

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 28 OCTOBER 2020**

**1.00 PM**

**VIA ZOOM CONFERENCING SYSTEM**

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

The meeting will be available to view on YouTube:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 12)  
  
To confirm the minutes from the meeting of 16 September 2020.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR19/1068/F  
Land north of Maple Grove Infant School, Norwood Road, March, Erect 50x 2-storey dwelling comprising of 24x 2-bed, 21x 3-bed and 5x 4-bed with garages to plots 18, 20, 21, 37, 43 and 49 only with attenuation basin and sub-station involving the

demolition of existing buildings. (Pages 13 - 36)

To determine the application.

6 F/YR20/0710/F

F/YR20/0711/LB>br/>2 Museum Square, Wisbech,  
Full application: Change of use from office (B1) to a 7-bed house in multiple occupation (HMO) (Sui Generis) for up to 9 persons. Listed building application: Internal and external alterations to a listed building to form a 7-bed house in multiple occupation (HMO) for up to 9 persons., (Pages 37 - 56)

To determine the application.

7 F/YR20/0790/F

Curf Fen Cottage, Curf Fen Drove, Chatteris; Erect a 3 and 4-storey (including basement) rear extension, and single-storey side extension to existing dwelling involving the demolition of existing conservatory and single-storey extension, and the erection of a 6.5m high (approx) storage building involving the change of use of land for domestic purposes (Pages 57 - 70)

To determine the application.

8 Planning Appeals. (Pages 71 - 74)

To consider the appeals report.

9 Items which the Chairman has under item 3 deemed urgent

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

## PLANNING COMMITTEE



**WEDNESDAY, 16 SEPTEMBER 2020 -  
1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, 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, Councillor Mrs J French (Substitute)

**APOLOGIES:** Councillor S Clark,

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

**P26/20**

**F/YR20/0417/F**

**STORAGE BUILDINGS AND OUTBUILDINGS EAST OF 5-6 NORFOLK STREET, WISBECH, CONVERSION OF EXISTING STORE BUILDING TO 3 X 1-BED FLATS INCLUDING INSERTION OF 5NO WINDOWS AND CONVERSION OF PART OF NO.6 TO 1 X SINGLE-STOREY FLAT INVOLVING EXTENSION AND RAISING OF ROOF HEIGHT**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure from Mr Hawes the applicant.

Mr Hawes explained that the two shops at the front are small one-room premises on a narrow one-way street which is usually congested with parked cars and that number 5 last traded as a jewellers and number 6 is let on a 10 year lease to a hairdresser. He expressed the view that Norfolk Street no longer lends itself to retail activities requiring large stock holdings and therefore various storage buildings at the rear of properties have become unused and have deteriorated over time. Mr Hawes advised that pre-application advice was sought with this application using the same drawings as had gained a favourable response during that process and the application provides for a significant upgrade to the amenity space used by the hairdresser. He stated that currently the only access to properties at the rear of 5/6 is through a covered passageway approximately 750mm wide which already provides access to residential units above the shops and that the storage buildings come with a right of access along the same passageway but were they to be brought back into commercial use this could in his view create significant disruption to existing residents, particularly as parking issues would encourage deliveries at anti-social times. Mr Hawes stated that there is a small courtyard/amenity space at the rear of 5 available for the use of all residents but its use is compromised by the poor state of the buildings behind 6 which are insecure and attract vermin, However by converting the buildings behind 6 into one 2 bed unit, reduced from the 2 units agreed in principle during the pre-application process those issues, in his opinion are addressed. Mr Hawes stated that the current national and local policy is that no car parking is required for town centre developments and these units are sized to cater for a demographic unlikely to be car owners. He expressed the view that Wisbech is well served by public transport and added that by reorienting the barn to allow

access from Orange Grove reduces the footfall from Norfolk Street, thus providing an enhanced environment for the remaining residents. Access to the barn will now be either direct from a private car park or via an existing communal staircase at 9 Orange Grove which will mean that the design is able to offer better accommodation than if a stairwell had to be incorporated into the barn. Mr Hawes added that 9 Orange Grove is a recently updated block, which benefits from a communal fire alarm to which the new flats will be linked and refuse provision for these units will be accommodated on the car park, further reducing issues created by properties gaining access from Norfolk Street. He explained that discussions were held before and during the application process with the Conservation Officer for the Council and she has no objections from a heritage viewpoint, with the only comment received during the public consultation phase being from a residential neighbour who is in favour.

Mr Hawes stated that all buildings affected by this application are in the control of the applicant and access from the car park in Orange Grove through the barn provides a one-off opportunity to address the state of the buildings at the rear of 6 Norfolk Street without undue disruption being caused to other residents. He concluded by stating that by allowing this development the following benefits are achieved; repurposing existing buildings justifying their repair, residents of neighbouring properties are not affected by the possibility of disruption caused by future commercial use, additional accommodation is created, the environment for existing residents of 5/6 Norfolk Street is improved, the working environment for the existing hairdresser is improved and the street scene in Orange Grove is enhanced, by a replacement wall in sympathetic bricks.

Members asked officer's the following questions:

- Councillor Mrs French stated that the building does look as though it is in need of improvement and asked officers to clarify the situation with regard to the parking provision. David Rowen stated that there are no parking spaces which form part of the proposal and given that the parking area on Orange Grove also services the existing flats, which is also in the applicant's ownership, there could be the opportunity for a very small element of parking where applicable or appropriate however, it will be below policy compliant level. He added that as the proposal is within the town centre the Local Plan does allow for nil provision. Councillor Mrs French stated that if more developments of flats are approved there will be a problem with regard to lack of parking and in her view parking is an area that needs to be reviewed as part of the new Local Plan.
- Councillor Skoulding asked for clarification with regard to the wooden door in Norfolk Street and asked whether it will be kept locked or left open in case of an emergency? David Rowen stated that this will be an area the applicant will need to look at, however if it is an aspect that members are particularly concerned about, then it could be an additional condition imposed with any planning permission, for details concerning security to be agreed with officers and implemented thereafter.
- Councillor Murphy referred to the Government's parking policy and asked whether the policy still exists, that properties do not need the provision of any parking spaces in the town centre? David Rowen stated that the Government policy has various strands with regard to car parking and one of those is that by providing no parking it discourages car use. He added that the general approach, which is consistent with the Local Plan, is that while it is desirable to have parking in residential schemes in town centres where that is not achievable because of its central sustainable location, then nil provision or under provision of parking can be approved.

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

- Councillor Meekins stated that he disagrees with the comments from Wisbech Town Council, who state that this proposal is in their view over development and has a lack of off street car parking. He expressed the opinion that there is ample car parking in the vicinity of the site, including St Peters Car Park which has 700 spaces and a small parking area in West Street.

Councillor Meekins expressed the opinion that the type of residents who would live in the proposed development are unlikely to have a car and stated that with regard to over development, the current site is an eye sore and improvements do need to be made and to change it into quality accommodation for single residents is something that he welcomes. He stated that Mr Hawes has confirmed the refuse bin provision is adequate and there is an allocated space for the storage of the refuse bins at the rear of the building. Councillor Meekins expressed the view that whilst he respects the Wisbech Society for all their work, he does not agree with their comments concerning the brickwork being worthy of saving. He agrees with Mr Hawes comment regarding the view from Orange Grove towards the proposed building enhancing the street scene and he will be supporting the officer's recommendation to approve this application.

- Councillor Lynn stated that the space to the rear is very small space, but the whole area is in a state of disrepair and needs to be improved. He added that homes are required not just for families but also consideration for housing does need to be given to those people who are living on the streets. Councillor Lynn expressed the view that he does have concerns over fire risk and would like to see the entrance onto Norfolk Street opened up but stated that he will be supporting the officer's recommendation.
- Councillor Hay stated that she will also be supporting the officer's recommendation and added that currently the site is an eyesore and does need to be improved as it is encouraging vermin. She expressed the opinion that the nature of the building that is being proposed would give an indication that the residents may not own a car, so the lack of car parking provision would not cause a problem. Councillor Hay added that she also has concerns over means of escape in the event of a fire and added that she would like a condition added to address that and to include more than one exit route.
- Councillor Sutton stated that he shares some of the concerns of other members with regard to the lack of parking, however the committee does approve applications without parking. He referred to page 14 of the officer's report which shows the current footprint and the proposed footprint expressing the view that the built form is not much greater and the buildings are in a poor condition, is an eyesore and he will be supporting the officer's recommendation.
- Councillor Sutton stated that members must be very clear in adding any condition if the proposal is approved. David Rowen stated that the condition he alluded to earlier would be with regard to security, including how the door onto Norfolk Street would be managed and possible lighting to be included from a security perspective with fire exits and regulations being something that would be addressed under building regulations.

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

**P27/20**

**F/YR20/0427/F**

**LAND NORTH OF MANEA RAILWAY STATION ACCESS VIA, FODDER FEN ROAD, MANEA.FORMATION OF A CAR PARK (TO SERVE MANEA TRAIN STATION) AND THE FORMATION OF AN ACCESS AND 2M (MAX) WIDE FOOTPATH LINK**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Cornwell stated that he knows the site well and can understand the reason for the car park but questioned whether officers are aware as to how many trains actually stop at the station each day as he wants to relate that to the number of car parking spaces that are being provided. David Rowen stated that he did not have that information and that would be a question to ask the project team behind the application rather than the Planning Officers. Councillor Cornwell added that he is aware that there has been a recent reduction

in the number of trains stopping at Manea and he is keen to ensure that 112 spaces are enough to cater for the use of the station. David Rowen stated that as Planning Officers and putting aside that it is a Fenland District Council application, they would assume that the rationale behind the application has been considered and what has been applied for is sufficient to meet the purposes of the principles of development.

- Councillor Mrs French stated that with regard to the train service query that Councillor Cornwell raised, but it is supposed to be one train an hour. She added that Mayor James Palmer is currently in discussions with the Ministry of Transport to try and get a solution by the 21 September so that trains do stop once an hour at Whittlesey, March and Manea. She added that it is her understanding that it is to help the people of Manea to use public transport rather than drive and they are looking at the future use of the railway not what is happening at the present time.

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

- Councillor Sutton stated that he welcomes the proposal as it will be a big benefit to the residents of Manea, but also to the surrounding villages that currently travel to other stations. He added hopefully the hourly train service will be re-introduced and if it removes vehicles off the road it will be a good thing.

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

*(Councillor Mrs Mayor declared an interest, by virtue of the fact that she has been a member of the Hereward Community Rail Partnership when discussions concerning the Manea Station Car Park took place and, therefore, took no part in the discussions or voting on this item)*

*(Councillor Marks declared an interest, by virtue of the fact that he is a member of the Manea Rail Board, and he left the meeting for the duration of the discussion and voting thereon)*

*(Councillors Benney and Murphy left the meeting for the duration of the discussion and voting thereon due to possible involvement in previous discussions on this item as Cabinet members)*

**P28/20**

**F/YR20/0531/VOC**

**THE COLLEGE OF WEST ANGLIA, ELM HIGH ROAD, WISBECH, VARIATION OF CONDITION 20 TO ENABLE AMENDMENT TO APPROVED PLANS OF PLANNING PERMISSION F/YR16/0792/F (ERECTION OF 137 DWELLINGS, ALTERATIONS TO RAMNOTH ROAD AND ELM HIGH ROAD JUNCTION TO FORM A NEW VEHICULAR & PEDESTRIAN ACCESS AND ASSOCIATED WORKS & INFRASTRUCTURE)**

Alison Hoffman presented the report to members.

Members received a presentation in objection to the application, in accordance with the public participation procedure from Councillor Sam Hoy, a District Councillor.

Councillor Hoy stated that she is not against the development but has concerns with the variations to the scheme to the northern part of the site, which is adjacent to Falklands Drive and comprises bungalows. She stated that her concern, and that of some of the residents in Falkland Drive, is that the variation to the proposal now includes two storey dwellings which will overlook the bungalows resulting in a loss of privacy and the residents did not object originally as the proposal only included bungalows against their boundaries, but now the variation which includes the provision of 100% affordable homes appears to have been changed.

Councillor Hoy added that officers have also stated that the variation will lead to overlooking and in her opinion that there is no reason that the developer could not have left bungalows in the northern part of the site as bungalows are required in Wisbech and in her view that the two storey dwellings could have been placed to the front of the site, or in the northern part of the boundary of the site, as it appears that only 3 or 4 properties would be impacted. She reiterated that she has no problem with the proposal apart from her concerns with the new layout and she requested that the committee refuse the application on the basis of overlooking and ask the developer to review the plans in consultation with local residents to make the few small changes that are required to make the proposal satisfactory.

Members asked Councillor Hoy the following questions:

- Councillor Mrs French stated that Wisbech Town Council have offered no objections to the proposal and asked Councillor Hoy whether she had taken part in their discussions regarding the application? Councillor Hoy stated that she does not sit on the Town Council's Planning Committee and she believes that the Town Council may not have understood what the variations actually were when they were first submitted, as the information on the District Council's website was not clear.
- Councillor Sutton asked Councillor Hoy if she could advise him under what policy the committee could refuse the application, given that the separation distances in the proposal are exceeded by 2 metres in most places and under the national policy the distance allowed is 21 to 22 metres? Councillor Hoy stated that it is down to the Planning Committee members to make decisions dependent on policies. She made the point that she is only speak on behalf of the residents who do not wish to be overlooked and by making a few small changes to the proposal the concerns of the residents could be overcome.

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

Mr Stentiford stated that the officers' report covers all of the issues very thoroughly, but he wanted to make some brief comments in support of the proposal, with the changes that are proposed enabling the scheme to be delivered as 100% affordable homes, which he is delighted to have been able to do this. He stated that the Council's data indicates that no affordable units have been built in Wisbech in the past three years and as a result there are a total of 619 applicants on the Housing Register needing an affordable home in Wisbech, with this proposal providing 137 affordable units and therefore making a substantial contribution to reversing this trend and beginning to tackle the shortfall.

Mr Stentiford expressed the view that the amendments to the scheme are minor, and as highlighted in the officer's report they will not result in any significant harm to residential amenity. He feels that although the scale has changed at certain points along the boundary, achievable and appropriate separation distances are in place and there will be no unacceptable overlooking or loss of privacy whatsoever.

Mr Stentiford added that the relationships between existing and proposed dwellings are typical of residential areas, and it would be wrong to prevent affordable homes from being provided on this basis.

He clarified paragraph 1.7 of the committee report where it states that there are no implications for the existing S106 contributions and stated that he is going to deliver the requirements of the existing S106 agreement in its entirety, including the financial contribution for affordable

housing, as well as delivering the whole scheme as affordable on site. The scheme will provide a mix of rented and shared ownership homes, encouraging a mixed neighbourhood in the setting of attractive open space and public realm, which will be a great place to live.

Mr Stentiford stated that the development is entirely acceptable in respect of policy. It is strongly supported by officers and most importantly, in his view, it will make a life changing difference to local families who are waiting for affordable homes right now. He added that it is a high quality scheme, which will deliver much greater benefits over the existing permission, and he would be very grateful for the support of the committee with regard to the application.

Members asked Mr Stentiford the following questions:

- Councillor Lynn asked Mr Stentiford to clarify how the relocation of 3 bungalows would stop the development being 100% affordable? Mr Stentiford stated that the whole scheme has been designed to be deliverable from the point of the registered provider and the proposal before members, in his opinion, is a scheme that works, there is no unacceptable impact and the proposal is clear on planning policy and is more than adequate in terms of separation distances.
- Councillor Lynn stated that whilst he appreciates that legally Mr Stentiford is correct and he has no issue with the whole development, there could be an element of goodwill which could be factored into the proposal. He reiterated his question and asked why moving three bungalows from one part of the site into a different part of the site, stops the proposal from being 100% affordable? He added that consideration needs to be given to the existing residents in the locality who will be effected and whilst from a legal and planning perspective he appreciates that Mr Stentiford is compliant, an element of goodwill is required which will appease the local community. He does appreciate the Section 106 contributions, but out of 137 properties, three of those are causing concern and he asked Mr Stentiford to take that into consideration. Mr Stentiford explained that there are procedures in place for the scheme to be signed off by the registered provider and if something had been fixed in place which was then deemed to be unacceptable due to planning policy then it would be revisited, but in this case there is no unacceptable harm and the risk to return to the detail of the proposal at this stage would put the project in jeopardy.
- Councillor Hay acknowledged that clearly there is no harm, but there will be a risk of loss of privacy in the development and overlooking. She stated that that slightly more bungalows are being built as part of this proposal and questioned why the previous scheme could not have been made 100% affordable. Mr Stentiford stated that this scheme has been completely tailored to meet the requirements of what the registered provider believes they need to provide and by looking at the housing register and looking at the requirements as set out by Homes England. He added that the fundamentals of the scheme are then looked at and the size of units and plots and what is provided in each unit, including floor space, with this information is provided to the architects and this is how the proposal has been put together.

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

- Councillor Sutton stated that whilst he would empathize with the 3 or 4 properties that will back on to the new plots that will affect them, there is no difference to many other

developments that have been approved previously. He stated that there is no specific policy in the Local Plan, but the national policy is 21 metres and there have been approvals made by the committee of distances much closer than that. He added that there are no grounds that are defensible at appeal should the application be refused and there are no reasons in

- planning policy terms to refuse the application and he will be supporting the officer's recommendation.
- Councillor Mrs Mayor stated that she agrees with Councillor Lynn's comment concerning goodwill. She does not find the proposal acceptable and whilst Mr Stentiford made reference to going back to the fundamentals of the proposal not being an option in this case, she feels for the sake of moving the three bungalows in this case she thinks that he should and she will not be supporting the officer's recommendation.
- Councillor Lynn expressed the view that he believes the agent has not given a clear response as to why the 3 bungalows cannot be relocated within the site, which will appease everybody, and he will not be supporting the officer's recommendation.
- Councillor Mrs French stated that affordable homes are needed, and her concern is if the application is refused by the committee then the Council is in great danger of incurring great expense and delay much needed affordable homes.
- Nick Harding stated that the scheme that is before the committee today has been changed which is worse for some of the abutting residents than it was before, but members need to decide whether the decrease in amenity makes the scheme unacceptable. The separation distances between the backs of the houses and the existing bungalows is in excess of what is required under national policy and if the application was refused then it would be difficult to provide a reason for refusal on the grounds of unacceptable loss of amenity and overlooking.

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

*(Councillor Connor declared an interest in this item, by virtue of the fact that he is pre-determined and took no part in the discussion or voting thereon. Councillor Mrs Hay chaired this agenda item)*

**P29/20**

**F/YR20/05760**

**LAND NORTH WEST OF 8, JOBS LANE, MARCH, ERECT 1 X DWELLING  
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF  
ACCESS)**

David Rowen presented the report to members.

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

Mr Gowler thanked the officers for working with him to resolve issues that has meant this application is presented to members with a recommendation to grant the proposal. He stated that he wished to clarify some points in response to the objections raised by neighbours and added that the layout although indicative has been carefully thought out to give sufficient parking and

turning for the new property as well as the existing bungalow and as part of the new access the existing parking for the bungalow will provide turning to allow cars to exit without the need to back into or out of the drive.

Mr Gowler stated that the visibility splays will be improved at the new access improving safety and the design of the dwelling is subject to a reserved matters application, but the indicative bungalow shows it would complement other development in the area. He stated that this resolves any overlooking issues and privacy is made no worse than the existing bungalow garden use creates and in summary he stated that the proposal meets policy and provides another much needed small bungalow to March.

Members asked Mr Gowler the following questions:

- Councillor Connor referred to the point concerning the visibility splay and asked Mr Gowler to clarify whether there is any legal agreement in place with the adjacent landowners with regard to the third party land? Mr Gowler stated that it is currently being looked into and he added that the neighbouring bungalow is also using his clients land and there is the need for the site to have a reciprocal arrangement in place between the two owners that the visibility splay will be included into the transfer documents for both properties.
- Councillor Connor referred to the 45 letters of support and stated that none of them appear to be from residents local to the proposed dwelling, whereas 10 of the letters of the objection are closer to the proposed site, who have raised concerns over visibility and poor access. Mr Gowler expressed the view that the letters of support are from friends of the applicant and where they live is not within his control. He added there have been several letters of objection where he has tried to resolve the issues that have been raised, some of them to do with over development, which are as a result of a knock on effect of other similar pieces of land where bungalows have been built on in rear gardens. Councillor Connor stated that the objectors do need to be taken into consideration as they are all in the locality and they will be impacted in one way or another.
- Councillor Skoulding asked whether the 4ft fence will be removed, which is currently situated at the front of the site, so that there will be a clear view. Mr Gowler stated that a clear visibility splay will be in line with Highways comments and there is a proposed condition for the visibility splay to be kept to the usual height. Councillor Skoulding stated that if you were in a vehicle you would not be able to see cars coming around Jobs Lane. Mr Gowler stated that the fence and brick wall will need to be adjusted to meet the Highways condition.
- Councillor Skoulding asked whether emergency vehicle access and egress had been considered and whether there would be the possibility of an emergency vehicle being able to turn around and exit forward? Councillor Skoulding added that an ambulance is approximately 4.8 metres long and 2.4 metres wide. Mr Gowler stated that he is unsure whether an ambulance would be able to turn around. Councillor Skoulding expressed the opinion that there is no possibility that you could drive in forward and exit forward and that does causes him concern.
- Councillor Sutton stated that in his opinion it is tight, but if an ambulance was required it could reverse out. He added that he did have concerns about the visibility splay and being held in perpetuity but the agent has confirmed that there will be an agreement in the transfer deeds and if the Highways Authority are content with the splay and there will be rules concerning the height of the fencing and the brick wall that will have to be adjusted. He added that he is not enamoured with the idea of properties in back gardens, however March Town Council have supported the proposal and he does not feel that there are any reasons for the application to be refused.
- Councillor Meekins questioned where the parking facilities are for numbers 10 and 10a. Mr Gowler stated that numbers 10 and 10a are neighbouring properties and are separate to the proposed site and added that there is no parking for the proposed site.
- Councillor Cornwell stated that some of the objectors have raised that the plot is narrower

than some of the other development taking place and he asked Mr Gowler to provide the separation distance between the proposed site and that of number 10a. Mr Gowler stated that he did not have the information, but added that in effect it would be across the driveway of the proposed bungalow and the separation distance to the indicative bungalow shown would be 3 metres to the boundary and 4 metres to the physical building.

Members asked officers the following questions.

- Councillor Cornwell stated that if the accepted separation distance is 21 metres, as we heard earlier, then some of the objections associated with the proposal are relevant. He added that previously that particular part of Jobs Lane was associated with nice properties and gardens, however, there now appears to be a situation where there is back garden development taking place and also a dwelling in a front garden which appears to be entirely out of place and does not follow a building line. Councillor Cornwell stated that the plot size in his opinion is very narrow and there has been so much other development, he does not see how the application can be refused. He added that he does not like the particular plot or the access or egress associated with it. David Rowen stated that the 21 metres that was referred to earlier was back to back distances, whereas the 4 metre distance associated with the proposal is a side to side distance which is a fairly common arrangement between semi-detached and detached properties in most residential areas. David Rowen referred members to the pattern of development at page 67 of their agenda packs, highlighting the back land development at 10a immediately north of the site and the other development in the surrounding area and whilst it is a tight plot, taking into consideration the previous approved schemes in the area and the general character, the view from officers is that it would be difficult to refuse this application.
- Councillor Mrs French stated that she has listened to the views of Councillor Cornwell and he is correct in what he has stated, but she feels that a precedent has been set and, therefore, she will support the application. However, she recognised there is a nasty bend and she has taken into account the views of Councillor Skoulding and if there is going to be a fence it needs to be at a low level.

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

- Councillor Sutton referred to the comment by Councillor Skoulding and page 68 of the agenda pack, expressing the opinion that he believes that an ambulance would be able to turn around as the turning area is the full width of the plot. He stated that with regard to the question Councillor Cornwell raised with regard to distances, the indicative plan does not show any windows, it shows a bedroom window at the front which only overlaps the dwelling at 10a by approximately 1metre. He stated that he is not enamoured with the scheme and it is infill, however, he will be supporting the officer's recommendation.
- Councillor Connor stated that he disagrees with Councillor Sutton and you would not be able to turn an ambulance around in that space. He added that it is back land development, is a narrow plot and has poor access and he will not be supporting officer's recommendation.
- Councillor Murphy made the point that, although he does not particularly like the proposal and it is a tight space, if members refuse this application then it will be appealed and passed and, therefore, he will support the officer's recommendation.
- Nick Harding stated that as the photographs have shown there is a dwelling being constructed on land adjacent to the application site which is on the same bend and the Highways Authority do not object and the splay required to serve that development goes over third party land as does the current proposal. He added that as there are no objections from the Highway Authority, the application cannot be refused on highway visibility grounds and with regard to emergency vehicles being able to access the land there is no policy in place to have a requirement for a turning circle to be provided for emergency vehicles so

the application could not be refused for that reason. Nick Harding stated that as the officer has detailed in their report although this is back land development, the grade of development in this proposal has been compromised by previously approved developments and, therefore, there are no justifiable reasons to refuse the proposal. He stated that this is an outline application and if it is approved when the reserved matters application is received, then officers will look at the location of placement of windows with regard to the relationship of the adjacent development and consideration will be given to the issue of overlooking.

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

*(Councillor Benney did not take part in the discussion or voting with regard to this application, due to the fact that he lost internet connection at the start of the item)*

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

*(Councillor Lynn had left the meeting prior to discussion on this item).*

#### **P30/20      PLANNING APPEALS.**

Members considered the appeals report presented by Alison Hoffman and David Rowen.

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

**Planning Application Reference: (Appeal reference) ENF/012/17/UCU  
(Appeal references: Appeal A: APP/D0515/C/19/3224948&  
Appeal B: APP/D0515/C/19/3224949**

- Councillor Meekins stated that this premises has caused considerable problems for local residents, with there appearing to be a complete disregard for the planning process and he welcomed the news that the appeal was dismissed, thanking officers for all their hard work involved on the case.
- Councillor Sutton asked what will be the next steps going forward as the Inspector has given the appellant six months as a period of compliance to explore alternative options. Alison Hoffman stated that no approaches have been received to date from the operator of the premises, so it maybe that they are formulating their proposals to bring forward. Nick Harding stated that if use continues beyond the deadline set by the Inspector then prosecution action could be considered.

*(Councillor Mrs French had left the meeting prior to the discussion on this item)*

4.41 pm

Chairman

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**F/YR19/1068/F**

**Applicant: This Land Ltd**

**Agent: Kimberley Brown  
Carter Jonas LLP**

**Land north of Maple Grove Infant School, Norwood Road, March**

**Erect 50x 2-storey dwelling comprising of 24x 2-bed, 21x 3-bed and 5x 4-bed with garages to plots 18, 20, 21, 37, 43 and 49 only with attenuation basin and sub-station involving the demolition of existing buildings.**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is a full application for the construction of 50 dwellings.**
- 1.2. The scheme comprises a mix of 2, 3 and 4 bedrooms, and is mainly 2-storey dwellings. There are two single-storey dwellings proposed.**
- 1.3. The application site is a backland location, accessed from Norwood Road. It lies to the north of the Infant School on Maple Grove and is adjoined by residential properties to the west and north east, with areas of existing open space adjacent to the north and east of the site.**
- 1.4. The principle of residential development is supported by the Fenland Local Plan, and the scheme has been amended to ensure it does not have an unacceptable impact on neighbouring residential amenity.**
- 1.5. Concerns have been raised regarding the impact of the proposals in terms of increasing anti-social behaviour. No objections have been received from Cambridgeshire Constabulary in this regard, who have assessed the scheme from a Community Safety viewpoint.**
- 1.6. The application site is within Flood Zone 1 and the Lead Local Flood Authority are satisfied that an acceptable drainage strategy can be achieved in relation to the scheme.**
- 1.7. The impacts of the development are considered to be acceptable, subject to control through appropriate planning conditions and as such the scheme is recommended for approval.**

## **2. SITE DESCRIPTION**

- 2.1. The application site is a disused field to the north of the existing Maple Grove Infant School in March.**

- 2.2. There is a single existing building located on the land, previously used as a cleaning store and workshop under the ownership of the County Council. The building is located near to the primary access to the land, which is off Norwood Road to the west of the site. This access is flanked to the north and south by residential dwellings, which also therefore adjoin the western boundary of the land, and there are several trees located in this western part of the land before the site opens out into the main area to be developed.
- 2.3. The land immediately to the north of the application site is another area of open ground with play equipment located on it that separates the site from Southwell Close to the north. It is adjoined by the residential gardens of Norwalde Street at its north eastern corner, and another area of grassland to the east, which is enclosed by a wire mesh fence preventing unauthorised access of the site. Wake Road lies immediately to the east of that grassed area, with several of its dwellings facing out over the application site.

### 3. PROPOSAL

- 3.1. The proposal is for the construction of 50 dwellings on the land, comprising a mix of single and two-storey dwellings, their associated roads and infrastructure.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=Q1VW62HE01U00>
- 3.3. The site layout consists of a single central spine road running from the access point in the west to the eastern boundary of the land, before turning south and running along the boundary with the open space fronting Wake Road.
- 3.4. There are three private driveways accessed from this central spine, the first serves a pair of single-storey dwellings located in the north corner of the site, whilst the remaining two both lead south giving access to two groups of dwellings located behind the dwellings accessed directly from the central spine road. The two southerly private drives also serve the only dwellings on the site that do not benefit from on-plot parking provision.
- 3.5. The scheme retains a large mature tree in the south western corner of the site, with a new substation to serve the proposal in that south western corner beyond the root protection area. A surface water attenuation basin is shown to the north of this retained tree to serve the development, whilst a footpath link connects the site to the play equipment on the land to the north, and the eastern boundary is replaced with a combination of timber bollards and estate railings.

### 4. SITE PLANNING HISTORY

REF. NO	DESCRIPTION	DECISION
19/0042/PREAPP	Proposed Development of 52 dwellings	CLO 31.05.2019
F/YR18/0872/TRTPO	Works to 1no Plane Tree covered by TPO 16-1986 Land South East Of 164 Norwood Road	GRANTED 22.11.2018
F/YR09/2009/CCC	Erection of Pupil Referral Unit and relocation of existing grounds maintenance depot including change of use from vacant land to public open space	WDN 25.09.2009

	on remaining undeveloped land (application for outline permission with all matters reserved) Land At County Cleaning Materials Store	
F/YR08/2002/CCC	Retention of 1 x 1-bay Jackleg temporary building for use as a cleaning equipment store and workshop Land South East Of 164 Norwood Road	DEEMCO 23.04.2008
F/YR06/2000/CCC	Retention of 1 x 1-bay jackleg temporary building for use as store Land At Cleaning Materials And Equipment Store	DEEMCO 06.03.2006
F/YR02/2008/CCC	Erection of 1-bay Jackleg temporary building for use as store for specialist cleaning materials and equipment Land South East Of 164 Norwood Road	DEEMCO 27.05.2002
F/94/0706/RM	Erection of 50 x 2-bed detached bungalows with garages	APPROVED 04.06.1998
F/90/0495/DEEMED	Residential development (5.575 Ha) Part Of Former Hereward School West Of Robingoodfellows Lane	WDN 24.10.1990
F/90/0491/DEEMED	Residential development (1.879 ha)	DEEMCO 13.09.1993

## 5. CONSULTATIONS

### 5.1. March Town Council

Recommend approval. TC Concerned at the lack of Developer Contributions and Affordable Housing.

### 5.2. Cambridgeshire County Council Highways Authority

#### Initial Layout

Amended plans requested, in relation to access geometry for Norwood Road junction, removal of speed cushions, private drive access details, ramps, and turning head construction.

#### Revised plans

No objections subject to conditions.

### 5.3. Cambridgeshire County Council Transport Team

Holding objection. Walking links to the local schools have not been investigated and therefore no mitigation in relation to such links is proposed. This point is considered at section 10.13 of the report and for the reasons outlined there no further action has been taken. The response therefore remains an objection.

### 5.4. Cambridgeshire County Council Flood and Water Team (LLFA)

No objection. There are two options for surface water management of the site and therefore two conditions are requested to be attached should permission be granted. Permeability is limited to essential areas and routes only, with parking mainly in-curtilage and between dwellings.

### 5.5. Cambridgeshire County Council Historic Environment Team (Archaeology)

Records indicate the site lies in an area of archaeological potential, with nearby finds indicating usage from Bronze Age through to post medieval occupation. Recommend a condition requiring a programme of archaeological work to be undertaken prior to development of the site, to which the applicant has agreed.

5.6. **Cambridgeshire County Council Growth and Development Team (Education)**

No objections, contributions requested towards Early Years, Primary and Libraries provision.

	Contribution	Project	Indexation Date	Trigger
Early Years	£82,368	New early years provision at planned new schools	1Q2019	50% prior to first occupation AND 50% prior to 50% occupation of development
Primary	£164,736	One of two x new primary schools	1Q2019	
Secondary	£0	Not applicable		
Libraries	£9,828	March Library	1Q2019	100% prior to occupation of 50% of the development
Strategic Waste	£0			
Monitoring Fee	£150			
<b>Total</b>	<b>£257,082</b>			

5.7. **FDC Environmental Health**

Recommend construction management and asbestos removal plans are prepared to govern the development of the site. No other objections. The applicant has confirmed their agreement to the plans being required by condition.

5.8. **FDC Environmental Services (Waste Management)**

Initial Plans

No objection in principle, subject to standard details such as extent of adopted roads, indemnity required against road surface damage from waste collection vehicles, swept path demonstration that refuse collection vehicles can enter, turn and leave in forward motion, bin collection arrangements.

Revised details

Tracking plans demonstrate that refuse collection vehicles would be able to access the site. Indemnity would be required to service plots 43-78 and 26-36 via private roads.

5.9. **FDC Housing Strategy**

Affordable housing requirements are for 13 dwellings to be designated as affordable, 9x2-bed dwellings for affordable rent, and 4x 3-bed dwellings for shared ownership.

- 5.10. **Cambridgeshire Constabulary**  
The application site lies in an area of low vulnerability to crime. Layout is appropriate in relation to crime prevention. Would like to see an external lighting plan.
- 5.11. **Natural England**  
No comments to make.
- 5.12. **Anglian Water**  
Surface Water strategy is acceptable, and the sewerage system has capacity for the proposed flows. Condition requested regarding provision of surface water drainage works prior to construction of hard standing areas.
- 5.13. **Tree Officer**  
No objections. Some loss of trees on site. The proposed boundary planting using mixed native species can achieve mitigation for the loss. Screening should be considered alongside the access. Tree/hedge protection conditions required for the retained trees.
- 5.14. **The March Society**  
Welcome the need for an archaeological survey. Concern regarding tree felling to allow construction to take place. Lack of affordable housing prevents the project being considered 'inclusive and mixed'.
- 5.15. **Senior Planning Obligations Officer (FDC)**  
*"The applicant has provided several appraisals with various levels of provision as part of their viability submission all of which have been thoroughly reviewed and bench-marked against a range of factors including a profit, interest rates, external works & infrastructure costs, design & professional fees and Gross Development Value.*
- Based on the evidence submitted it is accepted that there are viability issues preventing the delivery of Affordable Housing and S106 contributions.*
- In addition to my review of the submission Colum Fitzsimons of Cambridgeshire County Council has also reviewed all of the information that has been provided and reached the same conclusion. Simon Drummond-Hay of HDH Planning also confirmed that the evidence and methodology used for the industrial land value in the December draft of the Local Plan and CIL Viability Assessment was appropriate."*
- 5.16. **Cambridgeshire Fire & Rescue Service**  
Request provision is made for fire hydrants to serve the site.
- 5.17. **Local Residents/Interested Parties:**  
21 objections have been received from 20 separate properties on Dartford Road, Norwood Road, Wake Road, Southwell Close and Alfruda Close raising the following concerns regarding the development:
- Access to the site
  - Density of the proposed development
  - Design of the scheme (2-storey dwellings given single storey surroundings)
  - Flooding and drainage on the site

- Lack of infrastructure such as education places and space in GP surgery/dentists
- Inappropriate parking provision
- Traffic and highways impacts
- Devaluation of neighbouring property (not a material consideration)
- Light pollution
- Environmental impact
- Noise impacts
- Loss of trees
- Increase/return of anti-social behaviour with removal of the existing fence around the site
- Access to existing play facilities
- Impact on existing views
- Impact of construction phase
- Loss of privacy/light

One further response was received from Norwood Road stating no objection to the principle of the proposal but raising concern over similar issues (infrastructure provision, access and traffic impacts)

## **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 14: Conflicts with the neighbourhood plan where adverse impact outweighs benefits

Para 57: Viability Assessments should be publicly available

Para 91: Promote healthy and safe communities through layouts, routes through sites and public spaces etc.

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 118: Opportunities and benefits of the reuse of land

Para 119: Be proactive about bringing forward redevelopment sites

Para 121: Take a positive approach to alternative land uses

Para 127: Well-designed development

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

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

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

Para 175: Harm to habitats and biodiversity.

## **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

LP9 – March

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

## **March Neighbourhood Plan**

H2 – Windfall Development

H3 – Local Housing Need

## **8. KEY ISSUES**

- **Principle of Development**
- **Compliance with the March Neighbourhood Plan**
- **Access, Parking and Highway Safety**
- **Visual Impact**
- **Community Safety**
- **Flood Risk**
- **Biodiversity**
- **Residential Amenity**
- **Developer Contributions**

## **9. BACKGROUND**

There is no application history on the site relevant to the current proposal. Pre-application advice was sought in 2019 for the construction of 52 dwellings on the land. The response to that enquiry indicated that the principle of residential development of the land was likely to be acceptable, but the details of the scheme would need to address impacts on the amenity of the properties flanking the access, privacy impacts relating to adjoining dwellings, and parking provision

## **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. March 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 is located within flood zone 1, which is the lowest zone of flood risk where development is to be directed in the first instance. There are no other designations on the land that would indicate the principle of residential development is not acceptable and therefore the details of the proposal must be considered.

### **Compliance with the March Neighbourhood Plan**

- 10.3. As noted above, policies H2 and H3 of the March Neighbourhood Plan are applicable to the scheme.
- 10.4. Policy H2 states that residential proposals will be supported where they meet a range of criteria, comprising amenity levels, no net loss of open space, low flood risk, safe vehicular access, infrastructure provision design standards and no loss of community facilities. These matters are in general addressed under the specific headings in the following report. For those topics not addressed specifically elsewhere, there is no net loss of open space provision as a result of the proposal, and no loss of community facilities.
- 10.5. Policy H3 relates specifically to the provision of affordable dwellings, a topic which is addressed under its own heading at [10.37-10.40](#).

### **Access, Parking and Highway Safety**

- 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. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.8. The proposed layout demonstrates that the minimum requirements for parking provision can be met by the development proposed, with two parking spaces per 2-3 bedroom property and 3-4 spaces for each of the five 4-bedroomed dwellings proposed.
- 10.9. The applicant has undertaken survey work to understand and identify the likely impact of the proposed scheme on the traffic using Norwood Road as a result of the development, and this has been assessed by both the Local Highways Authority in terms of the impacts on highway safety, and the County Council Transport Team in terms of the implications for transport strategy in the area.
- 10.10. The development of a site such as this is likely to have twofold traffic implications. First, these would be at the junction of the site access with Norwood Road where the traffic associated with the development seeks to join the highway network, and this is a matter of ensuring that an appropriately wide access with acceptable visibility splays can be provided to serve the development. The second issue relates to the implications on overall traffic

levels within the wider highway network, ensuring that the scheme does not result in unacceptable congestion elsewhere through an increase in vehicles, particularly at peak times. In particular for this proposal, the mini-roundabout at the junction of Wisbech Road and Norwood Road was considered as a key point where traffic from the development could result in unacceptable impacts on the highway network.

- 10.11. The Local Highways Authority has confirmed that they have no objection to the proposal, subject to the inclusion of standard planning conditions should permission be granted for the scheme (see proposed conditions listed in section 12).
- 10.12. The Transport Team have assessed the strategic implications of the scheme on the wider highways network, accepting that the proposed development would not have an unacceptable impact on the Wisbech Road/Norwood Road mini-roundabout. The Transport Team has noted an objection to the proposal in relation to the lack of investigation of walking links between the application site and the Infant School to the south.
- 10.13. This is not considered to constitute sufficient justification to refuse the application, as any link from the application site to the infant school would require those using it to cross the school field rather than entering the site via the front entrance. It would also be of limited use to those not residing within the development itself or on Southwell Close to the north as it would not then represent a shorter, safer route.
- 10.14. It is considered that the highway, traffic and parking implications of the proposal are acceptable, or can be made so through the use of appropriate planning conditions regarding construction details.

### **Visual Impact**

- 10.15. 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.
- 10.16. The scheme will be visible through its impacts on several viewpoints from the wider area, although there will be limited scope to view the development through its main access along Norwood Road due to the limited width of that access and the existing flanking properties, which are a combination of single and two-storey development that would obscure the majority of views of the properties proposed.
- 10.17. The main visual impacts of the scheme would be from the public open space to the north of the site, and from Wake Road to the east, with further views possible from the school to the south and from private land surrounding the site such as rear gardens of dwellings.
- 10.18. The scheme is for the construction of residential dwellings within an area dominated by residential development however, and as such the character of the proposal is not at odds with that of its surroundings.

- 10.19. Public representations received in relation to the scheme have been received stating that the proposal for two-storey development is at odds with the character of the surroundings, and it is noted that Wake Road and Laburnum Grove are single-storey developments. The remaining streets adjoining the site however are either 2-storey dwellings or a mixture of both 2-storey and single-storey properties, including Norwalde Street, Southwell Close, and Norwood Road. 2-storey development is also prevalent in the wider area. Consequently, it is also considered that the scale of the proposed development as mainly 2-storey dwellings is in keeping with the character of the area.
- 10.20. The application indicates that materials of construction are to be a combination of brick, render and timber cladding, all of which are present to a greater or lesser degree in the area and therefore a condition requiring details to be agreed would be appropriate to control these to ensure that appropriate materials are used in relation to the various different parts of the site.
- 10.21. The site layout is designed so that the eastern boundary adjacent to the open space is overlooked by the dwelling frontages giving good supervision of the area as well as presenting a suitable street scene when viewed from the direction of Wake Road. To the north, the properties back onto that area of open space, however whilst this is not ideal from a visual impact point of view, the applicant has included a landscaping area to ensure that a softer, more natural boundary will be created forming part of the visual setting of the development.

#### **Community Safety**

- 10.22. Policy LP17 addresses the Community Safety impacts of a proposal, noting that factors such as mixtures of uses, sizes and tenures will be encouraged, alongside provision of appropriate street and footpath networks, lighting and landscaping to facilitate supervision of public and private areas and to not encourage anti-social behaviour.
- 10.23. The main focus of responses in relation to the proposal relate to likely increases in anti-social behaviour. These concerns are a result of previous such behaviour on the land prior to the erection of the wire mesh fencing along its eastern boundary. Concerns have been expressed by the residents that with the proposal to remove this fencing, the scheme would result in anti-social behaviour returning to the area, particularly if the scheme presented itself as a shortcut route to/from the Town Centre.
- 10.24. The comments of the Cambridgeshire Constabulary are noted in this regard in respect of the scheme, in particular the need for an external lighting plan, and the overall lack of objection to the proposals. It is clear that in any consideration of the potential for anti-social behaviour on the site, the nature of the site as a residential development would be fundamentally different to the previous use of the land. The layout provides natural surveillance of the roads and footways from the proposed dwellings, and even provides some surveillance of the open spaces to the north and east, where the previously empty land would have limited such opportunities and could have encouraged anti-social behaviour.
- 10.25. In light of the specific response from the Cambridgeshire Constabulary in respect of the community safety merits of the proposal, and their lack of objection on those grounds, it is considered that the scheme does not justify refusal on the grounds of community safety impacts. In light of the request of the Cambridgeshire Constabulary, it is considered appropriate to require an external

lighting plan of the scheme by means of a condition should consent be granted for the proposal.

### **Flood Risk**

- 10.26. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.27. The application site is located within Flood Zone 1, and is therefore a site to which development would be directed in the first instance, and there are therefore no in principle concerns with regard to flood risk.
- 10.28. The scheme proposed for the site has been subject to consultation with both the Lead Local Flood Authority and Anglian Water, with neither body raising any objection to the proposals following detailed discussions. The scheme is to incorporate an attenuation basin for surface water, and the Lead Local Flood Authority has requested a condition requiring detailed design and management arrangements of the surface water drainage scheme to be agreed by condition should consent be granted.
- 10.29. On that basis, there is considered to be no justification for refusal of the scheme on flood risk grounds.

### **Biodiversity**

- 10.30. 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.
- 10.31. The applicant has undertaken a range of surveys of the site in relation to protected species, including specific surveys in relation to reptiles and bats. Several recommendations are made in relation to the development of the scheme on the site, including the incorporation of bird and bat boxes within the development, alongside a minimum of two hedgehog domes and reptile refuges such as log piles.
- 10.32. The proposal includes the removal of several of the trees on the site, although the most significant specimen, a London Plane Tree in the south west corner is to be retained as part of the scheme. The proposed removals have been assessed by the Local Planning Authority's Tree Officer who has indicated that the proposals are acceptable, and their recommendations for protection of the retained trees during the construction phase of the development can be appropriately accommodated through a condition, should permission be granted. Similarly the applicant has provided detailed landscaping plans, however these will need to be amended in light of the changes made to plots 4 and 5 and therefore it would be appropriate to secure those details along with any management proposals for the landscaping of the site as part of a condition.

### **Residential Amenity**

- 10.33. 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.
- 10.34. The application site adjoins other residential developments at several points around its boundary, including properties off Laburnum Grove, Norwood Road, and Norwalde Street. In the majority of cases, the orientation of the dwellings and the limitation of first floor openings on side elevations to only those serving bathrooms that could be required to be obscure-glazed, has ensured that any impacts on neighbouring properties are within acceptable limits. This is achieved through separation distances where properties do not look directly into adjacent land, and ensuring that in most cases any overlooking is at an oblique angle from the windows concerned. The north western corner of the development as originally proposed however did exhibit some unacceptable overlooking of adjacent land, and the applicant has, at the request of the Local Planning Authority, amended the design of plots 4 and 5 to show single-storey dwellings in this location to ensure privacy impacts remain within acceptable limits.
- 10.35. The plots indicated within the development all show that they are capable of meeting the guideline level of a minimum of one-third plot space provided for private amenity set out within policy LP16 of the Fenland Local Plan. The applicant has also ensured that the layout of the scheme provides appropriate protection of privacy and amenity in relation to internal separation distances between the proposed dwellings, which includes a reduction in the proposed number of dwellings on the site since the original pre-application enquiry.
- 10.36. The scheme is therefore considered to be acceptable in terms of its impacts in relation to residential amenity levels.

### **Developer Contributions**

- 10.37. Policy LP13 notes that development should be supported by and have good access to infrastructure, noting that developer contributions will be sought where infrastructure requirements are not directly provided for by the development.

	Contribution	Project	Indexation Date	Trigger
Early Years	£82,368	New early years provision at planned new schools	1Q2019	50% prior to first occupation AND 50% prior to 50% occupation of development
Primary	£164,736	One of two x new primary schools	1Q2019	
Secondary	£0	Not applicable		
Libraries	£9,828	March Library	1Q2019	100% prior to occupation of 50% of the development

Strategic Waste	£0
Monitoring Fee	£150
Total	£257,082

- 10.38. The proposal was accompanied by a Viability Assessment regarding the provision of developer contributions as part of the scheme on the site, and this assessment was reviewed by the Senior Planning Obligations Officer at FDC and their counterpart at Cambridgeshire County Council.
- 10.39. The review included amending the values provided for the land and the build costs of the development in line with the most recent draft of the forthcoming Local Plan. The result of this review was that it was demonstrated that viability issues were present that prevented the delivery of Developer Contributions (including affordable housing) in relation to the scheme.
- 10.40. The lack of any such agreement does not therefore justify the refusal of the scheme.

## 11. CONCLUSIONS

- 11.1. The proposal is for the residential development of the land, which is a backland site located within a largely residential area within the Town of March, and is also adjacent to an Infant School. It is located on land within Flood Zone 1 and is therefore a location where residential development would be directed and encouraged on the basis of the policies in the development plan. The development proposed is mainly 2-storey, which is appropriate to its surroundings, although materials of construction will need to be controlled to ensure they are appropriate to their setting.
- 11.2. Some alterations are required in relation to the detailed design of the road layout and construction, however these can be accommodated through a planning condition, and an objection from the County Highways Transport Team relates to lack of provision of walking routes to the nearby school from the site and does not justify refusal of the scheme.
- 11.3. The detailed design of the properties has been amended to address concerns about the impact of the proposal on the residential amenity and privacy of the neighbouring properties. The dwellings proposed as part of the scheme satisfy the relevant policies in terms of their own amenity standards.
- 11.4. Concerns have been raised by the public that the proposal would result in a rise in anti-social behaviour due to the removal of a wire mesh fence along the eastern boundary of the site, however the scheme has been examined the Cambridgeshire Constabulary with regard to Community Safety and no concerns have been identified with the scheme which does provide natural supervision of the open, accessible areas of land adjoining the site.
- 11.5. Remaining issues can be adequately controlled by means of planning conditions relating to mitigation for impacts on protected species, landscaping, tree protection etc.

## 12. RECOMMENDATION

Grant planning permission subject to conditions

<b><u>General</u></b>	
<b>1</b>	<p><b><u>Start Date</u></b></p> <p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<b><u>Highways</u></b>	
<b>2</b>	<p><b><u>Management and maintenance of roads</u></b></p> <p>No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 198.</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 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that a suitable strategy is in place for the management and maintenance of the roads before they are constructed on the site.</p>
<b>3</b>	<p><b><u>Highway details</u></b></p> <p>No development shall commence on site until such time as detailed plans of the Roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All such works shall be carried out strictly in accordance with the details on the approved plans.</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> <p>A pre-commencement condition is necessary in order to ensure that all such works are properly planned and specified and to ensure that all necessary allowances are made for their construction when development commences.</p>
<b>4</b>	<p><b><u>Temporary facilities</u></b></p> <p>No development shall commence on site until such time as adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) have be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.</p>

	<p>Reason</p> <p>To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that adequate facilities are available to service the development site at the time of commencement and throughout.</p>
5	<p><b><u>Roadways to binder course</u></b></p> <p>Prior to the first occupation of any dwelling the roads, footways and cycleways shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason</p> <p>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>
6	<p><b><u>Access to dwellings</u></b></p> <p>The dwellings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7	<p><b><u>Parking provision</u></b></p> <p>Prior to the occupation of each of the dwellings hereby approved, the proposed parking serving that dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.</p> <p>Reason</p> <p>To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8	<p><b><u>Visibility splays</u></b></p> <p>Prior to first occupation of the development hereby approved, visibility splays serving the site access along Norwood Road shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason</p> <p>In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014</p>
9	<p><b><u>Access Drainage</u></b></p> <p>The vehicular accesses to each plot shall be constructed with adequate</p>

	<p>drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.</p> <p>Reason To prevent surface water discharging to the highway in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
	<b><u>Flooding, flood risk &amp; drainage</u></b>
<b><u>10</u></b>	<p><b><u>Surface Water Drainage Scheme</u></b></p> <p>No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy prepared by MLM Consulting Engineers Limited (ref MLM-ZZ-XX-RP-C-0003-NR) dated 25<sup>th</sup> June 2020 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that surface water drainage is adequately dealt with and thereafter retained in perpetuity.</p>
<b><u>11</u></b>	<p><b><u>Surface Water Drainage Maintenance</u></b></p> <p>Prior to the first occupation of any of the dwellings hereby permitted, details of the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p>
<b><u>12</u></b>	<p><b><u>Construction of hard standing areas</u></b></p> <p>No hard-standing areas, including parking, footways and cycleways, shall be constructed until the works agreed under condition 2 (Surface Water Drainage) have been carried out unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason To prevent environmental and amenity problems arising from flooding.</p>
	<b><u>Landscaping</u></b>

**13** **Landscape Details (Full)**

No development shall take place until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) existing trees, hedges or other soft features to be retained
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife (including the bat and bird boxes, hedgehog domes and reptile habitat identified in the ecological surveys undertaken in respect of the development)
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

The approved hard landscaping shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

**Reason**

The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that adequate provision is made on the site for the proposed landscaping prior to the setting out of the scheme.

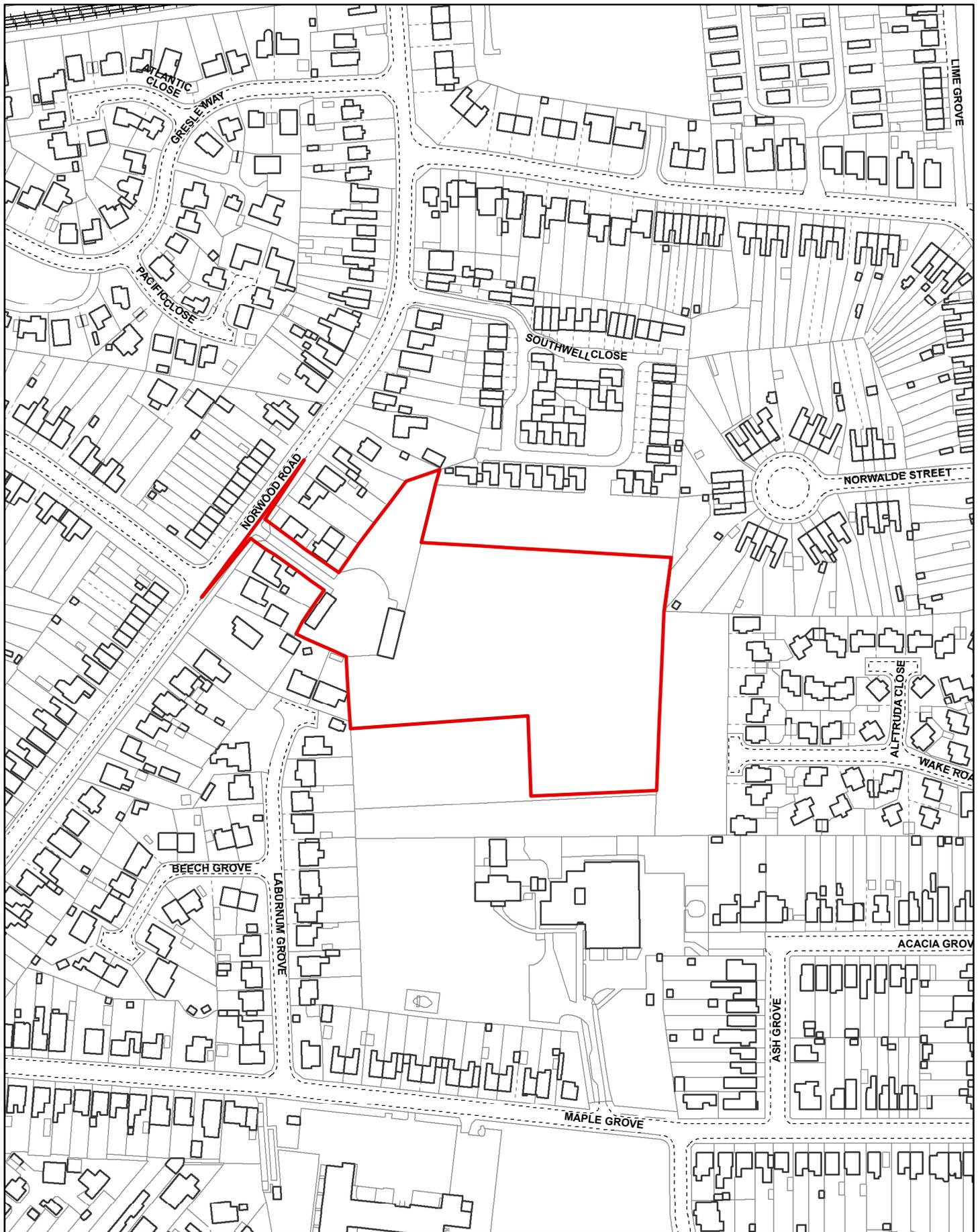
**14** **Tree Protection**

Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard, which shall be submitted to and agreed in writing by the LPA prior to commencement of works on site, shall be implemented and maintained to the Local Planning Authority's reasonable satisfaction until

	<p>the completion of the development for Building Regulations purposes.</p> <p>Reason To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that retained trees are adequately protected throughout the development of the site.</p>
	<b><u>Investigative</u></b>
<b><u>15</u></b>	<p><b><u>Programme of archaeological work</u></b></p> <p>No demolition/development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.</p> <p>The written scheme of investigation shall include:</p> <ul style="list-style-type: none"> <li>a) the statement of significance and research objectives;</li> <li>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</li> <li>c) The programme for the analysis, publication &amp; dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</li> </ul> <p>Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.</p> <p>Reason To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan.</p> <p>To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.</p> <p>This is a pre-commencement condition because archaeological investigations will be required to be carried out before development commences to ensure important findings can be recorded.</p>
<b><u>16</u></b>	<p><b><u>Contaminated Land</u></b></p> <p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with the presence of asbestos and other</p>

	<p>contamination of land and/or groundwater identified under the Phase 2 Ground Investigation and Generic Risk Assessment Report referenced CON111-NORW-001, dated 14 December 2018 and submitted alongside the application shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <ul style="list-style-type: none"> <li>• An asbestos management plan, which shall include measures for establishing the extent of asbestos present on the site, and its removal and disposal from the site, along with an appropriate timetable for that removal.</li> <li>• A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</li> <li>• The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</li> </ul> <p>If during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the above scheme.</p> <p>Reason To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that the appropriate investigations are undertaken prior to any groundworks taking place.</p>
	<p><b><u>Control of appearance/future development/construction</u></b></p>
<p><b><u>17</u></b></p>	<p><b><u>Details of Materials</u></b></p> <p>No development other than groundworks and foundations shall take place until a schedule showing the full details of the materials to be used in each of the plots forming part of the development hereby approved for the walls and roof are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason</p>

	To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.
<b><u>18</u></b>	<p><b><u>External Lighting</u></b></p> <p>Prior to any above-ground works taking place in relation to the development hereby approved, a scheme for the provision of external lighting serving the individual dwellings and shared private roadways/footways shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and retained thereafter in perpetuity.</p> <p>Reason In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014.</p>
<b><u>19</u></b>	<p><b><u>Construction Environmental Management Plan</u></b></p> <p>Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.</p> <p>Reason To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.</p>
<b><u>20</u></b>	<p><b><u>Fire Hydrants</u></b></p> <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>
<b><u>21</u></b>	<b><u>Approved plans</u></b>



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**F/YR19/1068/F**  
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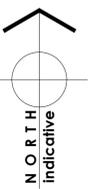
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 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



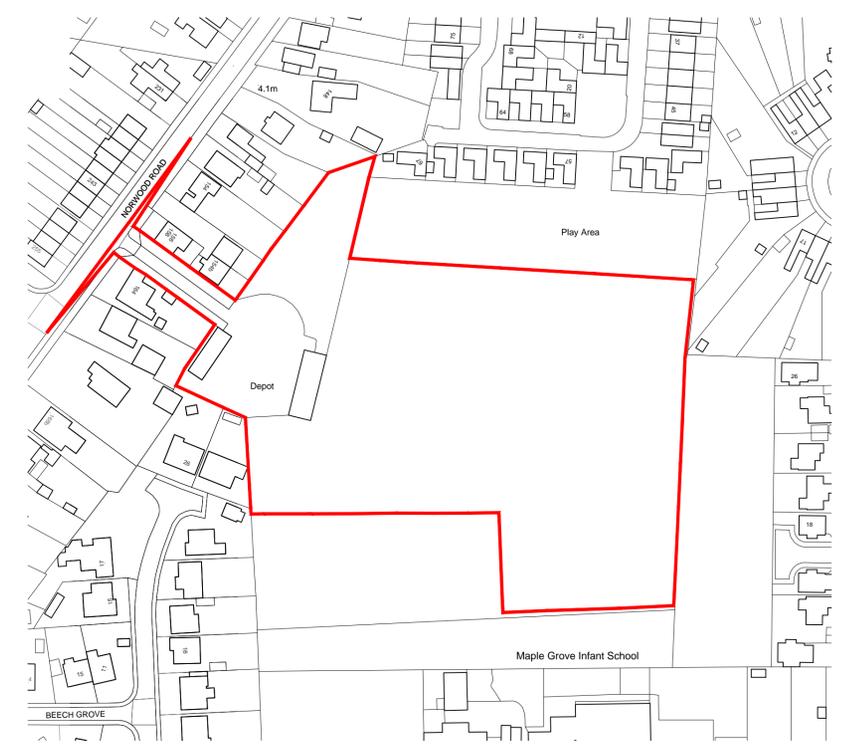
DO NOT SCALE FROM THIS DRAWING  
 THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER.  
 ALL DIMENSIONS ARE SHOWN IN mmr UNLESS OTHERWISE STATED.

**House type Key**

-  Type A - 2 bed house
-  Type B - 3 bed house
-  Type H - 4 bed house
-  Type X - 2 bed bungalow
-  Garage



**Key Plan**  
 scale 1:1250



**Location Plan**  
 scale 1:1250

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**Block Plan**  
 scale 1:500

Development Summary			
Plot no.	Type	sqft	Quantity (nr.)
1, 2, 8, 9, 12-17, 26-29, 33-36, 45-48	2 bed house	905	22
4, 5	2 bed bungalow	1547	2
3, 6, 7, 10, 11, 19, 20, 22-25, 30-32, 38-42, 44, 50	3 bed house	1147	23
18, 21, 37, 43, 49	4 bed house	1547	5
			<b>Total 50 dwellings</b>
Site Area	1.78 Ha		
Density	29.2 dwellings per hectare		

Revisions		
Suffix	Date	Amendments
A	Sept 19	Full visibility splay shown
B	Mar 20	Plots 4 & 5 amended and Bin collection points added.
C	May 20	Plots 4 & 5 moved 300mm Southward
D	03.07.20	Plots 4 & 5 changed to bungalows
E	22.09.20	General amendments following planning officers comments

Status: **PLANNING**

**The Design Partnership**  
 The Design Partnership (Ely) Ltd  
 Claremont House,  
 10 Station Road,  
 Chatteris,  
 Cambridgeshire PE16 6AG  
 Tel: 01354 693111

Job Title:  
**Proposed Development of 50 Dwellings  
 Norwood Road March  
 for This Land Ltd**

Drawing Title:  
**Planning Drawing  
 Block Plan and Location Plan**

Date	Scale	Drwn	Dwg. No.	Rev.
Aug 2019	1:500@A1	PD	CCC-813-P01	E

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**F/YR20/0710/F & F/YR20/0711/LB**

**Applicant: Mr J Baldwin**

**Agent : Mr Nick Seaton  
Anglia Building Consultants**

**2 Museum Square, Wisbech, Cambridgeshire, PE13 1ES**

**Full application: Change of use from office (B1) to a 7-bed house in multiple occupation (HMO) (Sui Generis) for up to 9 persons**

**Listed building application: Internal and external alterations to a listed building to form a 7-bed house in multiple occupation (HMO) for up to 9 persons.**

**Officer recommendation:**

**Full application: Grant Planning Permission**

**Listed Building Consent: Grant Listed Building Consent**

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

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## **1. EXECUTIVE SUMMARY**

- 1.1. There are two applications being considered on the site – one seeking full planning permission for the change of use of the premises to a use as a house in multiple occupation for up to nine persons, and one seeking listed building consent for the physical alterations to the building to facilitate its conversion.
- 1.2. The application site is located within the historic core of Wisbech. It is a grade II listed building and is located within the Conservation Area, surrounded by many other listed structures.
- 1.3. Planning permission already exists for the building to be changed from an office to use as a single dwelling, which would then be able to be converted to a house in multiple occupation for up to six people without the need for planning permission.
- 1.4. A number of objections have been raised to the proposal seeking its refusal with matters largely related to impacts on character of the area and the lack of parking provision.
- 1.5. The proposal, when taking into account the existing permission as a single dwelling as a viable fall-back scheme, would not result in unacceptable harm to the character or appearance of the area. There is parking in the vicinity of the application site to allow residents with vehicles to park safely and legally including 2 nearby car parks, and the location of the property within the town centre is such that it will facilitate and encourage sustainable travel.
- 1.6. The Conservation Officer has confirmed the alterations to the Listed Building

would not, subject to a minor alteration and a schedule of window repair works, harm the historic significance or character of the building.

- 1.7. The applications are therefore recommended for approval.

## **2. SITE DESCRIPTION**

- 2.1. The application site is a grade II listed terraced property of 18<sup>th</sup> Century construction. It is built of a brown brick under a slate roof, with red brick arches above and stone cills. A more recent bay window has been added to the front of the property. The property is 3-storeys high and includes a basement level. There is a bricked-up window at ground floor level and black railings to the front.
- 2.2. 1 Museum Square to the east of the application site adjoins the property, but is of starkly different appearance, constructed of a buff brick with stone quoins and notably different features. 3 Museum Square is a similar sized property to No.2, being a 3-storey red brick building with matching black railings.
- 2.3. The application site fronts directly onto Museum Square itself, which is a pedestrianised area.
- 2.4. The property benefits from a reasonably proportioned rear garden, which has access onto Love Lane to the south.

## **3. PROPOSAL**

- 3.1. The full planning application proposal is for the change of use of the premises from its current use as an office to use as a house in multiple occupation (HMO) for up to nine people. The listed building proposal is for alterations to the property to facilitate that change of use (see Conservation Officer's comments at 5.6).
- 3.2. Permission has previously been granted for the change of use of the property to a residential dwelling, which would allow its use as a house in multiple occupation for up to six people without the need for a planning application. This permission has not currently been implemented.
- 3.3. Full plans and associated documents for this application can be found at:
- 3.4. <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QE579UHE06P00>
- and
- 3.5. <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QE57SDHE06P00>

#### 4. SITE PLANNING HISTORY

F/YR19/0714/F	Change of use from office (B1) to 4-bed dwelling (C3)	Grant	09.10.2019
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#### 5. CONSULTATIONS

##### 5.1. Wisbech Town Council

Both applications: Objection. The type of residential accommodation would be out of keeping with the nature of existing residential uses within that part of Wisbech, and no provision is made for on-site parking of vehicles.

##### 5.2. Cambridgeshire County Council Highways Authority

The proposal includes no parking provision, and will have different parking requirements to the current use. FDC will need to consider the impact this could have on amenity and parking displacement in the area. No highway objections, but recommend cycle storage provision is secured to encourage lower car ownership by occupants.

##### 5.3. Cambridgeshire County Council Historic Environment team (Archaeology)

No objections or requirements

##### 5.4. Private Sector Housing Officer (FDC)

*Further to having carried out a property health inspection on 17th June at this address, I am satisfied that the proposed plans and related schedule of works will achieve compliance with the HMO Regulations and licence conditions.*

*The owner has inferred that the standard of accommodation will attract locally employed tenants and therefore it is not expected that all occupants will have use of a car. There is a good sized rear garden and adequate internal communal spaces to satisfy amenity provision.*

*It is my opinion that the landlord will be providing good quality, affordable accommodation, that will be managed locally by a professional agent who will be fully compliant and engaging as per our expectations.*

##### 5.5. Fenland District Council Environmental Protection Officer

*In addition to studying the documents I had a telephone conversation with the agent for the applicant, Nick Seaton, in connection with noise insulation matters, in particular between floors. He referred to the listed building status of the building and suggested that I contact the Conservation Officer and also Housing Strategy Officer.*

*Both responded, with the latter indicating that they don't have any great concerns with noise transference through existing floors. However, they support adequate sound insulation of walls and partitions, which are being created for newly formed flats.*

*The Conservation Officer has some concerns with the internal walls and partitions, particularly if they are constructed on a blanket basis. She suggested that a room by room schedule of work is submitted, indicating details of walls and partitions per room. If this can be done through this planning process, then I would recommend a condition to that effect be attached to any consent granted. If it cannot and a Listed Building application is required, maybe that would be the more appropriate stage.*

*If in this case, this is the stage to apply such a condition, a suggested condition is shown below, with the reference the Conservation Officer's comments shown in red.*

*The issues of sound insulation between dwellings, including flats in buildings, can be addressed by complying with BS8299:2014. This standard is appropriate for the control of noise transference between flats. However, it is recognised that because of the listed status of the building, there may be restrictions on this. My comments should be taken into consideration at this stage, along with the Conservation Officer and the Applicant should be advised as such.*

*I do recognise that this proposal contributes to Fenland District Council's housing needs, but it could be beneficial if the issue of sound insulation could be addressed.*

*The application doesn't indicate what the arrangements for household waste and recycling are and these should be catered for.*

*The local air quality climate is not adversely affected by this proposal and ground contamination is not an issue.*

*The external noise climate does not impact upon this proposal and the proposed development will not adversely impact upon the external environment, there being no need for a noise impact assessment.*

*Consequently, there are no objections to the granting of consent to this proposal, but would recommend the attachment of conditions.*

#### **5.6. Fenland District Council Conservation Officer**

*This proposal concerns internal and external alterations to a listed building to form a 7-bed house in multiple occupation (HMO) for up to 9 persons. The property was listed at Grade II on 17<sup>th</sup> July 1951 (List Entry Number 1126667). The list entry describes it as:*

*Terrace house, C18. Local brown brick, slate roof, side stack three storeys and basement; three bays. Stone cill band. Two, recessed four-paned hung sash windows with cambered, gauged red brick arches and stone cills; one painted blind window at first floor; similar larger windows at ground floor. Large late C19 canted bay window to left hand of entrance. Half-glazed recessed door with round headed fanlight and radial glazing bars in wooden architrave set in arch of gauged red brick. Interior has same original cornice details. N.M.R. (C. Godfrey, Wisbech photographic collection), 1982.*

*The neighbouring properties are all listed, including the Castle and the Museum at Grade II\* and the square forms part of the setting of the nearby Church of St Peter and Paul, listed at Grade I. 2 Museum Square is located in the Wisbech Conservation Area.*

*The planning history associated with this property shows that since it was listed in the 1950s its interior has been altered several times to accommodate various changes in use. In 1976 permission to convert a vacant ground floor dental surgery into premises for the specialist renovation of furniture was refused under F/0283/76/F. The application names the occupiers of flat one and flat two (specified as second floor) implying sub-divided residential use. In July 1982, under application F/0334/82/LB permission was granted for the installation of new windows to rear elevation (plan indicates these to be new dormers in roof), the replacement of slated roof and erection of 1 meter high wrought iron railing to replace dwarf brick wall. In the same month F/0368/82/F granted permission for the replacement of rear sash windows, the removal of a rear lean-to, and the change of use of ground and first floor to offices whilst retaining an attic flat. In 1990 the property was joined with 1 Museum Square under applications*

*F/90/1005/LB and F/90/1004/DEEMED. Change of use to Probation Services offices was granted and the internal space of 2 Museum Square was partitioned to create a corridor access between the two buildings. In 1999 permission to replace the sash windows in the rear dormers was refused under F/99/0526/LB. In 2015, under applications F/YR15/0938/LB and F/YR15/3114/COND permission was granted for the internal alterations required to separate numbers 1 and 2, closing the internal access and erecting a boundary fence in the garden. In 2019 an application was submitted for change of use and conversion of an office (B1) building into a single 4-bed dwelling (C3) under F/YR19/0714/F which was granted. It is noted that the application explicitly excluded internal alterations to reverse the twentieth-century changes which give the interior an institutional look. It was noted that as a consequence of the change-of-use, a future occupant may wish to make further alterations such as to upgrade internal doors, remove fire doors, restore the staircase and remove the now-redundant internal partitions. Such an application would have been welcomed as returning the property closer to its historic appearance and plan form would enhance its significance and contribute to its practicality as a single dwelling. These works would have required separate listed building consent and possibly planning permission. However it is now clear that some of these partitions and doors are convenient for the current application.*

*Consideration is given to the impact of this proposal on the architectural and historic interest of the listed building and on the character and appearance of the Wisbech Conservation Area with due regard to the duty in law under S16 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal put forward is acceptable.** The following comments are made:*

- i. No external changes are being proposed which alter the appearance of listed building or affect the character or appearance of the conservation area, nor the setting of the nearby listed buildings. The introduction of a new down pipe, new SVP and vent are all located to the right hand side of the rear elevation where downpipes currently exist and in cast iron effect upvc. The current downpipes are upvc and so a cast iron effect upvc will be an enhancement of this particular element.*
- ii. The windows are proposed for repair and repainting only. It is important to specify that no works of replacement should be carried out without Listed Building Consent, even on a like-for-like basis, as this would constitute a loss of historic fabric. It may be appropriate to request a repairs specification for the external windows and doors as a condition of this application to ensure the repairs are carried out appropriately.*
- iii. The internal works affect only modern partition elements, or infill areas where historic walls have already been knocked through. Given that the property has previously been insensitively altered to create the probation office, the current proposals do not adversely affect the historic or architectural interests of the property, and a slight enhancement is made by the introduction of new, more aesthetically pleasing, fire doors.*
- iv. The only point which requires amendment or clarification is the treatment of the fireplace in the proposed kitchen in the upper ground floor kitchen. The drawings show the kitchen units to cover the fireplace, but there is no detail as to whether the intention is to remove the fireplace or box it over*

*in order to protect it. Removal would not be supported. Details for boxing out would be required. An alternative may be to re-hang the door to open in the opposite direction in order to allow a bank of kitchen units along the dividing partition wall, and a bank of units along the rear elevation wall, provided the height of the window allows for this.*

- v. **Clarification is required for item iv. and a repair schedule for the windows may be appropriate.**
- vi. *It is disappointing that the house is not to be returned to a single dwelling, as it would have brought it closer to its historic appearance and plan form and would have enhanced its significance. However the alterations now proposed are no more harmful than the current arrangement over all.*

#### 5.7. **The Wisbech Society**

*The Wisbech Society & Preservation Trust Limited STRONGLY OBJECTS to the proposed planning application to convert this fine late 18-Century house into a nine-bed HMO.*

*The property was built by Joseph Medworth, who was responsible for the construction of much of Museum Square, the regency 'castle' and surrounding circus of buildings.*

*Medworth's Grade 2 listed table tomb in the Churchyard nearby.*

*The location of the proposed HMO is within a unique setting of historic importance to the town. Museum Square and its immediate vicinity are generally considered the town's cultural and architectural heart, with the Grade 1 listed church and Grade 2\* listed castle and museum, as well as many other Grade 2 listed buildings. The Square is also a popular venue for cultural activities, including Rose Fair, museum, civic and church events.*

*Locating an HMO within Museum Square will seriously negatively affect the town's cultural and civic life, and the setting of the many beautiful listed buildings nearby.*

*A 7 bedroom, 9-bed HMO, will cause social issues for which neighbours will suffer the consequences. Public benches within the churchyard have already been removed owing to illegal drinking and antisocial behaviour, and additional adjacent, high-density accommodation will only exacerbate the situation. At the moment of writing (7th September 2020), there is a Police raid on No.3 Museum Square, a property of multiple flats - a suspected Cannabis farm has been discovered, which illustrates the existing social problems in the area.*

*There is also no provision for private parking in the plans, nor is there the space to provide off-road parking. The Square is already subject to illegal parking and parking in the circus is already congested.*

*Further, there is an issue of household waste disposal. There is no provision for waste bins and waste from properties in the Square is placed in individual bags for collection. Additional accommodation will lead to a build-up of waste bags, affecting the setting of listed buildings, and most likely across the access to a neighbouring property.*

*In addition, there is an issue of foul water disposal. All foul and sewage water moves via a severely restricted sewage system across a neighbouring property into Love Lane. The additional pressure to the waste system from another 9 persons could cause significant problems.*

*The addition of another property of multiple occupation in the Square is an overdevelopment, as No. 3 already incorporates a number of flats. Further highlighting the parking, waste, social and services issues.*

*On a strategic level, The National Planning Policy Framework (NPPF) delivered the 'Local Development Plan (LDP) – dated 2014' for Fenland, with a section referencing the 'Historic Environment and Heritage Assets' - Policy LP18. This clearly states:*

- 1. The use of planning obligations to secure the enhancement of the significance of any heritage asset, where development might impact on that significance (including impact on setting).*
- 2. All development proposals that would affect any designated or undesignated heritage asset will be required to - provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.*

*Further, Historic England guidance with regards to protecting and enhancing the Historic Environment through the Local Development Plan is:*

*"In practice for heritage assets this means local plans should seek opportunities to conserve and where appropriate enhance the significance of heritage assets and the contribution of their settings. Significant adverse affects should be avoided altogether and alternatives sought to reduce or mitigate unavoidable adverse impacts."*

*More specifically, Historic England states that the strategy should take into account:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

*On the basis of the LDP and the advice given to Local Authorities by Historic England, the Wisbech Society strongly contends that it is clear that the proposed HMO within the cultural centre of Wisbech will seriously AFFECT THE SETTING of the building and the HISTORIC ASSET which is the town's Museum Square. The proposal for an HMO in Museum Square will negatively affect its local character and distinctiveness while offering no wider social or public benefit.*

*On matters relating to documentation, the applicant states that the Conservation and Housing Depts. had an input into the proposal. However, there are no statements or documents of support placed on the Planning Portal for public view. Therefore, the applicants claims carry no weight.*

*It is also noted that the applicants agent is a former Building Control Manager at Fenland District Council, suggesting that a conflict of interest could arise in view of this controversial application.*

*In writing this objection, the Wisbech Society also notes the many other objections made by local residents who are rightly concerned for the protection of Wisbech's unique historic built environment. These concerns and strong future protections must be recognised by the local authorities and enshrined in the next Local Development Plan, which is already in preparation.*

**5.8. Ward Councillor**

Wish to record strong objection to the proposal.

**5.9. Local Residents/Interested Parties**

47 responses have been received in relation to the proposal from 40 separate sources raising the following matters. For simplicity, the issues raised have been separated into those relating to the full planning application, and those relating to the listed building consent.

Wisbech

The Crescent, North Street, Bedford Row, South Brink, North Brink, Lynn Road, Oakley Close, Arles Avenue, Boyces Road, Hazel gardens, Chapel Road, Kingsley Avenue, Clarkson Court, Osborne Road, Kingfisher Drive, Bowthorpe Road, Queens Road, Leverington Road, North Street

Other locations

Broadgate, Tydd St Giles; Gote Lane, Gorefield; Church Road, Wisbech St Mary; Folgate Lane, Walpole St Peter; Church End, Leverington; Lynn Road, Fen Highway; Conkers Fen Road, Newton; Main Road, Elm; High Street, South Witham; Chichester

Full planning application

- Overdevelopment
- Lack of residential amenity space
- Cumulative impact with other HMO's
- Parking pressures
- Negative impact on neighbouring residential and business uses.
- Impact on appearance
- Poor management of HMO's/anti-social behaviour
- Detract from the historic character of the area
- Other properties in Wisbech could be suitable
- Should be a policy to prevent HMO's in Conservation Areas
- The area is prime tourism and business uses, not a housing estate
- Negative impact on tourism
- Building appears to have no private recreational space
- What arrangements have been made for CCTV surveillance cameras or regular police patrols
- Flood risk in the basement
- Impact on the value of the adjacent property
- Impact on water supply and pressure
- Impact on drainage
- Waste collection
- Little internal communal space
- How would occupancy numbers be controlled

### Listed Building application

- Harm the existing street scene and ambience of the historic area
- Will not guarantee the upkeep of the listed building
- The proposed internal alterations will destroy the original aesthetic and features of the building
- Materials proposed are not appropriate
- Design and specification are not fully formulated
- No evidence to show the applicant has liaised with The Georgian Group, the Victorian Society or Historic England in respect of the proposal

## **6. STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.3. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7. POLICY FRAMEWORK**

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

Para 2: NPPF is a material consideration in planning decisions.

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

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

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

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 192: LPAs should take account of desirability of sustaining the significance and positive contribution of heritage assets.

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

Determining a planning application

### **National Design Guide 2019**

Uses

Homes and Buildings

## **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

LP6 – Employment, Tourism, Community Facilities and Retail

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

### **8. KEY ISSUES**

- **Principle of Development**
- **Parking**
- **Amenity & Character**
- **Historic Impact**
- **Other Issues**

### **9. BACKGROUND**

There is limited background relevant to the application proposal, however the granting of permission in 2019 does impact on the principle of the proposal.

Should the 2019 consent be implemented and the property be converted to residential use, there would be no restriction (in terms of planning permission) on the property then operating as a house in multiple occupation for up to 6 persons as this would not require consent. No limitations were placed on the permission granted for the conversion of the building back to a single dwelling.

### **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 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 proposal would result in the creation of a residential building for up to 9 persons in a location where residential uses are common within the centre of a Primary Market Town. The principle of residential use has previously been established by the granting of consent for the building to be used as a residential dwelling. Planning legislation also then establishes that an HMO can be created from a residential dwelling. On that basis, the principle of the use of the building as an HMO is established, and consideration must therefore be given as to the scale of the proposed operation and whether occupation by up to 9 persons results in unacceptable impacts beyond those resulting from occupation for up to 6.
- 10.3. With regard to the principle of the proposed alterations to the structure of the building in terms of the listed building consent sought, it is evident from the detailed comments of the Conservation Officer that the previous conversion of

the building to its current use has resulted in a significant loss of internal historic fabric, and the current proposals result in an enhancement of the interior of the building. The principle of the proposals are therefore also considered to be acceptable from a listed building perspective.

### **Parking**

- 10.4. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.5. The property has no on-site, or allocated off-site parking. This is also true of the building for its current use as an office however, and of the permitted change to residential use granted consent in 2019. In that instance, and for a dwelling of the number of proposed bedrooms, three spaces would have been required by the relevant parking standards.
- 10.6. There are no specific parking standards set out in Appendix A of the Fenland Local Plan (2014) relating to occupation of a building as an HMO, although Planning Inspectors have generally found that lower levels of car ownership are likely within residents of an HMO, and that proximity to public transports, shops etc are important factors in the consideration of specific proposals.
- 10.7. The application site is located in very close proximity to a range of town centre facilities that would be considered to reduce the reliance of prospective occupiers on the private car, including shops, public transport and social provision. The site is also within easy walking distance of two large public car parks serving the town of Wisbech.
- 10.8. The lack of parking was not considered to be a determining factor in the consideration of the previous application for residential use, and there is no evidence to suggest that car ownership will be significantly higher under the current proposal ( a 1/3 car ownership under the proposed occupancy levels would see no greater parking requirement). Notwithstanding that, the location of the building is such that it encourages use of sustainable modes of transport and adequate public parking is available in close proximity to the application site should it be required. Details and provision of proposed cycle storage at the property could be required by condition should consent be granted.
- 10.9. On that basis, it is considered that there is no justification for refusal of the scheme on the basis of a lack of parking provision for the proposal.

### **Amenity & Character**

- 10.10. 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. Policy LP2 also seeks to support the creation of communities with a mix of homes to meet people's needs, irrespective of race, religion, political beliefs, economic or social condition, sex or age. It supports the facilitation and promotion of healthy lifestyles and sustainable transport methods.

- 10.11. The building benefits from a rear garden area typical of such properties, which provides access to Love Lane to the south. There is no space to the front of the application site with the exception of the path from the front door leading to Museum Square. The remainder of the property frontage is enclosed by iron railings and provides light to the basement level.
- 10.12. The scheme has been assessed by the Private Sector Housing Team who have confirmed that the spaces within the property are sufficient to meet the licensing standards for HMOs. The property benefits from an outdoor amenity area for residents, and the scheme would result in no greater impacts in terms of privacy etc on neighbouring dwellings than its occupation as a single dwelling would generate.
- 10.13. 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. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.14. The application site is located in the historic core of the town of Wisbech, within a Conservation Area and in a location with a high proportion of listed buildings. The nature of use as an HMO is a residential use and as such is similar to the surrounding area. The proposal does not include any external changes to the front elevation of the building with the changes to the rear elevation being of a very minor nature (extractor vent grills and a new cast iron effect soil and vent pipe) that do not result in harm to the character or historic significance of the building.
- 10.15. Several of the responses received from members of the public state harm will be caused to the character of the area from the proposal. It is unclear from those representations however, specifically how it is considered the residential occupation of the building would adversely affect the character of the area.
- 10.16. It is not reasonable in planning terms to conclude that the nature of the occupation of the building as an HMO would automatically result in impacts that would harm the character of the area, nor that use of the garden to the rear would result in harm to neighbouring amenity. Such impacts are controlled by other legislation (such as the Environmental Protection Act 1990 regarding noise nuisance) and it is not the role of the planning process to duplicate or seek to replace those controls.
- 10.17. In terms of the character of the area, the vicinity of the application site sees a mix in general of commercial and residential uses, however only 2 other properties in the vicinity are licensed Houses in Multiple Occupation. The proposed change of use to an HMO would not therefore result in a significantly larger proportion of such a use in the vicinity and would not be sufficient to materially alter its character in that regard.

- 10.18. It is clear from the plans that the appearance of the building would not change as a result of the scheme and therefore the physical alterations proposed would not result in harm to the character of the area.
- 10.19. The Environmental Health Protection Officer notes the potential for noise impacts between the occupation of the dwelling and its neighbour, and between the occupied rooms within the building, in particular given the grade II listed status of the property, but confirms that this is a matter that can be satisfactorily addressed by a suitably worded condition should consent be granted.
- 10.20. The waste collection arrangements on Museum Square are by bagged collection due to its pedestrianised nature, and as such whilst the proposal is likely to result in a greater number of bags presented for collection, this is not considered to affect the character of the area, and does not require space to be provided for the storage of additional or larger wheeled bins at the property.

### **Historic Impact**

- 10.21. As noted above, the impact of proposals on the historic significance of the building must be considered, particularly in respect of whether to grant listed building consent for the scheme.
- 10.22. In this instance, it is clear from the schedule of works and the comments of the Conservation Officer that the internal layout and features of the building have been significantly altered since the building's original construction and the proposed internal changes are to non-historic parts of the building.
- 10.23. As a result, the proposal would not result in harm to the historic significance of the building or any of its features. It is noted that the Conservation Officer states that the conversion of the building to a single dwelling would result in a closer relationship to the original appearance and plan form, however that is not the proposal being put forward for consideration. The Conservation Officer does note that the currently proposed alterations do not result in harm to the existing building.

### **Other Issues**

- 10.24. Several other matters have been raised by the comments received in relation to the proposal and are considered as follows:
- 10.25. Impacts on drainage/water supply. These matters are relevant to the services provided to the property by the relevant statutory body who are required to provide water to the property and remove foul drainage.
- 10.26. Impact on value of neighbouring properties. This is not a material consideration in relation to a planning application.
- 10.27. Overdevelopment/control of occupancy numbers. The HMO licence granted to the property would specify the limit to the number of occupiers, and HMO regulation dictate space requirements. It would therefore be possible to control the number of occupiers in this regard to the proposed levels, that have been confirmed as complying with that legislation.
- 10.28. Flood Risk in the basement. The property is located within flood zone 1 and is therefore in a low risk area for flooding.

- 10.29. Cumulative Impact with other HMO's. There are 2 other licensed HMO's in the vicinity and therefore the cumulative impact is considered acceptable, as detailed in paragraph 10.17.
- 10.30. Anti-social behaviour, CCTV and police patrols. Separate legislation governs anti-social behaviour and it is not the role of the Planning process to duplicate those controls. CCTV surveillance and police patrols are a community safety matter and there is no evidence presented to justify their installation solely on the basis of the presence of an HMO.
- 10.31. There should be a policy to prevent HMOs in Conservation Areas. There is currently no such policy in the Development Plan, nor any support for such policy in the National Planning Policy Framework. It is therefore not a matter for consideration as part of the current applications.
- 10.32. Other properties in Wisbech would be more suitable/impact on tourism. The vicinity of the application site contains a significant number of residential properties and whilst its benefit to tourism is noted, the presence of an HMO would not automatically result in harm to that. Whilst other properties may be suitable for use as an HMO, the proposal being considered relates to this property and must be determined on its own merits.

## **11. CONCLUSIONS**

- 11.1. The applications propose the change of use of the building from its current office use to use as a House in Multiple Occupation for up to nine persons and various physical alterations to facilitate that change of use. Permission already exists and could be implemented for the property to be used as a single dwelling.
- 11.2. Should the existing consent be implemented there would be no requirement to obtain planning permission for its occupation as an HMO for up to six persons. The current application therefore must consider the additional impact as a result of the additional occupancy proposed within the dwelling, since its use as a 6-person HMO is a viable fall-back position, i.e. the use of the building for 3 extra residents.
- 11.3. The additional occupancy will not result in a material increase in the impacts of the proposal beyond the fall-back position. Parking is available within close walking distance of the application site, and the property is of sufficient size and benefits from sufficient amenity space to ensure that it would not result in unacceptable impacts on the adjacent premises.
- 11.4. It is the role of the Planning Authority to control development on the basis of the expected impacts from normal occupancy of a premises and not to attempt to replicate controls available through other legislation. The scheme therefore must not be assessed on the basis of the perception that future residents will increase incidents of anti-social behaviour in the community. Complaints regarding the condition of a property will be reported to the Licensing Authority, and noise and anti-social behaviour will be controlled by their respective Acts.
- 11.5. The scheme will not result in visual harm to the character or appearance of the area, nor will there be harm to its historic significance as a result of the proposal. There would be no harm arising from the physical alterations to the building to its importance as a grade II listed building.

## 12. RECOMMENDATION

### F/YR20/0710/F

Grant planning permission subject to conditions

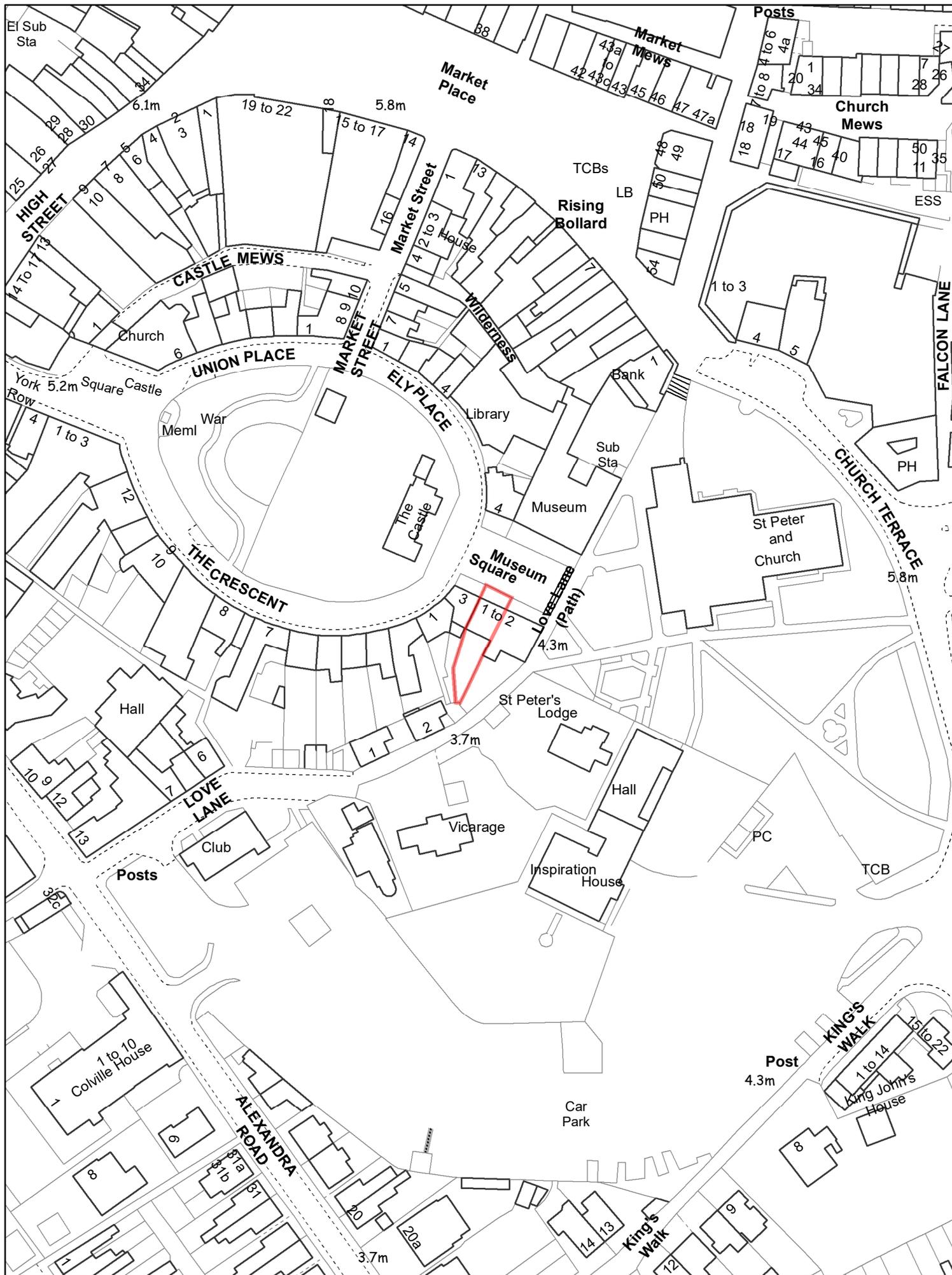
1	<p><b><u>Start Date</u></b> The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p><b><u>Cycle Storage</u></b> Prior to the first occupation of the building full details of a scheme for cycle storage shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the House in Multiple Occupation hereby approved and thereafter retained in perpetuity.</p> <p>Reason: In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p><b><u>Approved Plans</u></b> The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>

### F/YR20/0711/LB

Grant listed building consent subject to conditions

1	<p><b><u>Start Date</u></b> The works permitted shall be begun not later than 3 years from the date of this consent.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
	<p><b><u>Noise Insulation Works</u></b> Prior to the commencement of development a schedule of noise insulation works shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Environmental Health Protection and Conservation Officers. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In order to preserve the special architectural and historic character of the listed building and provide appropriate sound insulation between the rooms within the building, in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
2	<p><b><u>Approved Plans</u></b></p>

	The development hereby permitted shall be carried out in accordance with the following approved plans and documents.
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Created on: 18/08/2020

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Scale = 1:1,250





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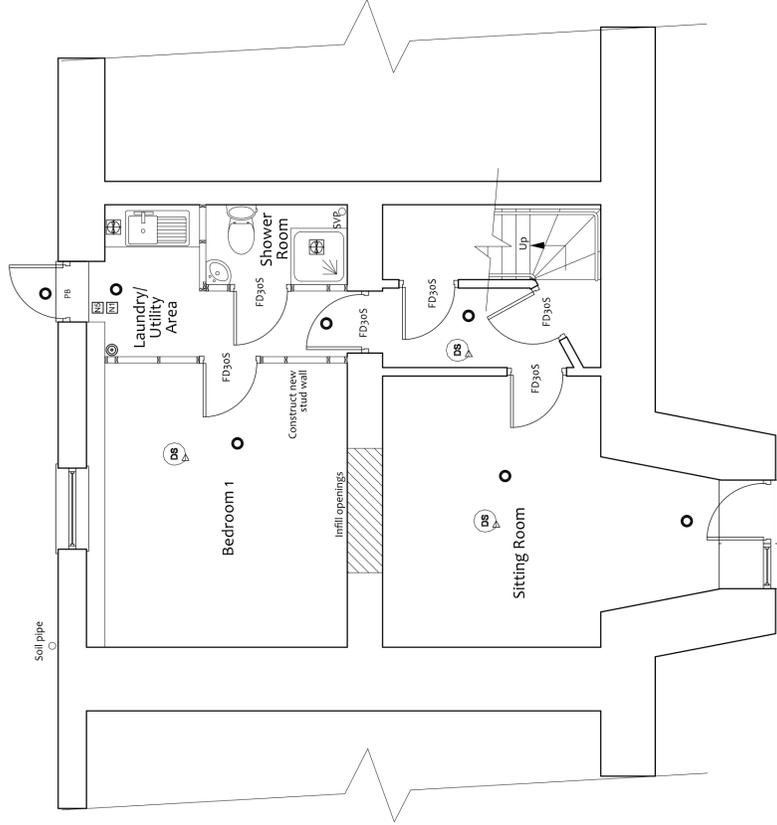
**F/YR20/0710/F and F/YR20/0711/LB**

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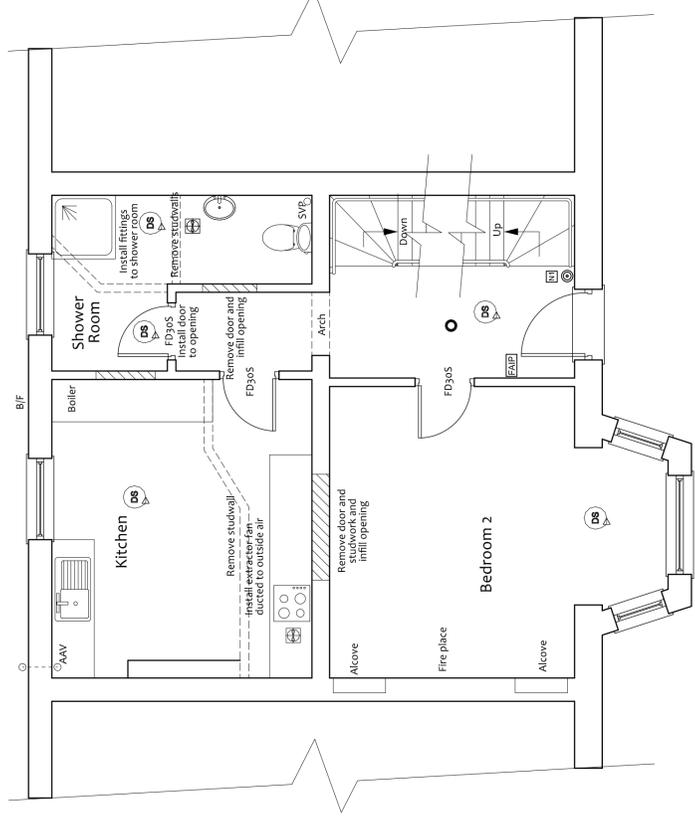
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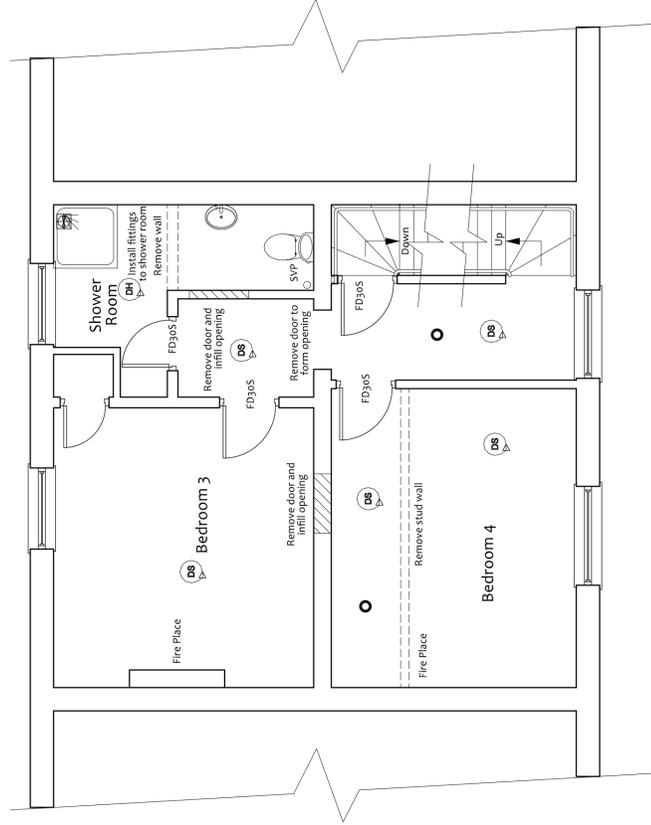
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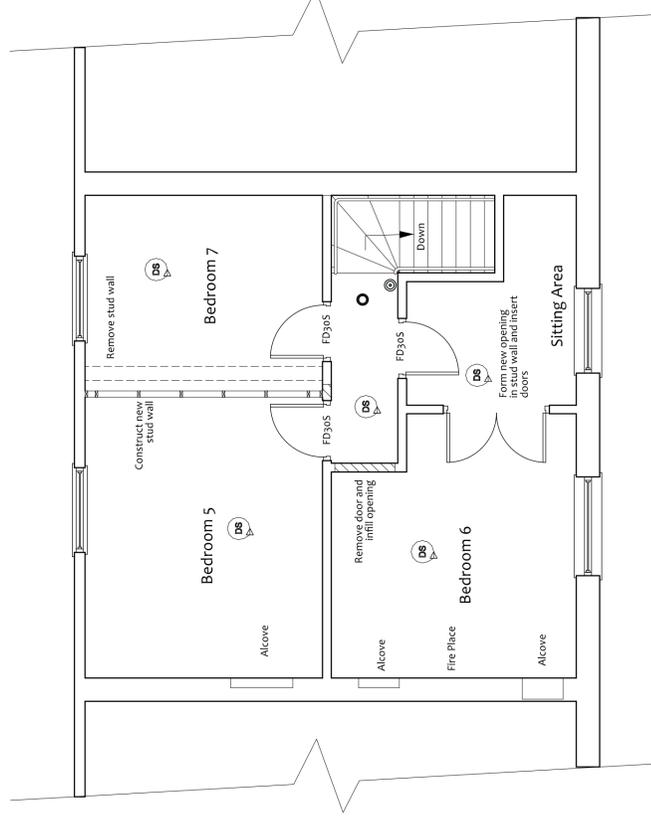
Basement/Lower Ground Floor



Upper Ground Floor



First Floor



Second Floor



Scale 1:50

- Emergency Lighting points.
- ⊙ Fire alarm call points.
- ⊙ Automatic fire detection heat / smoke.
- FAP Fire alarm indicator panel.
- M General Fire Notice.
- X 'Fire Exit - Keep Clear' Notice.
- B Beam Detector.
- PB Push Bars / Push Pad opening device.
- + Approved Fixing.
- G Guardrail.
- E Fire Ext. signage.
- E Maintained illuminated exit sign.
- VP Vision Panel.
- V Visual Alarm / Warning Device.



Villeneuve - Basin Road - Outwell  
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A 18/09/20 Kitchen units moved from fire place  
No Date Revision  
Issue: For Planning Approval

Site: 2 Museum Square, Wisbech,  
Cambridgeshire, PE13 1ES

Project: Change of use to House  
in Multiple Occupation (HMO)

Drawing Title: Proposed Floor Plans

Client: Mr J Baldwin

Date: July 2020  
Scale: 1:50 At: A1  
Drawing Number: 20-2007-4-A

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F/YR20/0790/F

**Applicant: Mr B Feast**

**Agent : Mr Papworth  
Morton & Hall Consulting Ltd**

**Curf Fen Cottage, Curf Fen Drove, Chatteris, Cambridgeshire PE16 6UN**

**Erect a 3 and 4-storey (including basement) rear extension, and single-storey side extension to existing dwelling involving the demolition of existing conservatory and single-storey extension, and the erection of a 6.5m high (approx) storage building involving the change of use of land for domestic purposes**

**Officer recommendation: Refuse**

**Reason for Committee: The number of letters of support received contrary to the Officer's recommendation**

## **1 EXECUTIVE SUMMARY**

**1.1 The proposed development includes a large 400sqm extension to a modest dwelling (120sqm) in an elsewhere location.**

**1.2 The proposed extensions are extensive and complex, and there will be little evidence of the original dwelling remaining. The conservatory and boiler room to the rear will be demolished to make way for a 15m long, 3 storey high, 7.5m wide rear extension (20m long in total). The basement is proposed at the end of this rear projection creating a 4<sup>th</sup> floor.**

**1.3 Officers accept there is a need to improve the current living conditions either by extending or replacing the existing dwelling. But the resultant "L" shaped dwelling will be out of proportion because the north/south 3 storey wing is too narrow for its height and length. The design also lacks symmetry and would be highly visible in views from Doddington Road to the west. The proposed extensions are therefore considered to be detrimental to the character and visual qualities of this rural location.**

**1.4 The application also proposes a large storage building within the extended residential curtilage of the dwelling 10m x 12m with a roof pitch 6.4m high. No justification has been provided to explain why the applicant needs such a large building within the residential curtilage. Due to the size of the proposed building, the storage shed is also considered to be detrimental to the character and visual qualities of this rural location.**

**1.5 Accordingly for the above reasons the scheme is considered to be contrary to Policy LP16 of the Fenland Local Plan 2014. The recommendation is therefore to refuse the application.**

## **2 SITE DESCRIPTION**

- 2.1 The site is part of a larger strip of land (which separates two agricultural fields) but is not in agricultural use. The application site is at the southern end and measures 0.44ha. It is understood the applicant also owns the remaining land.
- 2.2 The application site consists of a modest 2 storey dwelling house, 2 static caravans with decking areas, a row of kennels and a permanent above ground swimming pool. Aerial mapping shows two static caravans on site in the same location since at least 1997.
- 2.3 A gravel driveway leads from the highway through the application site up to the northern edge of the strip of land. A building is located here which the applicant describes as a chicken coup. Between here and the application site is a large area used at present for the outside storage including wire fencing, a tractor, a JCB type digger, other vehicles, a touring caravan, plastic crates, a container like building and other paraphernalia.
- 2.4 The site is in an exposed location within the open countryside. The western boundary consists of post and rail fencing, the eastern boundary consists of mature hedging and trees. The site is within Flood Zone 3

## **3 PROPOSAL**

- 3.1 The existing dwelling has been previously extended but has only one bedroom and a bathroom upstairs. On the ground floor there is a living room, kitchen/diner, study, conservatory and boiler room. The floor area is approximately 120sqm.
- 3.2 The applicant wishes to extend the dwelling considerably, the resulting floor area of the extended dwelling will be approximately 520sqm, which amounts to nearly 4 ½ times greater than the size of the original dwelling (to include a 62sqm basement and 3 storeys above ground).
- 3.3 In addition, a large storage shed is proposed 58m back from the highway. It will be 10m x 12m with a pitched roof 6.4m high. The applicant states that the storage shed is for mechanical equipment for his work which includes a small tractor with a rotavator and hedge trimmer and a ride on mower. The applicant is self-employed and deals with general building and horticultural work, and also pest control. The proposal includes a change of use of land for domestic purposes (approximately 7.5m deep x 39m wide).
- 3.4 The proposed extensions are extensive and complex, and there will be little evidence of the original dwelling remaining. The conservatory and boiler room to the rear will be demolished to make way for a 15m long, 3 storey high, 7.5m wide rear extension (20m long in total). The basement is proposed at the end of this rear projection creating a 4<sup>th</sup> floor. Within this wing will be:  
Ground floor- a kitchen diner, hallway and new entrance with porch over, a lounge and the basement below ground level;  
First floor- 2 x staircases, 3 bedrooms, a bathroom and an ensuite;  
Second floor- 2 x further bedrooms. Maximum roof height will be 8.6m, with 6 x dormer windows.
- 3.5 The roof height of the front elevation will be modified through the introduction of a steep hipped roof in order to meet the roof height of the rear extension. New dormer windows will be added to this front elevation as well as a porch. At ground floor level a garden room will be added to the eastern elevation, to create an “L”

shaped dwelling. Although, the eastern wing is only single storey, in comparison to the large, 3 storey rear extension.

- 3.6 The proposals include a chimney breast to the western elevation (lounge), and a Juliet balcony to the master bathroom (northern elevation).
- 3.7 The resultant new dwelling will comprise:
  - 2 x entrance halls;
  - Garden room;
  - Day room
  - Kitchen;
  - Dining room
  - Walk in pantry;
  - Cloakroom;
  - Lounge;
  - 2 x staircases;
  - 2x room basement;
  - 5 x bedrooms; and
  - Bathroom and ensuite
- 3.8 Proposed materials are brick or render, concrete tiles and white uPVC windows. The storage shed will be green Plasticol.
- 3.9 A Flood Risk Assessment has been submitted with the application which states that the extensions will be built with the same floor levels as the existing dwelling.
- 3.10 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QF0DVKHE06P00>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR17/0680/F	Erection of 3-storey extension and a conservatory to rear of existing dwelling involving the demolition of existing conservatory and single-storey extension, and the erection of a 5.0m high (max height) agricultural store	Refuse	22.09.2017

- 4.1 In 2017 a similar scheme was refused under delegated powers. The reasons for refusal were:

*The proposed extension and agricultural store by virtue of the design, scale, mass, and appearance, do not respect the style and vernacular of the original unit or the rural nature of the locality, and as such do not make a positive contribution to local distinctiveness. The proposal is therefore contrary to Policy LP16 of the Fenland Local Plan and chapter 7 of the NPPF.*

*The applicant has not demonstrated the need for the proposed agricultural building and it has therefore not been proven to be in accordance with Policy LP1 of the Fenland Local Plan and the thrust of the NPPF, being an unnecessary building in the open countryside and the visual harm that will result.*

- 4.2 The applicant did not appeal this refusal but has resubmitted this very similar scheme having encouraged six letters of support. Therefore, the application is before Members for consideration. The applicant did not request any pre-application discussions before resubmission.

## 5 CONSULTATIONS

- 5.1 **Chatteris Town Council**- support the application

- 5.2 **FDC Environmental Health**- *As the proposal includes the change of use of land for 'domestic purposes', this could include the growing of fruit and vegetables. On that basis I would recommend the attachment of the standard unsuspected contaminated land condition be attached to any consent granted.*

*It is noted that the application doesn't indicate whether any machinery is to be involved in the agricultural building, but as the proposal site is in an isolated location, I do not recommend a restriction to control any noise issues.*

*There are no concerns regarding air quality or other noise issues with this proposal.*

*Consequently, there are no objections to the granting of consent to this proposal, but recommend the following condition be attached:*

### **UNSUSPECTED CONTAMINATION**

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

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

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

**5.4 CCC Highways** – No highway objections

### **5.5 Local Representations**

8 letters of support have been received from the following residents residing at:

George Way Chatteris  
Primrose Hill Doddington  
Newgate Street Doddington  
Tithe Road Chatteris  
Wood Street Chatteris  
London Road Chatteris  
Fairway Chatteris  
Primrose Hill Doddington

Supporting comments include:

Extension would improve the plot and the appearance of the dwelling;  
Existing dwelling is too small for modern living, materials are poor;  
Will sit well within this large plot, and not impact on any neighbours;  
It will enhance the area;  
The resultant dwelling will be in keeping with the houses on Doddington Road;  
Older houses should be extended not pulled down;  
It will provide accommodation for the applicant's children.

## **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)**  
**National Planning Practice Guidance (NPPG)**  
**National Design Guide 2019**  
**Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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

LP16 – Delivering and Protecting High Quality Environments across the District

Cambridgeshire Flood and Water SPD

## **8 KEY ISSUES**

- **Principle of Development**
- **Residential Amenity**
- **Dwelling Design and Character of the Area**
- **Storage Shed and Change of Use of Land**

- **Flood Risk**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The site is in an “elsewhere location” as defined by Policy LP3. However, as the house is existing, the principle of an extension can be acceptable. Similarly, a suitably designed storage building may be acceptable. But both are also subject to other policy considerations. In this instance the impact of the design and size of the proposed buildings on the character of the area are particularly relevant and must be balanced against the personal gain.

### **Residential Amenity**

- 9.2 It is understood that one of the aims of the proposal is to relocate the applicant’s children’s bedroom accommodation into the extended dwelling house through the provision of additional bedrooms. As the site is located within Flood Zone 3, this could be supported.
- 9.3 Similarly the site is some distance from any neighbouring property, so any proposal is unlikely to impact on the amenity of any neighbours. However, although this allows greater scope with regard to the design of the extensions, due regard should also be given to the impact of the scale of the proposals on the existing dwelling, the overall look of the new dwelling, and whether it is visually acceptable.

### **Dwelling Design and Character of the Area**

- 9.4 The existing dwelling has been previously extended to increase the level of ground floor accommodation but remains a one bedroomed property. Contained within Fenland District Council’s adopted planning policies are possible options which would improve the living conditions of the applicant, including a replacement dwelling as well as an extension.
- 9.5 Since the refusal of the similar scheme in 2017, the applicant has not sought any pre-application advice from Officers which would have allowed all parties to work together to find an acceptable design solution. Neither has the applicant chosen to appeal the previous refusal. The proposal is before Members because of the number of letters of support received. It should be noted that this latest scheme is even more ambitious than before as it also includes a basement.
- 9.6 Supporters suggest that that the existing dwelling is poorly constructed but also state that older houses should be extended not demolished. It has not been disclosed why the preferred route is to build a 400sqm extension rather than build a replacement dwelling. But the proposals are of such a scale that any reference to the original dwelling would be lost. Although the existing dwelling may not have many design features worthy of incorporation into the scheme, the resultant new dwelling should reflect the existing character of the area with regard to its proportions and scale.
- 9.7 Unfortunately, Officers are of the opinion that the resultant “L” shaped dwelling will be out of proportion because the north/south 3 storey wing is too narrow (7.5m) for its height (8.6m) and length (20m). The hipped roof tie in between the 2 storey original dwelling at the southern end is forced, unattractive and visually jarring, due to the differences in height. The wing would be highly visible in views from Doddington Road to the west, due to its height and length. It also lacks symmetry.
- 9.8 In summary, Officers accept the need to improve the current living conditions either by extending or replacing the existing dwelling. However, the proposal put forward

is not acceptable. The design and scale of the proposed extension is considered to be out of proportion in terms of its height, width and length, and is also at odds with the host property. It would therefore be detrimental to the character and visual qualities of this rural location; accordingly the scheme is considered contrary to Policy LP16 of the Fenland Local Plan 2014.

### **Storage Shed and Change of Use of Land**

- 9.9 The application originally proposed an agricultural store but as this is not an agricultural holding the name has been amended to storage shed/ building. The size has been reduced compared to the 2017 refusal by 80sqm now measuring 10m x 12m. However, the proposed height of the building has been raised to 6.4m. It is to be set well back within the site following the removal of a Eucalyptus tree, but still within the extended domestic curtilage of the dwelling house.
- 9.10 On visiting the site Members will be able to view the amount of outside storage currently taking place to the north of the application site. The applicant has stated the storage shed is to house mechanical equipment for his work which includes a small tractor, associated rotavator and hedge trimmer, and a ride on mower. The applicant is self- employed and deals with general building work, horticultural work and also pest control. Although it is accepted that an ancillary building such as a suitably designed double garage would be a reasonable addition, due to the size of the proposed building, the storage shed is considered to be detrimental to the character and visual qualities of this rural location; accordingly this part of the scheme is also considered to be contrary to Policy LP16 of the Fenland Local Plan 2014.

### **Flood Risk**

- 9.11 The site is within Flood Zone 3. However, domestic extensions are considered as minor development within the SPD. The proposal will allow for the removal of the static caravans and relocation of the sleeping accommodation into the extended dwelling which is a benefit. The proposed basement is to be used as a non-habitable storage space. The storage shed, with appropriate surface water drainage is unlikely to increase the risk of flooding elsewhere on the property or surrounding area. Furthermore, the EA does not object to the proposal. Therefore the proposal is considered to comply with Policy LP14.

## **10 CONCLUSIONS**

- 10.1 In conclusion, Officers accept the need to improve the current living conditions either by extending or replacing the existing dwelling. However, the proposal put forward is not acceptable. The design and scale of the proposed extension is considered to be out of proportion in terms of its height, width and length, and is also is at odds with the host property. The size and scale of the proposed storage shed has also not been justified within the domestic curtilage. The scheme would therefore be detrimental to the character and visual qualities of this rural location. Accordingly, the scheme is considered contrary to Policy LP16 of the Fenland Local Plan 2014.

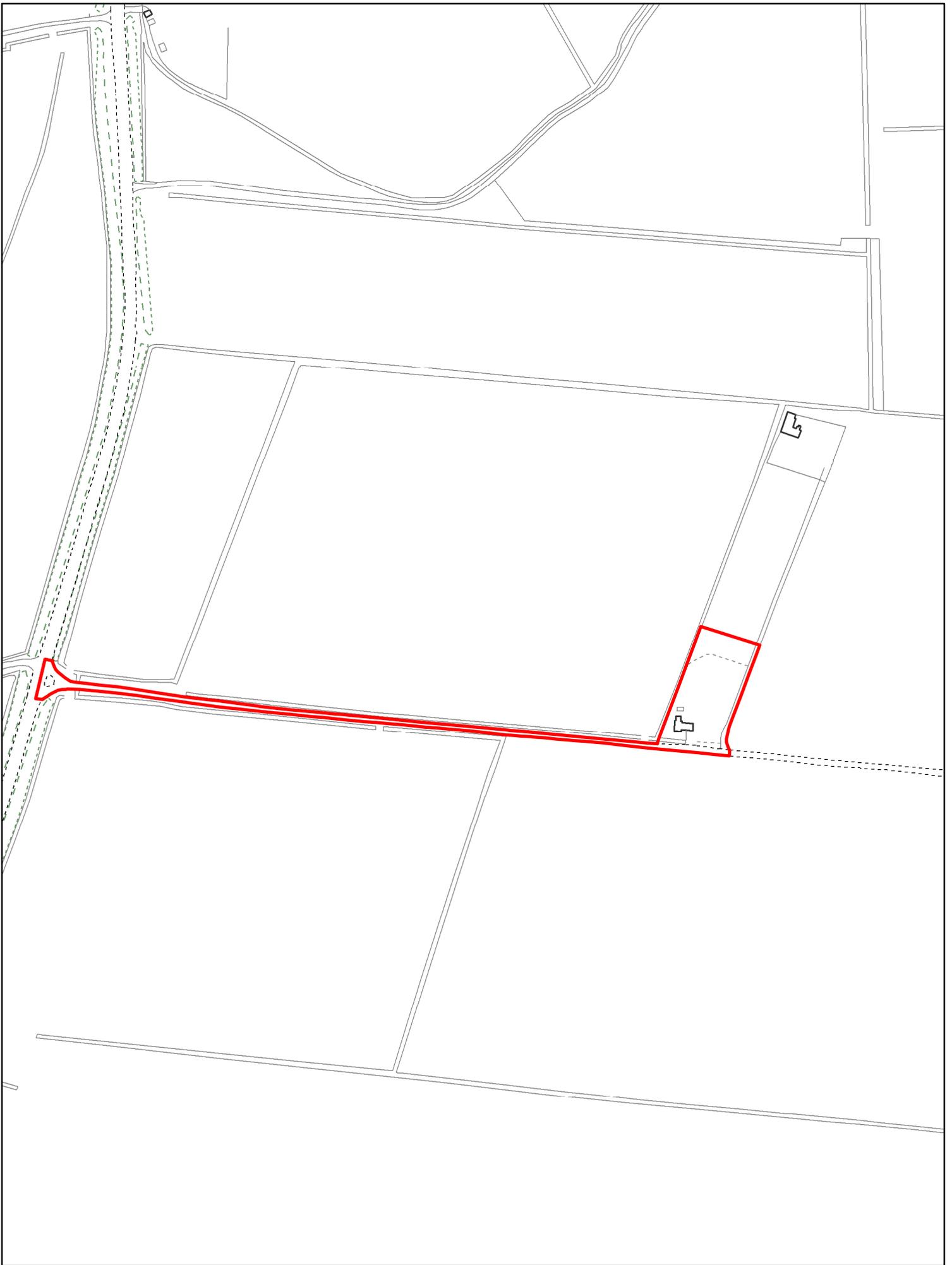
## **11 RECOMMENDATION**

The recommendation is to refuse the application for the following reasons:

Policy LP16(d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and the character of the area, improve the character of the local built environment and not adversely impact on the street scene. The design and scale of the proposed extension is considered to be out of

proportion in terms of its height, width and length, but also is at odds with the host property. It would therefore be detrimental to the character and visual qualities of this rural location. The proposal would therefore be contrary to Policy LP16 (d) of the Fenland Local Plan 2014.

Policy LP16(d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and the character of the area, improve the character of the local built environment and not adversely impact on the street scene. The size and scale of the proposed storage building within the residential curtilage is considered to be detrimental to the character and visual qualities of this rural location. The proposal would therefore be contrary to Policy LP16 (d) of the Fenland Local Plan 2014.



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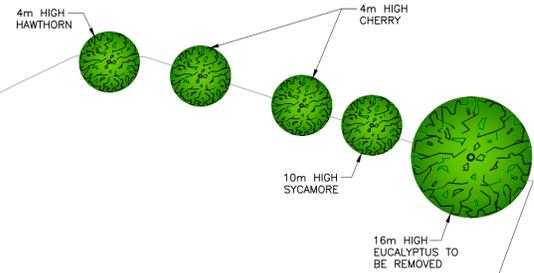
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LEGEND

-  PERMEABLE BLOCK PAVING (NON SLIP)
-  GRASS
-  VEGETATION
-  GRAVEL
-  SITE ENVELOPE
-  PAVEMENT
-  TARMAC
-  EXISTING DWELLINGS
-  EXISTING HEDGING

OWNED BY APPLICANT



EXISTING SITE PLAN (1:200)

LEGEND

-  PERMEABLE BLOCK PAVING (NON SLIP)
-  GRASS
-  VEGETATION
-  GRAVEL
-  SITE ENVELOPE
-  PAVEMENT
-  TARMAC
-  EXISTING DWELLINGS
-  EXISTING HEDGING

PROPOSED HEDGING

PROPOSED STORAGE SHED

PROPOSED SITE PLAN (1:200)

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F	PLANNERS COMMENTS	AUG 20
E	CLIENTS COMMENTS	JUL 20
D	CLIENTS COMMENTS	NOV 17
C	PLANNERS COMMENTS	JUL 17
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A	CLIENTS COMMENTS	JUN 17
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PROJECT  
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 Chatteris  
 PE16

TITLE  
 Existing And Proposed  
 Site Plans

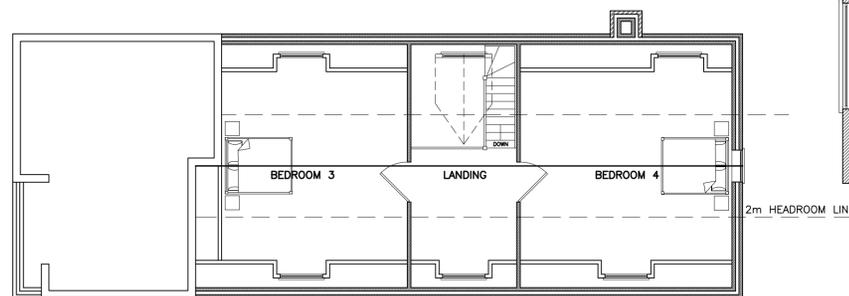
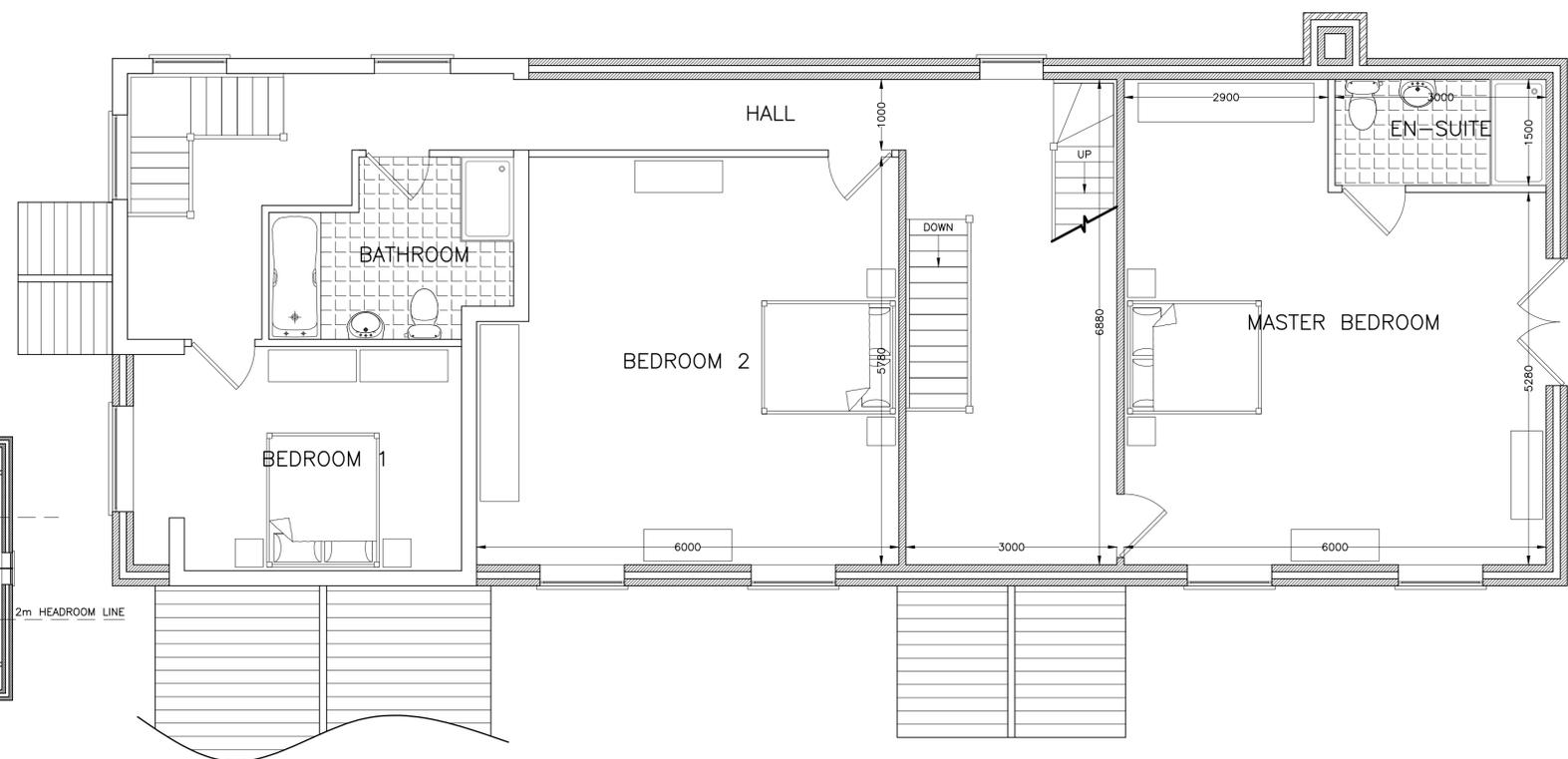
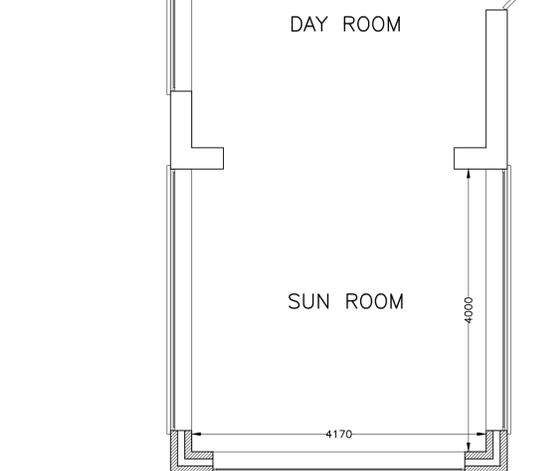
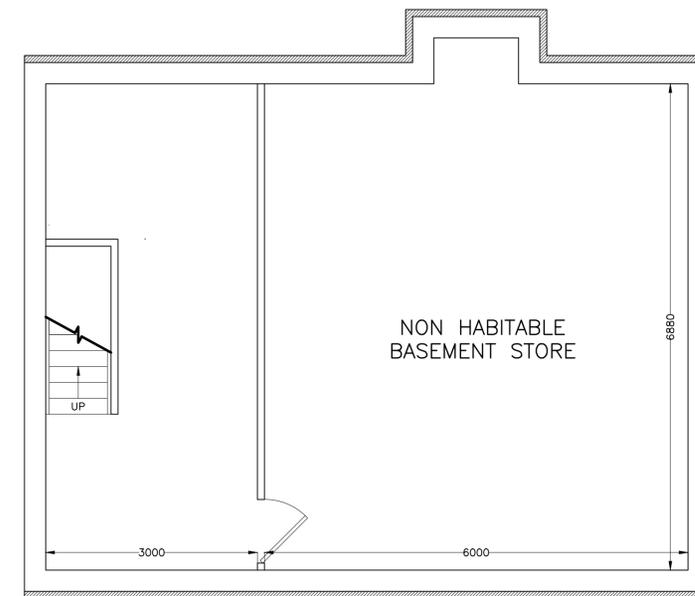
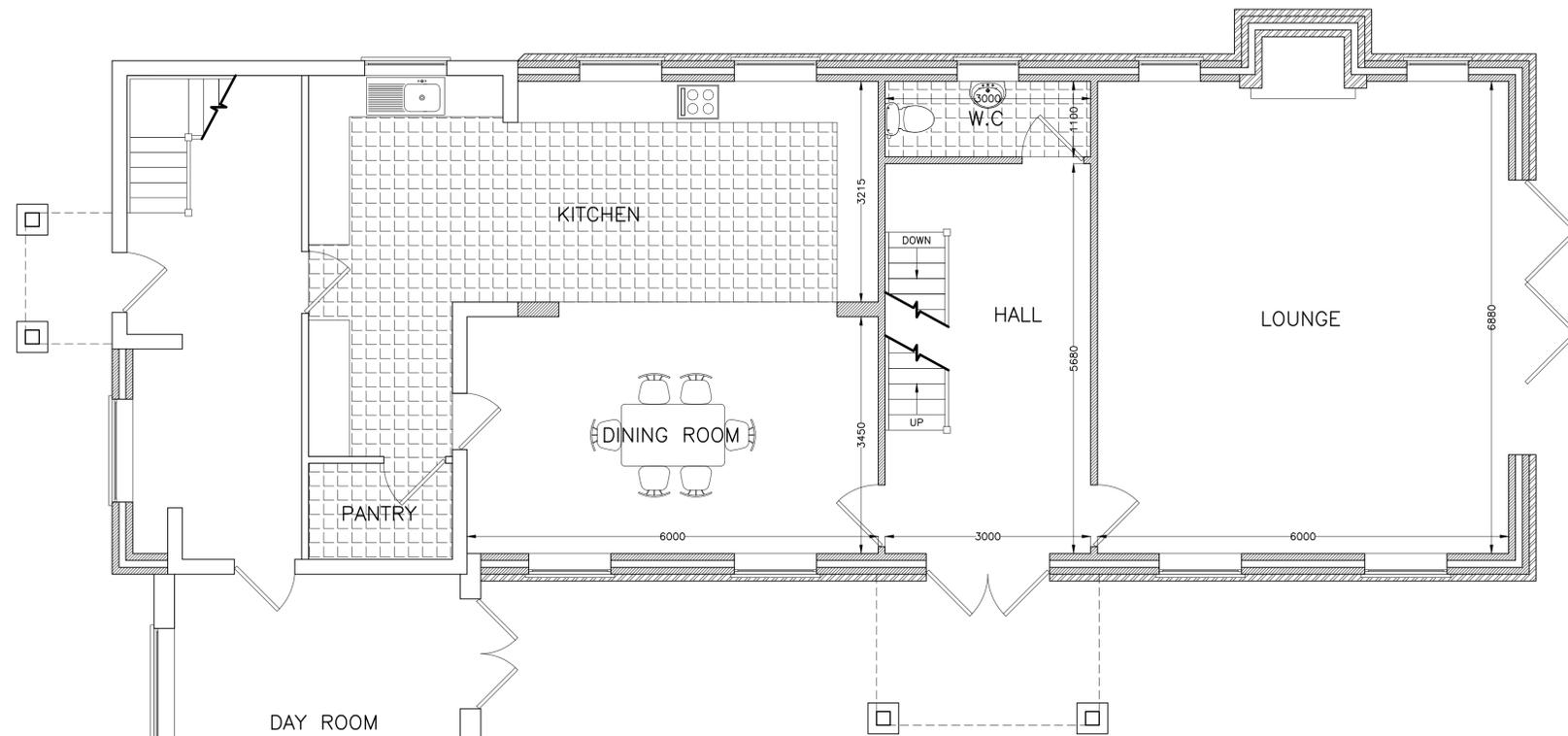
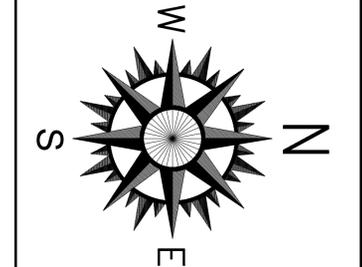
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DATE	May 2017	DRAWING NUMBER
SCALE	As Shown	H5318/05F

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H	PLANNERS COMMENTS	OCT 2020
G	PLANNERS COMMENTS	AUG 2020
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	PLANNING COMMENTS	JUL 2017

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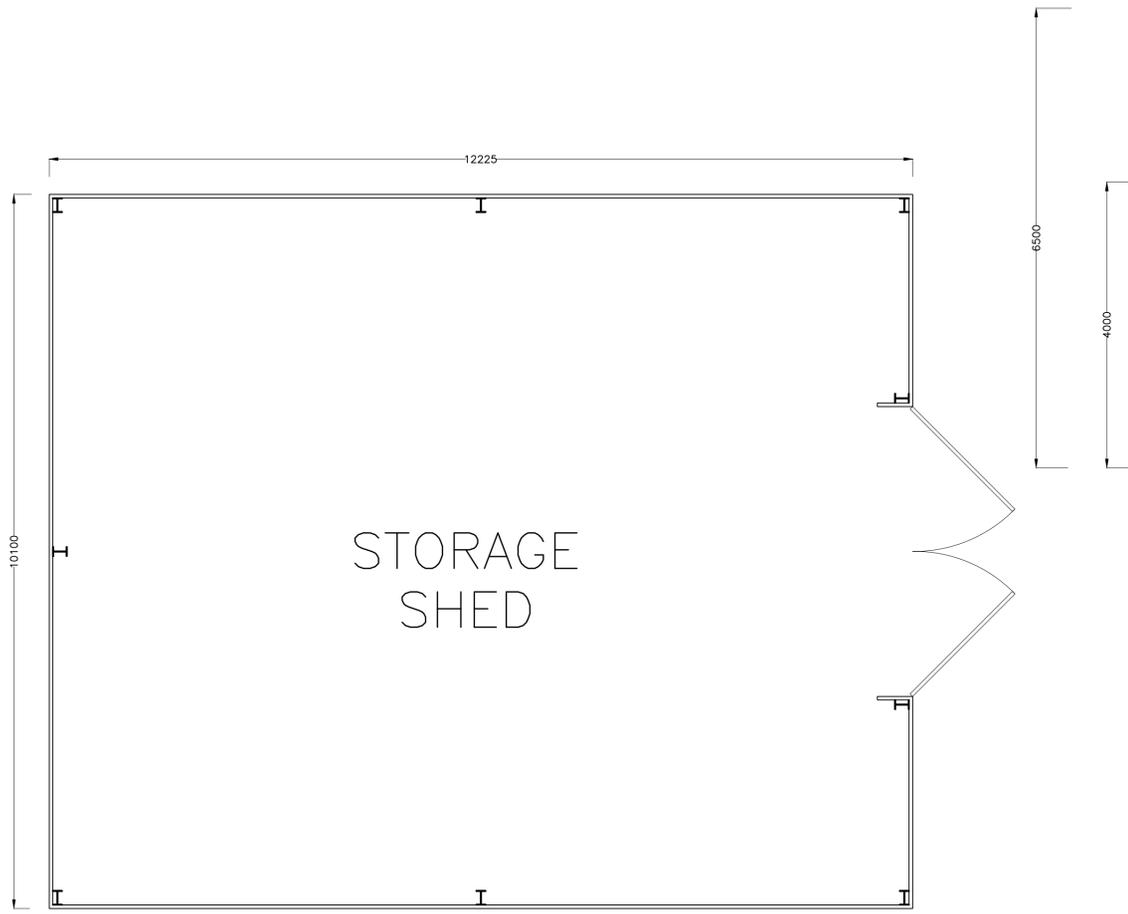
CLIENT: Mr B Feast

PROJECT: The New House  
 Off Doddington Road  
 Chatteris  
 PE16

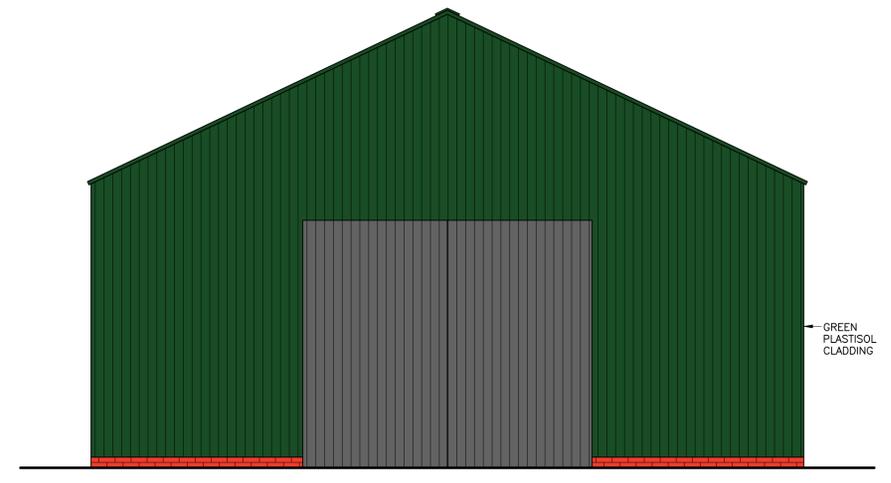
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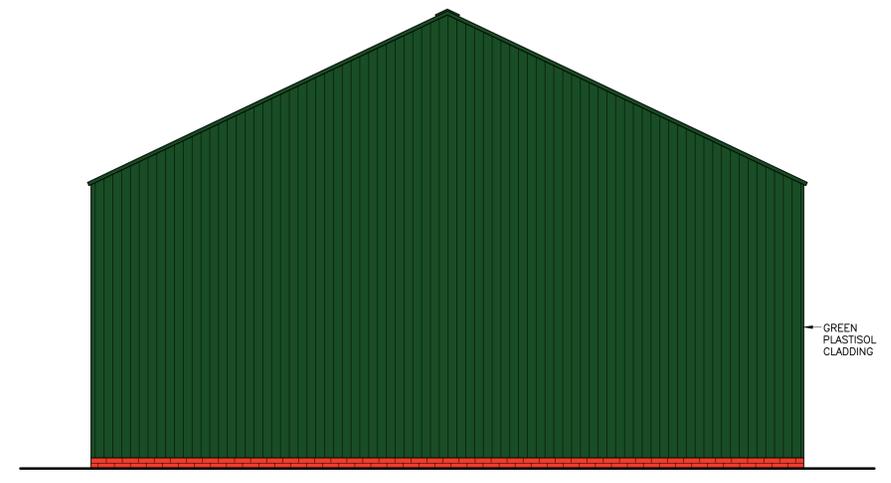
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SCALE: As Shown	



PROPOSED GROUND FLOOR PLAN  
(1:50)



PROPOSED FRONT ELEVATION  
(1:50)



PROPOSED REAR ELEVATION  
(1:50)



PROPOSED LHS ELEVATION  
(1:50)



PROPOSED RHS ELEVATION  
(1:50)

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Chatteris  
PE16

TITLE  
Proposed Storage Shed  
Plan & Elevations

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE May 2017	DRAWING NUMBER H5318/06F
SCALE As Shown	



PROPOSED FRONT ELEVATION  
(SOUTH)  
(1:100)



PROPOSED RHS ELEVATION  
(EAST)  
(1:100)



PROPOSED REAR ELEVATION  
(NORTH)  
(1:100)



PROPOSED LHS ELEVATION  
(WEST)  
(1:100)

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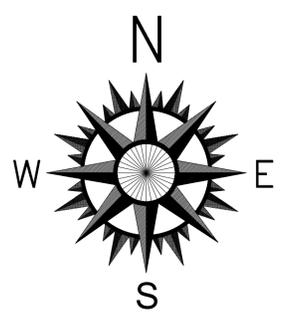
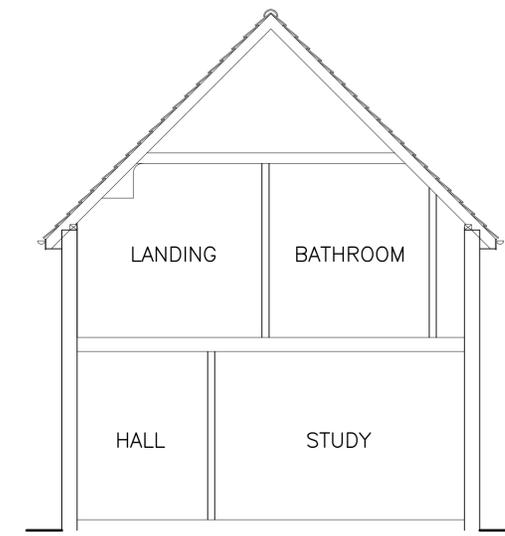
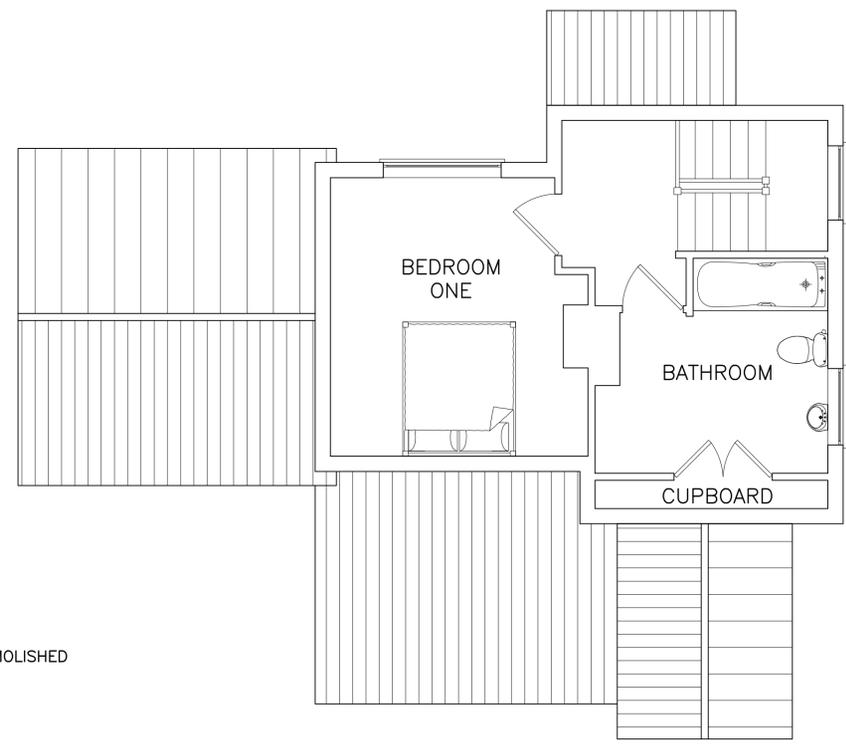
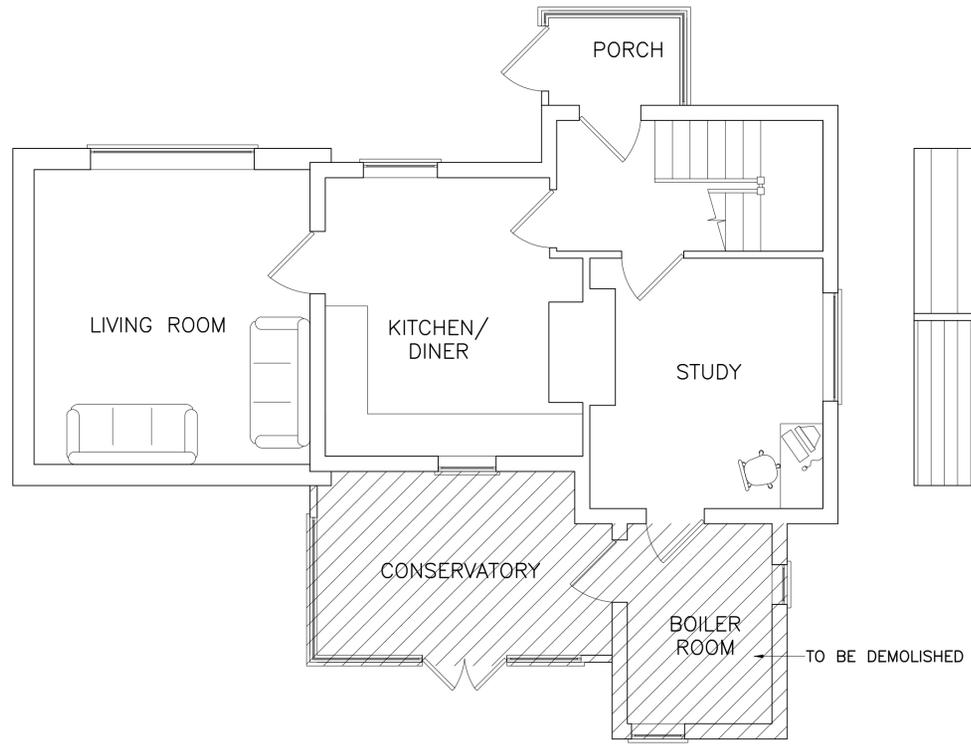
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Off Doddington Road  
Chatteris  
PE16

TITLE  
Proposed Elevations

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B	PLANNERS COMMENTS	AUG 2020
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TITLE  
Existing Floor Plans  
And Elevations

DRAWN M. Halmshaw	DATE OF ISSUE
CHECKED	
DATE May 2017	DRAWING NUMBER H5318/01b
SCALE As Shown	

## PLANNING APPEAL DECISIONS

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

<b>Planning Application Reference: F/YR19/0499/F</b> <b>(Appeal reference) <a href="https://www.fenland.gov.uk/publicaccess/">APP/D0515/W/20/3244101</a></b>					
<b>Site/Proposal:</b> Erection of a eco tyre 2-bed dwelling; workshop and storage shed and siting of a timber clad caravan (part retrospective) Land North Of Bar Drove, Friday Bridge					
<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	.Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>The effect of the proposals on the character and appearance of the area, with particular regard to the 2014 Fenland Local Plan policies LP3, LP12 and LP16; and</li> <li>Whether the public and personal benefits of the scheme would outweigh any harm, and conflict with policy, with particular reference to sustainability, security, biodiversity and personal circumstances</li> </ul>					
<b>Summary of Decision:</b>					
<p>Inspector found that the site was neither within nor adjacent to the village but one step away, but did not view it as isolated when applying the 'Braintree judgements'.</p> <p>An earlier appeal decision (Enforcement Appeal) was acknowledged which found that the residential element had brought about 'significant' change in character and that the caravan, driveway and fencing had a noticeable visual impact. Whilst the hedging had established and largely concealed the development the hedging was not 'necessarily permanent' and whether the development could be seen or not the Inspector found that the residential use had altered its previous agricultural character.</p> <p>The Inspector considered the starting point to be whether the development complied with LP3, in this regard he considered the site outside the settlement and therefore countryside and as such development would be restricted to that which is demonstrably essential. In addition the Inspector found the scheme in conflict with LP12 in terms of relationship with the settlement, character impact and extension of linear features of settlement/resultant ribbon development.</p> <p>Site was acknowledged as enabling some access to local goods and services so was no isolated and as such the exceptions of NPPF Para 79 did not apply; however NPPF Para 131 relating to outstanding or innovative designs which promote high levels of sustainability was considered relevant and the appellants aim to a achieve a sustainable off-grid lifestyle were noted.</p> <p>It was accepted that the construction of the eco tyre house was unusual and that there were no other tyre houses in the district; as such the dwelling had the potential to promote high levels of sustainability however this would largely depend on how this was communicated. It</p>					

was noted that the construction had not been recorded nor had it been promoted, although it was acknowledged that the latter element could be secured by condition.

Notwithstanding this the Inspector raised issue with whether the house was indeed habitable, i.e. healthy and safe, noting that there was no corresponding Building Regulations (BR) approval relating to the house. Whilst generally BR are outside the scope of planning decisions they are referred to in Local Plan Policy LP14 and the Inspector felt that the appellants should have been aware of the need to comply with BR before starting work.

Based on the submission, discussion and the site visit the Inspector '*had very little information on how the tyre house would satisfy the necessary standards*'. Whilst it was implicit under NPPF Para 131 that great weight should be given to innovative designs these should meet the requirements of safety, health and welfare. As there was no evidence that the tyre house was habitable the dwelling was not assisted by NPPF Para 131, which may have outweighed LP3 and LP12. Nor was the scheme found to gain support from LP14.

Matters of security were also considered by the Inspector although he was not persuaded that an on-site presence was essential for security or that the business was as yet financially viable and as such the scheme did not comply with the test of being demonstrably essential thereby justifying its location. It was accepted that '*an on-site presence is a benefit, albeit personal rather than public*'.

With regard to biodiversity the Inspector acknowledged that whilst the '*proposals satisfy the biodiversity requirements of policies LP12, LP14 and LP16, through protection and enhancement, they gain little support from them*'.

Health benefits of residing on site were also considered by the Inspector however in order to give this matter substantial weight the Inspector considered that he would need to see more evidence that the improvements were more to do with moving onto the site rather than any other reason such as medication.

Consideration was also given to the Article 8(1) of the European Convention on Human Rights noting that dismissing the appeal would deny the Appellant's family the right to live on the site, however taking into account all material considerations the Inspector found that the legitimate aim of protecting the countryside could only be achieved by dismissing the appeal. However he concluded in this regard that '*interference with the human rights of the Appellants's family, and potentially with education, are both necessary and proportionate*'.

Inspector did not consider that the allowing the appeal might set a precedent for other undesirable development in the countryside given the particular circumstances of the case.

It was the absence of evidence that the tyre house uses a healthy and safe form of construction which resulted in the appeal being dismissed noting that the conflict with countryside policies would outweigh the benefits of sustainability, security, biodiversity and personal circumstances.

**Planning Application Reference: F/YR19/0959/PNC07**

**(Appeal reference) [APP/D0515/W/20/3244101](#)**

**Site/Proposal:** Prior Approval for change of use from light industrial (B1(c) to 6 x 2-storey dwellings (C3) (1 x 5-bed and 5 x 3-bed) at Unit 1, How Fen, New Road, Chatteris

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- The LPA considered that the building did not benefit from permitted rights under Schedule 2, Part 3 Class PA by virtue of the building not having been *solely* in use as a B1(c) use on 19 March 2014 (the 'prescribed date' in the GPDO), with its last known sole use under B1(c) being in 2009 but with other non B1(c) uses after this time.
- The residential use of the building could result in poor living conditions by reason of the adjacent dog kennel business which may result in adverse noise impacts.

Therefore, the proposal failed to comply with Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and as amended, and Paragraphs 127 and 180 of the NPPF.

**Summary of Decision:**

**Previous use**

The Inspector had regard to the Council's previous Planning Enforcement interventions and supporting evidence which led to the cessation of the unauthorised use of the building as a car repairs/workshop and residential use between around November 2013 and at the time a Planning Contravention Notice (PCN) was issued on 22 April 2015. The appellant confirmed that the car repair and residential use ceased in 2015.

The appellant had argued that 'car repairs' fall within Class B1(c) of the Use Classes Order (UCO). The Inspector clarified that for a use to fall within Class B1(c) of the UCO it must be capable of being carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, soot, ash, dust or grit. The Inspector considered that the nature of the activities involved in a car repair business would likely generate noise through the use of machinery and the running of engines and would generate fumes and smoke from engine exhausts - likely to cause detriment to the amenity of any residential area. Therefore concluded it is likely that such a use would fall into use class B2 general industry rather than B1(c) light industry.

The appellant argued that because the use as a car repair business and residential use of the building were not lawful (i.e. did not benefit from planning permission), the approved use of the site should be light industrial, Class B1(c) and that the B1(c) use had not been abandoned and therefore that the building benefitted from permitted development rights under Class PA.

The Inspector concurred with the LPA that a strict interpretation of the permitted development rights needed to be applied in that; if the use of the building was not solely in use as B1(c) on 19 March 2014 (or when it was last in use), then it did not comply with the Class PA requirements and permitted development rights did not exist for the change of use

to residential.

**Dog kennels (amenity)**

The Inspector set out that as he had found that the building did not benefit from the permitted development rights set out in Part 3, Class PA of the Order there was no need to consider its compliance with the prior approval matters, as the development laid outside the scope of this Class.