

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 3 FEBRUARY 2021

1.00 PM

**A VIRTUAL MEETING BY ZOOM VIDEO
CONFERENCING SYSTEM**

Committee Officer: Jo Goodrum
Tel: 01354 622285
e-mail: memberservices@fenland.gov.uk

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.

- 1 To receive apologies for absence.
- 2 Appointment of Vice Chairman of the Planning Committee for the Municipal Year 2020 - 2021
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR20/1017/O
Land South East of Dove Cottage, Gull Road, Guyhirn. Erect up to 4 x dwellings and the formation of 3 x vehicular accesses involving the demolition of an existing outbuilding (outline application with all matters reserved) (Pages 3 - 14)

To determine the application

- 6 F/YR20/1082/F
Land West Of Sunset Rooms, Station Road, Wisbech St Mary. Erect 6 x dwellings (2-storey 3-bed) (Pages 15 - 30)

To determine the application

- 7 F/YR20/1090/O
Land North Of, Springfields, Eastrea. Erect up to 5 x dwellings (outline application with matters committed in respect of access) (Pages 31 - 46)

To determine the application

- 8 F/YR20/1112/F
Anaerobic Digestion Plant, Somerset Farm, Cants Drove, Murrow. Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m high chain-link fence (relocation approved under F/YR18/0648/F) (Pages 47 - 62)

To determine the application

- 9 Planning Appeals. (Pages 63 - 66)

To consider the appeals report.

- 10 Items which the Chairman has under item 3 deemed urgent

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

F/YR20/1017/O

Applicant: Ms Julie Thompson

**Agent: Mr Chris Walford
Peter Humphrey Associates Ltd**

Land South East of Dove Cottage, Gull Road, Guyhirn, Cambridgeshire

Erect up to 4 x dwellings and the formation of 3 x vehicular accesses involving the demolition of an existing outbuilding (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for the construction of up to four dwellings on land to the east of Gull Road, Guyhirn and includes the creation of three vehicular access points to the site. All matters of detail are reserved for later approval.
- 1.2. The site has previously formed part of four separate applications for residential development, all of which have been refused.
- 1.3. The current application site is largely located within flood zone 1, with a small part of the south west corner where an access is indicated located within flood zone 3. The dwellings proposed are not located within the area of flood zone 3 and therefore the sequential test is not required.
- 1.4. Guyhirn is identified as a Small Village within the settlement hierarchy where development is limited to being small scale residential infilling.
- 1.5. The scale of development proposed is beyond that envisaged for the settlement and does not constitute residential infilling. It is therefore contrary to policy LP3, which sets out the settlement hierarchy and the scale of development appropriate to each level of settlement within it.
- 1.6. The application would result in the development of a currently undeveloped site that forms an important part of the relationship between the existing settlement and the countryside. Such development would result in harm to the character and appearance of the surrounding countryside and would therefore be contrary to policy.
- 1.7. The proposal is therefore recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is 72m by 26m and is located on the eastern side of Gull Road, 485m to the north of its junction with High Road. The application site is a narrow piece of land lying between the agricultural fields to the east and Gull Road to the west. It is considered to constitute part of the countryside. The site's western boundary is marked by mature and dense hedging. The southern boundary adjoins a similar piece of land between the site and a group of three pairs of semi-detached dwellings and the northern site boundary adjoins Dove Cottage.
- 2.2. Opposite the site and across Gull Road is a further row of detached dwellings. Although the western side of Gull Road is characterised by ribbon development, its eastern side remains more open with the exception of sporadic development to the north and the three pairs of semi-detached dwellings to the south noted above.
- 2.3. The application site lies considerably below the level of the road in this location, with the carriageway level at 2.6m above ordnance datum (AOD), and the site levels at approximately 0.6m AOD. The submitted plans do not indicate if the general land levels on the site are intended to be raised as a result of the proposal.
- 2.4. The application site is located mainly within flood zone 1 except for a small section at its southern end, which is located within flood zone 3.

3. PROPOSAL

- 3.1. The application is made in outline with all matters reserved for later approval. It proposes the construction of up to four dwellings on the land and an indicative layout plan is submitted alongside the application shows a linear form of development with four detached properties each with their own parking and turning provision, with three separate vehicular entrances off Gull Road serving the development.
- 3.2. A flood risk assessment is submitted alongside the proposal, which indicates that finished floor levels would need to be set approximately 1.1m above the current level of the land on the site, approximately 0.9m below the carriageway level of the adjacent highway. No landscaping details are submitted for consideration at this time.
- 3.3. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QINIJGHE06P00>

4. SITE PLANNING HISTORY

F/YR18/0956/O	Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)	Refuse	07.12.2018
F/YR18/0595/O	Erection of up to 8 x dwellings and the formation of 4 x access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)	Refused	23/8/2018
F/YR12/0546/O	Erection of 2 dwellings	Refused	13/9/2012
F/0435/79/O	Erection of a dwellinghouse	Refused	14/7/1979

5. CONSULTATIONS

5.1. **Cambridgeshire County Council Highways Authority**

No objections subject to a standard reserved matters condition.

Given previous decisions a condition requiring a footway along the development frontage would be unreasonable.

Consideration should be given to footways, street lighting, speed limits and traffic calming however if further development continues to be permitted in this area.

5.2. **Cambridgeshire Fire and Rescue Service**

Should the Planning Authority be minded to grant approval, adequate provision should be made for fire hydrants.

5.3. **Wisbech St Mary Town Council**

Council recommended approval.

5.4. **FDC Environmental Health**

No objections. Request standard unsuspected contamination condition

5.5. **Environment Agency**

No objection. Strongly recommend the mitigation measures identified in the Flood Risk Assessment are adhered to.

5.6. **Ward Councillor Mrs S Bligh**

“Linear development proposed, which is in keeping with most of Gull Road. Predominantly in flood zone 1. A previously granted application has set a precedent due to their similarities. No adverse issues relating to visual or residential amenity with that application. Note comments regarding a drain and seek solutions similar to those approved under the recent nearby referenced application.

Fully support the application.”

5.7. **Local Residents/Interested Parties**

Three representations have been received in relation to the proposal from residents of Gull Road, Guyhirn. Two of these are identified as objections with the third stating neither objection nor support. The following points are identified within the representations.

- Devaluation of property
- Loss of privacy
- Loss of views
- Loss of habitat through hedgerow removal
- Impact on traffic and highways
- More dwellings would mean the speed limit should be reduced
- Visitors would need to park on the opposite side of the road to park safely, creating impacts on safety
- Impact on drainage
- Would set a precedent for infilling agricultural land along other parts of Gull Road, and detract from its status as a small village
- No detailed designs

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

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

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.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context

Movement

Nature

Uses

Homes and Buildings

Resources

Lifespan

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 Delivering and Protecting High Quality Environments in Fenland SPD

DM3- Making a Positive Contribution to Local Distinctiveness and Character of the Area

8. KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Flood Risk**
- **Highway Safety**
- **Residential Amenity**
- **Other matters**

9. BACKGROUND

9.1 The application site has a significant history relevant to the consideration of the current application, with four applications having previously been refused for development of the land for residential purposes. The two most recent refusals, albeit on larger application sites, were both considered under the policies of the current development plan (see ‘Site Planning History’) and were both refused on the grounds of not being infill, harm to the character of the area, and a failed sequential test. These matters are considered separately later in the report under specific headings.

9.2 In addition, two appeal decisions relating to residential development within Guyhirn are of relevance to the consideration of this proposal. The first of these (F/YR17/1213/O) is of particular relevance as it relates to the partial development of a ‘gap’ site on the east side of Gull Road with development fronting the road. The Planning Inspector dismissed the appeal as it did not constitute infilling, would adversely impact the character of the area and failed to meet the requirements of the sequential test.

9.3 The second (F/YR17/1115/F) relates to a proposal for the construction of four dwellings off High Road to the east side of the settlement, but again with a similar relationship as a linear site parallel and adjacent to the adopted highway. Again, the Planning Inspector confirmed that the site did not constitute infill development, that the loss of the currently undeveloped land would result in harm to the character and appearance of the area, and that the sequential test had not been passed.

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. Guyhirn is a Small Village, where development will normally be of a very limited nature and limited in scale to residential infilling or small business opportunities.

- 10.2. The application site lies adjoining the existing settlement of Guyhirn, on the eastern side of Gull Road. Policy LP3 requires that development in such settlements as Guyhirn is of a “very limited” nature and is “limited in scale to residential infilling”. The Fenland Local Plan in its Glossary defines residential infilling as, “Development of a site between existing buildings”. The Glossary of the Planning Portal further defines this as, “The development of a relatively small gap between existing buildings”.
- 10.3. The application site forms an approximately 72m part of a wider gap of 125m between buildings, and the development would see the remainder of this gap left as undeveloped land. It is not considered therefore that the development represents limited residential infilling as set out in Policy LP3 and that the principal of development is therefore unacceptable. This conclusion would be consistent with the findings of the Planning Inspector when considering the other nearby site on Gull Road.

Character of the Area

- 10.4. Policy LP12 of the Fenland Local Plan (2014) addresses the matter of development within or adjacent to villages under Part A of that policy, noting that development will be supported where it does not harm the wide open character of the countryside, alongside a set of other criteria. These include the proposal not having an adverse impact on the character and appearance of the surrounding countryside and farmland, being of a scale and in a location that is in keeping with the core shape and form of the settlement, not harming its character and appearance, not extending linear features of the settlement, and retaining natural boundaries of the site.
- 10.5. As noted above, the character of the application site is typical of an edge of village location, and closely related to the agricultural use of the land beyond. It is also distinctly different to the land on the opposite side of Gull Road, which has been developed for residential purposes. The development of the application site would result in harm to its character through loss of its open nature and the link with the agricultural land beyond, contrary to the requirements of policy LP12, supported by Policy DM3 of the Delivering High Quality Environments SPD, and would have an urbanising effect on the area. Again, this is consistent with the conclusions of the Inspector when considering the similar case on Gull Road, and, also in the case on High Road.
- 10.6. In addition to the above general impact relating to the development of the site, the Flood Risk Assessment accompanying the proposal identifies that land levels within the site will need to be raised to mitigate against flood risk. This would see the finished floor levels of the properties constructed on the land raised up by approximately 1.1 metres above the typical existing land levels on the site. Although the application does not include matters of scale for approval at this stage, the extent of raising required is significant and would result in a distinctly different character of development to that of its surroundings that would result in harm to the street scene.

Flood Risk

- 10.7. The application site is largely located within flood zone 1, with a small area of the south western corner located within flood zone 3. The indicative layout plan submitted alongside the application shows that the area of land within flood zone 3 is not required for the siting of the proposed dwellings, with the land shown as providing the vehicular access to the proposed dwellings. Consequently, it is considered that the application has demonstrated that the

dwellings could reasonably be accommodated within flood zone 1 and as such no sequential test would be required under Policy LP14.

- 10.8 However, the submitted Flood Risk Assessment includes information that the site could be at risk from flooding in the event of a breach of defences. To address this the development would require floor levels above existing ground levels, as set out above, as well as other flood mitigation measures. The Environment Agency do not object to the application.

Highway Safety

- 10.9 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.
- 10.10 The application site is accessed from Gull Road, and although the proposal reserves all matters for later approval, the application indicates a number of proposed accesses along the boundary of the site with the highway to serve the individual dwellings.
- 10.11 Gull Road is a long, straight road with good visibility in both directions, and is subject to a 40mph speed limit. There are a range of properties located along it that already gain vehicular access directly onto private driveways and off-street parking.
- 10.12 The Local Highways Authority have confirmed they have no objections to the proposal, subject to the inclusion of a standard reserved matters condition on any permission granted requiring the submission of details of the proposed means of vehicular access to the highway.
- 10.13 The Local Highways Authority have also noted that it would be unreasonable to require a condition to provide a footway link across the frontage of the development site however no such link is indicated as being proposed within the application. The LHA also notes that should development continue to be permitted along the road then consideration will need to be given to provision of footways, street lighting, speed limits and traffic calming.
- 10.14 Whilst the objections received from the public consultation are noted, no objection has been raised by the Local Highways Authority. There is therefore no justification for refusal of the application on highway safety grounds, and the proposal is considered to be in accordance with policy LP15 of the Fenland Local Plan (2014).

Residential Amenity

- 10.15 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.
- 10.16 The comments received from members of the public with regard to the impact of the proposed scheme on the privacy of nearby properties are noted. The application is made in outline however, with all matters reserved for later approval. Consequently, the plans provided are only indicative of any scheme that may come forward on the site with regard to the final details for approval,

and no consideration can be made regarding specific impacts on neighbouring and nearby properties.

- 10.17 What can be inferred from the plans however is the potential for such impacts to occur. The indicative scheme shows four dwellings positioned in a linear arrangement. It would be perfectly reasonable for these properties to avoid windows on their side elevations overlooking the neighbouring dwellings, meaning their main aspects would be from the front of the site across Gull Road, and out to the rear over the agricultural land located there.
- 10.18 No harm would arise from the properties overlooking the agricultural land and the indicative site plan shows that it would be possible for the dwellings to be built in excess of 30m from the dwellings on the opposite side of Gull Road, a distance that would satisfactorily protect those properties from unacceptable impacts of overlooking.
- 10.19 The proposal is therefore considered to be capable of complying with the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014), with regard to its impacts on amenity, and a refusal on these grounds would not be justified.

Other Matters

- 10.20 Several other matters have been raised as objections to the proposal, which are considered as follows.
- 10.21 The devaluation of property is not a material consideration in the determination of a planning application, nor is the loss of a view.
- 10.22 The provision of dedicated visitors' spaces is not a provision within the parking standards set out in Appendix A of the Fenland Local Plan (2014).
- 10.23 The application is made in outline, with all matters reserved for later approval. Consequently, the lack of detailed design proposals for the dwellings is not justification for refusal of the outline application.

11 CONCLUSIONS

- 11.1 The proposal is for the construction of up to four dwellings on land adjacent to the existing settlement of Guyhirn. The development is not considered to be small scale infilling as set out in Policy LP3, and as such is not acceptable in principle. The development of this site would be detrimental to the character and appearance of the area, having an urbanising effect through the substantial loss of one of the undeveloped 'gap' sites which give the eastern side of Gull Road its character. The visual impact of the development would be exacerbated by the need to for the finished floor levels to be above existing ground levels by over 1 metre. While there are some examples of recent residential development on this side of the road, these are not considered to be consistent with this application and more relevant precedents have been set with the appeal decisions referred to in the report. Consequently, the application is considered to be contrary to the relevant policies of the Local Plan.

12. RECOMMENDATION

REFUSAL, for the following reason

1	<p>The application site constitutes part of a wider gap between built forms, where the open countryside meets the village. The development proposal would not constitute small scale infilling and would result in the loss of the undeveloped nature of the site and the urbanisation of the area to the detriment of its character and appearance, exacerbated by the need to build the development over 1m above existing ground levels. Therefore the proposal is considered to be contrary to Policies LP3, LP12 Part A (a, c, d and e) and LP16(d) of the adopted Fenland Local Plan (Adopted May 2014) and Policy DM3 of the Delivering and Protecting High Quality Environments contrary to Policies LP3 in Fenland SPD.</p>
---	--



Created on: 05/11/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

F/YR20/1017/O

Scale = 1:1,250





Existing Site Plan 1:500



Proposed Site Plan 1:500 (Indicative for illustrative purposes only)



Location Plan 1:1250



Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

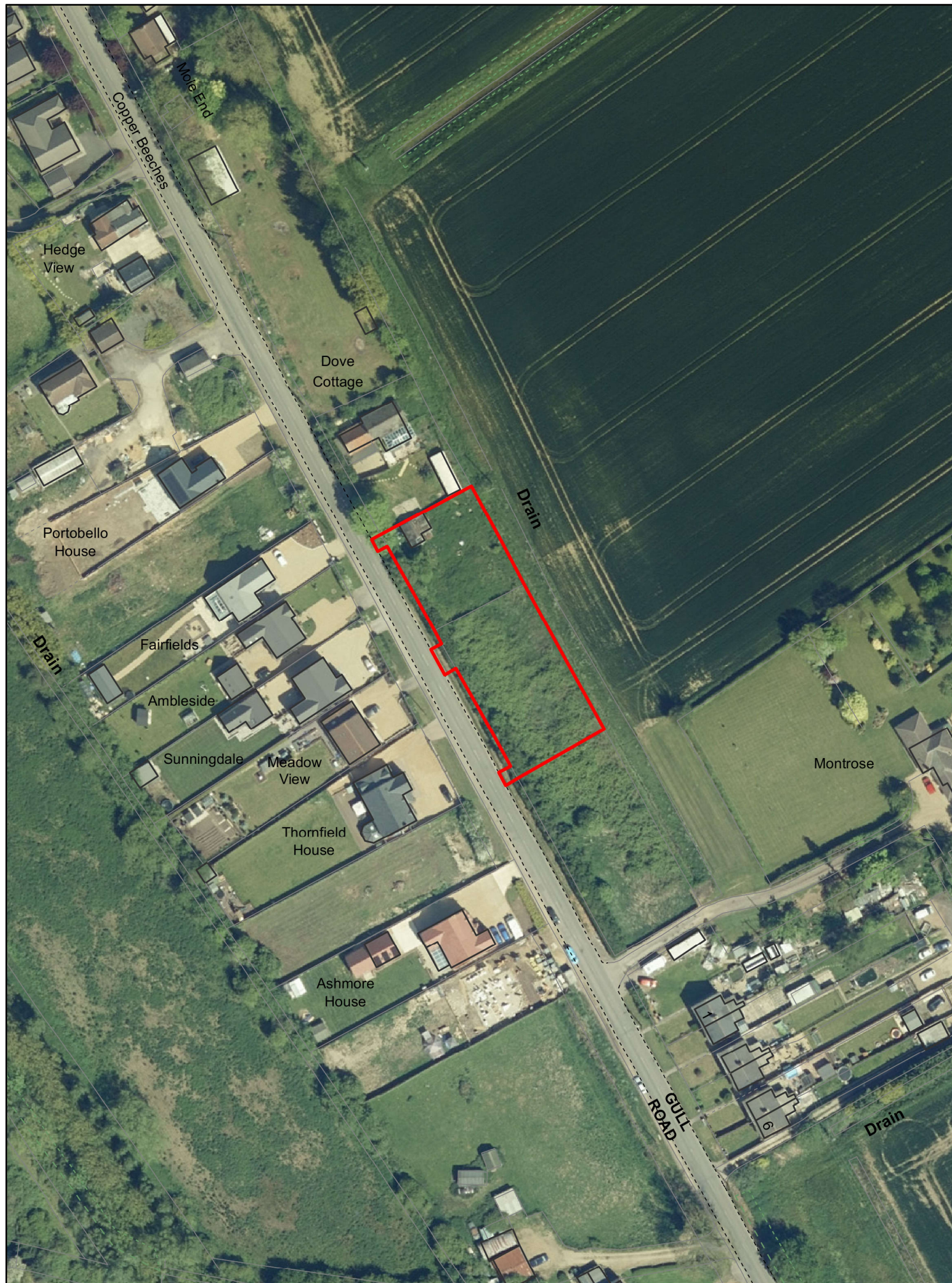
Project:
Proposed Residential Development
Land at Dove Cottage
Gull Road
Guthrie
PE13 4ER

Date: Ms. J. Thompson
Drawing Title: Proposed Site Plan

Scale: 1:500
Date: 28/08/2018
Drawing No: 4879/01B

Copyright: This drawing is the property of Peter Humphrey Associates. It is not to be used for any other purpose without the written consent of Peter Humphrey Associates.





Created on: 05/11/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

F/YR20/1017/O

Scale = 1:1,250



F/YR20/1082/F

Applicant: Mr R Brockhurst

**Agent : Mr R Swann
Swann Edwards Architecture Limited**

Land West Of Sunset Rooms, Station Road, Wisbech St Mary, Cambridgeshire

Erect 6 x dwellings (2-storey 3-bed)

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The site is within the settlement of Wisbech St Mary which is identified as a growth village in terms of the settlement hierarchy outlined in Policy LP3 of the Fenland Local Plan. Whilst the scheme has generated some local objection, predominantly on the grounds of residential amenity impacts and highway safety, due regard has been given to the planning history of site, including the recent outline planning approval for up to 3 dwellings, and the level of impact arising from the development.
- 1.2 Although the development of the site will change the outlook from adjoining residents the likely impacts of the proposal, are not considered to so significant as to render the scheme unacceptable.
- 1.3 Similarly concerns regarding the access to serve the development, when viewed against the backdrop of its historic use to serve the former Sunset Rooms, are such that it would not be reasonable to withhold consent on the grounds of highway safety. Some betterment of the access is achievable through enhancements to existing surfacing; this will be to the benefit of both residential amenity and highway safety.
- 1.4 It is considered that there are no planning grounds on which consent should be withheld and accordingly the scheme, on balance, must receive a favourable recommendation.

2 SITE DESCRIPTION

- 2.1 The site is located to the west of Station Road in Wisbech St Mary and comprises land associated with the former Sunset Rooms which is now in use as a sports hall. Immediately to the east of the site is an area of car park associated with the sports hall use; this area is gravelled, and a fence is in place between it and the application site under consideration.

- 2.2 The site itself is vacant and overgrown in parts. Access to the site is via a track leading from Station Road. There are dwellings to the south (Blundell Terrace and Beechings Close) and the east (Station Road). To the north there are some dwellings positioned sporadically surrounded by agricultural land.
- 2.3 The existing community centre and sports field are positioned to the west, accessed from Beechings Close. The site is within flood zone 1.

3 PROPOSAL

- 3.1 This submission seeks full planning permission for the erection of three pairs of semi-detached dwellings.
- 3.2 The first two pairs of dwellings will address the access road with the third pair rotated to look eastward onto the side boundary of Plot 4, with an intervening continuation of the access providing access to the parking spaces associated with these dwellings.
- 3.3 Parking is provided to the individual dwellings, either to their sides or in the case of Plot 5 to the front of the dwelling.
- 3.2 During the evaluation of the proposal revisions were sought to the central pair of dwellings due to concern regarding overlooking and dominance and subsequently the first floor element of the outshoot which features on the remaining plots was deleted from the scheme and new drawings submitted in this regard.
- 3.3 Each dwelling will have maximum dimensions of 6.3 metres wide x 13.8 metres deep with an eaves height of 5 metres and a maximum ridge height of 8.5 metres. Parking provision of two spaces per dwelling is shown.
- 3.4 Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

F/YR19/0841/VOC	Variation on conditions 8 and 9 to enable amendment to approved plans relating to Planning permission F/YR18/0386/O	Granted 05.12.2019
F/YR18/0386/O	Erection of up to 3 x dwellings (Outline with matters committed in respect of access)	Granted 15.10.2018
F/YR17/0259/F	Erection of a single-storey 4-bed dwelling and detached garage with playroom above	Granted 15.05.2017
F/YR16/0922/F	Erection of 4 x 3-storey dwellings comprising of 2 x 5/6 bed with detached double garage with playroom above; 1 x 5-bed with detached double garage with playroom above and 1 x 5-bed with attached hovel	Refused 02.12.2016

5 CONSULTATIONS

- 5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 14th December 2020, the Council recommended REFUSAL, based on access concerns and over-development of the site. Following re-consultation regarding the amended design the Parish note that they 'have nothing further to add regarding on the design amendments to plot 3 & 4, please refer to our previous response which recommends refusal'.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *'I have no highway objections to the application subject to the same highway conditions imposed against planning consent F/YR18/0386/O and parking and turning condition'.*
- 5.3 **Cambridgeshire Fire & Rescue Service:** *'With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. [...]'*
- 5.4 **FDC Environmental Health:** *'There are no implications for local air quality with this proposal. There are no implications with noise being created by this proposal and there are no local noise sources which could adversely affect the house and occupants. There are no issues with ground contamination and no known former contaminative use of the site. [...] However, I would recommend the attachment of the standard unsuspected land contamination condition. Consequently, there are no objections to this proposal, subject to the attachment of the above condition'.*
- 5.5 **FDC Refuse Team:** *'Home-owners/future homeowners would need to be notified that alternative arrangements for waste collection would need to be made due to no suitable collection point. This isn't an ideal situation but provided they are made aware I have no issues with this.'*
- 5.5 **North Level Internal Drainage Board:** *'North Level District IDB has no comment to make with regard to this application'.*
- 5.6 **Local Residents/Interested Parties:** Six letters of objection from 5 households have been received (3 x Station Road and 2 x Beechings Close) which may be summarised as follows:

Access

- Concern over *'the vehicle access / exit which will remain narrow allowing only one vehicle entrance and exit onto a very busy road that recently was down-graded and the central lines removed which encourages traffic at the present to drive at speed in the centre of the road'.*
- *'Single lane is constructed of gravel that continuously has potholes'*
- Vehicle access to site, entry / exit which at its narrowest point is 3.5 metres which will only allow one vehicle entrance and exit onto an extremely busy road, which would be extremely dangerous.
- Poor visibility on this busy turning into a single access road that a car may already be waiting to exit and vice versa.
- Concerns regarding access for construction vehicles, emergency services and refuse vehicles
- Insist that a site visit should be undertaken re access

- 'Several elderly neighbours who walk down the lane to access the playing fields at the end to enable them to walk their dogs. When a vehicle enters the lane there is nowhere for these people to stop to allow the vehicles to pass them'
- *'We have had several near misses whereby one vehicle has nearly collided with a vehicle coming in the other direction when entering and leaving the gravel lane. Both vehicles driving too fast'.*

Noise and disturbance

- Concern that the increased noise, traffic and light pollution will impact on adjacent holiday let; compounding the increase noise from vehicles accessing the activity centre – *'believe that any further development would be excessive for the area'.*
- *'Our home sits at the end of the lane (Station Road) and on dark evenings we have headlights shining through our windows, so brings more light pollution'.*
- *At present it is a very nice and quiet area. More traffic especially during the build will destroy the peace.*

Residential amenity

- Loss of view/Outlook, Overlooking/loss of privacy, Proximity to property.
- Shadowing/ loss of light, Visual impact
- *'My house is surrounded by other buildings and it is the only open space (complete loss of privacy when the new buildings will be erected)'.*
- *'This development will affect my property directly, so I totally oppose it'.*

Other matters

- *'Nowhere for refuse bins to be placed near the road'.*
- *'I believe that 6 properties are over development for the size of the site'.*
- *'already too many buildings in the area*
- *'The proposed site is a piece of land that has become land locked with past over development'.*
- *'Local services / schools are unable to cope with present development'.*
- Visual impact, light pollution
- Sewage and drainage are already a major problem in the area.
- *'The neighbours dyke also encourages people to dump their rubbish, so will this get worse'?*
- *'The gravel is constantly being compacted, ourselves and our neighbours have lost our electrical supply for several days as the electrical junction starts at the beginning of the lane. This can be verified by The National Grid'.*
- Environmental Concerns, Wildlife Concerns
- Devaluing property

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

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

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Para. 127 - achieving well designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context C1 - Relationship with local and wider context

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

Built form B1 - Compact form of development; B2 Appropriate building types and forms

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

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

Lifespan L3 - A sense of ownership

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Development

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

8 KEY ISSUES

- Principle of Development
- Village Thresholds
- Character and Appearance
- Residential Amenity
- Risk of flooding and drainage
- Highway Safety
- Other matters

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 of the FLP sets a hierarchy for new development and reflects the guidance contained with the NPPF in prioritising new development to the most sustainable locations. This policy identifies Wisbech St Mary as a growth village, where development will be appropriate either with the existing urban area or as a small village extension.
- 9.2 As concluded in respect of the earlier scheme the application site is well related to the existing pattern of development in the settlement and is considered to be a sustainable location. As such the development is considered to be acceptable in principle and complies with the provisions of LP3.
- 9.3 Notwithstanding the above there remain other policy considerations with regard to character and form, highway safety, residential amenity and flood risk. The policy framework pertinent to these considerations being outlined in Policies LP12, LP14, LP15 and LP16. Policy LP12 also identifies the need to ensure that village growth is appropriate and that local communities are engaged in the planning process through consultation.

Village Thresholds

- 9.4 Policy LP12 identifies that if a proposal is within or on the edge of a village and would, in combination with other development built since April 2011 and committed to be built (i.e. with planning permission), increase the number of dwellings within the village by 15 % it should have demonstrable evidence of clear local community support for the scheme. Such support should be generated by a thorough and proportionate community consultation exercise.
- 9.5 Wisbech St Mary has exceeded this growth threshold with the latest figures indicating a threshold of 85 dwellings and a committed figure of 151 dwellings (30 October 2020). Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given to a relevant appeal decision which indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms. This stance aligns with that taken in respect of the earlier scheme for 3 units.

Character and Appearance

- 9.6 Policy LP16 of the FLP seeks to promote good design that is in keeping with the character of the area. The earlier approvals highlighted that whilst the proposal could be considered to represent back land development within the context of the surrounding area due regard must also be given to the adjoining developments which resulted in the site being accepted as an infill of the area between the existing sports hall and No. 40 Beechings Close.
- 9.7 In terms of the wider site context it is noted that development has a mix of scale, size and character within the locality. As such it may be accepted that the development, complies with Policy LP16 in terms of form and character.
- 9.8 Whilst planning permission was refused for a 4 dwelling scheme in 2016 that scheme incorporated 3-storey dwellings all having 5 bedrooms or over; as such the previous resisted scheme is not material to the scheme currently under consideration as the scale of development was substantially different.

Residential Amenity

9.9 With regard to the built form proposed and the relationships with existing properties it is noted that:

- The properties are positioned to the north of dwellings in Beechings Close and as such there are no issues of overshadowing to reconcile
- The properties are illustrated as achieving a minimum separation distance (wall to wall) of circa 14.8 metres (maximum 25 metres); where the distance is only 14.8m this represents a flank wall to rear wall relationship (plots 5-6 outlook to Plot 4)
- Revisions have been secured in respect of the central pair of dwellings, to delete the first floor element of the outshoot as this was considered to be too close to the dwelling to the south-east (26 Beechings Close)
- The orientation of the final pair of dwellings to side onto the access road results in the rear aspect of these dwellings facing onto the side wall of number 40 and results in a wall to wall separation distance of 22 metres . The flank wall of these plots will be circa 18 metres from the rear elevation of No 28 Beechings Close and 15 metres from No 30)
- The dwellings having a maximum ridge height of 8.5 metres, with a lower rear offshoot having a ridge height of circa 7.9 metres. All the roofs are hipped to minimise the impact of the dwellings.
- The individual plots will all benefit from a minimum of a third private amenity space as required by Policy LP16 (h), gardens ratios range from 37% (Plot 4) to 53% (Plot 6).
- Whilst the dwellings at Plots 1-2 and 5-6 will each have bedroom windows (x 2) at first floor within their rear elevations the separation distances are such that no significant residential amenity harm will arise.

9.10 The comments of neighbours are noted with regard to the likely noise and disturbance arising from additional usage of the access roadway. As the site is currently vacant land there will of course be some impact arising from its development; however from a planning perspective whilst it is necessary to safeguard residential amenity it would be necessary to demonstrate significant harm arising in order for the scheme not to comply with local and national planning policy.

9.11 Against the above backdrop it is noted that the access intended to serve the six dwellings was consented to serve a car parking area, associated with the Sunset Rooms, which comprised circa 100 spaces. This area has been substantially reduced given the earlier subdivision of the site and it would therefore not be reasonable to withhold consent on the grounds of noise and disturbance, similarly the impact of car headlights at the exit from the site on adjacent properties is not deemed to be so significant as to render the scheme unacceptable

9.12 It is a highway requirement that the first 10 metres of the access be hard surfaced, sealed and drained which will in part reduce the potential for noise and disturbance.

9.13 Whilst the initial scheme for 3 dwellings did condition more extensive resurfacing of the access way this requirement was subsequently deleted under F/YR19/0841/VOC following consideration by the Planning Committee in December 2019 as it was found not to meet the tests outlined in Paras 55-56 of

the NPPF in terms of 'reasonableness'. This conclusion was drawn having due regard to the justification put forward by the agent at that time, i.e.

'The existing former Sunset Rooms is now being used as a sports hall as part of the Community Centre, the traffic movements from the venue are at unsociable hours whereas the proposed dwellings would be accessing and leaving at times consistent with neighbouring properties.'

The traffic using the access in association with the sports hall is much greater than the proposed dwellings will generate. There are 22 parking spaces allocated for the sports hall which, on the basis of how the hall is currently used, are likely to be used to their capacity. In view of the amount of vehicular movements going to and from the sports hall car park, the trips generated by the proposed dwellings will be easily absorbed into the sports hall traffic. Therefore no additional harm caused by noise and disturbance will be caused by vehicles associated with the proposal as a result of the retention of the existing access surface material.

The site of the dwellings is the former extended car park to the sunset rooms and due to its size would be capable of having space for an additional 70 parking spaces. Should the proposal not go ahead the land can be used for the additional 70 parking spaces and any upgrade works to the existing access or driveway could not be sought. Therefore to request an upgrade of the drive for 3No. dwellings is unreasonable and unjustified.

The Sunset Rooms has no restriction on opening times, how many individuals use it and how often it is used, so to carry out any extensive works to the drive would be impossible to do as the users have unrestricted access at all times. To carry out the works to the access as requested by condition 08 would restrict the users to the sports hall which could ultimately threaten the vitality of this community facility.'

- 9.14 Although the current scheme proposes an increase of 3 dwellings over and above those committed it would still remain less intense in terms of its vehicular movements than the earlier historic use of the site and accordingly it is considered that the scheme must be viewed as compliant with Policies LP2 and LP16 of the FLP (2014) and must therefore be favourably recommended.

Risk of flooding and drainage

- 9.15 The site is within a Flood Zone 1 location, albeit within a flood warning area. As an area of lowest flood risk there are no grounds to resist the scheme in terms of Policy LP14. It is proposed to dispose of foul water to the mains sewer with surface water being disposed to soakaways, which will be subject to Building Regulations approval. The North Level Internal Drainage Board have raised no objections in principle to the scheme.
- 9.16 Accordingly, there are no matters to reconcile with regard to flood risk and the scheme achieves compliance with Policy LP14 of the Fenland Local Plan (2014).

Highway safety

- 9.17 As can be noted from the site history section above there have been two schemes approved on this site previously. The latest of these schemes granted approval for 3 detached dwellings. Matters of highway safety were considered as

an integral part of that proposal and given the previous use of the Sunset Rooms and the extent of car parking which was used in association with that historical use it was concluded that there would be no grounds to withhold consent on the basis of highway safety. A similar scenario exists in the consideration of the current scheme and as such there would be no grounds to withhold consent in this regard.

- 9.18 Comments regarding the potential for conflict between pedestrian users of the lane and vehicles are also noted however again due regard must be given to the historic use of the site.
- 9.19 Noting the historic use of the land, the earlier approval granted and the formal recommendation of the LHA it is not considered that a refusal could be sustained in respect of LP15 of the FLP on highway safety or amenity grounds

Refuse collection

- 9.20 The application as submitted initially indicated that the householders would utilise the local authority refuse collection service; this being at variance to the earlier scheme for three dwellings which in recognition of the bin travel distances involved and the access road constraints proposed that private collection arrangements would be put in place.
- 9.21 It remains the case that the proposal has no potential to comply with RECAP guidance for waste collection by the Council, with the access way being approximately 95 metres long and unable to accommodate a bin storage area within 30 metres of the highway as required by RECAP; as such the agent has confirmed that a private refuse collection strategy will be operative which has been accepted by the FDC Refuse Service.
- 9.22 Accordingly, it is considered subject to suitable conditions the scheme whilst not achieving full compliance with Policy LP16 in terms of refuse collection arrangements would not represent significant amenity harm. Furthermore, mindful of the existing consent in place and the availability of a mechanism to address the shortfall in this regard via condition it is considered that on balance the scheme may be accepted

Other matters

- 9.23 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 9.24 The applicant has been consulted on the following pre-commencement condition and has confirmed their agreement to it being imposed in writing. Therefore, should the application be approved and the consent granted with the proposed conditions it is considered that the requirements of section 100ZA(5) have been met.

The proposed condition is as follows;

Condition 2 – construction management plan

10 CONCLUSIONS

- 10.1 This site is within the settlement of Wisbech St Mary which is identified as a growth village in terms of the settlement hierarchy outlined in Policy LP3 of the Fenland Local Plan. Whilst the scheme has generated some local objection, predominantly on the grounds of residential amenity impacts and highway safety, due regard has been given to the planning history of site and the level of impact arising from the development.
- 10.2 Although the development of the site will change the outlook for adjoining residents the likely impacts of the proposal are not considered to so significant as to render the scheme unacceptable. Similarly concerns regarding the access to serve the development, when viewed against the backdrop of its historic use to serve the former Sunset Rooms, are such that it would not be reasonable to withhold consent on the grounds of highway safety. Some betterment of the access is achievable through enhancements to existing surfacing; this will be to the benefit of both residential amenity and highway safety.
- 10.3 It is considered that there are no planning grounds on which consent should be withheld and accordingly the scheme, on balance, must receive a favourable recommendation.

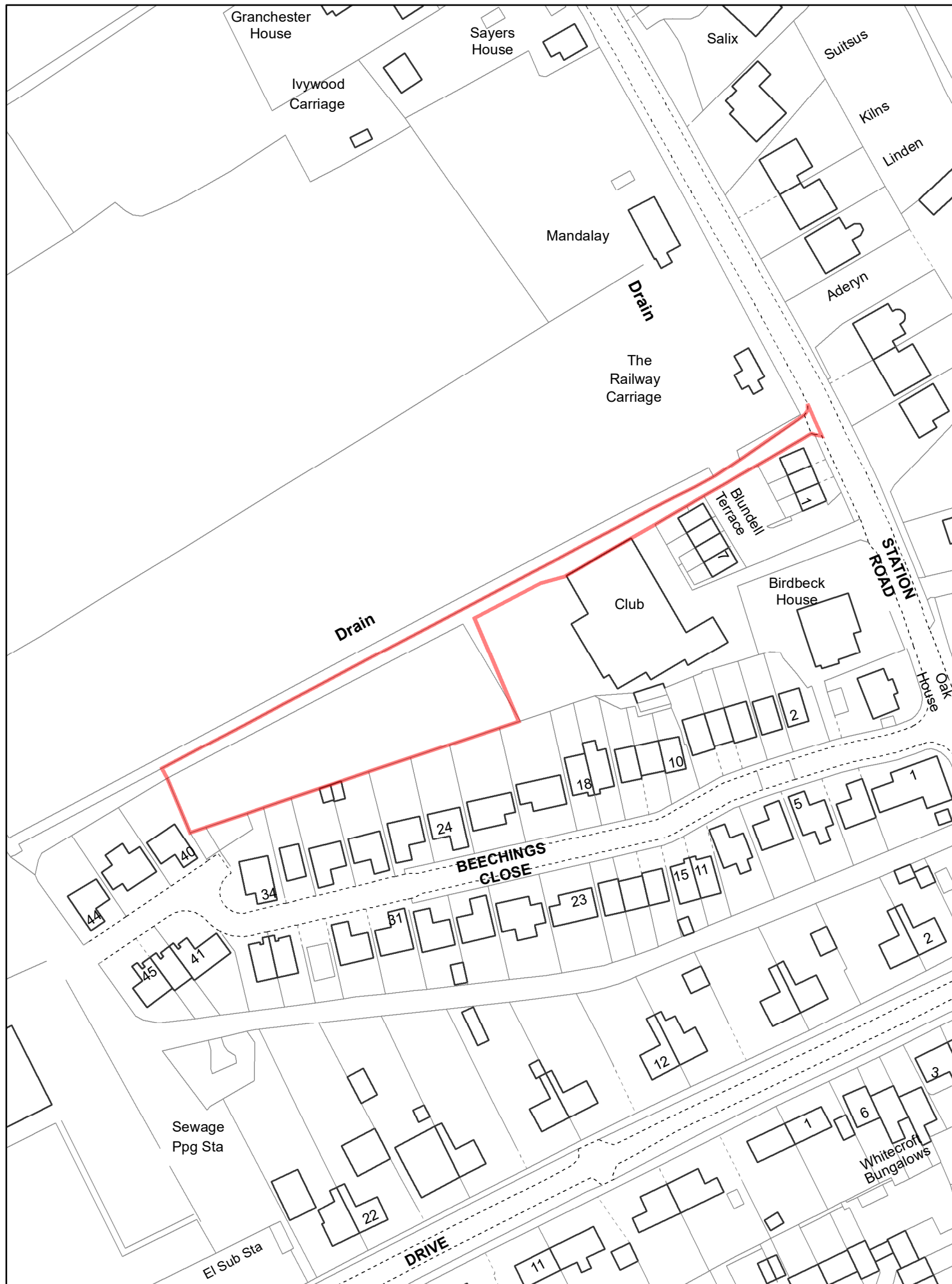
11 RECOMMENDATION: Grant subject to conditions as follows

Conditions

1	<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>
2	<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.</p>
3	<p>Prior to occupation of any part of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason - To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
4	<p>Prior to occupation of the first dwelling hereby approved the vehicular access from Station Road shall be hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length</p>

	<p>of 10m from the back edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.</p> <p>Reason - In the interests of highway safety in line with Policy LP15 of the Fenland Local Plan (May 2014).</p>
5	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply and access arrangements for fire and rescue service 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 first 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</p>
6	<p>Prior to any development above slab level full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
7	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policy LP16 of the Fenland Local Plan</p>
8	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>ii) the erection of house extensions (as detailed in Schedule 2, Part 1, Class A (h) & (j))</p> <p>ii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</p> <p>iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);</p> <p>Reasons - To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan (2014)</p>
9	<p>The development hereby permitted shall be carried out in accordance</p>

	<p>with the following approved plans and documents</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>
--	---



Created on: 20/11/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

F/YR20/1082/F

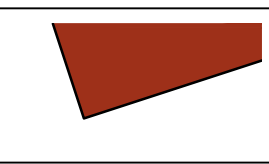
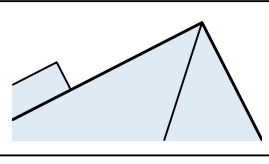
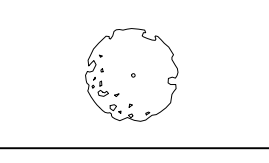
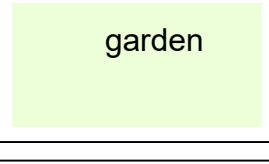
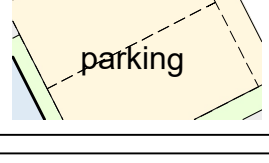

Scale = 1:1,250



Schedule of Sizes							
Plot	Unit Type	Unit Ref	Bedrooms	People	Floor Area	Finished Floor Level	Notes
Plot 1	Market	House Type A	3 Bed	5 Person	132.0m2		
Plot 2	Market	House Type A	3 Bed	5 Person	132.0m2		
Plot 3	Market	House Type B	3 Bed	5 Person	117.0m2		
Plot 4	Market	House Type B	3 Bed	5 Person	117.0m2		
Plot 5	Market	House Type A	3 Bed	5 Person	132.0m2		
Plot 6	Market	House Type A	3 Bed	5 Person	132.0m2		

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

SITE PLAN KEY

-  Indicates surrounding buildings (OS Location Plan)
-  Indicates House Type A
-  Indicates new specimen trees
-  Indicates new grassed garden
-  Indicates new washed gravel driveway
-  Indicates new patios and paths

Landscaping Description	
SP - Shrub Planting to include: Lonicera Pileata, Spiraea Gold Flame, Scenecio Greyii, Prunus Laurocerasus, Syringa Vulgaris C3 pot size, planting size 40-60cm, planted at 750mm ctrs	GC - Ground Cover Plants Hedera Helix, Lavandula Spica 6 plants per sq m
Hedging - mixed as follows <ul style="list-style-type: none">50% Hawthorn (Crataegus monogyna)10% Dog Rose (Rosa canina)10% Field Maple (Acer campestre)10% Guelder Rose (Viburnum opulus)10% Hornbeam (Carpinus betulus)10% Wild Privet (Ligustrum vulgare)	- Trees to include Prunus (Flowering Cherry) 'Accolade' 14-16cm girth and 3.5m minimum height with a clear stem of 1.75-2.0m high
Planting size 300-600mm. Planted in double rows, 300mm apart Plants to be 30cm apart in their rows and staggered (6 plants per metre of hedge)	
Landscaping Notes - All planting, seeding or turfing as shown on the above landscaping plan are to be carried out in the first planting and seeding seasons following the occupation of the dwelling of the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion die, are to be removed and replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.	

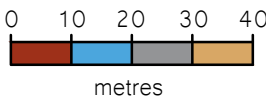
Status
FOR APPROVAL

**SWANN
EDWARDS**
ARCHITECTURE

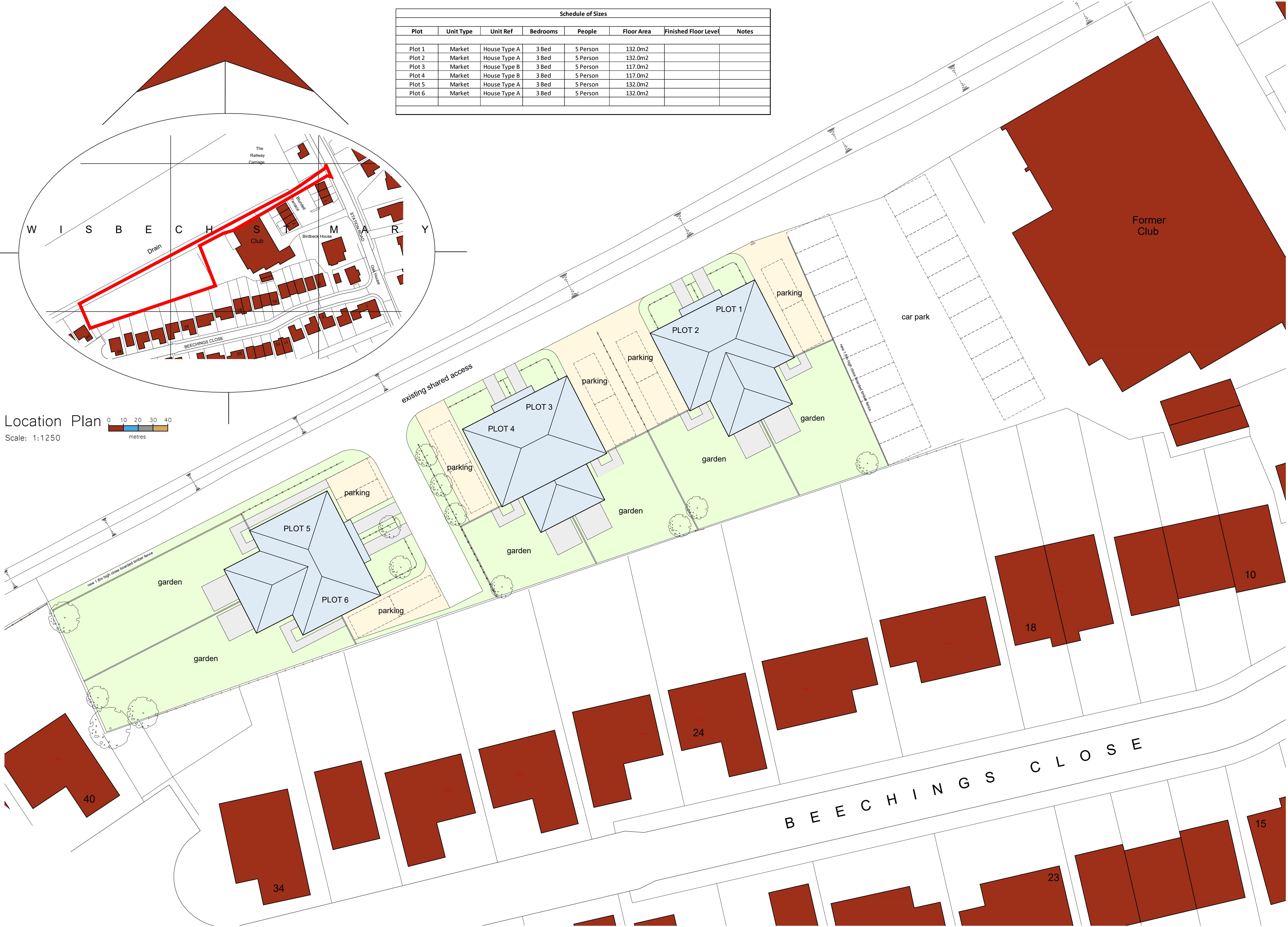
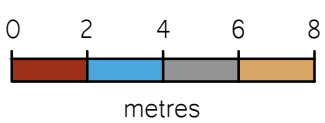
Swann Edwards Architecture Limited, Swann Edwards Architecture,
Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

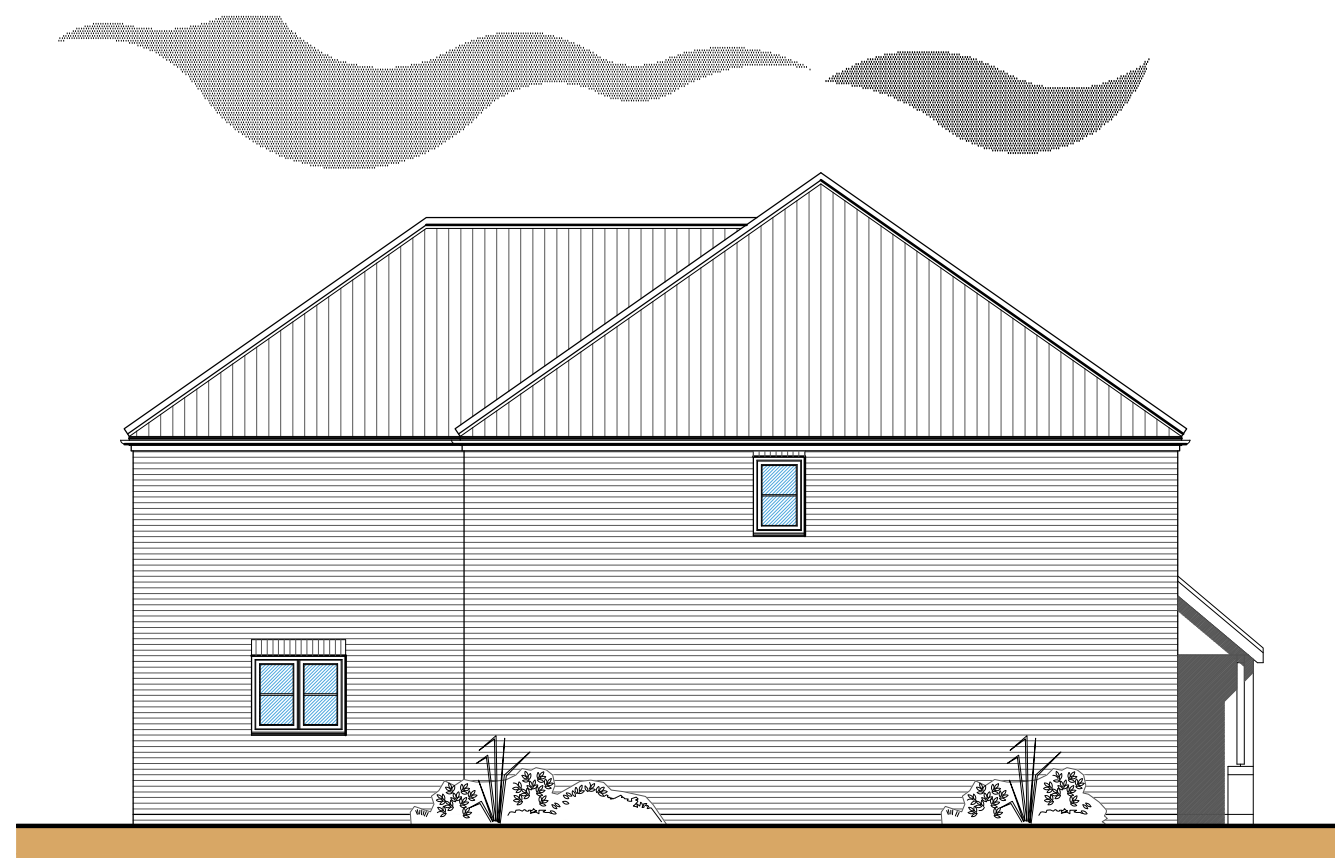
Job Title Proposed Residential Development Wisbech St Mary Mr R Brockhurst	Date August 2020	Scale As Shown Sheet Size A1
	Drawing Title Planning Drawing Site and Location Plans	Job No. SE-1461 Dwg No. PP1000
		Drawn by RS Revision C

Location Plan
Scale: 1:1250



Site Plan
Scale: 1:200





Side Elevation
Scale: 1:100



Front Elevation
Scale: 1:100



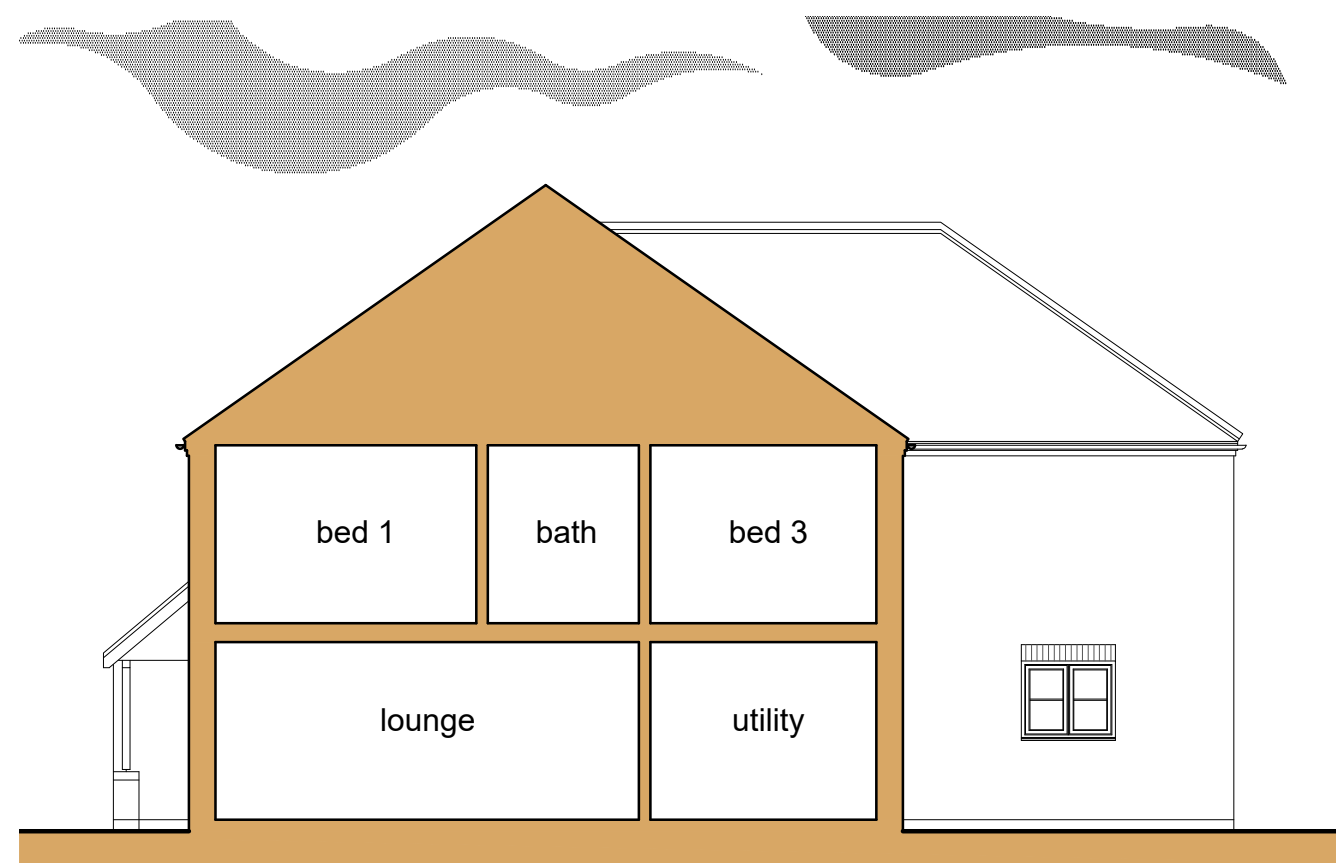
Side Elevation
Scale: 1:100



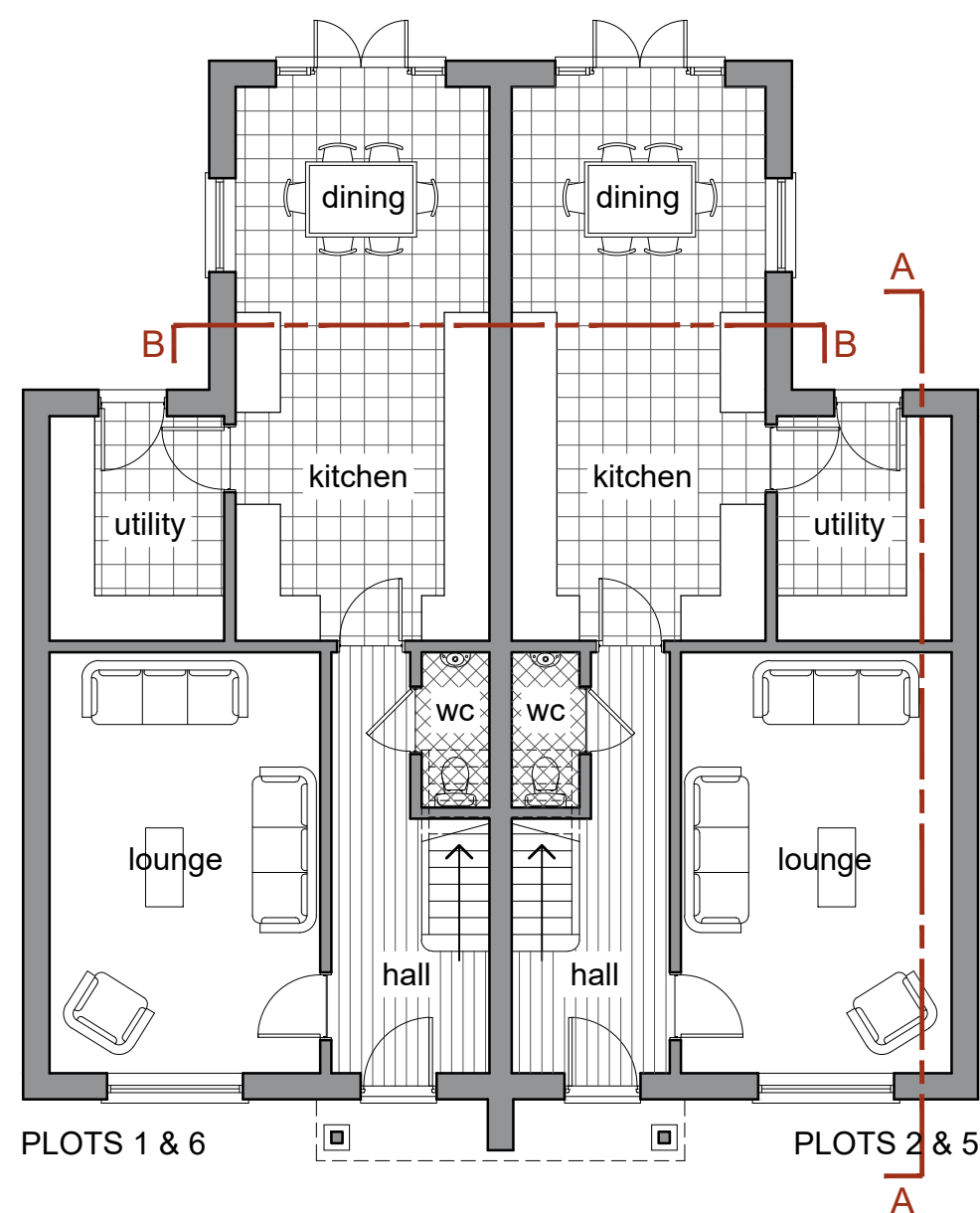
Section B-B
Scale: 1:100



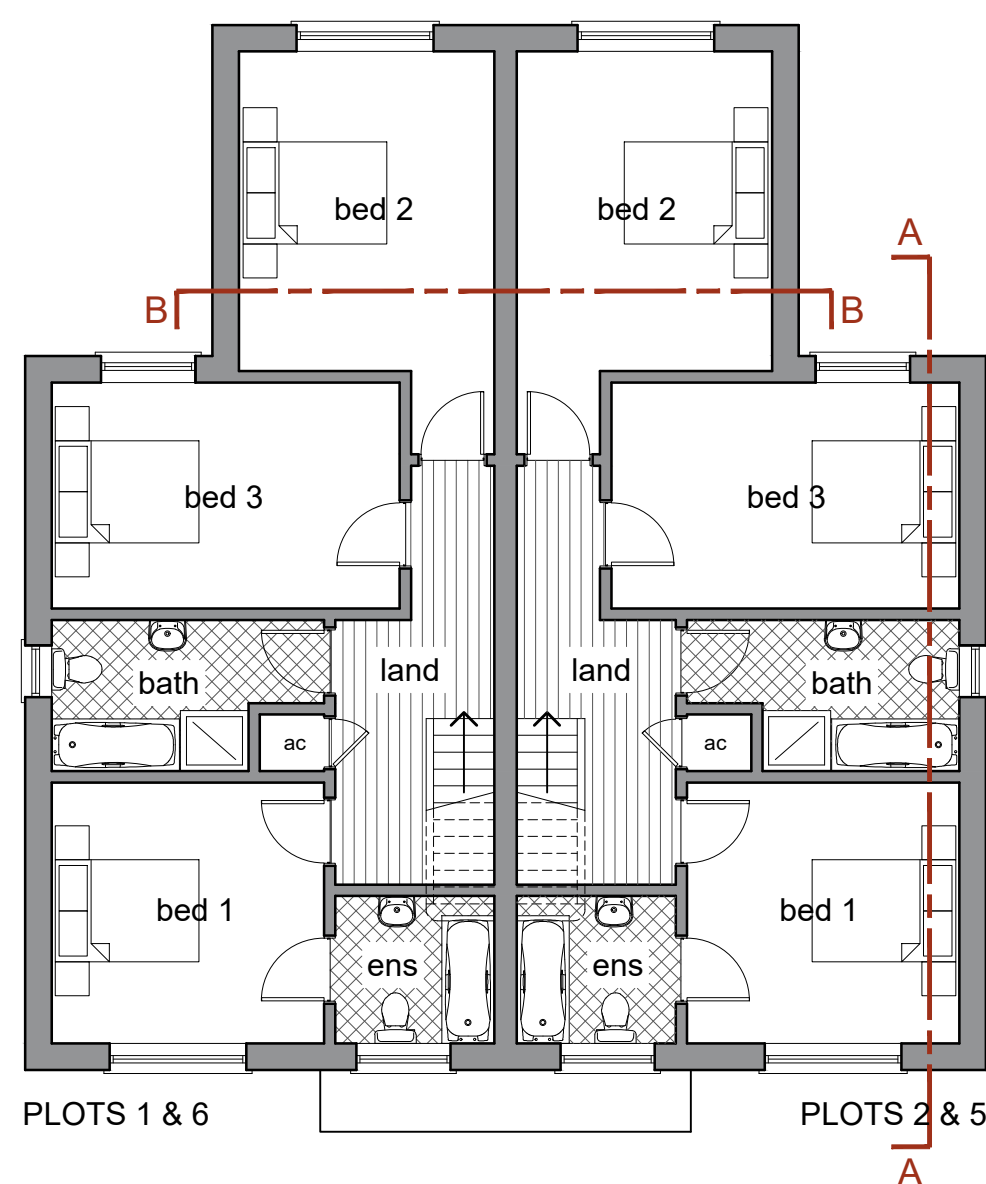
Rear Elevation
Scale: 1:100



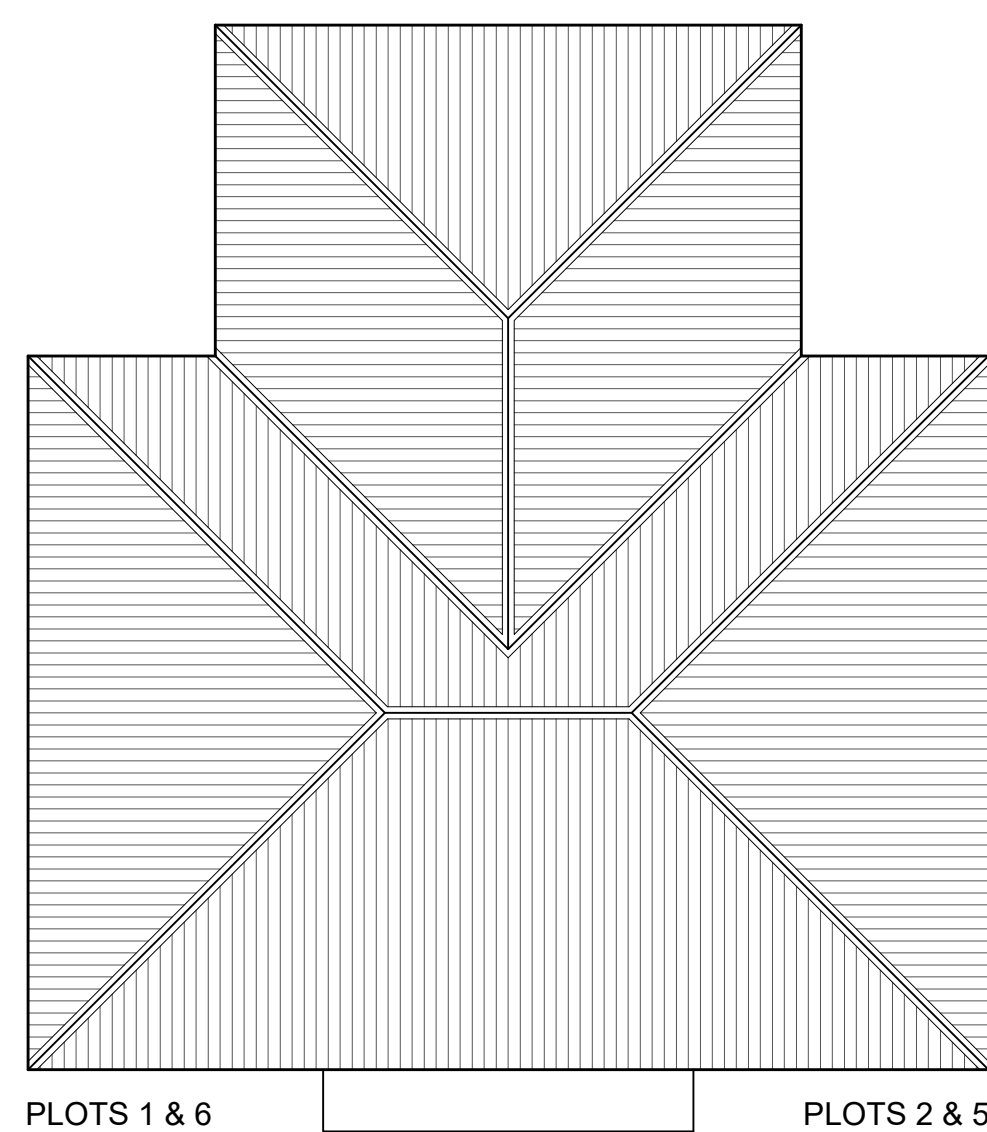
Section A-A
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100



Roof Plan
Scale: 1:100

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

MATERIALS KEY

- Hatch indicates brickwork to be confirmed
- Hatch indicates roof tiles to be confirmed
- Windows and doors - UPVC Casement with brick soldier course above
- Rainwater goods - black half round gutters and black round downpipes

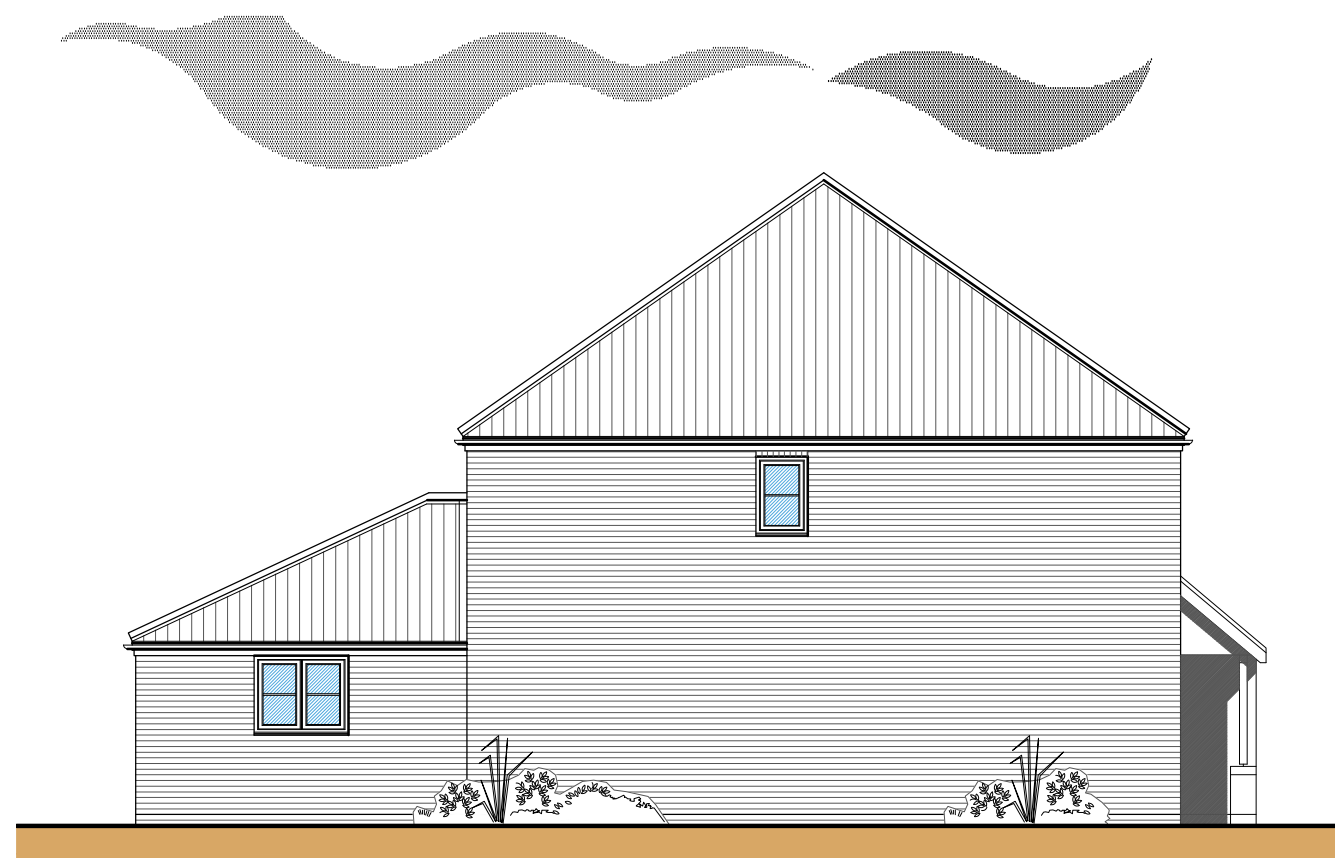
Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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

Job Title	Date	Scale
Proposed Residential Development	August 2020	As Shown
Wisbech St Mary		Sheet Size
Mr R Brockhurst		A1
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-1461	RS
Plans and Elevations		Revision
Plots 1, 2, 5 & 6	PP1100	B



Side Elevation
Scale: 1:100



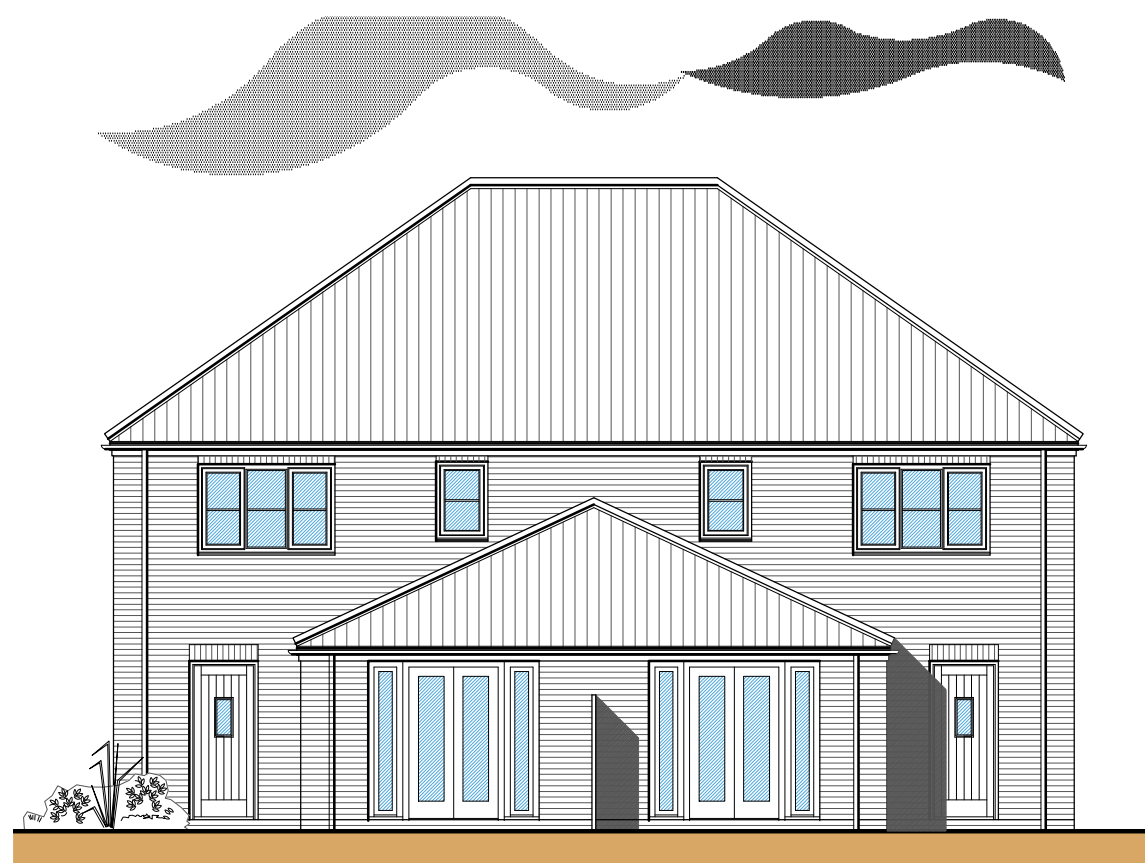
Front Elevation
Scale: 1:100



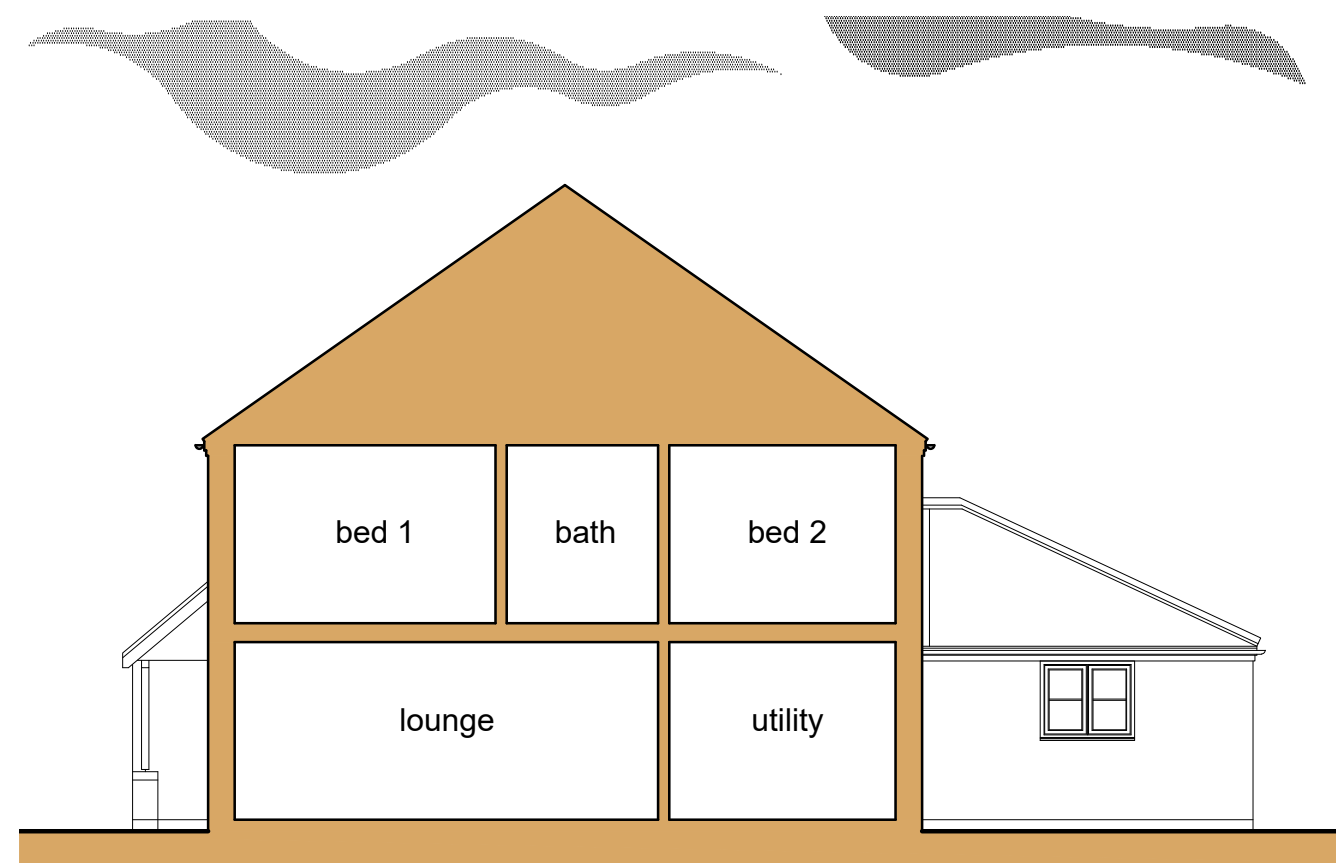
Side Elevation
Scale: 1:100



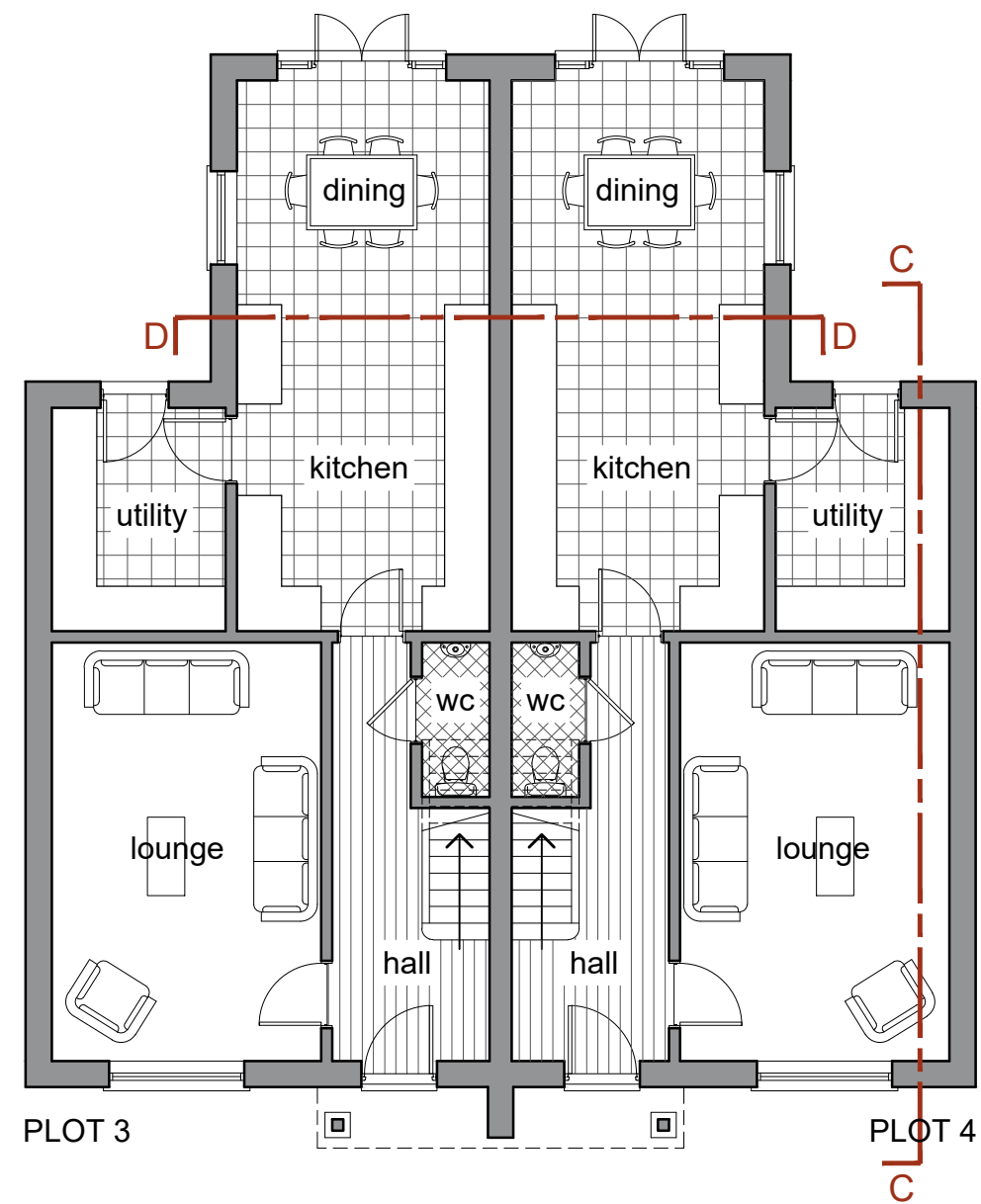
Section D-D
Scale: 1:100



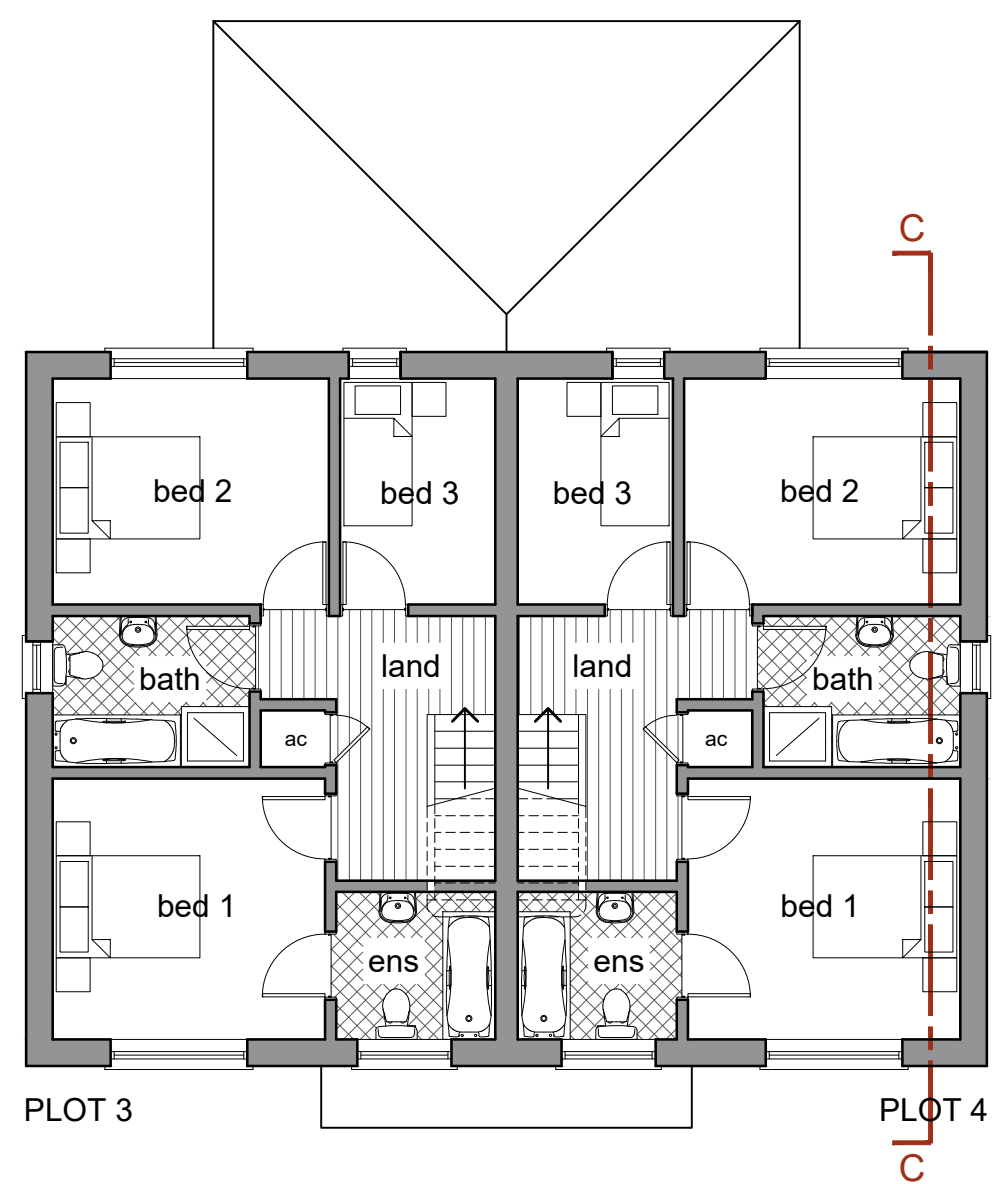
Rear Elevation
Scale: 1:100



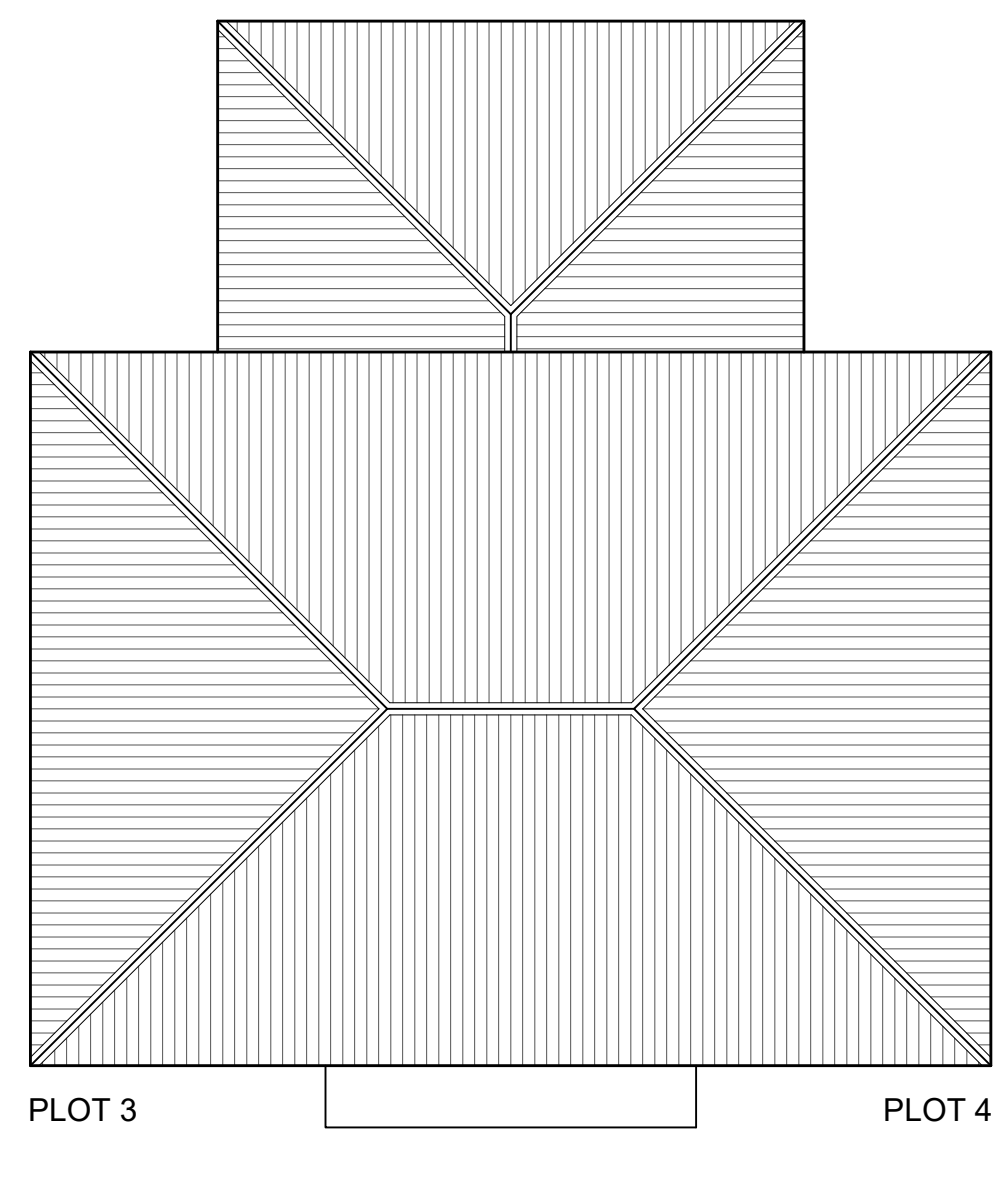
Section C-C
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100



Roof Plan
Scale: 1:100

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

MATERIALS KEY

- Hatch indicates brickwork to be confirmed
- Hatch indicates roof tiles to be confirmed
- Windows and doors - UPVC Casement with brick soldier course above
- Rainwater goods - black half round gutters and black round downpipes

Status

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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

Job Title	Date	Scale
Proposed Residential Development	December 2020	As Shown
Wisbech St Mary		Sheet Size
Mr R Brockhurst		A1
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-1461	RS
Plans and Elevations		
Plots 3 & 4	Dwg No.	Revision
	PP1101	

F/YR20/1090/O

**Applicant: Mr J Fountain
C J Fountain & Son**

**Agent : Mr David Broker
David Broker Design Services**

Land North Of, Springfields, Eastrea, Cambridgeshire

Erect up to 5 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings. Only matters of access are committed.
- 1.2 The proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Eastrea and the wider district. This also has social benefits.
- 1.3 Weighing against the proposal however is the introduction of development visually detached and out of character with the settlement pattern which extends into the open countryside, resulting in a significant, adverse impact on the rural character of the area. Notwithstanding this, insufficient detail has been provided to demonstrate that safe and effective access can be achieved to accommodate sustainable housing.
- 1.4 The proposal therefore fails to accord with the development plan policies and the NPPF. It is considered that the harm far outweighs the modest benefits of the development.
- 1.5 Officers recommend that the application is refused.

2 SITE DESCRIPTION

- 2.1 The site lies at the north of Eastrea and comprises 0.36Ha of grade 2 agricultural land. The land is accessed via an unmade track road which leads off a metalled road serving the Springfields estate. Directly adjacent to the south east of the site is a Public Byway Open to all Traffic (BOAT), No. 30. which leads north east from the site, connecting to the north west edge of Coates.
- 2.2 The site lies in Flood Zone 1. An area of Flood Zone 3 lies approximately 30m north of the site.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings.
- 3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout plan to indicate how the dwellings could be arranged within the site.
- 3.3 The access utilises the unmade track and is proposed to be upgraded (to Local Highways Authority approval) for a length of 30 by 4.6m from where it meets the metalled highway. The applicant does not intend to upgrade the access to an adoptable standard. The applicant notes in their supporting access statement and highways map (dated 9th December 2020) that the highway boundaries are poorly defined.
- 3.4 The indicative plan denotes a linear row of 5 dwellings extending along the site, running to the north of but, parallel with the BOAT and running parallel with it.

4 SITE PLANNING HISTORY

Application	Description	Decision
F/YR20/0613/O	Erect up to 5 x dwellings (outline application with matters committed in respect of access)	Withdrawn 07.09.2020

5 CONSULTATIONS

5.1 Whittlesey Town Council

“The Town Council recommend refusal as it is contrary to FDC Local Plan policy LP12 and is an unacceptable intrusion into open countryside.”

5.2 Cllr Wickes (Ward Councillor)

“My Comment as a district councillor reflecting the concerns that have been expressed to me by residents and my own concerns with the proposal. My comments are primarily regarding the location and access from the A605. Access to the A605 by the residents of Springfields is challenging at present and with the proposed developments on Jones Lane would create a five way junction which has limited visibility from Springfields onto the A605.

“Being a Council housing development there was no off-road parking. Parking along Springfields is at a premium and access for emergency vehicles is challenging. Springfields is at best a one-way loop. The housing was originally council properties and a development such as the plans indicate would be totally out of context with the current proposed development. It has already been pointed out that there is a public byway and the access to properties at the far end of Springfields could be compromised.

“Any development would have an effect on the biodiversity of the area. Any development on what is prime agricultural land has to be questioned. There also exists issues with the services to properties within Springfields. It could well be in contravention of a number of LP policies as well as urbanisation of rural areas.”

5.3 FDC Environmental Protection

“The Environmental Health Team note and accept the submitted information and have ‘No Objections’ to the proposal as it is unlikely to have a detrimental effect on local air quality or the noise climate. Previous agricultural use of the application site is unlikely to have been affected by ground contamination.”

5.4 Cambridgeshire County Council Highways Authority (LHA)

Refers to advice provided with previously withdrawn application;

“The agent has committed access but has provided no detail of the access arrangements. The access serving the development should be a minimum width of 5.0m sealed and drained. Where the access crosses the PROW, the access road will need to be constructed to an adoptable standard i.e. standard carriageway and footways. The footway will need to provide suitable access to the PROW. Given that it is a byway open to all traffic, a dropped kerb access will be required across the footway provided as part of the access infrastructure. Re-alignment of the existing footways will be required in order to provide a suitable tie-in. Full geometric plans of the access infrastructure is required.

“Having read the PROW comments, the agent will need to demonstrate they have permission to deliver the necessary access infrastructure.

“A suitable turning head will also be required within the development so emergency vehicles can turn/enter and leave in a forward gear. Amending turning head and tracking plans required.

“Defer for amended plans and additional information.”

Following receipt of amended access details (9th December 2020);

“I note the applicant's agent has stated in their Design and Statement that the first 35m of road will be made up to an adoptable standard. Given access is committed I would expect this to be demonstrated on the planning layout. The applicant's agent has not provided an acceptable level of detail to demonstrate how access to the site will be implemented. Allowing the current unmade track to provide access to the development traffic is unacceptable.

“The current access construction and geometry is unsuitable to provide shared use access for occupants of the development. It is unacceptable to expect vulnerable user groups to share the unbound access with vehicular traffic. This will also result in a poor quality access arrangement for the development which would discourage occupants from walking or cycling.

“The proposed private roadway should be widened to 5.0m minimum and include a segregated street lit pedestrian footway provision i.e. Springfields street layout should be extended into the development site. This will result in a change in the geometry and construction of the PROW, which in turn is going to change the width/status of the PROW (which will require further consultation with the PROW team), and PINS approval due to its impact on Common Land. A formal access will also need to be created from the development access onto the PROW. This will involve a dropped kerb pram crossing, and a staggered barrier on the PROW side of the access road. The kerb radii in front of No.40 should be amended to form a junction arrangement with access road as well. The applicant is advised to employ a highway consultant to design the access road so that the geometric design and layout design is conducive to CCC adoption standards.

“A metalled surface should continue into the development and a formal turning head should be provided. Without a turning head, vehicles will be reliant upon third

party accesses for turning. This in turn could result in detriment to the amenity of the development occupants.

“Defer for amended plans/additional information.”

5.5 CCC Definitive Map Team

Refers to advice provided with previously withdrawn application;

“The proposed access to the site is immediately to the west of Public Byway Open to all Traffic No. 30, Whittlesey. To view the location of the byway please view our interactive mapping online which can be found at:

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

“The approx. 35m section extending up to the site is recorded as public road.

“The applicant should also be aware that part of the access road is registered as common land (land at Springfields - reference CL58). You can also find the location of the common land on our interactive map at

<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

“If the applicant intends to make the road up to an adoptable standard they may require permission of the Planning Inspectorate under section 38 of the Commons Act 2006 to do so. Guidance on this is available here;

<https://www.gov.uk/government/collections/common-land-guidance>

“Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground. If you require a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee at;

www.cambridgeshire.gov.uk/highwaysearches

“The byway must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way and contractors' vehicles must not be parked on it. Should you need to temporarily close it for safe works, you should apply to the Streetworks Team online.”

Following receipt of amended access details (9th December 2020);

“I think this is saying that they don't intend to change the surface of the unmade metalled road which has been historically maintained by the farmer.

I don't have any further comments from my point of view. I just wanted the applicant to be aware that if they did intent to improve the surface then they would need the permission of the Highway Authority and also potentially the Planning Inspectorate as part of it is recorded as common land. It'd be their responsibility to check with the Planning Inspectorate first if they want to surface the common land area but sounds like they don't intend to.

With regards to the threshold about dwelling numbers and roads being made up to adoptable standards, that's not really my area of expertise so I'll leave that one to Alex [LHA] in case he wants to comment further.”

5.6 The Ramblers Association

No comments received.

5.7 Middle Level Commissioners

No comments received

5.8 **Environment Agency**

Confirms there are no issues relative to the Environment Agency.

5.9 **Cambridgeshire Fire & Rescue Service**

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

“The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchbrook Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

“Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.”

Local Residents/ Interested Parties

5.10 **Objectors**

28 letters of objection as follows;

Eastrea: 11 at Springfields, 2 at Thornham Way, 1 at Wype Road,
2 at Coates Road, 1 at Mayfield Road, 1 at Whitecross
Coates: 1 at South Green, 3 at North Green, 3 at Fieldside, 1 at March Road

Whittlesey: 1 at Crescent Road

Providing the following comments;

- Some respondents are not local to the area
- Eastrea is not a Hamlet
- Access/ Traffic/ Highways safety impacts/ narrowness of Springfields
- Noise and disruption
- Impacts on Wildlife
- Impact on Public Right of Way
- No need for (large) houses
- Will set a precedent
- Devaluation of property
- Loss of Agricultural land
- Loss of view/ outlook
- Overlooking/loss of privacy
- Density/ Overdevelopment
- Visual impact
- Backfill
- Design/ Appearance
- Flooding/ Drainage
- Light Pollution

- Trees
- Out of character
- Residential amenity
- Local services/schools - unable to cope
- Waste/ litter
- Existing low water pressure
- Outside the development area boundary
- Does not comply with policy LP12
- Would set a precedent

5.11 Supporters

9 Letters of support received as follows;

Eastrea: 1 at Springfields

Whittlesey: 1 at West Delph, 1 at Snowley Park, 1 at Horsegate Lane, 1 at Benwick Road

Turves: 2 at March Road

Doddington: 1 at Wimblington Road

Bury, Huntingdon: 1 at Valiant Square

- The village needs more housing
- Would sustain the village
- Ideal location for new houses
- Complies with the FDC Local Plan
- Occupiers able to work from home
- Rural villages and hamlets will die if growth isn't allowed
- Will not de-value or degrade the current housing
- Will not lead to loss of outlook
- Sympathetic to the area
- Will not impact on local services
- Will support local economy and infrastructure
- Similar development has been approved

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context

Identity

Movement

Nature

7.4 Fenland Local Plan, 2014 (FLP)

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

7.5 Supplementary Planning Documents/ Guidance:

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

8 KEY ISSUES

- **Principle of Development**
- **Access**
- **Other Highway considerations**
- **Impact on the character and appearance of the area**
- **Biodiversity**
- **Loss of Agricultural land**
- **Resident/ Public comments**

9 BACKGROUND

- 9.1 This application follows a previously withdrawn application 9F/YR20/0613/O) for the same proposal upon which the applicant was advised that the proposal did not accord with the settlement hierarchy as laid out under the development plan and that there was insufficient access detail provided.
- 9.2 The application now before the LPA sets out the same proposal but with additional access information has been provided, received 9th December 2020.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary defines residential infilling as "Development of a site between existing buildings". The [Planning Portal defines this](#) as "The development of a relatively small gap between existing buildings."
- 10.2 Further to LP3, Policy LP12(Part A) supports development in villages subject to compliance with 11 criteria (a to k). LP12A(a) establishes support where development sites fall within the developed footprint of the settlement and sets out (under the footnote) when and where sites are considered to fall within or outside of a village. Having regard to the specific footnote criteria under (a) and (b); the site lies within an area of open countryside, currently in use for agriculture and appears detached from the main settlement, separated in part by the

aforementioned BOAT. The site is very much at the edge of Eastrea and relates more to the rural countryside than to the built-up area of the settlement.

- 10.3 The footnote criteria of LP12 therefore dictates that the site doesn't lie in or adjacent to the village and as such there is no support for the development under LP3 (as it is not residential infill) or LP12 Part A (a).
- 10.4 In conclusion, the proposal would not comprise small-scale residential infilling and would instead constitute development outside of the developed footprint of the village, in the open countryside which is contrary to the principle settlement strategy aims of policies LP3 and LP12.

Village Threshold

- 10.5 Notwithstanding the conflict with LP3 (the development is not infill) and LP12A(a) (that the site relates more to the rural countryside than to the built-up area of the settlement), it does spatially lie on the edge of the settlement. FLP Policy LP12 advises if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission) increases the number of dwellings in a 'small village' by 10% or more then the proposal should have demonstrable evidence of clear local community support for the scheme. Eastrea has met its 10% threshold thereby activating this policy requirement. The scheme comes forward with no evidence of community consultation having been undertaken in respect of this proposal, and a substantially larger number of objections, compared to that of support.
- 10.6 It is clear that the scheme fails to address the requirements of LP12 in so far as they relate to community engagement and this is disappointing. However, the LPA is mindful of the 2017 appeal decision (APP/D0515/W/17/3182366) where the Planning Inspector in considering an appeal which was solely based on the failure of a scheme to achieve support under LP12, found that the failure to achieve community support in accordance with Policy LP12 should not render an otherwise acceptable scheme unacceptable.
- 10.7 Against this backdrop it is not considered that the scheme could be refused purely on the grounds of LP12 threshold considerations. This is notwithstanding the clear policy conflict with LP3 and LP12 (Part A) as set out above.

Impact on the character and appearance of the area

- 10.8 The site comprises agricultural land with views extending northwards across the countryside and farmland. Whilst it is noted that linear development exists along Springfields, the application site has a completely different character comprising agricultural land with wide open views extending north west through to east across the countryside and farmland and appears visibly detached from the built form of Eastrea. This is further reinforced through the location of the BOAT which effectively severs the established settlement from the open countryside and the site.
- 10.9 Policy LP12 (Part A (c) and (d)) seeks to achieve development which respects the core shape and form of the settlement and does not adversely affect the character of an area. Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, to make a positive contribution to local distinctiveness and character of an area.

It is considered that development of this site would fail to respect the core shape and form of the settlement instead introducing a detached form of development which bears no relationship to the established settlement pattern. Consequently,

the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in a suburbanising effect through the loss of openness.

- 10.10 The development is therefore contrary to the aims of policy LP12- Part A (c and d) and fails to make a positive contribution to the settlement pattern contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access

- 10.11 The proposal relies on an existing, unmade public highway to serve the site. This track is proposed to be upgraded to LHA requirements, although is not proposed to be built to adoptable standard. The LHA has commented that insufficient information has been submitted to enable them to assess the adequacy of the access and that;

“The current access construction and geometry is unsuitable to provide shared use access for occupants of the development. It is unacceptable to expect vulnerable user groups to share the unbound access with vehicular traffic. This will also result in a poor quality access arrangement for the development which would discourage occupants from walking or cycling.”

- 10.12 Indeed, given that ‘Access’ is committed with this Outline application, it is generally assumed that the application would be accompanied by fully dimensioned plans and details of how the access will tie into the adopted highway, including tying into existing pedestrian Infrastructure to achieve safe and effective access for all transport modes. Due to the limited information provided, it is not possible to assess the effectiveness or safety of the access and the proposal therefore conflicts with the requirements of FLP policy LP15.
- 10.13 Notwithstanding this, Cambridgeshire County Council’s Definitive Mapping team has identified that part of the proposed access will cross over common land and that if the surface to the access is proposed to be upgraded, this may require permission of the Local Highways Authority and the Secretary of State (SoS) under Section 38 of the Commons Act 2006 to do so. The LHA has indicated that the access would need to be upgraded to satisfy their requirements and as such, it is likely that the access would affect common land. It is uncertain whether the SoS would support the proposal as the applicant has not indicated that they have yet engaged in this regard.
- 10.14 Nonetheless, based on the detail provided; the proposal fails to demonstrate that safe and effective access can be achieved to sustainably serve the development contrary to policy LP15 of the FLP and paragraphs 108 and 110 of the NPPF.

Other Highway considerations

- 10.15 Several residents have expressed concerns over the narrowness of Springfield’s highway and the parking issues already experienced, safety of the junction with the A605 and general highway safety implications both for the construction and operational phases of the proposed development.
- 10.16 It is acknowledged that Springfields highway is narrowed, mainly due to the on-street parking along its length and this may present access issues for larger construction machinery. However, this would constitute a logistics issue for a future developer, rather than a material planning issue. It is recognised that the site is currently agricultural land and therefore it is reasonable to assume that

large agricultural machinery may traverse along Springfields highway and it would be difficult to adequately evidence that similar-sized construction machinery could not follow, notwithstanding that the proposal is for only 5 dwellings, which would be unlikely to cause significant disruption at construction stage.

- 10.17 Likewise, the operational phase of the development, based on the proposed quantum is unlikely to result in significant highways congestion or safety issues. The LHA has not raised any concerns in this regard and therefore a refusal reason on this basis would not be defensible.

Biodiversity

- 10.18 Concerns have been raised by residents over the impact of the development on wildlife including trees, mammals and birds.
- 10.19 The site itself comprises solely agricultural land, sent on the fringe of a large field. Within the site; there are no features which would indicate the presence of protected habitats and there are no trees, hedgerows or water bodies that would be disturbed. With this in mind and having regard to the guidance within the NPPG on this matter, it would be disproportionate to request that a habitat survey is undertaken.
- 10.20 Notwithstanding this, biodiversity enhancement opportunities could be incorporated into the scheme at design stage (reserved matters). It is considered that this could be controlled via suitably worded planning condition(s) secured under this outline application and could meet the aims of policies LP16(b) and LP19 in this regard.

Loss of Agricultural land

- 10.21 Development of the site would lead to a loss of high-grade agricultural land. However, given the overall size of the site, this is not considered to be a significant loss of productive land and therefore is not a matter that could be sustained if refused on this basis.

Resident/ Public Comments

- 10.22 Whilst a number of residents' comments/ concerns have been addressed above, the following matters are considered;

Devaluing of property

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

Light Pollution

- 10.24 The application commits only access at this point, with matters of design to be committed at reserved matters stage. It is at this latter point that matters of lighting would be considered. As this time therefore, there is no indication that the development would lead to issues of light interference.

Would set a precedent

- 10.25 All applications are to be considered against the development plan as required by law (unless material considerations dictate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

No need for (large) housing

- 10.26 The district has an identified need to deliver housing through the plan period up to 2031 which is achieved through larger allocated sites and unallocated (windfall) sites and as set out through Spatial Strategy policy of the Fenland Local Plan. The FLP sets out a threshold of 33 dwellings for Eastrea which has been met. The thresholds are not necessarily ceilings and indeed many other villages have substantially exceeded their thresholds set out under LP3.
- 10.27 This development would assist with meeting the wider housing need of the district, notwithstanding the harm identified. The size of the dwellings has not been committed at this outline stage and would instead be considered at reserved matters stage.

Noise

- 10.28 The residential use of the site for 5 dwellings is unlikely to yield significant adverse impacts through noise either through the construction or the operational phase of the development. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

Residential amenity/ Shadowing/loss of light/ overlooking/ loss of outlook or view

- 10.29 The indicative layout plan, which includes committed access, indicates that up to 5 dwellings can be adequately accommodated on the site without adversely affecting the amenity of existing occupiers. Notwithstanding this, such matters would be considered at design stage under reserved matters.

Waste/Litter

- 10.30 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. Furthermore, the District Council has a statutory duty to collect household waste and already operates in the area. The future layout reserved matters detail would be expected to provide details of adequate household waste collection arrangements.

Some respondents are not local to the area

- 10.31 The LPA acts in the public interest and has a statutory duty to take into account all material considerations associated with an application and is not prejudicial to receiving comments from those not directly associated with proposals.

Flooding/ Drainage/ water pressure

- 10.32 Concerns have been raised over existing drainage and water supply issues. Whilst no specific detail has been provided at this stage, matters of drainage method could be appropriately secured via planning condition. It is understood that Anglia Water are the statutory water body for Eastrea, and they would have a duty to ensure that all development is served by effective water supply. In respect of drainage, the development would also fall under Building Regulations control, whereby a satisfactory means of foul and surface water drainage (following the sustainable drainage hierarchy) would need to be demonstrated before the development could be occupied.

Local services/schools - unable to cope

- 10.33 Given the scale of the development and the expectation that Eastrea will accommodate some growth in the future, the development is not anticipated to place any strain on existing services.

Would set a precedent

- 10.34 It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be considered by those determining subsequent planning applications. Recent case law has established that;

“a local planning authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision-making.”

(R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050)

- 10.35 The site has been found by Officers in applying the settlement criteria under LP3 and LP12 (footnote) to be in the open countryside with no material considerations advanced through this submission to indicate an alternative view should be drawn.
- 10.36 Whilst each case is to be determined on its own merits, a contrary conclusion would, in effect accept that the site relates more the settlement than to the countryside, whereby future development proposals on or adjacent to the site could be considered acceptable in principle (subject to compliance with the relevant Local Plan policies i.e. LP3, LP12 etc.) taking into account the need to maintain consistency of decision making.

Similar development has been approved

- 10.37 One resident has commented that the proposal should be supported as other development similar to this scheme has been approved, however no example has been provided to consider against this proposal. Notwithstanding this, having regard to the planning history of the site and surroundings, it is evident that there are no other similar schemes located near to the application site which have been approved and therefore the proposal would appear visually detached with the consequential character harm, as set out above.

11 CONCLUSIONS

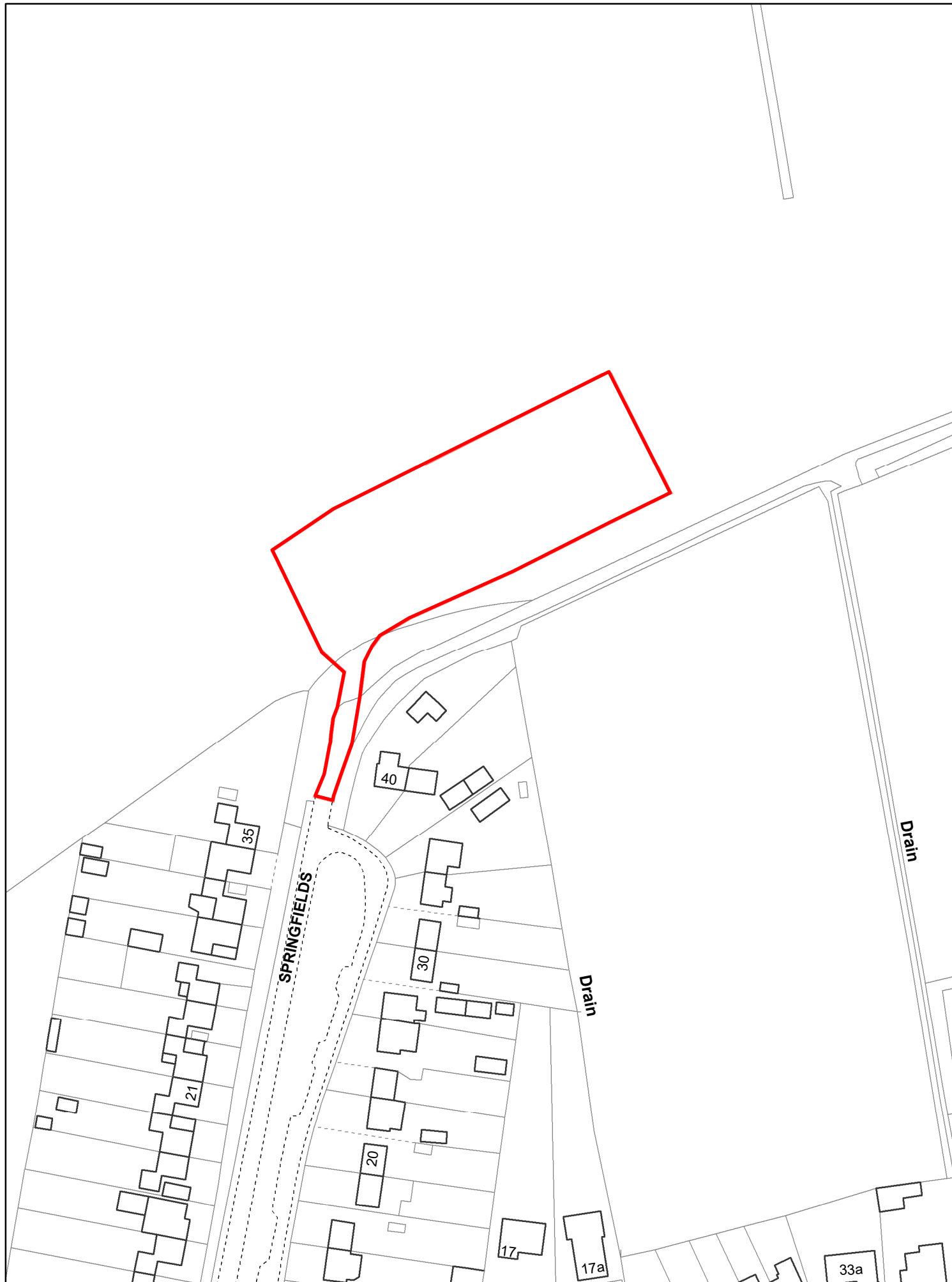
- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Eastrea and the wider district. This also has social benefits.
- 11.2 Weighing against the proposal however is the introduction of development visually detached and out of character with the settlement pattern which extends into the open countryside, resulting in a significant, adverse impact on the rural character of the area. Notwithstanding this, insufficient detail has been provided to demonstrate that safe and effective access can be achieved to accommodate sustainable housing.
- 11.3 It is considered that the harm far outweighs the modest benefits of the development.
- 11.4 The Council can currently demonstrate a 5-year supply of housing and therefore the ‘tilted balance’ under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.

- 11.5 The proposal therefore fails to accord with the development plan policies and the NPPF. Therefore, Officers recommend that the application is refused for the reasons in section 12 below

12 RECOMMENDATION

12.1 Refuse for the following reasons;

1.	<p>The application site constitutes an area of open countryside, located outside the developed footprint of the settlement and would fail to respect the settlement pattern of the area. The development proposal would instead result in an incursion into the open countryside, rather than small-scale residential infilling which would result in the loss of open character and the urbanisation of the area, thereby causing unwarranted harm to the character and appearance of the area.</p> <p>The proposal is therefore considered to be contrary to Policies LP3, LP12 Part A (c and d) and LP16(d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.</p>
2.	<p>The outline application commits 'Access' as a detailed matter. The access is proposed to be tied into a public highway and will cross over an area of common land. However, insufficient detail has been provided to demonstrate that a safe, effective and convenient access which maximises accessibility can be achieved.</p> <p>The proposal therefore conflicts with policy LP15 of the Fenland Local Plan and paragraphs 108 and 110 of the NPPF.</p>



Created on: 24/11/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

F/YR20/0613/O

Scale = 1:1,250



[illegible]

APPROX EDGE OF FLOOD ZONE 3

FIELD ACCESS

SPRINGFIELDS

4.600

30.000

10.000

40

BLOCK PLAN 1:200

INDICATIVE SITE LAYOUT

Proposed Private Roadway

Public Right of Way (unmade track)

5 No Building Plots

Average 20m Wide x 30m Deep

4.6m Wide Access Road

SITE AREA 0.361 Ha

LEGEND

SPRINGFIELD AVENUE

SPRINGFIELD

EASTREA

LOCATION PLAN 1:1250

[illegible][illegible]

APPROX EDGE OF FLOOD ZONE 3

Proposed Private Roadway

Public Right of Way (unmade track)

FIELD ACCESS

SPRINGFIELDS

4.6m Wide Access Road

5 No Building Plots

Average 20m Wide x 30m Deep

SITE AREA 0.361 Ha

BLOCK PLAN 1:200

INDICATIVE SITE LAYOUT

LEGEND

SURFACING OF THE 30M LENGTH OF UNMETELED PUBLIC ROAD FROM SPRINGFIELD AVENUE INTO THE SITE TO RECEIVE A SURFACE UPGRADE TO A STANDARD APPROVED BY CAMBRIDGESHIRE COUNTY COUNCIL HIGHWAYS, TO THEIR SPECIFICATION AND CARRIED OUT UNDER THEIR SUPERVISION TO AN APPROPRIATE STREET WORKS LICENSE, IT IS NOT INTENDED TO UPGRADE TO ADOPTABLE STANDARDS AS THIS IS ONLY FOR A DEVELOPMENT OF 5 DWELLINGS

LOCATION PLAN 1:1250

EASTREA

SPRINGFIELD

Block Plan 1:200
INDICATIVE SITE LAYOUT

Proposed Private Roadway
Public Right of Way (unmade track)

APPROX EDGE OF FLOOD ZONE 3

FIELD ACCESS
SPRINGFIELDS

5 No Building Plots
Average 20m Wide x 30m Deep
4.6m Wide Access Road
SITE AREA 0.361 Ha

LEGEND
SURFACING OF THE 30M LENGTH OF UNMETELED PUBLIC ROAD FROM SPRINGFIELD AVENUE INTO THE SITE TO RECEIVE A SURFACE UPGRADE TO A STANDARD APPROVED BY CAMBRIDGESHIRE COUNTY COUNCIL HIGHWAYS, TO THEIR SPECIFICATION AND CARRIED OUT UNDER THEIR SUPERVISION TO AN APPROPRIATE STREET WORKS LICENSE, IT IS NOT INTENDED TO UPGRADE TO ADOPTABLE STANDARDS AS THIS IS ONLY FOR A DEVELOPMENT OF 5 DWELLINGS. SURFACE WATER RUN OFF TO OPEN VERGES PRIVATE ACCESS INTO SITE TO BE HARD SURFACED FOR 10M INTO THE SITE WITH FALLS AT A GRADIENT AWAY FROM THE ROAD AT THE PUBLIC ROAD IS TO REMAIN OPEN TO TRAFFIC AT ALL TIMES. SITE CONSTRUCTION AND WORKMAN'S VEHICLES SHALL PARK CLEAR OF THE ROAD AT ALL TIMES ALL MATERIALS TO BE LOADED AND OFF LOADED WITHIN THE SITE AND STORED LIKEWISE

LOCATION PLAN 1:1250

EASTREA
SPRINGFIELD

[illegible]

This page is intentionally left blank

F/YR20/1112/F

Applicant: Murrow AD Plant Ltd

**Agent : Mr Simon Kenny
Rural Partners Ltd**

Anaerobic Digestion Plant, Somerset Farm, Cants Drove, Murrow Cambridgeshire

Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m high chain-link fence (relocation approved under F/YR18/0648/F)

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The scheme proposes the re-positioning of a second digestate lagoon to serve the established Biocow enterprise operating at Cants Drove, Murrow. An earlier scheme was approved by Planning Committee in October 2018 however site constraints have resulted in a need to relocate the previously consented lagoon 100 metres eastward from the originally approved site.
- 1.2 The lagoon will provide seasonal storage of liquid digestate which arises as a product of the AD process, which also occurs on the site.
- 1.3 The NPPF supports a prosperous rural economy and highlights that decisions should enable sustainable growth and expansion of all types of business in rural areas, including the development and diversification of agricultural and other land-based rural businesses. Similarly, the need to increase the use and supply of renewable energy sources is also supported by the NPPF and as the digestate is a by-product of such an activity it may be inferred that the scheme also achieves policy compliance in this regard.
- 1.4 Whilst the concerns identified by the Parish Council have been duly considered the NPPF is clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Similarly matters of highway impact and the condition of the existing road infrastructure have been fully considered and there are no material differences in this regard presenting from the alternative scheme proposals.
- 1.5 In land use planning terms there are no grounds to withhold consent. Odour management has been fully considered within the submission and there are appropriate safeguards in place through environmental protection legislation.

2 SITE DESCRIPTION

- 2.1 The site is located off Cants Drove to the south of Murrow off the B1187 (Murrow Bank). Access to the site is via Cants Drove. The access to Somerset Farm from

the public highway will remain unchanged. However, a new access track on site (within the red line boundary) will be formed along the northern side of the proposed lagoon.

- 2.2 The existing lagoon is situated circa 240 metres south of Cants Drove which is characterised by sporadic dwellings and agricultural fields and structures. Visually the lagoon sits comfortably in the landscape and whilst the bund is apparent from views from the highway it is not unduly dominant and located against the backdrop of the anaerobic digester and structures associated with the farming operation and the Biocow offices.

3 PROPOSAL

- 3.1 This proposal seeks to relocate a previously approved lagoon circa 100 metres eastward of the originally approved lagoon F/YR18/0648/F. The relocated lagoon will be a second lagoon facility on the site and is intended to provide seasonal storage of liquid digestate which arises as a product of the AD process already established on site.
- 3.2 The lagoon will measure 123.2 metres x 109.2 metres with a maximum depth of 6 metres an earth bund 4.5m in height is proposed to provide a level of landscaping around the lagoon with a 1.2 m chain-link fence.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=QIHVGOHE01U00&activeTab=summary>

4 SITE PLANNING HISTORY (most recent)

F/YR18/0966/F	Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m high chain-link fence (retrospective) [relates to F/YR13/0868/F – the first lagoon approved on the site]	Grant 28.01.2019
F/YR18/0648/F	Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m high chain-link fence [the lagoon which it is proposed to re-position under this submission]	Granted 15.10.2018
F/YR18/2013/CCC	Construction of approximately 1 Kilometre of high-pressure gas pipeline to connect an existing anaerobic digestion plant to the national gas transmission system with a block valve connection, a proposed gas convertor compound, gas flare and associated equipment. The retention of 24 metre diameter, 6 metre high anaerobic digestion tanks (22 metre diameter tanks previously approved by planning permission F/2015/11/CW) and the	Withdrawn 30.03.2020

erection of two 24 metre, 6 metre high anaerobic digestion tanks, feeder plant and a pre-pit (10 metres by 5 metres).

F/YR19/2061/CCC	Proposed erection of a gas injection plant, to be operated in association with the existing anaerobic digestion plant, to allow injection of containerised gas from remote sites into the transmission and supply network including the construction of 4 coolers, 4 compressors, 4 pressure reducing metering systems (prms) and 2 Low Voltage (LV) board kiosks, 4 off-loading stations (8 trailer bays), 4 instrument air and earthing kiosks, one filling station comprising one dispensing bay, fuel management panel, storage cylinder and trailer bay, a vehicle turning / manoeuvre area, and construction of a ~130m underground pipeline connection to the AD plant	Raise no objection 26.02.2020
F/YR19/3077/COND	Details reserved by conditions 3 and 4 of planning permission F/YR18/0648/F	Approved 07.10.2019
F/YR20/0737/F	The temporary siting (until 01/01/2031) of up to 4 x mobile homes for farm workers	Granted 06.10.2020
F/YR19/0817/F	Erect 3 x 8.0 metre high (max) lighting columns and 1 x 8.0 metre high (max) lighting/CCTV column (retrospective)	Granted 19.12.2019
F/YR13/0868/F	Formation of a dirty water storage lagoon with 1.2 metre high chain link fence/gates and extension of existing access roadway [retrospective permission granted under F/YR18/0966/F for the relocation of this lagoon]	Granted 25.02.2014

5 CONSULTATIONS

- 5.1 Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 14th December 2020, the Council recommended REFUSAL, based on the noise/smell/pollution generated being detrimental to residents. There is a substandard vehicular access and the surrounding roads are incapable of carrying increased traffic without suffering damage. The Council are concerned with the cumulative impact. They also note that the number of vehicle movements must be limited in numbers and restricted to daytime hours'.*
- 5.2 Cambridgeshire County Council Highways Authority:** *'The principle of the lagoon has already received approved. The revised location results in no material highway impact. No highway objections'.*
- 5.3 Designing Out Crime Officers:** *'Having reviewed this application - this office has no objections in terms of community safety or vulnerability to crime'.*

5.4 National Grid Plant Protection (Cadent): *'Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry. Cadent and National Grid therefore have no objection to these proposed activities [...]'.*

5.5 CCC LLFA: *'We have reviewed the following documents:*

- Flood Risk Overview prepared by RSK (661918-R1(02)-FRO, November 2020*
- Proposed Relocation of Digestate Lagoon Approved under F/YR/0648/F Plan and Typical Section (FP/22/01) 20-09-20*

Based on these we have no objection to the proposed development and can recommend the following condition:

The surface water drainage scheme shall be constructed and maintained in full accordance with Proposed Relocation of Digestate Lagoon Approved under F/YR/0648/F Plan and Typical Section (FP/22/01) 20-09-20
Reason - To prevent an increased risk of flooding and protect water quality'

Also recommends an informative regarding IDB consent

5.6 Environment Agency: *'We have no objection to the proposed development but wish to make the following comments.*

National Planning Policy Framework Flood Risk Sequential Test In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of the Flood Risk Assessment: The application site lies within Flood Zone 3a, defined by the Environment Agency Flood Map as having a high probability of flooding due to the tidal River Nene. The Flood Zones are indicative of the natural undefended floodplain (i.e. does not take into consideration flood defences along the River Nene and pump systems along Internal Drainage Board managed drains) and therefore considered a worst-case scenario.

The Flood Risk Assessment carried out by RSK (Report No: 661918-R1(02)-FRO) dated November 2020 does not mention Flood Hazard Mapping covering the site. The Flood Hazard Mapping contained within the Peterborough Level 2 Strategic Flood Risk Assessment shows the consequences should a breach or overtopping of sea defences occur, including the likely flood depths, velocities and overall hazard that could impact the site over its lifetime. The site has a future hazard classification of 'Danger to Most' as defined in Research & Development report FD2320 'Flood Risk Assessment Guidance for New Development'. It could

experience flood depths of 1-2m arising from a breach in the defences during a flood that has a 1% annual probability including an allowance for climate change. Notwithstanding the residual risk of flooding from the breach of flood defences, the site is classed as 'Less Vulnerable' according to NPPF with no buildings proposed, therefore we have no objection to this application.'

Also provides advice to LPA relating to the Internal Drainage Board and the need to consider flood planning; together with advice to the applicant regarding flood warning and pollution prevention.

- 5.7 Anglian Water Services Ltd:** Notes that the '*Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater.*'

Highlights that the applicant should check for any Anglian Water assets which cross or are within close proximity to the site, and that any encroachment zones should be reflected in site layout. Also notes that if diverting or crossing over any AWS assets permission will be required.

- 5.8 North Level Internal Drainage Board:** '*My Board has no objection in principle to the above application, however, our No 6 Drain forms the southern boundary to the site and therefore the Board's byelaws apply to this watercourse. In particular I would refer you to Byelaw no. 10 which states that 'no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain'.*

- 5.9 Natural England:** '*Summary of Natural England's Advice: No Objection - Natural England is satisfied that as long as the previously mentioned high density polyethylene (HDPE) liner, designed to be airtight so that there is no exchange of gas between the lagoon surface and the external atmosphere, is still being used then we would be satisfied that the proposal is unlikely to have any adverse impact on designated sites including the Nene Washes SSSI, SAC, SPA and Ramsar site.*

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.'

- 5.10 CCC Archaeology:** '*I confirm that we have no objection and no recommendation for this proposal to relocate the lagoon.*'

- 5.11 FDC Environmental Protection:** The following response was received from the EP team in respect of the current proposal, however an accompanying email noted that this was a replacement response for the 2018 application, for which conditions were not specifically included by Environmental Health.

'This application was considered in conjunction with the decisions made in connection with the original application for the existing anaerobic digester (AD) plant on this site in 2013. The major environmental health threat comes from odours emitted from the proposed lagoon. The lagoon is of a similar size to the one currently operating on site and also to the one subject to the proposal in F/YR18/0648/F.

The controls in place since the plant has been in operation for years have for the most part, been successful in protecting occupiers of nearby properties from odour nuisances, although complaints have been received by Fenland District Council Environmental Health team. However, no statutory action has been taken under the Environmental Protection Act 1990, in respect of any nuisances.

The current lagoon does have a balloon covering it, which serves to minimise ingress of leaves etc. but also promotes anaerobic conditions by minimising oxygen. As a consequence, most of the potentially odorous gases are contained, although there have been releases to the atmosphere.

The odorous gases are mainly caused by the breakdown of agricultural waste products, referred to as feedstock, which can include cereal and root crop waste. Root crops, such as sugar beet, turnips and swedes, are known to be the source of odorous releases particular, mainly caused by the breakdown of sugars etc.

Whilst the lagoon is stagnant, there is minimal odour release, especially with the balloon in place. However, odours are likely to be released when the surface is agitated, which may occur when digestate, the liquid matter in the lagoon, is transferred from the site. It is imperative that the transfer from lagoon to the transferring tanker for removal.

In transferring the digestate to the tanker, the displaced air from the latter, can be the source of odour release. It is imperative that the tankers are metred to indicate when it is nearly full, in order to prevent over-spill or a throw-back.

During a visit to the site I was advised that the proposal for the relocated lagoon will be similarly treated with a balloon. Whilst this balloon will not be 100% odour-proof, it will minimise the impact on nearby residents.

I recognise that this specific application is a replacement for the previous one in 2018 and this will not in itself increase the impact of odours, as the proximity to the nearest residential properties is virtually the same.

Despite this, in order to minimise the impact of odours, I consider it essential that conditions are attached to any consent to this application. This is recommended, although I recognise that a suite of conditions wasn't specifically applied to the original 2013 consent or the 2018 application, which this current proposal is intended to replace.

I suggest that conditions are attached to any consent, which are based on points raised in the response by the Environment Agency to the 2018 planning application.

Conditions I would recommend would be to cover: -

- 1 The balloon installed above the lagoon to be fitted in a manner to minimise the off-take of odours from the digestate.*
- 2 When the digestate is removed from site, it shall be by tanker, with the connector to the tanker sealed to minimise release of odours and minimise the escape of digestate.*

- 3 *An Odour Management Plan should be adopted which includes a requirement to monitor odours at the boundary.*
- 4 *A requirement to record and investigate complaints of odours reported by the public, liaison with local residents, in a format which meets with the approval of Wisbech St. Mary Parish Council and Fenland District Council.*
- 5 *Provision of an anemometer to measure wind direction and speed.*

On that basis I would have no objection to the granting of consent to this application, subject to conditions attached as indicated above.'

5.12 Local Residents/Interested Parties: None received

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 10 - Presumption in favour of sustainable development.

Paragraph 47 - Planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

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

Chapter 6 - Building a strong, competitive economy

Para 83 - Supporting a prosperous rural economy

Chapter 9 - Promoting sustainable transport

Para 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Para 180 - Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Para 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

7.2 National Planning Policy Guidance (NPPG)

Applying the sequential test Paragraph: 033 Reference ID: 7-033-20140306

7.3 National Design Guide

Context: C1- Understand and relate well to the site, its local and wider context

Identity: I1- Respond to existing local character and identity

7.4 Fenland Local Plan 2014

LP1 - A Presumption in Favour of Sustainable Development

LP2 - Facilitating Health and wellbeing of Fenland residents

LP3 - Spatial Strategy, the settlement hierarchy and the countryside

LP6 - Employment, Tourism, Community facilities and retail

LP12 - Rural Areas Development Policy

LP14 - Responding to climate change and managing the risk of flooding in the Fenland

LP15 - Facilitating the creation of a more sustainable transport network in Fenland

LP16 - Delivering and Protecting High Quality Environments across the District

LP18 - The Natural Environment

LP19 - The Historic Environment

8 KEY ISSUES

- Principle of Development
- Character and visual amenity
- Residential amenity
- Highways
- Drainage
- Other Considerations

9 BACKGROUND

- 9.1 The agent within the submission notes that *'Planning Permission was granted by Fenland District Council for the formation of a digestate lagoon with a 4.5m high surround earth bund and a 1.2m high chain link fence in July 2018 ref F/YR18/0648/F. The proposed site whilst immediately adjacent to an existing digestate lagoon (planning refs F/YR13/0868/F) [and F/YR18/0966/F] crossed the line of an existing drain, whilst it would be possible to re-route the drain around the lagoon it has been decided to relocate the lagoon immediately to the East of the existing drain'.*

- 9.2 *Supplementary information has been provided by the agent in response to the comments of the Parish Council, highlighting that:*

'[...] the application is a direct replacement for the previously approved F/YR18/0648/F. All details are the same as that earlier approval, the only change being a modified alignment to better integrate to the existing field boundary and avoid the need to divert the boundary ditch.

Traffic and odour related impacts are unchanged from that earlier approval and as they were considered to be acceptable previously there would be no basis to refuse the application now on those same grounds.

Odour is addressed further though the assessment submitted with the planning application. We confirm that the plastic covering that was a feature of the previous application still forms part of the current proposal.

We recognise that traffic generation is a sensitive issue and has been a key consideration on other applications at this location. However, the operation of the lagoon will not generate significant traffic. It is filled by pipeline from the AD plant and emptied seasonally for irrigation to local agricultural land. As indicated by the attached information from the previous application the longer term intention is that the additional digestate storage provided by the lagoon will allow more material from the adjacent farm to be treated through the digester (as opposed to being taken off-site as at present) facilitating a reduction in vehicle movements.'

- 9.3 They also note within the submission that '*For the avoidance of doubt both lagoons would not be constructed.*'

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development has been firmly established through the earlier grant of consent which was a committee decision in October 2018.
- 10.2 This submission seeks merely to relocate the previously approved lagoon due to on site construction issues (the presence of a drain). It remains pertinent that the NPPF supports a prosperous rural economy and highlights that decisions should enable sustainable growth and expansion of all types of business in rural areas, including the development and diversification of agricultural and other land-based rural businesses, albeit caveated under Para. 84 with the need to ensure that proposals do not have an unacceptable impact on local roads.
- 10.3 The need to increase the use and supply of renewable energy sources is also supported by the NPPF and as the digestate is a by-product of such an activity it may be inferred that the scheme also achieves policy compliance in this regard.
- 10.4 Having previously accepted the principle of delivering an additional lagoon on this established site, it would be unreasonable to revisit the 'common' features of both scheme proposals, i.e. the operation of the facility and highway impact etc. Furthermore, safeguarding measures previously secured with regard to archaeology, pollution control are easily transferable to a new consent and as such it would be unreasonable to revisit these.

Character and visual amenity

- 10.5 The repositioned lagoon will remain sited some distance from the main highway adjacent to the existing facility. It is evident, from viewing the existing installation that the additional lagoon will not have any adverse impact on the character of the area. In glimpse views from the main road it will appear slightly higher than the existing landform, but it will not be unduly prominent and will sit amongst the established Biocow enterprise. Accordingly, there are no issues to address with regard to Policy LP16 of the Fenland Local Plan (2014).

Residential amenity

- 10.6 The consultation response of the EP team in respect of this scheme has identified a number of conditions which did not feature on the earlier planning decision, this having been acknowledged in their response. Whilst it is noted that the lagoon cover will remain a feature of the scheme as per the earlier approval, as has been confirmed by the agent, the other recommendations do not explicitly form part of the current proposal which as identified merely seeks to move the lagoon within the site boundary. Given that the EP team acknowledge that the revised location of the lagoon *'will not in itself increase the impact of odours, as the proximity to the nearest residential properties is virtually the same'* there would appear to be no reasonable grounds to revisit the conditions as suggested.
- 10.6 Paragraph 55 of the NPPF clearly identifies that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this regard it is not considered that to impose additional conditions over and above the original decision would be reasonable given that there are no additional residential amenity impacts associated with the revised position of the location.
- 10.7 In addition Paragraph 183 identifies that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 10.8 The earlier lagoon proposals were fully assessed in terms of residential amenity impacts and there are no additional matters arising which fall to be considered as a result of the relocation now proposed. It is further acknowledged that there are mechanisms in place to deal with nuisance under Environmental Protection legislation.

Highways

- 10.9 Again it must be noted that the earlier scheme proposals, which remain consistent with the current scheme, excepting that the facility is to be relocated some 100 metres eastward, were the subject robust assessment of the intended vehicular movements both during the construction and operational phases; whilst it was accepted that there would be an increase in vehicular movements of 21 two-way movements per week during construction and an additional 42 two-way movements per week in respect of lagoon emptying it was also accepted that there would be a reduction of 95 two-way movements per week as manure and bedding associated with the existing site operation would be utilised in the digesters.
- 10.10 Reproduced below are comments contained within the earlier officer report to Committee relating the LHA consultation response and consideration of highway impacts:

'Further detail was sought with regard to how the reduction in movements would be arrived at and following clarification in this regard the LHA have confirmed that 'based on the agent [...] comments regarding vehicle movements, it is evident that once the secondary lagoon has been constructed, there will be a reduction in vehicle movements and a lesser impact on the highway network. I can therefore raise no highway objection to this application.' Against this backdrop it is

considered that the scheme demonstrates compliance with Policy LP15 of the FLP (2014)'

- 10.11 Against this backdrop there remains no grounds to withhold consent in terms of highways impact. Whilst the comments of the Parish remain consistent with their earlier recommendation in respect of the additional lagoon proposals there are no new matters which would render the earlier conclusions invalid or inappropriate.

Drainage

- 10.12 The original proposal was accepted by the relevant statutory agencies in terms of drainage and flood risk and there are no matters arising from the latest consultation undertaken that would render the relocated unacceptable in drainage or flood risk proposals
- 10.13 It is noted that the EA have made comments relating to the sequential test, albeit this was not flagged up in their initial consultation response relevant to the original proposal for the second lagoon. In this regard it is accepted that the proposal has a clear synergy with the existing on-site operation and as allowed for under Planning Practice Guidance the LPA may reasonably take a pragmatic approach on the availability of alternatives. Mindful that the guidance identifies that *'in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere'* there are no matters to reconcile with regard to the sequential test.
- 10.14 Given that the scheme has no implications in terms of flood risk and in light of no formal objections being received it is established that the scheme achieves compliance with Policy LP14 of the FLP (2014).

Other considerations

Archaeology

- 10.15 A programme of archaeological investigation was previously secured on the original consent, and investigation works were evidenced and subsequently discharged under F/YR19/3077/COND. The Archaeology team at CCC have confirmed that they have no further archaeological requirements for the site as a consequence of the relocation of the lagoon.

Biodiversity

- 10.16 As per the earlier evaluation it is noted that the Nene Washes are less than 3km from the application site however as per the earlier scheme proposals Natural England have clearly indicated that there will be no impact to this, or indeed other statutory designated sites within the area.
- 10.17 It is noted that the then Wildlife Officer recommended that the proposed earth bund was sown with an appropriate native wild-flower seed mix, as was the case previously this detail can be secured by condition; although an opportunity has been given to the agent to incorporate the landscape proposals within this submission to avoid the need for a further submission. Again, an update will be reported to committee in this regard.

Delivery of only one additional lagoon

- 10.18 Given that the 2nd lagoon originally approved under F/YR18/0648/F and the revised scheme proposal now under consideration overlap it would not be possible to deliver both schemes in parallel whilst adhering to the approved plans; however, for the avoidance of doubt a condition will be imposed in this regard.

11 CONCLUSIONS

- 11.1 In land use planning terms there are no grounds to withhold consent. Odour management has been fully considered within the submission and there are appropriate safeguards are in place through environmental protection legislation.
- 11.2 In the absence of any material considerations which would indicate otherwise, and mindful of the original grant of consent for an additional lagoon at these premises, the scheme may be recommended favourably in light of its policy compliance

12 RECOMMENDATION: Grant

1	<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>
2	<p>Only one lagoon shall be constructed on the site in addition to that delivered under retrospective planning permission F/YR18/0966/F (originally approved under F/YR13/0868/F)</p> <p>Reason – for the avoidance of doubt and to define the scope of the consent</p>
3	<p>The surface water drainage scheme shall be constructed and maintained in full accordance with Proposed Relocation of Digestate Lagoon Approved under F/YR/0648/F Plan and Typical Section (FP/22/01) 20-09-20</p> <p>Reason - To prevent an increased risk of flooding and protect water quality</p>
4	<p>Prior to the first use of the development a landscape plan which includes landscaping details for the bund area to comprise a native wild-flower seed mix shall be submitted to and approved in writing; the scheme shall then be carried out in the first available planting season following commissioning of the lagoon.</p> <p>Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP19 of the Fenland Local Plan (2014).</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>



Created on: 26/11/2020

© Crown Copyright and database
rights 2020 Ordnance Survey
100023778

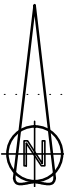
F/YR20/1112/F

Scale = 1:4,000

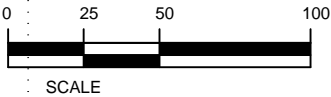


ONLY SCALE FOR PLANNING PURPOSES

Copyright © 2014 Rural Partners Ltd.
All rights reserved. No part of this drawing may be altered, traced, copied,
electronically scanned, or photographed with out the consent of Rural Partners Ltd.
Neither may this drawing or part of it be used for any purpose other than for which
it was issued without the consent of Rural Partners Ltd.



Reproduced from the Ordnance Survey Map with the
Permission of The Controller of HM Stationery Office,
Crown Copyright Reserved. Licence No. AL 100030540



Proposed Site

Reservoir

Existing Dirty Water Lagoon
F/YR13/0868/F

Approved Dirty Water Lagoon
F/YR18/0648/F

RURAL PARTNERS LIMITED
FINE PLANS

Parkhouse Farm, Harbottle
Morpeth, Northumberland, NE65 7BD
Tel: 01669 650250 Mobile: 07836 675966
www.ruralpartners.co.uk

CLIENT

Murrow AD Plant Ltd
Somerset Farm, Cant's Drove
Murrow, Wisbech, PE13 4HN

DRAWING

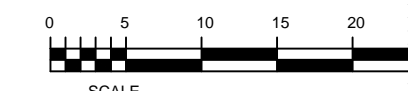
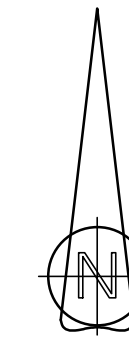
Proposed Relocation of
Digestate Lagoon
Approved under F/YR/0648/F
Site Plan

REV	DESCRIPTION	DATE	BY
A	Added road name to Cant's Drove	10/11/2020	BAJ

SCALE	DRAWN
1 : 2500 on A3	SAK

DATE	DRAWING No.
20-09-20	FP/22/25

Copyright © 2014 Rural Partners Ltd.
All rights reserved. No part of this drawing may be altered, traced, copied,
electronically scanned, or photographed without the consent of Rural Partners Ltd.
Neither may this drawing or part of it be used for any purpose other than for which
it was issued without the consent of Rural Partners Ltd.



Hardcore Access Track

Proposed
Site

Approved Dirty Water Lagoon
F/YR18/0648/F



Parkhouse Farm, Harbottle
Morpeth, Northumberland, NE65 7BD
Tel: 01669 650250 Mobile: 07836 675966
www.ruralpartners.co.uk

CLIENT

Murrow AD Plant Ltd
Somerset Farm, Cants Drove
Murrow, Wisbech, PE13 4HN

DRAWING

Proposed Relocation of
Digestate Lagoon
Approved under F/YR/0648/F
Block Plan

[illegible]

SCALE

1 : 500 on A1

	DRAWN	

SAK

DATE _____

20-09-20

	DRAWING No.
--	-------------

FP/22/50

from the Ordnance Survey Map with the
The Controller of HM Stationery Office,
Right Reserved. Licence No. AL 100030540

Page 6

This page is intentionally left blank

PLANNING COMMITTEE DATE: 3rd February 2021

APPLICATION NO: F/YR20/1112/F

SITE LOCATION: Anaerobic Digestion Plant, Somerset Farm, Cants Drove, Murrow

UPDATE

Cadent have written again reiterating their earlier comments

It has been clarified that initial works have started on site, with the agent noting that

'there has recently been a handover in site management, and I am advised that the previous site team understood the preliminary works to constitute permitted development – hence the current position. We have now advised that the planning decision is awaited before any further works are completed.'

Resolution: Remains to grant as detailed on page 58 of the agenda

This page is intentionally left blank

PLANNING APPEAL DECISIONS

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

Planning Application Reference: F/YR20/0079/F

Site/Proposal: Erect a dwelling (2-storey 3-bed) involving demolition of existing side extension to existing dwelling (including access and parking to serve 42 Station Drive)

Land to the North of 42 Station Drive, Wisbech St Mary, PE13 4RX

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

Main Issues:

- **Character and appearance**
- **Residential amenity impact**
- **Inadequate/unsafe access**

Summary of Decision:

The application proposed the construction of a new dwelling to the side of an existing pair of semi detached dwellings in Wisbech St Mary.

The Inspector considered the impact of the construction of the dwelling, taking into account the existence of an extant permission for the extension of one of the existing semi-detached dwellings in the location of the proposed new dwelling, concluding that the new building would not result in harm to the character or distinctiveness of the area.

Consideration was also given to the impact of the proposal on the neighbouring properties, since the scheme proposed the provision of parking and turning for both the existing and proposed dwellings at the bottom of their gardens, immediately adjacent to the modest rear garden of the neighbouring dwelling. The Inspector concluded that the proximity of vehicles to the neighbouring premises would result in harm to the living conditions of the neighbours. The Inspector also found that the side wall of the proposed dwelling would harm the living conditions of the occupants of the existing dwelling to which it would be attached due to the amount by which it projects beyond the rear wall of the current building.

Finally the appeal decision concluded that the arrangements for parking and the access to the parking area would not provide a safe and convenient access as required by planning policy due to the narrowness of the access, the complexity of turning a vehicle within the site and the proximity of the access driveway to the entrance of the proposed dwelling.

Planning Application Reference: F/YR19/0914/F					
Site/Proposal: Erect 2 x dwellings (1 x 2-storey 3-bed and 1 x 2-storey 2-bed) Land North East Of 31 - 35 New Road Whittlesey Cambridgeshire					
Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
Main Issues:					
<ul style="list-style-type: none"> • Living conditions of the neighbouring residents • Character and appearance of the surrounding area 					
Summary of Decision:					
<p>The application proposed the construction of a pair of semi-detached dwellings on a site located between a detached dwelling to the west and an existing care home to the east. The proposed dwellings immediately adjoined an outdoor courtyard area provided by the care home for the use of their residents.</p> <p>The Inspector concluded with regard to the impact on living conditions of the residents that the proposal would have a dominant impact over the courtyard area, disrupting the outlook of the residents of the care home. The efforts by the applicant to reduce the impact of the scheme on the neighbours had in fact emphasised the impact of the building in a harmful manner.</p> <p>The scale and position of the building were also considered to have a harmful impact on the daylight and sunlight currently enjoyed by the care home's residents.</p> <p>With regard to the matter of character and appearance, the Inspector concluded that the proposed dwellings would appear cramped on the site, a consideration that would be exacerbated by the location of the parking facilities for the dwellings directly on the front of the application site.</p> <p>The development at depth of the proposal was considered acceptable, however due to the scale, bulk and massing of the proposals relative to the limited space around them, the scheme was found to fail to make a positive contribution to the area and was therefore contrary to the relevant policy (LP16) of the Fenland Local Plan(2014).</p>					

Planning Application Reference: F/YR20/0274/F

Site/Proposal: Erect a single storey 2/3-bed dwelling, Land E of 12 Norman Way, Wimblington

Officer Recommendation:	Refuse	Decision Level:	Delegated	Appeal Decision:	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

Main Issues:

- **Character**

Summary of Decision:

The application proposed the erection of a bungalow on land at the junction of Norman Way and Fullers Lane in Wimblington.

The Inspector discussed the appeal site location in a prominent position on the corner of Norman Way and Fullers Lane, and acknowledged that the estate has a spacious feel, with a number of areas of open space present, including diagonally opposite the appeal site on Meadow Way. The prevalence of these open areas contributes positively to the character and appearance of the area.

The Inspector summarised that the introduction of the proposal onto the site would erode the benefit that the appeal site brings to the respective street scenes, resulting in the loss of its open and spacious feel and introducing a built feature that would appear visually cramped in its locality; causing significant harm to the character and appearance of the area.

Furthermore, the Inspector stated that a detached bungalow with a different front elevation would accentuate the harm that the proposal would have by visually setting it apart from the existing street scene.

Thus, the Inspector concluded that the proposal would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policy LP16 of the LP where it seeks to protect character and appearance.