITION KERB
- Tarmac
- Proposed Levels
- Setting Out Points
- Adoptable Road Gully
- Adoptable Storm Water Manhole
- Highways Boundary

CONSTRUCTION DESIGN AND MANAGEMENT REGULATIONS 2015
 THE CONTRACTORS ATTENTION IS DRAWN TO THE ABNORMAL RISKS IDENTIFIED BELOW, ANNOTATED ON THE DRAWING AND EXPLAINED IN THE ASSOCIATED DESIGN RISK REGISTERS

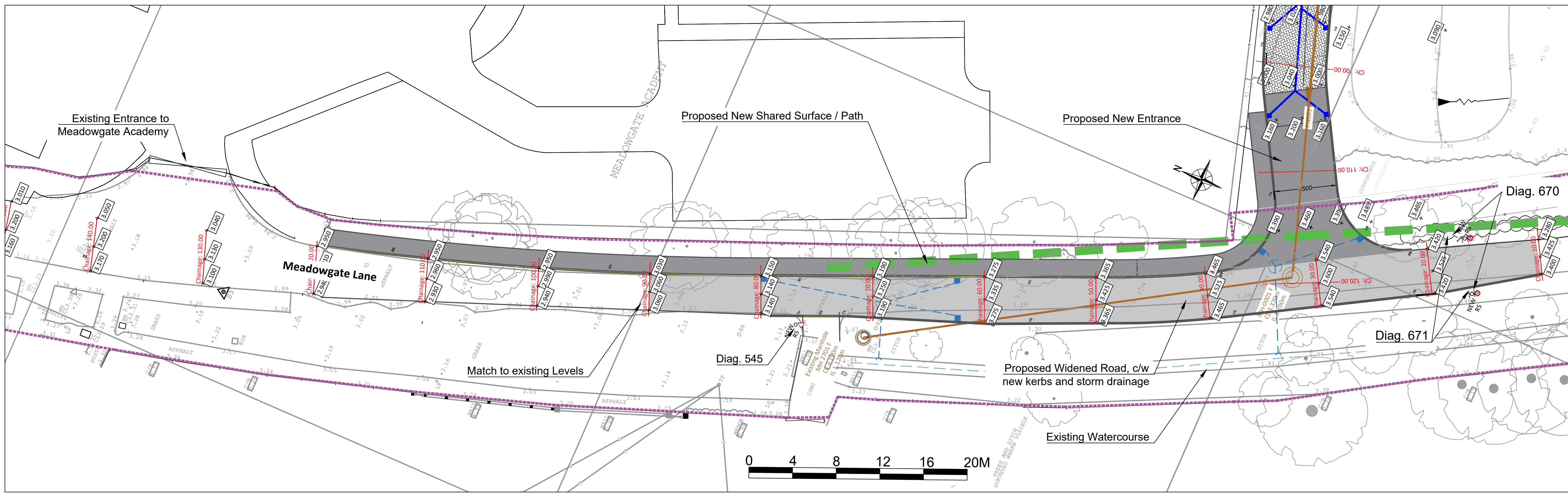
LEGEND

- YOU MUST NOT DO
- HAZARD OR DANGER
- YOU MUST DO
- CAUTION

ABNORMAL RISKS IDENTIFIED:



Area covered by S278
Scale 1:200



General Arrangement of
Proposed Works - Plan
Scale 1:200

P6	Road levels and drainage revised	TBP	14-07-20
P5	Road layout changed	AJP	02-06-20
P4	Extents of works revised	AJP	13-05-20
Rev	Amendments	Rev'd by	Date

Client
Peter Humphrey Associates Ltd

Project
Meadowgate lane, Wisbech

Title
Section 278 Application

Job No **19110**

Drawing No **19110-011** Rev **P6**

Status **Preliminary**

Scale **As Stated** Date

Project Engineer **TBP** Drawn By **AJP**
 Checked By **TBP**
 Approved By



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F/YR20/0441/O

**Applicant: Mr B Warner
Postland Development**

**Agent: Mr Gordon Smith
Matrix Planning Ltd**

Land south of 127-141 Coates Road, Eastrea, Cambridgeshire

Erection of up to 20 dwellings (outline application with all matters reserved)

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

1. EXECUTIVE SUMMARY

- 1.1. The proposal is an outline application for the erection of up to 20 dwellings, with all matters reserved for later approval.**
- 1.2. Indicative plans have been submitted showing a layout incorporating bungalows, 2-storey dwellings and self-build plots.**
- 1.3. A previous outline proposal for up to 21 dwellings on the site was refused under delegated authority in 2018, and the current application was preceded by a pre-application enquiry showing a similar scheme. The outcome of that enquiry was that officers would be unlikely to recommend approval for the proposal.**
- 1.4. The site is located adjoining the existing built edge of the settlement of Coates, and is located within a 380m gap between the current edge of the settlement and the neighbouring village of Eastrea. The development would result in a reduction of the gap between the settlements by 80m.**
- 1.5. Planning policy LP12 within the Fenland Local Plan states that proposals need to demonstrate how they will not result in coalescence with neighbouring villages if they are to be deemed acceptable.**
- 1.6. The evidence within the application is clear that the scheme does result in coalescence with the neighbouring settlement and is therefore contrary to policy LP12.**
- 1.7. The application is recommended for refusal.**

2. SITE DESCRIPTION

- 2.1. The application site is an agricultural field to the west of Coates. It has a frontage along Coates Road of approximately 90 metres, which is part of an existing 380m separation between the existing edge of the built up part of the settlement and Eastrea to the west. The two settlements are connected by continuous built form to the north side of the road opposite the site.**

- 2.2. Immediately to the east is located a residential development that is currently under construction (largely completed), comprising 12 dwellings. To the west boundary is a field hedge, with further agricultural land to the west and south of the site.
- 2.3. The application site is located within flood zone 1, the area designated as being at the lowest level of flood risk equivalent to a 1 in 1000 year event.

3. PROPOSAL

- 3.1. The proposal is an outline application for residential development with all matters reserved for later approval. Indicative plans submitted alongside the application show a 20-plot layout including 5 plots marked as 'Over 55s bungalows' and 4 self-build plots to the rear of the site.
- 3.2. The indicative plan also shows an area of informal open space to the west of the proposed dwellings, with several of the properties maintaining views out over the area.
- 3.3. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QAZUJ6HE01U00>

4. SITE PLANNING HISTORY

F/YR18/0405/O	Erection of up to 21no dwellings (outline application with all matters reserved)	Refused 25/10/2018
F/0484/85/O	Residential development – 2 plots	Refused 11/7/85

5. CONSULTATIONS

- 5.1. **Whittlesey Town Council:**
No objection and therefore recommend approval
- 5.2. **Anglian Water:**
Layout will need to take into account Anglian Water assets affected. Whittlesey Water Recycling Centre does not currently have capacity to treat flows from the site. It is obligated to accept foul flows from the development if consent is granted and would therefore take the necessary steps to ensure sufficient treatment capacity. Request a condition requiring a phasing plan and/or on-site drainage strategy for foul water drainage works.
- 5.3. **Cambridgeshire County Council Highways Authority:**
No objections. Condition requested detailing a 1.8m wide footway along Coates Road.
- 5.4. **Cambridgeshire County Council Development and Policy Team**
Request contributions towards the provision of places for Early Years, Primary and Secondary level education provision.
- 5.5. **Cambridgeshire County Council Lead Local Flood Authority:**
No objection. Conditions requested regarding surface water drainage scheme and maintenance arrangements.

- 5.6. **Cambridgeshire County Council Historic Environment Team (Archaeology)**
No objections or requirements
- 5.7. **Cambridgeshire Constabulary**
Wish to be consulted in regards to design and layout, boundary treatments and lighting.
- 5.8. **Cambridgeshire Fire and Rescue Services**
Request adequate provision is made for fire hydrants should permission be granted.
- 5.9. **FDC Environmental Health:**
No objection in principle. Recommend a condition requiring a construction management plan to regulate the impact of construction activities.
- 5.10. **FDC Environmental Services**
No objection in principle. Details required to be provided during reserved matters application relating to road construction and layout.
- 5.11. **Local Residents/Interested Parties:**
Responses in support of the application were received from 10 separate properties (on Barnfield Gardens, March Road, Roman Gardens, Springfields, Coates Road, Minuet Village and Crescent Road (Whittlesey), Nene Close (Whittlesey)) in relation to the application. The matters justifying that support of the application were as follows.
- Layout indicates over 55's bungalows with a safe, pleasant community environment
 - Whittlesey continues to be developed and the neighbouring villages are forgotten and left behind.
 - Coates Primary School needs pupils to remain open.
 - Village needs to grow and offer a range of properties.
 - Adjacent Minuet Village development was successful and see no reason why this will be any different.
 - Proposal offers a range of properties.
 - Substantial informal open space proposed.
 - Would create a visual balance on the approach to Coates from Whittlesey

Responses objecting to the application were received from 7 separate properties (on Minuet Paddocks and Coates Road) in objection to the proposal. The matters identified in relation to those objections were as follows.

- Site plan is incorrect.
- Impact of vehicles exiting the site directly opposite residential dwellings.
- Advised when purchasing a property adjacent to the site that the site would be developed with bungalows – sold their property under false pretence.
- Privacy impact both into and out of the development.
- No informal green space between the site and Minuet Paddocks as was promised when purchasing property.
- Existing open rail fencing cannot be changed for 5 years (as per property deeds), resulting in open relationship with the site.
- Who will be responsible for the maintenance of the hedgerow?
- Safety risk of children walking to school along Coates Road due to bus times being unsuitable.

- Funds should be provided to install average speed cameras along Coates Road and provide a school bus service.
- Local school, GP surgery and dentists are over-subscribed.
- Adverse impact on views.
- Devaluation of neighbouring and nearby properties
- Adverse impact on traffic and noise pollution in the area.
- Already too many side roads off the A605 – highway safety impact.
- New proposal does not resolve previous reason for refusal.
- Drainage is poor in the area & water pressure is low.
- Over development of the area.
- Adverse impact on wildlife.
- Who would be liable if dogs escape from the existing site due to inadequate fencing?
- How long before the development would be completed – building work has already been ongoing for some years at the adjacent site.
- Will the informal open space be developed in the future?
- Proposal is over-bearing, out of scale and out of character with the area.
- It won't improve the look of the village more than the existing open field.

5.12. Devaluation of neighbouring properties and loss of a view are not material considerations in relation to a planning application, nor are any statements made in relation to the purchase of adjacent dwellings. The length of time of the construction of the adjacent site is also not material to the consideration of the current application.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

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

Para 97: Existing open space should not be lost unless replacement or improvement in provision is proposed.

Para 117: Promote effective use of land

Para 165: Major development should incorporate SUDS.

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

National Design Guide 2019

Context

Identity

Built Form

Movement

Nature
Homes and Buildings
Resources
Lifespan

National Planning Practice Guidance (NPPG)

Determining a planning application

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

8. KEY ISSUES

- **Principle of Development**
- **Impact on the Character of the Area**
- **Impact on Residential Amenity**
- **Biodiversity**
- **Highway Safety**
- **Developer Contributions**
- **Other Matters**

9. BACKGROUND

- 9.1. The application site has previously been the subject of an outline application for the construction of up to 21 dwellings. This application was refused under delegated authority for three reasons. These reasons were the harm to the open character of the area and reduction of separation between Coates and Eastrea, the lack of agreement to the Developer Contributions required by policy LP13 and the Developer Contributions SPD, and the lack of compliance with the requirements of policy LP14 demonstrating appropriate arrangements for attenuating surface water run-off.
- 9.2. Subsequent to that decision, a pre-application enquiry was submitted for the erection of 20 dwellings on the site, which included an indicative layout similar to the current proposal incorporating an area of open space along the western boundary of the site. The advice given in response to the enquiry was that the benefits of the scheme did not outweigh the harm caused to the openness and character of the area, and the coalescence with the nearby settlement of Eastrea and that as such it would be unlikely to receive a favourable recommendation from officers.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located adjacent to the settlement of Coates, which is defined as a Limited Growth Village in the Fenland Local Plan under policy LP3. Policy LP3 states that for limited growth villages, a small amount of development and new service provision will be encouraged and permitted, and that such development may be appropriate as a small village extension. In principle therefore, there is no presumption against development in areas such as the application site and the specific impacts of the proposal on the site must be considered.

Impact on the Character of the Area

- 10.2. Policy LP12 sets out a series of criteria for development to be deemed acceptable in such locations. These are considered as follows:
- 10.3. The application site is considered to be adjacent to the existing developed footprint of the village and therefore satisfies LP12 (a).
- 10.4. LP12 (b) notes that for a site such as this to be supported, it must not result in coalescence with any neighbouring village. There is no separation between the settlements of Coates and Eastrea on the north side of Coates Road, and to the south there is a separation of only 380m. The proposal would reduce the remaining agricultural land separating Coates and Eastrea by 80m. This is considered to be a significant degree of coalescence with the nearby village of Eastrea that would be contrary to part (b) of policy LP12.
- 10.5. LP12(c) requires the proposal to not have an adverse impact on the character and appearance of the surrounding countryside and farmland. The application site is part of the countryside setting to the village in this location and the openness and character of the area is enhanced by the long distance views that are possible across the land to the wider countryside to the south.
- 10.6. LP12(d) requires proposals to be of a scale and in a location in keeping with the core shape and form of the settlement, and LP12(e) requires proposals to not extend linear features of the settlement or result in ribbon development (the building of houses along a main road, especially one leading out of a town or village). Coates is a settlement of modest scale, with the A605 between March and Whittlesey forming a significant feature in its development as it runs right through the centre of the village. The majority of the settlement is focused around a 90 degree bend in the A605, with residential development accessed via a modest number of roads leading off this main route. Residential development does extend along the A605 to the west and east of the village, although these elements are generally of a more historic nature pre-dating the resistance to ribbon development. The proposed scheme would result in a 130m deep residential development, matching the depth of the adjacent development, although the two schemes are not directly comparable. The adjacent development was in part located behind existing residential dwellings, and there is a farmyard and farmhouse beyond that site to the south. Although the layout and scale of the proposal are not submitted for approval at this stage, its location would exacerbate the spread of development along Coates Road in direct contravention of policy LP12 parts (d) and (e).

Impact on Residential Amenity

- 10.7. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the

amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.

- 10.8. The outline nature of the proposal means that the detailed matters relating to impacts on residential amenity of the neighbouring properties and the amenity levels of the proposed properties are not available for consideration at this time, as these will relate to the final layout and design of the scheme to be considered at the reserved matters stage. It is considered on the basis of the information supplied alongside the application however that it would be possible to ensure a satisfactory impact on residential amenity.

Biodiversity

- 10.9. Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.
- 10.10. As noted in paragraph 10.11 above, the existing site is an agricultural field and therefore is of limited ecological merit. The proposal indicates an area of informal open space is to be provided and therefore there would be an ecological benefit to the area as a result of the scheme, details of which could be secured by a suitably worded planning condition either for submission alongside the reserved matters or separately.
- 10.11. LP12 (f) and (g) require schemes to respect and retain existing natural boundaries and ecological features. The application site comprises the full width of the existing field and in that respect complies with the requirements of this part of the policy, though it would result in the creation of a new boundary approximately halfway across the full depth of the existing field. As an open field in agricultural use, there are few ecological features affected by the scheme.

Highway Safety

- 10.12. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.13. The outline nature of the application means that detailed consideration of the proposed means of access to the site is reserved for consideration until a later date. The Local Highways Authority has indicated that they have no objection in principle to the scheme however, which would be accessed from a straight road with good visibility in both directions that already serves similar developments to both the east and west of the site.
- 10.14. The scale of the proposal is unlikely to have a significant impact on traffic levels along the road to the north of the site.
- 10.15. There is no justification for the refusal of the application at this stage on highway safety grounds.

Developer Contributions

- 10.16. The Design and Access Statement accompanying the application acknowledges that as the scheme proposes more than 10 dwellings, there would be a

requirement for a contribution towards affordable housing and a likely request for contribution towards education facilities. The statement does not indicate however that such contributions would be acceptable to the developer and no heads of terms for a legal agreement, or viability evidence demonstrating that these could not be reasonably delivered, have been provided.

- 10.17. Given the in-principle objections to the proposal the matter of Developer Contributions has not been pursued further.

Other Matters

- 10.18. Several other matters have been identified in relation to the scheme through the public consultation, which are considered as follows.
- 10.19. The incorrect inclusion of an apparent building screening the proposal from the dwellings on the opposite side of the road is noted, however as this building is not present on the land the impact on that property is known and considered as part of the application.
- 10.20. Low water pressure is a matter for the provider to resolve in relation to the provision of new dwellings in the area, whilst the site is in the area of lowest flood risk and the Lead Local Flood Authority has indicated that the surface water drainage proposals are acceptable.
- 10.21. Other matters such as the boundary treatments between the site and other dwellings, landscaping maintenance and the scale of any properties to be built on the land would be subject to detailed consideration at the reserved matters stage or by condition on any permission granted.
- 10.22. Policy LP12(i) requires that the scheme does not result in the loss of high grade agricultural land, or that evidence is provided to justify the loss. The site is located within Grade 1 agricultural land, however it is also noted that a significant majority of the land within Fenland District is classified within the highest categories, and given both the limited areas of poorer quality land available and the overall scale of the proposal, the conflict with policy LP12(i) is considered to not justify refusal of the scheme.

11. CONCLUSIONS

- 11.1. The principle of the development is in accordance with the relevant policies of the development plan in terms of the settlement hierarchy, however the location of the proposal results in significant coalescence with the neighbouring settlement of Eastrea to the west that does not comply with policy LP12.
- 11.2. The previous reason for refusal of a residential scheme on the site relating to the lack of an acceptable surface water drainage strategy has been overcome, however it remains the case that there is no legal agreement or Heads of Terms in place to provide Developer Contributions in line with the requirements outlined in the relevant Supplementary Planning Document.

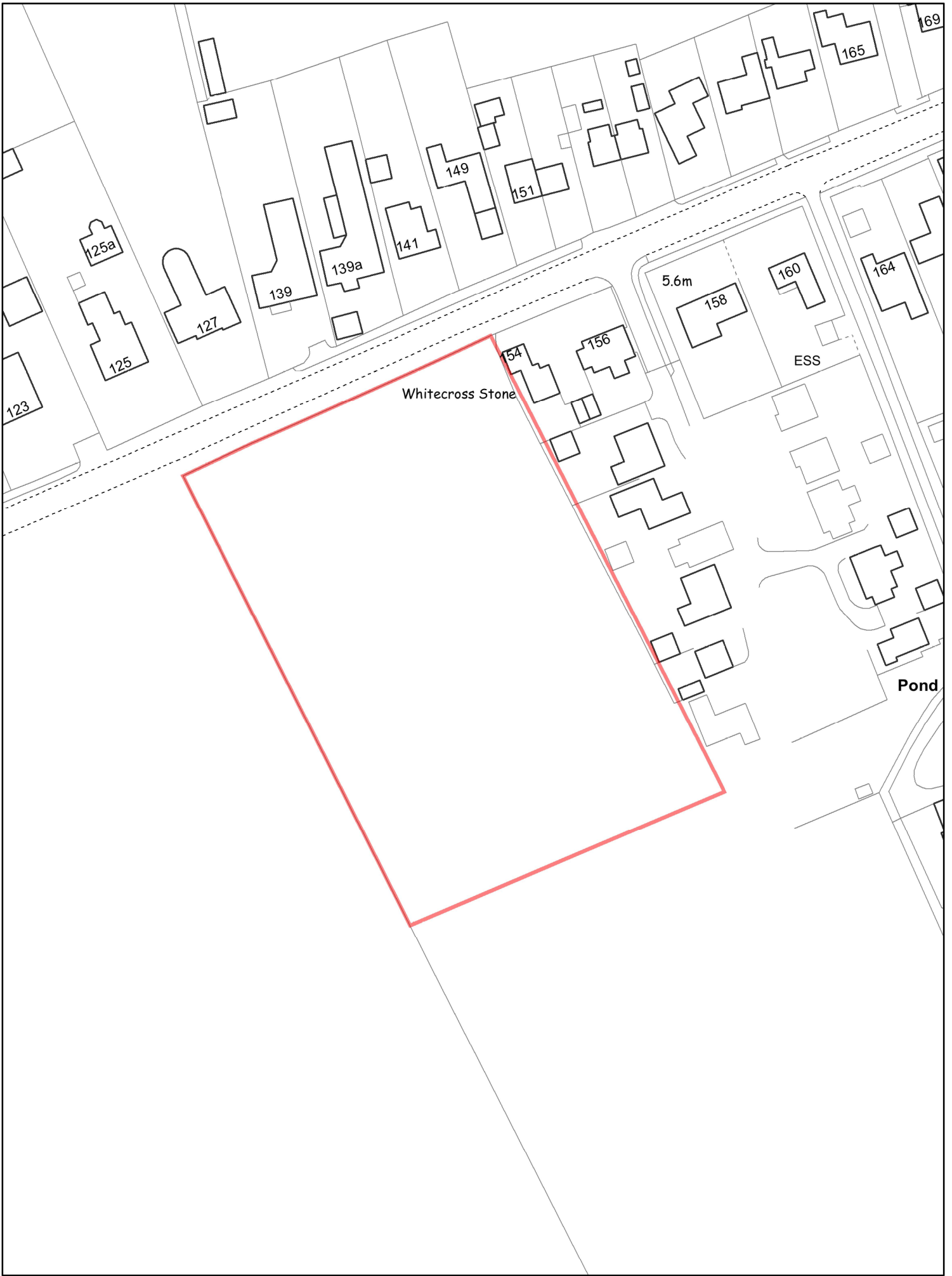
12. RECOMMENDATION

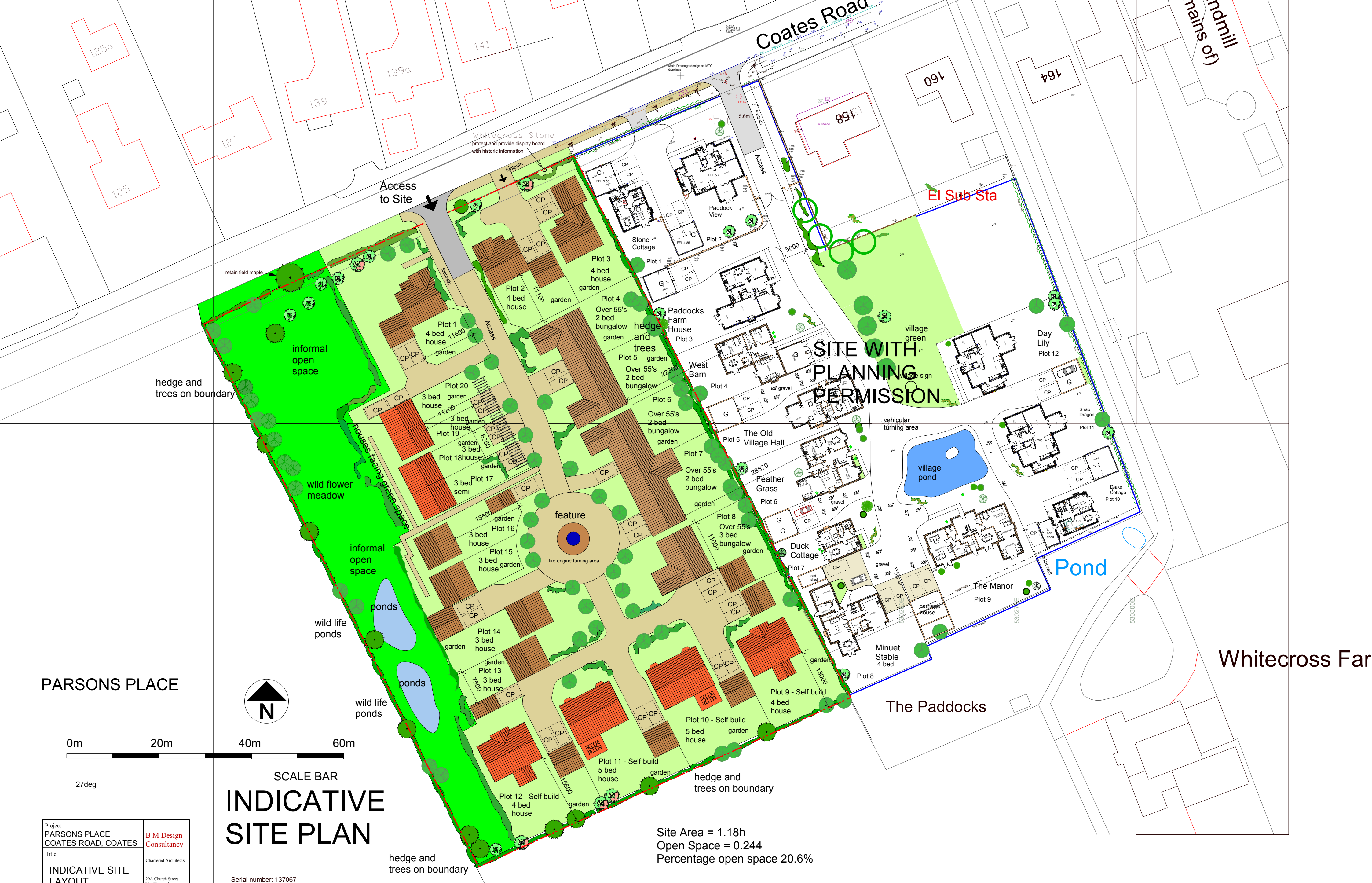
- 12.1. REFUSAL, for the following reasons:

- | |
|--|
| <p>1. Policy LP12 of the Fenland Local Plan (2014) requires new development proposals to contribute to the sustainability of the settlement and to not</p> |
|--|

harm the wide open character of the countryside by meeting a set of defined criteria. The proposal is for the development of an open piece of land that forms part of the rural setting of Coates, adjacent to the existing extent of the built up section of the village between Coates and Eastrea, and will result in harm to the open character of the area, a significant reduction in the separation between Coates and the settlement of Eastrea to the west of the site, resulting in a degree of coalescence between the villages. Such impacts would be contrary to the limitations policy LP12 places on development proposals in such locations and the mitigation shown on the indicative layout plan is insufficient to overcome the harm caused. The proposal is thereby contrary to policy LP12 of the Fenland Local Plan (2014).

2. A Section 106 Agreement or Heads of Terms have not been submitted to secure the financial and infrastructure contributions generated by the proposed development. The proposed development would therefore be contrary to the requirements of the NPPF, policies LP5 and LP 13 of the Fenland Local Plan (2014), the Developer Contributions SPD, and the Infrastructure Delivery Plan (IDP).



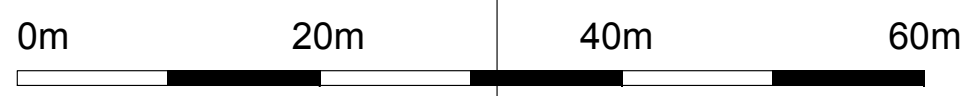


SITE WITH PLANNING PERMISSION

INDICATIVE SITE PLAN

Site Area = 1.18h
 Open Space = 0.244
 Percentage open space 20.6%

PARSONS PLACE



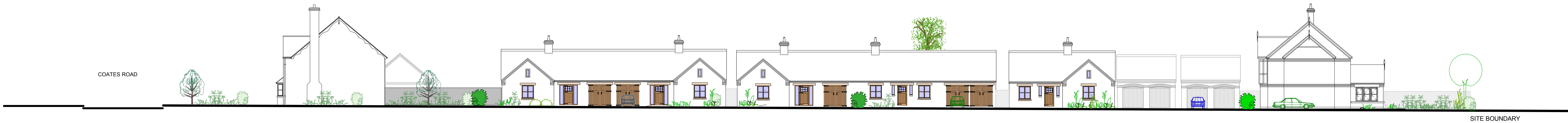
Project PARSONS PLACE COATES ROAD, COATES		B M Design Consultancy	
Title INDICATIVE SITE LAYOUT		Chartered Architects	
Scale 1:500		Date Aug 18	Job No 4528
Category SK	C/S/B Element (--)	Sequential No 12	Revisions

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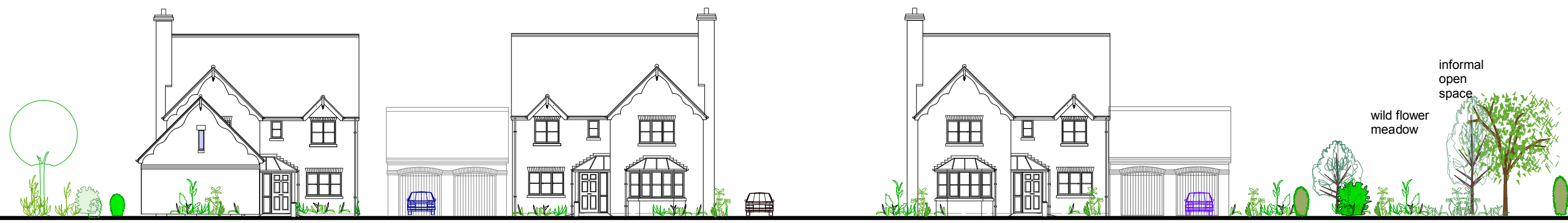
Whitecross Field



NORTH ELEVATION OF HOUSES IN SOUTH OF SITE



WEST ELEVATION ALONG ACCESS ROAD SHOWING BUNGALOWS



PARSONS PLACE

FRONT ELEVATION FROM COATES ROAD

INDICATIVE STREET ELEVATIONS



Project PARSONS PLACE COATES ROAD, COATES		B M Design Consultancy	
Title INDICATIVE STREET ELEVATIONS		Chartered Architects	
Scale 1:200		Date Mar 20	Job No 4528
Category SK	C/S/E Element (-)	Sequential No 10	Revisions
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F/YR20/0508/F

**Applicant: Mr L Shepherd
LTS Consultancy Ltd**

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

Land North Of, 39 March Road, Rings End, Cambridgeshire

Erect a 2-storey 3-bed dwelling involving demolition of outbuilding

Officer recommendation: Refuse

Reason for Committee: Number of letters of support received

1 EXECUTIVE SUMMARY

- 1.1 This scheme seeks full planning permission for the erection of a dwelling on former garden land associated with No 39 March Road, Rings End which is a modest end of terrace cottage.
- 1.2 An earlier appeal decision has indicated that the site could be considered an infill opportunity compliant with Policy LP3 however it remains necessary to ensure that the visual amenity of the area is not compromised as required by Policy LP16 through the development of this land. Furthermore it is necessary to ensure that appropriate levels of residential amenity and parking provision for both the host dwelling and the intended property are delivered in accordance with Policy LP2 and LP16.
- 1.3 With regard to the visual amenity of the area it is acknowledged that the scheme endeavours to take its design cues from the existing terrace and has been revised to align with the height of the neighbouring terrace. However the dwelling will still stand proud of the terrace and its width and bulk would be at odds with the prevailing characteristics of this component of the Rings End street scene. Furthermore the design detailing will result in a development which competes with rather than compliments the existing terrace to the south with this having a significant adverse impact on the existing streetscene. For these reasons it is considered that the scheme put forward remains contrary to Policy LP16 and must be resisted.
- 1.4 The agent has also sought to demonstrate that both the existing and proposed households will have access to adequate levels of parking and amenity space. Whilst it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP this has consequences for the amenity space retained to serve the donor dwelling which will be below the minimum standards outlined in Policy LP16.
- 1.5 In conclusion whilst it is accepted that the applicant site could be deemed an infill opportunity the details of the scheme are such that its visual amenity impact and paucity of residential amenity afforded the donor property are such that a favourable recommendation may not be forthcoming.

2 SITE DESCRIPTION

- 2.1 The site was last used as garden land for 39 March Road although it is now fenced off. The site is adjacent to an 'A' classified road and is also adjacent to the disused railway bridge. There are a group of terraced dwellings adjacent to the site to the south and the area also holds semi-detached and detached dwellings of a mixed design and type. There is a vacant restaurant premises opposite the site and a Grade II Listed Building to the north of that premises.
- 2.2 The site is a modest plot contained between a short row of 1.5 storey terraced dwellings and a section of elevated and redundant railway line.
- 2.3 The area is predominately located within flood zone 2 with a small section to the east being within flood zone 3 and a small section to the west (at the access point being within flood zone 1).
- 2.4 Access is derived from the existing access road which serves the rear of properties 39 - 43 March Road, the terrace of dwellings referred to above.

3 PROPOSAL

- 3.1 This submission seeks full planning permission for a detached dwelling within part of the former garden area associated with No 39 March Road. The original scheme put forward was for a proposed dwelling with a maximum footprint of 10.5 metres wide x 7.6 metres deep, with an eaves height of 4.5 metres and a ridge height of 7.3 metres, the ridge height detailed was intended 'as built' with the section submitted reflecting the requirements of the FRA which details finished floor levels to be 600mm above existing ground level.
- 3.2 The initial scheme has subsequently been amended following the agent being advised of concerns regarding scale with the width being reduced by 1.5 metres, from 10.5 metres to 9 metres and the eaves height being 4.1 metres and the ridge being 6.9 metres, this being a reduction of 400mm to both.
- 3.3 The suggested design takes some cues from the terrace of three dwellings to the south, featuring a ground floor proposed to be constructed of facing brick with tile hanging detail over and a tile roof, albeit precise details have not been specified.
- 3.4 In addition to the revisions to design the agent has sought to address concerns raised regarding the site layout given that the originally specified scheme relied on land outside the applicants ownership/control to facilitate parking and turning and also failed to make provision for parking for No 39, which had previously benefitted from parking on this land.
- 3.5 The site layout plan now details two parking spaces to serve the new dwelling with a further two parking spaces shown to serve the host property No.39.

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

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

4 SITE PLANNING HISTORY

F/YR17/0761/O	Erection of a dwelling (Outline application	Refused
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	with all matters reserved)	11.10.17 Dismissed at appeal 4.10.18
F/YR10/0047/O	Erection of a dwelling	Approved 12/03/10
F/90/0636/O	Erection of 2 x 1 bed flats	Approved 06/12/90
F/1530/89/O	Erection of 2 x 1 bed flats	Refused 15/03/90
F/1336/88/O	Erection of a dwelling	Approved 09/02/89

5 CONSULTATIONS

- 5.1 **Parish Council:** *'The members of Elm Parish Council considered this application at their meeting on 8 July and resolved not to support it. They consider this to be an inappropriate over-development of a small site and out of keeping with its surroundings.'*
- 5.2 **Highways England:** *Offer no objection [...] The proposed development site is located on March Road, slight remote and south of A47 Fen Road. From this proposed development there would be no material impact on our strategic road network.'*
- 5.3 **Cambridgeshire County Council Highways Authority:** *Initially requested that the agent provides dimensions of the existing access arrangement noting that 'the access looks narrower onsite than what has been detailed by the agent. From what I can make out, the proposal will result in a shared access arrangement. If this is the case, access improvements will be required to allow two way vehicle movements. The perpendicular section of access road to the A141 will need to be widened to 5.0m with 6m kerb radii at the access junction.'*

Following re-consultation the LHA *'note[s] the access general arrangement has reverted back to the existing arrangement. [...]. The additional dwelling will increase the likelihood of vehicles meeting at the access, that said I accept this is unlikely to result in a highway safety issue. Vehicle turning right into the access will be able to see vehicles emerging and will therefore be able to give way to emerging traffic. Vehicles turning left into the access will have good visibility of the access and will be able to slow to allow a vehicle to emerge from the access. The access widening to 5.0m would have just prevented any obstructions to free flow traffic on the A141. The more dwellings using the shared access with a substandard width (less than 5.0m), the greater the impact on free flow traffic conditions on the A141 (strategic road). No highway objections subject to a parking and turning condition.'*

- 5.4 **Environment & Health Services (FDC):** *'No objections to the proposal, as it is unlikely to have a detrimental effect on air quality or the noise climate. However, as the proposal includes the demolition of an existing structure and noting a historic railway line ran behind the development site, I would therefore request that the*

[unsuspected contamination] *condition is attached to any planning consent granted.'*

5.6 Local Residents/Interested Parties:

(a) 19 letters of objection have been received from 11 contributors on behalf of 7 households; 5 of these households are within Rings End with further letters being received from residents in March and Peterborough (albeit these have a family association with residents in Rings End).

(b) 13 letters of support have been received from 8 households with 1 letter from Radcliffe on Trent, 10 letters from March (5 of these originating from the same property and one from the applicant) and 2 letters from Kings Lynn;

(a) Objections:

Access, Parking arrangements, Traffic and Highways:

- *Application [does not indicate] where building materials would be kept or how the site would be accessed during the proposed build. The only public access would be straight off of a busy 'A' road which is impractical and dangerous.*
- *If this house was to be built as suggested it would completely block the view of the road of anyone trying to pull out onto the main road via the private road adjacent.*
- *The proposed access way is not a public access track; it is private property which is owned by no. 41 and the new dwelling will not have permission to use. Without this the only entry to the property would be directly from the busy 'A' road and for which no space consideration has been given.*
- *The only parking spaces (2 for 2 x 3-bed houses?) are only accessible by crossing someone else's private property.*
- *Insufficient parking provision for two dwellings*
- *The room for vehicles turning in and out on to March Rd would also cause for concern*
- *The piece of Council land to the left of number 39 has been churned up and ruined in the last year or so with work vans etc parking there as there is nowhere else for them to park whilst they are renovating [...] where are the people who buy the new build going to park and where will the children play as there will not be much of a garden.*
- *Two parking spaces are shown for the new build, with another two parking spaces for 39 shown directly outside the property. The parking spaces for 39 are placed on property not belonging to/ having access to 39 March Road which brings into questions the space for the new build. There will not be enough space for two parking spots each*
- *Traffic through the village is terrible at times and this will make it ten times worse. I'm sure this will cause accidents as there is not much space to move heavy vehicles.*
- *Access is not particularly good, and they may block my access to one of the arches to my back garden. You will not be able to get emergency vehicles around the back of the houses if anything should happen. This is not practical.*
- *Insufficient land available for access and turning without blocking arches which are private property*

Character and design, heritage considerations

- *Overcrowding would ruin the character,*
- *Detrimental to the railway heritage of the area; would block the view of local landmark, the disused railway arches.*

- *Out of character/not in keeping with area. Previous application was turned down partly due to the visual impact that plonking a new dwelling in front of the historically important arches and although the dwelling size has been reduced by half a storey the impact would still be the same - the view of the arches is blocked from the road and the new property would look significantly out of place next to the century and a half old cottages and viaduct.*
- *House will be hideous for the village against the railway cottages. The end house looks silly. The rubbish and the gates look like eyesore. They have let village down.*
- *The suggested layout, access and many other points in this application are simply unfeasible.*
- *Backfill*
- *Visual impact, double the size of existing property*
- *Density/Over development - although only one dwelling it is proposed in a very small hamlet. The nearest houses are old railway cottages with large gardens and building this would not only overshadow the quaint historic cottages and block the much loved railway arches, but would also leave both the existing no. 39 and the proposed dwelling with little to no outdoor space. This house is not required in this area and would be detrimental to the existing property.*
- *Visual Impact, Design/Appearance*
- *[dwelling would be] set well forward of other properties, yet previous developments have aligned the houses to align with the existing houses of Rings End*
- *A new build property would look out of character next to 3 old cottages in such a small space (current renovation works undertaken to No 39 are considered out of character and have caused noise, disruption and mess for over a year - asks that this be investigated).*
- *[Application] says that the new build will be in keeping with the houses that are already there but [...] the owner/building has not kept the renovations in keeping with the other 2 houses because the hanging tiles on Nos 35-37 are different to No 39 ie red and black.*
- *Current owner has been working on property for over a year; concerned that a new build would take him a long time disrupting local residents, hindering traffic and access to the rear.*
- *Adding a new build in this small environment with historic values would not be of any benefit to local residents,*

Residential amenity

- *Loss of view/outlook, overlooking, loss of privacy, shadowing/loss of light*
- *Proximity to property*
- *Anti-Social behaviour, Noise, Waste/Litter*
- *Purchased dwelling 'mainly because of its tranquillity and setting. Adding a new build would take away the happiness we are sharing because we have access rights to the rear of our property and feel that our privacy would be encroached on.'*
- *[development] would also leave both the existing no. 39 and the proposed dwelling with little to no outdoor space.*

Drainage and Flooding

- *No main sewerage in Ring's End (planning application says it will be connected to) so I am concerned about the foul waste disposal.*
- *'where [would] a cesspit or other drainage system [...] go as there is so little land surrounding the property which is owned by the property. The applicant has already started preparations for a new build with misleading information. He is already sharing drainage to a cesspit with no 41 and claims in the proposal to*

connect new build to mains sewer which is non-existent this side of the river if it was we would be connected, and new environment regulations require all new dwellings requiring sewage should now have a bio pit installed at 7 metres away of dwelling therefore a dwelling of this development would claim land that is not within the boundaries set out, being neighbours.'

- *Revised details state that drainage is now going to be discharged into a cesspit according to the applicant, although if current regulations in regards to cesspits/pools, sewerage treatment plants and septic tanks is adhered to, I don't see how any of these would fit onto the land that is owned by the applicant. Number 39 currently has an agreement to use my cesspit but just like the access road, this is for number 39 only.*
- *There is also a water main running extremely near to the proposed new dwelling - has the applicant consulted with Anglian Water on this as I see no comment from them*
- *There's no feasible drainage solution that would be within the law.*

Other matters:

- *Agricultural land*
- *Local services/schools - unable to cope. We don't have the amenities for another house*
- *Light pollution*
- *Would set a precedent*
- *Environmental and Wildlife Concerns - will they be carrying a full investigation because I know that there are bats, owls, and all different kinds of birds and animals living in the close proximity of the area.*
- *Reasons the previous planning application was denied still stand today, nothing has changed.*
- *Does not comply with policy*
- *Applicant has no legal right to use this access unless it is to gain access to a shared cesspit which numbers 39 and 41 are currently connected to. The cesspit is located on the private property of number 41.*
- *The access strip to the rear of the property is privately owned and not joint access for all potential builds. The original houses are the only properties having access to pass over the land with no obstruction should be made. A new build does not have given access automatically. Private agreements have currently been made with other properties, but none have been discussed for the potential new build. A large proportion outlined in the proposed plans includes the private property of number 41.*
- *Recently the residents of Rings End had a meeting concerning purchase of no 41 with requirement to demolish the railway arches this was opposed by the Elm Parish Council and voted by residents and the sale was aborted, this proposal would have an overall effect to residents and village character[.].*
- *There is also no requirement for new housing in Ring's End. Existing houses are often on the market for well over a year before they are sold and as a small hamlet with no amenities, demand for new properties is just not there, especially properties like the proposed with no garden to speak of and no parking.*
- *was not notified by the council of the plans for the new proposed property [which] is out of order as work for the proposed property seems to have already being prepared I feel like as a close owner we should have been notified of the plans of the proposed property by proper means.*
- *Devaluing property*
- *Queries whether flood risk and biodiversity studies have been carried out properly due to Covid 19*
- *I don't even know why this being humoured. It's clearly against several regulations*

(b) Support: Summary as follows:

- *Any development at this time is a positive to help keep the local people in work at the present time.*
- *Land should be used accordingly and for good use*
- *Will also provide extra accommodation in the area where needed.*
- *Any development is positive for the local economy*
- *The arches are in a state of disrepair. There is rubbish and mess everywhere! The new house would block the view of this eyesore. There is a caravan dwelling with a fixed annex built under the arches with no apparent planning consent. The plot is an obvious infill plot and should be developed accordingly*
- *Very much in favour of this proposed development. It will add to the existing row of houses and give the opportunity to house a family who may be in need of a home. The plot is suitably sized to take another house and access will not be encroached.*
- One electronic comment stated support but gave 'would set a precedent' as the reason for this support.
- One electronic comment stated support but listed 'anti-social behaviour, noise, overlooking/loss of privacy and smell as their reasons for doing so.
- 5 of the electronic comments submitted did not provide any details of why the scheme should be approved

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Paragraph 10 - Presumption in favour of sustainable development

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

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

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions

Chapter 15 - Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context: C1 - Relationship with local and wider context

Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive

Built Form B2 - Appropriate building types and forms

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

7.4 Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 - The Historic Environment

LP19 - The Natural Environment

7 KEY ISSUES

- Principle of Development
- Character and design
- Impact on the Setting of the Listed Building
- Residential amenity
- Highway safety
- Flooding and drainage
- Community engagement and threshold considerations
- Other matters

8 BACKGROUND

9.1 A proposal for the erection of a dwelling at this site was refused and subsequently considered at Appeal. The main issues identified in respect of the appeal were:

- The effect of the development on the character and appearance of the area;
- Whether the location of the development would comply with local policy; and,
- The effect of the development on the living conditions of occupiers of 39 March Road (No 39), with particular regard to outlook.

9.2 In consideration of the appeal the Inspector noted that *‘the underlying development pattern is irregular, with dwellings of diverse age, size and style, and having a varied relationship with the busy road frontage. She went on to identify that a ‘two storey dwelling, with a ground floor level raised at least 300mm above ground level, as recommended by the Flood Risk Assessment, would be significantly taller and bulkier than the dwellings in the adjacent terrace [and] likely that it would have to be sited forward of the terrace’s building line. Furthermore she considered that ‘the limited plot size would restrict options for the dwelling’s siting within the plot [and concluded] that the alignment, bulk, and height of a two storey dwelling would be unrelated to the existing dwellings, as it would appear over-scaled and dominant in this context.*

9.3 Matters were raised with regard to placing a 1.5 storey dwelling on the site however as this was not the design which formed part of the appeal and the Inspector noted that she had to determine the proposal before her.

9.4 Nonetheless the Inspector did note that it was the size of the dwelling rather than its proximity to the arches that led her to conclude that the ‘development would have an adverse effect on the character and appearance of the area’.

- 9.5 Moving on to consider general principles in terms of location the Inspector considered that whilst the railway arches did not constitute a dwelling, they were a sizeable structure that contains the development pattern to its south. Moreover, she further noted that there was 'continuing linear development to the north of the railway line' and whilst there 'would be a small piece of vacant land between the appeal site and the railway arches, [she was] satisfied that on balance the site could be considered to be an infill site in an otherwise built up frontage.
- 9.6 With regard to threshold considerations it was acknowledged that the threshold for Rings End has been reached and whilst a community consultation exercise had not been undertaken there was Parish Council support for the scheme and an absence of other local objection and as such she concluded that there was local support for the proposal.
- 9.7 On matters of residential amenity the Inspector considered that the site was sufficiently large to allow separation and whilst the dwelling would give enclosure to the view from No 39 this would not lead to adverse living conditions with regard to outlook.
- 9.8 The Inspector also noted that the scheme has previously been given permission. However as there was not an extant permission in place this did not represent a viable fall-back scheme.

9 ASSESSMENT

Principle of Development

- 10.1 As indicated above the Planning Inspector considered the site to be an infill opportunity and as such compliant with Policy LP3; i.e. single dwelling infill situated within an otherwise built-up frontage and this is a material consideration in the consideration of the current scheme proposal. That said there are still matters of threshold, character and visual amenity, residential amenity to consider.
- 10.2 It is further acknowledged that the earlier scheme consideration was silent with regard to highway safety and drainage and these aspects are considered below

Character and design

- 10.3 The earlier scheme proposal, albeit illustrative, was for a full height two storey dwelling. It was considered that such a development would '*appear over-scaled and dominant*'. Furthermore it was considered the size of dwelling rather than proximity to the arches led the Inspector to conclude that the '*development would have an adverse effect on the character and appearance of the area*'.
- 10.4 It is noted that the Flood Risk mitigation for the site will see floor levels set at 600mm above ground level and this was of concern regarding the earlier scheme as it would have further elevated the ridge height of the resultant dwelling. The increase floor levels have been accommodated within the design of the dwelling now proposed to ensure that the property is of a more similar scale in height to its neighbours and a streetscene elevation has been submitted to illustrate this. Whilst this is welcomed it still does not address how the property will sit on the plot and respond to its neighbours and these aspects are considered below.

- 10.5 The overall bulk of the dwelling is still such that the resultant development will be at odds with its surroundings; furthermore it will stand proud of the existing alignment of dwellings, which was a particular concern identified by the Inspector in the consideration of the earlier appeal, thereby reinforcing its presence within the streetscene.
- 10.6 With regard to design detailing it is acknowledged that the agent has sought to take design cues from the existing terrace however as a consequence of this the proposed dwelling with its elaborate detailing and resultant foreshortened form is visually incoherent with the neighbouring terrace. In essence it now competes with the terrace as opposed to complimenting it. It is considered that any development of this site should be simple in style thereby promoting the terrace as the focal point of the streetscene.
- 10.7 Mindful of the earlier appeal decision it is accepted that the loss of the views of the arches to the north-east whilst regrettable could not manifest itself in a defensible reason for refusal; although it is appreciated that the views expressed by local residents are considerably at variance to the conclusions of the Planning Inspector.
- 10.8 Although it is acknowledged that the revised scheme has sought to overcome the matters raised in the earlier appeal decision it remains the case that the constraints of the site and the surrounding built form render the development proposed one that does not meet the requirements of policy LP16 paragraph (d) of the Fenland Local Plan 2014.

Impact on the Setting of the Listed Building

- 10.9 It has previously been accepted on the earlier submission that the introduction of a two-storey dwelling approximately 30m to the south east of the site will not impact upon the setting of the Listed Building, as such the scheme has not been advertised in this regard. The proposal therefore complies with Policy LP18 of the Fenland Local Plan 2014.

Residential amenity

- 10.10 The earlier appeal decision indicated that adequate separation distance could be achieved between the host dwelling (No. 39) and the proposed dwelling. As a similar relationship is proposed in this instance, albeit the flank wall of the dwelling will be marginally nearer to the common boundary with 39 it must be accepted that there are no grounds to withhold consent in this regard. In addition there are no windows proposed in the flank walls of the new dwelling and no issues loss of privacy or overlooking to reconcile.
- 10.11 However it is apparent that in terms of the actual residential amenity of the future householders with regard to private amenity space the scheme meets the minimum standards required under Policy LP16 (h) providing 39% of the plot as garden land.
- 10.12 With regard to the private amenity space associated with No 39 it is noted that following the introduction of parking spaces to serve this property the available private amenity space appears to now fall well below the minimum standards outlined in Policy LP16 (h) at circa 8% of the overall plot. The agent has indicated on a revised drawing that there will be circa 100 square metres of amenity space available to the householder, however the area annotated includes both the front

garden area, which is open (as it is to the remaining properties in the terrace) together with the parking spaces and the access thereto as such it is not usable private amenity space and the scheme clearly fails to accord with Policy LP16(h).

- 10.13 It is considered that there would be grounds to withhold consent from a residential amenity perspective as the scheme results in the host dwelling No 39 having a less than adequate garden area and therefore failing to provide the high level of residential amenity required by Policies LP2 and LP16 in this respect.

Highway safety

- 10.14 It is noted that the LHA were not consulted on the 2017 scheme and that the original evaluation did not address the matter of access, nonetheless that submission was in outline form and it is entirely reasonable for matters of access and parking to be revisited as part of this proposal.
- 10.15 Whilst it is regrettable that the LHA were not engaged with regard to the earlier scheme proposal the Planning Officer assessment at that time was that there was sufficient parking and the existing private road could easily accommodate the necessary visibility splays. The case officer at the time may have been influenced by an earlier grant of consent under F/YR10/0047/O on which CCC highways were consulted and commented: Existing access is satisfactory in terms of its width and visibility.
- 10.16 Although it is acknowledged that the additional dwelling will increase the likelihood of vehicles meeting at the access the LHA officer has confirmed that this is unlikely to result in a highway safety issue; noting that a vehicle turning right into the access will be able to see vehicles emerging and will therefore be able to give way to emerging traffic.
- 10.17 Similarly a vehicle turning left into the access will have good visibility of the access and will be able to slow to allow a vehicle to emerge from the access. Whilst widening the access to 5.0m would have prevented any obstructions to free flow traffic on the A141 it cannot be insisted on as there is no highway safety issue arising from the scheme proposal.
- 10.18 It is noted that the agent has submitted a revised site layout which indicates two parking spaces to serve each dwelling (existing and proposed) with appropriate space available to facilitate turning; albeit this has consequences for the availability of private amenity space to serve No 39 as outlined above. Given that the parking area to serve No 39 is shown within the blue edge boundary, i.e. land within the control of the applicant such provision may be secured via condition.
- 10.19 Based on the above evaluation there are no grounds to withhold consent on the grounds of highway safety and as such the scheme achieves compliance with Policy LP15 of the Fenland Local Plan (2014)

Flooding and drainage

- 10.20 The earlier scheme evaluation was silent with regard to the sequential and exception tests and the current submitted FRA states that 'The Sequential Test may be considered as met as the site is partly located in Flood Zones 1 & 2'. Notwithstanding this assertion the site is predominately in flood zone 2 and the sequential test should be applied; however the exception test is not necessary

given that the scheme proposes 'more vulnerable' development within flood zone 2 and is therefore exempt from this requirement.

- 10.21 The agent has satisfactorily addressed the sequential test requirements through the submission of an updated Design and Access Statement, which demonstrates that there is no land reasonably available at lower risk of flooding which could accommodate the development proposed. As such the Sequential Test is passed.
- 10.22 With regard to the site specific flood risk considerations it is noted that the applicant has submitted an updated Flood Risk Assessment which has previously been accepted by the Environment Agency; subject to a condition being included on any given permission that ensures that the development is carried out in accordance with the submitted Flood Risk Assessment , i.e. two-storey development with a finished floor levels set at a minimum of 600mm above ground level.
- 10.23 Following changes to the consultation arrangements there is now no requirement to consult with the EA, with such proposals now being assessed against Standing Advice. In this instance there are no site specific flood risk concerns which would render the scheme non-compliant with Policy LP14 of the FLP (2014).
- 10.24 Matters of foul water disposal will be dealt with under Building Control should approval be forthcoming, although it has now been clarified that the proposed method of foul drainage is to be via septic tank. The comments raised by adjoining landowners regarding the necessary distance that such provision has to be from a dwelling are noted and have been relayed to the agent who has advised that there are alternative engineering solutions available that could be adopted and that this will be addressed under Building Regulations . It is further acknowledged that the provision of a septic tank is also controlled by environmental permitting.

Community engagement and threshold considerations

- 10.25 In considering the earlier appeal the Inspector identified that although there had not been any community consultation undertaken with regard to the proposal the consultation exercise undertaken as part of the application had not generated any adverse comments. In addition it was noted that the Parish Council had raised no objection, these factors led the Inspector to conclude that there was community support and whilst Rings End had met its threshold in terms of planning approvals compliance with LP12 was achieved.
- 10.26 The current backdrop to the submission is at variance to this earlier situation in that the Parish Council has recommended that the scheme be refused. It is also noted that 6 households within the vicinity, together with a household with a family connection have written to object the scheme.
- 10.27 A further 8 households have communicated their support, with only one of these households having an interest in the area, i.e. the applicant, with the nearest contributors residing in March and the furthest contributor residing some 67 miles from the site.
- 10.28 Nonetheless earlier appeal decisions elsewhere in the District have indicated that the lack of community support for an otherwise acceptable scheme is not

considered sufficient grounds on which to withhold consent accordingly no weight can be given to this scheme deficiency.

Other Considerations

- 10.29 It is noted that the consultation process has generated concern regarding the ownership of the site; from a procedural perspective this does not represent any issues as notice has been served on the landowner highlighted. It would be for the applicant to ensure that they have the legal authority to develop the land should permission be granted

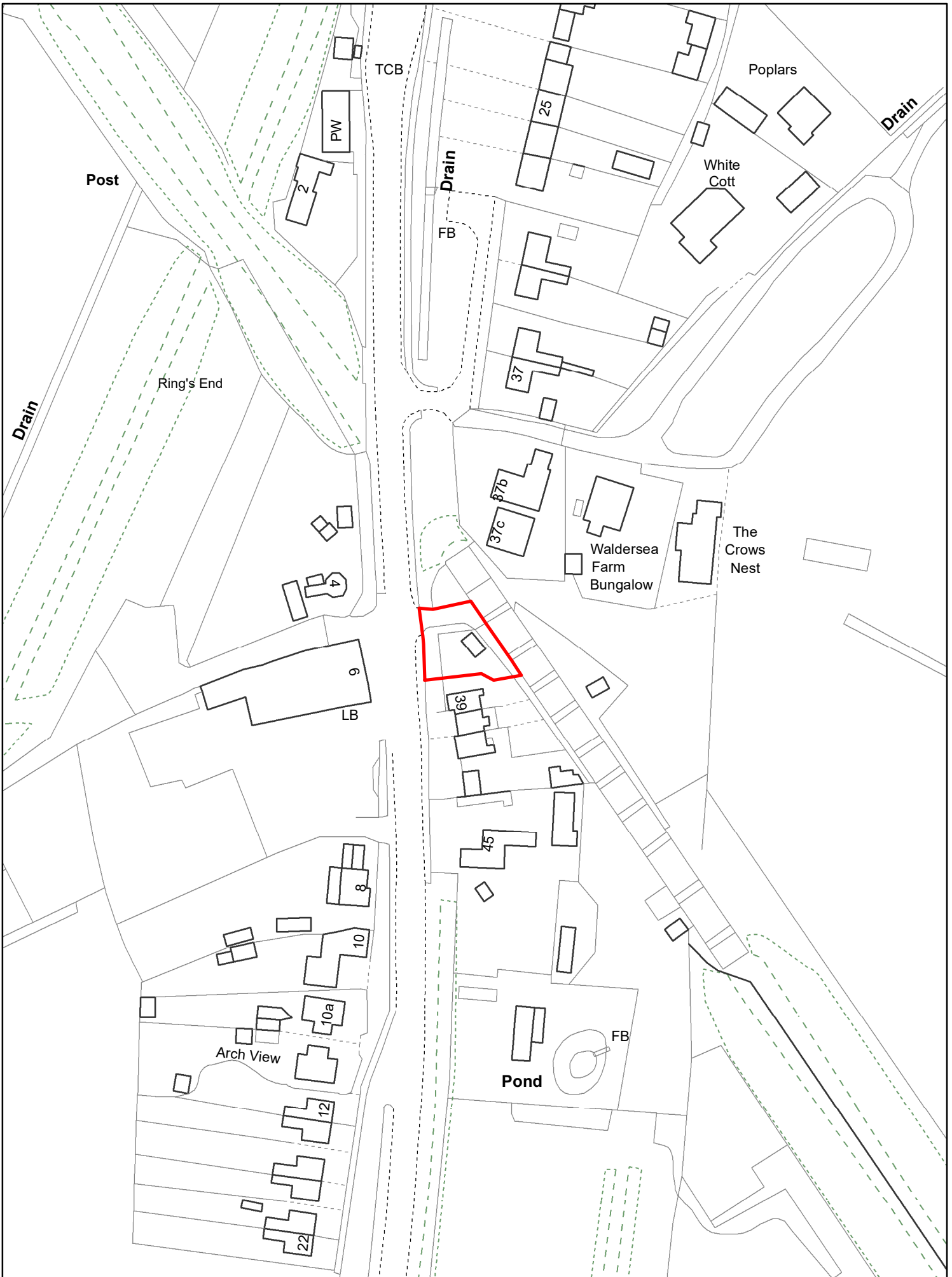
11 CONCLUSIONS

- 11.1 Mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity and as such compliant with Policy LP3. Notwithstanding this it is necessary to ensure that the visual amenity of the area is not compromised as required by Policy LP16 and to ensure that appropriate levels of residential amenity and parking provision for both the host dwelling and the intended property in accordance with Policy LP2 and LP16.
- 11.2 With regard to the visual amenity of the area it is acknowledged that the scheme design endeavours to take its design cues from the existing terrace and has been revised to align with the height of the neighbouring terrace. However this results in an overcomplicated design which competes rather than compliments the existing terrace which is further compounded by the dwelling standing proud of the terrace. The overall width and bulk, design and detailing is therefore considered to be at odds with the prevailing characteristics of this strident component of the Rings End street scene resulting in a visually incoherent development. For these reasons it is considered that the scheme put forward remains contrary to Policy LP16 and must be resisted.
- 11.3 The agent has sought to demonstrate that both the existing and proposed households will have access to adequate levels of parking and amenity space. Whilst there has been some challenge regarding land ownership and access in so far as it relates to parking and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP.
- 11.4 With regard to private amenity space whilst an appropriate level of private amenity space is shown to serve the new property the existing dwelling will have well below the minimum standards of private amenity space required by the FLP. Although the agent has annotated a private amenity space in excess of the minimum standards the area identified includes the front garden, which is open to the highway, and the parking provision associated with the dwelling which is clearly not 'functional' private amenity space.
- 11.5 In conclusion whilst it is accepted that the land per se could be deemed an infill site the details of the scheme are such it terms of its visual amenity impact and level of residential amenity afforded the donor property are such that a favourable recommendation may not be forthcoming.

12 RECOMMENDATION: Refuse

Refusal Reasons

1	<p>Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The development would introduce an individual dwelling with no relationship to the existing pattern of development on a prominent site in the streetscene, by virtue of its positioning and scale. As such, the development would appear as an incongruous feature adversely affecting the character and appearance of the area. The proposal is therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.</p>
2	<p>Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact, either in design or scale terms, on the streetscene. The overly complicated detailing of the proposed dwelling although taking design cues from its neighbour competes with rather than complements the existing terrace, this being compounded by the foreshortening of the proposed dwelling given its scale and form. This results in a development which is visually incongruent within the streetscene to its significant detriment and therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.</p>
3	<p>Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16.</p>



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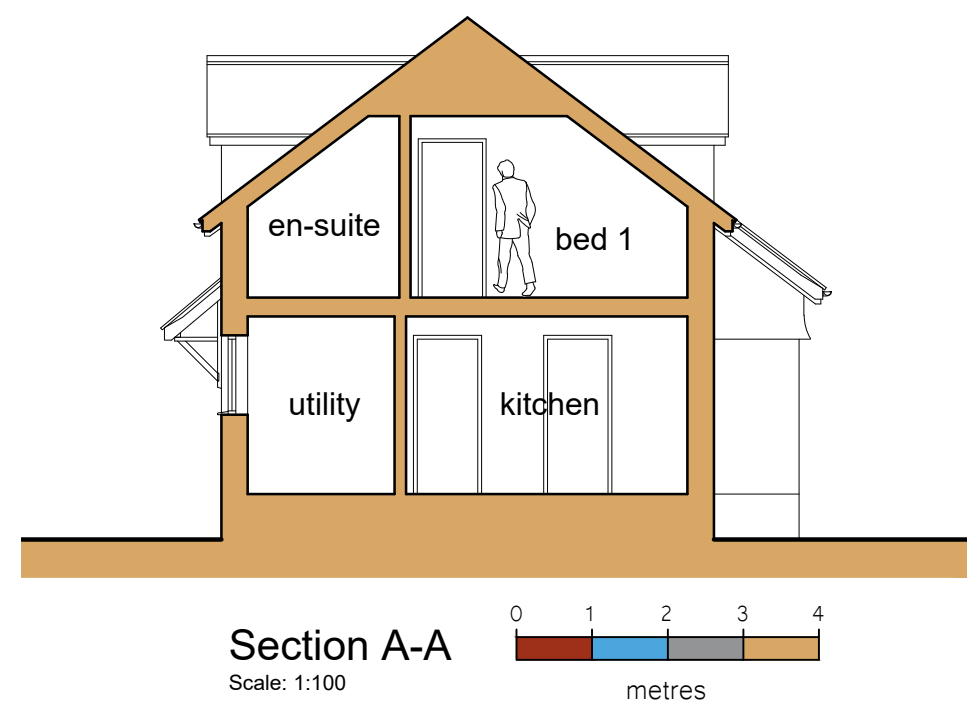
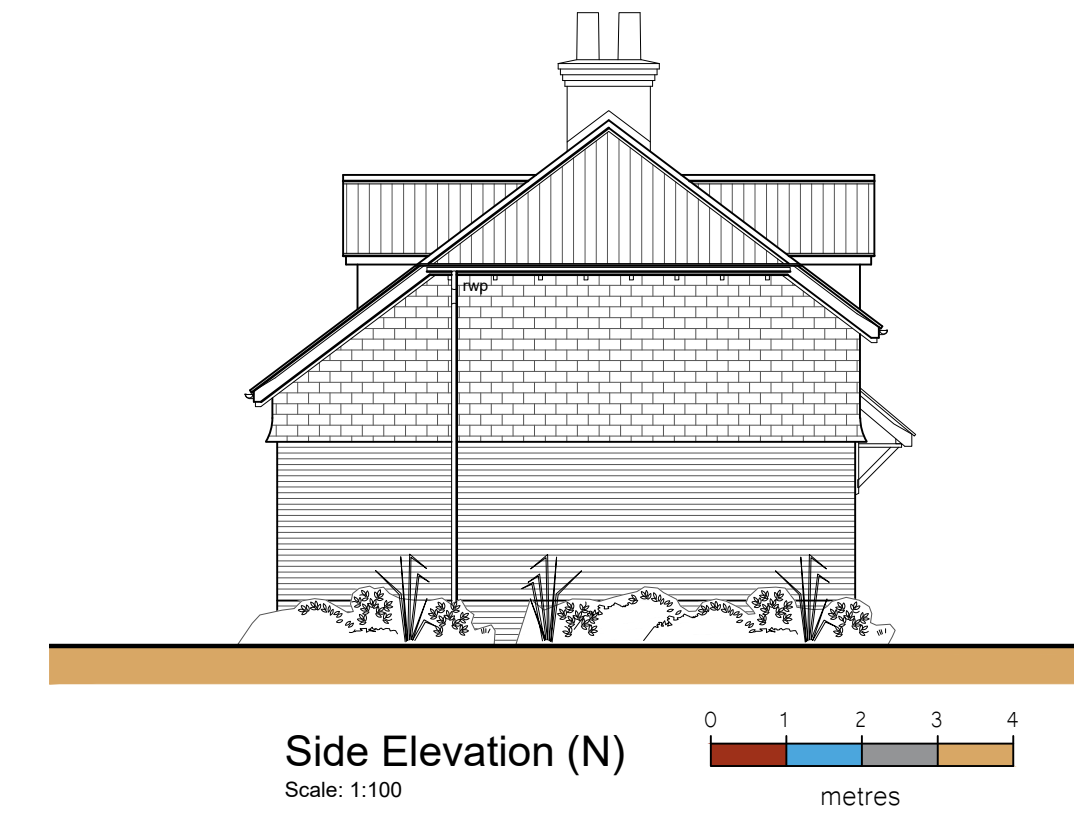
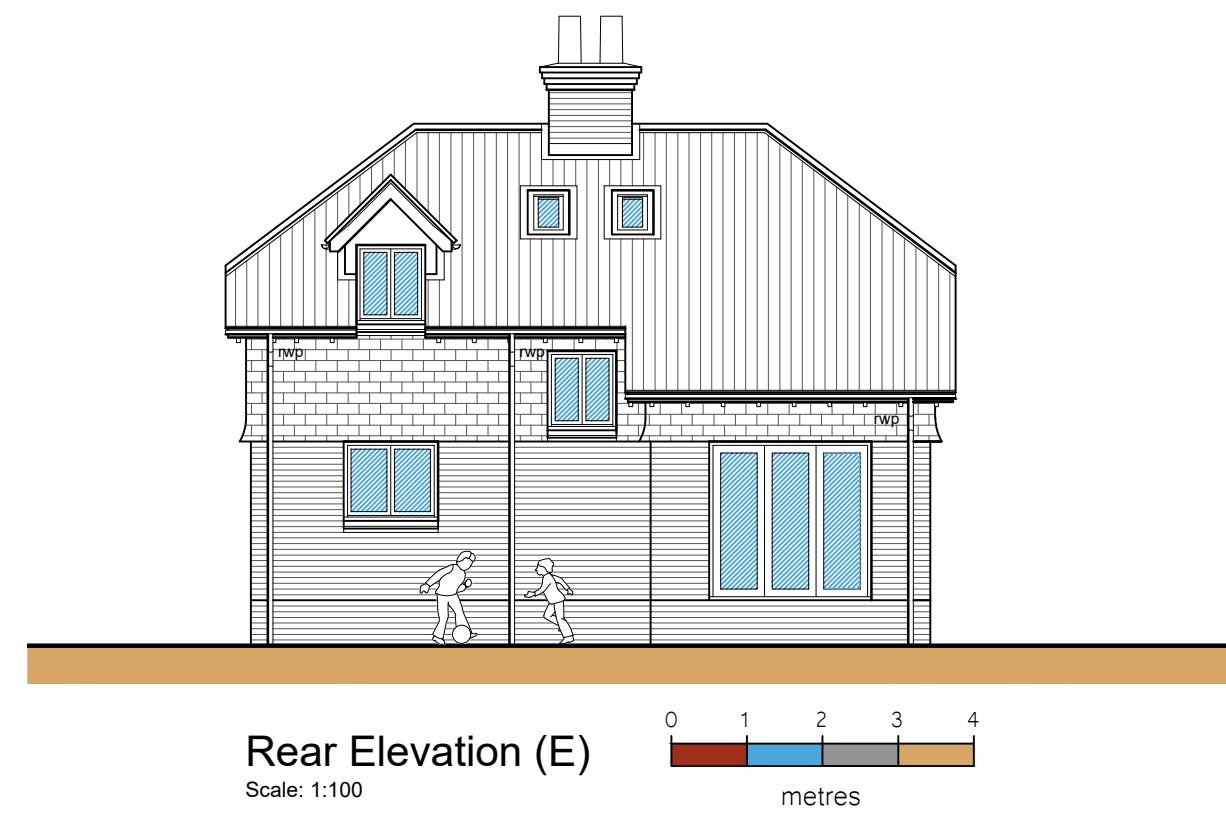
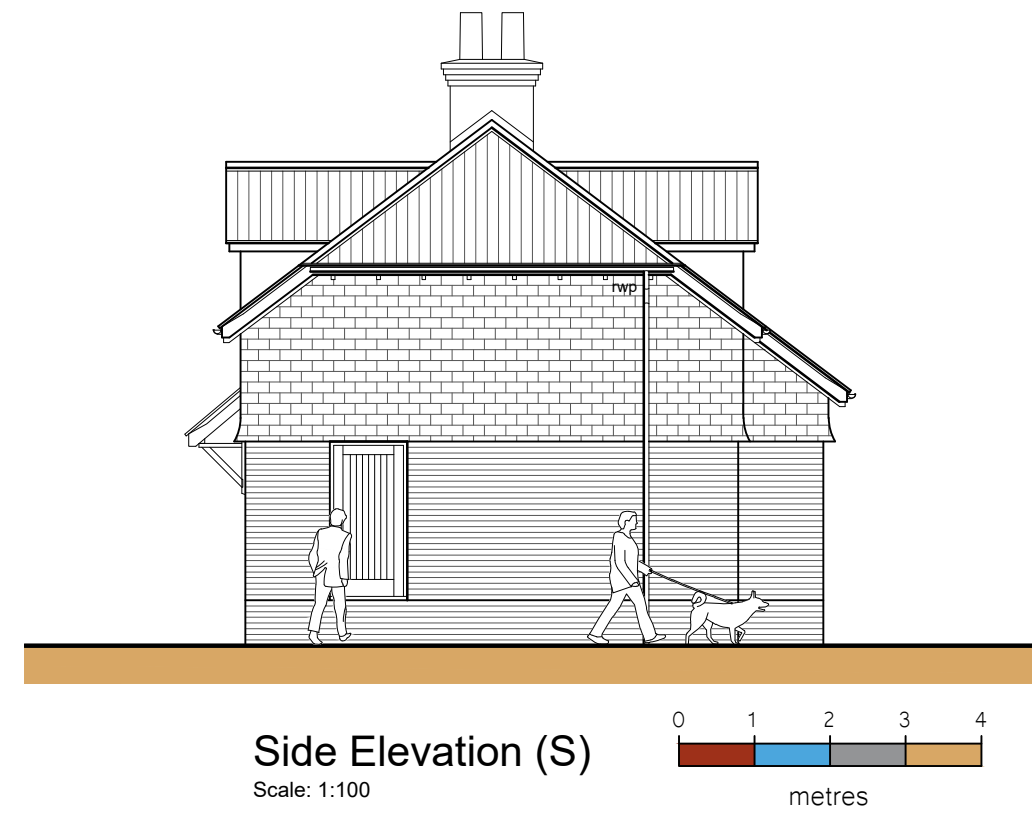
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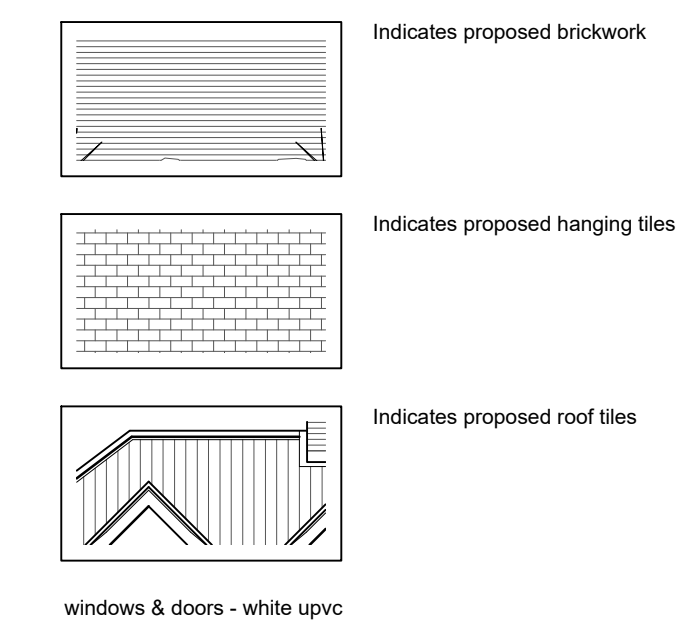
 Fenland District Council

General Notes

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

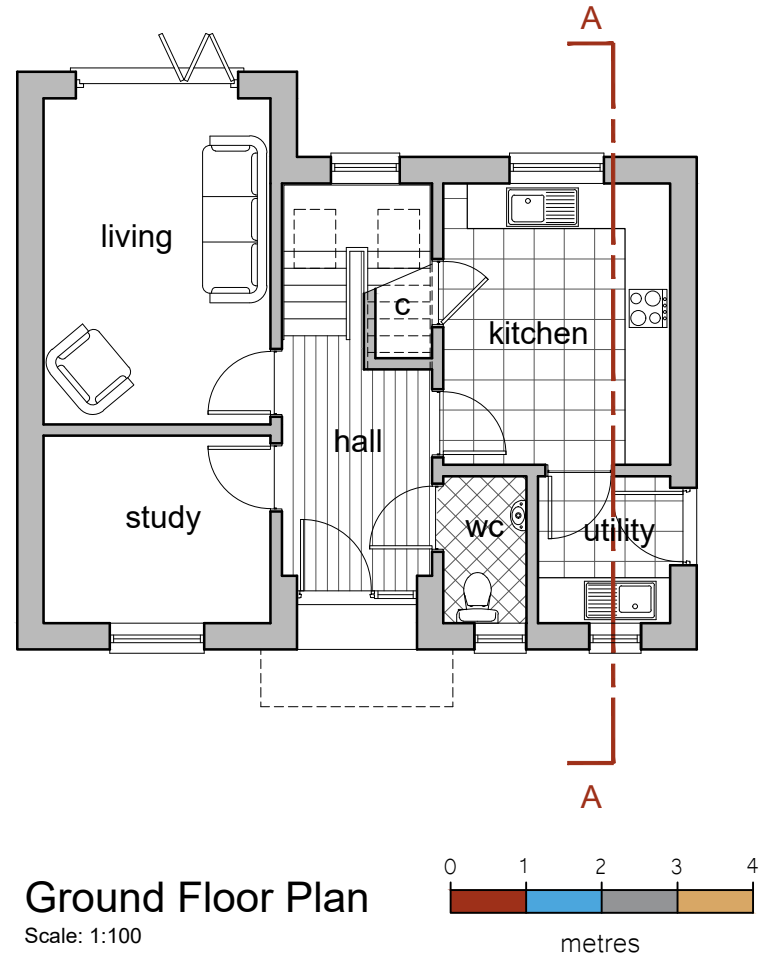
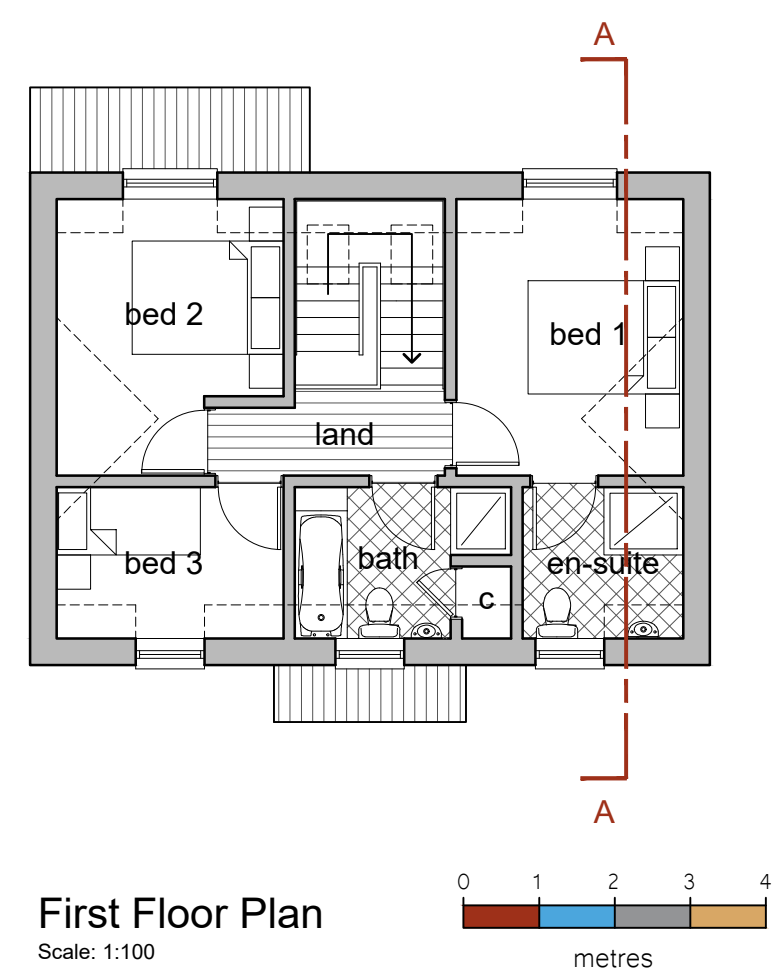


ELEVATION KEY

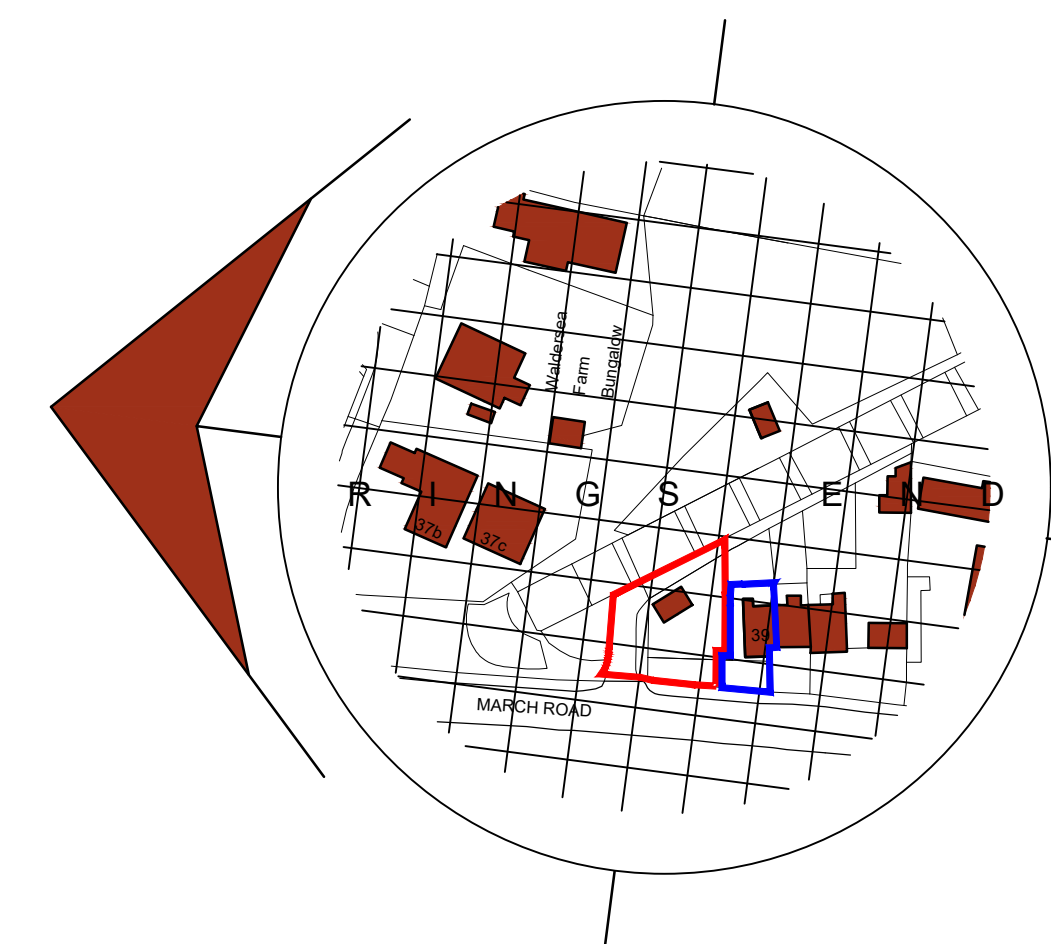
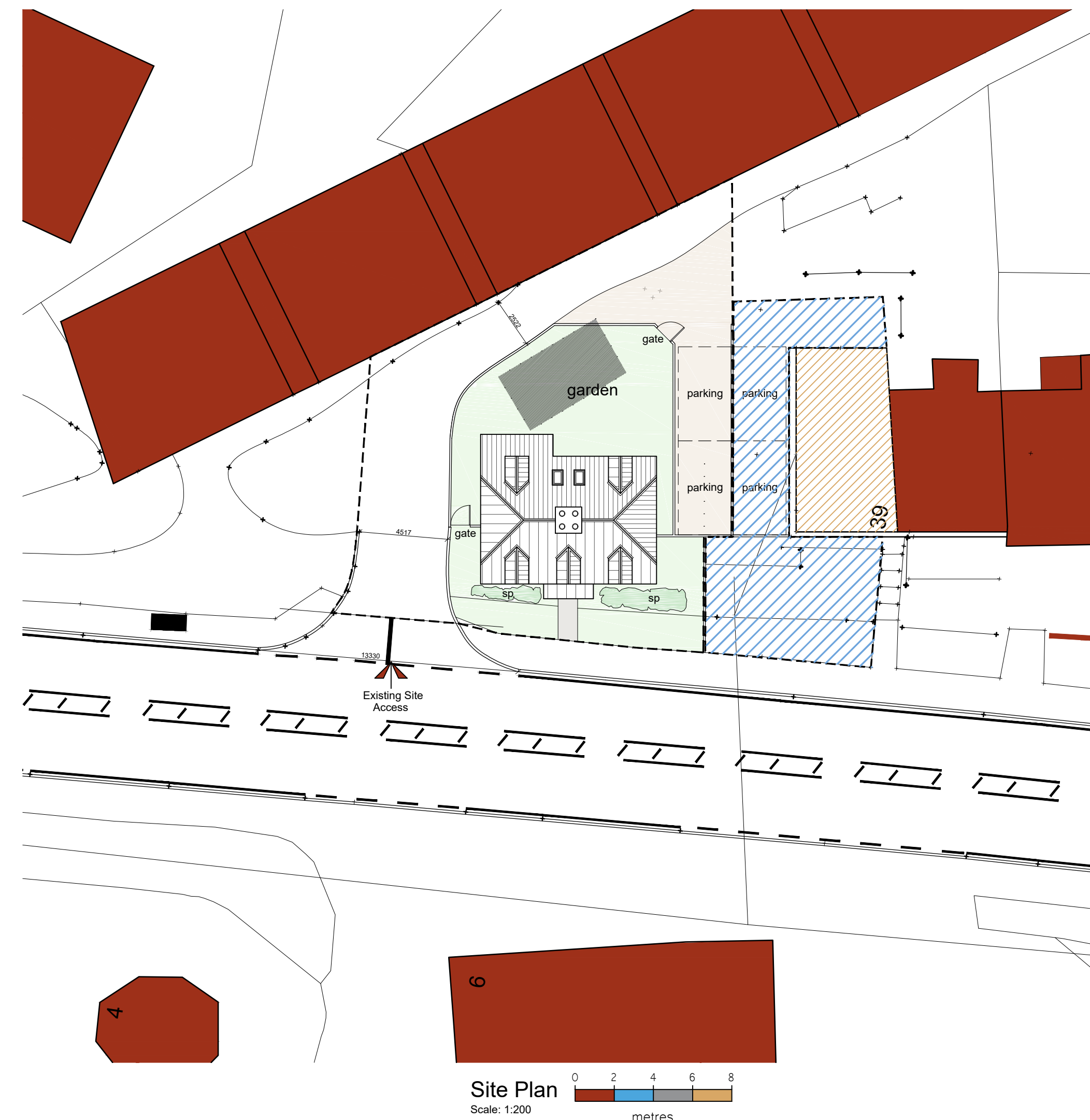
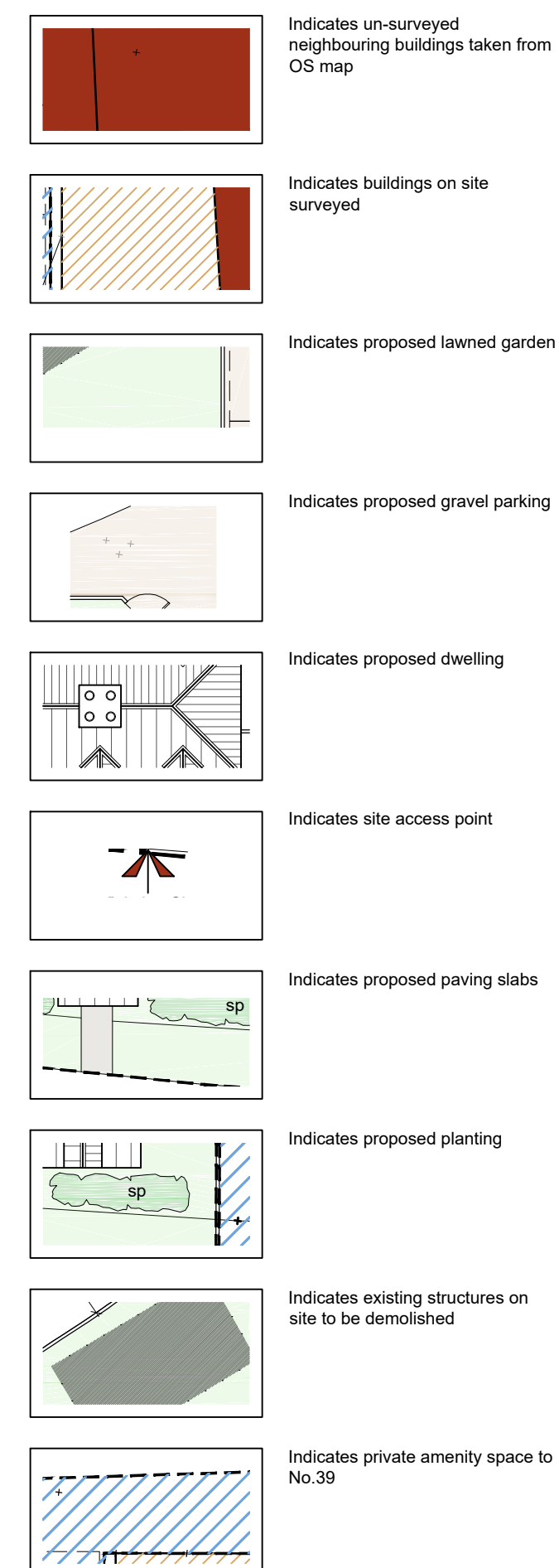


Landscaping Description	
SP - Shrub Planting to include: Lonicera Pileata, Spiraea Godt Flame, Senecio Greyii, Rosa Rugosa, Prunus Laurocerasus, Syringa Vulgaris C3 pot size, planting size 40-60cm, planted at 750mm ctrs	
Landscaping Notes - All planting, seeding or turfing as shown on the above landscaping plan are to be carried out in the first planting and seeding seasons following the occupation of the dwelling of the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion date, are to be removed and replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.	

Revisions		
A	Apr 2020	Floor level raised to 600mm above ground level following FRA
B	June 2020	Amendments following planning comments 10/06/2020
C	June 2020	Amendments following planning comments 11/06/2020
D	July 2020	Amendments following highways comments 06/07/2020
E	July 2020	Amendments following highways comments 03/08/2020
F	July 2020	Amendments following planning comments 19/08/2020
G	Sept 2020	Amendments following planning comments 02/09/2020



SITE PLAN KEY



FFL to be 600mm above existing ground level

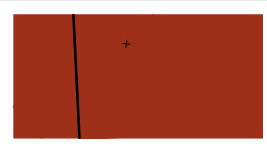
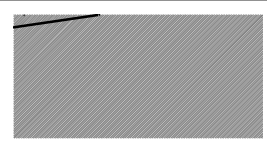
Status
FOR APPROVAL

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

Job Title	Date	Scale
Proposed New Dwelling	March 2020	As Shown
Land North of 39 March Road, Rings End, Guyhirn for: LTS Consultancy Ltd		Sheet Size A1
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-1399	She
	Dwg No.	Revision
	PP1000	G

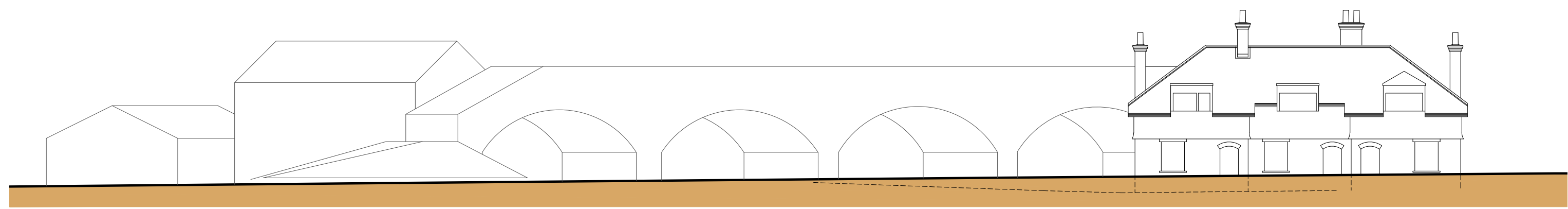
- General Notes
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SITE PLAN KEY

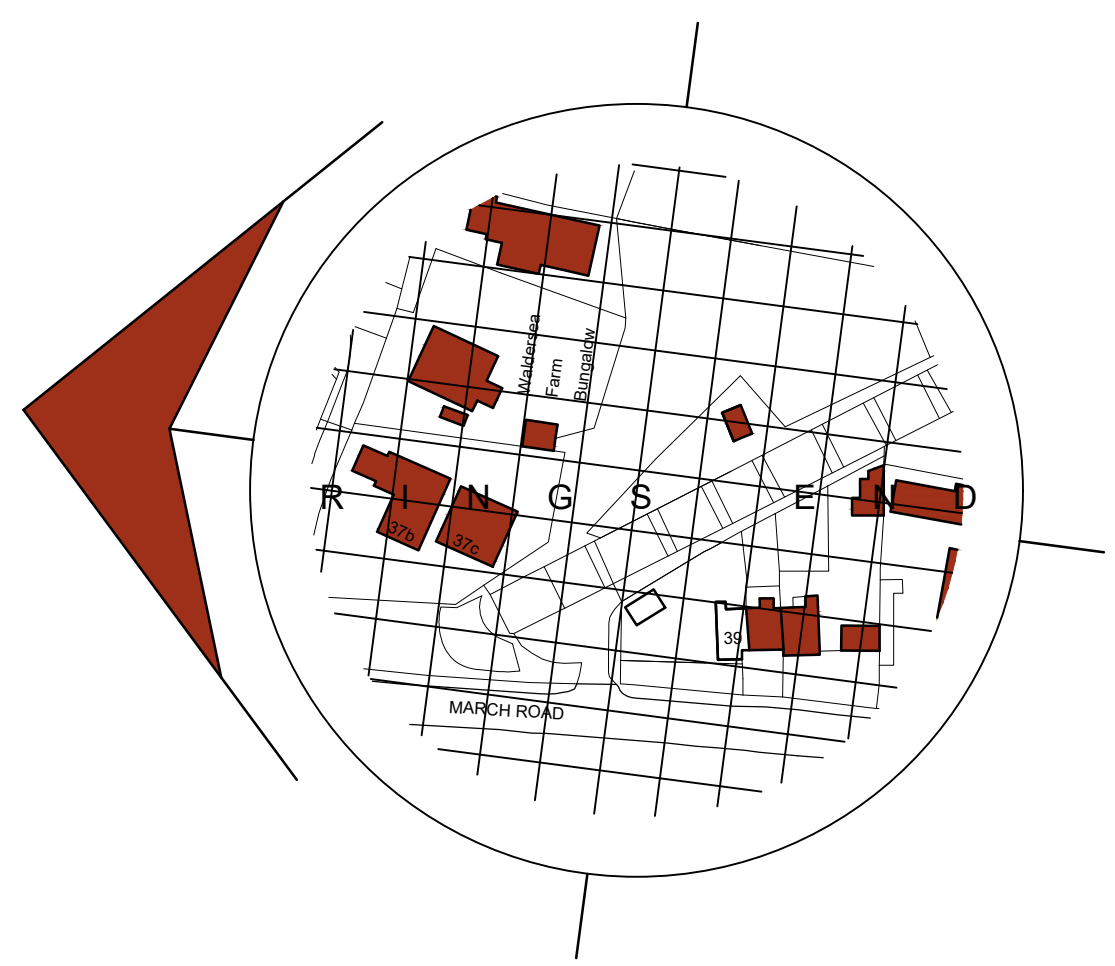
-  Indicates un-surveyed neighbouring buildings taken from OS map
-  Indicates buildings on site surveyed



Site Plan
Scale: 1:200
metres



March Road Elevation
Scale: 1:200
metres



Location Plan
Scale: 1:1250
metres

Revisions	
B	June 2020

Status
AS EXISTING

SWANN EDWARDS ARCHITECTURE
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Job Title	Date	Scale
Proposed New Dwelling	March 2020	As Shown
Land North of 39 March Road, Rings End, Guyhirn for: LTS Consultancy Ltd		Sheet Size A1
Drawing Title	Job No.	Drawn by
Survey Drawing	SE-1399	RS
	Dwg No.	Revision
	1000	B

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F/YR20/0692/O

Applicant: Mr & Mrs Cook

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

Kitchen Garden Cottage, Coxs Lane, Wisbech, Cambridgeshire PE13 4TD

Erect a dwelling involving removal of existing portacabin (outline application with all matters reserved)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks outline planning approval for the erection of a dwelling on land adjacent to Greenbushes, this is a resubmission of earlier proposals for the site for similar developments which have been resisted.
- 1.2 In respect of the latest submission the agent has identified a number of reasons why they contend the scheme should be approved, these include
 - (i) The synergy of the scheme with the Broad Local for Growth renders the development as 'inconsequential development' as per a recent approval relating to a site fronting Barton Road.
 - (ii) That the lack of footpath link should not render the scheme unacceptable or unsustainable based on previous decisions taken within the locality and that to require a footpath would be unviable and unreasonable.
 - (iii) That the site constitutes 'previously developed land' and its redevelopment should be supported in accordance with Paragraph 117 to ensure the effective use of land.
- 1.3 Due consideration has been given to the assertions made within the application with regard to the sites sustainability and accessibility, with particular reference to a consent issued within the vicinity of the location currently under consideration.
- 1.4 However the alternative views put forward do not accord with earlier interpretation of the relevant planning policies; nor do they overcome the earlier reason for refusal which related to the unsustainability of the site

2 SITE DESCRIPTION

- 2.1 The proposed site is situated to the eastern side of Cox's Lane and is currently occupied by a portacabin utilised by a catering business, The site is level and laid to gravel and concrete hardstanding.

- 2.2 There is an existing vehicular access which bridges the existing drainage ditch at the front of the site which runs along Cox's Lane, the access is flanked on either side by low level brick walls with piers and there is mature soft landscaping to the site frontage.
- 2.3 The boundary with Greenbushes is formed by hedging with the rear boundary being fenced between the site and No 4 Barton Green. To the south-eastern boundary are established trees and post and rail fencing forming the boundary with the adjacent land which presents as an orchard.
- 2.4 'Barton Green' a small development of a number of bespoke large detached dwellings lies to the north/north-east of the site; however the general character of Cox's Lane is rural with dense landscaping and sporadic development.
- 2.5 The site is within the West Wisbech Broad Location for Growth and is within a flood zone 1 area.

3 PROPOSAL

- 3.1 The application seeks outline planning approval for the erection of a dwelling with all matters reserved.
- 3.2 As a consequence of the proposal the existing portacabin on the site will be removed.
- 3.3 An illustrative drawing accompanies the submission, this indicates detached dwelling sited centrally within the site with a detached garage towards the rear. Access will be via the existing access with the existing landscaping to be trimmed back, all other boundary treatments are detailed as remaining as existing.
- 3.4 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QEHQ50HE06P00>

4 SITE PLANNING HISTORY

F/YR19/0557/F	Erect 1 dwelling (2-storey, 3-bed) involving removal of existing portacabin	Refused 22/08/2019
F/YR18/0435/O	Erection of up to 1 no dwelling (outline with matters committed in respect of access) involving demolition of existing building	Refused 22/06/2018
F/YR16/0259/O	Erection of a dwelling, involving removal of existing portacabin (Outline with matters committed in respect of access)	Withdrawn 02.06.2016
F/YR05/0720/O	Erection of a dwelling	Refused 26/08/2005
F/YR04/3158/O	Erection of a dwelling	Refused

F/0490/87/F	Stationing of portable building for commercial catering purposes	Granted 16/07/1987
F/0502/82/F	Alterations and two-storey extension to dwellinghouse (Greenbushes)	Granted 10/12/1982

5 CONSULTATIONS

- 5.1 **Town Council:** Recommend *'that the application be supported'*.
- 5.2 **Environment & Health Services (FDC):** *'There are no noise sources close to the site to be of concern and the proposal itself will not be a source of noise to nearby residents. The local air quality climate will not be affected by this proposal. Similarly, there is no suspected ground contamination on site and no reason to suspect a former contaminative use. Consequently, there are no objections to this proposal.'*
- 5.3 **North Level Internal Drainage Board:** *'No objections to this application in principle, however the Boards Cox's drain forms the western boundary to the site and therefore the Board's Byelaws apply. In addition, formal Land Drainage Consent will be required to form the new access to the property'*.
- 5.4 **Cambridgeshire County Council Highways Authority:** *'I have no highway objections to the development in principle subject to the reverse matters'*.
- 5.5 **Local Residents/Interested Parties:** 8 letters of support, 6 of which being pro-forma letters, have been received with 7 being from residents within the immediate locality of the site and 1 being from elsewhere in Wisbech; these may be summarised as follows:
- *'Support application as the proposal would improve the area by removing the portacabin which is in a poor state of repair'*.
 - *'Site within an area where the Council has continually supported new housing'*.
 - *'A new dwelling would fit with the character of the surroundings as it would form part of the existing housing development at Barton Green'*.
 - *'This proposal would massively enhance the existing Kitchen site which is looking untidy'*.
 - *'The new house would complete what looks like a natural infill building plot.'*
 - *One of the proforma letters received is caveated with 'our only concern would be the final position of the property in relation to our house'*

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**
Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

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

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide (2019)

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP8 - Wisbech

LP12 – Rural Areas Development Policy

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- Principle of Development
- Policy LP8 Implications and comparisons with F/YR18/1016/O
- Connectivity and synergy with Barton Green development
- Re-use of land and retention of commercial premises
- Residential amenity
- Highway Safety
- Flood Risk & Sequential Test

9 BACKGROUND

- 9.1 This application comes forward following several earlier refusals the most recent scheme having been refused under F/YR19/0557/F in August 2010 for the following reason:

Policy LP3 of the Fenland Local Plan 2014 and national planning policy guidance steers new development to built-up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in the proposed location. The site falls within an elsewhere location outside of the main settlement which does not benefit from appropriate pedestrian infrastructure, and therefore the principle of development in this location would not be consistent with this policy and national guidance. Whilst the national planning guidance seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located in an unsustainable location outside any settlement limits where development is not normally supported unless justified. No relevant justification has been submitted to the local planning authority. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014

It is noted that the applicant has not sought to appeal the earlier decisions.

9.2 Within the design and access statement (D&A) which accompanies the scheme the agent highlights that:

- (i) *'the approach taken in respect of the earlier refusal is at variance to that adopted with regard to F/YR18/1016/O to the north of the site, which appraised the proposal on the basis of its location being within the BLG and acknowledged that 4 dwellings could be carried out as inconsequential development'*
- (ii) Furthermore the agent also considers that *'the proposal can be supported on the basis that it adjoins existing development as it is not considered isolated in the context of paragraphs 78 and 79 of the NPPF'*
- (iii) *'Post decision correspondence with the Head of Planning which advised that the issue with the proposal was not the principle in terms of where the site is located, but was instead due to a lack of footpath'*.
- (iv) In respect of the footpath linkages it is contended by the agent that *'the site physically adjoins an existing development of 5 dwellings at Barton Green which is also positioned along the unlit lane and also does not benefit from a footpath link'*. Noting that *'the proposal is essentially an extension to the Barton Green development and therefore no different in terms of sustainability including its pedestrian linkage to the town centre'*. It is further noted within the D&A that the LPA supported the 5 dwellings within Barton Green without a pedestrian link and that to provide a footpath in this location would cost between £50,000 to £60,000 which would render the proposal unviable'; contending that *'objecting to the proposal due to a lack of footpath link would be unjustified and unreasonable'*.
- (v) More general comments are also made with regard to the site physically relating to the existing development rather than the orchard land to the north, east and south and that the development of the site would result in the redevelopment of previously developed land.

10 ASSESSMENT

Principle of Development

- 10.1 This site lies outside both the main settlements of Wisbech and Wisbech St Mary and as such must be deemed an 'elsewhere' location in terms of the settlement hierarchy expressed on Policy LP3 of the FLP. It is acknowledged that there are no site constraints with regard to highway safety or flood risk and that the site could reasonably bring forward a development which would not compromise the residential amenity of adjoining households subject to detailed design.
- 10.2 The earlier scheme was refused for the reason expressed in the background section above and as such the assessment of the current proposal focusses on these matters and the contending arguments put forward by the agent relating to the BLG, connectivity, character and re-use of land.

Policy LP8 Implications and comparisons with F/YR18/1016/O:

- 10.3 The earlier refusal acknowledged that whilst the site formed part of the BLG area this was an indicative allocation and would be subject to a Broad Concept Plan which would in turn be informed by an assessment of flood risk and transport issues. To this end it was considered that the earlier application should be evaluated on the basis of its current relationship to the existing settlements in the locality and that whilst there may be opportunities to bring this site forward within

the plan period, should the broad location for growth be realised, the current location was clearly defined as outside the settlements of Wisbech and Wisbech St Mary.

- 10.4 It is a clear tenet of planning policy that each application should be dealt with on its own merits and the particular characteristics of the site approved under F/YR18/1016/O are markedly different to that currently under consideration. As such the assertion of the agent that this application should be approved as inconsequential development is not supported.
- 10.5 In accepting the development proposed under this F/YR18/1016/O it was highlighted that whilst the site in question was detached from the main settlement it did benefit from good links to the town of Wisbech including a footpath immediately opposite. As such it was not considered isolated in the context of paragraphs 78 and 79 of the NPPF. Furthermore it was acknowledged that there would be a choice to use accessible modes of transport to access and support local services and facilities and that the development would not significantly undermine the aims of Policy LP3 to minimise the need to travel and make the best use of existing infrastructure.
- 10.5 *With regard to location it was contended that the site was 'sandwiched between residential uses and therefore it [was] unlikely that [the] site would be compatible with [...] education or business use[s] and would not likely be sufficient to deliver any kind of road infrastructure. Other than the existing agricultural/ horticultural use the site [was] considered mostly compatible for residential use.'*
- 10.6 Again it is noted that the site currently under consideration does not benefit from such footpath links or access to public transport and this is further considered below.
- 10.7 In addition it is highlighted that the site abuts orchard land and as such the clear cut view that residential development would be the only appropriate opportunity available as part of a developing Broad Concept plan, as taken in respect of the earlier decision evaluation is not appropriate in this instance.
- 10.8 It is maintained that the site is an elsewhere location and that in the absence of an approved Broad Concept Plan it should be assessed on the basis of its existing surroundings and place within the settlement hierarchy.

Connectivity and synergy with Barton Green development

- 10.9 The agent highlights that the site is essentially an extension to the Barton Green Development which was approved without requiring the provision of a footway, further asserting that it would be render the scheme unviable to expect a footway to be provided to serve the dwelling.
- 10.10 Considering the history of the Barton Green development it is noted that this was granted outline planning approval in March 2011 with the original assessment being undertaken against the earlier Fenland District Wide Local Plan. The site was former garden land to Greenbushes, as was the current site under consideration although the current application site was retained with Greenbushes.
- 10.11 The original recommendation in respect of the Barton Green development was one of refusal on the grounds of character and the location of the site being

outside the development area boundary. However Members at that time resolved to grant planning permission as they considered that the proposal would integrate into the pattern of development and would not distract from the open and unique landscape character of the area.

- 10.12 Whilst the observations of the agent are noted in terms of the site being an extension to the Barton Green development it must be noted that whilst the site and No. 4 Barton Green have a contiguous boundary the access to the site under consideration is some 72 metres from the access which serves Barton Green, which in turn is approximately 140 metres from Barton Road.
- 10.13 It is regrettable that the Barton Green development and this site did not come forward as a comprehensive scheme, however perhaps not unsurprising as the site did not lend itself readily to a continuation of that development given the intervening property 'Greenbushes'.
- 10.14 It is maintained that the current application site is not a continuation of the Barton Green development and should be considered on its individual merits, whilst it is accepted that Barton Green does not benefit from a footpath link this in itself does render the lack of footpath link in this instance acceptable. Comments made by the agent regarding the affordability and reasonableness of providing such a link are noted and again this serves to demonstrate that delivering development in such a piecemeal fashion serves as a disincentive to provide supporting infrastructure.

Character

- 10.15 The earlier evaluation of the scheme recognised that the character of development in this location is of open countryside sporadically interspersed with a variety of dwelling styles of differing scales. Whilst the development of Barton Green has altered the character of the area this development presents as a unified complex, situated as it is as an infill of the bend in Cox's Lane just off the Barton Road it does not represent an incursion into the open countryside and has been largely absorbed into the locality.
- 10.16 Furthermore it is accepted that the development of this site would not extend the developed form further into the rural area albeit it would further consolidate the Barton Green development. Such consolidation would be at odds with the character of the collective Barton Green development and Greenbushes which all comprise large dwellings on substantial plots. It is again highlighted that whilst the site currently under consideration is no longer associated with Greenbushes in terms of land ownership it did formerly form part of this planning unit.
- 10.17 Notwithstanding the above concerns raised with regard to character considerations again it is considered on balance that the visual impacts of the development would not be so significant, against the backdrop of the earlier approved and delivered scheme, as to render the proposal unacceptable in the context of LP16

Re-use of land and retention of commercial premises

- 10.18 The earlier submission highlighted that the existing portacabin on site was showing signs of disrepair and was deteriorating with age. In recognition of this it could not be argued that the LPA should seek to retain the premises as required by Policy LP6.

- 10.19 The agent argues that as this land is previously developed and should therefore be supported by paragraph 117 of the NPPF. It is noted that the NPPF definition of previously developed land is as follows:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

- 10.20 Looking at the planning history of the site it is noted that the land in question was originally residential curtilage associated with Greenbushes with the portacabin having been granted planning permission for the benefit of the applicant, i.e. Mr C L Cook personally as opposed to the benefit of the land, as such there is no enduring consent for the portacabin which furthermore is not a permanent structure. Accordingly no weight may be given to this strand of justification as postulated by the agent.

Residential amenity

- 10.21 Given the size and position of the plot it is considered that a dwelling may be accommodated on the site without significant detriment to residential amenity, subject to detailed design. As such there are no issues to address with regard to Policies LP2 and LP16.

Highway Safety

- 10.22 No objections have been raised to the scheme in terms of highway safety given the existing use of the site and the site is of sufficient dimension to provide for on-site parking and turning. Accordingly there are no issues arising with regard to Policy LP15 subject to detailed design.

Flood Risk

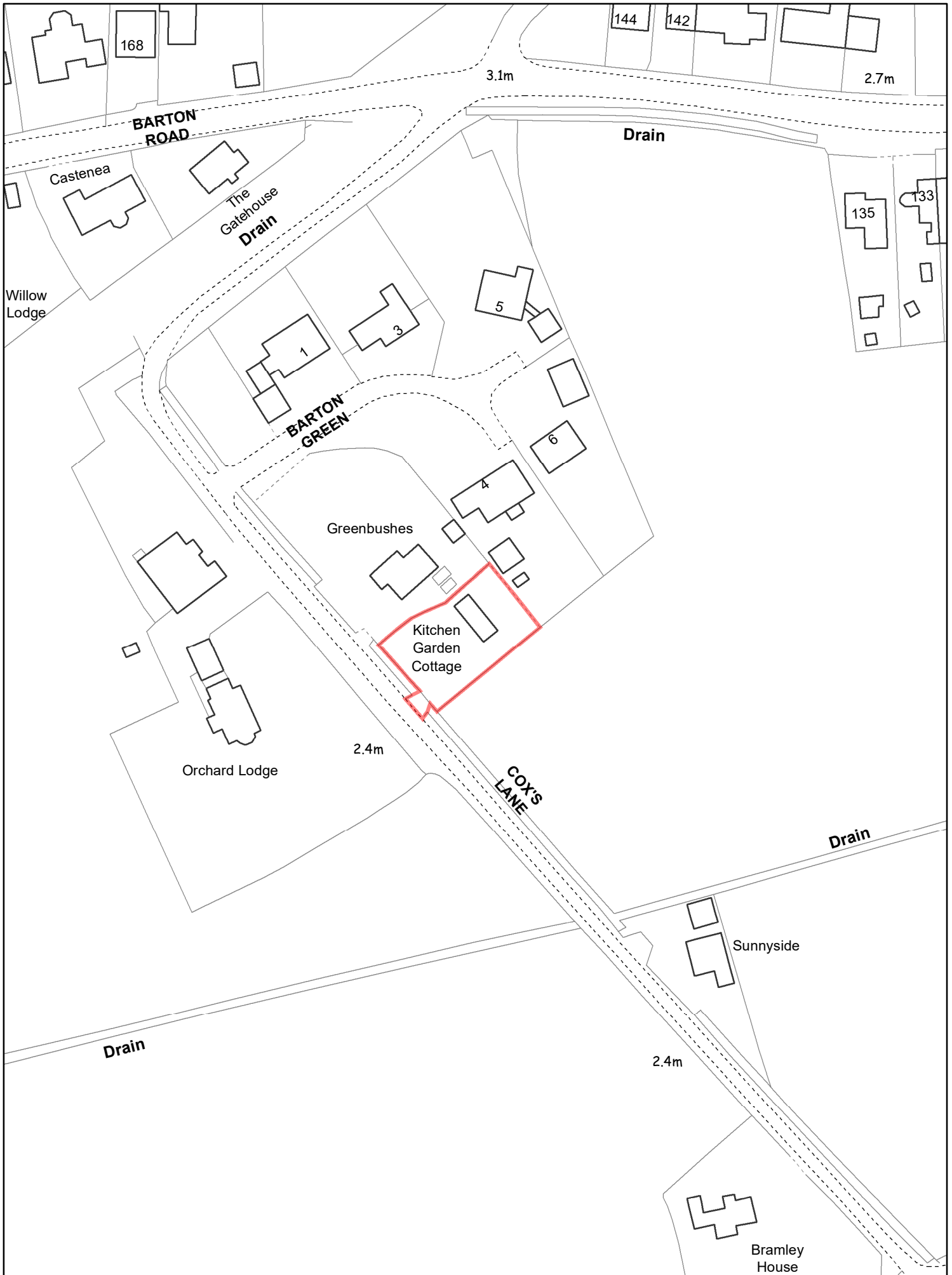
- 10.23 The site lies within Flood Zone 1 and accordingly there are no issues to resolve with regard to Policy LP14 of the Fenland Local Plan, adopted May 2014.

11 CONCLUSIONS

- 11.1 There is a direct correlation between the aims of the FLP and the National Planning Policy Framework and a clear planning argument to resist this development as unsustainable given that the site lies outside of any settlement.
- 11.2 The scheme remains contrary to Policy LP3 and should be refused on this basis; there are no material circumstances that could be afforded more weight than this overriding policy.

12 RECOMMENDATION: Refuse for the following reason

Policy LP3 of the Fenland Local Plan 2014 and national planning policy guidance steers new development to built-up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in the proposed location. The site falls within an elsewhere location outside of the main settlement which does not benefit from appropriate pedestrian infrastructure, and therefore the principle of development in this location would not be consistent with this policy and national guidance. Whilst the national planning guidance seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located in an unsustainable location outside any settlement limits where development is not normally supported unless justified. No relevant justification has been submitted to the local planning authority. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014

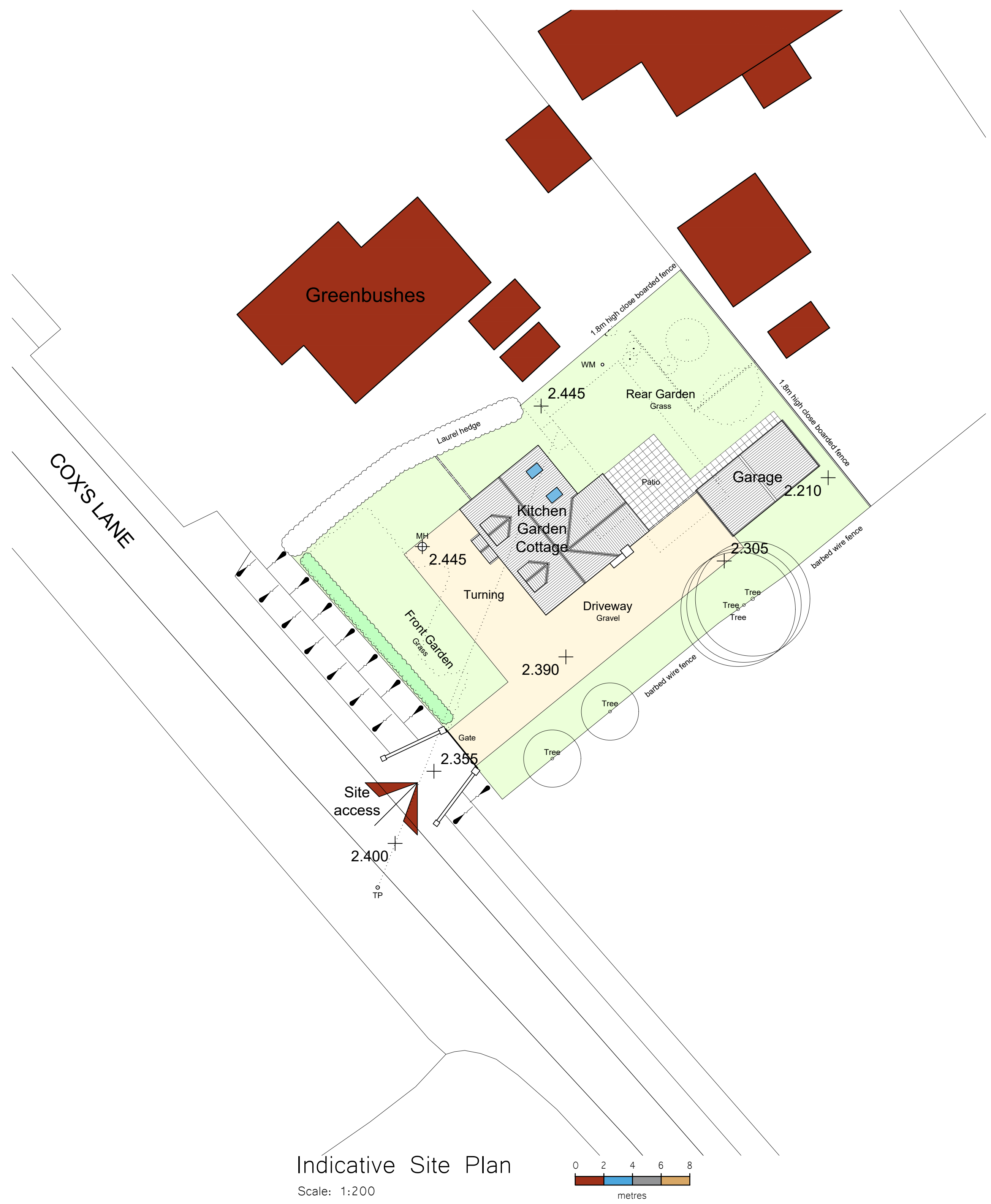


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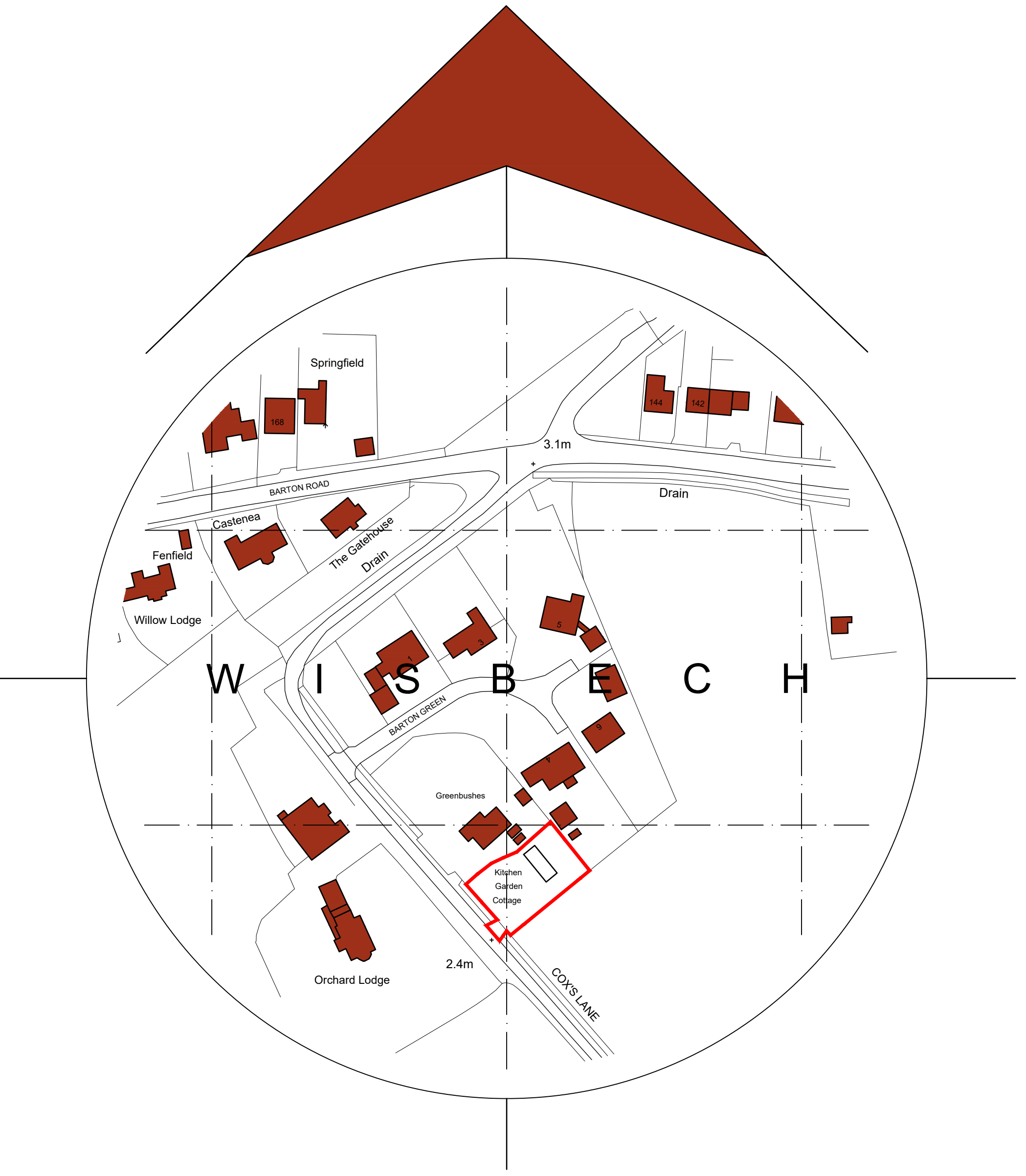
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 Fenland District Council



Indicative Site Plan
Scale: 1:200

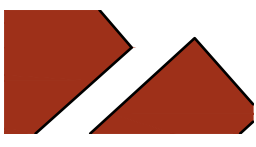
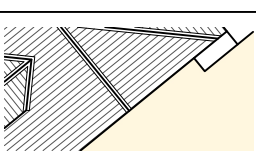
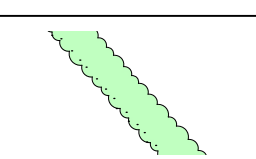
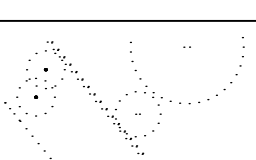
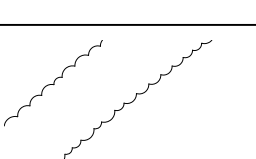
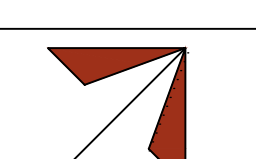
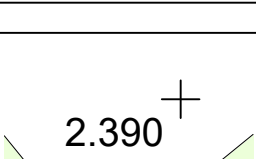


Location Plan
Scale: 1:1250

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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

SITE PLAN KEY

-  Un-surveyed buildings taken from OS map
-  Proposed buildings
-  Proposed vegetation
-  Structures to be demolished
-  Existing vegetation
-  Existing site access
-  Existing site levels

Status
FOR APPROVAL

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Job Title Proposed New Dwelling Cox's Lane, Wisbech	Date June 2020	Drawn by M.N.
For: Mr and Mrs Cook	Checked by G.E.	
Drawing Title Outline Planning Drawing Indicative Site Plan and Location Plan	Job No. SE-1422	Sheet Size A1
	Dwg No. PP1000	Revision

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