

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 21 APRIL 2021

1.00 PM

**VIA ZOOM VIRTUAL CONFERENCING
SYSTEM**

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

The you tube link for todays meeting is:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 16)
To confirm the minutes from the meeting of 17 March 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/YR/20/0585/F
Former Coach House, London Road, Chatteris, Erect a 2-storey 4-bed dwelling

involving demolition of store building.F/YR20/0586/LB
Former Coach House, London Road, Chatteris.Demolition of a curtilage listed store building, (Pages 17 - 64)

To determine the application.

- 6 F/YR20/0910/F
1 Main Road, Parson Drove, Wisbech. Change of use from garage to part takeaway and part storage building for shop involving demolition of single storey building to rear; installation of external flue and retrospective installation of air source heat pumps (Pages 65 - 84)

To determine the application.

- 7 F/YR20/1048/F
North West Of Mepal AD Plant, Iretons Way, Chatteris.Construct an extension to existing anaerobic digester plant (5 x digester tanks, 3 x industrial/process buildings, 10 x CO2 storage tanks, concrete hardstanding areas and floodlights including 7 x mounted on 5.5m high columns) (Pages 85 - 142)

To determine the application.

- 8 F/YR20/1230/O
Land East Of, 25 - 27 Russell Avenue, March.Erect up to 3 dwellings (outline application with matters committed in relation to access only) involving demolition of double garage and highway works including formation of a footpath (Pages 143 - 156)

To determine the application.

- 9 F/YR21/0130/F
10 High Street, Chatteris.Change of use and subdivision of retail shop and 3-bed flat to retail shop, hot food takeaway and 3 -bed flat including formation of an additional shop front and installation of external flue and air conditioning unit to rear of takeaway (Pages 157 - 170)

To determine the application.

- 10 Planning Appeals. (Pages 171 - 174)

To consider the appeals report

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

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

PLANNING COMMITTEE

WEDNESDAY, 17 MARCH 2021 - 1.00 PM



PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor A Lynn, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor Mrs J French and Councillor R Skoulding,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager), Nick Thrower (Senior Development Officer) and Chris Gordon (Legal Officer)

P74/20

F/YR20/0940/F

LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM. CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING AND THE SITING OF A STORAGE CONTAINER (PART RETROSPECTIVE)

David Rowen presented the report to Members.

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

Mr Johnson stated that having read through the Planning Officer's information pack, he is conscious that no mention is made of the historic use of the land in relation to Supporting Letter 1 and Supporting Letter 2. He stated that he feels that the recent historic use of the land is particularly important in this case and added that both letters are eyewitness statements describing previous use of the land in the late 70's and early 80's.

Mr Johnson explained that one was the contractor who hard cored the rear land for parking, and latterly in addition at the far end constructed a pub garden complete with ornamental pond and seating areas and the other witness, himself a past owner of the attached Elm Manor and long-term Elm resident, details the previous use of parking and beer gardens on the land too. He stated that it should be noted that that the land was not maintained when Elm Manor was purchased in 2007.

Mr Johnson stated that in his supporting statement he mentions a photograph of the pub hanging in the front dining area and that previously he had stated that the land appeared to be used for growing vegetables, but in fact it was the land behind Elm Manor which resembled an allotment. He added that since then he has studied the photograph with a fine-tooth comb and taken it out of its frame for a proper look and the photo was taken circa 1981 as dated by John Munro, the owner of the red Morris Marina parked nearest the front door.

Mr Johnson added that the picture depicts a well-worn vehicular access to the rear land and even shows a vehicle parked on the rear car park beyond the electricity substation. He stated that the pub is open, there are five cars parked on the front and one at the rear, and that he has visited the pub for 37 years since the age of 8 when he went every Sunday before lunch and Alan and Val

Williams, the then owners, were close to his family and when they left to move to Wales, their guard dog Tia came to live with him at Friday Bridge.

Mr Johnson explained that for the last few years Alan and Val were in residence, they had a field gate installed to section off the rear land to enable Tia to have full run of it during the day, before putting her in the downstairs of the pub to guard overnight. He advised that it was only the subsequent owners Pam and Ray Clements that allowed the rear land to become derelict, having failed to make work their huge wooden beer terrace they had installed on the land and both himself and co-owner Peter Golding removed the redundant terrace.

Mr Johnson informed members that Pam and Ray Clements owned the pub directly before him and added that none of the residents surrounding the pub have lived there quite long enough to experience all the historic use described. He added that the supporting letters, the photograph, the physical evidence of the pond, BBQ and the remaining hard core, prove beyond doubt that the land has a long and rich history of serving the pub and, in his opinion, he feels that this is important, because any purchaser back when the housing estate was newly built, had the opportunity to discover more about the land adjoining the property they were seeking to buy and its rich association with the pub: that is; pub land used for pub purposes.

Mr Johnson explained that he would now like to focus on current times and stated that he is sure members are aware, the pub trade is beyond difficult at the moment. He added that he restored the building and opened as a wet pub and the trade has evolved continually to the point that it is now a food-based pub, with solely wet pubs in villages being almost extinct and this shift seems irreversible as the casual drinking trade may never return to the level required to make a wet village pub viable.

Mr Johnson expressed the view that during Covid, trade has been incredibly challenging and whilst he is allowed to open on the 12th April to service customers outside, he has taken the difficult decision to wait until customers are allowed inside as he simply cannot trade viably until more restrictions are lifted. He stated that the shift to being a food pub has put enormous pressure on his current parking provision and the extra staff required and the travel habits of dining customers mean that there is the need for much more parking space if he is to be able to provide a quality and safe experience as customers aren't car sharing and this might not improve.

Mr Johnson stated that to illustrate the point, it has been the case when he had 8 customers dining mid-week, each bringing their own car in addition to 6 staff cars which totals 14 cars to serve two tables of 4 for lunch! He explained that, other potential customers have driven past because the pub looked too busy to cater for them and it looks too tricky to get parked safely (so customers told us) and he simply cannot operate profitably under these circumstances and the pub needs to be able to use its assets to adapt to the times and survive as it has done in its rich history.

Mr Johnson stated that he needs to use its pub land for pub business as it has done in the past and he is desperate for more parking if the pub is to survive.

He advised that all staff will be instructed to park on the new car park and staff cars will then account for roughly a third of all parked cars at the rear, if it is fully utilised which will itself be a huge mitigating factor for reducing any potential antisocial behaviour in the car park.

Mr Johnson expressed the view that his customers tend to be middle aged and older and his youngest customers tend to be in their 30's, with the pub providing a premium offer, and this tends to keep trouble away. He stated that his staff are managed well, and the staff manage his property and customers well and he has no doubt that they will manage his car park equally well too.

Members asked Mr Johnson the following questions:

- Councillor Marks asked Mr Johnson to clarify whether his business partner Mr Golding, is

involved in anyway with Goldings Horse Feeds and Mr Johnson confirmed that it is not the same person.

- Councillor Cornwell asked Mr Johnson to clarify that there are 16 car parking spaces marked on the plan and Mr Johnson confirmed this to be correct. Councillor Cornwell asked Mr Johnson to confirm that he had also stated that there will be 7 staff who will also require parking and, therefore, there is the intention to provide 9 car parking spaces for customers. Mr Johnson stated that he is just looking to increase car parking and that staff will be instructed to use the new car park, near the houses, which will free up the front car parking and the area by Atkinsons Lane, enabling customers to have the closest parking provision.
- Councillor Mrs Davis asked Mr Johnson to clarify that, when customers exit the pub, is there the requirement to walk down Atkinsons Lane to reach the car park or does the pub have a rear access point? Mr Johnson stated that there is no rear access, but the pub has its own footpath down the side of the pub.
- Councillor Miscandlon stated that officer's had referred to a previous application which had included an acoustic fence, however, the application before members today does not include a fence and he asked Mr Johnson whether it would be advantageous to include a fence to protect the wellbeing of the neighbouring properties? Mr Johnson stated that a debate took place regarding the fence and any benefits of the fence or any detriment to the tree roots as a result of the installation of an acoustic fence and he was aware that the professionals involved had concluded that a no dig solution was preferable. Councillor Miscandlon expressed the opinion that the benefit of such a fence to neighbouring properties is quite dramatic and, in his opinion, it should be considered. Mr Johnson stated that it is something that he would consider.
- Councillor Marks asked for confirmation that it will be road planings, that are used as a surface and not a gravel surface to the car parking area. Mr Johnson confirmed that it will be road planings that are used.
- Councillor Mrs Davis asked whether there was a reason that the parking spaces were planned for the side where more private residences are than on the opposite site where Elm Lode is. Mr Johnson stated that is the way the architect has drawn the plan and he added that if there was the requirement for it to be altered the other way then he would be amenable to that.

Members asked officers the following questions:

- Councillor Cornwell asked officers to confirm the name of the road outside of the pub and whether it was Main Road or Atkinsons Lane. David Rowen stated that it is his understanding that the road at the side of the pub where access to the car park would be gained is Atkinsons Lane. Councillor Cornwell stated that regardless of the name of the road, the condition of it is poor and it is more like a country lane.
- Councillor Mrs Davis asked for clarity over the update report, where the comments of the archaeology officer has stated that if an acoustic fence is added then an archaeological survey would have to take place, but if no fence is included then a dig would not have to take place. David Rowen stated that the comments received from the archaeological team state no dig, however, if a fence was proposed it would be something that would require further advice being obtained.

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

- Councillor Purser stated that he is in favour of the application and added that the car park will enhance the business, and this is something that should be encouraged in the current climate. He added that the addition of the acoustic fence is a good idea and added that the neighbouring properties would possibly be patrons of the public house. Councillor Purser added that the proposal would also alleviate parking from the war memorial area, and he welcomes the application.
- Councillor Cornwell stated that he agrees with the comments made by Councillor Purser. He added that there is obviously a need for the pub to have a car park which appears to draw in people not just from the immediate locality, but there is the need to protect the

interests of those people who would be affected by it and to assist with the ongoing success of the pub. Councillor Cornwell added that if Mr Johnson is happy to consider all forms of noise mitigation, which will include instructing staff where to park to minimise their impact and if the site provision can be arranged in such a way to mitigate against some of the noise which is likely to occur, he will support the application, but only if the owners try their utmost to mitigate the noise.

- Councillor Sutton stated that he would like to thank Mr Johnson, on behalf of the village for bringing the pub back to life, as it has been a success. He agrees with Councillor Cornwell, there has to be consideration given to the adjacent properties but also to the consideration of the ongoing success of the business. Councillor Sutton added that it is a concern for the residents and they may be appeased if an acoustic fence was included, especially for the proximity some of them are to the pub. He expressed the opinion that the application should be deferred so that the acoustic fence can be considered further and some professional input to ascertain how well the acoustic fencing would work.
- Councillor Lynn stated that it is normal for a pub to have a car park, but it is not normal to have a pub which is not fenced off from the neighbours and the neighbours in the vicinity deserve to have some protection. He expressed the view that he would not welcome a deferment, as the business owner wants to operate, having been closed for many months due to the pandemic. Councillor Lynn added that he will support the application as long as it is fenced off from the neighbours and added that it is not just noise, it is also car headlights that need to be considered.
- Councillor Miscandlon stated that the lighting in the car park must also be considered and should be downlights and not be intrusive on the neighbouring properties. He added that he would support the application with the condition of an acoustic fence being included, which the applicant has stated he would be amenable with. Councillor Miscandlon expressed the view that he does not see that there would be much ground disturbance with the installation of an acoustic fence and he agrees with the comments made by Councillor Mrs Davis with regard to moving the parking spaces over to the other side, with the addition of an acoustic fence and something to mitigate light pollution, which is highlighted in the officer's report by the Environmental Health Team.
- Stephen Turnbull, the Legal Officer, advised members that they can only grant planning permission based on what is in front of them and the application does not incorporate an acoustic fence. The introduction of an acoustic fence may need planning permission itself and, therefore, if members wanted to approve the application to include an acoustic fence, it would need to be deferred or refused and then the applicant would have to consider a further proposal in the future.
- Councillor Sutton expressed the view that if the car parking spaces were moved to the other side it would be detrimental as the closest dwelling is the Old Manor, which is 4 to 5 metres away, and he feels the spaces are located on the right side as the properties on Laurel Drive are up to 19 metres away. He added that following on from the legal advice, there is an alternative submitted plan which includes the addition of an acoustic fence and he asked for clarity that if members were minded to approve the application with an acoustic fence could the approval be on the condition that it goes with the alternative submitted plan.
- Councillor Meekins expressed the opinion that he does not see what difference it will make with regard to what side of the car park the parking spaces are on. He added that he agrees with Councillor Sutton's suggestion that the application could be deferred and then be brought back with the acoustic fence.
- David Rowen stated that members appear to support the proposal subject to the issue of the acoustic fence being adequately resolved. He added that he would caution members against granting the application today, with a condition regarding a fence being provided as they need to be mindful that following the comments received from the Environmental Health Team, there has been no technical information provided to demonstrate that an acoustic fence would be an adequate solution. David Rowen referred to the point raised by Councillor Sutton regarding the previous iteration of the plan indicating an acoustic fence which was 2.4 metres high, however, there is no technical information to state that a 2.4

metre fence would be adequate. He added that there is a further issue in terms of the provision of an acoustic fence of whatever height in terms of consultation with the neighbours and he is unsure as to whether any of the plans which have gone out to public consultation have had an acoustic fence indicated and, therefore, this needs to be taken into consideration. David Rowen suggested that a deferment to allow an acoustic fence to be explored and for an appropriate acoustic fence to be achieved and consulted on maybe a prudent course of action.

It was proposed by Councillor Mrs Davis, seconded by Councillor Sutton, and agreed that the application be DEFERRED, to allow for further consideration to be given for the inclusion of an acoustic fence.

P75/20

F/YR20/0979/F

HOLIDAY LET 1, 105 NENE PARADE, MARCH. ALTERATIONS TO 1 X 2-BED HOLIDAY LET TO FORM A 4-BED DWELLING INCLUDING THE ERECTION OF A 2-STOREY EXTENSION AND DEMOLITION/ALTERATION TO 1 X 1-BED HOLIDAY LET

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Ted Brand, the Agent.

Mr Brand explained that the proposal is to join an existing residential annex and a holiday let, with an extension linking the two, to form one dwelling which are 3.8m apart and both two storey. He stated that the annex, to the north, is currently occupied by the applicants, one of whom is the daughter of the elderly occupant of Nene House and is his carer who has power of attorney. The annex was previously a holiday let but has now been designated by the Council as an annex, with the access being from a private road off Creek Road and this dwelling relates mainly to a group of houses off this road.

Mr Brand stated that officers have given 3 reasons for refusal, firstly the effect on the character of the area as they say it would not respect the predominant character of the area due to its location; secondly, the orientation and scale, as it is also considered to detract from the host dwelling, Nene House, eroding its historic form and setting and, in his opinion, this is not correct or justified as he feels the Council's case is based on an assessment of the character of Nene Parade, but this dwelling and Nene House are close to, and relate to, a group of houses on the private road off Creek Road, Nene Parade end just before Nene House and the site, with only a footpath to the south, with this proposal being 33m from this path and is screened by the many trees and shrubs in the garden and fronting the path, which has no effect on the character of Nene Parade. He added that regarding the relationship with Nene House, this scheme is only 0.9m higher, in part, than the existing annex and holiday let and is low chalet in appearance, much lower and subservient to Nene House, with the eaves height of Nene House being 6.2m and the eaves height of this proposal being 3.5m and the ridge height of Nene House being approximately 9m and the highest part of this proposal being 6.6m with a lower ridge of 5.0m.

Mr Brand explained that most importantly the proposal is 12 to 15m away from Nene House compared to a Council approved, large, 5 bedroom house, only 9m away, as can be seen on items 1 to 4 on the screen. He added that the location plan shows adjacent houses clearly closer than this proposal and approved by the Council in 2018, with the large-scale site plan of the 2 approved dwellings showing the relationship to Nene House and their size.

Mr Brand expressed the view that the photo of plot 2 house, with the space in front is plot 1 is described by the Council as a "5-bedroom, 3 storey house" and the elevation of the plot 2 house, not yet built but starting soon, has the third storey in the loft, which has a much greater effect, than

this application, on Nene house, but was approved. He feels that it would be totally inconsistent and unfounded to not approve this scheme.

Mr Brand stated that with regard to overlooking there are five windows on Nene House facing the proposed scheme, these are screened by two small trees and the lower branches of one large tree, to the three first floor windows, one of these is a bathroom, which can have obscuring film added if it is not already obscured. He added of the eleven windows in the proposed scheme, noted in the agenda report, six are ground floor and can be completely screened, in both directions, by reinforcement of the existing tree screening with an evergreen hedge or fencing and with regard to the five first floor windows, one is a high-level roof window, above looking out height, and one is an obscured bathroom window and of the three remaining, one can be removed as there is another window to that bedroom on the side and the other two can be obscured and only openable above eye level.

Mr Brand explained that any overlooking concerns can be overcome by conditions and if minor amendments and/or screening details cannot be conditioned, he suggested that the committee delegate power to officers to approve the application, subject to satisfactory measures regarding overlooking. He made the point regarding loss of existing tourist facilities and lack of evidence regarding their viability that there is now only one holiday let and he stated that this is not a significant tourist facility and its effect on the local tourist economy would be insignificant. He understands that the holiday let has never been very profitable and due to Covid is currently not at all viable.

Mr Brand expressed the view that the benefits of a good quality house, providing care for a family member, in a sustainable location, far outweigh the effect on tourism. He concluded by stating that the proposal has no adverse effects on the character of the area, the concerns regarding overlooking can be easily dealt with, and the well-being benefits of good quality housing, in a sustainable location, for an established local family, with care in the community, far outweigh any tourism concerns.

Members asked Mr Brand the following questions:

- Councillor Sutton stated that the information that had been circulated to members had been referred to as an annexe and asked for clarification as to whether the proposal is for a holiday let or an annexe. Mr Brand stated that there were two holiday lets for a couple of years and one of those had been occupied by the daughter of the gentleman who lived at Nene House. He added that his client was advised by the Council Tax department that it was an annexe and they needed to pay the appropriate Council Tax.
- Councillor Sutton stated that the building looks as though it has not been built with in accordance with the plan, however, by looking at the plans and on a site visit this does not appear to be the case. Mr Brand stated that he was not involved with the original holiday let application and he does not know the planning history.
- Councillor Meekins stated that Mr Brand made reference to a 5 bedroomed property and asked for clarity as to where it is located. Mr Brand stated that the land to the north of New House has planning permission for a three storey, 5 bedroomed property which will be on the site where there is currently a pond.
- Councillor Murphy stated that Mr Brand referred to a holiday let, where the applicant's daughter is residing, and he asked for clarity as to whether that is the current situation. Mr Brand confirmed that the applicant and her partner live in one of the holiday lets and have done so for two years and the applicant is acting as a carer for her father in Nene House. The Council have stated that this is an annexe, not a holiday let, which is why Council Tax is being requested and he stated that is how the property is being used which he suspects does not have planning permission.

Members asked officer's the following questions:

- Councillor Sutton asked for clarity with regard to F/YR11/0180/RM and stated that the

application does not appear to have been built in accordance with the plan as it steps forward 8 to 10 feet and he asked officers to provide further clarity. David Rowen stated that regarding the annexe, one of the units is being occupied as an annexe which is in breach of its original condition restricting its original use as a holiday let. He added that there was an enforcement case on it, however, the decision was taken that it would not be in the public interest to take any enforcement action against that annexe given the particular circumstances involved, but the lawful use from a planning point of view is as a holiday let.

- Councillor Cornwell asked for clarity with regard to the plot to the north of Nene House, which is in close proximity and is a substantial property, and asked how that application differs from the current application, which also creates a substantial building with a nice long garden down to the river. David Rowen stated that there is a substantial difference as historically there has been an encroachment into the site from Creek Road, where the two houses that Mr Brand has referred to were granted planning permission in 2010, with the impact on Nene House being far less consequential due to the fact that the element of the site had been eroded. He referred members to the site plan and highlighted that 161 Creek Road which had moved that element of the development towards Nene House and effectively the two dwellings squared the impact off and made the point that the current application has an incursion from the west and the loss of a significant impact on the area immediately adjacent to Nene House and the principle elevations of Nene House, down to the river.
- Councillor Cornwell stated that he cannot see where they are substantially different and, in his opinion, by developing there it may well act to protect the future of the Nene House plot from excessive development in the future.

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

- Councillor Cornwell expressed the view that the proposal will tidy the plot up with a substantial property, with a nice garden going down to Nene Parade and will improve the area.
- Councillor Sutton stated that, in his opinion, the difference is the overlooking and he added that the overlooking will be onto the garden of the house and will be no more than a cars width as there is car parking close to the proposed 1.8 metre fence and there will be overlooking issues from the upper rooms. He added that had the annexe been built in its proper place, the whole frontage would have been further back and negated some of the overlooking and he agrees with officers that overlooking is a problem and there needs to be consistency with previous applications as well as protecting current and future users.
- Councillor Benney stated that the application has an address of Nene House, but it is not as the entrance of this proposal is off Creek Road and there is no consistent development along this back entrance. He added that regardless of whether it is a holiday let or an annexe it has evolved due to the needs of the resident in Nene House and regardless of whether it is built 10 foot forward or backwards it is where it is. He expressed the view that the site is currently a mess and the proposal will smarten the area up. Councillor Benney expressed the view that the holiday lets are plain buildings, simply a box with a roof on it and he stated that he agrees with Councillor Cornwell, that this proposal will protect Nene House in the future and it should be supported.
- David Rowen stated that he has reviewed the 2011 plans for the northern most holiday let and it does appear that it should have been built slightly further back, however, that situation is now lawful, so it would not be subject to any enforcement action.
- David Rowen stated that tidying a site up is not a material planning consideration when determining an application. He added that with regard to the relationship issues, the relationships in this application are extremely tight, and the view of officers is that there would not be an acceptable relationship between either property and as well as the character of the area there is also LP6 of the Local Plan to be considered which is quite clear that for tourist facilities to be lost, there has to be justification provided and this application does not provide this justification. David Rowen explained that Mr Brand had

referred to very small tourist facilities, but the policy of the Local Plan does not differentiate between large or small scale, it just refers to the loss of the tourist facilities to be justified.

- Councillor Connor stated that is not currently a tourist facility as it is an annexe. David Rowen stated that although one may be used as an annexe, there are two holiday lets on the site and one is a tourist facility and one could argue that the temporary loss of one of the holiday lets has been justified due to personal circumstances involved, however, the second holiday let there is the lack of evidence and information to justify that with regard to LP6.
- David Rowen clarified the overlooking issues for members.

Proposed by Councillor Sutton, seconded by Councillor Murphy to refuse the application as per the officer's recommendation. This proposal was not supported on a vote by the majority of members.

Proposed by Councillor Lynn, seconded by Councillor Benney and decided that the application be APPROVED against the officer's recommendation with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Lynn, and Councillor Benney.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application cannot be classed as being detrimental to the health and wellbeing of local residents, there will be no detriment to any sustainable transport links and the proposal will enhance and make a positive contribution to the area and the setting of Nene House.

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

(All members of the Committee declared, in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters, that they had all been lobbied on this application)

P76/20

F/YR20/1126/F

LAND SOUTH AND WEST OF 12 HIGH ROAD, GUYHIRN. ERECT 1 X DWELLING (2-STOREY, 4-BED) INVOLVING FORMATION OF A NEW ACCESS

Nicholas Thrower presented the report to members.

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

Mr Edwards explained that he is speaking in support of this application for an infill dwelling at land south of 12 High Road, Guyhirn and the application has the support of the Parish Council and all other consultees other than one objection from the neighbour. He explained that the site is within Flood Zone 3, however, it is no different to many other developments within the village and district and the submitted Flood Risk Assessment demonstrates that the scheme can be made technically safe from flooding, and it should be noted other than the host property the client does not have any other land in the village.

Mr Edwards stated that he has checked on Rightmove earlier that day and the only land available in Guyhirn at present does not have planning approval, so sequentially is not available for development. He added that with regard to the finished floor level of the development it should be noted that he is required to lift the dwelling 300mm above the existing land level whereas a development approved by the committee a couple of meetings ago in Guyhirn required the finish floor lifting considerably higher from the existing ground level than is required, and as the report states the Environment Agency have no objection to the proposal.

Mr Edwards explained that the site is in a continual line of development extending throughout the village on this side of the road, and as the majority of Guyhirn can only be developed on one side due to the river and its bank, sites like this are valuable to provide dwellings to sustain the facilities in the village. He expressed the opinion that Guyhirn has a real mixture of dwelling types throughout and this section of the village is no different, with a mixture of detached and semi-detached, single and 2 storied dwellings of different heights and styles from the traditional cottages to the more modern detached properties, and these are in the main not in a hard and fast straight line and step the frontage throughout the village.

Mr Edwards added that the proposal, whilst larger than the neighbouring properties, is consistent with other dwellings being built in the village and may be considered aspirational, but as the client already owns the land and uses it as extended garden to his host property asked if this is a bad thing, and there should be the need to be encourage a mixture of dwelling types and the site can clearly take the development. He added that the report states that both the existing and proposed dwellings far exceed the requirements for garden space and upon inspection of the site there are a pair of semi-detached dwellings being constructed three doors along to the south closer to the river, and these look like large single dwellings and these were approved at appeal following officer refusal.

Mr Edwards explained that the proposal is served via an existing access on to High Road with a new access for the host property that has the support of highways and the proposal makes the best use of the land and will finish off this part of the village and add to the diverse housing mix in the village.

Members asked Mr Edwards the following questions:

- Councillor Cornwell stated that it is a large plot and asked whether there is a reason why the building line cannot be pushed back to be in line with other dwellings in the vicinity. Mr Edwards stated that potentially it could, and it is something that could be considered if the application could be deferred for revised plans to be submitted.

Members asked officers the following questions:

- Councillor Lynn asked officers to clarify if the application was deferred for alternative plans to be submitted, would it alleviate any of the other reasons cited by officers, to allow the application to be approved? David Rowen stated that there is still the issue of Flood Zone 3, which would need to be addressed and if the dwelling was to be moved back, the impact on the street scene would be less albeit whether the L Shaped design would then fit into the street scene. He added that it is different in terms of a deferral issue from the earlier application as this application is for a dwelling and has been submitted in the location identified and that is what needs to be considered, adding that re siting the proposal is a different application. Councillor Lynn asked, by raising the property, would that not alleviate the flood risk concerns? David Rowen stated that the flood risk has two separate elements, firstly is the site sequentially acceptable and secondly can the site be made technically safe from flooding, which is why the floor level would need to be raised.
- Councillor Murphy expressed the opinion that the proposal is linear development, regardless of whether it is moved forward or backwards. He added that the land could have a number of dwellings on it and he would rather see the proposal on the site. David Rowen stated that the character of the stretch of the High Road is quite linear in its form and there is a defined building line. He added from a character point of view, there is not an issue with regard to the infill element and the concern is the front projection from a visual point of view where there are two storeys sticking out ten metres beyond the established building line, which is the real issue.
- Councillor Miscandlon stated that the Agent had intimated that a conversation could have taken place with officers concerning the siting of the property, but this conversation never took place and he asked why? David Rowen stated that there is an issue with regard to

Flood Zone 3 and the lack of a sequential test, but added that an application has been made in the form that it has been made, which is what the applicant wants and what the Agent thinks is an acceptable scheme.

- Councillor Mrs Mayor stated that if the Agent or Applicant had come forward for some pre application advice, then the issues and concerns could have been negated. David Rowen stated that if a pre application enquiry had been submitted than advice and guidance would have been provided to the Agent and they could have acted accordingly.

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

- Councillor Sutton stated that he does not have a problem with that section being infilled, but he has a problem with the proposal as it is way out of keeping in the area. He expressed the view that it is way out of character to approve in its current form and although a deferral would be the quickest process, he will support the officer's recommendation.
- Councillor Benney stated that mitigation measures are in place for the issues surrounding flooding. He added that with regard to the house sticking forward, he does not see any problem with it, it is a large plot and although it is a different design it could be said that it adds character to the area. Councillor Benney added officers should liaise with Agents to discuss applications, make suggestions, and provide advice and guidance.
- Councillor Lynn stated that that the Agent has advised that consideration could be given to moving the development slightly further back and for that reason he would like to see the application deferred, as opposed to refusing it, to give the Agent the opportunity to come back with a revised plan.
- Councillor Miscandlon stated that if the application is refused, then it will give the Agent the opportunity to review the design of the application and liaise with officers to alleviate any issues.
- David Rowen stated that with regard to the discussions members have had concerning refusal or deferral, in his opinion, it is a considerable change to the scheme and goes above and beyond what could be considered as a deferrable change. He added that the changes that members have alluded to, would in the opinion of officers, have to go through a public consultation exercise and, therefore, there would be a time delay. He added that should the application be refused; the applicant would not incur any additional fees and they also have the opportunity of appealing the decision.
- David Rowen stated that with regard to the communication issue which members have highlighted, the Council does offer a pre application advice service which agents can use and he highlighted that professional agents are also able to use their professional judgement with regard to what is and what is not acceptable with a scheme.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Mayor, and agreed that the application be REFUSED as per the officer's recommendation in relation to reason 1 only of the officer's report.

P77/20

F/YR20/1253/F

LAND WEST OF 22 SOUTH PARK STREET, CHATTERIS. ERECT 2 X 2-STOREY 4-BED DWELLINGS WITH 0.9 METRE HIGH (APPROX.) BRICK WALL/RAILINGS

David Rowen presented the report to members.

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

Mr Gowler stated that he has worked with the officers closely during the application to produce a sympathetic design for the two properties on the site.

He added that he would like to clarify the issue of parking, which he is aware is a concern of nearby residents, with the dwellings proposed being 4 bedroom and should require 3 parking spaces, however, as in the officer's report this is a town centre location and, therefore, parking standards can

be reduced as has been agreed with recent developments in nearby Victoria street.

Mr Gowler stated that the fourth bedroom has the flexibility to be used as a home office, which would allow the proposal to fall into the 2 car parking standard and with modern home working becoming the new normal this also in turn reduces the need for additional cars required. He expressed the view that the proposal meets policy and provides two well designed family homes close to the Town Centre of Chatteris.

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

- Councillor Murphy stated that he welcomes the proposal and expressed the view that it will fit into the street scene. He added that behind the houses in South Park Street there is another plot of land, which, in his opinion, will also be developed on in the future.
- Councillor Mrs Davis stated that she will support the application and she expressed the view that the design is excellent. She congratulated the Agent for working with the officers to bring forward the proposal.
- Councillor Sutton stated that he agrees that officers should be congratulated for working with the Agent for bringing the proposal forward and he will support the application.
- Councillor Miscandlon stated that he welcomes the application and congratulated the Agent and Architect for bringing an application forward which is pleasing to the eye and will enhance the area and he will fully support the application.

Proposed by Councillor Murphy, seconded by Councillor Miscandlon and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Connor and Mrs Davis declared an interest, by virtue of the fact that the Agent for this application is known to them as he is a Doddington Parish Councillor and Councillors Connor and Mrs Davis attend Doddington Parish Council in their positions as elected members of Fenland District Council)

(Councillor Cornwell left the meeting prior to the commencement of this item and took no part in this item)

**P78/20 F/YR20/1188/F
LAND NORTH-EAST OF EASTLEIGH, ELM LOW ROAD, WISBECH. ERECT 3 X 2-
STOREY 3-BED DWELLINGS**

Nicholas Thrower presented the report to members.

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

Mr Slater expressed the view that it is often the case that consideration of planning applications comes down to two fundamental elements, which are the principle of development and impact, for example, can I put a development in that location? and if so; would the impact be acceptable? He stated that with regard to principle, this case is not a matter of principle in terms of whether the development is in the right place, as the case officer acknowledges at paragraph 11.1 the site is within the built form of Wisbech and principle of development is acceptable and in addition, the site has an extant outline planning permission for 2 dwellings on it dating from 2018, which confirms the principle of development.

Mr Slater stated that with regard to impact, the officer's objection to this application is solely in respect to impact and specifically the front to front separation of the proposal from the adjacent homes and the impact of this relationship on residential amenity. He stated that Fenland does not have adopted design guidance and as such consideration falls against LP2 and LP16, with LP2 being largely a strategic policy in relation to residential amenity refers specifically to LP16 and

LP16 criterion (e) seeks to avoid unacceptable adverse impact.

Mr Slater expressed the view that it is contended that the proposal, albeit at the minimum acceptable distance, does not cause unacceptable significant adverse impacts on the residential amenity of the adjacent properties. He feels that existing permissions, given the size and position of the site, it is very difficult to envisage an alternative arrangement that could come forward under reserved matters that would not encounter the same issues, however, in granting the outline permission the Local Planning Authority must have been satisfied that an acceptable solution to design and amenity issues exists.

Mr Slater expressed the opinion that consideration of the townscape/ street scene along Elm Low Road will show that the form of frontage development similar to that proposed, just set back from the highway edge is indeed characteristic of this street and Policy LP16 criterion (d) requires that development responds to local distinctiveness. He added that there appears to be a disagreement on a single issue of the proposal; the acceptability of the impact of the proposal in relation to the offset distance from the terrace of 3 properties opposite, which it is noted are built to the back of the highway edge, and whilst the proposal is set back further from the highway than the houses opposite, he would hope that members accept that this is just set back from the highway edge form of development is characteristic of this street and that the level of impact will be within acceptable bounds.

Members asked Mr Slater the following questions:

- Councillor Cornwell asked Mr Slater to clarify his statement where he mentioned that his proposed layout is not any closer to the road than the other properties around Elm Low Road as he presumes Mr Slater meant Elm Low Road on the eastern side, because there is a tradition that in order to maximise the plots that were adjacent to the canal, they had to build near the road, whereas on the western side there was more space and most of the properties are set back from the road. He stated that on the plan the frontages on the proposal are considerably nearer the road than Eastleigh to the south and number 310 to the north. Mr Slater stated that he was specifically referring to the three properties opposite in relation to the distances from the road and the characteristics of Elm Low Road is tight to the highway, with the point he was making that the area does not have significant front gardens or significant setbacks. Councillor Cornwell stated that properties on the eastern side of the road are tighter, but on the western side there are normally much more frontages, and it does have an impact. He added that those properties on the eastern side are also parking on the footpath which reduces the available gap.

Members asked officers the following questions:

- Councillor Marks asked officers to clarify the parking arrangements for the proposal? Nicholas Thrower stated that there is no adopted formal car parking space standards with regards to sizes for parking spaces and he pointed out that the photographs show the sizing of 2.4metres by 4.8metres, which is a fairly established minimum size in terms of what may be considered acceptable. Councillor Marks stated that the allocated space given would appear only to be for small cars and given the fact that the proposal is for three dwellings, which may have large cars, would they struggle to open the car doors? Nicholas Thrower expressed the view that it could be an issue as the spaces would be constrained for larger vehicles and he would expect to see the larger vehicles parked on the road.
- Councillor Meekins referred to the aerial photograph and asked for clarification with regard to what DEF refers to? Nicholas Thrower stated he was unsure what that abbreviation meant. Councillor Meekins stated that one of the reasons for refusal was that the proposal detracts from its surroundings and he asked for further explanation on this point. Nicholas Thrower stated that Elm Low Road is narrow, and development is in very close proximity to the highway, especially on the eastern side. He added that there is a changing relationship in those developments on the eastern and western side and where development is in close proximity on the east, it is set back more than on the west and the properties do not directly

overlook each other, whereas the proposal would have two developments both with two storeys and three properties which are terraces in close proximity to the highway and in conflict with each other, which creates a cramped feeling within the street scene.

- Councillor Sutton stated that during the Agent's presentation, it was pointed out that there is extant permission on the adjacent building, and he asked for some confirmation on the differences between the extant permission and the proposal before members? Nicholas Thrower stated that there is permission for two dwellings on the proposal site and two dwellings on the land to the north of the application site.
- Councillor Connor clarified that there is permission for two dwellings on the application site and two dwellings on the site to the north.
- Councillor Purser stated that if the proposal is at the end of the road, there will not be passing traffic and he expressed the view that the scheme is for an updated version of the older style terraced cottages, which are on the opposite side. He stated that officers have stated that the dwellings will be too cramped, however, if the number of dwellings were reduced on the site, would it make a difference. Nicholas Thrower stated that the proposal is at the end of the road and that is why the comments that have been received from the Highway Authority do not form part of a formal reason for refusal and made the point that if the road was busier and included an entry and exit access then it may have resulted in the Highway Authority imposing an objection. He added that with regard to design, the visual appearance of the dwellings in the area at a bare minimum have a step frontage and are set at an angle to the road frontage, which provides visual interest and variety to the street scene. Nicholas Thrower stated that he appreciates the point that Councillor Purser made with regard to the proposal being a modernised version of a terraced cottage, however, with the lack of any architectural detail, the result is just a one block building with no chimneys, or a Dorma window arrangement to break up a plain building. He added that due to the space on site, there is the scope for more visual interest on site, by reducing the number of dwellings, which gives the dwellings more space and more space in the street scene.
- Councillor Cornwell stated that DEF means a defaced boundary.
- Councillor Marks asked, looking at the site plan, will the dwellings have a rear access to the car park? Nicholas Thrower stated that property number 2 will have a rear access to their garden, but property number 1 will access the car park by the south side of the building. Councillor Marks stated so it is likely that if the occupiers of number 1 needed to they would have to park on the road.

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

- Councillor Lynn stated that it has been mentioned that the three properties are close to the road and the road is very small. He added that the turning point is at the end of the road and unless you live down there 90% of the traffic that goes down there is going to need to turn around, with the road becoming very congested and there can be very little space to pass. Councillor Lynn expressed the view that access for refuse freighters and emergency vehicles would be very difficult. He stated that the plot of land already has permission for two houses and if another two dwellings were sited on the plot and moved further back in his opinion, it would be adequate, however, he feels that the proposal for three dwellings is excessive.
- Councillor Mrs Davis expressed the opinion that the proposal is shoe horned and it is trying to get too many properties on the plot. She added that if there were two properties on the site, they could be positioned to provide better amenities. She added that she is concerned with overlooking and whilst she appreciates that this type of property is needed, she cannot support the proposal.
- Councillor Miscandlon stated that he agrees with the comments made by members, making the point that the size of cars has increased significantly over the years and car parking standards are out of date due to the size of modern vehicles. He added that he agrees with Councillor Mrs Davis that three dwellings are too many and two would be adequate and would provide better amenity space.
- Councillor Marks stated that he also agrees with other members. He added that parking will

take place on the road and he will not support the application.

Proposed by Councillor Mrs Davis, seconded by Councillor Cornwell and agreed that the application be REFUSED as per the officer's recommendation.

4.27 pm

Chairman

F/YR20/0585/F

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Erect a 2-storey 4-bed dwelling involving demolition of store building

F/YR20/0586/LB

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Demolition of a curtilage listed store building

Officer recommendation: Refusal of both applications

Reason for Committee: Number of representations contrary to Officer recommendation, refer to Appendix A

1. EXECUTIVE SUMMARY

- 1.1 These applications have previously been referred to the Planning Committee for determination on 16 December 2020 where it was agreed that the determination of the applications be deferred, to give members the opportunity to carry out a site visit. The original committee report is provided at Appendix A below for reference and should be read in conjunction with this report.
- 1.2 Since this time, additional information has been submitted to accompany the applications, namely a Supporting Statement, Viability Assessment and email from East of England Preservation Trust advising that they would not be interested in taking the building on as a trust project
- 1.3 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged and, with due regard to the law, the applications should be refused.
- 1.4 Given this clear conflict with the above policies it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.5 Consequently, the recommendation is to refuse the application.

2. UPDATE

2.1 These applications have previously been referred to the Planning Committee for determination on 16 December 2020 where it was agreed that the determination of the applications be deferred, to give members the opportunity to carry out a site visit. The original committee report is provided at Appendix A below for reference and should be read in conjunction with this report.

2.2 Since this time, additional information has been submitted to accompany the applications, namely a Supporting Statement, Viability Assessment and email from East of England Preservation Trust advising that they would not be interested in taking the building on as a trust project; further consultations have been undertaken as a result and comments received are as follows:

3. CONSULTATIONS

3.1 Town Council

Noted

3.2 Environmental Health (FDC) (17/12/2020)

We have no further comments to make following our last consultation of 29th October 2020.

This service maintains its stance on the need for the full suite of contaminated land conditions to be applied in the event permission is granted owing to previous use of the application site. As advised, this will need to be followed through with a phased approach in that an initial ground assessment will be required after the proposed demolition works have been completed to ensure any potential for contamination including the demolition process itself, is investigated and managed to a robust standard before the next stage of development.

3.3 Environmental Health (FDC) (23/3/2021)

This response has considered the documentation following the re-consultation

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

Documents considered are: -

Environmental Health response dated 17 December 2020

Re-consultation sheet

Supporting Statement – Eddisons dated 12 February 2021

Viability Statement – Eddisons dated February 2021

Having considered the above documents the issues which have prompted the consultation centre on the viability of the proposal.

Consequently, the recommendations in our latest response on 17 December 2020 still stand.

3.4 Historic England

Thank you for your letter of 16 March 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

3.5 Senior Planning Obligations Officer (FDC)

Extracts of the comments are provided below, full details are available to view via Public Access on the Council's website:

The appraisal has been submitted to test the viability of retaining the existing structure as a 1- or 2-bedroom dwelling and also reviews whether the demolition of the existing dwelling and the construction of a replacement dwelling is viable.

I am satisfied that the viability submission has demonstrated that it is not economically viable to refurbish the existing scheme to a 1 or 2-bedroom dwelling, however it is viable to demolish the existing structure and replace with a 4-bed dwelling.

Further information was requested by the case officer as the appraisal submitted considers this a standalone development and does not account for the wider development in which it is situated, the follow comment was received:

Unfortunately, unless a viability appraisal is submitted that considers the wider development, I'm unable to comment further.

3.6 Conservation Officer (FDC) (31/3/2021)

These comments are in relation to a third re-consultation on the above application due to the submission of a viability assessment and supporting statement in relation to the demolition of the coach house. My previous comments on the principle of the application still stand. These comments are in relation to the documents now submitted.

Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal put forward is not acceptable. The following comments are made and for ease of reference are made in the same order as set out in the supporting statement:

Listed Status of the Coach House. The applicants now acknowledge the fact that the Coach House equally covered by the designation afforded to No. 22 London Road, and is therefore equally protected by relevant legislation and policy. It seems unnecessary to point out that if No. 22 was not a listed building, neither would the coach house be. This seems to perpetuate a misunderstanding of the significance of the designation as a whole. The coach house is protected, not simply because of its own historic or architectural merit, but more importantly

because of what it adds to the architectural and historic interest of the principal listed building. The loss of the coach house, especially when considered in addition to the redevelopment of the site as a whole, will have a significant negative impact on the special interest of the principal dwelling, as it would result in its isolation whereas it now stands in partnership with the coach house. The partnership serves to illustrate the significance of each in relation to the other and indicates the status of the residence as a whole. The loss of the coach house will also detrimentally affect the character and appearance of the conservation area, due to that loss of relationship between the two buildings, and how this site tells part of the story of the conservation area. It is in these terms that the designation is given due regard and the application is considered.

Statutory Duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. The statutory duties are quoted above. This officer report will illustrate that the statement fails to meet the requirements set out in paragraph 195 of the NPPF, which relates to substantial harm (total loss) and Paragraph 196 of the NPPF relates to less than substantial harm (to the principal listed building and the conservation area) and the need for that to be weighed against public benefit. Therefore, any special regard given to the desirability of preserving a heritage asset, should bear in mind this failure to comply with National Planning Policy Framework. A judicial review can arise where a decision is challenged on such grounds as error of law or misinterpretation of policy. The policy in this case is clear.

The demolition of the rear third of No.22 is supported as it is not felt to have equal significance to the coach house when considered in the context of the whole site and the less than substantial harm occasioned by its loss would be outweighed by the public benefit of securing the optimum viable use of the principal dwelling by reusing the salvaged material to restore elements of the principal dwelling (notably replacing the modern shopfront window) as well as providing a comfortable garden space to accompany a good sized family home, as would have been enjoyed by the residents historically. Furthermore, both elements were considered to introduce or reinstate architectural or historic features that would preserve the special interest of the principal dwelling overall.

The total demolition of the coach house resulting in substantial harm to the coach house itself and less than substantial harm to both the principal dwelling and the conservation area, with no public benefit to outweigh that harm does not equate with the partial demolition of a rear extension, where it was considered the harm was limited and outweighed by public benefit. This does illustrate that each case is considered on its own merits within the framework of the NPPF and with regard to the law. The one does not set a precedent for the other.

*Compliance with Planning Policy. The statement submitted makes specific reference to paragraph 195 of the National Planning Policy Framework. This policy states that: "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or **all** of the following apply:*

- a) The nature of the heritage asset prevents all reasonable uses of the site; and*
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

d) *The harm or loss is outweighed by the benefit of bringing the site back into use.*

The statement concedes that there is no public benefit to the total loss of the coach house. Part one of paragraph 195 is not met and it falls to parts a-d of paragraph 195 to be met. However, it must also be noted that under paragraph 196 of the NPPF that where a development will lead to less than substantial harm (total loss of curtilage building on the significance of a principal listed building, or on character and appearance of the conservation area), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The optimum viable use of the wider site has already been secured and the retention of the coach house will not prevent this from occurring. It has been acknowledged that there are no public benefits to the demolition of the coach house and therefore the level of harm under paragraph 196 remains.

The applicant's statement therefore rests on parts a-d of paragraph 195 of the NPPF.

a) *The nature of the heritage asset prevents all reasonable uses of the site*

The statement continues to misunderstand the process of listing, or the special and architectural interest of the site. It is not considered necessary for the council or other interested parties to request consideration for the listing of the coach house in its own right. It is afforded sufficient protection by the current designation and its contribution to the special architectural and historic interest of the principal dwelling remains a primary factor. Similarly, the applicants have not taken the opportunity to request a listing review by Historic England, which would confirm whether the coach house forms part of the curtilage or contributes to the significance of the principal dwelling. Therefore, the application will continue to be assessed in terms of its impact on a designated heritage asset.

The statement also misunderstands the position of Historic England. They have not commented on this application because it falls outside of their remit for comment. It would be incorrect to interpret this as a lack of objection.

However, neither of these points correctly respond to criteria a) of paragraph 195.

The statement refers to a presentation to the March Planning Committee which will 'demonstrate that the building's nature (design and condition) prevents its ongoing use for an alternative purpose', yet this presentation has not been submitted or clarified as part of this re-consultation and so statutory consultees have not been given the opportunity to consider or comment on this presentation. Documents previously submitted (and I understand will be resubmitted as part of this presentation) have been addressed under earlier comments, with flaws noted, or issues discounted as appropriate.

The statement has chosen to define 'nature' as 'design and condition'. There is no clear definition of this under the NPPF. The nature of the asset (general characteristics: building type, size, location, arrangement of openings) of this heritage asset is compatible with conversion or adaptive reuse (allowing for some internal alteration), with a reasonable presumption for reuse over demolition. The nature of the asset is not one of a limited floor space, in an isolated location with limited or no access. It is important to retain the relationship with the principal listed building and its scale, form and presence within the street scene. None of these factors prevent its reuse, and some limited internal alterations will allow the fundamentals of its interest and heritage contribution to be retained.

Indeed, pre-application advice under 18/0121/PREAPP concluded that the principle of residential conversion for the coach house was supported, and that a one, or two bed dwelling would be achievable. Furthermore, it was considered feasible by the applicant to convert to a 3 bedroomed two storey dwelling under F/YR19/0706/LB. This therefore illustrates that the nature, or design of the site, has been considered as not preventing adaptive reuse.

The statement submitted has also chosen to include 'condition' as part of the definition of the nature of the site. Paragraph 191 of the NPPF states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Given the lack of maintenance or urgent works undertaken by the owner since it has been in their ownership any deterioration in condition cannot be taken into consideration. Its condition is a consequence of maintenance or lack thereof. It is not a factor of the nature of the site. Furthermore, the applicant's considered building worthy of and able for conversion under F/YR19/0706/LB. Therefore, if any further deterioration in the structural integrity of the building since that time has in fact rendered it incapable of conversion, it is wholly the responsibility of the applicant and paragraph 191 becomes relevant.

The statement seeks to question the level of survival of original fabric or form and questions whether on this basis it is worthy of retention. This point is not relevant, nor is it for the applicants, the Council to determine, but rather for Historic England. No application on this basis, has been made to them. This issue extent of 'original fabric' in the building has been addressed previously, by statutory consultees. The level of original fabric is not the sole measure of significance and interest in a building. In this case, the significance lies in large part in how the coach house contributes to the significance of the principal dwelling and the presence it has in the street scene. Furthermore, this point does not correctly respond to criteria a) of paragraph 195.

The statement refers to the structural survey previously submitted. This has been addressed under comments dated 23rd October 2020, but in summary the firm of engineers is not on the Conservation Accreditation Register of Engineers. The report therefore does not consider a conservation led approach to the repair of this building which are often less invasive and therefore less damaging to fabric and significance. Such an approach could lead to a successful conservation led conversion. Furthermore, should some extent of rebuilding be required in order to conserve the building within its current scale, any perceived harm would be outweighed by the benefit of retaining the building and bringing it back into its optimum viable use. Nevertheless, under paragraph 191 condition cannot be taken into account in any decision and therefore this point does not meet criteria a) of paragraph 195.

Furthermore, the statement only addresses the possibility of residential conversion. It does not consider 'all reasonable uses.' These could include communal storage or meeting space for residents of the site. These uses would likely require less in the way of structural intervention or conversion yet have not been considered. Therefore, it can be put to any reasonable use if repaired and its overall scale and characteristics are preserved. Historic buildings continue to evolve, change, be repaired, altered and extended. The current design of the coach house does not prevent its ongoing use for an alternative purpose, nor does its presence prevent the reuse of the wider site.

The conclusion therefore is that criteria a) of paragraph 195 has not been met.

b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

Despite the statement's assertion that the building has not been neglected, no urgent or short-term maintenance such as sheeting over any holes in the roof, fixing rainwater goods or drainage, or installing props (if necessary) have been undertaken. A planning application that sought to convert the building does not equate to maintenance. Therefore paragraph 191 of the NPPF must again be considered. The condition of the building does not address criteria b) of paragraph 195.

A viability assessment for a long-term use (residential conversion) has been submitted. The executive summary concludes that there is a conservation deficit of £47,500. What the viability assessment fails to do, is place the conservation and conversion of the coach house in the context of the wider development of the site. Such deficit could be absorbed by the development of the wider site. Furthermore, the viability assessment has only considered the option of full residential conversion, not an alternative use, such as communal facility or store, for the wider development.

It is important to note that National Planning Policy Guidance states that it is important that any use is viable, not just for the owner, but also for the future conservation of the asset. If there is only one viable use, that is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original one. This guidance makes it clear that a conversion harmful to the significance of the designated assets is not the optimum viable use (when there are less harmful options to consider) and that economic viability is not an over-riding factor.

Finally, no marketing has been undertaken to test the market for re-sale or rental. It would be transparent to offer the wider development site for marketing, not just the coach house as a stand-alone site, as this would 'enable' its conservation.

The conclusion therefore is that criteria b) of paragraph 195 has not been met.

c) Conservation by grant-funding or some form or not for profit, charitable or public ownership is demonstrably not possible

One approach to one Building Preservation Trust has been made. A conversation with a member of the Trust has confirmed that the approach was made in relation to the coach house only and the red line indicated by the current application, and that a response may have been different had the wider site (including the yard and the principal dwelling) formed part of the offer. Certainly, no information has been submitted to indicate the basis on which the approach to the Building Preservation Trust was made. The economic viability of the conversion of the coach house is tied up with the wider site. Assessing it as a standalone building only serves to misconstrue the context, withhold relevant information, and divorce it from its setting.

Furthermore, a minimal reference to the National Lottery Heritage Fund, does not meet the criteria that funding or public ownership is 'demonstrably not possible'. No evidence has been put forward of a project enquiry being submitted to the National Lottery Heritage Fund, for a project that could build in skills (a conservation apprenticeship for example), or result in an improvement for Chatteris by the retention of the coach house. Other grants programmes are available under the NLHF and no wider assessment of grant giving bodies such

as Historic England, Architectural Heritage Fund, or other funders (there are many) has been considered.

The conclusion therefore is that criteria c) of paragraph 195 has not been met.

d) The harm or loss is outweighed by the benefit of bringing the site back into use.

The total loss of the coach house has been defined as substantial harm to the coach house, and less than substantial harm to the significance of the principal dwelling by negatively impacting on its setting, and the character and appearance of the conservation area. Great harm can arise to conservation areas from incremental and piecemeal erosion of character, especially where precedents for demolition have been set. Under paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. It has been conceded on page 2 of the statement, that there is “clearly no substantial public benefit to be gained from a private family dwelling”. There are therefore no benefits to the demolition of the coach house and therefore nothing to outweigh the harm caused by the proposal, and the application fails to meet part d) of paragraph 195.

The presence of the coach house does not prevent the wider site from being brought back into use and it has been illustrated above that its nature does not prevent the asset itself being brought back into some form of use. Therefore, the harm and loss occasioned by its demolition, cannot be outweighed by these benefits, since these benefits would arise regardless and are not prevented by the presence of the asset.

It is not considered that a new development would enhance the conservation area when such harm results in the loss of an historic building with an additional detrimental impact on the significance and setting of the principal listed dwelling. The character and appearance of the conservation area, would however, be preserved by the retention of the coach house and enhanced by the example of a successfully conserved and reused heritage asset.

Section 4.5 of the local plan, as quoted by the statement, notes the importance of attracting skills by respecting the town’s historic character. Demolition of this coach house would achieve the opposite, whereas its retention would call for conservation skills required for a sensitive conversion of the coach house and would respect the town’s historic character. There is therefore a benefit to retaining, stabilising and conserving the coach house. This would result in greater benefits to the town and conservation area, by illustrating the importance of and ability to create new uses for old buildings.

The conclusion therefore is that criteria d) of paragraph 195 has not been met.

It is therefore considered that this application has failed to meet the tests in the NPPF as set out in paragraph 195; nor does not meet the criteria set out in paragraph 196 as it has been conceded that there is no public benefit to the proposal. The application therefore does not comply with policy and, with due regard to the law the application should be refused. Neither therefore does the application does not therefore comply with LP18 c). Furthermore, the following paragraphs must be taken into account:

Paragraph 191 of the NPPF has been referred to above. Where there is evidence of deliberate neglect of a heritage asset, the deteriorated state of the

heritage asset should not be taken into account in any decision. The owner acquired the site in a poor condition but at that time it was considered by the applicant as viable for a 3-bed 2 storey conversion. If the condition has deteriorated to such a level now that conversion is no longer possible (as purported by the applicant), this has happened under the current ownership, during which time no maintenance, sheeting or propping has been undertaken. Approval of this application on the basis of condition would therefore be contrary to this policy.

Paragraph 192 of the NPPF states that 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

The retention of the coach house and it being put to a viable use consistent with its conservation would both sustain and enhance the significance of all three heritage assets. The retention of the coach house would make a sustainable, positive contribution to the community and the proposed development would result in the loss of an asset that itself makes a positive contribution to local character and distinctiveness. Approval of this application would therefore be contrary to this policy.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. No such justification has been forthcoming.

Paragraphs 195 and 196 have been addressed in detail above. None of the tests of paragraph 195 have been met (where the requirement is that ALL tests should be met) and there is no public benefit to the proposal. The application therefore should not be approved on those grounds

3.7 Conservation Officer (FDC) (6/4/2021)

I note a neighbour objection to the application concerning the former coach house on London Road, Chatteris F/YR20/0585/F and 0586/LB, has been received by the council after my comments were submitted to you. The objection contains a formal and public offer to purchase and use the building. This is now further indication that para 195 part b) has not been met and the owner/agent ought to formally investigate this offer. I presume this information will be made available to them.

You may also be interested to be aware of the recent 'Heritage Counts' publication (please see link).

<https://historicengland.org/research/heritage-counts/2020-know-your-carbon/reducing-carbon-emissions-in-traditional-homes/>

The research and science behind it is extensive, but confirms the understanding that demolishing an historic building and replacing with a new build, is

responsible for, and requires much higher levels of carbon emissions than conserving, re-using retrofitting historic buildings to improve their energy efficiency.

In essence, all buildings contain ‘embodied carbon energy’ – that is the energy and carbon they hold and represent as a result of their construction. When a building is demolished, it releases/creates carbon (the act of demolition and the loss of materials) and further and much higher levels of carbon energy are then required to replace with a new build – from sourcing the raw materials, forming and transporting them, before then constructing a building. And this doesn’t yet take into account the carbon energy (including that used by any inhabitants) life of the new build , which can sometimes be relatively short lived.

These are significant factors in our understanding of ‘sustainable development’ as termed by the NPPF.

3.8 The Council for British Archaeology

Thank you for re-consulting the Council for British Archaeology (CBA) on the above case.

Supplementary information has been submitted in support of this application since our previous comments (letters dated 28/7/20 and 3/11/20). We have read through the additional information; however, it does not alter our previously stated position. The CBA continue to object to the demolition of the former coach house at 22 London Road.

The CBA are in total agreement and fully support all of the comments made by your Conservation Officer, Claire Fidler, in regard to this application.

In response to the submitted viability appraisal, the CBA question why the former coach house was considered in isolation, rather than within the context of the blue line boundary that defines the land within the applicants’ ownership. We note that there is considerable redevelopment taking place within this blue line boundary, albeit within separate planning applications. The viability of conserving and reusing the listed buildings on site should be viewed as a component of the wider redevelopment of the site.

Adequate grounds to support the total demolition of listed buildings, which equates to substantial harm in the terminology of the NPPF, are set as a high bar. This application does not in any way meet the tests set out in section 16 of the NPPF to justify such substantial harm.

We note the practical ways forward advised by Claire Fidler and echo her recommendations that building surveyors and contractors with suitable accreditation and/or experience with historic buildings should be asked to assess the appropriate repair of the former coach house. We also believe paragraph 191 of the NPPF to be pertinent to this application, which states that “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”

I trust these comments are useful to you; please keep the CBA informed of any developments with this case.

3.9 Ancient Monuments Society

Thank you for reconsulting us on this application. We have reviewed the additional documents available on your website, and the Ancient Monuments

Society continues to object to the application. I refer you to our previous submissions for our additional reasons for objection.

With regards to the additional information submitted, the Viability Assessment (dated February 2021) does not, in our view, provide the justification needed for the loss of this curtilage listed building. The original application to develop the site as a whole included the coach house, the listed building at No. 22, and construction of 6 new dwellings within the former builder's yard. The coach house has since been separated from the original site. There is extensive caselaw on the need to consider the impacts of a 'project' as a whole, not as individual components. The Viability Assessment does not consider the benefit to the developer of the overall 'project' and the 6 new houses already approved to the rear of this site, as well as the restoration of the original house.

Further, the Viability Assessment has failed to consider other potentially viable uses for the former coach house, such as garages or storage for the other 7 dwellings permitted on the site.

We therefore remind your Authority that in determining applications for planning permission that affect a heritage asset, the NPPF requires, that local planning authorities take into account the desirability of sustaining and enhancing the significance of such heritage assets, and of putting them to viable uses consistent with their conservation, and the consideration of the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality (NPPF paragraphs 185 and 192). These NPPF requirements mean that the conservation of a building listed as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application (NPPF, paragraphs 8 and 184).

I would be grateful if the AMS could be informed of the outcome when this becomes available.

3.10 Chatteris Past and Present Civic Society

Thank you for notifying the Civic Society that this planning application has been updated.

We continue to OBJECT to both applications for the reasons in our previous response, and for the reasons outlined by the conservation officer in her latest report.

Notably, I am concerned that:

- there is insufficient evidence that the owners have tried to market the coach house for the purposes of conservation, or followed up on the genuine offer that appears to have been made by a local resident.*
- there is insufficient detail of the exact terms offered to the building preservation trust, and only one such trust has been approached*
- the reactions of the economic assessment make it hard for us to comment further, but we agree with the conservation officer that this must be considered in the context of the wider development.*

Additionally, I am concerned that the heritage consultant may have inadvertently misled the committee about the significance of the coach house in the previous meeting. The minutes say: "Mr Donoyou added that the reason the ceilings are barrel vaulted is because they have a zinc ventilation shaft at the top and historically the building could have been used for poultry rearing or other animal

stock." *Our society's initial submission includes evidence that the coach house was marketed as a coach house in both the late 19th Century and the 1940s.*

We are concerned that there remains an insistence that the coach house is not an important part of the listing. Historic England provide a process for owners to ask for the listing to be reviewed. This would allow Historic England to formally assess whether the coach house warrants exclusion from the listing, as the applicant claims. This is a relatively cheap process. It could have been concluded long before now. It would remove the pressure on councillors to make a potentially illegal decision. The applicant has not done this; presumably because they know that the building is historically significant and would not be de-listed.

3.11 SAVE Britain's Heritage

Thank you for reconsulting SAVE Britain's Heritage on the above planning and listed building applications. Following assessment of documentation submitted by the applicant in February and March 2021, we wish to reiterate our previous objection to the applications for the complete demolition of the listed former coach house at No 22 London Road, and support the detailed assessment and recommendation of the council's Conservation Officer that these applications be refused.

We consider the justifications for demolishing a listed building put forward by the applicant do not satisfy tests required under national planning policy for the preservation of Chatteris' historic environment and offer the following additional observations on the applicant's amended documentation.

Listed status and value

The listed status of the coach house is not a matter for debate. Contrary to the assertions repeated by the applicant in their supporting statement, neither the circumstances of its listing (i.e. by virtue of it being within the curtilage of 22 London Road) nor its condition have any bearing on its listed status or value when assessed under statutory national planning policy.

The applicant's supporting statement repeats a misleading point made in previous application documents that Historic England's (HE) decision not to comment on the applications in some way diminishes the importance of the coach house. On the contrary, HE's decision not to comment (as stated in their consultation response dated 19th March 2021) is in fact a vote of confidence in the expert advice and recommendation of the council's appointed heritage adviser, which in this case, is to refuse planning and listed building consent.

Condition

The condition of the coach house is not a material consideration in determining this application in accordance with paragraph 191 of the National Planning Policy Framework (NPPF) 2019, which states:

"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

As previously noted, we are concerned by the deterioration in the coach house's condition under the applicant's stewardship, and the lack of maintenance noted by the Conservation Officer in their report to mitigate this. We do not consider the submission of a planning application to be a substitute for proper upkeep and maintenance.

Outweighing substantial harm

We agree with the applicant's position that the substantial harm incurred through total loss of a listed building must be assessed against the conditions of paragraph 195 of the NPPF, 2019. The applicant has also conceded that there is "clearly no substantial public benefit to be gained from a private family dwelling" to outweigh the harm of total loss, so the application must therefore satisfy all four tests (a-d) of paragraph 195.

As previously stated, we consider these applications, including the latest documentation, do not demonstrate that the building cannot be retained and enhanced in a way that is appropriate to its significance. The applicant's previous applications to retain and convert the building clearly indicate their ability and willingness to reuse the building. If the building's condition has since deteriorated to a degree whereby they are now unable to convert it, then questions arise about why the building has been allowed to deteriorate to such a degree.

We also have concerns over why the applicant's viability assessment addresses only the viability of converting the coach house in isolation from 22 London Road and the wider site adjoining the coach house which benefits from an extant planning permission for six new dwellings and conversion of 22 London Road, which has previously been presented as a heritage benefit to outweigh the loss of the coach house.

We consider the conservation deficit identified would be more than overcome through the proceeds from the remaining site development, and retention is therefore not proven to be demonstrably unfeasible.

Principal of demolition

Furthermore, the Local Planning Authority has a duty under Sections 16, 66 and 72 of the Planning Act (Listed Buildings and Conservation Areas) 1990 to preserve and enhance the significance of this listed building and the Chatteris Conservation Area. Piecemeal demolition such as that proposed under these applications will further erode the overall value of the conservation area and risks setting a dangerous precedent that the demolition of listed buildings within it is acceptable.

Conclusion

For these reasons we continue to object to these applications, and should they go to Planning Committee, we would advise Members to heed the advice of the council's officers recommending they refuse planning and listing building consent.

I ask that you keep me informed of any further developments regarding these applications.

3.12 Local Residents/Interested Parties

Two additional objection has been received (from London Road and Juniper Drive, Chatteris) in relation to the following:

- Government policy seeks to increase protection of heritage assets
- The applicant misunderstands the status of the listed building and has not considered the buildings setting
- The condition of the building has deteriorated since the site was purchased by the applicant
- No other use or alternative for the building have been considered
- The author proposes an alternative use of the site as an arts centre, would be willing to discuss price with the current owners, makes a formal offer and

considers that the developer would be better off accepting this than redeveloping

- The Viability Assessment just relates to the application building not the remainder of the development
- Should not be assumed that residential is the only use
- - no attempt to provide an acceptable planning proposal

3.11 Since comments have been received the Viability Assessment has been unredacted and a Historic Building Analysis has been submitted, these will be consulted upon and any additional comments provided by way of an update to Committee.

4. ASSESSMENT AND CONCLUSIONS

4.1 The supporting statement submitted by the applicant makes specific reference to paragraph 195 of the National Planning Policy Framework. This policy states:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and*
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

4.2 The supporting statement concedes that that there is no public benefit to the total loss of the coach house. Part one of paragraph 195 is not met and it falls to parts a-d of paragraph 195 to be met.

a) The nature of the heritage asset prevents all reasonable uses of the site

4.3 It is considered that none of the factors raised (condition and design) within the additional supporting statement prevent its reuse; some limited internal alterations will allow the fundamentals of its interest and heritage contribution to be retained.

4.4 Furthermore, this statement only addresses the possibility of residential conversion. It does not consider 'all reasonable uses'.

4.5 These could include communal storage for residents of the site. Alternative uses would likely require less in the way of structural intervention or conversion yet have not been considered.

4.6 Therefore, it can be put to a reasonable use if repaired and its overall scale and characteristics are preserved. The current design of the coach house does not prevent its ongoing use for an alternative purpose, nor does its presence prevent the reuse of the wider site.

4.7 The conclusion therefore is that criteria a) of paragraph 195 has not been met.

b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

- 4.8 The applicant has now submitted a Viability Assessment, which the Council's Senior Planning Obligations Officer is satisfied demonstrates that the conversion to a 1 or 2 bed dwelling is not economically viable as a stand-alone project.
- 4.9 However, this report neglects to include the wider development of 22 London Road and 6 additional new dwellings to the north and west of the site which are also in the applicant's ownership, hence it has not been proven that the overall development, including the reuse of this building would not be economically viable.
- 4.10 Furthermore, the viability assessment has only considered the option of full residential conversion, not an alternative use, such as communal facility or store, for the wider development. Guidance is clear that viability in the context of this section of paragraph 195 does not just mean financial.
- 4.11 Finally, no marketing has been undertaken to test the market for re-sale or rental. It would be transparent to offer the wider development site for marketing, not just the coach house as a stand-alone site, as this would 'enable' its conservation.
- 4.12 The conclusion therefore is that criteria b) of paragraph 195 has not been met.

c) Conservation by grant-funding or some form or not for profit, charitable or public ownership is demonstrably not possible

- 4.13 Evidence of one approach to one Building Preservation Trust being made has been submitted.
- 4.14 A conversation with a member of the Trust has confirmed that the approach was made in relation to the coach house only, and that a response may have been different had the wider site (including the yard and the principal dwelling) formed part of the offer.
- 4.15 No information has been submitted to indicate the basis on which the approach to the Building Preservation Trust was made. The economic viability of the conversion of the coach house is tied up with the wider site. Assessing it as a standalone building only serves to misconstrue the context, withhold relevant information, and divorce it from its setting.
- 4.16 Furthermore, a minimal reference to the National Lottery Heritage Fund (NLHF), does not meet the criteria that funding or public ownership is 'demonstrably not possible'.
- 4.17 No evidence has been put forward of a project enquiry being submitted to the National Lottery Heritage Fund, for a project that could build in skills (a conservation apprenticeship for example), or result in an improvement for Chatteris by the retention of the coach house.
- 4.18 Other grants are available under the NLHF and no wider assessment of grant giving bodies such as Historic England, Architectural Heritage Fund, or other funders (there are many) has been considered.
- 4.19 The conclusion therefore is that criteria c) of paragraph 195 has not been met.

d) The harm or loss is outweighed by the benefit of bringing the site back into use.

- 4.20 The total loss of the coach house has been defined as substantial harm to this heritage asset.
- 4.21 It has been conceded on page 2 of the statement, that there is “clearly no substantial public benefit to be gained from a private family dwelling”. There are therefore no benefits to the demolition of the coach house and therefore nothing to outweigh the harm caused by the proposal, and the application fails to meet part d) of paragraph 195.
- 4.22 The presence of the coach house does not prevent the wider site from being brought back into use and it has been illustrated above that its nature does not prevent the asset itself being brought back into some form of use.
- 4.23 Therefore, the harm and loss occasioned by its demolition, cannot be outweighed by these benefits, since these benefits would arise regardless and are not prevented by the presence of the asset.
- 4.24 Section 4.5 of the local plan, as quoted by the statement, notes the importance of attracting skills by respecting the town’s historic character. Demolition of this coach house would achieve the opposite, whereas its retention would call for conservation skills required for a sensitive conversion of the coach house and would respect the town’s historic character.
- 4.25 There is therefore a benefit to retaining, stabilising and conserving the coach house. This would result in greater benefits to the town and conservation area, by illustrating the importance of and ability to create new uses for old buildings.
- 4.26 The conclusion therefore is that criteria d) of paragraph 195 has not been met.
- 4.27 The additional information submitted does not alter or overcome the previously asserted failure to comply with the relevant policies and as such the conclusions and recommendations in Appendix A remain unchanged and, with due regard to the law, the applications should be refused.
- 4.28 Given this clear conflict with the above policies it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. RECOMMENDATION

Refuse for the following reasons:

Reasons for refusal;

F/YR20/0585/F

1	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p>
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	<p>The submitted documentation fails to understand the special historic and architectural interest of the site and as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
2	<p>Policies LP2, LP15, LP16 (d & e) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and B2 of the National Design Guide 2019 and para 127 of the NPPF 2019 seek to ensure that proposals protect and enhance heritage assets, create high quality environments and make a positive contribution to the local distinctiveness and character of the area, do not adversely affect residential amenity and provide sufficient on-site parking.</p> <p>The site is located in a prominent and sensitive location, the proposed dwelling is a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm. As such the proposal is considered contrary to the aforementioned policies.</p>

F/YR20/0586/LB

1	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p> <p>The submitted documentation fails to understand the special historic and architectural interest of the site as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
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F/YR20/0585/F

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Erect a 2-storey 4-bed dwelling involving demolition of store building

F/YR20/0586/LB

**Applicant: GKL Residential
Developments Ltd**

**Agent : Ms Kate Wood
Barker Storey Matthews**

Former Coach House, London Road, Chatteris, Cambridgeshire

Demolition of a curtilage listed store building

Officer recommendation: Refusal of both applications

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

6. EXECUTIVE SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of a detached, 2-storey, 4 bed dwelling and full planning permission and listed building consent for the demolition of the existing building.
- 1.2 The coach house is a statutorily protected building by virtue of its curtilage association with 22 London Road, Chatteris (Section 1 (5) of the Planning (Listed Building and Conservation Area) Act 1990).
- 1.3 The application has failed to sufficiently understand the significance of the assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition an alternative viable scheme which would achieve the conservation and re-use of the asset has not been explored. The applications propose total demolition of a listed building, which it is considered would amount to substantial harm and total loss of significance. It is not considered that substantial public benefits would be created. The loss of the listed building and its replacement with a new build would be harmful to the setting of principal listed building (22 London Road) and the wider Conservation Area in which these are situated.
- 1.4 The site is located in a prominent and sensitive location, the proposed dwelling is

a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm.

1.5 The proposal is therefore considered contrary to Policies LP2, LP15, LP16 and LP18 of the Fenland Local Plan, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 127, 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019. Granting the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.6 The recommendation is to refuse.

7. SITE DESCRIPTION

- 2.1 The site is a listed former Coach House to 22 London Road (Grade II listed) with a hardstanding area to the rear. The site forms part of the former Travis Perkins site, which has been vacant approximately 3 years and lies within Chatteris Conservation Area.
- 2.2 No.22 and the remaining commercial site has been granted planning permission and listed building consent (F/YR19/0355/F and F/YR19/0356/LB) for the erection of 6 x single storey dwellings, change of use of the office building (No.22) to a 2-storey 5-bed dwelling involving part demolition of and alterations to the Listed Building and demolition of warehouses and outbuildings at the rear of the site.
- 2.3 The Coach House faces onto London Road with the site access between it and No.22 (to the north). It is a part single storey gault brick structure with a 2-storey loft element, most likely built as coach house and/or stables, with roofs of Welsh slate. There are door openings only to the rear (west) elevation. Three semi-circular, or Diocletian windows to the ground floor east elevation (road) and two to the ground floor west elevation have stone cills and red and gault brick surrounds. Those on the east elevation have been blocked in. The north end bay has been partially demolished and rebuilt with Fletton bricks in order to widen the access for commercial vehicles entering and leaving the yard in the later 20th century and would likely have had a further window. The loft section of the building includes two semi-circular cast iron windows to the first floor, also under contrasting red and yellow 9 inch brick header arched openings with stone cills to both the east and west elevations.
- 2.4 The coach house retains several internal features, including surviving lath and lime plaster barrel vaulted ceilings, and a wooden stair to the loft, with sack slide. A small fireplace still exists in the north end bay, but has been blocked in and the chimney lost when the coach house was shortened and the gable end rebuilt. Metal mesh ventilation screen is in situ at the ceiling apex and supports the suggestion of its use for livestock. The barrel vaulted ceiling in a mid-19th century utilitarian and ancillary structure is an unusual and notable feature of the building. The shapes of the ceilings form an important part of the history of this building.
- 2.5 There appear to have been two access points historically onto London Road. However, only the northern one has been used for a number of years. The southern boundary of the site is made up of the northern elevational wall of No 24

London Road. Within this wall are two ground floor and one first floor window which overlook the site.

- 2.6 The site is within Chatteris Conservation Area and is situated within a residential area. It sits between the associated principal Grade II listed building of 22 London Road and the 3-storey Grade II listed building of 24 London Road. On the opposite side of the road are the 2-storey properties of 43-45 London Road, 3-storey 41 London Road and the 2-storey Grade II listed building of 39 London Road.

8. PROPOSAL

- 3.1 The proposal seeks listed building consent and full planning permission for the demolition of the existing building and full planning permission for the erection of a detached, 2-storey, 4 bed dwelling.
- 3.2 The proposed dwelling measures 16.7m x 6m and 7.8m in height. Accommodation comprises a lounge, kitchen/diner, utility and WC at ground floor level and 4 bedrooms (2 with en-suite) and bathroom at first-floor level. Vehicular access is to the north of the proposal, shared with the wider redevelopment site. The garden serving the property is to the west and south, 1.8m close boarded fencing is proposed to enclose this, with a low level wall and railings to the front of the dwelling.

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

F/YR20/0585/F

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QC0HK4HE01U00>

F/YR20/0586/LB

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QD5AB7HE01U00>

9. SITE PLANNING HISTORY

F/YR19/0706/LB	Internal and external works to a curtilage listed building involving the erection of a single-storey rear extension and raising the roof height of the single-storey element to enable a change of use of the building to a 2-storey 3-bed dwelling	Refused 4/10/2019
F/YR19/0705/F	Change of use and refurbishment of existing building to form a 2-storey 3-bed dwelling involving the erection of a single-storey rear extension and raising the roof height of the existing single-storey element	Refused 4/10/2019

F/YR19/0356/LB	Works to a Listed Building to change the use of office building to 2-storey 5-bed dwelling with detached car port involving part demolition to rear	Granted 3/10/2019
F/YR19/0355/F	Erection of 6no single storey dwellings comprising of 2 x 2-bed and 4 x 3-bed; change of use of office building (LB) to 2-storey 5-bed dwelling involving part demolition of Listed Building and demolition of warehouse and outbuildings	Granted 3/10/2019
F/96/0103/F	Erection of single-storey office extension to existing building	Granted 4/7/1996
F/0431/79/F	Change of use from showroom to office and store and replacement shopfront	Granted 3/8/1979

10. CONSULTATIONS

5.1 Cambridgeshire County Council Archaeology

At the time of writing the report no comments have been received, however an archaeological written scheme of investigation was requested on the previous applications for this site.

5.2 Conservation Officer (FDC)

Comments received from The Council's Conservation Officer have informed the site description above and the assessment of heritage impact at section 10 of this report. Full details of comments received on 3/8/2020, 30/9/2020 and 23/1/2020 can be viewed via Public Access using the links provided at 3.2. Comments below were received in relation to the most recent re-consultation:

Thank you for re-consulting me on the above applications. However the revisions do not address concerns raised by my previous comments, to which I refer you, and I further add that I wholly concur with comments as submitted by the Ancient Monument Society on 30th September 2020 in response to this re-consultation, who put the matter very succinctly.

The applicant has been advised numerous times that a one or two bedroom conversion of the coach house would be acceptable, viable and welcome. It cannot withstand conversion to a four bed without considerable loss of interest and character and its total demolition and replacement with a four bedroomed home is contrary to the relevant law, policy and advice.

I therefore recommend refusal of these applications.

These comments are in relation to a second re-consultation on the above application due to recent submission of a plaster condition report, amended and additional heritage statements and a supplementary planning statement. My previous comments on the principle of the application still stand. These comments are in relation to the reports now submitted.

The proposal put forward is not acceptable. The following comments are made:

The supplementary planning report is set out in three sections and will be responded to accordingly. They are as follows: 1) Whether the Coach House is worthy of retention, 2) Whether it is financially viable to convert the Coach House, and 3) Whether the Coach House is physically capable of being converted.

With regards to point 1, 'whether the Coach House is worthy of retention' the planning statement displays a fundamental misunderstanding of the definition and significance of curtilage structures. It is not 'curtilage listed' but is fundamentally considered to be part of the listing of the principle dwelling. This is the definition given by Historic England. Therefore, this curtilage structure is afforded the same statutory protection as the principle dwelling: it is wholly covered by the grade II designation and adds considerably to the status and significance of the principle dwelling. If the applicants wish to seek further clarification on this point they can apply to Historic England for their Enhanced Advisory Services.

The planning statement states that Historic England do not object to the proposal. This is a misinterpretation. The site falls outside of their realm of consultation and they advise that specialist conservation advice is sought. Such advice is contained within these and previous conservation comments.

The fact that the Coach House has been altered does not detract from its significance, rather it adds to the story told by the building and in turn this adds to the significance of the principle dwelling and the many phases through which the site has evolved. It therefore follows that the Coach House does not have a 'lack of status': rather its barrel-vaulted ceiling gives it a certain status rarely seen in ancillary buildings and therefore it in turn adds to the status of the principle dwelling. The fact that the Coach House is associated with the principle dwelling does not lessen its importance, it increases it. Each adds to the value of the other.

The planning statement also seems to misunderstand the value and impact of 'setting'. Annex 2 of the NPPF (2019) defines setting as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". Historic maps show that the setting of No. 22 London Road or Fortrey House as it was once known, was one of formal gardens, ancillary and subservient buildings serving the main house and increasing its status (including the Coach House) and a series of meadows or paddocks giving on to open countryside. That setting was lost by the introduction of a timber yard as is clearly shown on maps from the 1970s. This loss and change occurred prior to the listing of the site in 1983. Indeed, the only element of that setting which survived to any degree intact, is the Coach House (which itself is protected by listing). Setting is not an asset in itself but is assessed in terms of how changes to that setting can affect the significance of a designated asset. The land use for several decades as a builders merchants yard detracted considerably from the significance of the listed buildings. Its change of use therefore to residential land, with a well scaled and well-designed development was assessed as enhancing that setting and was welcomed. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' It was therefore felt that the development of new housing would certainly preserve if not improve that setting. The loss of the Coach House would fail to preserve the only surviving element of original setting and would result

in the total demolition of a listed building to the detriment of the significance and character of the whole site.

With regards to point 2 'Whether it is financially viable to convert the Coach House', the viability statement included in the Heritage Statement does not take into account a conservation approach which may (with a greater understanding of the treatment of historic buildings) not require underpinning or re-building of walls). It is not clear from that viability statement how the costs quoted jump from being £85,150 to £212,000. Neither does the statement take into account the development profits from the wider scheme – nor should the conversion of the Coach House be considered separately from this. The site was purchased as a whole and the scheme for redevelopment devised as a whole. There is no evidence or proof that a sensitive conservation and conversion of the Coach House would in any way erode the profit of the redevelopment of the whole site. In fact, the statement says that it is 'possible as part of the larger development enabled by the new build element'.

With regards to point 3 'Whether the Coach House is physically capable of being converted' it is acknowledged that Setchfields are a firm of structural engineers. However, the assessment will have been carried out with a mind to 'modern design standards' and building regulations. However, a conservation accredited structural engineer takes a specialist approach to achieve the same outcomes with reduced impact on the historic fabric of a building. This is the fundamental difference between the two schools of structural engineering. In a case where total demolition is being proposed it is not unreasonable to request a structural engineers report from a conservation accredited engineer and for that approach and costs to be weighed against the viability of the whole site in order to demonstrate viability and therefore justification. Conservation Accredited Structural Engineers can be found at <https://ice.org.uk/ICEDevelopmentWebPortal/media/Documents/Careers/specialist-registers/rqn-6-conservation-accreditation-register-for-engineers.pdf> or <https://ice.org.uk/careers-and-training/careers-advice-for-civil-engineers/specialist-professional-registers#Conservation>

The need for and capability of historic fabric to be repaired is fundamental to building conservation. It is a standard approach and one which is taken time and again and shown to have positive outcomes. Historic buildings are more than capable of repair and re-use and present an environmentally and economically sustainable approach to development by harnessing embodied energy and reducing the carbon footprint of any new development, as well as preserving our historic environment.

If it is fundamentally proven that the conversion of the Coach House to residential use is not financially viable as part of the wider redevelopment, it does not follow that it warrants demolition. Stabilisation costs are clearly within the realms of viability and it could form a valuable storage or general space for the new residents, either of the wider development or specifically for the residents of No. 22 and marketed accordingly.

The conclusion of this report is based on a false understanding of the significance and value of the Coach House. It is of considerable significance in adding to an understanding of the original setting as well as adding to the significance of the principle dwelling and therefore also to the character and appearance of the conservation area. The retention of the Coach House does not preclude the redevelopment of the wider site and so its loss cannot be said to be outweighed by the public benefit of the wider development as it is not preventing that re-use.

No further comment will be made regarding the additional heritage statement. The numbering issues appear to have been rectified but the content is unaltered and my previous comments have addressed the fundamental flaws contained within these statements, most principally the misunderstanding of the level of significance of the Coach House, and these should be referred to. This point has also been revisited under points ii and iv above.

The updated plaster condition report confirms the presence of sheradised nails and therefore the date of the barrel-vaulted plaster ceiling. This in no way detracts from the interest of significance of the Coach House, nor from how the Coach House adds to the significance of the principle dwelling.

The report concludes both the lath and the plaster of the barrel-vaulted ceiling (ceiling 3) are beyond salvage (bar some minor re-use for the repair of the other two ceilings). This is not new information and indeed informal pre-application advice was issued in March 2019 stating that 'the ability to retain ceilings 1 and 2 compensates for the loss of ceiling 3, and on balance the benefit of increasing the pitch of the roof is now clear and the harm mitigated by the agreement to retain ceilings 1 and 2'. That advice went on to say that either a slightly increased roof pitch OR a small extension would be accepted in order to create sufficient residential accommodation for the Coach House.

It may be worth reiterating here that the principle of residential conversion is not objected to, but the level of harm and alteration proposed to create a 3-bedroom dwelling was not shown to be justified. It follows that there is even less justification for the total demolition of the building when a viable alternative has been presented on numerous occasions to the applicant.

*It is also worth reiterating that the applicant has owned this site for more than two years and in that time has not sought to carry out temporary weather proofing works such as sheeting or installing temporary rainwater goods that would have slowed the rate of deterioration. As such, paragraph 191 of the NPPF which states that **'where there is evidence of deliberate neglect of ...a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'** should be taken into account.*

It should further be noted that paragraph 192 of the NPPF states that local planning authorities should take account of a) 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. In direct relation to these points the Coach House would find a viable use as a one or two bedroomed property, or as a store which would ensure the sustainability of the asset's significance; and the conservation of this heritage asset would make a positive contribution to the sustainability of the community including its economic vitality due to the employment opportunities arising for skilled local craftsmen and builders with experience of working with historic buildings (skills which it is important to support and retain).

Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following should apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset can be found in the medium

term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

In relation to paragraph 195 of the NPPF it has not been demonstrated that the loss is necessary as its presence does not prevent the redevelopment of the site; the public benefit of a 4 bedroomed home would not outweigh the harm of the loss of a historic asset which could provide a 2 bedroom home, in a site which has also got substantial further development as referred to above; no alternative uses have been explored; it has not been categorically proven that financial viability is an issue for the sensitive conversion of this site and if it were so, it has not been demonstrated that grant-funding is not feasible; and it has not been demonstrated that the harm and loss is outweighed by the benefit of bringing the site back into use – as this is shown to be possible without the loss of the Coach House through the granting of consent and permission for redevelopment of the wider site and the return of the principle dwelling to residential use.

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. This re-consultation does not provide that clear or convincing justification.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The original application submitted, and the new information provided with this and previous re-consultations does not provide sufficient justification to change my original recommendation and therefore great the recommendation is for retention and conservation.

5.3 Council for British Archaeology

Comments were originally received on 28/7/2020, these can be viewed via Public Access using the links provided at 3.2. Below are comments received in relation to a subsequent re-consultation:

Summary

The CBA object to this application for the substantial harm that would be caused to a curtilage listed building and the less than substantial harm that would result to the Grade II listed 22 London Road and the Chatteris Conservation Area. This application provides insufficient information concerning the extant building and lacks the 'clear and convincing justification' required to support its demolition.

Significance

The 'former coach house' is a 19th century agricultural type building that is curtilage listed to 22 London Road (List number 1125994). Curtilage listed buildings, structures and objects are afforded the same protection, and restrictions imposed, as a listed building with its own listing entry; the 'former coach house' should therefore be considered as listed at Grade II within the planning process. It is a common misunderstanding to expect a List description to be a catalogue of significant features, as expressed within the associated Heritage Statement. Sadly the majority of List descriptions were written for identification purposes and are of limited help in establishing the significance of a building or site. The CBA disagree with the findings of the associated Heritage Statement and do not believe the building's significance to have been accurately assessed.

There is considerable potential to better reveal the significance of the building proposed for demolition. The 19th century brickwork detailing makes an attractive contribution to the streetscape. The building also holds evidential value in its use of imported materials to the area, identified within the Heritage Statement as relating to the arrival of the railways in 1848. The construction of a finely detailed coach house on the road side speaks of a socially aspirational 19th century status symbol, expressed by the owners of 22 London Road, which the CBA believe makes an important contribution to understanding the historical development of Chatteris in the 19th century. The fact that building components were factory produced merely dates them to this period rather than diminishing the building's significance.

The CBA recognise that the dilapidated condition of this building means it currently represents a detractor within the street scape. However, if this building were to be conserved and restored it would make a greater contribution to the character and appearance of the Chatteris Conservation Area than its proposed replacement.

Comments

The associated documentation does not include sufficient details of the existing building for statutory consultees, such as ourselves, to be able to make an informed assessment of the building. There are no plans or elevation drawings of the curtilage listed coach house whilst the photographs provide evidence of the site context but not sufficient details of the building. Demolition equates to substantial harm in terms of the language of the NPPF, as this building would be lost in its entirety if this application is granted.

Whilst the associated documentation states that the existing building cannot be adapted and repurposed to a domestic use, the CBA believe that a structural report, carried out by surveyors with experience of consolidating historic buildings, should be required to evidence this claim. A structural survey is referenced within the associated documentation, but not provided. Only if such a structural report supports the claim that this building is beyond conservative repair and adaptive reuse, could this application be considered to meet the requirements of paragraph 194 of the NPPF. This states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional." In this instance the harm to be considered involves substantial harm (total demolition) to a curtilage listed building, harm to the setting and significance of the Grade II listed 22 London Road and harm to the historic character and appearance of the Chatteris Conservation Area.

The CBA believes that adaptive reuse must be demonstrated to be unachievable, and not simply more expensive, in order to justify the degree of harm that would be caused by the demolition of this curtilage listed building.

The CBA also suggest that paragraph 191 of the NPPF may be pertinent to this application, which states that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

Recommendation

The status of the building as Grade II curtilage listed and its location in a prominent position within a conservation area means that section 16 of the NPPF dictates a presumption in favour of its constructive reuse rather than demolition. To reach the conclusion that demolition is an appropriate course of action important criteria must be met. The CBA are unconvinced that this application achieves this.

The CBA recommend that ‘clear and convincing justification’ should be required of the applicants to demonstrate that this building is beyond conservative repair and reuse in order for its demolition to be considered as meeting the requirements of national and local planning policy.

The CBA object to this application in its current form.

5.4 Chatteris Past, Present and Future Civic Society

An 11 page objection was initially received from the Chatteris Past, Present and Future Civic Society. Full details can be viewed via Public Access using the links provided at 3.2. The response in respect of subsequent re-consultations is provided below:

We are aware that reconsultation is ongoing for the above application due to the submission of new ecology surveys, a landscaping plan, car parking information, and a structural survey.

These additions do very little to remedy the fundamental objections of the civic society, the council’s conservation officer, The Council for British Archaeology, The Victorian Society, The Ancient Monuments Society, SAVE Britain’s Heritage, and the majority of objections from members of the public.

We remain of the firm opinion that Fenland District Council should REFUSE permission for demolition for the following reasons:

- *As a pre-1948 structure within the curtilage of a Grade II Listed Building, the coach-house is a Designated Heritage Asset in accordance with Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- *The council must start from a position of presuming against demolition, in accordance with NPPF 194 & NPPF 195 , which say that the loss of a Designated Heritage Asset should be exceptional.*
- *The Applicant has not provided sufficient information to enable Fenland District Council to fairly assess this application against the criteria set out in NPPF 190-195, as required by NPPF 189 and LP16 . The structural survey provided has not been carried out by a conservation-accredited firm of surveyors or engineers.*
- *The Applicant has not demonstrated that the options for renovation outlined by the council’s Conservation Officer in response to the previously submitted application(s) are unsuitable, and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(a) .*
- *The Applicant has not demonstrated that the building could not be successfully marketed in order to enable its conservation (and does not appear to have made the building available for sale on the open market), and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(b) .*
- *The Applicant has not demonstrated that the building could not be successfully renovated by a charity or public body (such as a Building Preservation Trust) or via grant funding, and therefore the proposal does not meet the bar for loss of a Designated Heritage Asset set out in NPPF 195(c) .*
- *The proposal causes harm to the setting of other listed buildings and the conservation area, in contravention of LP16(d) when assessed according to NPPF 190 .*
- *The council’s commitments towards safeguarding heritage assets, as set out in LP18 .*
- *The council’s commitment to reduce the number of heritage assets “at risk”, as set out in LP18 . The Conservation Area itself was added to Historic England’s “at*

risk" register in 2015. The council should therefore avoid approving developments that place it at any further risk, as this would be in direct contravention of the council's own adopted Local Plan.

We remain extremely concerned that the applicant has provided no justification for these proposals that even begins to address the requirements of the NPPF and the Adopted Local Plan, let alone satisfies these requirements wholly. We agree with the conservation officer's comments, especially the commentary explaining that the structural survey does not take a conservation-led approach and there has been no economic assessment provided that provides justification for demolition - especially given that the wider context of the development that is due to take place at this site.

The proposal clearly fails to meet the tests set out in NPPF 195(a-d) . It is therefore imperative that the council refuses this application in order to ensure probity in the council's planning process and to ensure that the decision is consistent with both national and local policies.

The new documents still do nothing to provide evidence that the conditions set out in NPPF 195 (a-d) have been met. The council must be satisfied that all four of these conditions are met in order to approve demolition of a designated heritage asset. Notably, there is no evidence that the applicant has tried to sell the building for restoration on the open market.

The applicant says that "Historic England has not objected to the applications", seemingly in an attempt to suggest that Historic England "approve" of these applications. Historic England have made it clear that the proposals do not fall within their criteria for assessment as a statutory consultee and have advised the council to refer to Conservation Officer advice.

The applicant claims that fourteen people have written in support of the application. This is not grounded in reality; only eight members of the public have written supporting comments that appear on the planning portal. Sixteen members of the public have objected, as have numerous important Heritage organisations.

We remain of the firm opinion that Fenland District Council should REFUSE permission for demolition.

We remain extremely concerned that the applicant has provided no justification for these proposals that even begins to address the requirements of the NPPF and the Adopted Local Plan, let alone satisfies these requirements wholly.

5.5 Ancient Monuments Society

Comments were initially received on 4/8/2020. Full details can be viewed via Public Access using the links provided at 3.2. The response in respect of subsequent re-consultations is provided below:

Thank you for consulting us on this application. We have reviewed the revised and additional documents available on your website, and the Ancient Monuments Society continues to object to the application as the loss of this heritage asset has still not been satisfactorily justified.

No changes were made to the heritage statement, which claims "The so-called coach house is not considered as a heritage asset within the listing description of 22 London Road, indeed it is not even noted as having group value". It concludes the demolition "therefore represents no loss of historic fabric and an enhancement

to the Chatteris conservation area". The structure is clearly within the curtilage of the listed building at No. 22 London Road and is therefore considered a listed structure itself under the definition for 'listed building' in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 195 notes "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...".

As per our previous submission, we believe the former coach house has considerable heritage value and is readily adaptable for a new use. The application has not demonstrated the building cannot be retained and enhanced in a way that is appropriate to its significance or that there would be any public benefit.

The Supplementary Planning Statement submitted (dated 9 November 2020) does not provide the justification needed for the loss of this curtilage listed building or the impact on the conservation area. It continues to dismiss the connection between the former coach house and the listed house at No 22, and fails to recognise that alterations made to historic buildings, such the 1920s alterations listed in the Statement, are of interest and the fact the coach house is not in its original condition does not make it less significant.

As per our previous two submissions, we believe the former coach house has considerable heritage value and is readily adaptable for a new use, either as a residential building, or if that is no longer viable, then restored as a garage/ storage building for the 6 new dwellings being built to the rear of the site. Total loss of this curtilage listed heritage asset, as well as the harm to the conservation area, has not been justified, nor has a public benefit been identified. The application remains contrary to the requirements of the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

5.6 The Victorian Society

Below are comments received on 6/8/2020, no further comments have been received in relation to re-consultations:

We were notified of this application and wish to write in objection to the proposals.

Having assessed the documents provided, we agree with the points made by the CBA in their letter, namely that the building is considered to be curtilage-listed, and that inadequate information has therefore been provided to rationalise the demolition. The significance of the building and its status needs to be fully assessed in line with paragraph 189 of the NPPF, and the substantial harm which would result from the loss of the buildings, as well as the less substantial harm to the conservation area, fully addressed and justified. This has clearly not been done, and this alone is adequate grounds for refusing consent to the application. In addition, we would like to note the heritage value of the building itself, and further echo the request of the CBA to prioritise the adaptive reuse over total demolition. Again, if this is found to be impossible, clear justification must be provided to verify this.

I would be grateful if you could inform me of your decision in due course.

5.7 SAVE Britain's Heritage

Below are comments received on 18/8/2020, no further comments have been received in relation to re-consultations:

SAVE Britain's Heritage writes to object to the above planning and listed building applications for the complete demolition of the former coach house within the curtilage of the Grade II listed house at No 22 London Road. The applications fail to comply with national and local policy for preserving Chatteris's historic environment and for mitigating climate change through sustainable development. For these reasons we call on the Local Planning Authority to refuse these applications.

Significance

The former coach house appears to have been constructed around the 1860s and is a single storey gault brick structure with a two-storey loft to its southern end, likely added at a later stage, and built as stables to the adjoining house. The main door openings are to the courtyard to the rear, while the road elevation features three semicircular windows at ground level and two semi-circular windows to the loft, now bricked in. The northern end was shortened and rebuilt sometime in the early to mid 20th century. One of its key features is the lath and plaster barrel vaulted ceiling within the building, which would have been expensive to install at the time and is a rather unusual feature for a building of this type. Protecting this important element of the building was one of the reasons for refusing the previous listed building application for an insensitive conversion of the coach house into a residential property. Community feedback also shows the site has clear historic significance to the local community as well as its strong street presence contributing the architectural and enclosed character of this part of London Road and the local conservation area.

Assessment

While Historic England's listing description for No. 22 London Road may not formally describe the coach house, the structure is clearly within the curtilage of the main building and is therefore considered a listed structure itself by virtue of the definition outlined for a 'listed building' in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. SAVE notes the heritage statement submitted with the application claims "The so-called coach house is not considered as a heritage asset within the listing description of 22 London Road, indeed it is not even noted as having group value". We therefore consider the conclusion reached in the heritage statement that the application "therefore represents no loss of historic fabric and an enhancement to the Chatteris conservation area" to be flawed, and demolition therefore unjustified.

The previous application (F/YR19/0705/F) submitted in May 2019 fully acknowledged the buildings importance and adaptability for a residential use, the principle of which is considered acceptable. It is therefore unclear why the building, just 12 months later, is now considered structurally unsound and, as claimed on page 10 of the heritage statement, "the only practical way forward is for the building to be demolished. It is incapable of being "conserved" in situ". We consider the existing building to be readily adaptable and retention of the key historic features within this characterful building would not limit its potential as a dwelling.

National Planning Policy Framework (NPPF) 2019 Paragraph 192 states that in determining planning and listed building consent applications, a number of considerations should be taken into account, first of which is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. NPPF Paragraph 195 notes where a

proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. As previously stated, we consider these applications do not demonstrate that the building cannot be retained and enhanced in a way that is appropriate to its significance. Indeed, it is noted that the application goes against the pre-application advice given by council.

We also consider the loss of historic building fabric of this scale and age to be unsustainable in terms of climate change. We would ask the council to consider this application in the context of climate change objectives set out in the National Planning Policy Framework (NPPF) 2019. The NPPF para. 148 states that “The planning system should support the transition to a low carbon future in a changing climate” and “shape places in ways that contribute to radical reductions in greenhouse gas emissions ... including the conversion of existing buildings.” The efficient use of resources, including land and materials, underpins sustainable development. The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of the built, historic and natural environments.

We would also like to draw the council’s attention to Historic England’s annual research report for 2019 There’s No Place Like Old Homes, which shows that retrofitting existing historic buildings carries a drastically smaller carbon footprint than demolition, the principles of which can be equally applied to this former coach house.

Conclusion

SAVE objects to the proposed demolition of this former coach house, a building we consider has the potential to be sensitively adapted as a unique and historic residential property. The application provides no justification for its entire loss, and therefore fails to comply with national and local policy objectives on climate change and the historic environment. The Local Planning Authority has a duty to protect what is a rare and unique resource and we therefore recommend they refuse these applications.

5.8 Historic England

No comments provided as the proposal falls outside their criteria for assessment.

5.9 Cambridgeshire County Council Highways

The proposal results in no material highway impact. No highway objections subject conditions securing the access/footway and parking arrangement. Please ensure site layout remains consistent with the access arrangement secured for the development/consent to the west of this application site.

5.10 Chatteris Town Council

Support

5.11 Environmental Health (FDC)

In our previous consultation of 31st July and 5th August 2020, the Environmental Health Team advised this service had ‘No Objections’ to the proposed development as it was unlikely to have a detrimental effect on local air quality or the noise climate.

Owing to previous use of the application site this service maintains its stance on the need for the full suite of contaminated land conditions to be applied in the

event permission is granted. This will need to be followed through with a phased approach in that an initial ground assessment will be required after the proposed demolition works have been completed to ensure any potential for contamination including the demolition process itself, is investigated and managed to a robust standard before the next stage of development.

5.12 Local Residents/Interested Parties

Seventeen objections have been received (four from residents of High Street, Chatteris; two from residents of London Road, Chatteris and one from residents of East Park Street, Ellingham Gardens, Westbourne Road, Kempston Court, New Road, Juniper Drive, Ravenscroft, West Park Street, St Francis Drive and Rosemary Lane, all Chatteris and Doddington Road, Wimblington) on the following grounds:

- Demolition would result in the loss of the rare vaulted ceiling
- Building is listed contrary to applicant's claims and should be saved
- Heritage statement flawed and not fit for purpose
- Building preservation notice should be applied
- Council should issue a repairs notice
- 'significant harm' contrary to para 196 of NPPF
- Failure to justify loss of listed building
- Distinctive building
- Bat survey required and cannot be conditioned
- Poor design
- Overlooking/loss of privacy
- Significant adverse impact on conservation area
- demolishing local history
- not policy compliant
- would set a precedent
- The coach house makes a positive contribution to the specific interest of its principal listed building despite its poor condition
- Could be converted, applied for in 2019, alternatives to demolition have not been given due consideration
- Building retains many original features
- On a principal street and prominent location, integral part of architectural history
- Detrimental to the hard work undertaken to restore the character of Chatteris
- Should be preserved and restored
- Reminder of towns agricultural history
- The changes do nothing to overcome principle objections raised
- Concerns raised the Town Council have not acted accordingly in their consideration of the applications
- The Council should consider taking urgent action to protect the building; the building has been allowed to fall into disrepair and had not been maintained
- Viability is not a consideration for a listed building and does not justify the loss of the building

Eight supporting comments have been received (two from residents of London Road, Chatteris; two from residents of Tithe Road, Chatteris and one from residents of Hinchingsbrooke Drive, Curf Terrace and Wood Street, all Chatteris and Walden Close, Doddington) on the following grounds:

- Current condition of building is poor, has not been maintained and detracts from area
- Can see no reason why the proposal would not result in a significant improvement

- Issues in relation to loss of privacy to the neighbour have been resolved by the proposal to erect a fence to separate the properties
- Proposal simple, high quality design, in keeping with the conservation area and will provide an attractive frontage.
- The building has no architectural value
- The yard needs redevelopment and attracts vandalism, health and safety risk
- Old storage shed would be better replaced by a modern home
- Upgrade this part of London Road
- Chatteris in need of modern housing

5.13 Comments, where they relate to planning matters will be considered in the sections below. It should be noted that a Building Preservation Notice is not required as the building is already afforded statutory protection as a listed building.

11. STATUTORY DUTY

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

12. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1, C2

Identity – I1

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings – H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

Delivering and protecting High Quality Environments in Fenland SPD 2014

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

Chatteris Conservation Area Appraisal and Management Strategy 2008

13. KEY ISSUES

- **Principle of Development**
- **Heritage, Design and Visual Amenity**
- **Residential Amenity**
- **Highways/parking**
- **Ecology**
- **Flood Risk**

14. BACKGROUND

- 9.1 Pre-application advice was provided in relation to the site which concluded that the principle of residential conversion for the coach house was supported, but that a one, or two bed dwelling would be feasible, rather than a three bedroom and three bathroom conversion which would result in the loss of internal features and an unacceptable change of scale and subservient relationship with the principal dwelling. This was re-iterated in subsequent email correspondence.
- 9.2 Full planning and listed building applications were submitted contrary to this advice under F/YR19/0705/F and F/YR19/0706/LB for conversion to a 2 storey, 3 bed dwelling. These applications were refused for the following reasons:
1. *The proposal will result in the loss of heritage assets and new works which would result in substantial harm to the designated assets, namely No 22 London Road, the curtilage listed Coach House and also the Conservation Area. The proposal is therefore considered to be contrary the NPPF paragraphs 193-196, Policies LP16 and LP18 of the Fenland Local Plan 2014 and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
 2. *The change of use of the rear yard to residential curtilage/ rear has the potential to impact detrimentally on the existing occupiers of No 24 and future occupiers of the converted Coach House, through overlooking, noise disturbance and lack of privacy. The proposal is therefore considered to be contrary to Policy LP2 and LP16 which seek to ensure that development does not adversely affect the amenity of neighbouring users and future occupiers*
- 9.3 Alternative proposals for a one or two-bedroom conversion were again suggested as potentially acceptable schemes.
- 9.4 These applications were due to go before Planning Committee for determination on 7th October 2020, with a recommendation of refusal. However, the applicant's agent provided additional information on 6th October 2020 which resulted in the applications being deferred, due to the requirement to consider the information

submitted and re-consult on this. Further information was received on 2nd November 2020 and 9th November 2020, a further re-consultation exercise was then undertaken. The addition information submitted since the previous report is as follows:

- Structural Survey with Appendix A Photographs
- Amended and additional Heritage Statements
- Supplementary Planning Statement
- Plaster condition report

15.ASSESSMENT

Principle of Development

- 10.1 The site is part of a brownfield site within the built framework of Chatteris where new housing development can be supported (Policy LP3). The site is within a mainly residential area and the wider, former commercial site, has recently obtained planning permission for residential development. As such the redevelopment and reuse of the site for residential purposes can be generally supported.
- 10.2 This is however subject to the heritage assets being protected and or enhanced and there being no significant issues in respect of residential or visual amenity, design, parking, highways, ecology or flood risk.

Heritage, Design and Visual Amenity

- 10.3 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to have special regard to the desirability of preserving a listed building, or any of its features, when considering whether to grant Listed Building Consent. Furthermore, in deciding whether to grant planning permission which affects a listed building or its setting, the Council has a legal duty to have special regard to preserving a listed building or its setting; and in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 10.4 Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019 are also relevant.
- 10.5 The coach house is a statutorily protected building by virtue of its curtilage association with 22 London Road (Section 1 (5) of the Planning (Listed Building and Conservation Area) Act 1990) and as such is afforded the same protection as the principle building. It was a functionally subservient building to No. 22, and of largely contemporaneous date. It served the main house as a coach house, is an important surviving example within Chatteris, and highlights the status of the principal building by its proximity to it and by presenting a formal face to the town. It also references its former functional role within a wider farmstead or agricultural yard to the rear. This in turn recalls the agricultural heritage and economy of the town, and adds considerably to the character and appearance of the conservation area, as well as to the setting and understanding of the principal listed building.
- 10.6 Paragraph 189 of the NPPF 2019 and Policy LP18 of the Fenland Local Plan 2014 require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and Policy LP18 of the

Fenland Local Plan requires development proposals which would affect a heritage asset to:

- a) accurately describe or assess the significance of the asset and/or its setting to determine its architectural, historic or archaeological interest;
- b) identify the impact of the proposed works on the special character of the assets
- c) provide clear justification of the works

The submitted documentation is contradictory, fails to acknowledge that the building is a heritage asset and as such does not accurately describe or assess the impact, nor does it provide sufficient justification for the demolition and as such is contrary to the aforementioned policies.

- 10.7 The submitted structural engineers report has not been undertaken by a conservation accredited structural engineer, which would take a specialist approach to achieve the same outcomes with reduced impact on the historic fabric of a building. In a case where total demolition is being proposed it is not unreasonable to request a structural engineers report from a conservation accredited engineer and for that approach and costs to be weighed against the viability of the whole site in order to demonstrate viability and therefore justification.
- 10.8 It has not been categorically proven that financial viability is an issue for the sensitive conversion of this site and even if it was fundamentally proven that the conversion of the Coach House to residential use is not financially viable as part of the wider redevelopment, it does not follow that it warrants demolition
- 10.9 An application for conversion of the building was made in 2019. Presumably, at that point the conversion of the building was considered feasible. If the condition of the building has deteriorated to such an extent this is now not possible, then consideration may need to be given to Paragraph 191 of the NPPF 2019, which states that where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 10.10 Paragraph 192 of the NPPF 2019 requires LPA's to take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

The suggestion of converting the coach house to a one or two bedroom dwelling has been made more than once to the applicant and would satisfy this element of the NPPF.

- 10.11 Paragraph 193 of the NPPF 2019 requires LPA's when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 10.12 Paragraph 194 of the NPPF 2019 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification; no such justification has been provided.
- 10.13 In relation to the impact on the listed coach house; Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

When assessing the proposal, case law has confirmed that it is not simply a matter of assessing whether any benefits outweigh the harm; the planning authority must consider whether the advantages sufficiently outweigh the strong presumption against granting planning permission.

Furthermore, the planning authority should give "considerable importance and weight" to the duty under section 66 (referred to in 6.2 above) to have special regard to the desirability of preserving the listed building.

The applications propose total demolition of a listed building, which it is considered would amount to substantial harm and total loss of significance. It is not considered that substantial public benefits would be created and no evidence has been provided in relation to parts a)-d) above.

- 10.14 It should be acknowledged that the retention of the Coach House does not preclude the redevelopment of the wider site and so its loss cannot be said to be outweighed by the public benefit of the wider development as it is not preventing that re-use.
- 10.15 In relation to the impact of the development on the principal listed building and the conservation area; Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The coach house is visually prominent in its relationship with the principal dwelling. Therefore, the loss of the coach house will result in severing the last link between the main dwelling house, and its original setting, cutting off historical connections which contribute to its significance and the character of the Conservation Area. The loss of the listed building and its replacement with a new build would be harmful to the principal listed building (22 London Road) and the wider Conservation Area in which these are situated. The optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset over its conservation and conversion and replacing it with a new dwelling have been articulated.
- 10.13 The proposed dwelling has been designed to mimic the architecture of the principal listed building (No.22) and the grade II listed building to the south

(No.24), featuring sash windows, soldier detailing, fan light above the door and chimneys. However, the proposal would have a prominent street presence due to its location, scale and design, and would therefore detract from the adjacent listed buildings both visually and in relation to their heritage significance.

- 10.14 The landscaping plan proposes a 1.8m high close boarded fence to the front of the site between the proposal and No.24 and alongside the proposed access road, the proposal is in a sensitive location and this is not considered to create a high quality finish to the development. It is acknowledged that there is timber fencing to the south of the site as existing, however this does not have a positive impact on the character of the area and is not considered appropriate to replicate.
- 10.15 The application has failed to sufficiently understand the significance of the assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition, an alternative viable scheme which would achieve the conservation and re-use of the asset has not been explored. Furthermore, the proposal is considered to detract from adjoining listed buildings. The proposal is therefore considered contrary to Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019.

Residential Amenity

- 10.16 To the north of the site is the principal listed building of 22 London Road, this is presently vacant however planning permission has been granted under F/YR19/0355/F to change the use of this to a 5-bed dwelling. The proposed dwelling is located 7m away from No.22. There is potential for overlooking of the garden serving No.22 from the first-floor windows in the rear of the proposed dwelling and into the small side windows to the living room and bedroom from the side bedroom window in the proposal. However this would not be direct and as such is not considered significantly detrimental. There is potential for additional overshadowing due to the orientation of the proposal to the south and the increased height, however due to the separation distance this is not considered to be significantly adverse.
- 10.17 To the front (east) of the site on the opposite side of the road is the 3-storey detached dwelling of 41 London Road and the 2-storey terraced properties of 43 and 45 London Road. The proposal is located approximately 13m from No.41 and 11m from No.s 43 and 45 (building to building). It is acknowledged that there will be some additional overlooking of these properties (in particular to No.41 as this is directly opposite) however the relationship is as many of the existing properties on London Road and the distances are such that this is not considered to be significantly detrimental.
- 10.18 To the south of the site is the detached, 3-storey dwelling of 24 London Road, this is also a Grade II listed building. There is one ground floor window (kitchen) and 2 first-floor windows (bathroom and en-suite) in the northern side elevation which face towards the site. The proposal is located approximately 6m from No.24. There would be some additional overlooking as a result of the proposal from the rear and side bedroom windows, the first-floor windows to No.24 are obscure glazed and the overlooking would not be direct, hence this is not considered to be significantly adverse. A fence is proposed to separate the garden of the proposed dwelling from the side wall (and therefore ground floor window) of No.24 which removes the previous reason for refusal in this regard. This does however result in a strip of land that may not be maintained. A condition could be imposed in relation to the provision and retention of the

boundary treatment and maintenance of this land given the prominent and sensitive location.

- 10.19 To the rear of the site is currently a vacant yard, however planning permission has been obtained for 6 dwellings and plot 3 would be to the rear of the site. There are no windows in the side elevation of plot 3 which faces towards the site and the dwelling itself is separated from the application site by the car port. The location of the first-floor window serving bedroom 1 to the rear of the site would result in direct overlooking of the garden serving plot 3 at a distance of only approximately 7m. However it is noted that this is the third window serving this bedroom and could therefore be conditioned to be obscure glazed and fixed shut whilst still retaining sufficient outlook from the room.
- 10.20 The proposal is afforded in excess of a third of the plot for private amenity space, in accordance with Policy LP16(h). There will be some overlooking from Nos. 41, 43 and 45 opposite, however the relationship is as many of the existing properties on London Road, and the distances are such that this is not considered to be significantly detrimental. There is direct overlooking of the garden by 2 first-floor windows in the side of No.22 at a distance of less than 10m, this is not ideal and could have been designed out, however given the proposal is overall considered unacceptable it was not considered reasonable to request amendment and there is garden land at an acceptable distance.
- 10.21 Details in relation to bin storage and collection arrangements have not been provided, however these could be secured by way of a condition.

Highways/parking

- 10.22 The site utilises the access approved under F/YR19/0355/F and the Highways Authority have no objections subject to conditions.
- 10.23 Policy LP15 and Appendix A of the Fenland Local Plan 2014 require 3 parking spaces for a 4-bed dwelling such as this. 3 parking spaces have been detailed on the proposed site plan and these are tandem which is far from ideal, furthermore one of the spaces is located within the garden (indicated as a grass grid), would therefore be difficult to access or condition to be retained as a parking space and would result in a loss of private amenity space. As such it is not considered that the required parking provision is achieved.
- 10.24 Appendix A does advise that in central areas of market towns there is potential for a reduction in spaces to be negotiated, however the site is on a busy principal street where potential for additional on street parking should not be encouraged and the site has potential to accommodate the required number of spaces if redesigned. Whilst the shortfall in parking provision is not considered to warrant a refusal reason in its own right, it does contribute to the overall failure to provide a high quality environment.
- 10.25 It is acknowledged that unit 1 of F/YR19/0355/F is a 5-bed dwelling and was approved with only 2 parking spaces, however this was accepted due to the provision of visitor spaces adjoining, the proposal also had the wider benefits of redeveloping a brownfield site and renovating the listed building of 22 London Road, no such benefits are provided with the current application.

Ecology

- 10.26 The applications have been accompanied by a Bat, Bird and Barn Owl survey, undertaken in August 2020, which found no evidence of either species.

10.27 Recommendations have been made in respect of the provision of bat and bird boxes and a bat friendly lighting scheme and could be secured by condition.

Flood Risk

10.28 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.

16. CONCLUSIONS

- 11.1 The application has failed to sufficiently understand the significance of the heritage assets affected, has therefore not understood the level of harm arising from the proposals and consequently not offered sufficient justification or articulation of public benefit for the proposed scheme. In addition an alternative viable scheme which would achieve the conservation and re-use of the heritage asset has not been explored.
- 11.2 The site is located in a prominent and sensitive location, the proposed dwelling is a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm.
- 11.3 The proposal is therefore considered contrary to Policies LP2, LP15, LP16 and LP18 of the Fenland Local Plan, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 127, 189 and 193-196 of the NPPF 2019, C1, C2, I1, and B2 of the NDG 2019.
- 11.4 Given this clear conflict with the above policies it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. RECOMMENDATION

Refuse for the following reasons:

Reasons for refusal;

F/YR20/0585/F

1	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p> <p>The submitted documentation fails to acknowledge that the building in question is a heritage asset and as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient</p>
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	<p>evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
<p>2</p>	<p>Policies LP2, LP15, LP16 (d & e) and LP18 of the Fenland Local Plan 2014, DM3 of Delivering and protecting High Quality Environments in Fenland SPD 2014, chapters C1, C2, I1 and B2 of the National Design Guide 2019 and para 127 of the NPPF 2019 seek to ensure that proposals protect and enhance heritage assets, create high quality environments and make a positive contribution to the local distinctiveness and character of the area, do not adversely affect residential amenity and provide sufficient on-site parking.</p> <p>The site is located in a prominent and sensitive location, the proposed dwelling is a pastiche of the adjoining listed buildings, which fails to protect or enhance surrounding heritage assets or make a positive contribution to the character of the area. The proposal fails to provide sufficient, useable on-site parking provision. It is overall not considered to create a high quality environment and fails to take opportunities to minimise harm. As such the proposal is considered contrary to the aforementioned policies.</p>

F/YR20/0586/LB

<p>1</p>	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 189 and 193-196 of the NPPF 2019, C2 of the NDG 2019 seek to protect and enhance heritage assets.</p> <p>The total demolition of this listed building, is considered would amount to substantial harm and total loss of significance in addition to harm to the setting of the principal listed building (22 London Road) and Chatteris Conservation Area in which these are situated.</p> <p>The submitted documentation fails to acknowledge that the building in question is a heritage asset and as such does not accurately describe or assess the impact of its demolition. It does not provide sufficient evidence or justification for the demolition, the optimum viable use of the coach house has not been explored and no public benefits for the total demolition of a heritage asset and its replacement with a new dwelling over its conservation and conversion have been articulated. As such the proposal is contrary to the aforementioned policies.</p>
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APPLICATION NO: F/YR20/0585/F and F/YR20/0586/LB

SITE LOCATION: Former Coach House, London Road, Chatteris

UPDATE

Comments received as a result of re-consultation:

Conservation Officer (FDC)

Thank you for re-consulting me on the above applications. However the revisions do not address concerns raised by my previous comments, to which I refer you, and I further add that I wholly concur with comments as submitted by the Ancient Monument Society on 30th September 2020 in response to this re-consultation, who put the matter very succinctly.

The applicant has been advised numerous times that a one or two bedroom conversion of the coach house would be acceptable, viable and welcome. It cannot withstand conversion to a four bed without considerable loss of interest and character and its total demolition and replacement with a four bedroomed home is contrary to the relevant law, policy and advice.

I therefore recommend refusal of these applications.

Ancient Monuments Society

Thank you for consulting us on this application. We have reviewed the revised and additional documents available on your website, and the Ancient Monuments Society continues to object to the application as the loss of this heritage asset has still not been satisfactorily justified.

No changes were made to the heritage statement, which claims “The so-called coach house is not considered as a heritage asset within the listing description of 22 London Road, indeed it is not even noted as having group value”. It concludes the demolition “therefore represents no loss of historic fabric and an enhancement to the Chatteris conservation area”. The structure is clearly within the curtilage of the listed building at No. 22 London Road and is therefore considered a listed structure itself under the definition for ‘listed building’ in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 195 notes “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”.

As per our previous submission, we believe the former coach house has considerable heritage value and is readily adaptable for a new use. The application has not demonstrated the building cannot be retained and enhanced in a way that is appropriate to its significance or that there would be any public benefit.

Cambridgeshire County Council Highways

I have no further comments.

Local Residents/Interested Parties

Comments have been received from a resident of London Road on both applications in relation to:

- The changes do nothing to overcome principle objections raised
- Concerns raised the Town Council have not acted accordingly in their consideration of the applications

Resolution: No change to the recommendation which is to refuse as per pages 37 – 54 of Agenda.



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F/YR20/0585/F and F/YR20/0586/LB

Scale = 1:1,250

N

Fenland
 CAMBRIDGESHIRE
 Fenland District Council

Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.

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0 20M
 EXISTING BLOCK PLAN
 SCALE 1:500

B 17.07.2019 Amendments made to suite planning/conservation officers comments. NA MDV

A 10.04.19 FIRST ISSUE NA MDV

Rev Date Details Drawn Checked Issued for:

PLANNING

Project Name: 22 LONDON ROAD CHATTERIS PE16 6AU	Project No: 362 Dwg No: 01A Rev: B Scale: Varies @A3
Drawing Name: EXISTING SITE LOCATION AND BLOCK PLAN	Drawn By: NA Date: 10.04.2019 Checked By: MDV Date: 10.04.2019



The Repeater Station, London Road,
 Norman Cross, Peterborough, PE7 3TB



AREA SHOWN
IN BLUE ON A
SEPARATE
PLANNING
APPLICATION

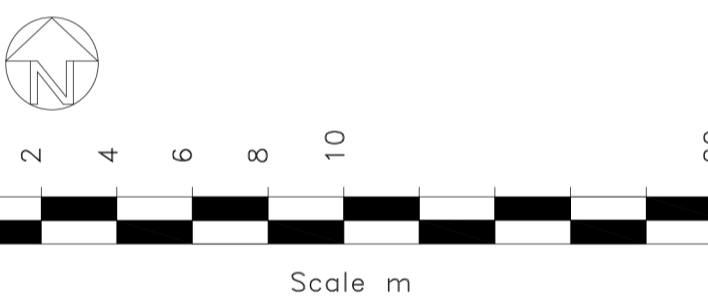
DWELLING AREAS (GIA)

**UNIT 2 - (GROUND FLOOR 86.03m²)
(FIRST FLOOR 86.03m²)
(4BEDROOM)**

DWARF WALL WITH BRICK
PIERS @4m C/C AND CLOSED
BOARDED TIMBER FENCE
BETWEEN PIERS AT 1.8m
HIGH

DWARF WALL WITH BRICK
PIERS AND METAL ESTATE
FENCING AT 1m HIGH AS PER
ELEVATION D-D

1.8m
CLOSED BOARDED TIMBER
FENCE



20.01.2019 FIRST ISSUE NA MDV
Rev: Date Details Drawn: Checked

PLANNING

Project Name: 22 LONDON ROAD
CHATTERIS
PE16 6AU
Project No: 362
Dwg No: 002
Rev: -

Drawing Name: PROPOSED
SITE PLAN
Scale: 1:200 @A1
Drawn By: NA Date: 20.01.2019
Checked By: MDV Date: 20.01.2019




AREA SCHEDULE

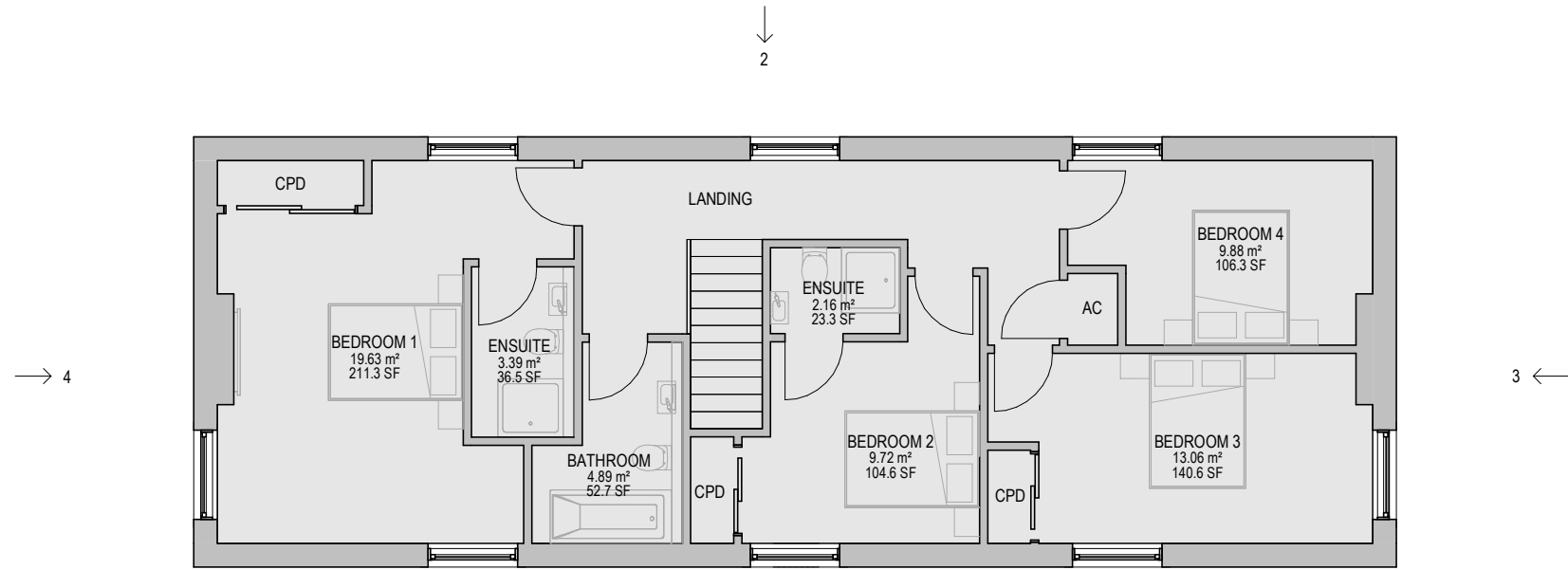
FLOOR LEVEL	AREA (m2)	AREA (sq ft)
GROUND FLOOR	86.03 m ²	925.99 ft ²
FIRST FLOOR	86.03 m ²	925.99 ft ²
	172.05 m ²	1851.98 ft ²

Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.

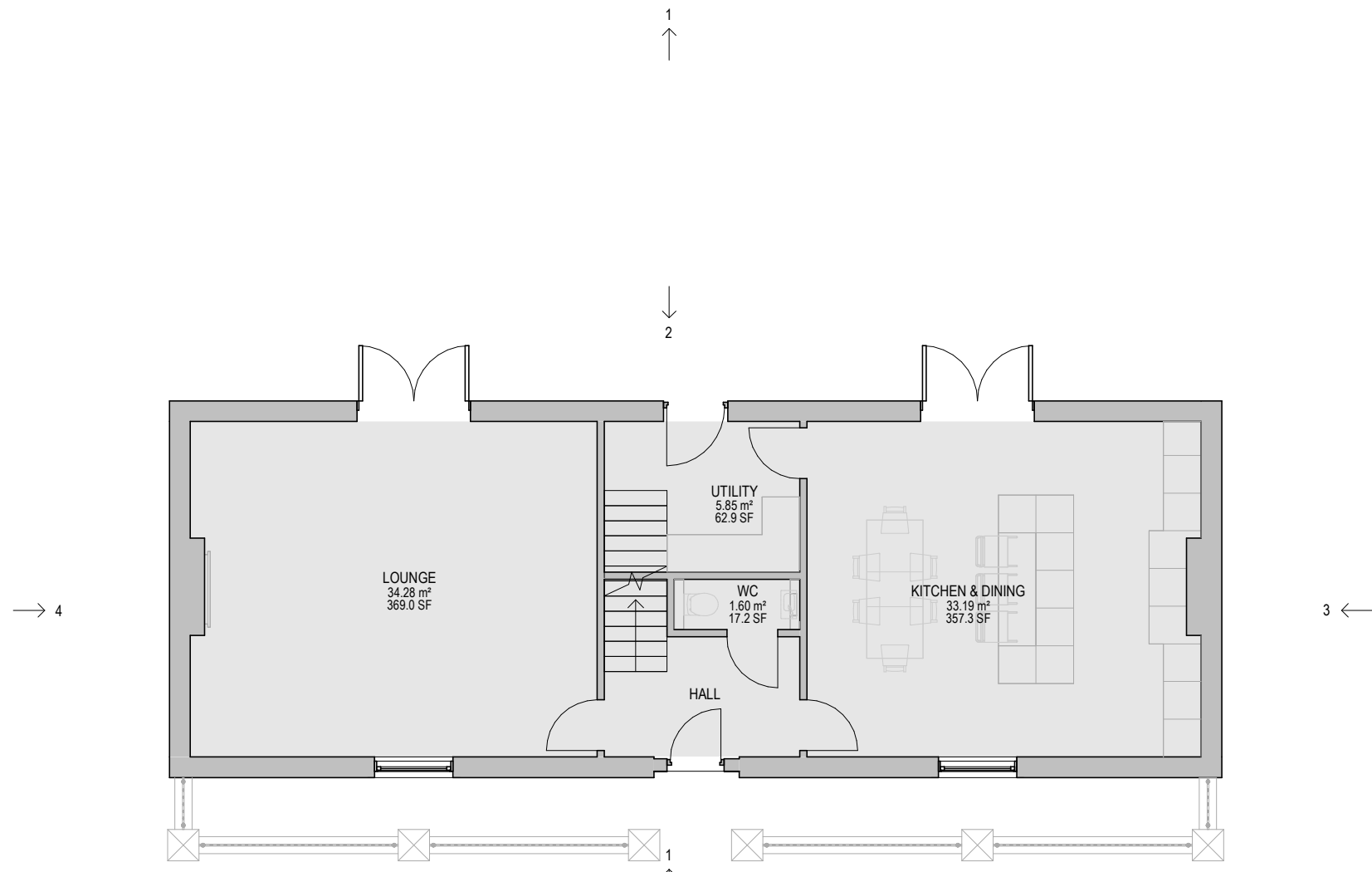
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-  Proposed Walls
-  Proposed Area
-  Principal Entrance



Level 01 - First Floor
1 : 100



Level 00 - Ground Floor
1 : 100



21.11.19	FIRST ISSUE	NA	MDV
Rev	Date	Drawn	Checked
Issued for: PLANNING			
Project Name: 22 LONDON ROAD, CHATTERIS PE16 6AU		Project No: 562	
		Dwg No: 003	
		Rev:	
Drawing Name: PROPOSED FLOOR PLANS		Scale: 1 : 100 @A3	
Drawn By: NA		Date: 23.01.20	
Checked By: MDV		Date: 23.01.20	

TMV ARCHITECTS

The Repeater Station, London Road,
Norman Cross, Peterborough, PE7 3TB

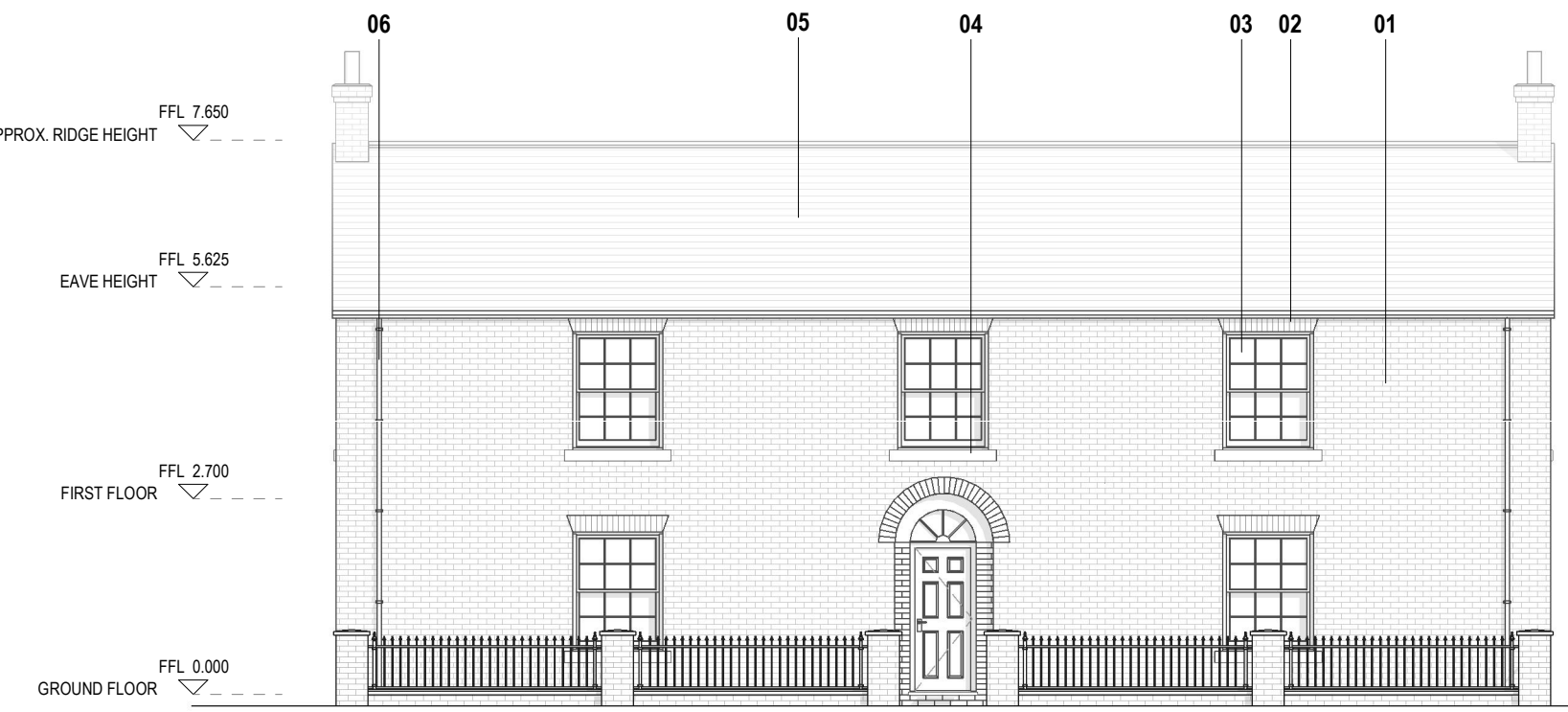
Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.

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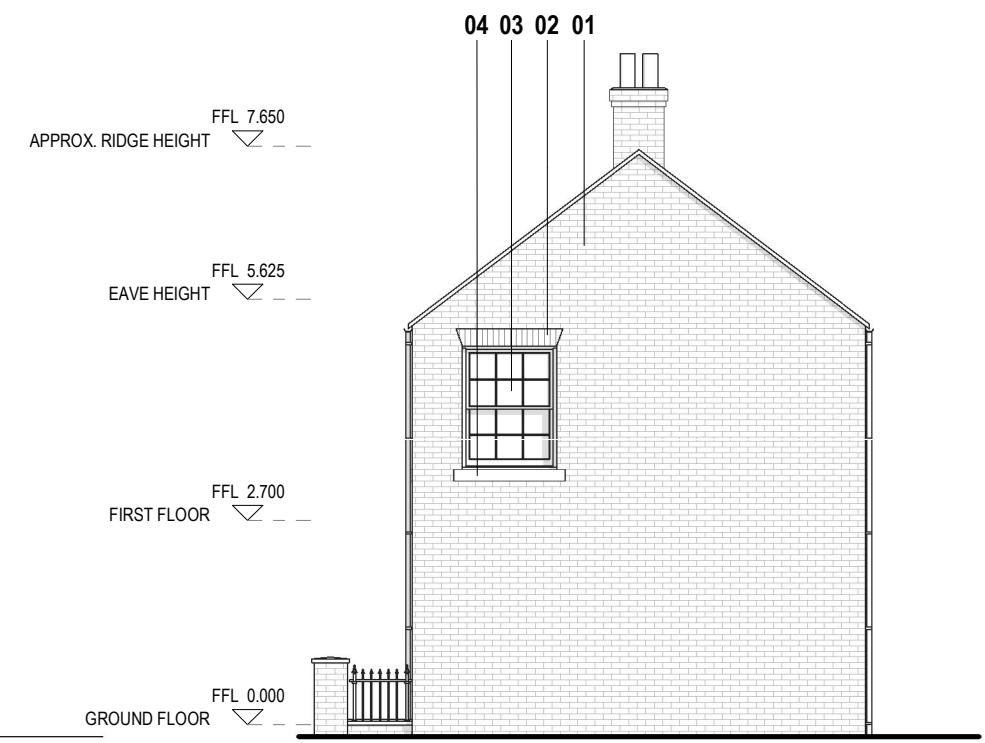
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MATERIALS

- 01 Buff Brick Flemish bond
- 02 Brick Header Course
- 03 White Painted Timber Sash Windows
- 04 Stone Cill
- 05 Slate Roof
- 06 Black Gutters and Downpipes



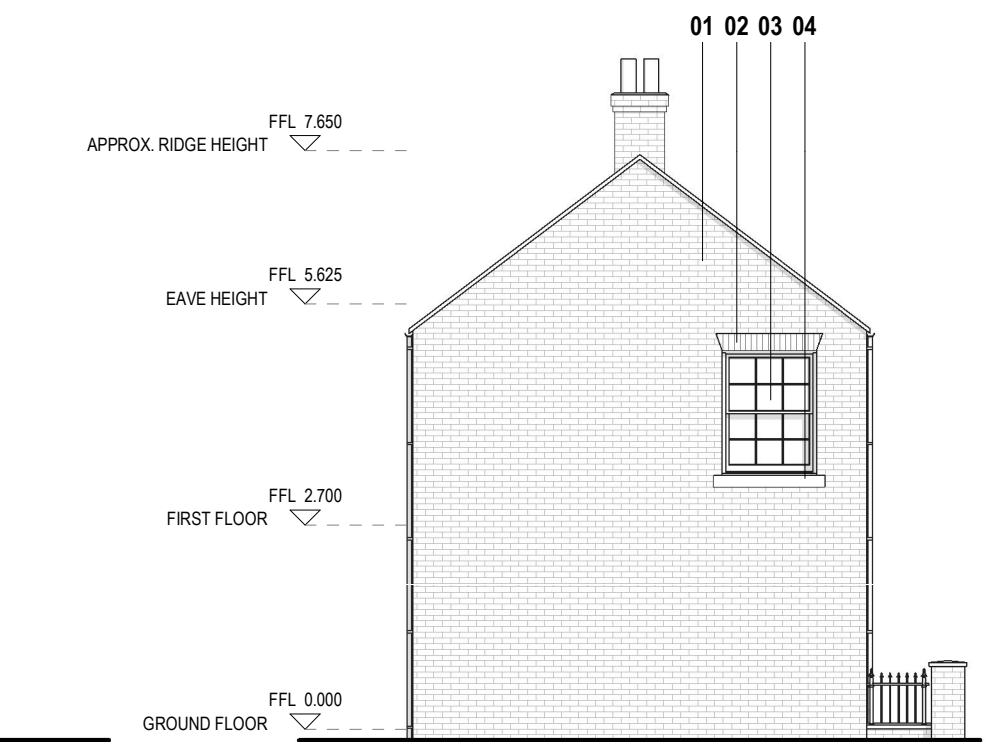
Elevation 1
1 : 100



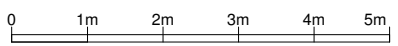
Elevation 3
1 : 100



Elevation 2
1 : 100



Elevation 4
1 : 100



21.11.19 FIRST ISSUE		NA	MDV
Rev	Date	Drawn	Checked
Issued for: PLANNING			
Project Name: 22 LONDON ROAD, CHATTERIS PE16 6AU		Project No: 562	
		Dwg No: 005	
		Rev:	
Drawing Name: PROPOSED ELEVATIONS		Scale: 1 : 100 @A3	
Drawn By:	NA	Date:	23.01.20
Checked By:	MDV	Date:	23.01.20

F/YR20/0910/F

Applicant: Mr Nilesh Sundavadra

**Agent : Mrs Alex Patrick
Alexandra Design**

1 Main Road, Parson Drove, Wisbech, Cambridgeshire PE13 4JA

Change of use from garage to part takeaway and part storage building for shop involving demolition of single storey building to rear; installation of external flue and retrospective installation of air source heat pumps

Officer recommendation: Grant

Reason for Committee: The number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. The application seeks a change of use from garage to a part takeaway and part storage building for shop including the demolition of single storey building to the rear, the installation of an external flue and the retrospective installation of air source heat pumps at 1 Main Road, Parson Drove.
- 1.2. The application originally submitted proposed external roller shutters on the east facing elevation of the takeaway shop. These roller shutters have been omitted from the application due to the harm they would introduce on the character of the Parson Drove Conservation Area.
- 1.3. The external flue will be located on the western elevation of the development. Original concerns raised by FDC Environmental Health have been mitigated by additional details provided by the agent in regard to odour and noise control from the external flue, however there is likely to be some perceived odour and noise nuisance to neighbours as confirmed by the Environmental Health Team.
- 1.4. The site is located within Parson Drove Conservation Area. The external flue will face a Grade II Listed War Memorial and the site itself is within the vicinity of Grade II Listed Buildings. The external flue is to be painted in a colour to match the existing building or encased in a brick surround and a condition will be imposed accordingly. Whilst the flue will have a visual impact on the Conservation Area, these impacts are unlikely to detract from the setting of the Conservation Area as confirmed by the Conservation Officer.
- 1.5. Given the assumed impacts on neighbouring property from the proposed external flue, the recommendation is to grant this application.

2 SITE DESCRIPTION

- 2.1. The application site is located on the northern side of Main Road, approximately 50 metres east of the B1187 and B1166 junction. The change of use is proposed to the garage to the rear of the existing convenience store on site.
- 2.2. The site is located within Parson Drove Conservation Area, the site is situated within the setting of both a Grade II Listed War Memorial and Grade II Listed Buildings.
- 2.3. There are residential properties located directly north and east of the application site. The dwelling to the north sits approximately 17 metres from the building on site. The dwelling to the east sits approximately 13 metres from the building on site.
- 2.4. Alderman Payne Primary School is located within 15 metres to the east of the site.

3 PROPOSAL

- 3.1. The proposal is for the change of use of the existing garage to a part takeaway and part storage building for the existing shop. The takeaway proposed is an Indian takeaway and fish and chips.
- 3.2. An amended plan has been received by the agent confirming that the development will be takeaway only and there is no intention for the development to operate as a restaurant.
- 3.3. The proposed hours of operation 11:30 – 21:00 Monday – Friday and 11:30 – 21:00 on a Saturday.
- 3.4. The proposal will include the demolition of the existing single-storey building to the rear of the site. The proposal also includes the installation of an external flue and the retrospective installation of air source heat pumps.
- 3.5. The development includes the replacement of an existing window on the rear, north facing elevation with a door. The windows on this door will have a frosted glazing adhered to the glass.
- 3.6. The external flue and air source heat pumps will be located on the west facing elevation. Access to the takeaway shop as well as parking provision is located to the east of the building on site. 4 parking spaces are proposed to facilitate the development.
- 3.7. The external flue will be mitigated against by either it being painted in a colour to match the existing brickwork or encased in a brick surround to match the building. This detail will be conditioned.
- 3.8. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR20/0437/A	Display of 1no internally illuminated fascia sign to front, 6no non-illuminated canopy signs, and 7no non-illuminated vinyl signs and 1no menu board	Granted	22.07.2020
F/YR20/0388/F	Installation of external roller shutters to windows and doors on front and side elevations	Refused	29.06.2020

5 CONSULTATIONS

5.1. Parson Drove Parish Council

The Parish Council supports this application and recommends approval subject to the following conditions being added: 1) Appropriate parking is added on site to avoid disruption to the public highway. 2) The applicant to ensure rubbish is regularly picked up. 3) Environmental Health measures are included to mitigate any smell from the business for nearby residents. 4) Any signage associated with the business is agreed with officers to ensure it is sympathetic to the conservation area.

5.2. Parson Drove/Wisbech St Mary Ward Councillor

No comments received.

5.3. Cambridgeshire County Council Senior Archaeologist

Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this development.

5.4. Cambridgeshire County Council Highways

The proposal will not result in any material highway impact.

I have no highway objections.

5.5. Designing Out Crime Officers

I can confirm this office has reviewed this Change of Use applications in terms of community safety and vulnerability to crime. Police incidents over the last year for this area have regular reports of anti-social rowdy behaviour. We are supportive of the Change of Use and security measures to be considered. Should the applicant require site specific specialist crime prevention advice please get in touch with this office.

No further comments at this stage.

5.6. Business and Economy Team

No comments received.

5.7. North Level Internal Drainage Board

North Level District IDB has no comment to make with regard to the above application.

5.8. FDC Principal Licensing Officer

No comments received.

5.9. FDC Housing & Neighbourhood Services

No comments received.

5.10. FDC Environmental Health

Ongoing advice has been sought from the FDC Environmental Health team regarding both odour and noise control. The agent has submitted additional details regarding the extraction system and the following comments were made:

This response, follows the interim one, dated 4 March 2021 and takes into consideration additional information submitted by the applicant upon request.

A site visit was made on 27 February 2021 and this response is based on that visit, plus information submitted by the applicant subsequently, which addresses points raised in the interim response.

As indicated in the previous response, this site is conducive for the dispersal of odours from the cooking processes, due to it being some distance from neighbouring properties, which is a critical factor, as with all hot-food production on a commercial basis.

The documentation and information requested and submitted of the applicant, has in the main, addressed these queries I had concerning this proposal and I comment as follows: -

The route to be taken by extraction of the odours from the cooking range to the outlet to atmosphere, will be above ridge height of the pitched roof. The point at which the ducting will travel vertically up the side of the building (western elevation) will be some 2.5 metres above ground level. This ducting will house the filtration system, the noise from which will be attenuated to minimise the impact upon the nearest residential property, which is some 28 metres distant.

The significance of the height of the outlet, being some 1.5 metres above the ridge, is that the odours will less likely be subjected to 'downwash' which could take the odours to ground level in certain meteorological conditions, such as during temperature inversion.

What will be critical in controlling the degree of odours emitted will be the length of the dwell time of the extract gases within the filtration system. This should be short enough for the filters to perform their function of grease removal, moisture absorption and odorant removal. It is proposed that this time will be between 0.2 – 0.8 seconds, which will vary with the nature of the product being cooked, with spicy foods requiring a longer time.

I would point out that the scenario of no odours being extracted and perceived by nearby residents is unrealistic, but the combination of the distance of this site from neighbouring properties, the nature of the roof referred to above, with a high discharge point and the triple filter system will minimise, but not, eradicate them.

There will be certain times when the smell of the odours from the extracted fumes will be perceived by neighbouring properties. These were referred to in the interim response.

However, there is scope with this proposal, for the odours to be minimised to the degree that they will not cause a statutory nuisance which could be actionable by Fenland District Council, under the Environmental Protection Act 1990.

The noise from the extraction fan system, which will be located within the ducting approximately 2-3 metres above ground level, and the air source heat pumps can be attenuated to a level which does not cause a noise nuisance to the occupiers of the nearest residential property, again some 28 metres distant. It is proposed to fit an attenuator to the system which, with the distance involved and scope for shielding if necessary, should not cause a statutory nuisance.

The noise, will be a continuous tone all the time the extraction system is in use, but will not continue after the cooking process has finished.

Another issue which has been clarified by the applicant is the low-level building to the rear of the main building, which has a roof made of corrugated asbestos cement sheeting. It is proposed to remove this building and the removal of this roof will require the services of a licensed asbestos removal contractor. Also, there is an oil tank at the side of this building which is to be removed. There will need to be a walk-over survey to ascertain the presence of any oil spillage, which may have occurred whilst the tank has been in use.

There have been concerns made by the public about litter left by patron of the premises. This can be addressed by a suitably worded condition for the provision of litter bins in front of the premises

Overall, there are no objections to this proposal, but I would recommend the attachment of the following conditions to any consent granted: -

ODOUR CONTROL

The extract point to atmosphere of the flue gases should be a minimum of 1.5 metres above ridge height of the pitched roof of the building, in order to maximise the dispersal of odours and counteract the effects of the roof creating 'downwash' of odours to ground level.

The dwell-time of the extract gases passing through the triple filter system should be appropriate for the nature of the product being cooked and in conjunction with this, the efflux velocity at the point of discharge to, atmosphere, shall be adequate to achieve the optimum dispersal of odours and minimise the impact of cooking odours upon the occupiers of the nearest residential properties.

The filtration system should be operated and maintained in accordance with the manufacturer's recommendations, including those in respect of: -

- A *Removal and cleaning of grease filters*
- B *Replacement of moisture filters*
- C *Maintenance and replacement of activated carbon filters*

NOISE CONTROL

Any noise emanating from the air source heat pumps and the flue gas extraction system, including the induction/extraction fan(s), triple filters and efflux draught at the point of discharge to atmosphere, shall be attenuated to a degree which achieves a level no greater than 35dB(A)Leq, when measured at the boundary of the nearest residential properties, when measured with a Type 1 sound level meter.

In order to achieve this, an attenuator shall be incorporated into the extraction system, which shall be maintained in accordance with the manufacturer's guidance and recommendations, and if necessary, a shield shall be constructed as close to the fan housing as possible.

ASBESTOS REMOVAL

As part of the proposed demolition of the single-storey extension, located to the rear of the main building, the corrugated, cementised asbestos roof shall be removed by a licensed asbestos removal contractor and taken to a household waste facility which is licensed to receive such waste. Details can be obtained from the Cambridgeshire County Council website.

A work plan indicating the method of dismantling, transportation and the location where it is to be disposed of shall be submitted to Fenland District Council and approved, before any work in connection with this proposal is commenced.

UNSUSPECTED GROUND CONTAMINATION

If during the demolition of the single -storey extension to the rear of the main building, including the removal of the dis-used oil tank, contamination not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

LITTER CONTROL

Adequate provision for litter disposed of by patrons should be provided to the front of the premises. Such receptacles provided, should be cleared as and when necessary and always after the shop has closed at the end of each day it is open for business.

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

INFORMATIVES

In addition to these conditions, I would recommend the inclusion of the following in any consent, as 'Informatives': -

The compliance with the conditions in this consent concerning odour control or noise control, do not exclude the possibility of enforcement action by Fenland District Council in respect of any statutory nuisances under the Environmental Protection Act 1990.

The use of these premises as a food premise will require registration with Fenland District Council Contact details are available on the Council's website.

5.11. FDC Conservation

The proposal put forward concerns the change of use from a garage/shop to a food takeaway involving the demolition of a single storey element to the rear and installation of roller shutters and air source heat pumps (part retrospective) at a circa 1970s commercial premise which was originally a garage, later used as an off license but now vacant. The premise is located close to the junction of Main Road and The Bank within the Parson Drove Conservation Area (designated in September 1976). Within the immediate vicinity of the building are three grade ii listed buildings) namely War Memorial, The Bank, (listed 31st October 1983, K6 telephone box (listed 16th March 1989) and The Hollies, Main Road (Listed 31st October 1983).

Relevant planning history includes F/YR20/0388 which was for the installation of external roller shutters to front and side elevations. This was refused on grounds that the use of roller shutter is contrary to Policy LP17 (e) and Policy LP 18 which seeks to ensure that development protects, conserves and enhances the historic environment.

A heritage statement has been submitted with the application but no attempt has been made by the applicant to justify this proposal in terms of its impact on the heritage assets. The proposal therefore fails to accord with paragraph 189 NPPF (February 2019).

The comments of the Cambridgeshire Constabulary date 15th May 2020 are noted, specifically the statement "Having spent some time reviewing specific crimes in the immediate area I can't find there is a direct threat against this premises that would require roller shutters to be installed". Also "I believe there would be other measures that the client could consider rather than installing roller shutters". The relevance of these comments is unchanged.

Consideration is given to the impact of the proposed dwelling on the setting of the adjacent listed building (specifically The Hollies) and character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990 respectively. The proposal put forward is supported in principle but requires amendment. The following comments are made:

Parson Drove is an interesting village in that there are two historic nucleuses to the village. Map evidence (OS Map 1888) shows that by the late 19th century part of the village was well established on the banks of the North Level Drain at the west end of Main Road towards the junction with Swan Bridge. In the late Victorian era this part of the village was called Southea. At

this end of town an established settlement had developed with a concentration of houses grouping together, several which line the east side of a recreational green and further dwellings extended back along Main Road. At this end of the town there were a number of public houses (Swan Inn, Star Inn and Butchers Arms). The brick-built Church of Emmanuel was erected at this end of the village in 1872. The earliest surviving property (now listed) at this end of the village appear to date to the mid-18th century (Sycamore House and its barn) with further property (also listed) from the first half of the 19th century (The Hollies, The Chestnuts, Rookery Farm) also surviving today. The village's other nucleus is 1 mile east along Main Road and this was known as Church End where the late 15th century stone Church of St John the Baptist is located. Map evidence (OS Map 1888) shows that by the late 19th century Church End accounted for a small grouping of dwellings and included one pub (Five Bells) and the Woad Mills. In the late 19th century development between the two nuclei of the village comprised of the odd farmhouse with most of the land between the two being farmland. This settlement morphology remained until the 1960's when residential development started to occur between the two nuclei. The village today presents itself predominantly as a linear development comprising of property stretched out for 1.5 miles along Main Road with no longer any distinct separation between Southea and Church End. The Parson Drove Conservation Area covers the historic nucleus of Parson Drove at Southea which is the North Level Drain End of Main Road.

The Parson Drove Conservation Area covers the historic nucleus of the village at Southea (as formally known). Its character and appearance are in part derived from the fact it incorporates a grouping of the village's oldest surviving properties and these are predominantly found along Main Road. Along Main Road are seven listed buildings dating from the mid-18th century through to the late 19th century. In addition to this a further five properties were identified in the Parson Drove Conservation Area Appraisal (October 2000) as Buildings of Local Interest because of their heritage interest. The historic properties within the conservation area reinforce the historic qualities of the conservation area. They tend to be present themselves in the vernacular traditions of simple Georgian or Victorian facades often of three bay widths and this is part of the character and appearance of this conservation area. A number of these historic buildings originally served as farmhouses and their scale and simplicities of their appearance is reflective of their building type and their location within the agricultural Cambridgeshire Fens. The Green fronting The Bank contributes significantly to the character and appearance of the conservation area as an area of open space lined with trees and there are strong natural qualities to the entire conservation area as a result from The Green and its mature trees and the mature trees found throughout the conservation area including those fronting Main Road. Hedged boundary treatments to Main Road also contribute significantly to the natural qualities of the conservation area. It is within this context of understanding the Parson Drove Conservation Area's character and appearance that this proposal is considered.

The building to which this application relates is a nondescript commercial premise which was erected around 1970 originally as a garage later serving as an off license and now vacant. The building's provenance is without apology and it does not contribute to the historic character of the Parson Drove Conservation Area but as a single storey commercial premise it does not necessarily excessively draw attention to itself either. It is noted that the

building has black barred grills over the windows and images from Google street view indicate these grills have existed on the exterior since at least 2009. The existing black security grills are modest and on this specific building they may not particularly enhance the aesthetic of the building but they do not detract from the buildings appearance or draw undue attention to it either. The previous application sought to install roller shutters to the south and west elevations which are more visible within the street scene. The current proposal seeks retrospective consent to install roller shutters across the large concertina garage doors to the east elevation.

With the Access Statement no explanation is given as to why roller shutters are required in this location, either on grounds of security or otherwise and within the heritage statement there is no attempt to explain how proposals to install roller shutters would justifiably preserve or enhance the character or appearance of the conservation area or setting of adjacent listed buildings/structures. Roller shutters appear heavy and defensive and due to the scale of the opening would be very conspicuous on the building where they are proposed – and in fact now installed. In this instance it is felt the proposed shutters would be conspicuous, aesthetically displeasing, and would draw greater attention to this 1970s building and that would be to the detriment of the character and appearance of the conservation area and no justification for their installation has been provided. It does not appear from the plans that any access is intended through these former garage doors and it would seem likely that the roller shutters may be closed during the day as well as the night. It would be more in keeping with policy to install an open grill shutter or it may be more appropriate for the openings to be bricked in entirely if no access or use is required.

However, as it stands, the proposal would fail to preserve or enhance the character and appearance of the Parson Drove Conservation Area contrary to S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal may cause less than substantial harm the setting of adjacent listed building given these listed structures are at a little distance from the building in question.

The principle of the application is supported and the change of use would not harm the character or appearance of the conservation area, subject to advertisement consents, but this detail requires amendment.

Following the removal of the roller shutters as well as the confirmation of the flue location/materials, the FDC Conservation Officer had no further objections.

5.12. FDC Arboricultural Officer

The application is for the change of use from an existing garage to a restaurant.

The proposed plans do not include the removal of trees or significant vegetation to achieve the change of use.

Proposed additional parking spaces do not impact on any trees.

I therefore have no objection to the proposal.

Local Residents/Interested Parties

5.13. Objectors

12 Letters of Objection were received by the council stating the following reasons for objection:

- Anti Social Behaviour
- Access
- Density/Overdevelopment
- Design/Appearance
- Devaluing property
- Does not comply with policy
- Environmental Concerns
- Light Pollution
- Local services/schools – unable to cope
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property
- Proximity to school
- Shadowing/loss of light
- Smell
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent
- Previous refusals for takeaways in the area
- Location of oil tanks on site

5.14. Supporters

32 Letters of Support were received by the council stating the following reasons for support:

- Increased income to other local businesses within close proximity of the application site
- Parson Drove needs more local services
- Benefit to local residents – no need to travel out of the area
- Boost to the local economy

A signature activity was also carried out by the agent. 96 signatures were received in support of the application.

6 STATUTORY DUTY

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

Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 11 – Decisions should accord with the development plan;

Para 14 – Presumption in favour of sustainable development

Para 83(a) – Planning decisions should enable the sustainable growth and expansion of all types of businesses, through conversion of existing buildings or well-designed new buildings

Para 134 – Conserving and Enhancing the Historic Environment

Para 189 – Local planning authorities require an applicant to describe the significance of any heritage assets affected

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2019

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

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

~~~~~ Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

### **7.5. Parson Drove Neighbourhood Plan 2020**

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

## **8 KEY ISSUES**

- **Principle of Development**
- **Visual Amenity and Heritage**
- **Residential Amenity**
- **Parking and Highways**
- **Other Issues**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District and as such sets out the scale of development which is deemed appropriate to each level of the hierarchy.
- 9.2. Parson Drove is designated as a Limited Growth Village. A small amount of development and service provision is encouraged and permitted over the plan period in order to support continued sustainability within Parson Drove. The application is for a change of use and therefore will make use of an unused garage to the rear of the existing convenience store. The principle of development is therefore considered to be acceptable subject to the policy considerations set out below.

### **Visual Amenity and Heritage**

- 9.3. The change of use is to half of the building currently located to the rear of the existing convenience store. The majority of works are internal and therefore are unlikely to be visible from the street scene. The development includes the removal of an existing single-storey extension to the rear of the site which will change the outlook of the building; however, this is not considered to be detrimental.
- 9.4. The development includes an external flue located on the west facing elevation of the building. The flue will sit 1.5 metres above the existing ridge height of the roof and will be finished in a paint to match the existing building.
- 9.5. Whilst the location of the external flue is unfortunate in relation to the Grade II Listed War Memorial located to the west of the site, the FDC Conservation Officer has no objections to the flue should it be painted to match the existing building. The flue will still be visible however the painting of such will minimise potential impacts on the Listed Building and therefore a refusal in this instance would not be justified.
- 9.6. The removal of the external roller shutters from this application has also minimised the potential impacts on the Parson Drove Conservation Area. They would have created a feature in the street scene and would have introduced significant harm to the Conservation Area. The removal of such ensures that the development is compliant with Policy LP16 and Policy LP18 of the Fenland Local Plan.

### **Residential Amenity**

- 9.7. The application site has neighbouring properties located directly to the north and to the east. The dwelling to the north of the site is a single-storey detached dwelling located 12 metres approximately from the building on site and the dwelling to the east is a two-storey detached dwelling located approximately 12 metres to the east of the building on site.

- 9.8. Due to the close proximity of neighbouring dwellings there is likely to be some impact from the development on neighbouring property as confirmed by the Environmental Health team. The proposed external flue is located on the western elevation of the building. Upon consultation with FDC Environmental Health, no objections were raised in regard to the proposal, however, point 4 of the above comments states the following:

*I would point out that the scenario of no odours being extracted and perceived by nearby residents is unrealistic, but the combination of the distance of this site from neighbouring properties, the nature of the roof referred to above, with a high discharge point and the triple filter system will minimise, but not, eradicate them.*

*There will be certain times when the smell of the odours from the extracted fumes will be perceived by neighbouring properties.*

- 9.9. The FDC Environmental Health officer then notes that the development itself should not cause a statutory nuisance. Statutory nuisance is classed to have significant impact on the health and wellbeing of anyone affected by the proposed development. Whilst it is noted that there may be some impact on residential amenity from the development, it is unlikely to adversely impact on the health and wellbeing of surrounding residential amenity.
- 9.10. The Environmental Health team have noted that the length of dwell time will be critical in controlling the odours produced by the extraction and filtration system. To ensure that residential amenity is not adversely impacted the Environmental Health team have recommended a condition to be imposed in regard to effective odour control.
- 9.11. Due to the proximity of neighbouring properties to the site, it is likely that there will be some noise impact from the proposed extraction system. The development proposes to fit an attenuator to the system. It is noted from the Environmental Health team that due to the attenuator and the distance of the extraction system from neighbouring property there should be no statutory nuisance. Whilst the extraction system will produce a continuous tone during use, it will not continue after the cooking process and therefore should not introduce adverse noise impacts to surrounding residential amenity. A condition can be secured to ensure the attenuator is fitted and maintained in accordance with manufacturers guidance.
- 9.12. The application form states that the hours of operation will be 11:30 – 21:00 Monday to Friday and Saturday. The takeaway will be closed on Sundays and Bank Holidays. These hours are not considered to be excessive in this location considering the nature of the proposed development and should therefore not adversely impact on residential amenity.
- 9.13. An existing window on the rear elevation is proposed to be replaced with a door. A neighbour objection was received expressing concern in regard to potential overlooking from this door. The agent has confirmed that a frosted glazing will be adhered to this door. The frosted glazing will mitigate any potential overlooking impacts from the development.

## **Parking and Highways**

- 9.14. The development includes the provision of 4 parking spaces for the takeaway to the east of the building on site. The CCC Highways officer has no objections to the arrangements proposed as they will not materially impact upon the highway and therefore are considered to be acceptable in respect to Policy LP15.
- 9.15. Neighbour objections received note the refusal of other takeaways within the area. An application was refused for a change of use for A1 to A5 (Hot Food Takeaway) in 2008 under reference F/YR08/0548/F. The application site is located at 3 The Bank which is approximately 32 metres north of the application site. This application was refused due to the detrimental impacts on the Conservation Area which would lead to increased traffic which would result in conditions detrimental to both highway and pedestrian safety.
- 9.16. An appeal at the site was dismissed under reference APP/D0515/A/08/2091528 due to the impact on the character and appearance of the Conservation Area and the effects on living conditions of neighbouring residents.
- 9.17. Whilst the previous refusal is noted, each application is determined on their own merit. The appeal at 3 The Bank was dismissed due to the disruption to the quiet character of the Conservation Area and the impacts of the proposed development to neighbouring property.
- 9.18. It has been confirmed by FDC Environmental Health that potential impacts from the proposed development would not cause a statutory nuisance and therefore will not be detrimental to neighbouring property.
- 9.19. Whilst the development will be visible to the Conservation Area, the flue will be painted to match the existing building. It has been confirmed by FDC Conservation that the development will not detract from the character of the Conservation Area.
- 9.20. The previous refusal notes traffic movements and the impact these may have on the residential properties along The Bank. This application provides 4 parking spaces and it is unlikely that consumers will travel along The Bank when accessing the takeaway, therefore the properties along the Bank should not be directly impacted by the potential increase in traffic.
- 9.21. The development can therefore not be refused on the grounds of previous refusals in the area as the development will not adversely impact on neighbouring property and the Conservation Area in the same ways as the previous refusal at 3 The Bank.

## **10 CONCLUSIONS**

- 10.1. This application is for the change of use from a garage to a part takeaway and part storage building for the existing shop. The principle of development is acceptable.
- 10.2. There will be minimal impacts on the character of the Conservation Area due to the omission of the roller shutters and the painting of the external flue to match the existing building on site. Whilst the development will have some

visual impacts, it's unlikely that these will be adverse and will therefore not detract from the character of the Conservation Area.

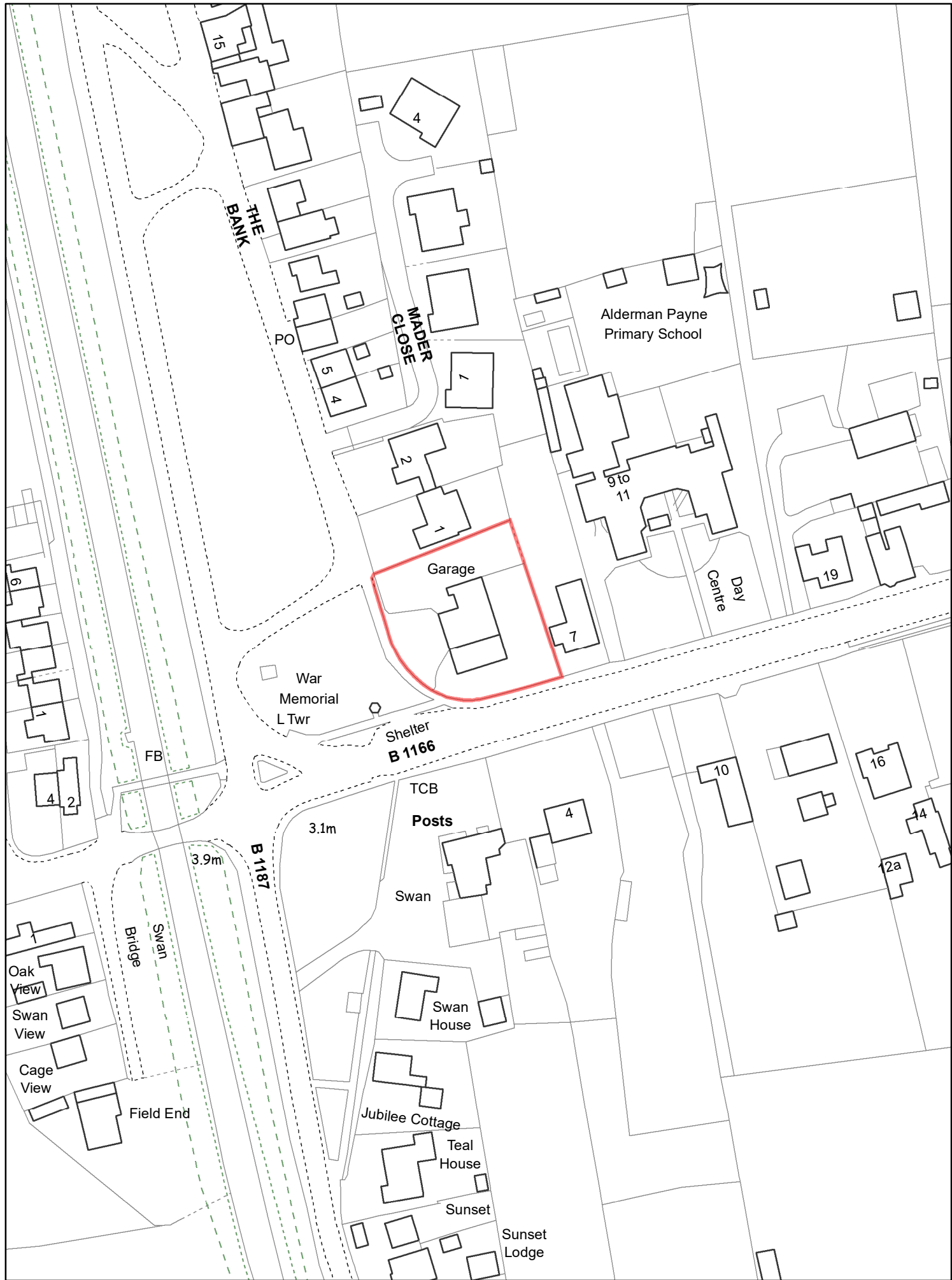
- 10.3. The proposed extraction system and external flue will have some impact on neighbouring property in regard to odour as confirmed by FDC Environmental Health. However, these impacts will not cause a statutory nuisance and therefore will not adversely impact on residential property. Relevant conditions can be imposed to ensure that the extraction system is installed at a height to ensure the impact of cooking odours upon neighbouring dwellings are not adverse.
- 10.4. It is therefore considered that this application is acceptable as it complies with Policy LP1, LP2, LP6, LP14, LP15, LP16 and LP18 of the Fenland Local Plan 2014.

## 10 RECOMMENDATION

### 11.1. Grant subject to the following conditions:

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The development permitted shall be begun before the expiration of 3 years from the date of this permission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2 | <p>The takeaway hereby approved shall only open between the hours of 11.30 to 21.00 Monday to Friday; 11.30 to 21.00 Saturday; and closed on Sunday and Bank Holidays only.</p> <p>Reason- in the interest of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3 | <p>Prior to the commencement of the development hereby approved full details of the colour and finish of the external extractor flue (including a sample) 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 as such for the lifetime of the development.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan, 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4 | <p>The extract point to atmosphere of the flue gases should be a minimum of 1.5 metres above ridge height of the pitched roof of the building, in order to maximise the dispersal of odours and counteract the effects of the roof creating 'downwash' of odours to ground level.</p> <p>The dwell-time of the extract gases passing through the triple filter system should be appropriate for the nature of the product being cooked and in conjunction with this, the efflux velocity at the point of discharge to, atmosphere, shall be adequate to achieve the optimum dispersal of odours and minimise the impact of cooking odours upon the occupiers of the nearest residential properties.</p> <p>The filtration system should be operated and maintained in accordance with the manufacturer's recommendations, including those in respect of: -</p> <ul style="list-style-type: none"> <li>A Removal and cleaning of grease filters</li> <li>B Replacement of moisture filters</li> <li>C Maintenance and replacement of activated carbon filters</li> </ul> |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <p>Reason - To safeguard the residential amenity of adjoining residential occupiers in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5 | <p>Any noise emanating from the air source heat pumps and the flue gas extraction system, including the induction/extraction fan(s), triple filters and efflux draught at the point of discharge to atmosphere, shall be attenuated to a degree which achieves a level no greater than 35dB(A)Leq, when measured at the boundary of the nearest residential properties, when measured with a Type 1 sound level meter.</p> <p>In order to achieve this, an attenuator shall be incorporated into the extraction system, which shall be maintained in accordance with the manufacturer's guidance and recommendations, and if necessary, a shield shall be constructed as close to the fan housing as possible.</p> <p>Reason - To safeguard the residential amenity of adjoining residential occupiers in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p> |
| 6 | <p>If during the demolition of the single -storey extension to the rear of the main building, including the removal of the dis-used oil tank, contamination not previously identified, is found to be present at the site, then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                        |
| 7 | <p>Prior to the first use of the takeaway hereby approved, the provision of at least 1 litter bin is to be provided on site and retained in perpetuity thereafter.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8 | <p>Approved Plans:</p> <p>Location Plan, Site Plan and Elevations<br/>Floor and Roof Plans</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



Created on: 16/10/2020

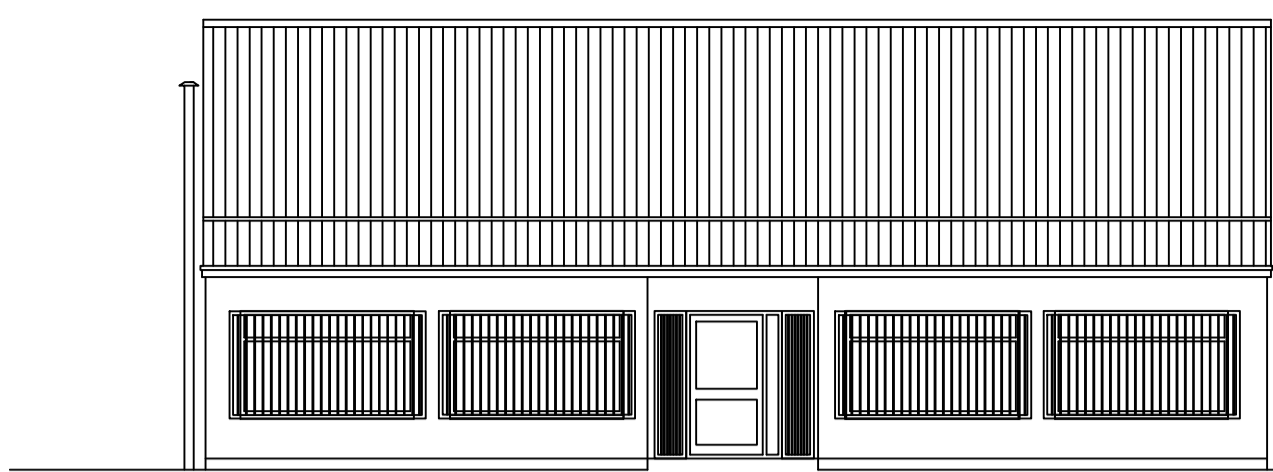
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**F/YR20/0910/F**

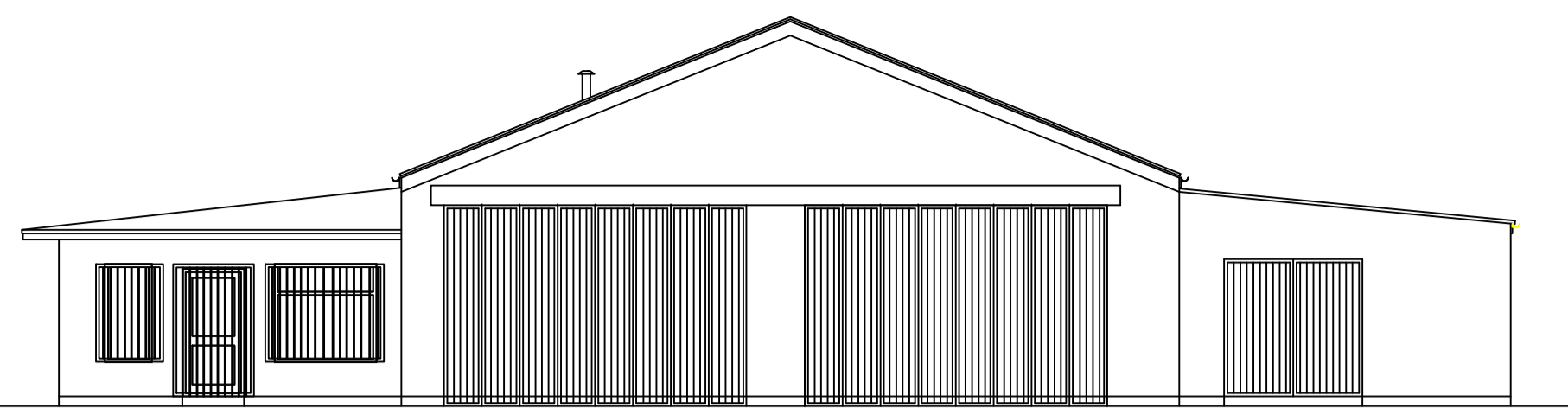
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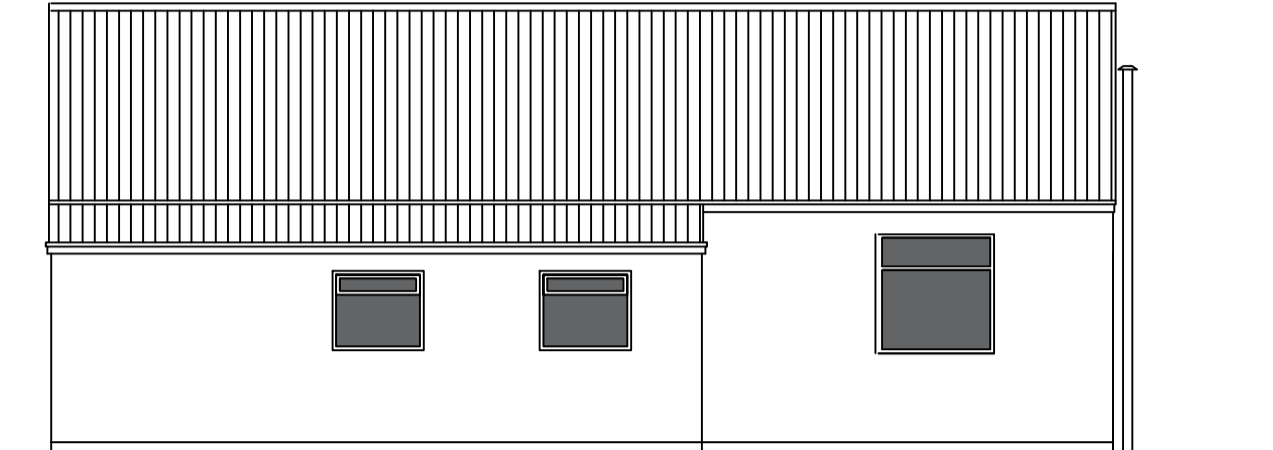




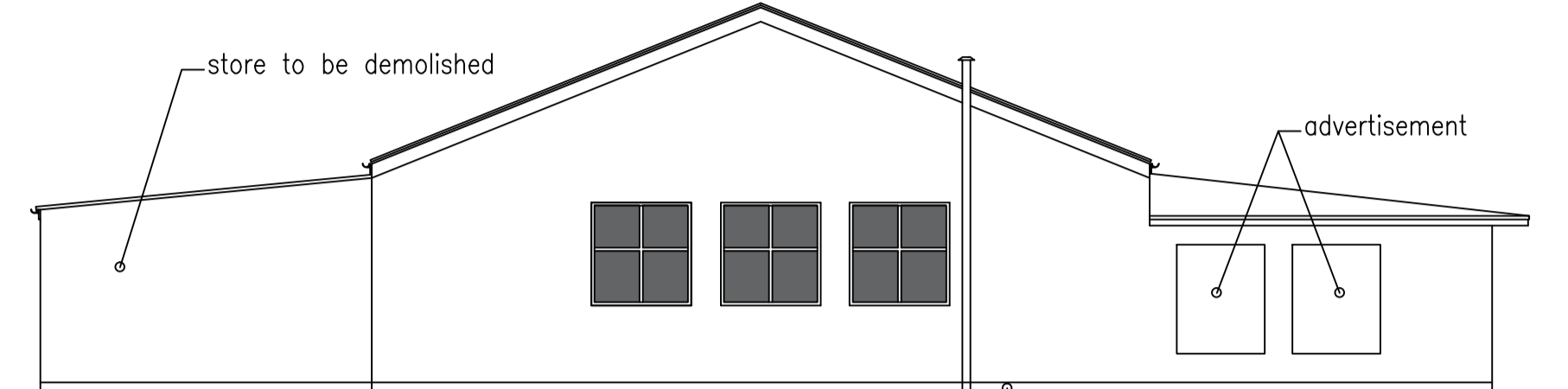
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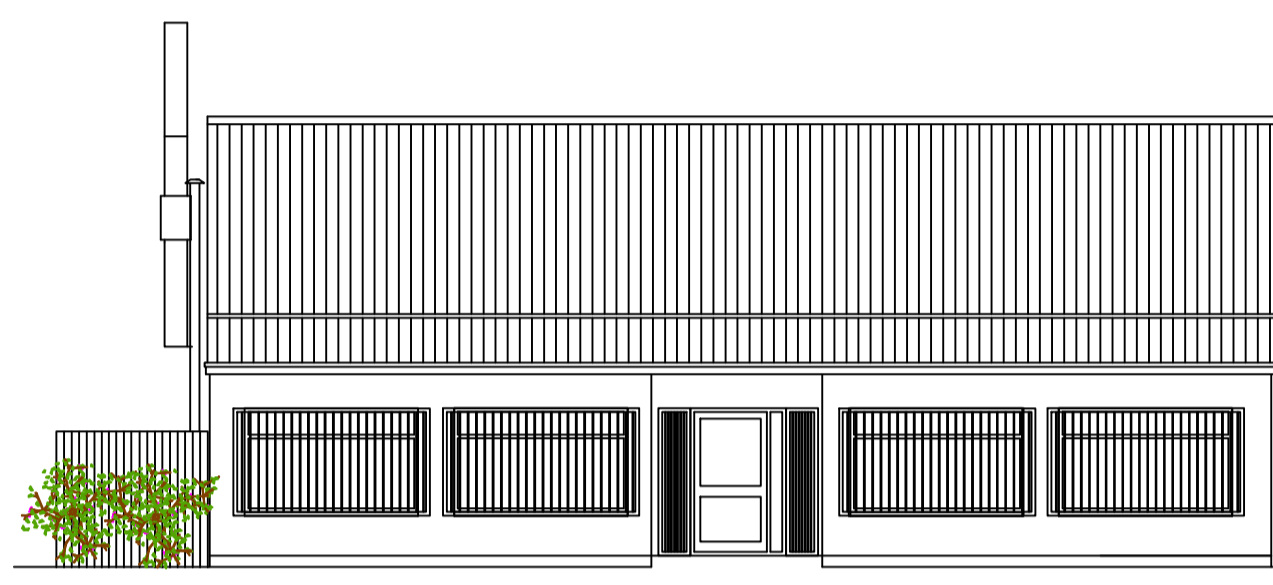
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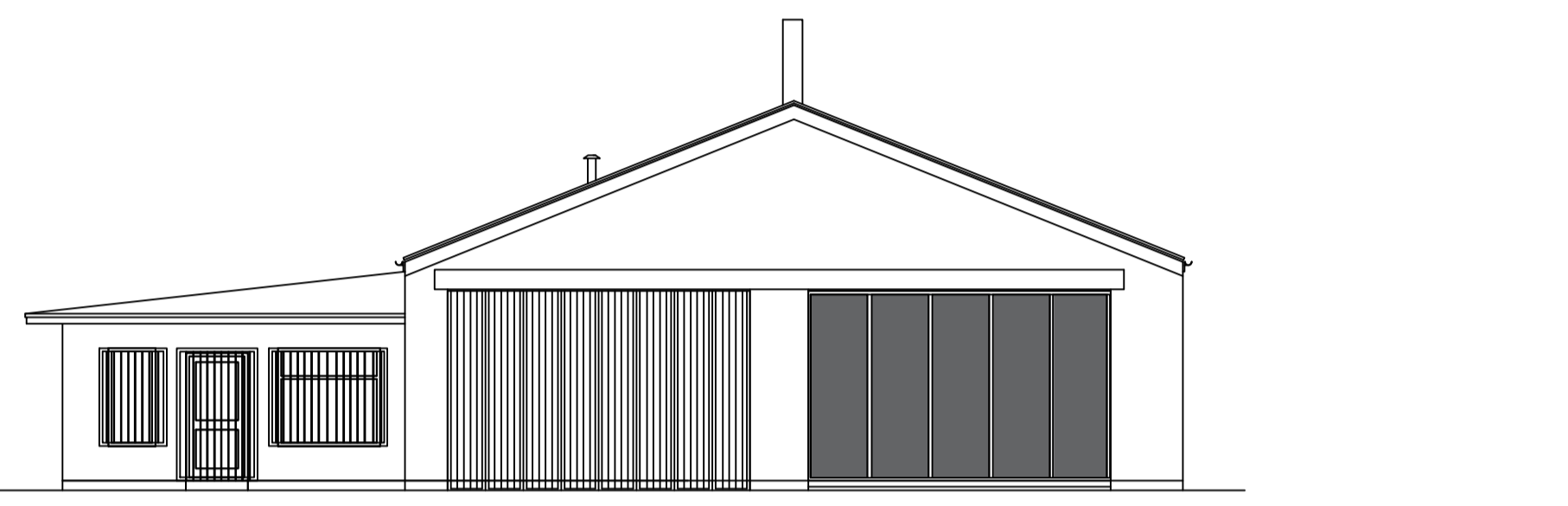
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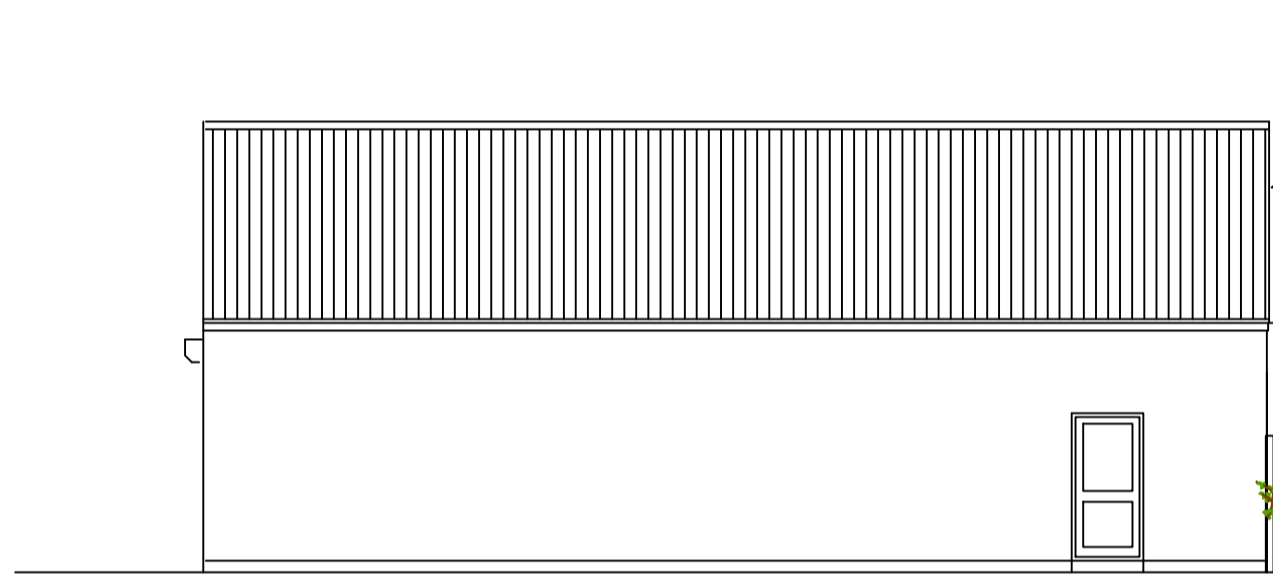
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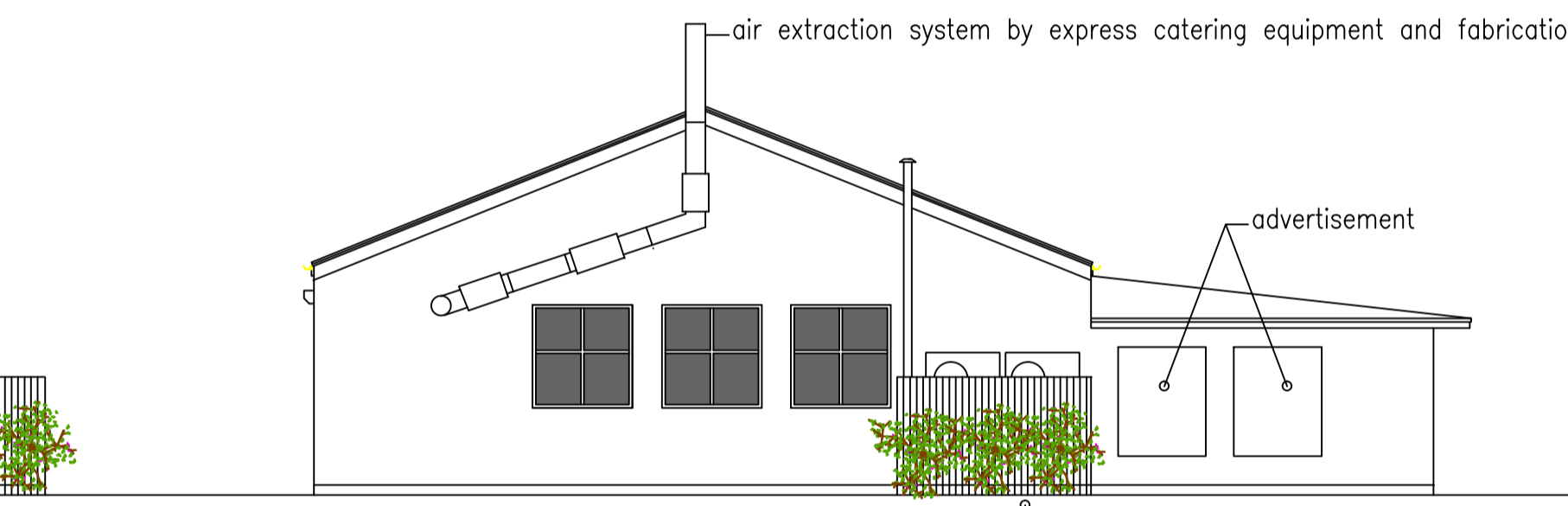
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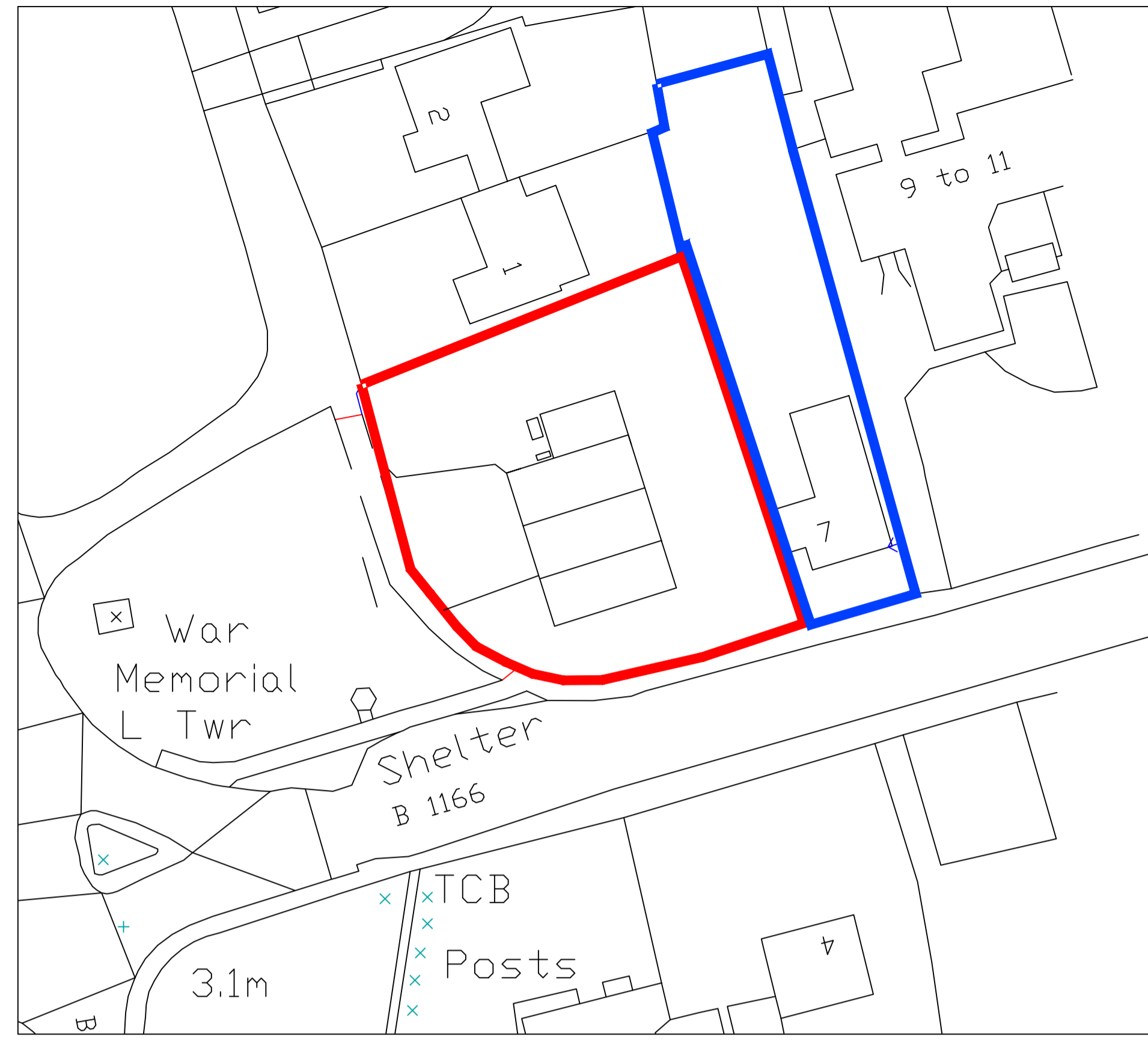
Proposed Side Elevation 1:100



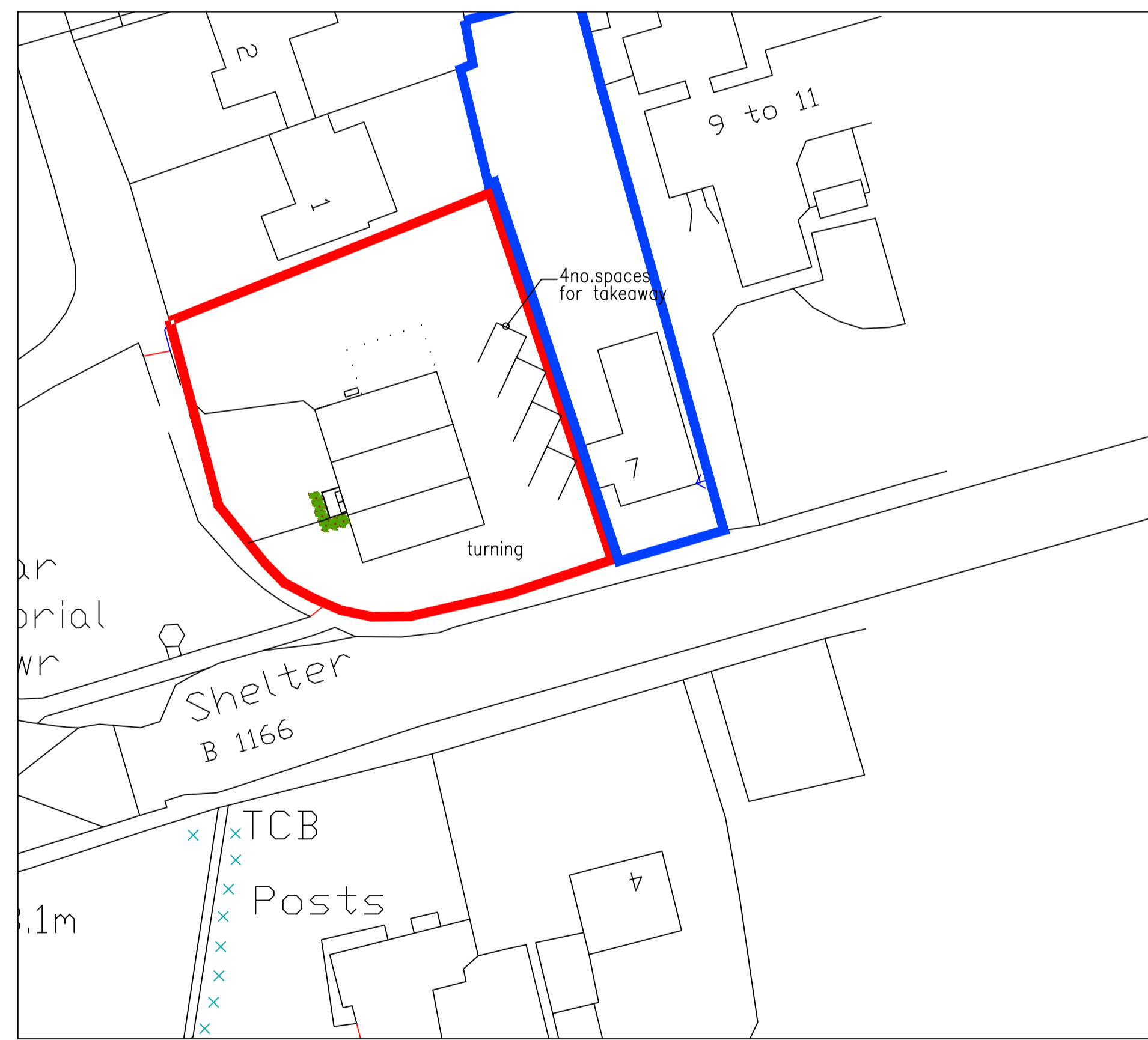
Proposed Rear Elevation 1:100 (shutters up)



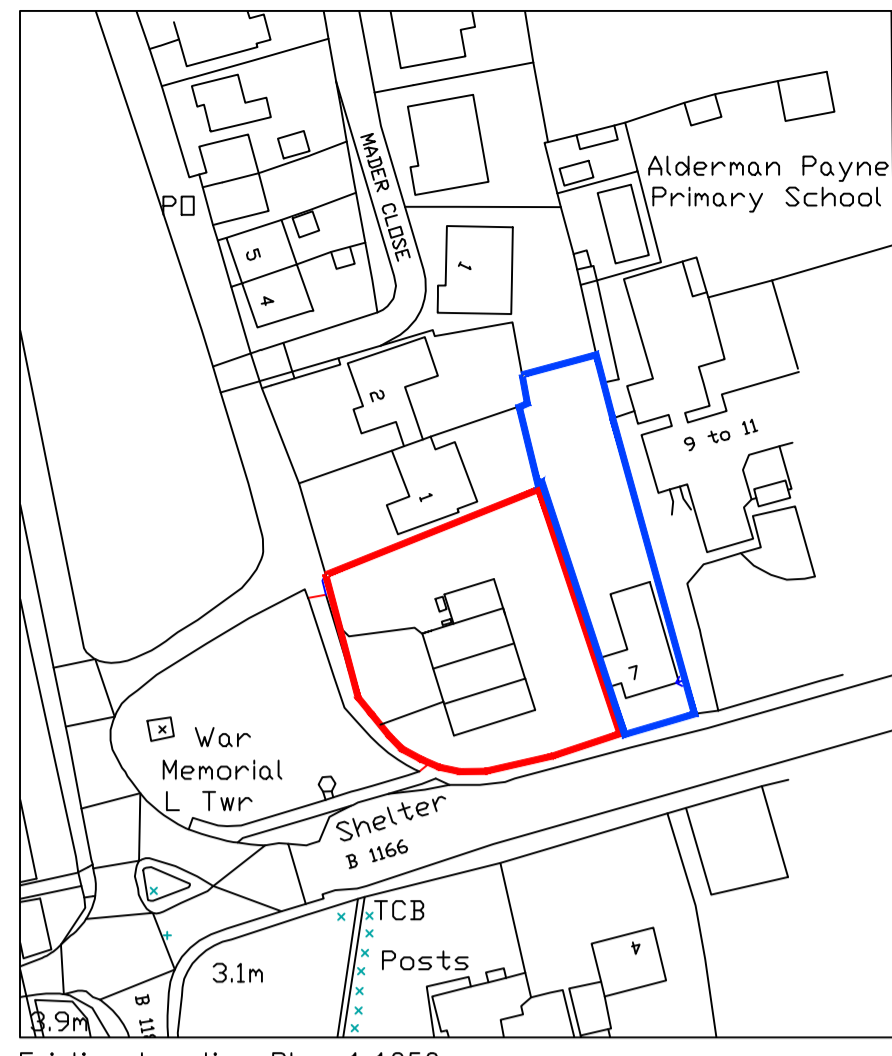
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Existing Site Plan 1:500

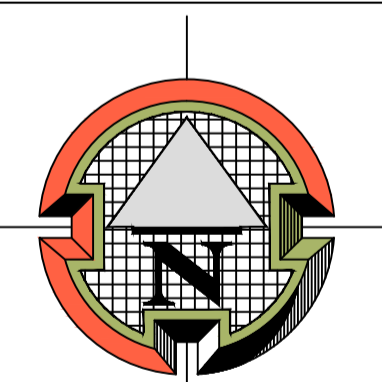


Proposed Site Plan 1:500



Existing Location Plan 1:1250

|                                                                                  |                  |
|----------------------------------------------------------------------------------|------------------|
| Reference:<br>PL01/B                                                             | Pages:<br>1 of 2 |
| Scale:<br>as shown                                                               |                  |
| Project:<br>Change of use from store to fast food restaurant/demolition of store |                  |
| Site Address:<br>1 Main Road<br>Parson Drive<br>Wisbech<br>Cams                  |                  |



Client:  
Mr Sundavadra  
1 Main Road  
Parson Drive  
Wisbech  
Cams

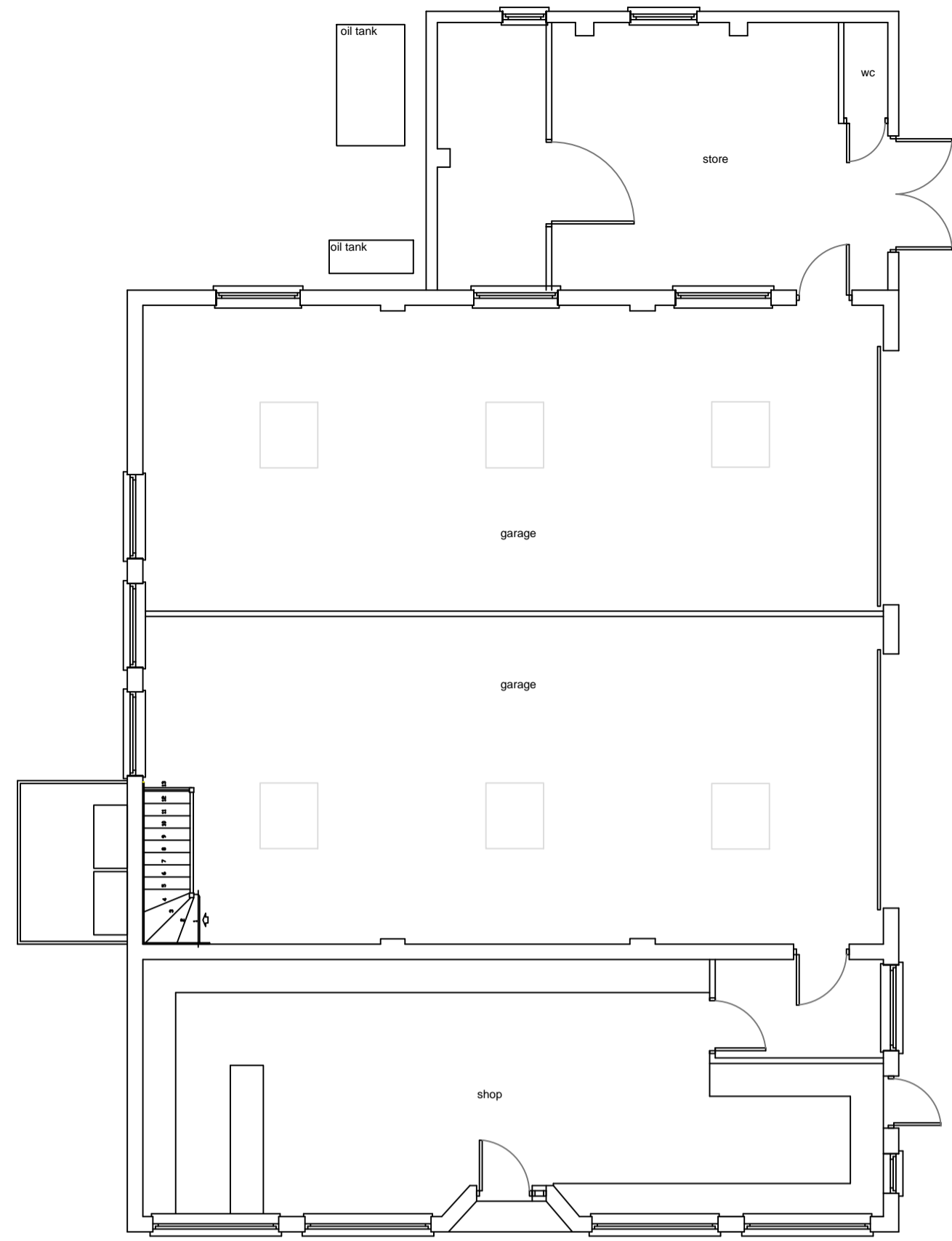


Southfork Farm  
Seadyke Bank  
Morrow  
Cambridgeshire  
PE13 4SD

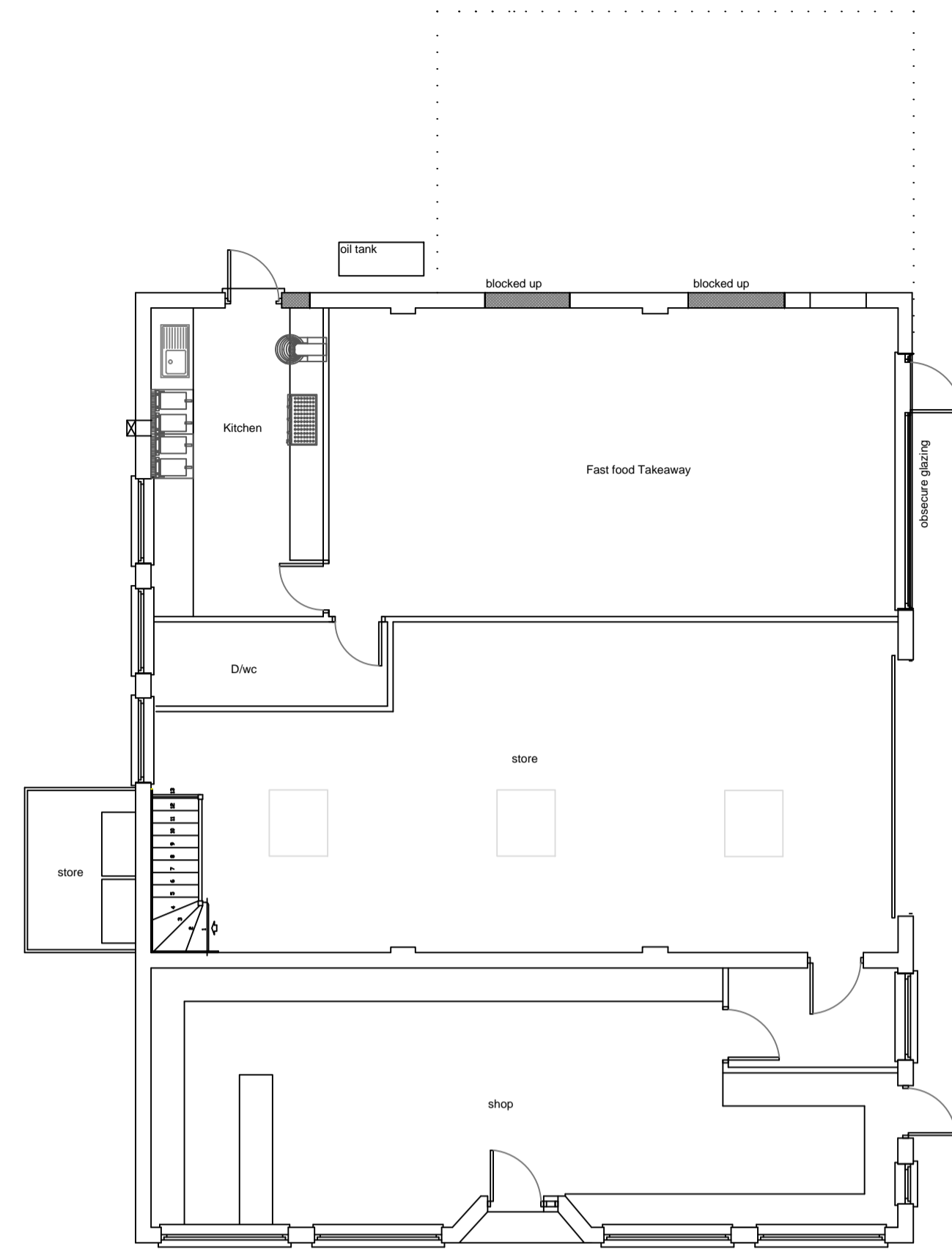
T: 07891175649  
E: info.alexandradesign@gmail.com

General Notes:  
-Dimensions on all drawings are shown in "mm".  
-The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
-This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.

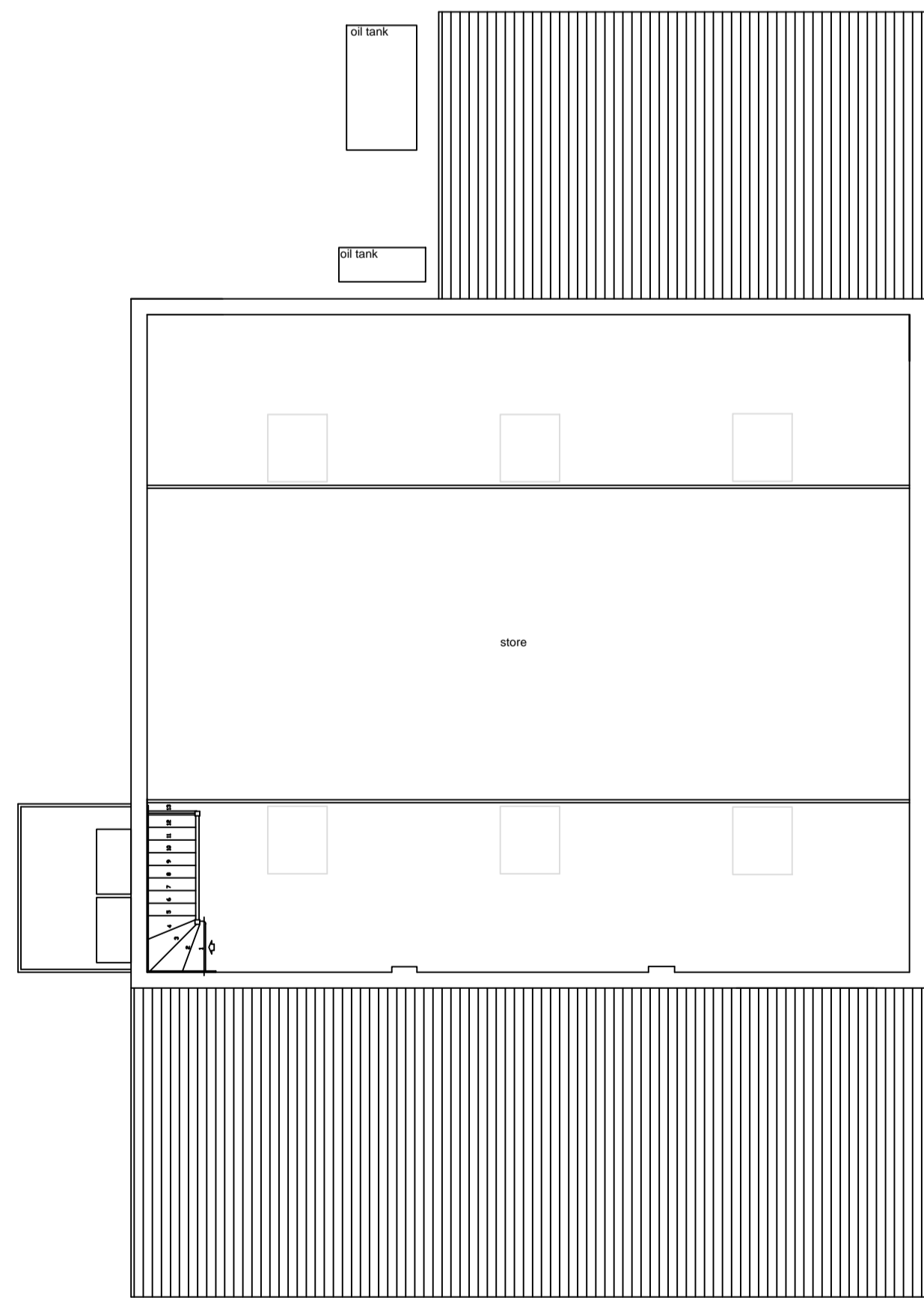




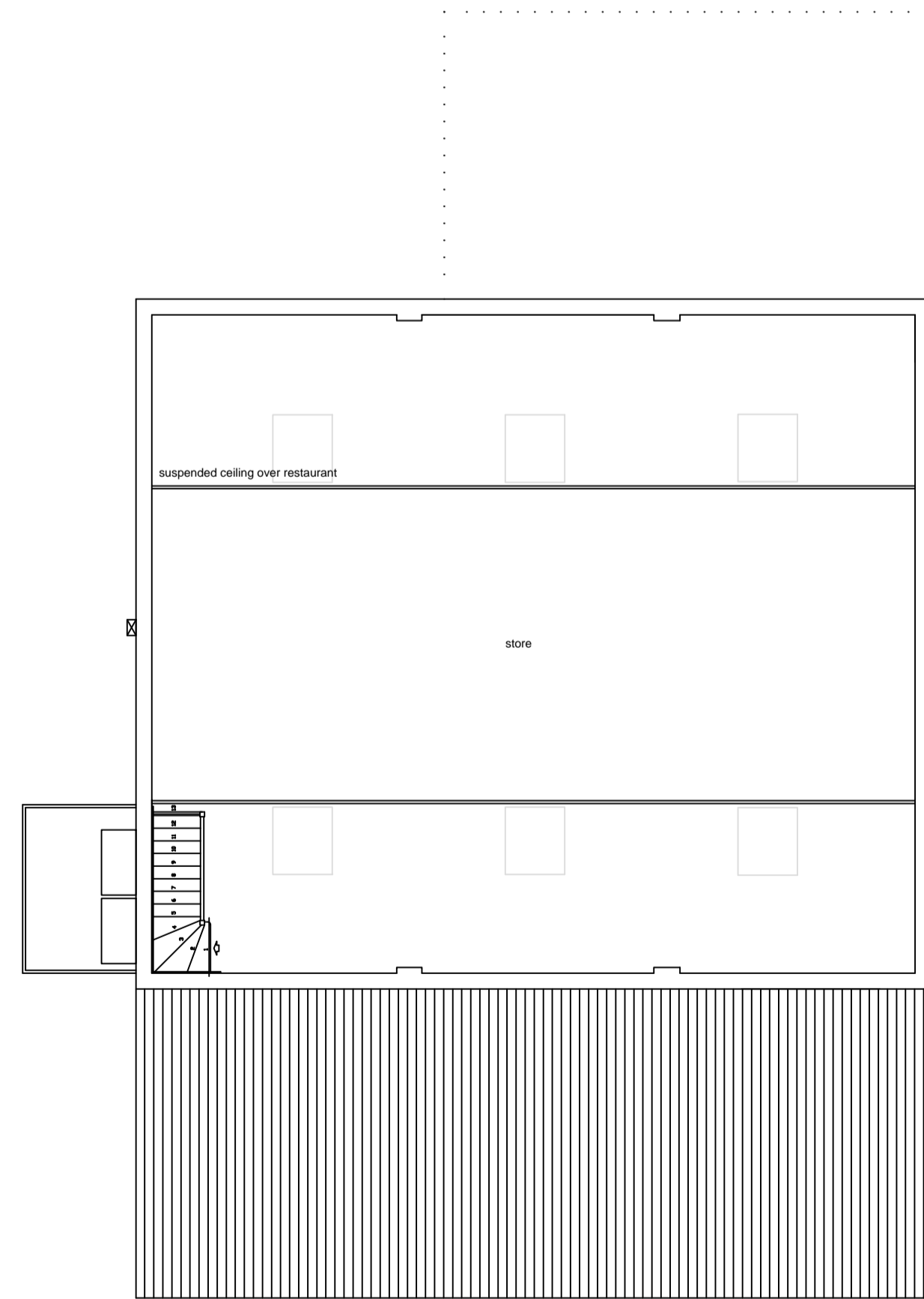
Existing Ground Floor Plan 1:100



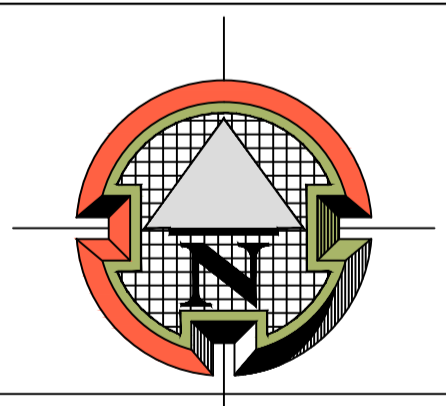

Proposed Ground Floor Plan 1:100



Existing First Floor Plan 1:100



Proposed First Floor Plan 1:100

|                                                                                       |                  |
|---------------------------------------------------------------------------------------|------------------|
| Reference:<br>92/p102/C                                                               | Pages:<br>2 of 2 |
| Scale:<br>as shown                                                                    |                  |
| Project:<br>Change of use from store to fast food restaurant/demolition of store      |                  |
| Site Address:<br>1 Main Road<br>Parson Drove<br>Wisbech<br>Cambs                      |                  |
|  |                  |
| Client:<br>Mr Sundavadra<br>1 Main Road<br>Parson Drove<br>Wisbech<br>Cambs           |                  |
|  |                  |
| Southfork Farm<br>Seadyke Bank<br>Murry<br>Cambridgeshire<br>PE13 4SD                 |                  |
| T: 07891175649<br>E: info.alexandradesign@gmail.com                                   |                  |

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.

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**F/YR20/1048/F**

**Applicant: Mr S Ripley  
Pretoria Energy Company (Mepal) Ltd**

**Agent : Mr Richard Simmons  
Plandescil Ltd**

**North West Of Mepal AD Plant, Iretons Way, Chatteris, Cambridgeshire**

**Construct an extension to existing anaerobic digester plant (5 x digester tanks, 3 x industrial/process buildings, 10 x CO2 storage tanks, concrete hardstanding areas and floodlights including 7 x mounted on 5.5m high columns)**

**Officer recommendation: Grant**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks full planning permission for the construction of an extension to the existing Mepal AD plant. The new anaerobic digester plant will only process straw. The gas produced will be fed into the existing pipeline.
- 1.2 The proposal includes equipment and buildings to be used for carbon capture and storage of waste carbon dioxide to be used in the food and drink industry.
- 1.3 Officers have worked with the applicant and professional consultees to bring before Members a scheme which is considered to be acceptable with regard to local and national policy considerations.
- 1.4 Paragraph 154 of the NPPF states that local planning authorities when determining planning applications for renewable and low carbon development should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.
- 1.5 Policy LP14 of the Fenland Local Plan 2014 which also supports renewable energy requires proposals to be assessed both individually and cumulatively on their merits. Officers have considered the acceptability of the new AD plant and also the operation of the existing AD plant in conjunction with the proposed new plant.
- 1.6 Officers have taken into account a list of factors considered to be applicable with regard to the individual and cumulative merits of the proposal, such as impacts on: the surrounding landscape and visual amenity; residential amenity (noise, odour, lighting); highway safety; and biodiversity considerations.
- 1.7 Following amendments, Officers now consider that subject to the imposition of planning conditions similar to the existing AD plant, any impacts of the development are acceptable and can recommend approval of the new AD plant in accordance with Paragraph 154 of the NPPF, Policies LP2, LP12, LP14,

## **2 SITE DESCRIPTION**

- 2.1 The application site is agricultural land measuring 4.35ha abutting the Anaerobic Digester (AD) Plant on Iretons Way Chatteris. The site is in the vicinity of the Mepal Outdoor Centre with a range of residential properties to the west and east.
- 2.2 The AD plant was approved in 2014 (F/YR14/0163/F). As part of this permission a Unilateral Undertaking secured the provision of a landscaping scheme to screen the plant.
- 2.3 The application site is partially screened from Iretons Way (A142) by this landscaping scheme. It also separates the existing AD Plant from the application site. The farm access track to Greys Farm marks the northern boundary of the application site.
- 2.4 The site is within Flood Zone 3. Public Footpath No 27 is in the vicinity of the access road and there is a scheduled ancient monument at Greys Farm/ Horseley Fen.

## **3 PROPOSAL**

- 3.1 The proposal is for a new AD plant which will only use straw as its fuel. The existing and new AD plant will use the same access off the A142 roundabout. Traffic will enter and leave the new site via an extension to the existing internal roadway, breaking through the landscaping scheme in two places, along the north western boundary.
- 3.2 The new AD plant will connect to the National Grid using the existing gas pipeline. By-products such as dry and liquid digestate will be pumped below ground and processed at the existing AD plant.
- 3.3 Overview of The Process
  - The straw is to be delivered to the rear of the site where it will be stored, extrusion pre-treated, and fed into the feed hopper.
  - It is estimated that approximately 100 tonnes of straw will be delivered per day. Delivery vehicles will be HGV tractor and trailer units. It is stated that straw bales will be stored on site for 24 hours only.
  - As well as the primary and secondary digester tanks, the proposal includes equipment and buildings to be used for carbon capture and storage (the process of capturing waste carbon dioxide). The stored CO<sub>2</sub> will be collected by HGV tankers to be used in the food and drink industry.
  - The proposed working hours are the same as the adjacent plant: 07:00 – 19:00 each day Monday – Sunday (365 days a year). The AD process is a 24/7 operation which requires constant supervision, testing and general maintenance. This is generally limited to process supervisors, maintenance engineers and laboratory technicians. The supporting documentation

states that the loading of feed hoppers can also occur outside of the proposed working hours.

- It is proposed that the new plant will employ 10 additional staff on site working on a rota basis over a 24 hour period.

### 3.4 Site Layout and Appearance

- FDC commissioned an independent Landscape Review by The Landscape Partnership (TLP) which was undertaken in February 2021<sup>1</sup>. The recommendations have been taken on board by the applicant and the submitted plans revised accordingly. The amended layout and appearance of the scheme is set out below.
- Adjacent to the A142, the landscaping scheme for the existing AD Plant extends into this application site. This will be retained and enhanced to a depth of approximately 18m (Area A). A landscaping bund will be created south of Area A using surplus material from excavation works. This will be up to 4m high and seeded as a wildflower grassland. New landscaping belts are proposed to the northern and western boundaries to a depth of 18m (Areas B, C and D).
- A 4m wide concrete roadway will be extended into the application site from the existing AD plant and follow a one-way system back into the existing site further west. The resulting 6m and 10m wide openings will cause the loss of some of the previously approved landscaping. This road will also need to culvert an existing surface water swale (8m wide).
- Immediately adjacent to the roadway at the front of the site is the carbon capture/ CO2 filling area. This consists of two capture buildings each measuring 12m x 25m and 7m high. 5 gas storage tanks (14m x 2m and 2.5m above ground) are assigned to each capture building. 2 x HGV gas filling points also located here.
- Within the site are 3 primary and 2 secondary digester tanks. These are orientated to be in line (north/south) with those of the existing plant and are of similar size. However, the maximum height of the larger secondary tanks will be 13.35m compared to 14.10m of those on the existing site. The secondary digester tanks are to be constructed between 0.7m and 1m below existing ground level, in order to reduce their overall height and the potential visual impact of the tanks. 2 x flare chimneys are shown at a height of 9.53m.
- Other smaller buildings include: machinery buildings; and a gas upgrade building.
- At the rear of the site will be a water detention basin (lately amended in response to CCC LLFA comments) and is now 145m x 19.6m and 1.3m deep.
- The straw bales will be stored in a concerted area labelled 10 on the plans, measuring 20m x 20m.

---

<sup>1</sup> Landscape Review for Fenland District Council 2<sup>nd</sup> March 2021: The Landscape Partnership Bedford

- Area 11 as shown on the Proposed Site Plan is identified as a construction area/ compound (33m x 45m).
- The colour of the walls of the primary and secondary digester tanks will now be olive green in colour as recommended by TLP in their review. The dome roofs will be light grey. The remaining buildings are to be green or grey metal cladding or brick.
- 5.5m high (max) column mounted lighting (x 7) and CCTV cameras (x 8) are proposed, plus wall mounted flood lighting (x 10).

### Supporting Documentation

- 3.5 Planning permission F/YR14/0163/F was varied in 2018 (F/YR18/1103/VOC). The reason for the application was to vary some of the conditions attached to F/YR14/0163/F. Minor changes to the site layout were regularised. The approved feedstock was originally maize only. This was amended to include other crops. Some planning conditions were revised to reflect new data and operations.
- 3.6 With regard to noise emissions, the applicant considers that matters have been fully considered as part of F/YR18/1103/VOC and the Noise Impact Assessment completed in April 2019 (AC106526-1R1) and Noise Management Plan (AC106526-2R1). The nearest receptors remain as 'Mepal Outdoor Centre' and the residential property at Grey's Farm, located to the West. The distance from the new AD Plant to the nearest residential receptor has been reduced by 50m (500m to 450m) compared to the existing, and therefore the applicant states that the proposal should not have an adverse effect in terms of noise emissions on the property.
- 3.7 With regard to odour, an Impact Assessment has been submitted. It concludes that the cumulative operation of the existing plant and proposed new plant together, would not result in unacceptable pollution or any loss of amenity. Overall cumulative impacts in the report were classified as not significant.
- 3.8 With regard to transport impacts, a Transport Assessment has been submitted. It states that the proposed development will generate the following movements between 6am to 8pm on a weekday (amended to 7am to 7pm):
- 4 x HGVs each loaded with 25 tonnes of straw;
  - An additional 4 lorry movements per day removing the pelletised by products;
  - The collection of the stored CO<sub>2</sub> gas will generate 2 movements per day; and
  - The proposed 10 new employees are also likely to travel by car to the site due to its location.

In total, there are likely to be 40 new two way movements generated by the proposal each day. It is stated that the existing AD plant generates 102 two way movements, and the planning condition limits movement to 190 two way movements. The applicant concludes that the cumulative movements from the existing and new AD plant would not exceed this threshold.

3.9 With regard to ecological impacts, an updated Ecological Impact Assessment (February 2021) has been submitted. Observations/ recommendations are summarised below:

- The addition of water bodies and organic fuel materials as a result of the operation of the existing AD Plant has enhanced feeding grounds for more species of birds since the last survey in 2013 so the creation of the plant has enhanced biodiversity potential.
- Nesting Birds: The timing of the breakthrough between the two sites should avoid the bird nesting season (late February to August). If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to site clearance work commencing. A minimum of 8 alternative nesting habitats in the form of nest boxes should be included, as well as the additional landscaping.
- Bats: The site offers good foraging habitat for bats particularly along the hedgerow and tall ruderal vegetation. Tree T1 and Tree T2 should be retained where possible. If works to Tree T1/T2 are to take place, including limb removal, then an aerial climbing tree assessment survey will need to be undertaken by a licenced ecologist.
- There is the potential to enhance the site for bats with new roosting features on the new proposed buildings and/or existing buildings and bat friendly planting. A minimum of three bat boxes should be installed.
- Badgers, Brown Hares and Hedgehogs: It is recommended to cover any trenches/pits created during the works each night to prevent these animals from becoming trapped. Alternatively, a ramp should be installed in these features, including the excavation of the retention basin. The removal of any vegetation along the hedgerow should be undertaken by hand and avoiding frosty days when hedgehogs could be hibernating. Provision should be made to allow free movement of individuals in/out of the site for commuting/foraging. Any clearance works of the arable land should be avoided during the brown hare breeding season, February to September. If this is not practicable a site walkover with a trained pointer dog should be undertaken to locate sheltering leverets. Any found should be left undisturbed until they are independent of their mother.
- European Rabbit: Active rabbit warrens were identified during the walkover survey (TN3). Rabbits are protected under the Wild Mammals (Protection) Act 1996, which makes it an offence to cause unnecessary suffering. Excavation works pose a risk of impacting on rabbit burrows and causing injury to individuals. Therefore, any works to the rabbit warren should be avoided and care should be taken when excavating close to the rabbit burrows to reduce risk of injuring individuals.
- Great Crested Newt: The water bodies within the vicinity were considered to be below average or poor with regard to supporting great crested newts. Therefore, no further recommendations were made. However it is stated that if great crested newts are encountered during any of the onsite works then work should stop immediately and further advice sought from an ecologist.

- Appropriate controls to avoid pollution and/or hydrological draw down of nearby water courses and water bodies should be designed into the project taking into account activities during both construction and post construction. A 10-metre buffer zone should be maintained from the edge of a drain beyond the Southern boundary to avoid potential disturbance to water voles.
- The new landscaping scheme should include wildflower planting within the site margins.
- Lighting has now been revised with light sources moved away from potential bat roosting trees and angled away from surrounding hedgerows where possible.

3.10 An Arboricultural Implications Assessment was submitted in February 2021 which considered the impact of development on Trees T1 and T2 as mentioned above. Key points stated are:

- T1 is in a poor state and can be left to let nature take its natural course. The tree will be retained with no works necessary. The new road will encroach into the root protection area of the tree by about 1m on one side only of the tree. Due to the condition of the tree it is not considered necessary to install a no dig construction.
- T2 is in a similar condition to T1 but is pollarded regularly due to the overhead power lines. It is to be retained in its entirety and current condition. It is too far away from the new link road to be adversely affected by it.

3.11 In response to TLP's independent Landscape Review, a further revised landscaping scheme and maintenance and management plan was submitted in March 2021. Drawing No. 26142/901 Rev B shows the 4 different proposal areas A, B, C and D. The applicant has adopted all the recommendations of the independent review

- Area A (3110sqm) – along the northern eastern boundary with A142, inside the previously approved landscaping scheme. Planting is to be 12 rows deep with 115 plants per row, 1.5m apart (centres). Total of 522 trees and 828 shrubs
- Area B (414sqm) – on the corner of the site between A142 and the access track to Greys Farm and inside the previously approved landscaping scheme. Planting to be 10 rows deep, 15 plants per row, 1.5m apart (centres). Total of 60 trees and 90 shrubs. A new outer hedgerow is proposed consisting of 115 hedgerow plants.
- Area C (3690sqm) – along the exposed north western boundary adjacent to the access track to Greys Farm. Planting is to be 7 rows deep, 136 plants per row, 1.5m apart (centres). Total of 380 trees and 572 shrubs. A new outer hedgerow is proposed consisting of 1025 hedgerow plants.
- Areas D (2610sqm) – along the exposed south western boundary adjacent to the proposed Water Detention Basin. Planting is to be 8 rows deep 96 plants per row. Total 307 trees and 461 shrubs. A new outer hedgerow is proposed consisting of 725 hedgerow plants.



- Details of the species of trees and hedging plants is set out in the revised Landscaping Scheme. This includes measures to prevent damage from animals and weed control.
- A new earth bund is to be installed to a maximum height of 4m to the south of Area A, seeded with a wildflower grassland mix.

3.12 With regard to flood risk and surface water drainage, amended/ additional details were submitted in January 2021 in response to the LLFA's objection. Key points are:

#### Flood Mitigation

- The report has evaluated the flood risk to the proposed site, in addition to considering the impact that the proposal will have on the surrounding area.
- This report has shown that the proposed development is potentially at risk of fluvial/tidal, pluvial, and reservoir flooding. The incorporation of the following mitigation measures are proposed to reduce the risk to the site users.
- Flood resilient and/or resistant construction should be utilised within the construction of any buildings on-site.
- Special consideration should be given to the foundations and building design to protect against water ingress.
- The site is located in the Flood Alert and Warning Area, it is recommended that the site registers for the Environment Agency's Flood Warning Service
- In order to know when the pluvial flood events are likely to occur, site users should register to receive Severe Weather Warnings (38) from the Met Office. This will enable the site users to receive advanced warning of an extreme rainfall event, allowing them time to prepare for it.
- A Flood Warning and Evacuation Plan and Business Flood Plan for the site should be prepared.
- Non-return valves should be considered within the foul and surface water drainage system to prevent back flow during a fluvial, pluvial, or groundwater flood event.

#### Surface Water Drainage

- The proposed development will result in an increase in hardstanding on-site. The surface water runoff from the site is to be contained in a drainage system designed to accommodate the 1 in 100 year event (plus climate change).
- The surface water runoff from the proposed hardstanding (2.039ha including roofs, access and surfacing) will discharge into an attenuation system comprising of a 1.30m deep detention basin, including a freeboard, with a bank slope of 1 in 4.
- This will either be reused within the AD process or pumped at a restricted rate to the reservoir to the south of the site. The existing AD Plant already drains here.

- The detention basin should be lined to prevent groundwater ingress.
- In the event where the surface water system fails or during an exceedance event, consideration should be given to route surface water away from vulnerable areas towards drainage features. Where possible, the external landscape and paving levels will fall away from the buildings, and the access road levels near buildings will be set lower than the finished floor levels of the buildings.

### Sequential Test

- The report states that it is the Local Planning Authority's responsibility to apply the Sequential Test to steer proposed new development away from areas at risk of flooding. However, the AD Plant Extension will be located outside of the functional floodplain, and is benefitting from defences along the Environment Agency's main rivers, and the IDB's drainage network. To reduce the risk to site users, mitigation measures have been recommended and should be undertaken.
- The report also states that the development will provide wider sustainable benefits that contribute to the local community through supporting the agricultural industry, providing additional employment, and contributing to the supply of renewable energy.

3.13 In addition to the application drawings, the applicant has submitted 3D visualisation of the existing and proposed views of the site.

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

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QI4WF9HE06P00>

## 4 SITE PLANNING HISTORY

| Reference         | Description                                                                                                                                                                                                                                                                                                                          | Decision | Date       |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| F/YR20/0149/F     | Erection of site office, ancillary plant, concrete road and vehicle parking to existing AD Plant (part-retrospective)<br>Mepal AD Plant                                                                                                                                                                                              | Granted  | 21.05.2020 |
| F/YR19/4004/LACON | Consultation from East Cambs District Council to vary conditions of previously approved 14/00204/FUM for Erection of anaerobic digester plant with maize clamps , involving construction of a new access and formation of a surface water reservoir at land east of greys farm. (This is a duplicate application as part of the site | NOOBLA   | 27.02.2019 |

|                 |                                                                                                                                                                                                                                                                                                      |                                                |            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------|
|                 | crosses into East Cambs)(Part Retrospective)<br>Mepal AD Plant                                                                                                                                                                                                                                       |                                                |            |
| F/YR18/1103/VOC | Variation of conditions 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 of planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access, and the formation of a reservoir)<br>Mepal AD Plant                           | Granted                                        | 30.05.2019 |
| F/YR15/0058/F   | Variation of Condition 2 of Planning Permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir) to ensure highway works are completed prior to the production and exportation of gas commences | Granted                                        | 17.04.2015 |
| F/YR14/3092/CO  | Details reserved by Conditions 3 5 7 11 15 27 32 33 38 and 42 of planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir)                                                           | Partial discharge (C32 and C33 not discharged) | 18.11.2018 |
| F/YR14/0163/F   | Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir                                                                                                                                                                | Granted                                        | 11.07.2014 |
| F/YR13/0534/F   | Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir                                                                                                                                                                | Refused                                        | 02.10.2014 |

## 5 CONSULTATIONS

### 5.1 Chatteris Town Council

*Recommend refusal due to the additional traffic which will be generated on an already dangerous road. However, the Town Council takes a pragmatic view that the application is very likely to be granted permission and is therefore insistent that there should be mitigation in the form of the installation of safety/ speed reduction measures on the A142 such as average speed cameras.*

### 5.2 CCC Highways

*CCC Transport Assessment team will consider the development's impact on the*

wider highway network. The existing access arrangement via the A142 roundabout is suitable to provide further access to this development.

I have no highway objections

### **5.3 CCC Transport Team**

*It is noted trip generation for the existing site is 102 two-way movements per working day during the harvest period.*

*The proposed development is anticipated to generate 40 additional two-way vehicle movements across the working day (20 two-way HGV's; 20 two-way cars associated with the 10 additional employees).*

*On top of the 102 two-way movements per day generated by the existing permission, the additional 40 two-way movements generated by the proposed expansion of the site would not exceed the current site trip generation limit of 190 two-way vehicle movements outlined in Condition 24 of the existing planning permission which states:*

*“Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 two-way vehicle movements shall enter and leave the site in any one day (07:00- 19.00).*

*A daily record of all vehicles movements, including details of internal and external road movements shall be maintained at the site and made available within one week of a written request by the Local Planning Authority”.*

*The existing A142 site access roundabout has been modelled and is anticipated to operate with ample spare capacity post-expansion of the site.*

*The accident data submitted has been cross-checked with CCC's accident data record which confirms there are no accident cluster sites present within the study area.*

*In summary, the additional trip generation proposed for the development is negligible and falls within the site trip generation limit conditioned as part of the existing planning permission for the site.*

*The development is not anticipated to cause detriment to the capacity of the surrounding highway network.*

*Therefore, in consideration of the above, CCC Transport Assessment Team have no objections to the proposals subject to the site remaining in operation as per the current restrictions:*

*Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 two-way vehicle movements shall enter and leave the site in any one day (07:00 - 19:00).*

*A daily record of all vehicle movements including details of internal and external road movements shall be maintained at the site and be made available within one week of a written request by the Local Planning Authority.*

### **5.4 East Cambs Council**

*The Local Planning Authority has the following comments to make;*

*1. Odour controls will need to be in place in order to protect local residents.*

*2. The existing units are set back from the road and are screened with established planting. The visual impact of this development needs to be considered. The proposal should not be considered acceptable with a dependence of landscaping, as this cannot be assured in the long term. The Local Planning Authority need to be satisfied the visual impact of the proposal will not prove detrimental to the rural*

*character. There is a concern that the proposal will detract from the rural nature of the area and as such the Local Planning Authority need to be satisfied that the proposal will in the long term be of benefit to the local area and be able to assimilate into its surroundings.*

*3. Will the proposal generate a significant amount of traffic? Whilst the Local Highway Authority have not raised any objection to the use of the access in terms of highway safety, there are concerns that it will lead to a significant increase in traffic to the detriment of the overall highway network. It is recommended that the Cambridgeshire County Council Transport Team are consulted to determine the capacity of the highway network to support this proposal.*

*4. East Cambridgeshire District Council have adopted The Natural Environment SPD which reiterates the need to ensure a significant increase in biodiversity on the site. The Local Planning Authority would like to ensure that the proposals do also include additional biodiversity measures.*

*In conclusion there are concerns with the proposal due to the overall scale and impact of the proposal on the rural area and whether it meets the criteria of Fenland Local Plan. As such East Cambridgeshire District Council would suggest that until the issues above have been addressed there is a holding objection to the proposal. However it is up to Fenland District Council to determine this application based upon the Fenland District Council Local Plan. Should the Local Planning Authority consider that the proposal is in accordance with the Local Plan then there are no objections to the proposal. Should any amended plans be submitted we would like the opportunity to comment further.*

ECDC's response to the revised landscaping proposals (March 2021) will be reported to Members

#### **5.5 Somersham Parish Council**

Happy with the proposals, no comments to make.

#### **5.6 Manea Parish Council**

No objection in principle. However, members are concerned about the impact and capacity of the A142. There are no details of any s106 contributions for the local communities.

#### **5.7 Mepal Parish Council**

*Whilst recognising that renewable energy schemes are vital in the move away from fossil fuels, as we already see dangerous levels of traffic on this stretch of the A142, we are really worried about the inevitable significant increase in traffic. We understand that the application relates to an extension fuelled by feedstock consisting exclusively of straw inputs and that this solid feedstock will be delivered 4 times a day via HGVs. Each load will consist of bales with an approximate combined weight of 25 tonnes so we also would like to raise the issue of loose straw littering the road and covering cars during the transportation to the digester, as we understand that the bales are not covered. The daily 100MT feedstock will be temporarily stored in a dedicated area, digested within completely sealed digester tanks. We are led to believe from the odour assessment that any odour from the plant is said to be comparable to well aerated green waste composting and has been assessed as 'not significant'.*

*Our objection to the application is therefore on the basis of the significant increase in HGV's and the resultant congestion and loose straw flying off the HGV's that is inevitable on the already congested and dangerous A142. In addition, this substantial increase in HGV traffic is also likely to result in increased road surface wear and the traffic chaos that resurfacing causes. Recent road repairs to the A142 had a significant impact on congestion when there were temporary lights installed between the plant and Chatteris, so this is not just a theoretical concern.*

*Despite the assessment by Highways that the existing access via the A142 roundabout at block fen is suitable, we are also still concerned that the existing increase in traffic resulting from the housing increases in Sutton, Mepal and Chatteris, coupled with an additional 4 HGV's per day, is going to result in unacceptable additional congestion in the area. Whilst we take the pragmatic view that the application is likely to be granted, we would strongly request some sort of mitigation proposals in regard to improving the safety of the road in the form of speed reduction/control measures along the A142, and also to look at whether it is possible to cover the bales to minimise the loose straw during transportation.*

#### **5.8 Sutton Parish Council**

Concerns about the implications on the highway network as a result of the increase in the number of visits to the site and would like to reiterate that vehicles should be HGVs and not tractors. The Parish Council would also like to restrict times to 7am to 7pm as per the current restrictions.

#### **5.9 Colne Parish Council** have no objections to the planning application.

#### **FDC Environmental Health**

#### **5.10 14.01.2021**

*1. This application was considered in conjunction with the decisions made in connection with the original application for the existing anaerobic digester (AD) plant on site and the decisions made in respect of the Variation of Conditions contained in F/YR18/1103/VOC, in particular the conditions relating to odours and noise.*

*2. In effect, the proposal virtually doubles the size of the operation, so there is potential for an increase in odour and noise nuisances caused by it's activities adversely impacting on nearby residential properties.*

*3. The controls in place since the plant has been in operation over the last 4-5 years have been mainly successful in protecting occupiers of nearby properties from the nuisances which are of greatest concern to Environmental Health, namely odour and noise.*

*4. There have been complaints of odours referred to Environmental Health during the time the existing AD plant has been in operation, but no complaints have been substantiated and no formal action taken under statutory nuisance legislation contained in the Environmental Protection Act 1990.*

*5. The complaints received by Environmental Health concern odours emitted by the site, although I am not aware of which part of the operation was the source of it.*

*6. One complaint of odour was made by a motorist travelling past the site on the A142. This in itself, wouldn't be actionable by powers contained in the Environmental Protection Act 1990, which is the appropriate legislation to deal with*

*statutory nuisances, such as odour and noise. No formal action has been taken under this legislation as a result of the complaints*

*7. The issue of noise can be divided into 3 elements: -*

- A Noise from the construction phase*
- B Noise from the operation of the plant*
- C Noise from deliveries associated with the operation of the plant.*

*8. The issues which were looked at in detail centre around the increase in noise emitted by the construction phase and the operation of the plant and the potential for odour emissions. Although this proposal is increasing the activity at the site two-fold, the distance between it and the nearest residential properties means that the impact will not be that great, but there is one address which is quite close to the site.*

*9. On that basis. I would recommend that the conditions pertaining to odour and noise control, which were attached to the consent granted to the original application, F/YR14/0163/F, will suffice, but with some amendments, which reflect the variations contained in F/YR18/1103/VOC.*

*10. These amendments are mainly related to the Noise Impact Assessment and Odour Impact Assessment, required by conditions attached to that application, have now been undertaken.*

*11. I would also like to suggest that a forum is set up to meet say, every 3 months, from the date of commencement of operations of the 'extended' part of the plant. This forum would discuss issues concerning odours and noise, in particular, any complaints received by Fenland District Council during that period.*

*The suggested forum would constitute: -*

- 1 A representative of Fenland District Council Planning Services*
- 2 A representative of Fenland District Council Environmental Health Services*
- 3 A representative of Mepal Parish Council*
- 4 Representatives of the operators of the site*
- 5 A Representative of East Cambridgeshire District Council Environmental Health Services*
- 6 Any member of the public who may be deemed to be appropriate.*
- 7 Any other organisation or individual you consider beneficial or desirable to include*

*13. In addition, I would recommend a further condition concerning floodlighting.*

*Any means of artificial lighting provided and installed, either on columns or attached to buildings as part of this development, shall be adequately oriented and shielded in order to prevent light trespass and glare to nearby residential properties.*

*14. There are no objections to this proposal receiving consent, but would recommend that the conditions from the F/YR14/0163/F consent, taking into account the various variations in F/YR18/1103/VOC, incorporating suggested amendments, plus the additional condition relating to lighting and the suggested 'forum'.*

Other planning conditions suggested by Environmental Health Officer replicate the previous permissions:

Construction Management Plan  
Use of Plant and Machinery Restricted hours  
Mobile mechanical handling  
Noise management Plan etc  
Odour management etc  
Response to complaints  
AD Plant feed restriction  
Storage and removal of digestate  
Vehicle movements  
Wheel Washing

**26.01.2021 Environmental Health's Response to Issues raised by Greys Farm**

- 1 *Condition 11 of the original planning application in connection with this site, F/YR14/0163/F, required there to be a noise management plan to be submitted and approved by Fenland District Council. This one carried out and submitted as document REC AC 106526 – 2R1 as part of the later application F/YR18/1103/VOC. It was approved and applied in Condition 3.*
  
- 2 *One of the requirements of the original consent was that overall noise levels should not exceed 35dB(A) at the boundary of the nearest sensitive receptor. This is Condition 13.*
  
- 3 *Conditions 11 and 13 were not conditions which were varied as part of the 2018 application, so are still in force. In fact Condition 5 of the 2018 variation was re-iterated as Condition 5.*
  
- 4 *The Noise Management Plan (NMP), which after is dated April 2019, addresses actions to be taken to achieve compliance with these conditions.*
  
- 5 *The wording of the NMP, which is quite broad brush, is appropriate for the present day activities at this site and would be applicable in the event the proposal now under consideration was granted consent. It would be incumbent upon the operators to comply with it and any conditions attached.*
  
- 6 *On that basis I do not consider that another noise impact assessment, which would identify an increase in noise, but would result in conditions being recommended in the consent, which are basically the same as existing.*  
  
*The overall requirement of Condition 13 of 35dB(A) in the 2014 consent and re-iterated as Condition 5 in the 2018 consent, could be applied to the current proposal.*
  
- 7 *The only issue which may be a concern is an increase in vehicular activity on site, which originally was restricted by time at Condition 3 of the 2014 consent, but appears to be 'relaxed' by Condition 14 as part of the 2018 variations. On that basis I do not see any merit in requesting a further noise impact assessment, but*



*careful wording of appropriate conditions would be sufficient to restrict the impact of noise from this site upon local residents.*

- 8 *With regard to lighting issues, a lighting survey may be of assistance, as the photographs submitted indicate there may be excessive light trespass. Although any conditions relating to artificial light would only address light emanating from the extension to the site, it would not address any light overspill from the existing site. From the photographs submitted, there could well be a statutory nuisance actionable under the Environmental Protection act 1990 in respect of the current situation.*
- 9 *I think that an appropriately worded condition in respect of light could be acceptable, but this may be best be done in liaison with the operators, as there are site security issues to be taken into consideration.*
- 10 *I consider that luminaires could be adequately located, angled and shielded to minimise light trespass and glare impacting on local residential properties. On that basis, whilst I don't consider a light survey essential, but would not be averse to one taking place. If it is considered to go down that route, I would suggest that whoever undertakes this, does it in conjunction with Environmental Health.*

Environmental Health's response to the revised lighting proposals (March 2021) will be reported to Members

#### **5.11 Natural England**

No Objection. 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.

#### **5.12 CCC Archaeology**

*Our records indicate that the site is located in a landscape of high archaeological potential. Nationally important Neolithic enclosures and bowl barrow at Horseley Fen are to the west. Scheduled Monuments (SAM 20805, 24434.) Further non designated heritage assets in the vicinity include enclosures, linear features and barrows. Ring ditches recorded to the south are further evidence for the importance of this site in the Bronze Age (HER 09482). Archaeological investigations in advance of development to the immediate south identified a rectili near field system of uncertain date and several pits containing artefacts dated to the Neolithic and early Bronze Age periods. It is likely that important archaeological remains will survive in the area and that these would be damaged or destroyed by the proposed development.*

*We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a planning condition.*

*No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing.*

### **5.13 Anglian Water**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. The Local Planning Authority should seek the advice of the Lead Flood Authority or internal drainage board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a water course.

### **5.14 PCC's Ecologist**

**04.01.2021**

*The ecological survey identified two trees with bat roost potential on the boundary between the existing site and the extension right where the access road would be. There is no arboricultural impact assessment or tree protection plan so it is not clear whether and what impacts there might be to these trees. If the trees are to be affected then at least one of them would need an activity survey, which would need to be done pre-determination so that any mitigation could be secured by condition.*

PCC's Ecologists response to the revised landscaping proposals (March 2021) will be reported to Members

### **5.15 Cambs Constabulary Designing Out Crime Officer**

*I can confirm this office has reviewed the application and are supportive. We are happy that community safety and reducing vulnerability to crime have been considered.*

### **5.16 Environment Agency**

No objection to the proposed development but make the following comments. 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.

The mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Plandescil, ref 26142, dated October 2020) should be adhered to. In particular, the FRA recommends that:

Flood resilient / resistant measures will be incorporated into the development; and  
A Flood Plan will be prepared for the development.

### **5.17 CCC Lead Flood Authority**

**03/02/2021**

*We have reviewed the following documents:*

*Flood Risk Assessment & Surface Water Drainage Strategy, Plandescil Ltd, Ref: 26142/FRA&SWDS/RevA/CES, Dated: October 2020*

*Flood Risk Assessment & Surface Water Drainage Strategy – Addendum A, Plandescil Ltd, Ref: MJH/CES/26142, Dated: 7 January 2021*

*Pump Route Plan, Plandescil Ltd, Ref: 26142/406 Rev 0, Dated: 7 January 2021*

*Proposed Site Drainage Plan, Plandescil Ltd, Ref: 26142/400 Rev B, Dated: 7 January 2021*

*Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.*

*The above documents demonstrate that surface water from the proposed extension to the anaerobic digester plant can be managed by directing surface water into a detention basin. This is designed to attenuate all flows up to and including the 1% Annual Exceedance Probability (AEP) storm event including a 40% allowance for climate change. Surface water from this basin will be pumped into the existing AD lagoon on site.*

*We request the following conditions are imposed:*

*Condition*

*No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Surface Water Drainage Strategy prepared by Plandescil Ltd (ref: 26142/FRA&SWDS/RevA/CES) dated October 2020 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the site.*

*Reason -To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.*

*Condition*

*Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.*

*Reason- To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.*

## **5.18 Historic England**

No comment to make

## **5.19 FDC Tree Officer**

### **25.01.2021**

*No objections to the landscaping proposals/maintenance and appreciate the inclusion of the Black poplars in the scheme. The proposed planting and new wildflower margin will make a substantial improvement to the biodiversity of the area and provide significant foraging and nesting opportunities for wildlife.*

*I also note that the applicant will address the replacement of failed trees in the original scheme and increase planting at the entrance to that site.*

*With reference to the tree report, I am particularly pleased that they can retain the decaying willow as is and allow nature to take its course; the pollarded willow will always be subject to pruning by UKPN who have a statutory obligation to maintain power supplies.*

*The Tree Officer's response to the revised landscaping scheme (March 2021) will be reported to Members*

## 5.20 Local Residents/Interested Parties

Over 200 neighbour consultation letters were sent out. 24 objections were received from:

Greys Farm (immediate neighbours) (2);

Residents of Chatteris (10);

Mepal (5);

Stocking Fen (2); and

The Gault, Sutton (5)

expressing the follow concerns:

### Traffic/ Access

*Existing AD Plant traffic is impacting on the A142,*

*Vehicles are large, slow moving, noisy sometimes 24 hours a day.*

*Mud and debris is deposited on the road at the entrance to the site and on the roundabout.*

*Shredded maize in open trailers is blown onto the roads.*

*Loud, heavy machinery is being driven fast on narrow roads (The Gault) with little respect for the verges or driveways to homes.*

*Large vehicles should be restricted to the main roads only.*

*Tractors and trailers have overturned at the roundabouts due to speed.*

*The roads are not being cleaned. The existing access is not adequate  
Visibility is restricted by established hedgerows/ difficult to exit (Greys Farm) and traffic has increased since AD plant opened. Impatient drivers attempt dangerous overtaking. New landscaping will impede junction with access track*

*Considering the Plant is in operation 24 hours per day, the numbers of vehicle movements permitted outside of 19.00 - 07.00 should also be formally limited by condition.*

### Principle

*This isn't a productive use of waste, the fuel source is being grown in vast quantities, the system is being abused.*

### Light Pollution

*The existing AD Plant is lit from dusk-to-dawn by external lighting which impacts on the character, appearance and rural tranquillity of the area, ecology/ biodiversity; and the residential amenity of the residents of Greys Farm and their outlook. The proposed external lighting would cause unacceptable additional harm, closer to Greys Farm. Vehicular headlights will cause further harm.*

*Considered must be given to appropriate screening of this part of the site.*

*Although the site as existing may not have received any complaints via Environmental Health, this does not indicate that the proposed additional lighting is acceptable.*

### Noise from Plant

*A new Noise Assessment should have been prepared. It is inappropriate to rely on an old Noise Assessment which considers only the noise impact of the existing development and provides no assessment of the new sources of noise - either alone or in combination with the established AD Plant. The applicants acknowledge that the extension would see the introduction of noise sources 50m closer to Greys Farm, including an internal vehicular route within close proximity of the north western site boundary. As this has the potential to be subject to ongoing vehicular movements (including by HGVs) 24 hours per day and 365 days per year, its noise impacts must be properly considered*

*The April 2019 Noise Assessment contains the following errors:  
Background Noise Surveys were carried out for the daytime only (09.59 - 13.00).  
This is insufficient as the Plant is in operation 24 hours per day. It is highly likely  
that background noise is much less during unsociable hours, meaning the noise  
impact of the Plant will be more keenly felt. The lack of any noise complaints to  
date does not provide any evidence to the contrary.*

#### Exposure of feedstock

*The straw feedstock will be left uncovered, increasing possible odour, increased  
risk of vermin and potential for harm to wildlife. The feedstock should be covered.  
Piles of straw have been sitting in the field next to Greys Farm for over 2 months.  
Whilst the applicants indicate that the straw is unlikely to degrade on site, the  
objectors' main concern is the encouragement of vermin.  
In the event that the Council considers the exposure of feedstock can be  
supported, the objectors' consider that controls should be put in place to ensure  
that feedstock is exposed for no longer than a day, as indicated by the applicants.  
The objectors would expect appropriate enforcement action to be taken if this  
condition is not conformed with.*

#### Odour/ Air Pollution

*The smell from the AD plant is awful, it has become more acrid recently. In south  
Chatteris in the summer the smell is so bad it causes vomiting and windows  
having to be kept closed. The odour is apparent when you drive past it, have to  
keep windows closed. Expanding the site will increase the odour.*

#### Forum

*No decision should be made until COVID allows a meeting to be arranged  
between the Council, residents and representatives from the AD Plant to discuss  
neighbours' concerns.*

#### Visual Impact/ Design

*The site looks out of place in the open countryside, this will worsen if it is  
extended. The proposal will see a large increase in built form, which is completely  
out of character with the area. The existing buildings are unsightly and no doubt  
the proposed will be too.*

*Over development of the site, the extension cannot be absorbed by the open  
landscape.*

*A scheme was refused in 2013 because of "its visual impact, appearance and  
scale when viewed in the context of the open Fenland landscape. The application  
was approved in 2014 because the scale of the plant had been reduced.*

*If the Council consider the expansion to be acceptable, it should require  
improvements to the proposed landscaping along the boundary with Greys Farm  
and improve all year round screening.*

*The applicant has admitted that a considerable portion of the existing landscaping  
has failed. Therefore, landscaping should not be relied upon to make an  
unacceptable development acceptable.*

#### Mepal Outdoor Centre

*Has recently been approved as a crematorium. These are not compatible  
neighbour operations.*

#### Community Benefits

*What are the benefits to the local community? No S106 money for Chatteris.*

## Ecology

*The potential for impacting on foraging and commuting bats.*

## Loss of Agricultural Land

*Object to the loss of agricultural land, both in the expansion of this site and also in the 'fuel' used in the digester. Surely priority should go to land that is in active food production rather than actively encouraging the production of nominally edible food just for it to rot.*

## **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)**

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.

Chapter 16 - Conserving and enhancing the historic environment

### **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
- LP6 – Employment, Tourism, Community Facilities and Retail
- LP12- Rural Development
- LP13 – Supporting and Managing the Impact of a Growing District
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment

#### **7.5 The Resource Use and Renewable Energy SPD (2014):**

- B1: Surrounding landscape, townscape and heritage assets
- B2: Residential and visual amenity
- B3: Noise impact
- B4: Highway safety, designated nature conservation and biodiversity considerations
- B5: High quality agricultural land

### **8 KEY ISSUES**

- **Principle of Development**
- **Landscape and Visual Amenity**
- **Residential Amenity**
- **Highway Safety**
- **Flooding and Drainage**
- **Archaeology**
- **Ecology and Biodiversity**
- **Other**

## **ASSESSMENT**

### **9.0 Principle of Development**

- 9.1 The application site is located in open countryside close to the boundary between Fenland District Council and East Cambs District Council. In such locations there is strict control over new development, and it is generally restricted to that which is essential to the efficient operation of agriculture, horticulture, outdoor recreation and limited other uses specified within the Fenland Local Plan 2014.
- 9.2 Notwithstanding this, the proposal would extend the existing AD plant which gained approval in 2014. Due to the nature of AD plants, they are usually located away from sensitive receptors for example, residential properties. Or locations where there is a high density of dwellings, such as settlements. Therefore, siting the new plant in this rural location is not considered to be unacceptable.
- 9.3 Furthermore, the existing AD plant already has a connection to the national grid. The increased generation of gas which would be fed directly into the grid would be of benefit in terms of providing energy from a renewable source. This would

reduce reliance on fossil fuels thereby reducing carbon emissions and would provide increased energy security.

- 9.4 Also relevant is Paragraph 154 of the NPPF which states that local planning authorities when determining planning applications for renewable and low carbon development should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. The principle of the development is therefore considered to be acceptable subject to acceptable impacts.
- 9.5 With paragraph 154 (b) in mind, it is appropriate to consider Policy LP14 of the Fenland Local Plan 2014 which also supports renewable energy but proposals should be assessed both individually and cumulatively on their merits. It seems clear that in determining the application Officers and Members should not only take into consideration the acceptability of the new AD plant, but also look at the operation of the existing AD plant in conjunction with the proposed new plant.
- 9.6 LP14 requires decision makers to take into account a list of factors considered to be applicable with regard to the individual and cumulative merits of the proposal, such as impacts on: the surrounding landscape and visual amenity; residential amenity (noise, odour, lighting); highway safety; and biodiversity considerations. Policies B1-B5 of the Resource Use and Renewable Energy SPD (2014) are also applicable.
- 9.7 Officers have worked with the applicant and professional consultees to reduce any potential impacts of the proposal. These are considered in detail below.

## **10.0 Landscape and Visual Amenity**

- 10.1 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The applicant has not submitted a Landscape and Visual Appraisal (LVA) or Landscape and Visual Impact Assessment (LVIA) and consequently there was no detailed assessment of the effects of the proposed development on landscape and visual receptors.
- 10.2 However, FDC commissioned a Landscape Review by The Landscape Partnership (TLP) which was undertaken in February 2021. The purpose was twofold. Firstly, to review the landscaping undertaken as part of the previous permission for the existing AD Plant. Included in this assessment was the impact of the lighting current in place on site. Lighting is considered under “**Residential Amenity**” later in this report. The second part of the study was to assess the proposed landscaping and lighting for the extended AD Plant, and the cumulative impact of the proposal.

### Existing AD Plant

- 10.3 In summary, the assessment identified that areas of planting adjacent to the A142 had established well. In a couple of places plant losses have resulted in small gaps which should be replanted. To the south of the access road the planting is generally establishing well, with few plant losses. In some areas the planting is too dispersed with plant spacings of approximately 3m centres and too few rows of planting. Some planting has created a formal appearance that is not characteristic



of naturally growing woodland. Some shrub species have been planted as trees. The overall effect is one where some of the planting is establishing well, but it is too open and formal in appearance, with insufficient density and understorey bushy growth, and consequently the planting does not provide an effective screen in winter.

- 10.4 In some areas the planting has almost entirely failed, with little or no indication that this planting has been maintained or plant replacements undertaken. No weed control membrane has been used. The failure may be due to wet ground condition, poor ground preparation prior to planting, and/or lack of maintenance. These areas need to be replanted. Scots pine and holly were proposed, but except for a couple of Scots pine, both species have either failed or were not planted. Consequently, there is a lack of evergreen content.
- 10.5 The applicant has accepted the findings of the Landscape Review and is committed to addressing the matters raised. This will be referred to the Planning Enforcement Team to secure the replacement planting etc as agreed as part of the discharge of condition application F/YR14/3092/COND and the Unilateral Undertaking of 2014.

#### Proposed Extension to AD Plant

- 10.6 TLP has provided the following assessment. *A key factor in determining the visual impact of the new AD plant arises from the presence of the existing AD plant which has altered the visual and landscape character of the area. A number of elements of the existing AD Plant restrict the visual influence of the proposed extension, these include the existing: primary and secondary digester tanks; silage clamps (silage storage approximately 8m high); reservoir; woodland belts around Mepal Outdoor Centre and adjoining lakes; and establishing tree belts that form part of the existing AD Plant.*
- 10.7 *Visual receptors using Public Byway 221/12 (Blockmore Drive), immediately south-east of the AD Plant, would have views of the proposed development obscured by the existing AD Plant. Walkers using Public Footpath 161/11, further to the south-east, would be prevented from having views mainly as a result of the intervening vegetation.*
- 10.8 *Road users of the A142 Ireton's Way approaching the AD Plant from the south-east, would have views of the proposed development obscured by intervening farms and vegetation along the road and the woodland belts around the lakes neighbouring Mepal Outdoor Centre. Walkers using the footpaths along the Old Bedford River would be largely unaffected, due to distance and intervening copses and trees, and the existing AD Plant features, in particular the silage clamps. The tops of the secondary digester tanks would be just visible, when walking on the raised levee along the Public Footpath 161/5.*
- 10.9 *To the south of the proposed development, Users of Public Byway 221/11 (Short North Drive) approaching the AD Plant from the south-east, experience the existing AD Plant at the centre of the view, which would largely obscure views of the proposed development. This is primarily influenced by the current height of the silage in the silage clamps, so may change. The top of the proposed secondary digester tanks would be just visible above the silage clamps, resulting in a minor new and cumulative adverse effect. Closer to the AD Plant, the banks of the reservoir create the primary screening influence preventing views of the proposed development. Road users using the Long North Fen Drove to the south and west*

*of the AD Plant, see the AD Plant as a distant but noticeable feature on the horizon. This is mainly experienced where the road is more open within views from the south, where the proposed development would be largely obscured by the existing AD Plant.*

- 10.10 *Further to the north along the road, where the proposed development would potentially be more visible, views are obscured by the earthworks around the sand and gravel works at Mepal Quarry next to the road. Along Horseley Fen Middle Drove views are largely screened by other intervening vegetation. There are a couple of locations along the road where open views of the proposed development would be possible, where there would be a minor adverse effect on views, but these are fleeting experiences. Views from the north-west are also largely obscured by intervening vegetation. Views from Public Bridleway 45/24 are mainly contained by hedgerows along the bridleway.*
- 10.11 *Similarly views from Chatteris and the A142 Ireton's Way up to Langwood Hill Drove mainly have views obscured by intervening vegetation and buildings. Views of the proposed development along Langwood Hill Drove would also be largely obstructed by hedgerows and trees along the road, with just fleeting glimpses. There are no other publicly accessible locations to the north in the mid to longer distance. This leaves a concentrated and restricted area where visual receptors would experience a notable adverse effect on views. This occurs for road users approaching the AD Plant on the A142 Ireton's Way from the north-west (between the junction with Langwood Hill Drove and the AD Plant) and the south-western end of Langwood Hill Drove where there would be open views of the proposed development.*
- 10.12 *Whilst this would be mainly seen against the backdrop of the existing AD Plant, there would be an evident increase in the visual scale and massing of the AD Plant. The proposed secondary digester tanks would be the main noticeable new feature, extending the presence of these features in the view. The increased scale and massing would become increasingly apparent on approaching the proposed development along Ireton's Way, resulting in a moderate adverse new and cumulative effect on views. On reaching the northern corner of the site, the existing tree belt would largely screen views of the proposed development in summer and provide filtered views through the vegetation in winter.*
- 10.13 *The other main effect would be on users of Public Byway 45/26 (Horseley Fen Drove) moving south towards the AD Plant. Views are partially broken up by intervening fragmented hedgerows and trees, and a woodland belt to the south of Greys Farm, but where open views occur the proposed development would be a prominent new feature in the view, evidently increasing the scale of the AD Plant.*
- 10.14 *This would have a moderate adverse effect on more distant views, becoming a major adverse effect on views in close proximity to the proposed development, prior to the establishment of the proposed planting. Once established, the planting would provide a partial screen reducing the effects.*

#### Summary and Proposed Mitigation

- 10.15 *The proposed AD Plant would increase the presence of built form within the arable landscape, creating a feature that is not typical of the broader landscape character, and would notably increase the scale of the existing AD Plant as an intrusive feature within the landscape. The changes are more evident in an open flat landscape where the sky and horizon are a distinctive feature of the landscape.*

- 10.16 *The colour of the primary and secondary digester tanks also draws attention and makes these features more apparent in the landscape. Whilst the proposed new AD plant will be experienced in the context of the existing AD Plant, the changes would result in a notable increase in the overall scale of the AD Plant and therefore is a cumulative effect.*
- 10.17 *However, the changes do occur within a disturbed landscape, where sand and gravel extraction have had a prominent effect. Some of the existing planting for the AD Plant has demonstrated that appropriate mitigation can be provided that mitigates the adverse effects, if designed and maintained appropriately.*
- 10.18 *In conclusion, with appropriate mitigation and ongoing maintenance the proposed development could be successfully integrated into the landscape, forming part of the characteristic wooded 'islands' and extending the existing woodland belts present around the lakes next to Mepal Outdoor Centre. It is considered that the proposed development would have a short to medium term, significant cumulative adverse effect on the landscape character, but over a relatively small area (approximately 1km) to the north and north-west of the site and this can be mitigated to make it acceptable.*
- 10.19 TLP provided information on appropriate effective mitigation which has been accepted in full by the applicant and amended drawings/ reports submitted to Officers. These include:
- Increase the width of the proposed planting in Area B, C and D to the same or similar width as Area A. It is advised that the number of rows are increased and the spacing of plants is provided at 1.5m centres;
  - Hedges should be provided on the outer edge of the proposed planting for Areas B, C and D. This should be provided as a doubled staggered row using native species, with a predominant content of common hawthorn (*Crataegus monogyna*);
  - A more balanced mixture of trees and shrubs is required, as trees are important to provide screening for the taller features within the proposed development. It is recommended that a 40% tree: 60% shrub mix is used;
  - Take account of the species that have been most successful or failed in terms of establishment from the existing planting;
  - The species mix is more varied to reflect the location within the site and increase the proportion of white willow (*Salix alba*) and goat willow (*Salix caprea*);
  - Planting non-native species of evergreen trees is not an appropriate approach with regard to the character of the landscape. Rather, a sufficiently wide and dense planting of deciduous plants is the most appropriate solution, which would provide a largely effective screen in winter;
  - Animal guards/ weed control;
  - Change colour of proposed buildings to brown/ green or olive green as they would primarily be viewed against hedgerows and trees; and
  - Raised landscaping bund up to 4m in height to front of site, to be seeded with wildflower/ meadow mix.

- 10.20 There is one exception which is the proposed colour of the dome to the secondary digester tanks which are to remain light grey as these are more UV colour stable and avoid unwanted solar heat gain.
- 10.21. Consideration has been given to the comments received from ECDC, objectors and in particular the neighbours at Greys Farm. The revised landscaping scheme is considered to reduce the landscape and visual impacts of the development and to make it acceptable in accordance with paragraph 154 part b) of the NPPF. The proposal has also been assessed against the factors set out in LP14 and B1 of the SPD with regard to the individual and cumulative impacts of the proposal with regard to the surrounding landscape and is also considered to be acceptable. It will be important to monitor the planting and its long term management and maintenance (which can be secured by condition) to ensure the longevity of the proposed mitigation.

## **11.0 Residential Amenity**

- 11.1 Policy LP2 and Policy LP16 (e) and (l) seek to ensure that development does not adversely impact on the amenity of neighbouring properties (such as noise, air emissions and light pollution). Paragraph 170 e) of the NPPF states that local planning authorities should prevent new and existing development from contributing to unacceptable levels of air or noise pollution.
- 11.2 Paragraph 180 of the NPPF states that 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 and where possible should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. They should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 11.3 The closest residents to the proposal site are the occupants of Greys Farm approximately 450m to the west. They have raised a number of concerns with regard to the operation of the existing plant and likely impacts of the new plant. These include noise and light pollution. Other representations raise odour from the existing plant as a concern. The cumulative effect of the intensification of the use of the AD Plant and any potential increase in detrimental impacts is considered in detail below.

### Noise and Odour

- 11.4. The proposal would nearly double the size of the existing operation, so there is the potential for an increase in odour and noise nuisances which could adversely impact on the nearby residential properties. The Environmental Health Officer considers that the controls put in place as part of the 2014 and 2018 permissions have been mainly successful in protecting the occupiers of nearby properties from noise and odour from the existing plant.
- 11.5 Odour complaints have been referred to Environmental Health during the time the existing AD plant has been in operation, but no complaints have been substantiated and no formal action taken under statutory nuisance legislation contained in the Environmental Protection Act 1990. It is noted that the nearest neighbour does not raise odour as an issue.
- 11.6 Of the complaints received, one complaint of odour was made by a motorist travelling past the site on the A142. This in itself, wouldn't be actionable by powers contained in the Environmental Protection Act 1990. No formal action has been

taken under this legislation as a result of any complaint. The site operator/ applicant has confirmed that they have not received any complaints with regard to odour. The Environmental Health Team recommend similar planning conditions to control odour as was applied to the 2014 consent and as amended for the 2018 consent.

- 11.7 With regard to noise, the distance between the new plant and the nearest residential property (Greys Farm) will be 450m compared to 500m to the existing plant. The applicant has chosen not to prepare a new noise impact assessment as he considers the noise limits set by the existing report at the site boundaries have worked well as they have not received any complaints. The Environmental Health Team was asked to provide a response to the specific concerns of the immediate neighbours at Greys Farm. They agree with the applicant that a new noise assessment isn't necessary. Although another noise impact assessment is likely to identify an increase in plant noise and vehicle noise, the recommendations and noise limits set at the boundaries would be the same.
- 11.8 For example it would result in a planning condition setting the rating level of noise emitted from the cumulative sites not exceeding the background noise level as existing 35dB(A) as set out in Condition 13 of the 2014 consent and re-iterated as Condition 5 in the 2018 consent. The Environmental Health Team recommend the same condition should be applied to the new AD Plant.
- 11.9 With regard to vehicular noise, this mainly pertains to the construction phase of the development. The requirement for a Construction Method Statement can be conditioned as with the 2014 permission. The Environmental Health Team has also suggested that a forum is set up to meet periodically to discuss issues concerning odour and noise, in particular, any complaints received by Fenland District Council. This may be appropriate but would not form part of any formal planning decision.

### Lighting

- 11.10 With regard to light pollution, the Environmental Health Team were also asked to respond to the photographic evidence contained within the objection from the neighbour at Greys Farm. They concluded that the existing plant may be causing excessive light trespass and a statutory nuisance actionable under the Environmental Protection Act 1990.
- 11.11 TLP who undertook the Landscape Review were also asked to consider the photographic evidence provided by the neighbour illustrating the light spill and light pollution being created by the lights in use at the existing AD Plant.
- 11.12 The previously approved lighting plan (18033/2007/0 Site External Lighting & CCTV Plan) submitted as part of the 2018 application indicates the location and type of the proposed lighting. It also states that 'light units to be adjusted to ensure that there is no light spill above the horizontal plane or outside of the site boundaries'.
- 11.13 TLP considered that it was evident from their site visit that the LED mounted floodlights were not adjusted to prevent light spill and would appear to create a wide light spread and result in the observed light pollution and effect on the road users of A142 and local residents.

- 11.14 If similar lighting is used for the new AD Plant this will extend this intrusive effect in night time views in a rural location. This would be intrusive to both road users of Ireton's Way and local residents, and from users of the neighbouring public byways at dusk and dawn. The proposed lighting would be seen in the context of the existing street lights at the Ireton's Way roundabout junction and access into the AD Plant. Consequently, the location is already affected by artificial light, but the light spread from the street lights is restricted, controlled through the use of cut off luminaires. It is important that any proposed lighting prevents light spill and light pollution through the use of appropriate positioned and directed light sources and use of cut-off luminaires.
- 11.15 The applicant acknowledges that the existing lighting needs adjustment and has advised that they will work with the Environmental Health Team and the Planning Enforcement Team on this matter, as well as the specific lighting arrangements for the proposed development. A revised lighting scheme has been submitted for the new plant. The response from Environmental Health will be reported to Members.
- 11.16 In summary, consideration has been given to the comments received from neighbours and statutory consultees with regard to impacts of the existing and proposed development. The proposal has also been assessed against: the factors set out in LP14 with regard to the individual and cumulative impacts of the proposal; Policy LP2 and LP16 (e) and (l), Policies B2 and B3 of the SPD and paragraphs 170 and 180 of the NPPF. It is considered that the imposition of the proposed planning conditions (similar to the 2014 and 2018 permissions) along with the applicant's commitment to working with Officers to address the light pollution of the existing plant would result in an acceptable form of development in accordance with paragraph 154 part b) of the NPPF.

## **12.0 Highway Safety**

- 12.1 A considerable number of comments have been received expressing concerns about highway safety and in particular the capacity of the local road network to accommodate the extra traffic that would be generated. Comments also include concerns about the use of the existing plant.
- 12.2 The applicant's submitted Transport Statement states that in total, there are likely to be 40 new two way movements generated by the proposal each day (between 7am and 7pm on a week day) and that the existing AD plant generates 102 two way movements. The existing planning permission has a planning condition attached which limits movement to 190 two way movements. The applicant concludes that the cumulative movements from the existing and new AD plant would not exceed this threshold.
- 12.3 CCC Transport Team consider that the existing A142 site access roundabout has been modelled and is anticipated to operate with ample spare capacity after the expansion of the site. The accident data submitted has been cross-checked with CCC's accident data record which confirms there are no accident cluster sites present within the study area (the northern and southern approaches to the roundabout). One recorded incident was identified at the roundabout which occurred in the early hours on 7 July 2018. A young male driver misjudged the roundabout resulting in only minor injuries.

- 12.4 They go on to say that the additional trip generation proposed by the expansion is negligible and falls within the site trip generation limit conditioned as part of the existing planning permission for the site. Therefore, the proposal is not anticipated to cause detriment to the capacity of the surrounding highway network, subject to the same condition being attached to this planning permission restricting the maximum number of daily as was previously attached to the 2014 and 2018 permissions.
- 12.5 The site currently generates 102 two way movements over a 12 hour period, which equates to 8.5 movements per hour. Or approximately 4 vehicles entering the site then leaving again each hour (one every 15mins). The proposal would result in an increase of approximately 1 vehicle entering and leaving the site each hour.
- 12.6 Objectors have commented on the volume of traffic using the A142, slowness of vehicles and/ or speed approaching the roundabout. If only 8.5 vehicles per hour are travelling to the AD plant, it is apparent that the vast majority of vehicles using the A142 are not visiting the AD Plant.
- 12.7 The applicant is a minority user of the A142 and this will continue after the proposal comes into use. It must also be the case that not all slow-moving vehicles are travelling to the AD plant. Chatteris Town Council has requested the installation of safety/ speed reduction measures on the A142 such as average speed cameras. However, traffic generated from the development is unlikely to contribute to a speeding problem. If there is an issue with speeding traffic in general along the A142, then this will be a police enforcement issue and it would not be incumbent upon development to resolve an existing problem or reasonable to request such mitigation by planning condition.
- 12.8 In light of the above, the proposal would not cause unacceptable harm to the A142 or the roundabout.
- 12.9 The applicant was asked to respond to the objections regarding other traffic issues, erosion of highway verges, dropping material onto driveways and general inconvenience to members of the public. In response, the applicant is reviewing their practices to establish if improvement can be made. As these complaints have not been raised directly to the applicant, they have not had the opportunity to address these issues.
- 12.10 It is considered that some of the complaints are unfortunately related to issues in general with modern farming machinery, the unavoidable interaction of the public who live in rural areas, and modern farming practices. As such, the proposed application will have no material impact on traffic away from the principle road network and cannot address directly the complaints raised in this regard.
- 12.11 In summary, consideration has been given to the comments received from neighbours and statutory consultees with regard to impacts of the existing and proposed development. The proposal has also been assessed against: the factors set out in LP14 with regard to the individual and cumulative impacts of the proposal; Policy LP15 with regard to highway safety and Policy B4 of the SPD . It is concluded that the proposal would not cause any additional impacts to the highway network, subject to the imposition of the planning condition restricting the maximum two-way movements to what was previously considered to be acceptable in 2014 and 2018.

## **13.0 Economic Considerations**

- 13.1 The number of additional jobs (10) to be created at the proposed plant would be limited but in general terms would be beneficial. It is also noted that the proposal site is on Grade 2 agricultural land. Policy LP6 seeks to encourage employment opportunities and economic growth and lists 9 criteria for business proposals to be assessed against. These assessment criteria consist of: the Council's spatial strategy; availability of and accessibility to public transport services; site suitability in terms of physical constraints; infrastructure capacity and impact in terms of landscape character. LP6 requires businesses in rural areas to also comply with the criteria as set out in Policy LP12 (avoid the loss of good quality agricultural land).
- 13.2 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 13.3 With regard to supporting a prosperous rural economy, paragraph 83 states that planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and b) the development and diversification of agricultural and other land-based rural businesses ....
- 13.4 In this instance the loss of grade 2 agricultural land to the proposal is regrettable, but the benefits of the scheme in terms of its contribution to the rural economy and facilitating business expansion in a rural area is considered to outweigh the loss in this instance.

#### **14.0 Flooding and Drainage**

- 14.1 The site is located within Flood Zone 3 and within the Sutton & Mepal Internal Drainage Board area. A Flood Risk Assessment (FRA) and various addendums have been submitted in response to the Lead Flood Authority's concerns. These have now been fully addressed and they do not object to the development. Similarly, there is no objection from the Environment Agency. Both recommendations are subject to the development being undertaken in accordance with the FRA.
- 14.2 With regard to the Sequential Test, the development falls within the 'less vulnerable' category where development in flood zones 1, 2 and 3 is appropriate. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The existing AD plant passed the sequential test in 2014 due to the nature and extent of land required for that development. There are obvious links between the existing and proposed sites, not least the availability of a connection to an existing gas pipeline, which would weigh heavily in favour of locating the new development next to the existing AD plant.. Therefore, the Sequential Test is considered to have been passed.
- 14.3 A surface water detention basin is proposed to take the surface water runoff from the proposed hardstanding areas. This will either be reused within the AD process or pumped at a restricted rate to the reservoir to the south of the existing site. The existing AD Plant already drains there.



## **15.0 Archaeology**

- 15.1 The site is located in a landscape of high archaeological potential which was identified previously. Archaeological investigations prior to the commencement of development for the existing AD plant identified a rectilinear field system of uncertain date and several pits containing artefacts dated to the Neolithic and early Bronze Age periods. It is therefore likely that important archaeological remains survive on the application site and these could be damaged or destroyed by the proposed development. Therefore, the County Council has requested a programme of archaeological investigation work prior to the commencement of development and this will be conditioned accordingly.

## **16.0 Ecology and Biodiversity**

- 16.1 Originally there was some concern about the potential loss of two trees to allow for the proposed new access road to break through into the new site. The applicant has clarified the situation and FDC's Tree Officer is satisfied that due to the poor condition of tree T1, it can be left for nature to take its course. Although the new road will encroach into the tree protection area by about 1m, due to the condition of the tree, it is not necessary to install a no dig construction method. T2 is in a similar condition to T1 and is pollarded regularly due to the overhead power lines. However, it is too far away from the proposed access road to be affected.
- 16.2 An Ecological Impact Assessment (February 2021) was undertaken by the applicant. It recognised that the operation of the existing AD Plant has enhanced feeding grounds for more species of birds since the last survey in 2013 so the creation of the plant has enhanced biodiversity potential. It also makes recommendations as set out in paragraph 3.8.
- 16.3 The new landscaping proposals include 1299 trees, 1951 shrubs and 1865 new hedgerow plants. Also included is a landscaping bund which will be seeded with a wildflower grassland mix. The views of the Council's Ecologist on the revised scheme will be reported to Members as an update at Planning Committee.
- 16.4 The applicant has agreed to undertake a bat survey of potential bat roosts prior to commencement of development which can be conditioned. Therefore subject to the development being undertaken in accordance with the recommendations in the submitted Ecological Impact Assessment (February 2021), the net gain in biodiversity from the proposal is likely to be considerable.

## **17.0 Other Considerations**

### Onsite Storage

- 17.1 The applicant states that the new plant shall only receive and consume whole hay/straw bales on a just in time basis. The intended holding time onsite will be 24hours. In the event of a breakdown, storage could increase to 2 days. Bales already en route will be delivered but subsequent deliveries would be cancelled until the back log has been cleared. Notwithstanding this, it is appropriate to add a planning condition to control the number of bales stored on site, in particular, the height of the stack.
- 17.2 The occupiers of Greys Farm are concerned that onsite storage would encourage vermin. The storage area labelled 10 on plan reference 101 Rev B would be approximately 400m from Greys Farm, with agricultural land and landscaping

between the two areas. It is considered that due to this separation distance and the likely presence of other wildlife on the land/ within the ditches etc, limited weight can be given to this concern. The neighbour has asked that the bales be covered. The large circular bales stored in fields are sometimes covered in black plastic. But it is understood that the digesters can receive wet straw, which removes the need to cover the bales. As the bales are unlikely to be on site for more than 24 hours, in this instance it is not considered appropriate to ask that they be covered.

#### Access to Greys Farm

- 17.3 The occupiers of Greys farm have expressed concerns that any new landscaping could impede their visibility when exiting the access road to their property, and the amount of traffic using the A142 has caused delays when joining or leaving the A142.
- 17.4 As already considered, the existing and proposed AD plant makes/ will make a limited contribution to the traffic usage of the A142. The existing landscaping at this junction (approved in 2014) is set back from the highway with sufficient visibility to exit safely. The new landscaping proposed with this application will be planted inside the existing, away from the junction. Therefore, it is expected that the visibility splays will remain unaffected by the proposal.

#### Lack of S106 Contributions

- 17.5 Objectors have asked why the local community is not benefitting from the proposal, by way of S106 contributions. With this proposal, there is no method for securing such benefits. It may be argued that the contribution being made to generating energy from a renewable source would reduce reliance on fossil fuels. Thereby reducing carbon emissions and increasing energy security within the population in general.

### **18 CONCLUSIONS**

- 18.1 Officers have worked with the applicant and professional consultees to bring before Members a scheme which is considered to be acceptable with regard to local and national policy considerations.
- 18.2 Paragraph 154 of the NPPF states that local planning authorities when determining planning applications for renewable and low carbon development should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.
- 18.3 Policy LP14 of the Fenland Local Plan 2014 which also supports renewable energy requires proposals to be assessed both individually and cumulatively on their merits. Officers have considered the acceptability of the new AD plant and also the operation of the existing AD plant in conjunction with the proposed new plant.
- 18.4 Officers have taken into account a list of factors considered to be applicable with regard to the individual and cumulative merits of the proposal, such as impacts on: the surrounding landscape and visual amenity; residential amenity (noise, odour, lighting); highway safety; and biodiversity considerations.

18.5 Following amendments, Officers now consider that subject to the imposition of new planning conditions and conditions similar to the existing AD plant, any impacts of the development are acceptable and can recommend approval of the new AD plant in accordance with Paragraph 154 of the NPPF, Policies LP2, LP12, LP14, LP15 and LP19 of the Fenland local Plan 2014 and Policies B1-B5 of the Resource Use and Renewable Energy SPD (2014).

## 19 RECOMMENDATION

### Grant subject to the following 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>No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment &amp; Surface Water Drainage Strategy prepared by Plandescil Ltd (ref: 26142/FRA&amp;SWDS/RevA/CES) dated October 2020 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the site.</p> <p>Reason -To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>                                                                                                                         |
| 3 | <p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason- To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p> |
| 4 | <p>The mitigation measures proposed in the submitted Flood Risk Assessment &amp; Surface Water Drainage Strategy prepared by Plandescil Ltd (ref: 26142/FRA&amp;SWDS/RevA/CES) dated October 2020 shall be implemented prior to the first use of the development hereby approved, namely:<br/>The flood resilient/ resistant measures; and<br/>A Flood Plan which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.</p> <p>Reason- In order for the development to comply with Policy LP14 of the Fenland Local Plan 2014.</p>                                                                                                                                                                               |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5  | <p>The development hereby approved shall be carried out in strict accordance with the submitted Ecological Impact Assessment revised Feb 2021. In addition, prior to the commencement of development a bat survey of potential bat roosts shall be undertaken and a report setting out any necessary mitigation shall be submitted to and approved in writing by the local planning authority. This should include any impact of the proposed lighting on any identified roosts.</p> <p>Reason- In order to reduce the impacts of the development on ecological receptors in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>                                   |
| 6  | <p>Unless otherwise agreed by the local planning authority no more than a maximum of 190 2-way vehicle movements shall enter and leave the existing AD plant and the proposed extension hereby approved combined in any one day (07.00 - 19.00). A daily record of all vehicle movements for both AD Plants, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the local planning authority.</p> <p>Reason- In the interests of amenity and highway safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>                                   |
| 7  | <p>No works shall commence on site until a Construction Method Statement for all traffic associated with the development during the period of construction has been submitted to and approved in writing by the local planning authority, and such a scheme together with proposals to control and manage traffic using the agreed route, and to ensure that no other local roads are used by construction traffic unless otherwise agreed in writing by the local planning authority.</p> <p>Reason- In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies LP2, LP15 and LP16 of the Fenland Local Plan 2014.</p> |
| 8  | <p>Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction in accordance with a detailed scheme which shall include wheel washing facilities to be submitted to and approved in writing by the local planning authority prior to the commencement of development.</p> <p>Reason- In the interests of highway safety.</p>                                                                                                                                                                                                                        |
| 9  | <p>Working hours for the AD plant are limited to:</p> <p style="text-align: center;">07:00 - 19:00 each day Monday - Sunday</p> <p>Unless otherwise agreed in writing with the LPA. The only activities permitted on the site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repairs.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                          |
| 10 | <p>Prior to commencement of development a management plan shall be submitted and agreed in writing with the local planning authority regarding</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>mitigation measures for the construction phase. These shall include, but not be limited to, a schedule of works, plant to be used, times of use etc, and shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the local planning authority.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p> |
| 11 | <p>The use of plant and machinery during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with LP16 of the Fenland Local Plan 2014.</p>                                                                                    |
| 12 | <p>Deliveries to the site during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the local planning authority has been given.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                |
| 13 | <p>All mobile mechanical handling equipment operated within the site that require the use of reversing alarms shall be fitted with broadband reversing alarms or similar.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                         |
| 14 | <p>The development hereby approved shall be operated at all times in accordance with the details contained within the Noise Management Plan AC106526-2R1.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                         |
| 15 | <p>The doors to all buildings housing machinery shall remain closed at all times except to allow ingress and egress.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                              |
| 16 | <p>The rating level of noise emitted from the site shall not exceed 35dB(A). The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                              |
| 17 | <p>Delivery and collection times during the operational phase shall be limited to:</p> <p>07:00 - 19:00 each day Monday - Sunday</p> <p>Unless otherwise agreed to in writing by the local planning authority following the submission of an appropriate noise assessment.</p>                                                                                                                                                                     |

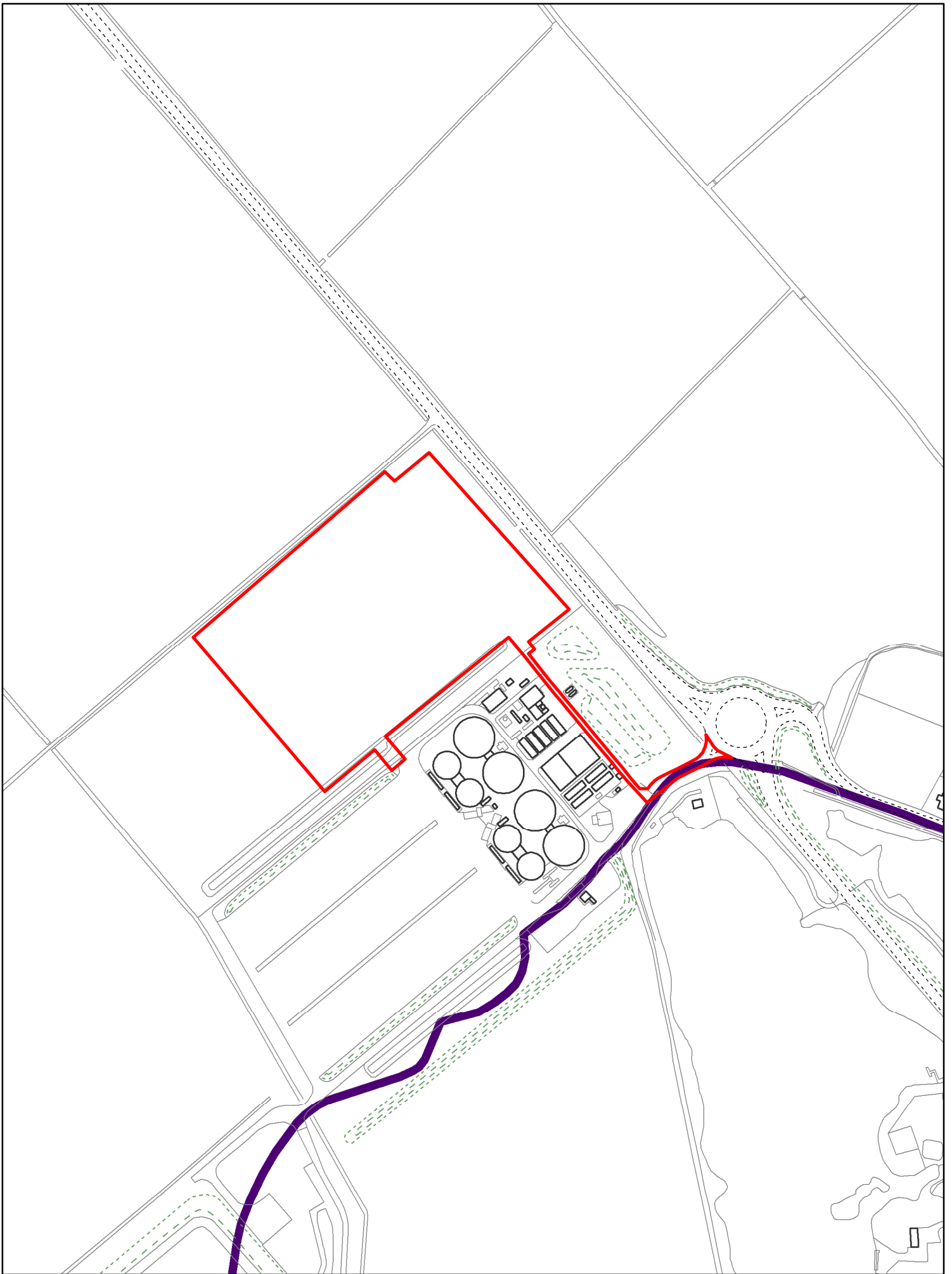
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|    | Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 18 | <p>The development hereby approved shall be operated at all times in accordance with the Odour Management Plan AQ106442-1.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 19 | <p>Emissions from activities taking place on the approved site shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour.</p> <p>However, even if the operator is using all appropriate measures, if the Local Authority consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p> |
| 20 | <p>At the reasonable request of, and following a complaint to, the local planning authority, the operator of the development hereby approved shall measure and assess at its own expense the level of noise or odour emissions from the development at the site boundary adjacent to the sensitive receptor location in accordance with methods approved in writing by the local planning authority prior to the assessment.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                        |
| 21 | <p>The feeders to the AD plant hereby approved shall be sealed when not being filled.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 22 | <p>Liquid digestate shall be transferred by sealed pipes from the process area underground and stored in the reservoir where it will be passed to an irrigation main for direct application to agricultural fields. If required any surplus liquid digestate shall be stored in a sealed container and removed by tanker via a sealed pipe connection, to ensure the process is completely enclosed.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                |
| 23 | <p>The application of any liquid digestate to the adjoining land shall be carried out in accordance with good agricultural practices.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 24 | <p>Solid digestate shall be removed from the site daily.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 25 | <p>For the avoidance of doubt, nothing other than hay or straw bales shall be accepted as feed stock for the digester.</p> <p>Reason- The impacts of other crops has not been assessed, the use of alternative products may give rise to adverse impacts which would need to be assessed in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| 26 | <p>At all times the best practicable means shall be employed to control and minimize any possible odour resulting from the storage of raw materials or the storage of liquid digestate. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found by the local planning authority to be inadequate, operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                        |
| 27 | <p>No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the precise colour finish, have been submitted to and approved in writing by the local planning authority. All development shall be carried out in accordance with the approved details.</p> <p>Reason - To safeguard the character and appearance of the countryside in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                       |
| 28 | <p>The development hereby approved shall be screened in accordance with the Landscaping Scheme and Maintenance and Management Plan prepared by Plandescil dated March 2021 and drawing reference 26142/901 Rev B.</p> <p>The proposed landscaping scheme and planting shall be completed in the first suitable planting season within a 12 months period following the commissioning and operation of the AD plant, or in agreed phases whichever is the sooner.</p> <p>Reason - The screening is needed in order to mitigate the impacts of the development, to protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.</p> |
| 29 | <p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in</p>                                                                                                                                  |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 30 | <p>Within 3 months of the AD plant coming into use, an Odour Validation Report shall be submitted to the local planning authority to demonstrate that the site is not exceeding a 98<sup>th</sup> percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptors.</p> <p>Reason- To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 31 | <p>The details shown on drawing No. 26142/107 Rev B and 26142/108 Rev A for the provision of external lighting and CCTV shall be installed accordingly and retained thereafter for the duration of the operation of the site. The external lighting shall not exceed more than 2LUX at all site boundaries.</p> <p>Reason: In order to ensure adequate safety and security on site and to comply with Policy LP17 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 32 | <p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) previously submitted to and approved in writing by the local planning authority.</p> <p>For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a) The statement of significance and research objectives,</li> <li>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c)The timetable for the field investigation as part of the development programme; and</li> <li>d) The programme and timetable for the analysis, publication and dissemination, and deposition of resulting material.</li> </ul> <p>Informatives:<br/> Partial discharge of the condition can be applied for once the fieldwork at part c) has been completed to enable the commencement of development.<br/> Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>Reason- To ensure that the significance of historic environment assets is conserved in line with NPPF section 16.</p> |
| 33 | <p>The maximum onsite storage of straw and hay bales brought in to feed the digester shall only be a block sufficient to cover 2 days worth of product storage in a breakdown event. Bales are only to be stored within area 10 as shown on drawing reference 101 Rev B. Bales shall be Hesston type, 1.2m x</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



|    |                                                                                                                                                                                                                                                                                    |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>1.2m x 2.4m in size, stored in blocks 4 bales high (maximum), at a height of 4.8m (maximum) above slab level.</p> <p>Reason- To prevent the bales impacting detrimentally on the visual amenity of the area, in accordance with Policy LP16 of the Fenland Local Plan 2014.</p> |
| 34 | Approved plans                                                                                                                                                                                                                                                                     |



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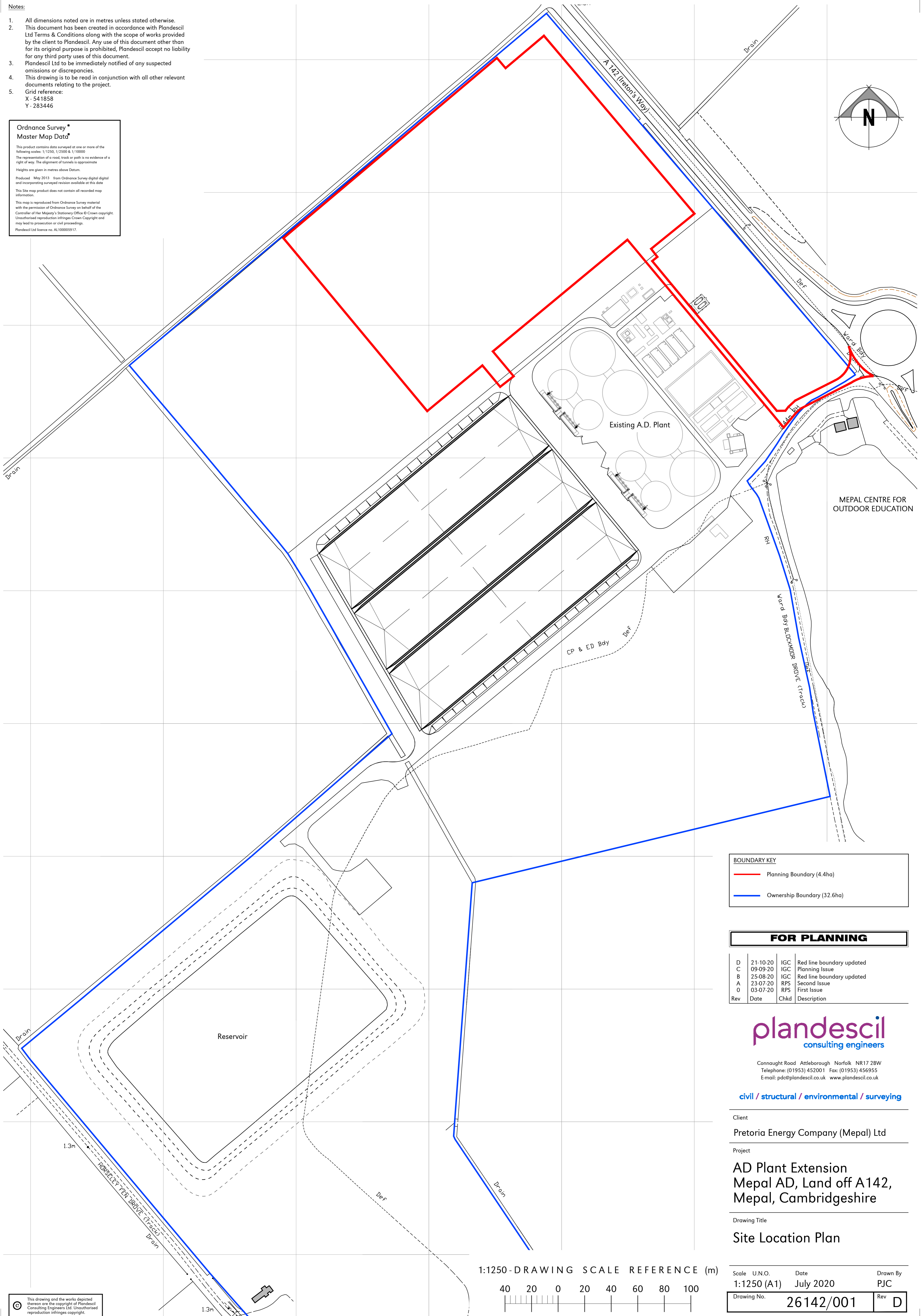
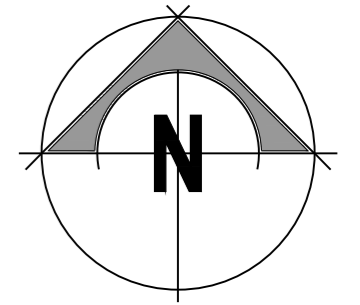


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5. Grid reference:  
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Y - 283446

Ordnance Survey  
Master Map Data

This product contains data surveyed at one or more of the following scales: 1/1250, 1/2500 & 1/10000  
The representation of a road, track or path is no evidence of a right of way. The alignment of tunnels is approximate  
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| BOUNDARY KEY                        |                             |
|-------------------------------------|-----------------------------|
| <span style="color: red;">—</span>  | Planning Boundary (4.4ha)   |
| <span style="color: blue;">—</span> | Ownership Boundary (32.6ha) |

**FOR PLANNING**

| Rev | Date     | Chkd | Description               |
|-----|----------|------|---------------------------|
| D   | 21-10-20 | IGC  | Red line boundary updated |
| C   | 09-09-20 | IGC  | Planning Issue            |
| B   | 25-08-20 | IGC  | Red line boundary updated |
| A   | 23-07-20 | RPS  | Second Issue              |
| 0   | 03-07-20 | RPS  | First Issue               |

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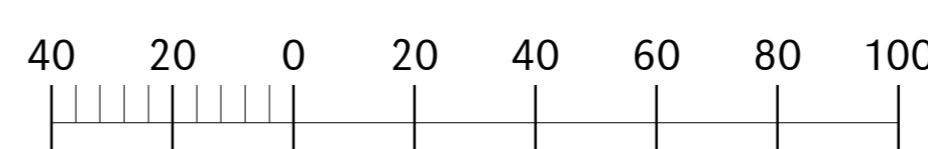
civil / structural / environmental / surveying

Client  
Pretoria Energy Company (Mepal) Ltd

Project  
AD Plant Extension  
Mepal AD, Land off A142,  
Mepal, Cambridgeshire

Drawing Title  
Site Location Plan

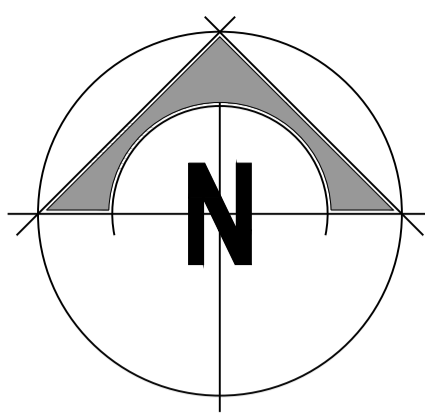
1:1250 - DRAWING SCALE REFERENCE (m)



| Scale       | U.N.O.    | Date      | Drawn By |
|-------------|-----------|-----------|----------|
| 1:1250 (A1) |           | July 2020 | PJC      |
| Drawing No. | 26142/001 | Rev       | D        |

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| KEY |                                                                                                                                                                            |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Building/Plant                                                                                                                                                             |
|     | Concrete Apron/Road (Approx 5,195m <sup>2</sup> )                                                                                                                          |
|     | Type 1 (Approx 203m <sup>2</sup> )                                                                                                                                         |
|     | Compacted Stone Finish (Approx 5,940m <sup>2</sup> )                                                                                                                       |
|     | Equipment/Process Area with gravel finish (Approx 4,270m <sup>2</sup> )                                                                                                    |
|     | Proposed Landscaping with hedgerows and planting (Approx 9,800m <sup>2</sup> )                                                                                             |
|     | Proposed landscaping bund planting with meadow mix seeding, max 4m high from local ground level, built from as won site material and topsoil (Approx 3,700m <sup>2</sup> ) |
|     | Detention Basin (Approx 2,975m <sup>3</sup> )                                                                                                                              |
|     | Planning Boundary                                                                                                                                                          |
|     | Section 106 agreement landscaping extent from previous permission.                                                                                                         |

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  - All setting out to be coordinated by the Contractor and to be checked onsite prior to construction.
  - Refer to Plandescil drawings:
    - 26 142 - 001 - Site Location Plan
    - 26 142 - 002 - Existing Site Plan
    - 26 142 - 100 - Proposed Block Plan

| PLANT KEY |                                                                |
|-----------|----------------------------------------------------------------|
| ①         | Primary Digester Tank (22.8m Ø, 3260m <sup>3</sup> )           |
| ②         | Secondary Digester/Storage Tank (34.2m Ø, 5160m <sup>3</sup> ) |
| ③         | Feed Hopper                                                    |
| ④         | Machinery/Tech Building                                        |
| ⑤         | Pump Assembly Building                                         |
| ⑥         | Flares                                                         |
| ⑦         | Gas Upgrade Building                                           |
| ⑧         | Elster 'Gas to Grid' Unit                                      |
| ⑨         | National Grid Communication Bases                              |
| ⑩         | Mixing/Storage Area (20m x 20m)                                |
| ⑪         | Construction Compound (45m x 33m)                              |
| ⑫         | Landscaping with Planting (max. 20m width)                     |
| ⑬         | Gravel Finish                                                  |
| ⑭         | External Concrete area (18m wide)                              |
| ⑮         | Concrete Road, 4m wide                                         |
| ⑯         | Detention Basin                                                |
| ⑰         | Gas Chiller/Compressor Unit                                    |
| ⑱         | CO2 Storage Tanks 13.5m x 2.3m (5No. per filling point)        |
| ⑲         | CO2 Filling Point                                              |
| ⑳         | CO2 Capture Process Building 25m x 12m (2No. Thus)             |

| FOR PLANNING |          |        |      |                               |
|--------------|----------|--------|------|-------------------------------|
| C            | 26-03-21 | PJC    | RPS  | Landscaping and basin amended |
| B            | 21-10-20 | PJC    | IGC  | Notes updated                 |
| A            | 09-09-20 | PJC    | IGC  | Planning Issue                |
| 0            | 25-08-20 | -      | RPS  | First Issue                   |
| Rev          | Date     | Rev By | Chkd | Description                   |

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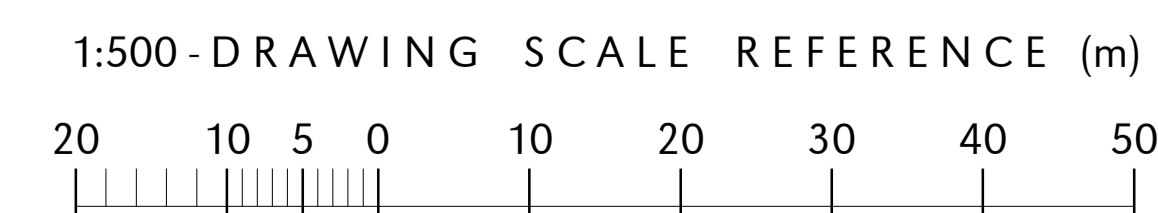
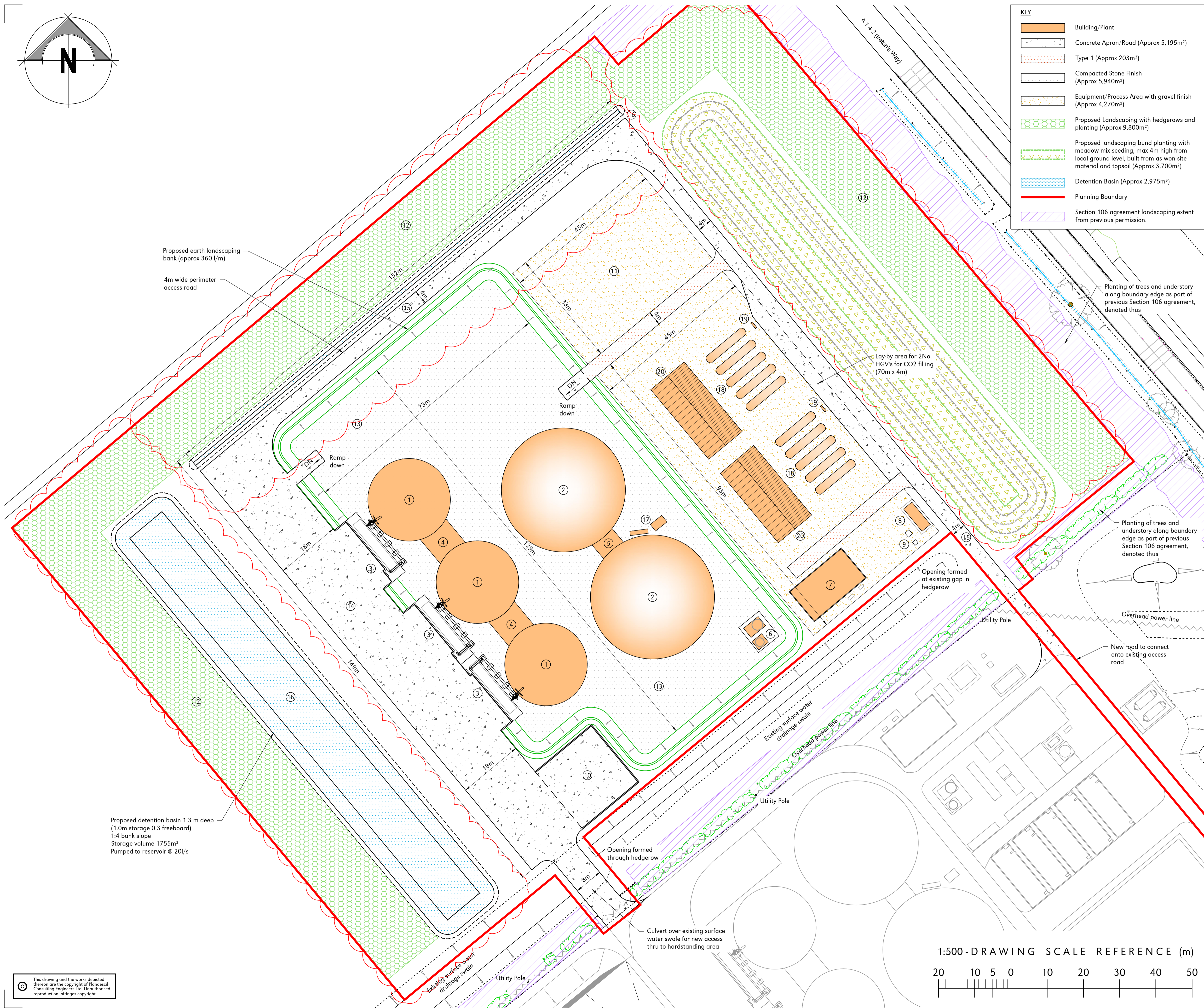
civil / structural / environmental / surveying

Client  
Pretoria Energy Company (Mepal) Ltd

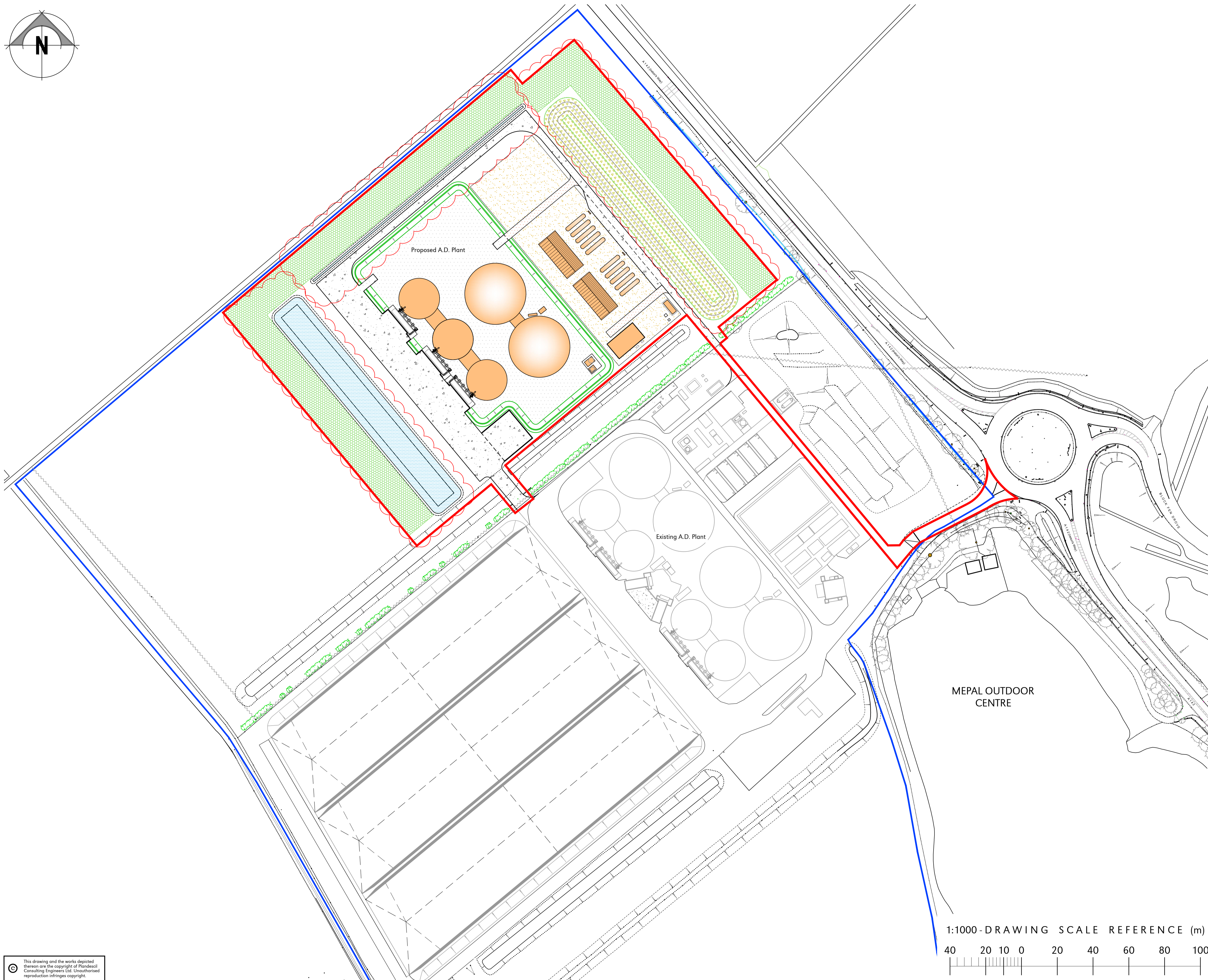
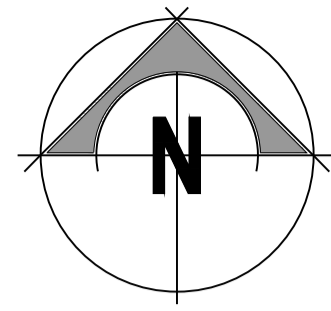
Project  
**AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire**

Drawing Title  
**Proposed Site Plan**

|             |           |             |          |
|-------------|-----------|-------------|----------|
| Scale       | U.N.O.    | Date        | Drawn By |
| (A1) 1:500  |           | August 2020 | PJC      |
| Drawing No. | 26142/101 |             | Rev C    |







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7. Refer to Plandescil drawings:
  - 7.1. 26 142 - 001 - Site Location Plan
  - 7.2. 26 142 - 002 - Existing Site Plan
  - 7.3. 26 142 - 101 - Proposed Site Plan

| KEY |                                                                                                                                                                            |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Building/Plant                                                                                                                                                             |
|     | Concrete Apron/Road (Approx 5,195m <sup>2</sup> )                                                                                                                          |
|     | Type 1 (Approx 203m <sup>2</sup> )                                                                                                                                         |
|     | Compacted Stone Finish (Approx 5,940m <sup>2</sup> )                                                                                                                       |
|     | Equipment/Process Area with gravel finish (Approx 4,270m <sup>2</sup> )                                                                                                    |
|     | Proposed Landscaping with hedgerows and planting (Approx 9,800m <sup>2</sup> )                                                                                             |
|     | Proposed landscaping bund planting with meadow mix seeding, max 4m high from local ground level, built from as won site material and topsoil (Approx 3,700m <sup>2</sup> ) |
|     | Detention Basin (Approx 2,975m <sup>2</sup> )                                                                                                                              |
|     | Planning Boundary                                                                                                                                                          |
|     | Ownership Boundary                                                                                                                                                         |

| FOR PLANNING |          |        |      |                                 |
|--------------|----------|--------|------|---------------------------------|
| C            | 26-03-21 | PJC    | RPS  | Landscaping amended             |
| B            | 04-01-21 | RPS    | IGC  | Landscaping and basin amended   |
| A            | 21-10-20 | PJC    | IGC  | Boundary line and notes updated |
| 0            | 09-09-20 | -      | IGC  | Planning, First Issue           |
| Rev          | Date     | Rev By | Chkd | Description                     |

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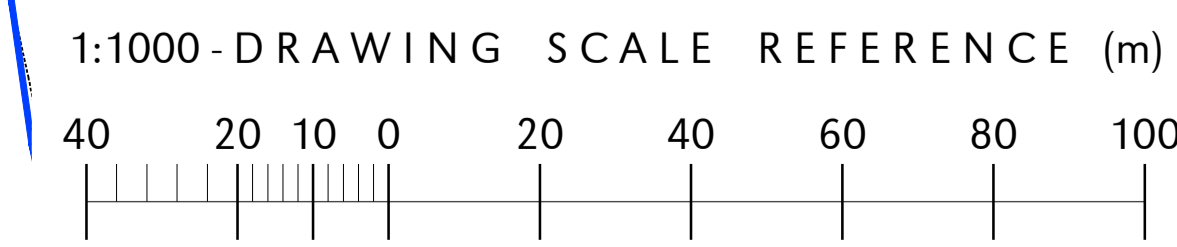
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Client  
Pretoria Energy Company (Mepal) Ltd

Project  
**AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire**

Drawing Title  
**Proposed Block Plan**



|             |           |      |             |          |     |
|-------------|-----------|------|-------------|----------|-----|
| Scale       | U.N.O.    | Date | August 2020 | Drawn By | PJC |
| (A1)        | 1:1000    |      |             | Rev      | C   |
| Drawing No. | 26142/100 |      |             |          |     |





NORTH ISOMETRIC VIEW (1)



EAST ISOMETRIC VIEW (2)



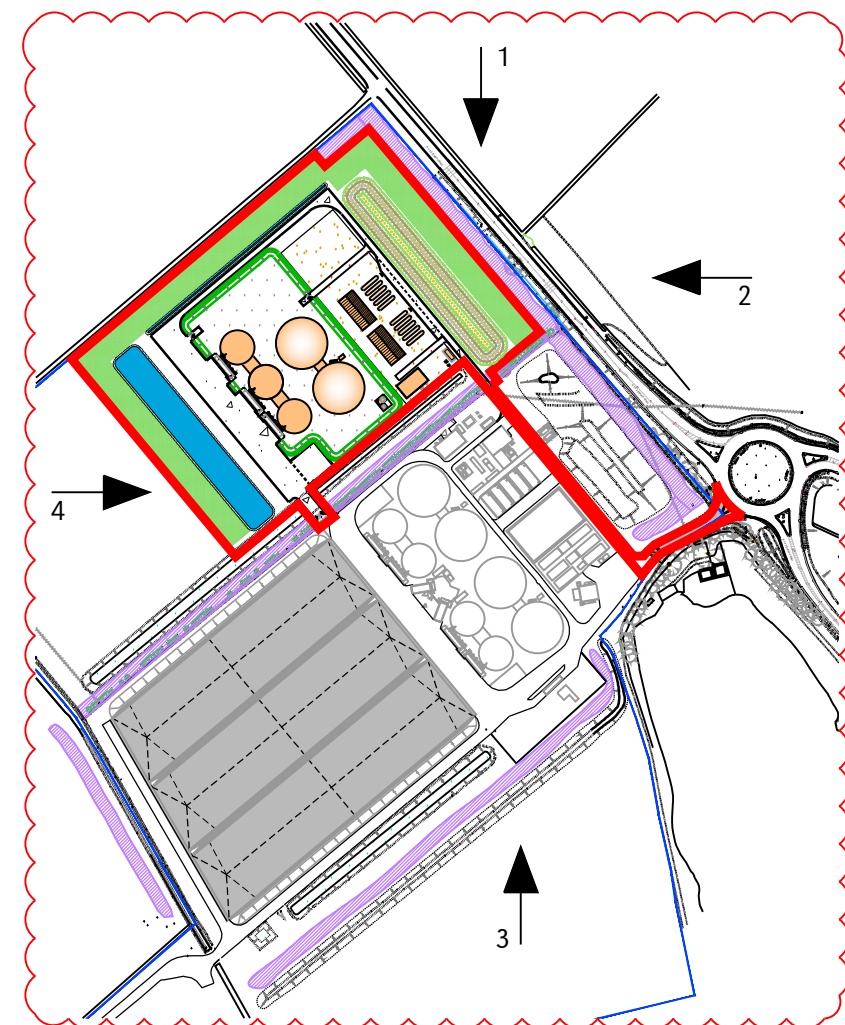
SOUTH ISOMETRIC VIEW (3)



WEST ISOMETRIC VIEW (4)

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SITE PLAN

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Client  
**Pretoria Energy Company (Mepal) Ltd.**

Project  
**AD Plant Extension, Mepal AD, Cambridgeshire**

Drawing Title  
**3D Visualisation Isometric Views (Proposed)**

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                        |
|-----|----------|--------|------|------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Updated landscaping & tank colours |
| 0   | 21-10-20 | -      | RPS  | First Issue                        |

Scale U.N.O. Date September 2020 Drawn By PJC

Drawing No. 26142/401 Rev A



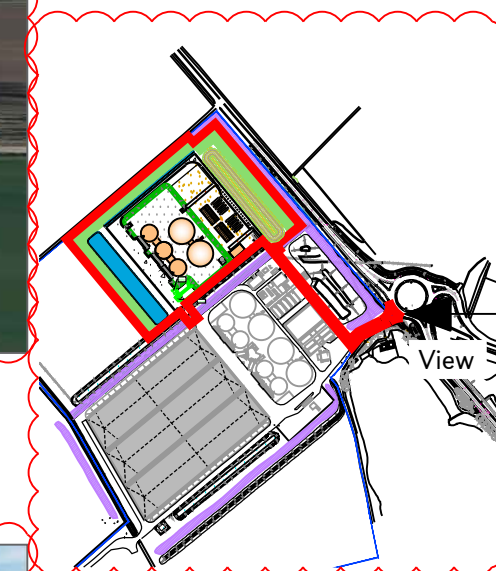
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Grid Reference of view point: X: 542044  
Y: 283370



PROPOSED VIEW FROM THE ROUNDABOUT  
(NORTHBOUND CARRIAGEWAY, 2M ABOVE GROUND LEVEL)



VIEW PLAN



EXISTING VIEW FROM THE ROUNDABOUT  
(NORTHBOUND CARRIAGEWAY, 2M ABOVE GROUND LEVEL)

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Client  
Pretoria Energy Company (Mepal) Ltd.

Project Drawing Title  
AD Plant Extension, 3D Visualisation  
Mepal AD, Cambridgeshire Northbound View A142

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                        |
|-----|----------|--------|------|------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Updated landscaping & tank colours |
| 0   | 21-10-20 | -      | RPS  | First Issue                        |

Scale U.N.O. Date Drawn By  
(A3) NTS September 2020 PJC

Drawing No. 26142/402 Rev A

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**EXISTING VIEW FROM THE ROAD**  
**(SOUTHBOUND CARRIAGEWAY, 2M ABOVE GROUND LEVEL)**

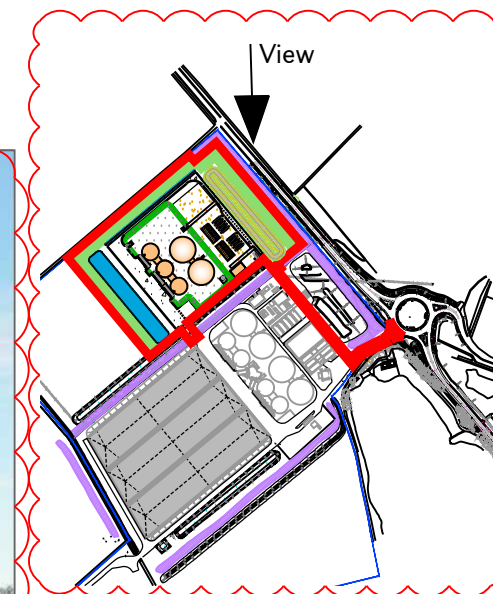


**PROPOSED VIEW FROM THE ROAD**  
**(SOUTHBOUND CARRIAGEWAY, 2M ABOVE GROUND LEVEL)**

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Grid Reference of view point: X: 541718  
 Y: 283732



**VIEW PLAN**

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                        |
|-----|----------|--------|------|------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Updated landscaping & tank colours |
| 0   | 21-10-20 | -      | RPS  | First Issue                        |

Scale: U.N.O. Date: September 2020 Drawn By: PJC

Drawing No. 26142/403 Rev A



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Client  
 Pretoria Energy Company (Mepal) Ltd.

Project  
 AD Plant Extension,  
 Mepal AD, Cambridgeshire

Drawing Title  
 3D Visualisation  
 Southbound view, A142

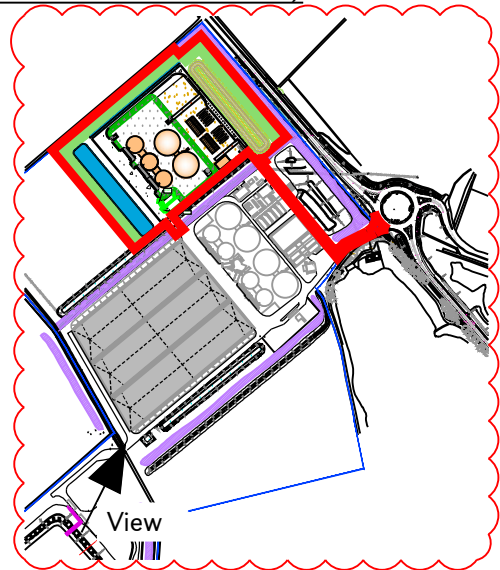




**PROPOSED VIEW FROM THE RESERVOIR  
(8M ABOVE GROUND LEVEL)**



**EXISTING VIEW FROM THE RESERVOIR  
(8M ABOVE GROUND LEVEL)**



**VIEW PLAN**

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Grid Reference of view point: X:541654  
Y:283009

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**FOR PLANNING**

Client  
**Pretoria Energy Company (Mepal) Ltd.**

Project  
**AD Plant Extension,  
Mepal AD, Cambridgeshire**

Drawing Title  
**3D Visualisation  
View from the Reservoir**

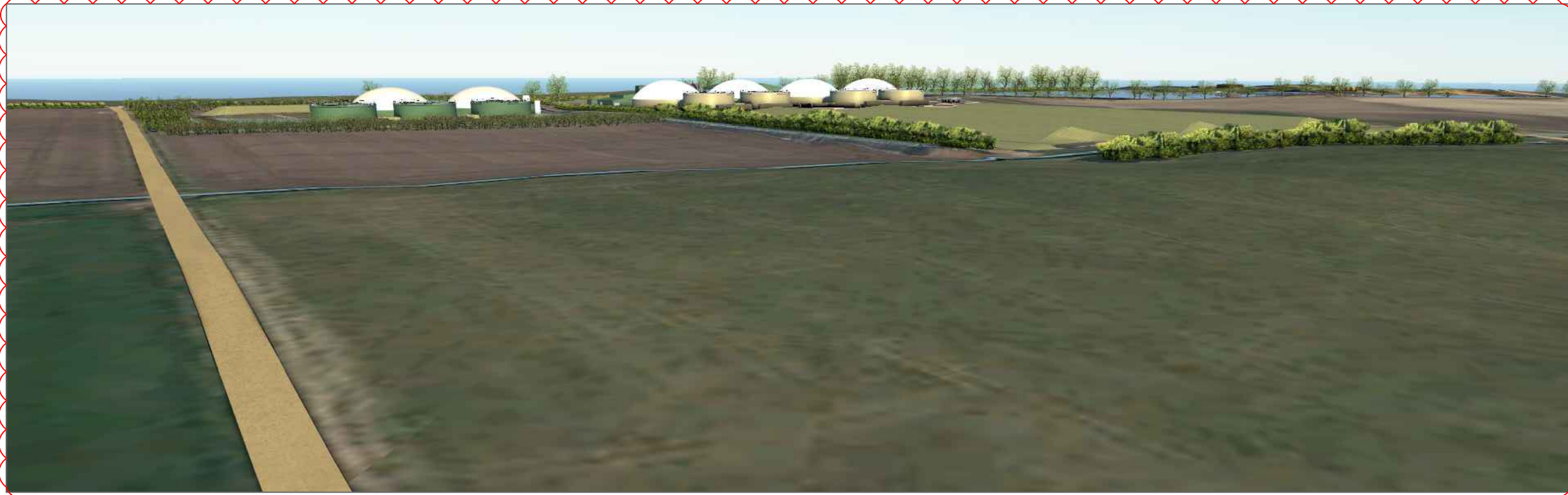
| Rev | Date     | Rev By | Chkd | Description                        |
|-----|----------|--------|------|------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Updated landscaping & tank colours |
| 0   | 21-10-20 | -      | RPS  | First Issue                        |

Scale U.N.O. Date  
**(A3) NTS September 2020**

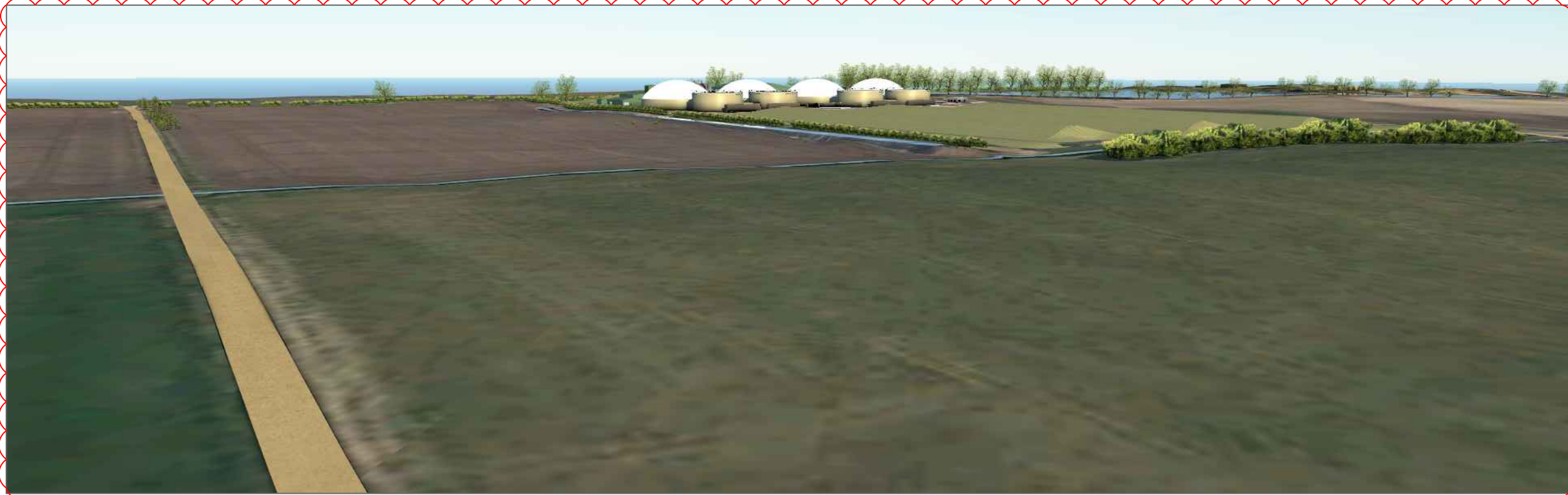
Drawn By  
**PJC**

Drawing No. **26142/404** Rev **A**





**PROPOSED WEST VIEW**  
(4M ABOVE GROUND LEVEL)

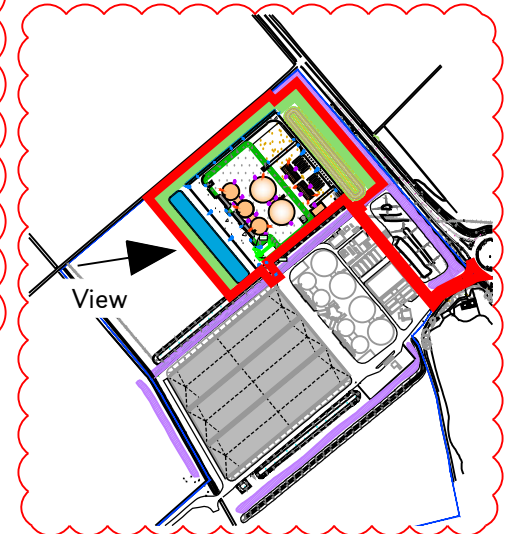


**EXISTING WEST VIEW**  
(4M ABOVE GROUND LEVEL)

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Grid Reference of view point: 541338, 283255



**VIEW PLAN**

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                        |
|-----|----------|--------|------|------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Updated landscaping & tank colours |
| 0   | 21-10-20 | -      | RPS  | First Issue                        |

|          |        |      |                |          |     |
|----------|--------|------|----------------|----------|-----|
| Scale    | U.N.O. | Date | September 2020 | Drawn By | PJC |
| (A3) NTS |        |      |                |          |     |

|             |           |     |   |
|-------------|-----------|-----|---|
| Drawing No. | 26142/405 | Rev | A |
|-------------|-----------|-----|---|



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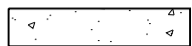

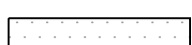






Project  
**AD Plant Extension, Mepal AD, Cambridgeshire**

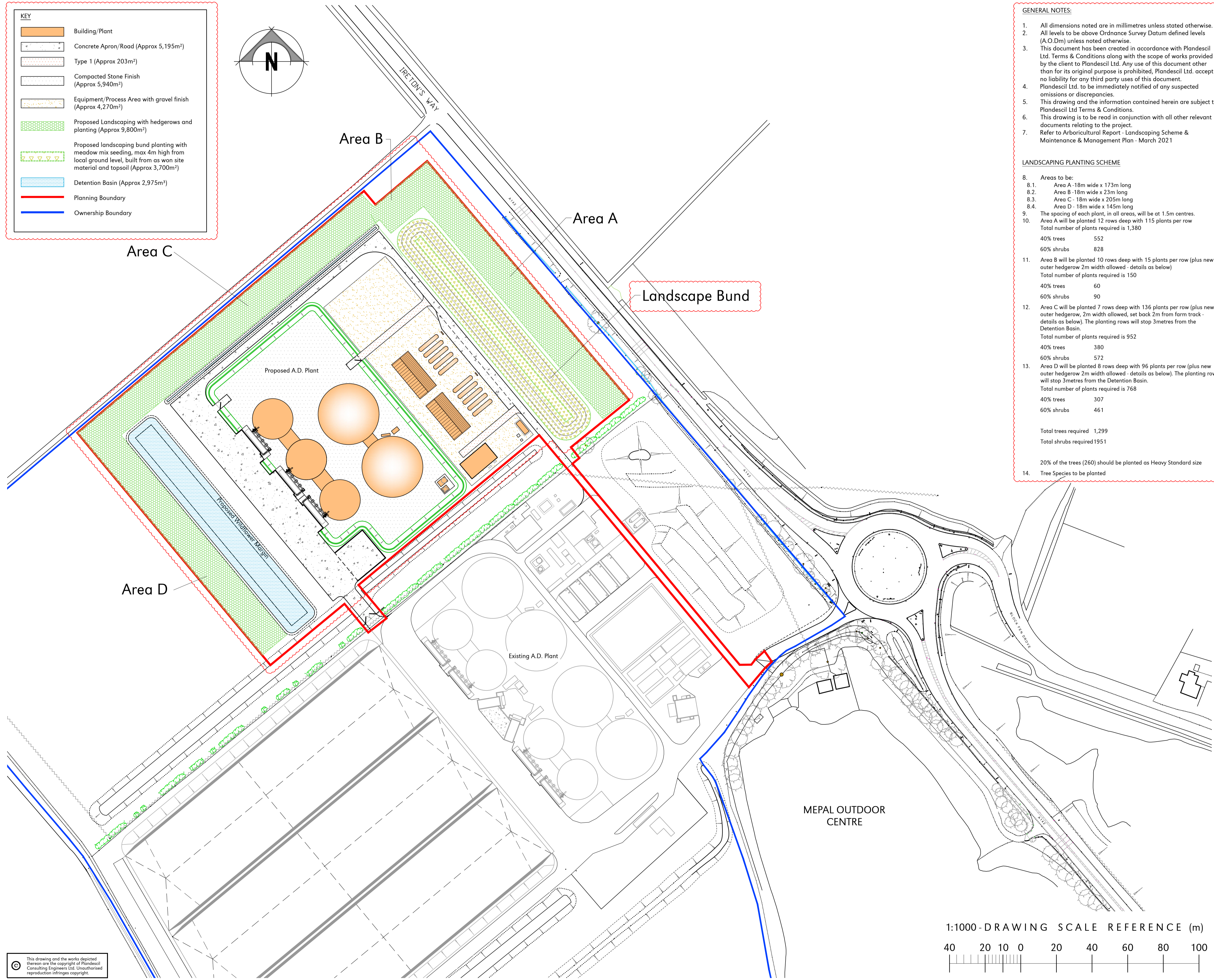
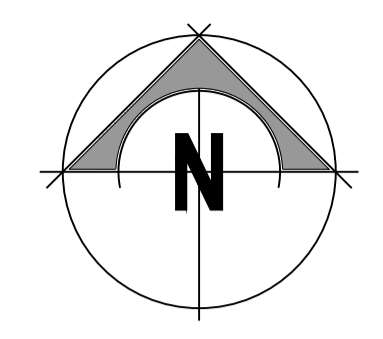
Drawing Title  
**3D Visualisation View from the Southwest**

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**KEY**

-  Building/Plant
-  Concrete Apron/Road (Approx 5,195m<sup>2</sup>)
-  Type 1 (Approx 203m<sup>2</sup>)
-  Compacted Stone Finish (Approx 5,940m<sup>2</sup>)
-  Equipment/Process Area with gravel finish (Approx 4,270m<sup>2</sup>)
-  Proposed Landscaping with hedgerows and planting (Approx 9,800m<sup>2</sup>)
-  Proposed landscaping bund planting with meadow mix seeding, max 4m high from local ground level, built from as won site material and topsoil (Approx 3,700m<sup>2</sup>)
-  Detention Basin (Approx 2,975m<sup>3</sup>)
-  Planning Boundary
-  Ownership Boundary



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7. Refer to Arboricultural Report - Landscaping Scheme & Maintenance & Management Plan - March 2021

**LANDSCAPING PLANTING SCHEME**

8. Areas to be:
  - 8.1. Area A - 18m wide x 173m long
  - 8.2. Area B - 18m wide x 23m long
  - 8.3. Area C - 18m wide x 205m long
  - 8.4. Area D - 18m wide x 145m long
9. The spacing of each plant, in all areas, will be at 1.5m centres.
10. Area A will be planted 12 rows deep with 115 plants per row  
Total number of plants required is 1,380  
40% trees 552  
60% shrubs 828
11. Area B will be planted 10 rows deep with 15 plants per row (plus new outer hedgerow 2m width allowed - details as below)  
Total number of plants required is 150  
40% trees 60  
60% shrubs 90
12. Area C will be planted 7 rows deep with 136 plants per row (plus new outer hedgerow, 2m width allowed, set back 2m from farm track - details as below). The planting rows will stop 3metres from the Detention Basin.  
Total number of plants required is 952  
40% trees 380  
60% shrubs 572
13. Area D will be planted 8 rows deep with 96 plants per row (plus new outer hedgerow 2m width allowed - details as below). The planting rows will stop 3metres from the Detention Basin.  
Total number of plants required is 768  
40% trees 307  
60% shrubs 461

Total trees required 1,299  
Total shrubs required 1951

20% of the trees (260) should be planted as Heavy Standard size

14. Tree Species to be planted

Black Poplar - *Populus nigra betulifolia*  
Both male and female plants to be planted ratio 5 female to 1 male plants  
Common Alder - *Alnus glutinosa*  
English Oak - *Quercus robur*  
Field Maple - *Acer campestre*  
Goat Willow - *Salix caprea*  
Green Beech - *Fagus sylvatica*  
Hornbeam - *Carpinus betulus*  
Scots Pine - *Pinus sylvestris*  
Silver Birch - *Betula pendula*  
Small-leaved Lime - *Tilia cordata*  
White Willow - *Salix alba*  
Wild Cherry - *Prunus avium*  
Wild Crab - *Malus sylvestris*

Shrub Species to be planted  
Alder Buckthorn - *Frangula alnus*  
Blackthorn - *Prunus spinosa*  
Common Hazel - *Corylus avellana*  
Dogwood - *Cornus sanguinea*  
Hawthorn - *Crataegus monogyna*  
Holly - *Ilex aquifolium*  
Ligustrum vulgare - Wild Privet  
Spindle - *Euonymus europaeus*  
Wayfaring Tree - *Viburnum lantana*

New hedges will now be planted on the outer edge of Areas B, C and D. The hedge along the north western boundary, Area C, will be planted 2m from the farm track (tree and shrubs will be planted 3m away from the Detention Basin)

The hedges will be planted as double staggered rows 50cm apart. A mix of native species hedgerow plants will be used 60% of which will be Hawthorn - *Crataegus monogyna*, 5 plants will be planted per metre length.

Area B requires 115 hedgerow plants  
Area C requires 1025 hedgerow plants  
Area D requires 725 hedgerow plants

1,865 hedgerow plants required in total

A new earth landscape bund of natural form and appearance is to be installed to a maximum height of 4m with gradual sloping sides, to the south of Area A. This entire area (approximately 3,700m<sup>2</sup>) will be seeded with a wildflower grassland mix - Emorsgate Seeds, EM2 - Standard General Purpose Meadow Mixture, or similar.

| FOR PLANNING |          |        |      |                                    |
|--------------|----------|--------|------|------------------------------------|
| Rev          | Date     | Rev By | Chkd | Description                        |
| B            | 28-03-21 | RPS    | RPS  | Areas increased & planting amended |
| A            | 16-02-21 | IMP    | PK   | Tree Planting List amended         |
| O            | 08-09-20 | -      | PK   | First Issue                        |

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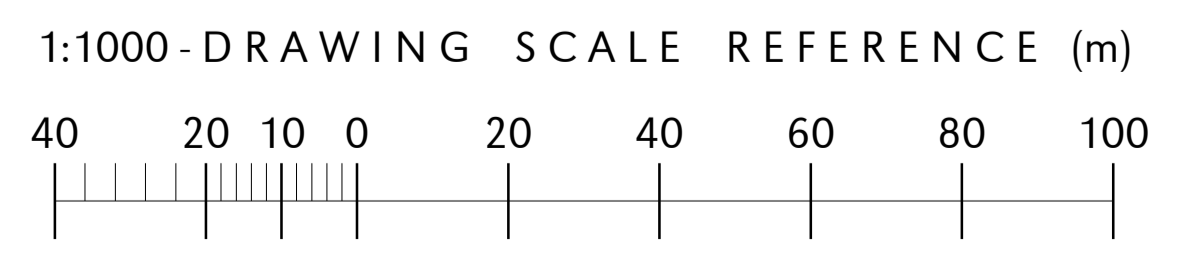
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Client  
Pretoria Energy Company (Mepal) Ltd

Project  
AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

Drawing Title  
Landscaping Scheme  
Appendix A

|             |           |      |            |          |     |
|-------------|-----------|------|------------|----------|-----|
| Scale       | U.N.O.    | Date | Sept. 2020 | Drawn By | IMP |
| (A1) 1:1000 |           |      |            | Rev      | B   |
| Drawing No. | 26142/901 |      |            |          |     |

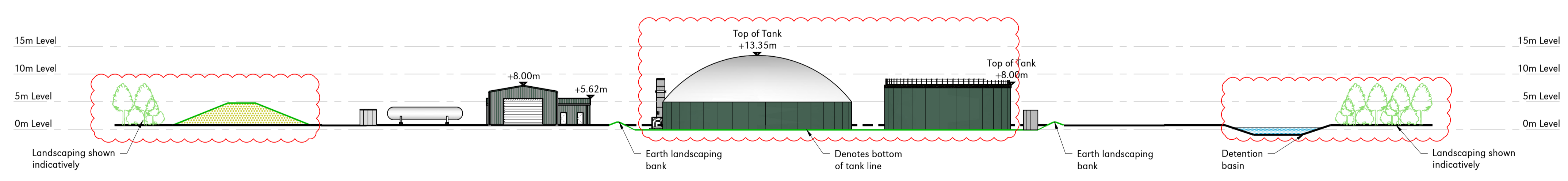
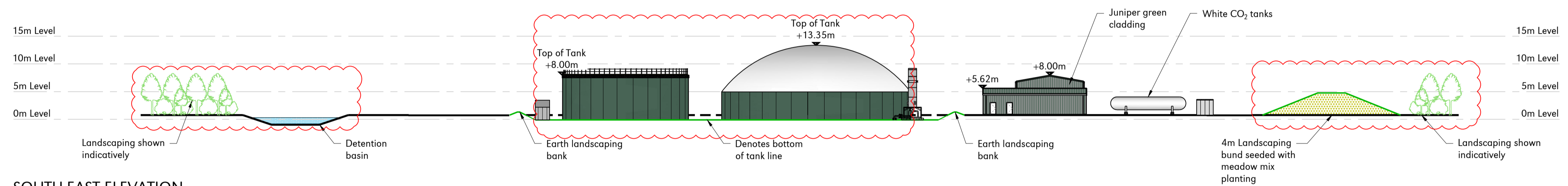
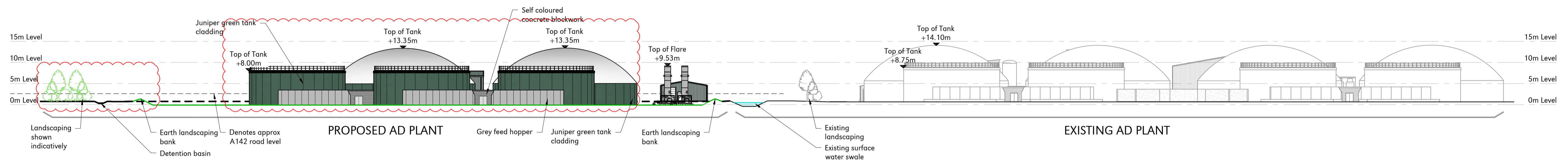
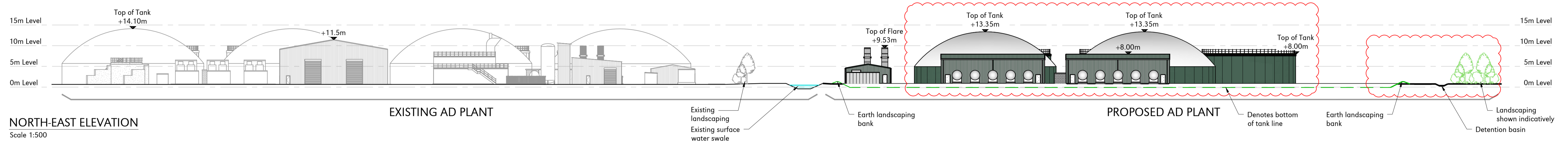




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6. To be read in conjunction with all relevant Plandescil Drawings

6.1. 26142 - 101 Proposed Site Plan



| FOR PLANNING |          |        |      |                                    |
|--------------|----------|--------|------|------------------------------------|
| Rev          | Date     | Rev By | Chkd | Description                        |
| B            | 26-03-21 | PJC    | RPS  | Tank colours & landscaping updated |
| A            | 21-10-20 | PJC    | IGC  | Notes updated                      |
| O            | 09-09-20 | -      | IGC  | First Issue                        |

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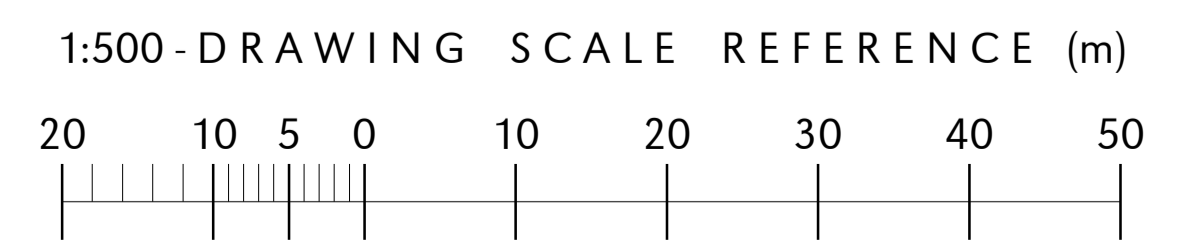
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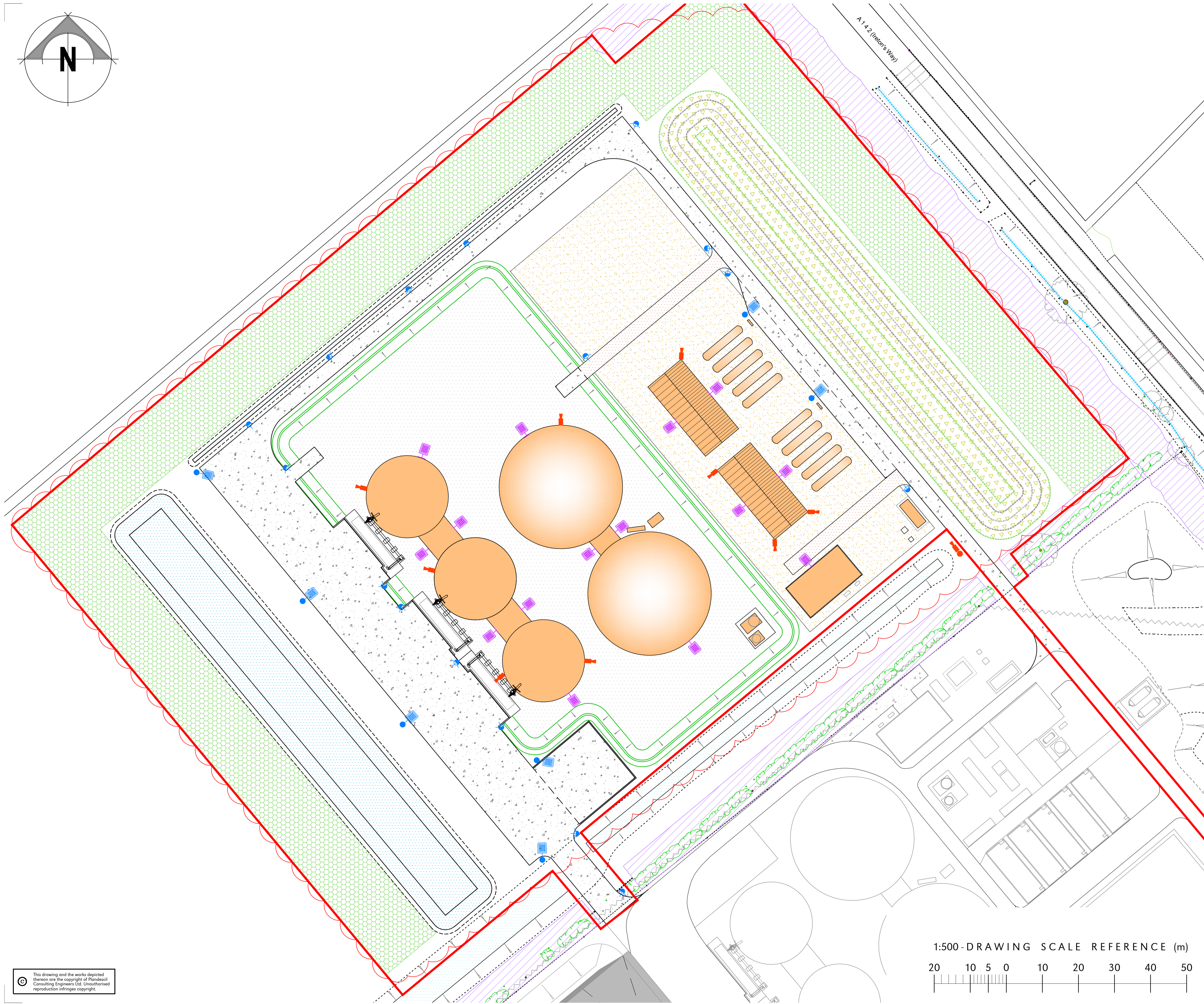
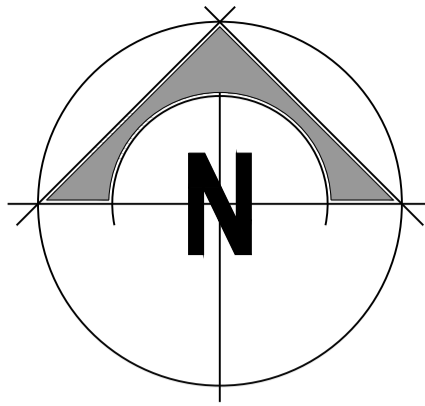
Project  
AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

Drawing Title  
Proposed Site Elevations



|             |           |             |          |
|-------------|-----------|-------------|----------|
| Scale       | U.N.O.    | Date        | Drawn By |
| 1:500 (A1)  |           | August 2020 | PJC      |
| Drawing No. | 26142/105 |             | Rev B    |



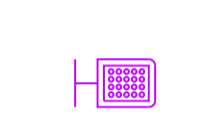







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6. All setting out to be coordinated by the Contractor and to be checked onsite prior to construction.
7. Refer to Plandescil drawings:
  - 7.1. 26 142 - 001 - Site Location Plan
  - 7.2. 26 142 - 002 - Existing Site Plan
  - 7.3. 26 142 - 100 - Proposed Block Plan

**CCTV & LIGHTING KEY**

-  Building/Plant
-  Redline Planning Boundary
-  LED Floodlight mounted on plant equipment, max height 5.5m. Maximum 150 watts per light unit with 100° beam angle, natural white colour. Controlled with timers and manual override (15no.)
-  LED Column mounted light. Maximum 150 watts per light unit with 100° beam angle, with adjustable head angled toward working areas and centre of site, natural white colour. Controlled with timers and manual override. Maximum mounting height of 5.5m (7No.)
-  LED 1.1m low level lighting bollards, with maximum 150 watts per light unit natural white colour with 120° beam angle, and 50% directional shroud (16no.)
-  CCTV either mounted on posts or fixed to plant/equipment.

Light units to be adjusted to ensure that there is no light spill above the horizontal plane or outside of the site boundaries. Upper limit of main beam does not exceed 70° from its downward vertical.

Additional LED bulkhead lights will be installed local to personnel and doorway positions, maximum 20 watts per light.

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                      |
|-----|----------|--------|------|----------------------------------|
| B   | 26-03-21 | PJC    | RPS  | Lighting and landscaping amended |
| A   | 21-10-20 | PJC    | IGC  | Notes updated                    |
| 0   | 09-09-20 | -      | IGC  | Planning, First Issue            |

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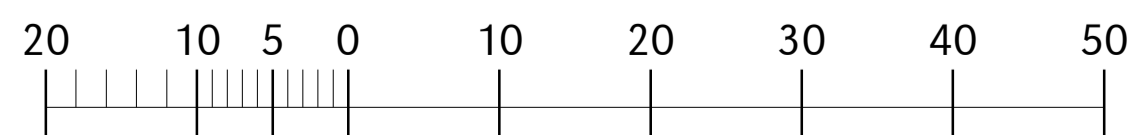
Client  
Pretoria Energy Company (Mepal) Ltd

Project  
**AD Plant Extension**  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

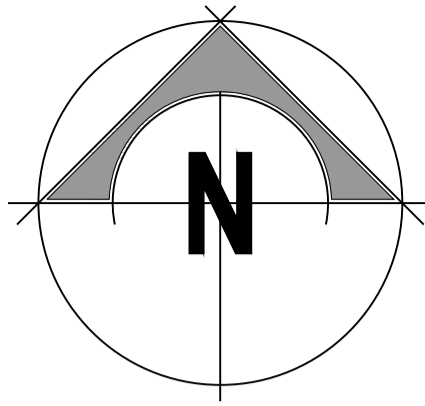
Drawing Title  
**Site External Lighting & CCTV Plan**

| Scale       | U.N.O.    | Date        | Drawn By |
|-------------|-----------|-------------|----------|
| (A1) 1:500  |           | August 2020 | PJC      |
| Drawing No. | 26142/107 |             | Rev B    |

1:500 - DRAWING SCALE REFERENCE (m)







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7. Refer to Plandescil drawings:
  - 7.1. 26142 - 001 - Site Location Plan
  - 7.2. 26142 - 002 - Existing Site Plan
  - 7.3. 26142 - 100 - Proposed Block Plan

| DRAINAGE KEY |                                 |
|--------------|---------------------------------|
|              | Surface Water Drainage (SW)     |
|              | Surface Water Pumped Drainage   |
|              | Surface Water Gully             |
|              | Verge Filter Drain              |
|              | Inspection Hatch (Filter Drain) |
|              | Surface Water Pump Chamber      |
|              | Leachate Drainage               |
|              | Leachate Pumped Drainage        |
|              | Leachate Gully                  |
|              | Leachate Pump Chamber           |
|              | Shut Off Valve                  |

| FOR PLANNING |          |        |      |                               |
|--------------|----------|--------|------|-------------------------------|
| C            | 28-03-21 | RPS    | IGC  | Basin and landscaping amended |
| B            | 07-01-21 | CES    | MJH  | Basin Updated                 |
| A            | 21-10-20 | PJC    | IGC  | Notes updated                 |
| 0            | 09-09-20 | -      | IGC  | Planning, First Issue         |
| Rev          | Date     | Rev By | Chkd | Description                   |

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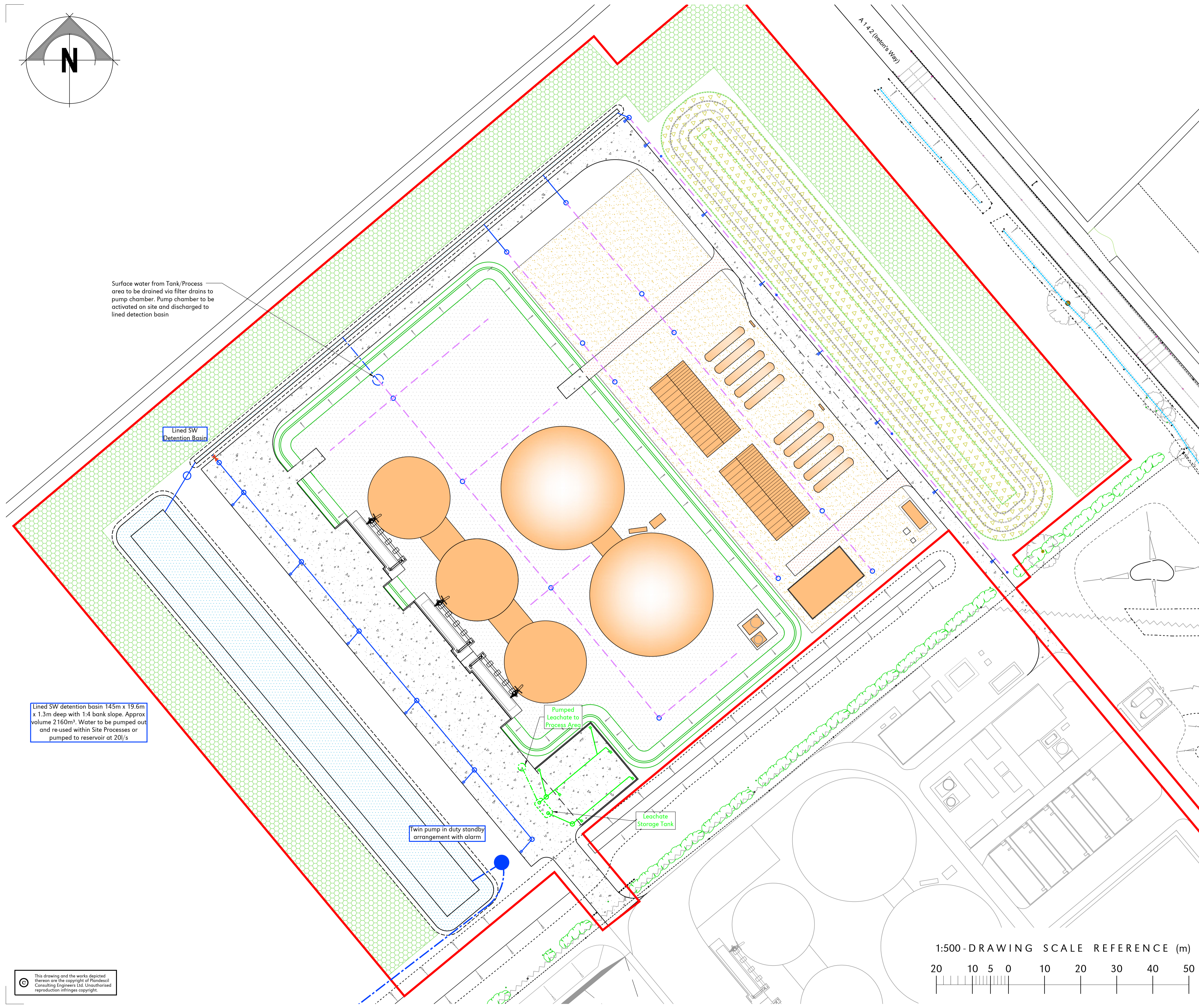
civil / structural / environmental / surveying

Client  
Pretoria Energy Company (Mepal) Ltd

Project  
**AD Plant Extension**  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

Drawing Title  
**Proposed Site Drainage Plan**

|             |           |      |             |          |     |
|-------------|-----------|------|-------------|----------|-----|
| Scale       | U.N.O.    | Date | August 2020 | Drawn By | PJC |
| (A1)        | 1:500     |      |             | Rev      | C   |
| Drawing No. | 26142/400 |      |             |          |     |



Surface water from Tank/Process area to be drained via filter drains to pump chamber. Pump chamber to be activated on site and discharged to lined detection basin

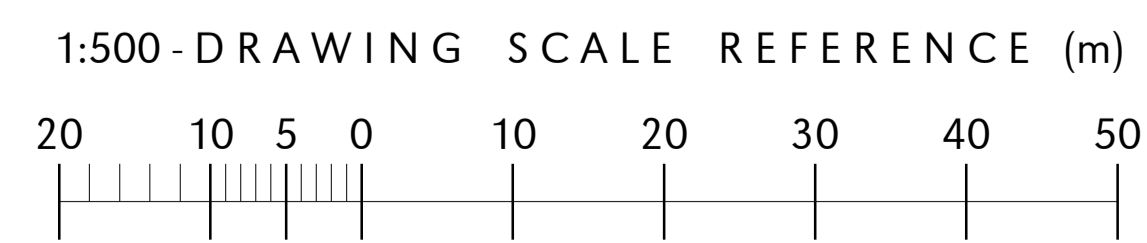
Lined SW Detention Basin

Lined SW detention basin 145m x 19.6m x 1.3m deep with 1:4 bank slope. Approx volume 2160m<sup>3</sup>. Water to be pumped out and re-used within Site Processes or pumped to reservoir at 20l/s

Twin pump in duty standby arrangement with alarm

Pumped Leachate to Process Area

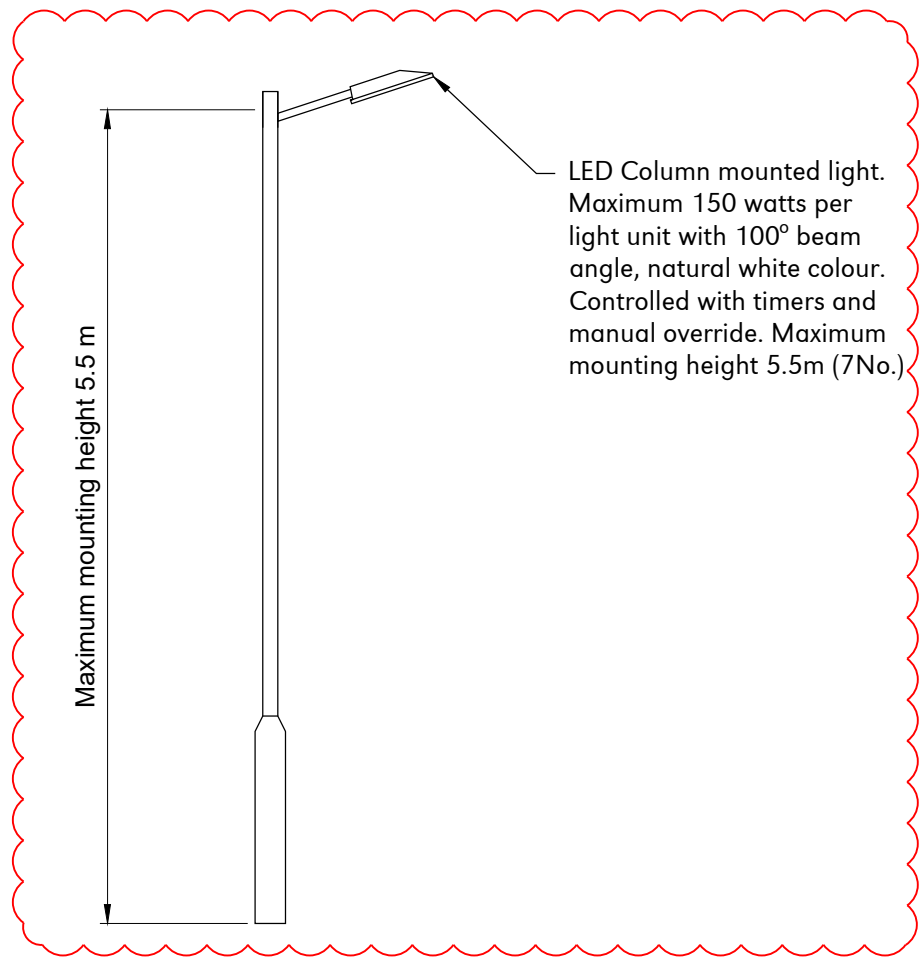
Leachate Storage Tank



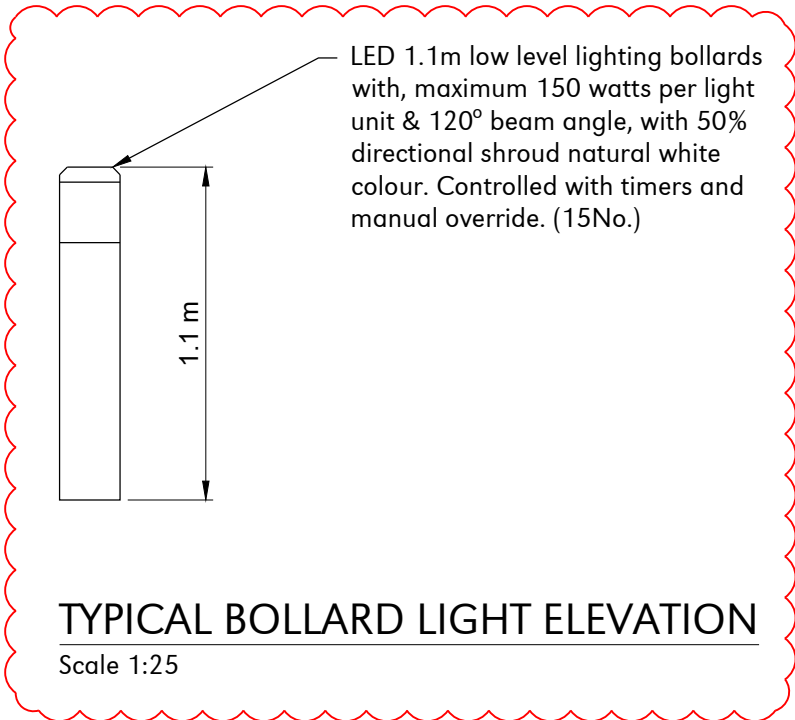


**GENERAL NOTES:**

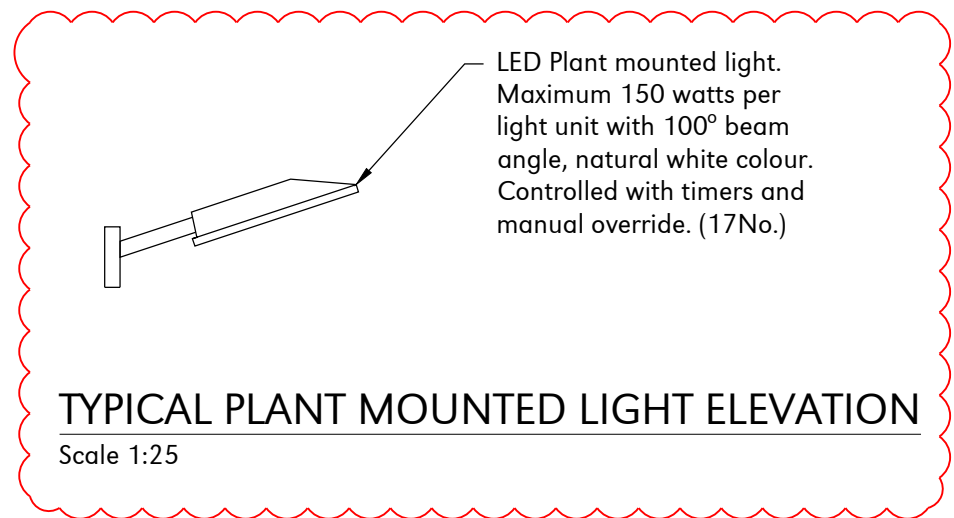
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7. Refer to Plandescil Drawing 26142-107- Site External Lighting & CCTV Plan



**TYPICAL AREA LIGHT ELEVATION**  
Scale 1:50







**TYPICAL BOLLARD LIGHT ELEVATION**  
Scale 1:25



**TYPICAL PLANT MOUNTED LIGHT ELEVATION**  
Scale 1:25

**CCTV & LIGHTING KEY**

-  LED Floodlight mounted on plant equipment, max height 5.5m. Maximum 150 watts per light unit with 100° beam angle, natural white colour. Controlled with timers and manual override (15no.)
-  LED Column mounted light. Maximum 150 watts per light unit with 100° beam angle, with adjustable head angled toward working areas and centre of site, natural white colour. Controlled with timers and manual override. Maximum mounting height of 5.5m (7No.)
-  LED 1.1m low level lighting bollards, with maximum 150 watts per light unit natural white colour with 120° beam angle, and 50% directional shroud (16no.)
-  CCTV either mounted on posts or fixed to plant/equipment.

Light units to be adjusted to ensure that there is no light spill above the horizontal plane or outside of the site boundaries. Upper limit of main beam does not exceed 70° from its downward vertical.

Additional LED bulkhead lights will be installed local to personnel and doorway positions, maximum 20 watts per light.

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                           |
|-----|----------|--------|------|---------------------------------------|
| A   | 26-03-21 | PJC    | RPS  | Bollard and Wall mounted lights added |
| 0   | 21-10-20 | -      | IGC  | First Issue                           |



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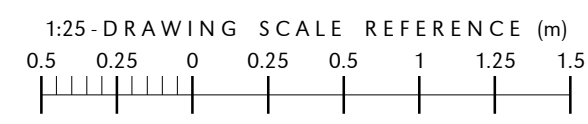
civil / structural / environmental / surveying

Client  
Pretoria Energy Company (Mepal) Ltd

Project  
AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

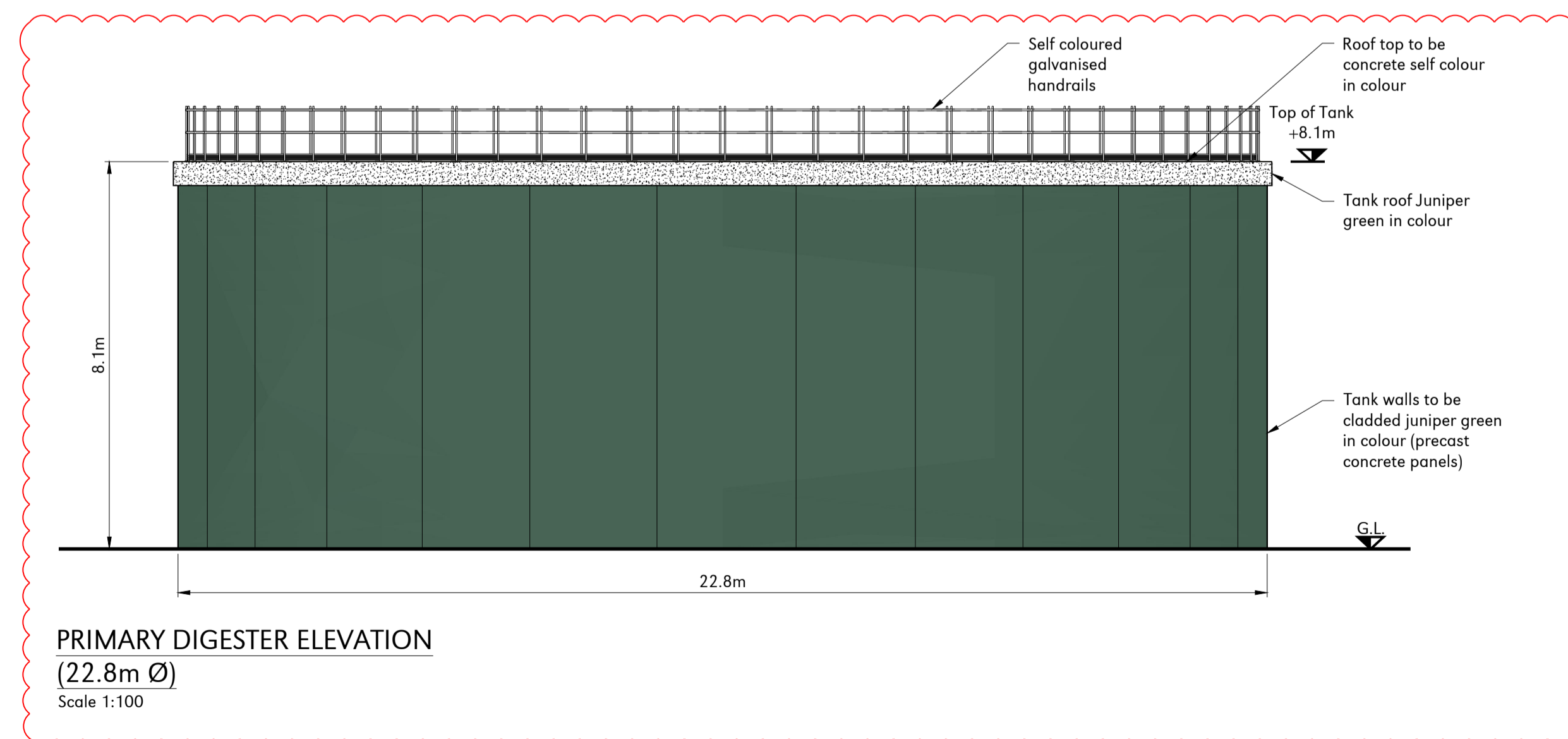
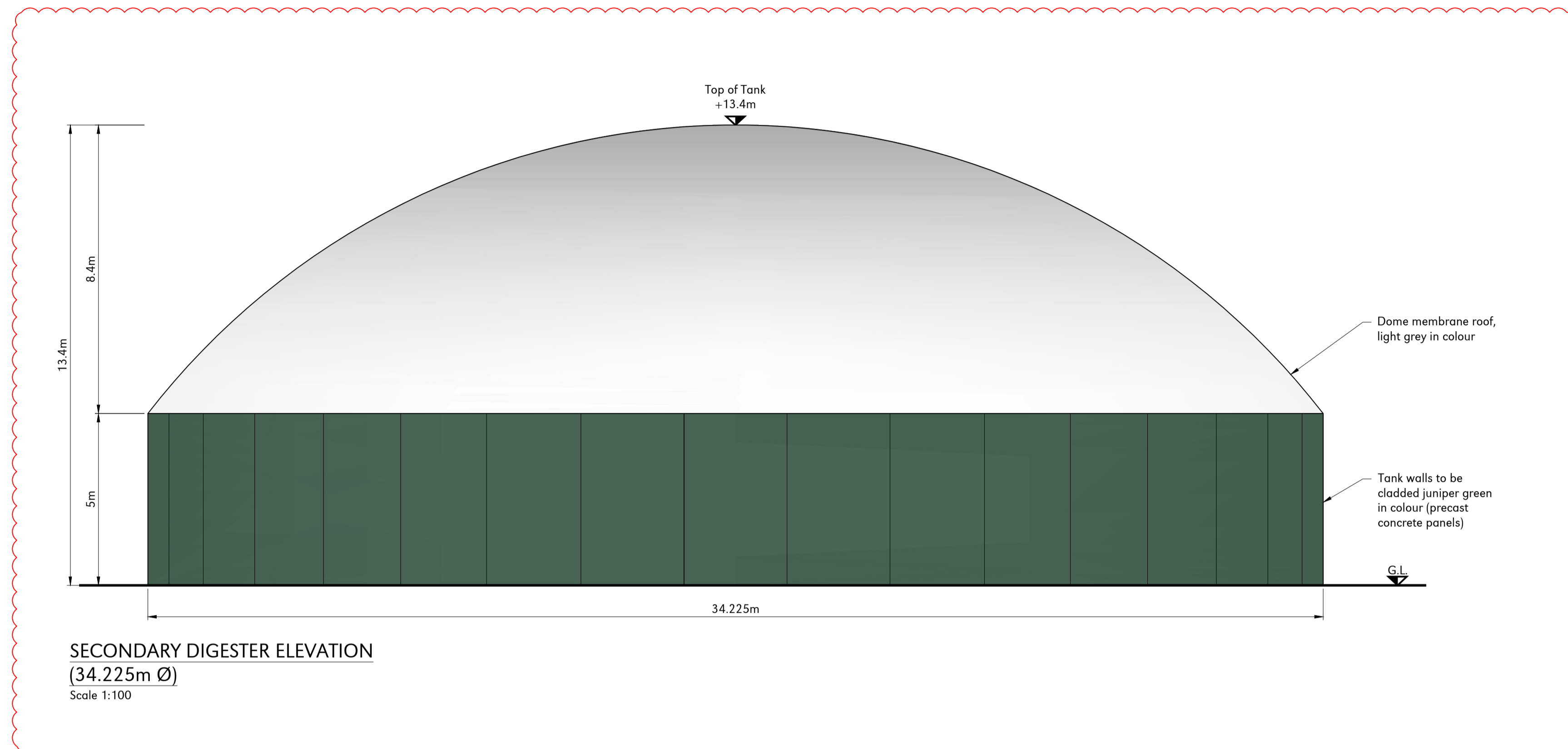
Drawing Title  
Typical Floodlight Elevation

|               |           |              |          |
|---------------|-----------|--------------|----------|
| Scale         | U.N.O.    | Date         | Drawn By |
| (A3) As Noted |           | October 2020 | PJC      |
| Drawing No.   | 26142/108 | Rev          | A        |



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- 6.1. 26142 - 101 Proposed Site Plan



**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description              |
|-----|----------|--------|------|--------------------------|
| B   | 26-03-21 | PJC    | RPS  | Building colours updated |
| A   | 21-10-20 | PJC    | IGC  | Notes updated            |
| O   | 09-09-20 | -      | IGC  | First Issue              |

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Project

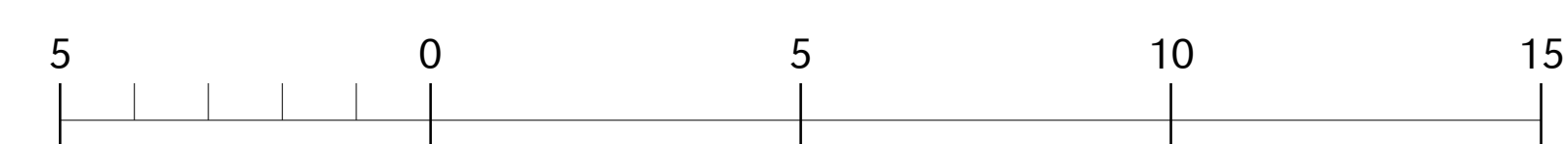
**AD Plant Extension**  
 Mepal AD, Land off A142  
 Mepal, Cambridgeshire

Drawing Title

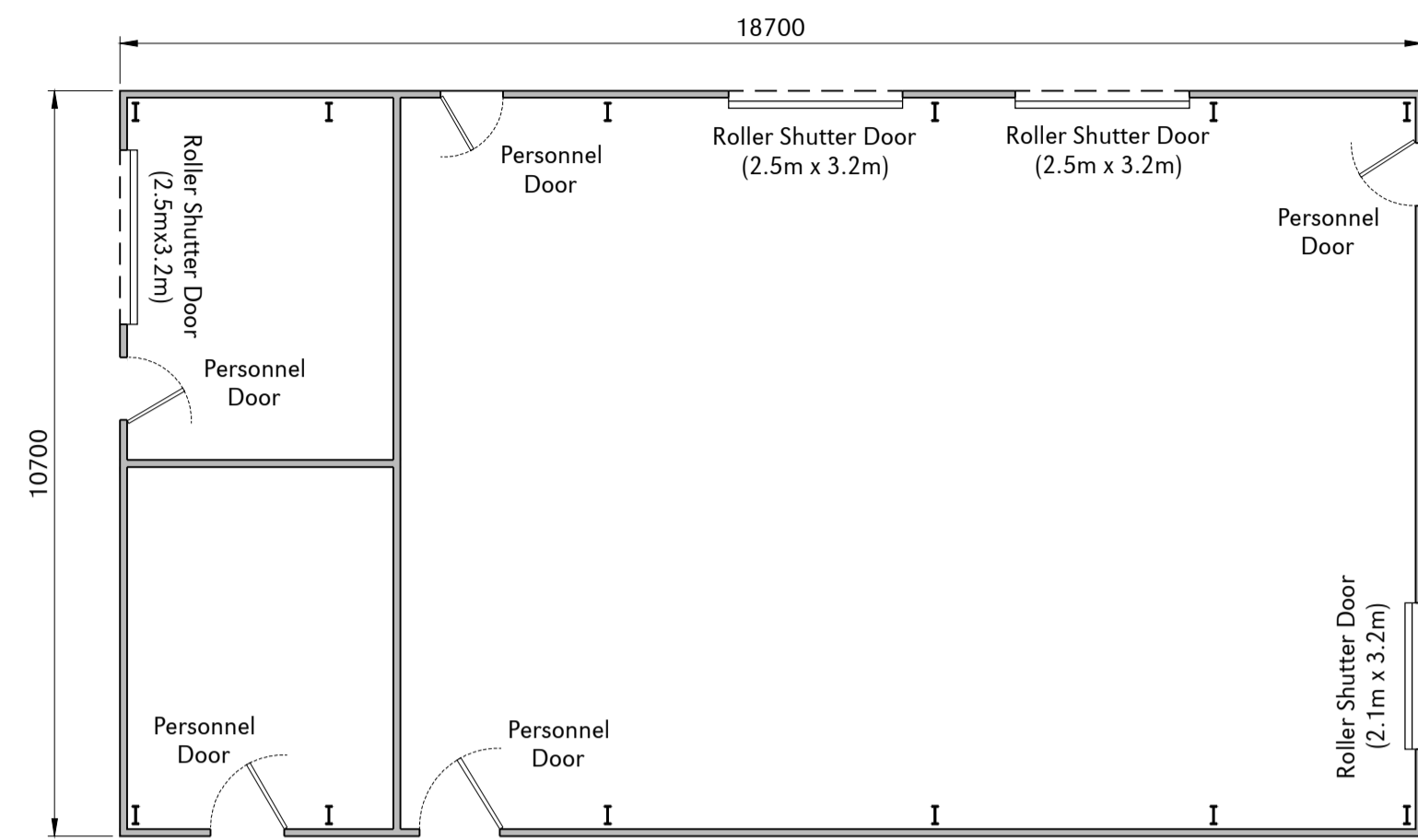
**Proposed Tank Elevations**

| Scale       | U.N.O. | Date        | Drawn By |
|-------------|--------|-------------|----------|
| 1:100 (A1)  |        | August 2020 | PJC      |
| Drawing No. |        |             | Rev      |
| 26142/106   |        |             | B        |

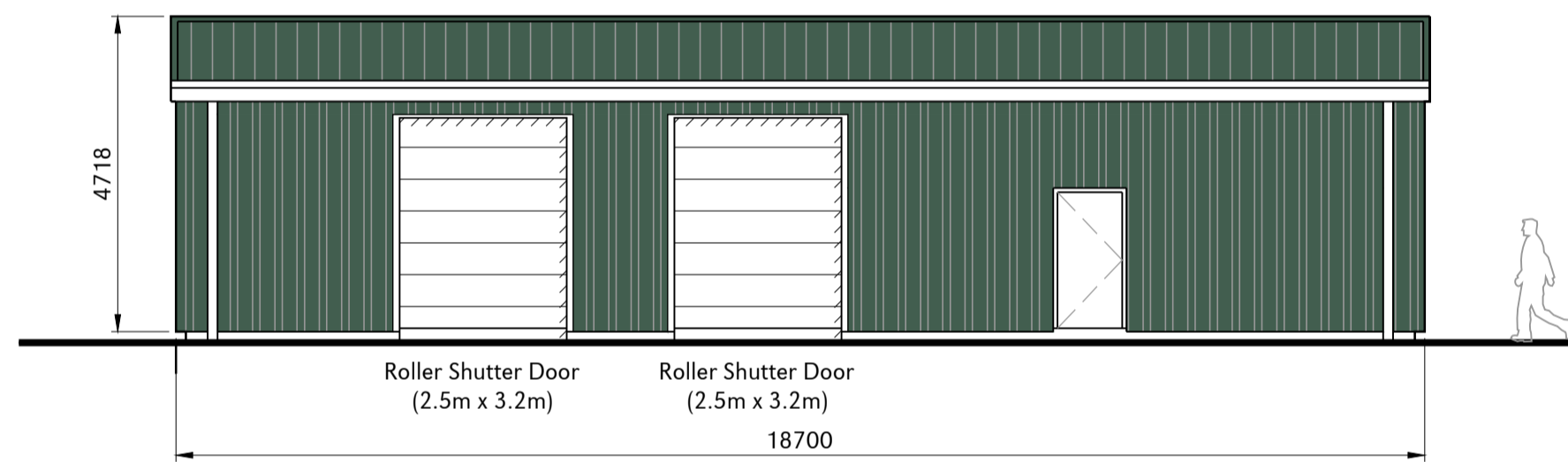
1:100 - DRAWING SCALE REFERENCE (m)



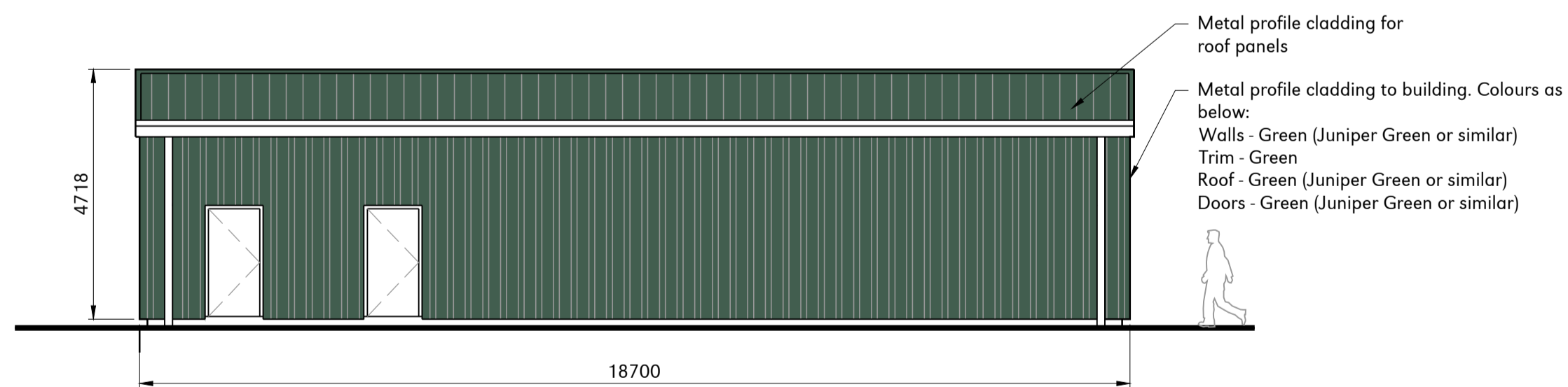




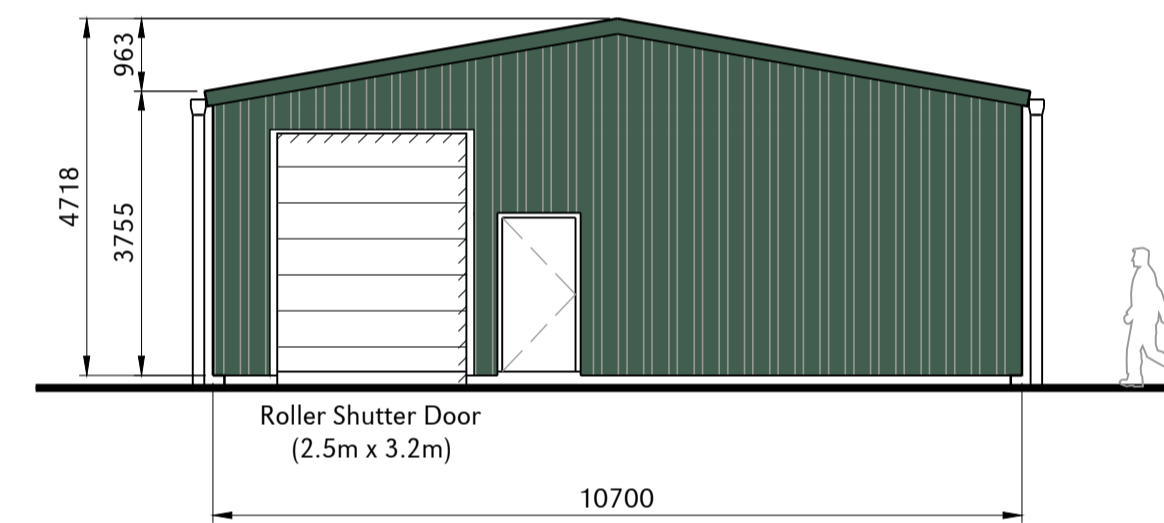
**FLOOR PLAN**  
Scale 1:100



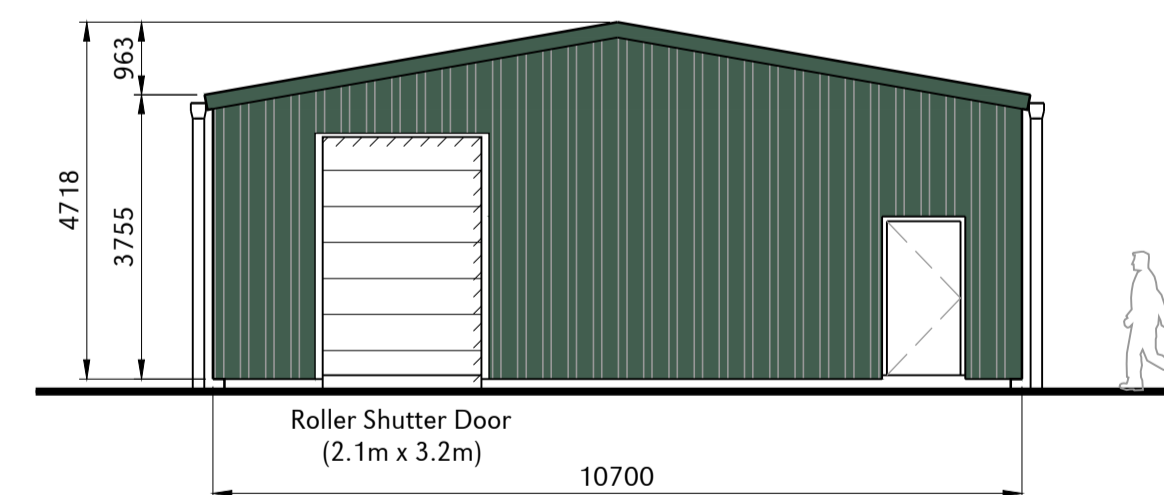
**NORTH-WEST ELEVATION**  
Scale 1:100



**SOUTH-EAST ELEVATION**  
Scale 1:100



**SOUTH-WEST ELEVATION**  
Scale 1:100



**NORTH-EAST ELEVATION**  
Scale 1:100

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  - 7.1. 26142/101 - Proposed Site Plan

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description                 |
|-----|----------|--------|------|-----------------------------|
| A   | 21-10-20 | PJC    | IGC  | View Titles & Notes Updated |
| 0   | 09-09-20 | -      | IGC  | Planning, First Issue       |

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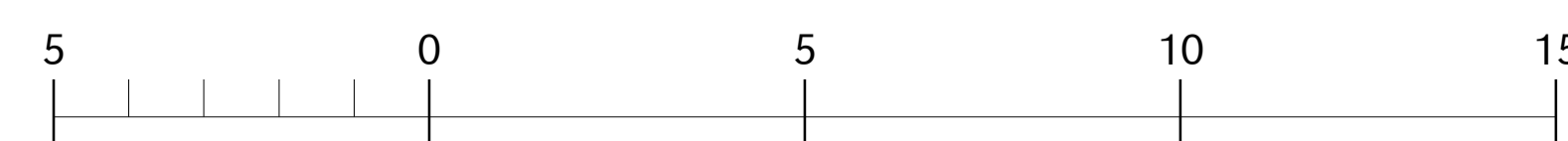
AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

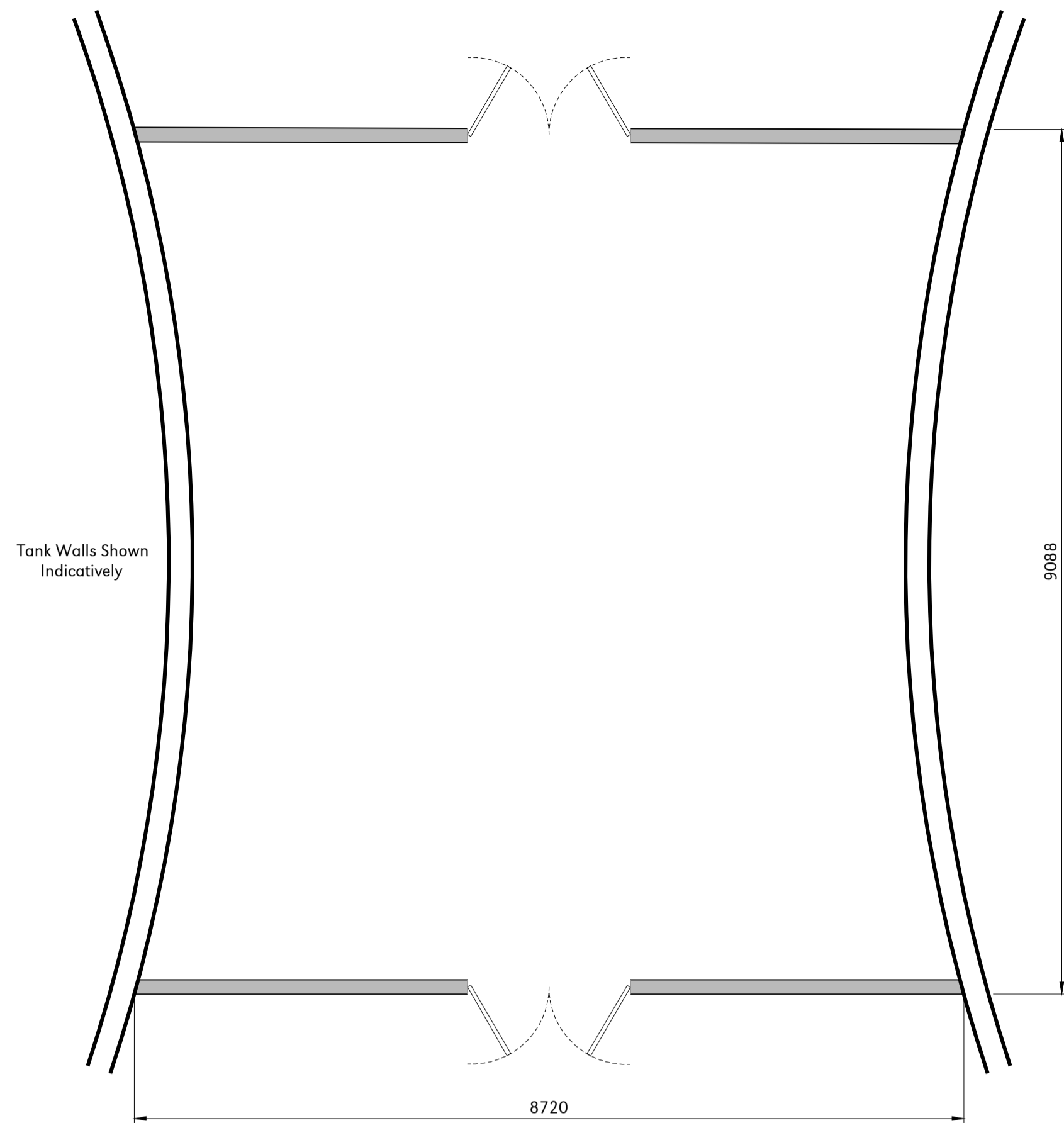
Drawing Title

Gas Upgrade Building  
Floor Plan & Elevations

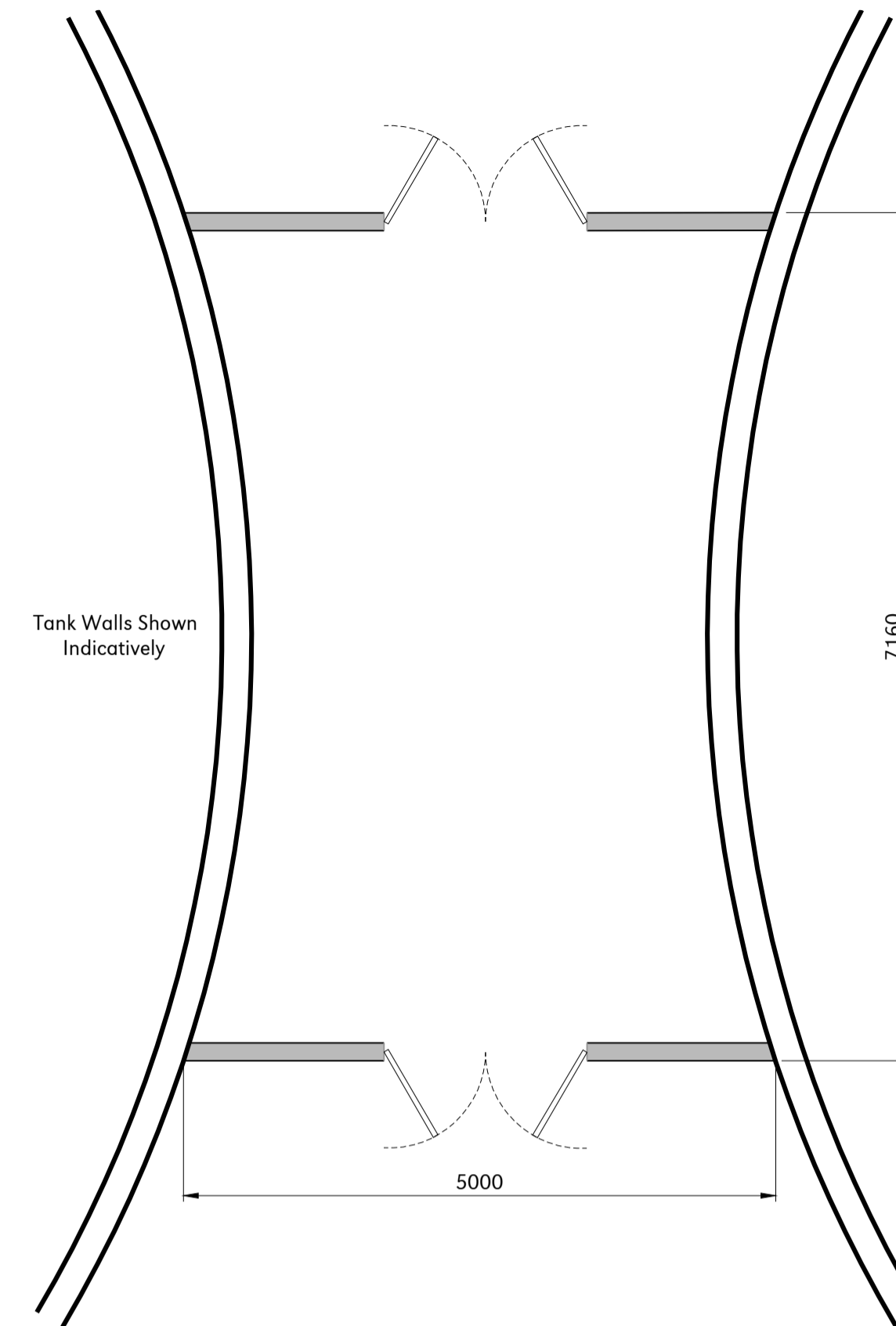
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|-------------|--------|-------------|----------|
| 1:100 (A1)  |        | August 2020 | PJC      |
| Drawing No. | Rev    |             |          |
| 26142/104   | A      |             |          |

1:100 - DRAWING SCALE REFERENCE (m)

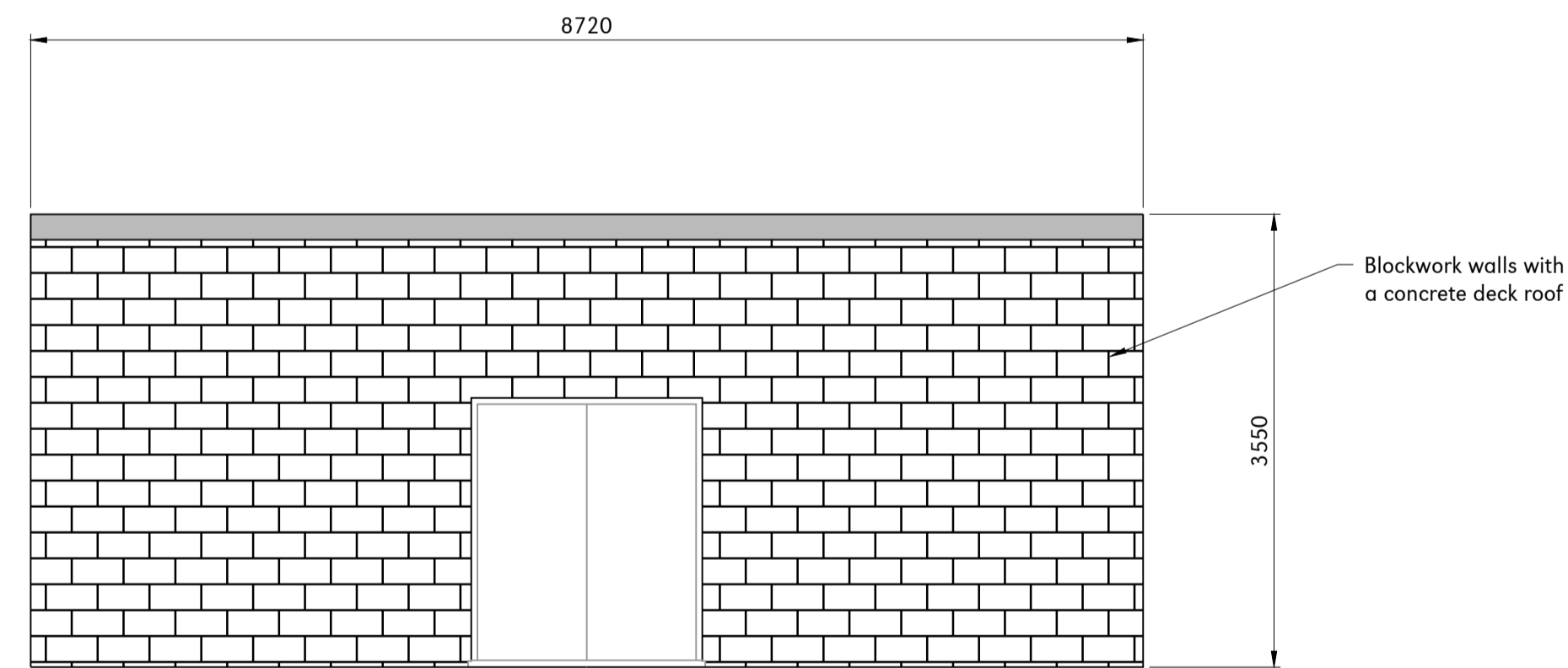




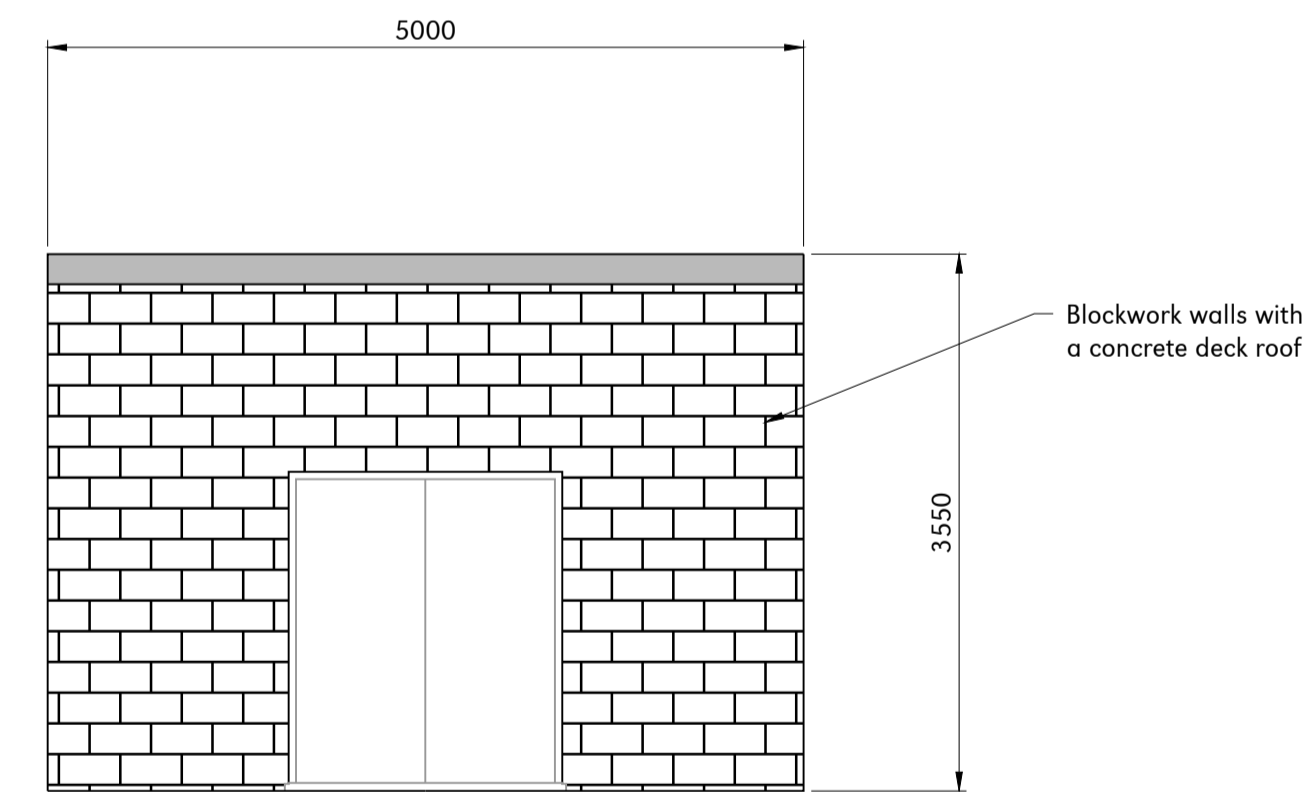
**TECH BUILDING FLOOR PLAN**  
Scale 1:50



**PUMP BUILDING FLOOR PLAN**  
Scale 1:50



**TECH BUILDING SOUTH-WEST ELEVATION**  
(NORTH EAST ELEVATION HANDED)  
Scale 1:50



**PUMP BUILDING SOUTH-WEST ELEVATION**  
(NORTH EAST ELEVATION HANDED)  
Scale 1:50

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6. To be read in conjunction with all relevant Plandescil Drawings:
  - 6.1. 26142/101 - Proposed Site Plan

**FOR PLANNING**

| Rev | Date     | Rev By | Chkd | Description           |
|-----|----------|--------|------|-----------------------|
| 0   | 21-10-20 | -      | IGC  | Planning, First Issue |

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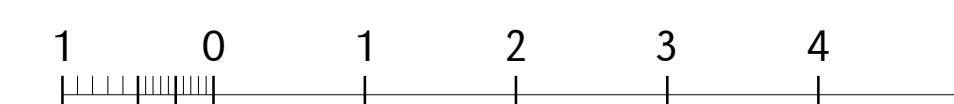
Client  
**Pretoria Energy Company (Mepal) Ltd**

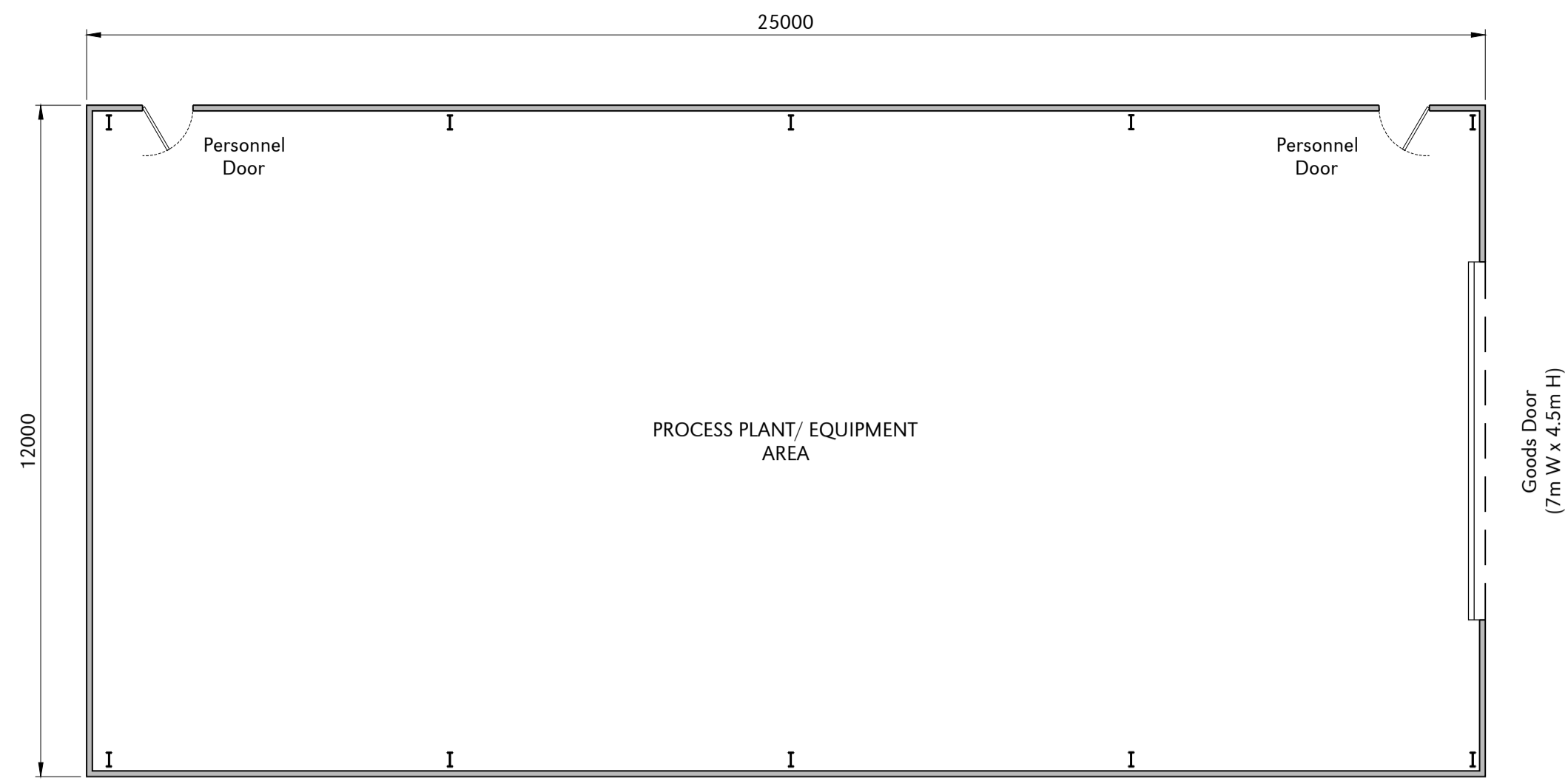
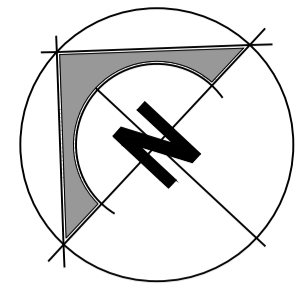
Project  
**AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire**

Drawing Title  
**Pump & Tech Buildings  
Floor Plan & Elevations**

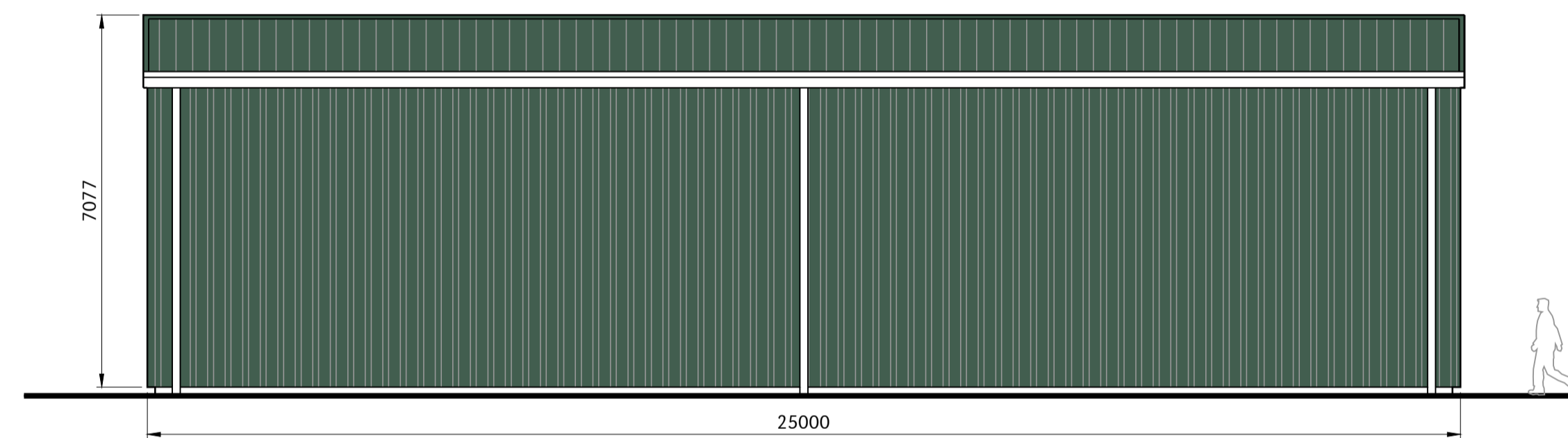
|             |           |              |          |
|-------------|-----------|--------------|----------|
| Scale       | U.N.O.    | Date         | Drawn By |
| 1:50 (A1)   |           | October 2020 | PJC      |
| Drawing No. | 26142/103 |              | Rev 0    |

1:50 - DRAWING SCALE REFERENCE (m)

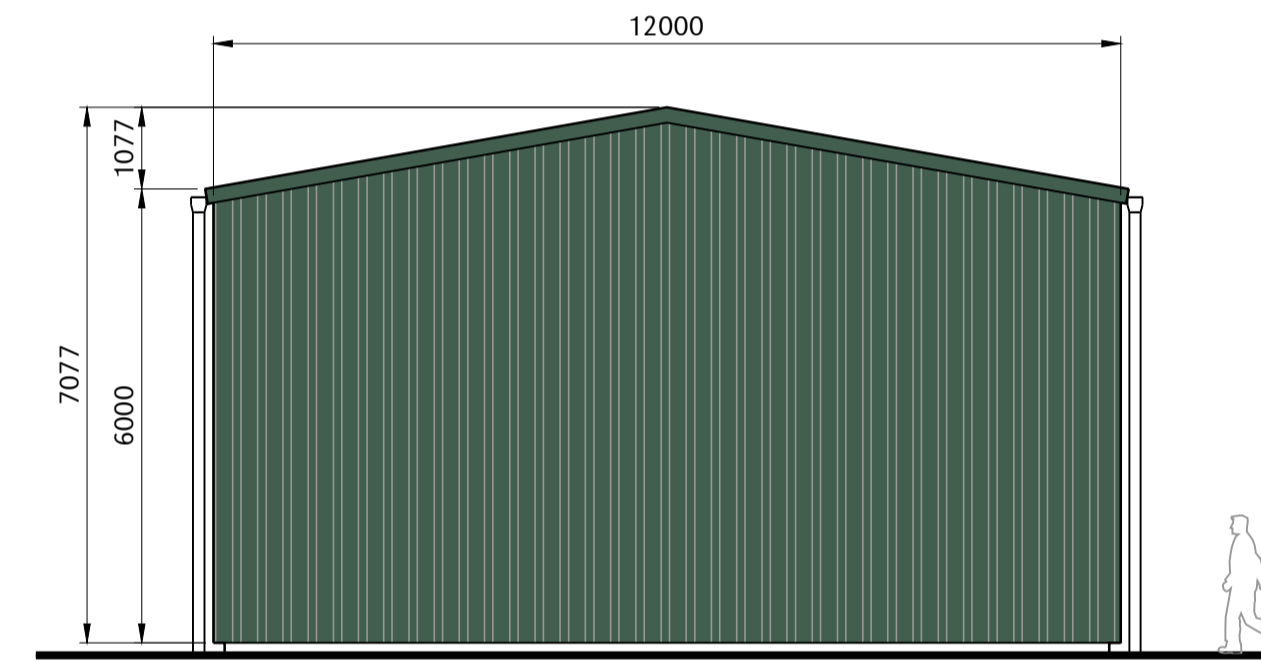




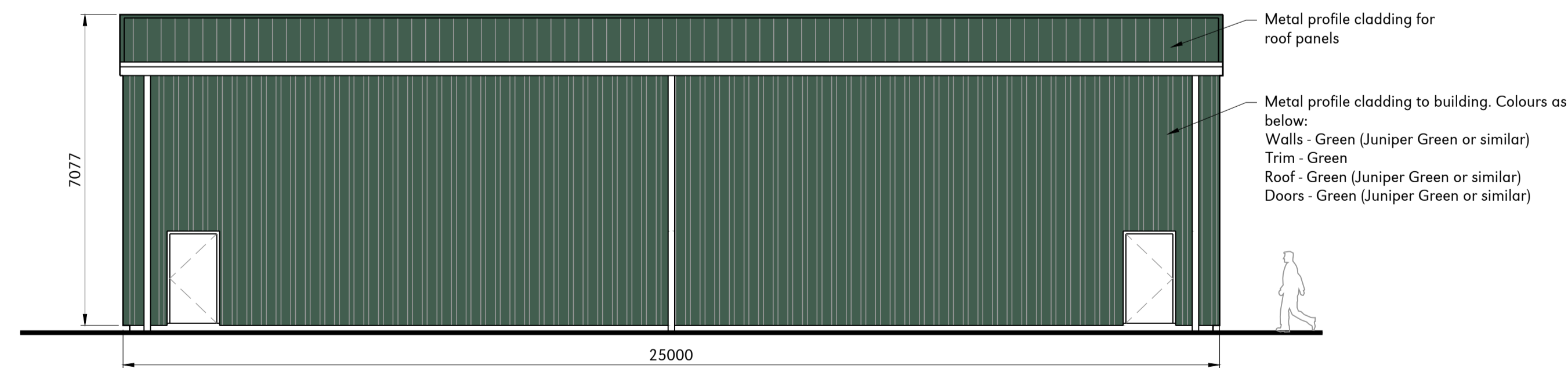
**FLOOR PLAN**  
Scale 1:100



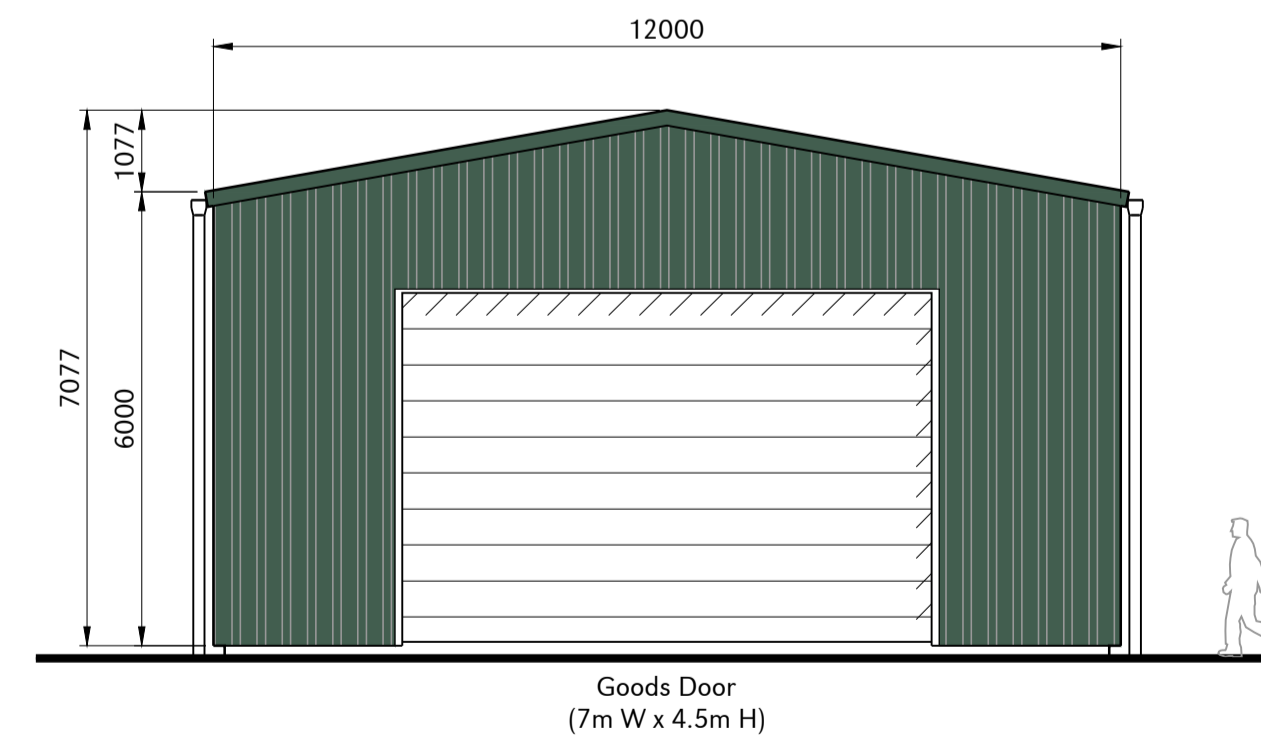
**SOUTH-WEST ELEVATION**  
Scale 1:100



**NORTH-WEST ELEVATION**  
Scale 1:100



**NORTH-EAST ELEVATION**  
Scale 1:100



**SOUTH-EAST ELEVATION**  
Scale 1:100

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  6. To be read in conjunction with all relevant Plandescil Drawings
- 6.1. 26142/101 - Proposed Site Plan

| FOR PLANNING |          |        |      |                       |
|--------------|----------|--------|------|-----------------------|
| Rev          | Date     | Rev By | Chkd | Description           |
| A            | 21-10-20 | PJC    | IGC  | Notes updated         |
| 0            | 09-09-20 | -      | IGC  | Planning, First Issue |

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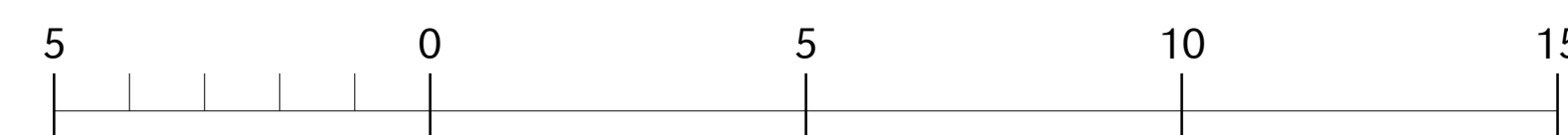
Client  
Pretoria Energy Company (Mepal) Ltd

Project  
AD Plant Extension  
Mepal AD, Land off A142  
Mepal, Cambridgeshire

Drawing Title  
CO2 Capture Process  
Floor Plan & Elevations

|             |           |             |          |
|-------------|-----------|-------------|----------|
| Scale       | U.N.O.    | Date        | Drawn By |
| 1:100 (A1)  |           | August 2020 | PJC      |
| Drawing No. | 26142/102 |             | Rev A    |

1:100 - DRAWING SCALE REFERENCE (m)



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**F/YR20/1230/O**

**Applicant: Miss J Riches**

**Agent : Mr Craig Brand  
Craig Brand Architectural Design  
Services**

**Land East Of, 25 - 27 Russell Avenue, March, Cambridgeshire**

**Erect up to 3 dwellings (outline application with matters committed in relation to access only) involving demolition of double garage and highway works including formation of a footpath**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for up to 3 dwellings with matters committed in respect of access only.
- 1.2 The previous application on this site (F/YR15/0490/O), for the erection of 2 x 2-storey dwellings involving the demolition of existing garage was refused and dismissed on appeal in May 2016, the Inspector concluding that the development would significantly harm the appearance of the site and surrounding area.
- 1.3 The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The proposal therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 1.4 It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy, principally in relation to 23 Russell Avenue. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.
- 1.5 The proposal is therefore considered unacceptable due to its failure to accord with Policies LP2 and LP16(d and e) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019.
- 1.6 Consequently, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

The application site is located on the eastern side of Russell Avenue, to the rear of No.s 25 and 27 and is formerly garden land serving these dwellings but have subsequently been separated by timber fencing, it is partially overgrown, there are 4 trees, concrete hardstanding and detached garage. The site fronts on to a single width access in a form which features elsewhere on the wider estate, there is no turning area or footpath, a verge features each side of the road and bollards to prevent vehicular access to the park. The area is characterised by dwellings fronting Russell Avenue, that maintain a strong frontage form and benefit from long rear gardens.

### **3 PROPOSAL**

- 3.1 The application seeks outline planning permission for up to 3 dwellings with matters committed in respect of access only. It is proposed to widen the access road from 3m to 5m and provide a 1.5m wide footpath on the southern side.
- 3.2 Whilst drawings have been provided to illustrate options for site these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QL2YJ7HE01U00>

### **4 SITE PLANNING HISTORY**

|               |                                                                                |                                   |
|---------------|--------------------------------------------------------------------------------|-----------------------------------|
| F/YR15/0490/O | Erection of 2 x 2-storey dwellings involving the demolition of existing garage | Refused<br>11/8/2015              |
|               |                                                                                | Dismissed on appeal<br>11/05/2016 |

### **5 CONSULTATIONS**

#### **5.1 Cambridgeshire County Council Highways (21/12/2020)**

*The proposed highway arrangement is unacceptable. The extract below shows the extent of the public highway. I measure a highway reserve width of 6.8m which provides a suitable width for some form of shared surface adoptable construction. A 5.5m shared surface will provide a more suitable access arrangement to the development in question. The agent is advised to contact CCC Searches to obtain accurate highway mapping of the road in question.*

*The lack of turning provision is also a cause for concern. 50m is a long distance for refuse, emergency and delivery vehicles to reverse. There appears to be garden space available to provide some form of turning head.*

*The agent is welcome to give me a call in the new year to discuss highway layouts suitable for the development in question.*

*Defer for amended plans.*

#### **5.2 Cambridgeshire County Council Highways (26/2/2021)**

*I have no highway objections subject to the following conditions;*

1.)Prior to first occupation, carriageway widening and a 1.5m footway will be laid out and fully constructed in accordance with approved plan CAD213/100 Rev C. Reason: in the interests of satisfactory vehicular and pedestrian access.

2.)Prior to the first occupation of the development the proposed on-site parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

#### *Advisories*

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

2.)The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 278 Highway Works Agreement between the developer and the LHA prior to commencement.

#### **5.3 Town Council (22/12/2021)**

*Recommend approval subject to maximum of two dwellings and, due to the narrowness of the roadway, provision of six off-road car parking spaces.*

#### **5.4 Town Council (28/1/2021)**

*MTC believes that 3 dwellings would be over-development of the site and, for that reason, would only support a maximum of 2 dwellings.*

#### **5.5 Town Council (2/3/2021)**

*Recommend approval.*

#### **5.6 Environmental Health (FDC) (3/1/2021)**

*This response has considered the Environmental Health issues concerning this proposal.*

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

*Documents considered are: -*

*Application Form – Dated 30 November 2020*

*Location Plan*

*Site Plan*

*Design and Access Statement –*

*Craig Brand Architectural Design*

*Services dated 30 November 2020*

*Planning Application Ref. No. F/YR15/0490/O*

*The application refers to the removal of a concrete double garage, but doesn't state what the roof is constructed of. The photograph submitted with the design*

*and access statement doesn't clear up this point and it could be that it is made of corrugated cemented asbestos cement sheeting, which would require removal by a licensed asbestos removal contractor.*

*This issue should be clarified with the full application, and if it shows to contain asbestos, details of the strategy to remove the roof should be submitted.*

*There are no implications with noise being created by this proposal and there are no known noise sources which are likely to adversely impact on this site.*

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

*There are no issues with ground contamination and no known former contaminative use of the site, but I would recommend the attachment of the standard contaminated land condition to any consent granted.*

*Consequently, there are no objections to this proposal and would agree to consent.*

#### **5.7 Environmental Health (FDC) (7/3/2021)**

*The issues which have prompted the re-consultation do not change the recommendation in the previous response.*

*Consequently, there are still no objections to this proposal and agree to consent.*

#### **5.8 Local Residents/Interested Parties**

10 objections have been received (from 2 x Russell Avenue, 1 x Tondel Court, 2 x Chestnut Crescent, 1 x Norwood Road, all March; 1 x Bexhill-on-Sea, 1 x Leicester, 1 x Spalding and 1 x Sutton St Edmund), in relation to the following:

- Overlooking
- Light pollution
- Loss of light
- Overshadowing
- Effect on house prices
- Refused previously
- Impact on the access/users of the park from additional traffic
- Overcrowding
- Parking already an issue/limited
- Surface water drainage/flooding
- Overdevelopment/cramped
- Impact on wellbeing/mental health
- Character of area
- Limit views
- Would set a precedent, no other development comparable
- Impact on outlook
- No comparison with West Close which has a roundabout to enable turning
- Not in keeping



6 supporting comments have been received (from 1 x Waveney Drive, 1 x Queens Street, 2 x Riverbank Close, 1 x Peyton Avenue and 1 x Elwyndene Road, all March), in relation to the following:

- Affordable/social housing needed
- Would bring a run-down site into use
- Help discourage anti-social behaviour in park
- Close proximity to schools

- 5.9 It should be noted that loss of views and depreciation of property values are not material considerations.
- 5.10 The application is not seeking affordable/social housing, but general market housing and as such this is not a consideration.
- 5.11 Matters where they relate to material planning considerations will be addressed in the sections below.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

### **National Design Guide 2019**

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M3

Homes and Buildings – H2, H3

### **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

LP9 – March

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

### **Delivering and protecting High Quality Environments in Fenland SPD 2014**

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

DM4 – Waste and Recycling Facilities

## March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

### 8 KEY ISSUES

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

### 9 BACKGROUND

9.1 Application F/YR15/0490/O for the erection of 2 x 2-storey dwellings involving the demolition of existing garage was refused on 11/8/2015 for the following reasons:

*1. Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that proposals for new development make a positive contribution to the character of the area and respond to the local built environment. Due to the positioning of the plots, accessed from a service road/footway to the open space which serves the estate the dwellings will fail to respond to the local built form. Accordingly the dwellings proposed will be detrimental to the character of the area and will cause significant harm as it will be entirely alien to the frontage nature of the wider estate . As such the proposal fails to accord with Policy LP16 of the Fenland Local Plan, adopted May 2014.*

*2. Policy LP16 of the Fenland Local Plan, adopted May 2014 requires that proposals for new development respect existing residential amenity. Due to the positioning of the plots, which subdivide existing residential curtilages, overshadowing and overlooking will occur which will significantly impact on the residential amenity of adjoining residential occupiers to the north and south-west. In addition given the constraints of the site in terms of its dimensions a degree of visual dominance will occur in respect of the amenities of No 27 which would again compromise residential amenity. As such the proposal fails to accord with Policy LP16 of the Fenland Local Plan, adopted May 2014 with regard to residential amenity.*

9.2 The application was subsequently appealed and dismissed by the Inspector who considered:

In respect of character of the area:

*I conclude that the proposed development would significantly harm the character and appearance of the site and the surrounding area. The proposal therefore would conflict with the requirements of Policy LP16 of the LP, in so far as it seeks that new development protects and delivers a high quality environment with a positive contribution to local distinctiveness and the character of the area, including settlement patterns.*

In respect of residential amenity:

*I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring properties. The proposal would not conflict, therefore, with Policy LP16 of the LP insofar as it seeks to ensure development does not adversely impact on the amenity of neighbouring users in terms of noise, loss of privacy and loss of light.*

- 9.3 The appeal was dismissed on the basis of the harm relating to the character and appearance of the site and the surrounding area, which still remains the case and would in fact be worsened by the further intensification of an additional dwelling now proposed.
- 9.4 It should be noted that the conclusions in relation to residential amenity were based on drawing CAD 213/4 B, which indicated 2 semi-detached properties with a detached garage separating the proposed dwellings from No.s 25 and 27 Russell Avenue to the west. The separation distances indicated would not be possible to achieve for 3 dwellings on the site as now proposed and as such the situation is not comparable with this aspect of the appeal decision.

## 10 ASSESSMENT

### **Principle of Development**

- 10.1 The application site is located within the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways and flood risk.

### **Design considerations and visual amenity of area**

- 10.2 There are some garden trees shown to be removed from the site, however these are not considered to provide significant amenity to the area and as such are unworthy of retention/protection.
- 10.3 The surrounding estate is heavily characterised by post war homes arranged around a central playing field with spur roads leading off to further frontage development. The site forms part of a gap, together with the long rear gardens of surrounding properties and intermittent landscaping, which provides a transition between the dense built form, constant pattern and consistent alignment of properties fronting Russell Avenue and the contrasting open and verdant character of the playing field.
- 10.4 This character is replicated on all sides of the playing field and would be disrupted by the uncharacteristic siting of dwellings in a backland location. The presence of dwellings on this site would be a more prominent and dominant feature when viewed from public vantage points than the lower profile of the existing garage to be removed and other similar outbuildings visible within rear gardens. The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The development therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 10.5 The agent refers to previously consented schemes in the wider area, these were also referred to within the previous application and subsequent appeal and were not considered representative of the scheme submitted. The Inspector stating *'...I have observed and taken into account a number of examples of nearby development brought to my attention by the appellants..., the examples reflect*

*either infill or backland development in dissimilar locations to the appeal site and with different characteristics and relationships to their surroundings. As such the examples do not replicate the circumstances of the development proposed or justify the harm identified’.*

- 10.6 The agent now states that granting permission ‘*will undoubtedly be noticeable against the current character of its surroundings but is likely to be followed by others in the vicinity*’ thereby acknowledging the significant harm that would be created. The application is assessed on the basis of the current situation, not what may or may not come forward in the future and indeed any other such applications would further erode the spacious character of the area, creating additional harm and should not be encouraged.
- 10.7 Due to the the location of the proposed plots, as expressed above there is no scope for the proposal to achieve compliance with Policy LP16(d) of the Fenland Local Plan 2014, DM3 Delivering and protecting High Quality Environments in Fenland SPD 2014, paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the NDG 2019.
- 10.8 It should be acknowledged, as detailed in the background section above, that planning permission has already been refused and an appeal dismissed due to the significant detrimental impact on the character of the area. The previous permission was for 2 dwellings and the proposal for 3 is considered to exacerbate the harm created. The publication of the National Design Guide in 2019, since the previous decision, further highlights the importance that the Government places on creating high quality and well-designed places, giving further weight to this consideration in the decision-making process.

#### **Residential Amenity/Health and wellbeing**

- 10.9 This application is for outline planning permission with matters in respect of appearance, landscaping, layout and scale reserved for future consideration, hence precise details are not known at this stage. Whilst drawings have been provided to illustrate options for site these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 10.10 A bin storage and collection strategy would need to be considered, however this can be conditioned; the distances involved have potential to exceed those outlined in Policy DM4 and RECAP guidance however this would not be so significant to warrant refusal of the scheme on this regard.
- 10.11 The proposal is for up to 3 dwellings, as such the impact of the maximum number of dwellings applied for must be considered. The Inspector concluded that the previous proposal for 2 dwellings would not have a significant detrimental impact in relation to the residential amenity of surrounding dwellings. However it should be noted that the conclusions in relation to this were based on drawing CAD 213/4 B, which indicated 2 semi-detached properties with a detached garage separating the proposed dwellings from No.s 25 and 27 Russell Avenue to the west, the separation distances previously indicated would not be possible to achieve for 3 dwellings on the site. It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy, principally in relation to 23 Russell Avenue. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.

- 10.12 The proposal is therefore considered to be contrary to Policy LP2 and LP16 (e) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019 due to the potential for significant harm to residential amenity.
- 10.13 The agent asserts that the proposal would provide additional surveillance to the adjoining park; whilst this may be the case (full details of the proposal are not committed), this is not considered to outweigh the harm that would be created.
- 10.14 Environmental Health have raised the potential for the existing garage to contain asbestos and request further information in this regard, however the disposal of asbestos is covered by separate legislation and it is not the purpose to the planning system to duplicate such legislation.

### **Highways/parking**

- 10.15 Access to the site is a matter for consideration and has been amended during the course of the application to widen the road and provide a footpath, as requested by the Highways Authority.
- 10.16 Occupiers of the dwellings would be able enter the site and then use the widened access road to reverse out and then exit the road in forward gear.
- 10.17 Layout and therefore the internal parking arrangements have not been committed, however there is space to the front of the site available for parking. It is considered that suitable arrangements can be achieved in accordance with Policy LP15 of the Fenland Local Plan 2014 and M3 of the NDG 2019.

### **Flood Risk**

- 10.18 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.19 Issues of surface water flooding in the area have been raised; the site is not indicated on the Surface Water Management Plans as a 'wet spot' and drainage will be considered under Building Regulations to ensure a suitable strategy can be achieved; accordingly there are no issues to address in respect of Policy LP14.

## **11 CONCLUSIONS**

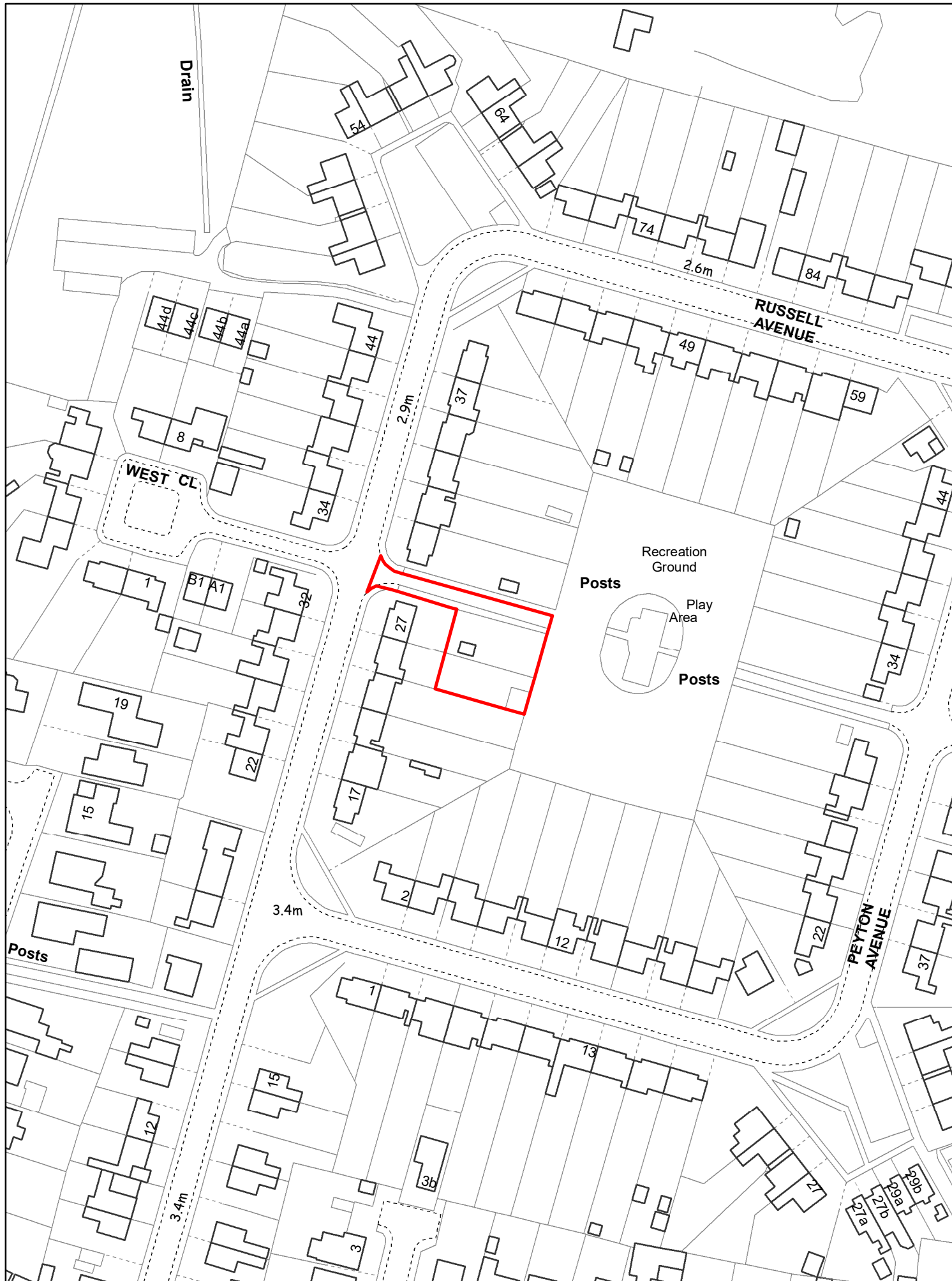
- 11.1 The proposal is overall considered unacceptable due to its failure to accord with Policies LP2 and LP16(d and e) of the Fenland Local Plan 2014, DM3 of Delivering and Protecting High Quality Environments SPD 2014, Policy H2 of the March Neighbourhood Plan 2017, Paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019.
- 11.2 The proposal would introduce a form of built development that does not respond to the prevailing character and settlement pattern in the area, the resultant effect would be that the dwellings would be viewed as incongruous within their setting and detrimental to the characteristic spaciousness that defines the rear aspect of the properties. The development therefore would be significantly harmful to the character and appearance of the site and the surrounding area.
- 11.3 It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29

Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue.

## 12 RECOMMENDATION

### Refuse for the following reasons:

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>Policy LP16(d) of the Fenland Local Plan and DM3 of Delivering and Protecting High Quality Environments SPD 2014, paragraphs 122, 127 and 130 of the NPPF 2019 and chapters C1, I1, I2 and B2 of the National Design Guide 2019 seek to ensure that new development to makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting and responds to, and improves, the character of the local built environment.</p> <p>The site forms part of a gap, together with the long rear gardens of surrounding properties and intermittent landscaping, which provides a transition between the dense built form, constant pattern and consistent alignment of properties fronting Russell Avenue and the contrasting open and verdant character of the playing field. This character is replicated on all sides of the playing field and would be disrupted by the uncharacteristic siting of the proposed dwellings in a backland location, which would form an incongruous feature to the significant detriment of the streetscene and character of the area and as such the proposal is contrary to the aforementioned policies.</p> |
| 2 | <p>Policy LP2 and LP16 (e) of the Fenland Local Plan 2014, Policy H2 of the March Neighbourhood Plan 2017 and Paragraph 127 of the NPPF 2019 seek to ensure that development does not adversely affect the amenity of neighbouring or future occupiers.</p> <p>It is considered that development of the site for 3 dwellings would constitute overdevelopment, resulting in a dominant and overbearing impact on 23-29 Russell Avenue and a significant detrimental impact in respect of overlooking and loss of privacy. The same would be true in relation to the proposed dwellings given that there is potential for direct overlooking at a distance of approximately 10m, from in particular 25 Russell Avenue. As such the proposal is contrary to the aforementioned policies due to the potential for significant harm to residential amenity.</p>                                                                                                                                                                                                                                                                                                                               |



Created on: 16/12/2020

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F/YR20/1230/O

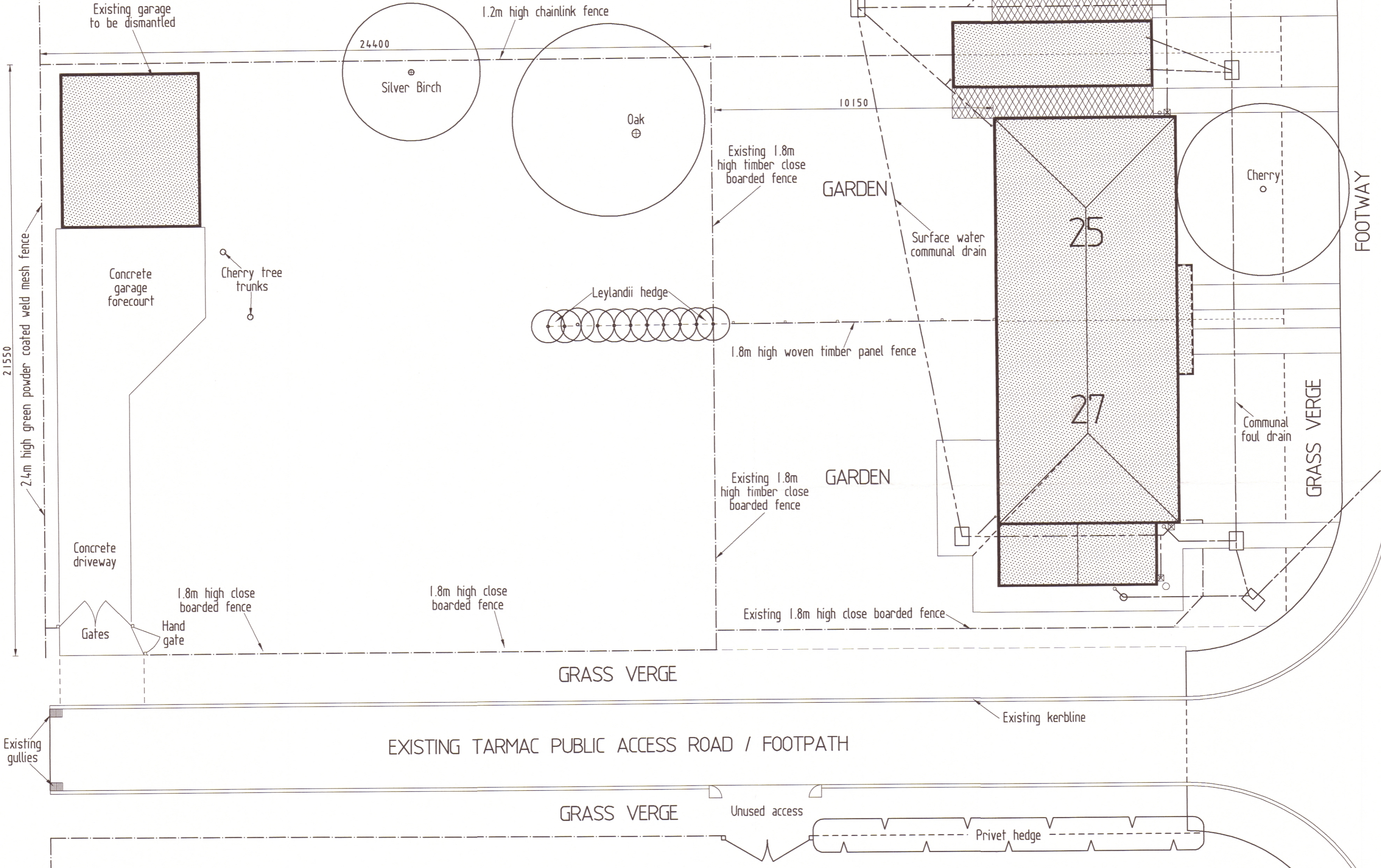
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RECREATION GROUND

RUSSELL AVENUE



Drawing Title:-  
 OUTLINE PLANNING PERMISSION FOR RESIDENTIAL  
 DEVELOPMENT ( MAXIMUM 3 DWELLINGS )  
 LAND EAST OF 25-27 RUSSELL AVENUE, MARCH.  
 EXISTING SITE LAYOUT PLAN

Client:-  
 Miss. J. RICHES.  
 LEIGH-ON-SEA.

Scales:-  
 1:100

Date:-  
 November 2020

Drawing No:-  
 CAD 213 / 0

Rev:-  
 B

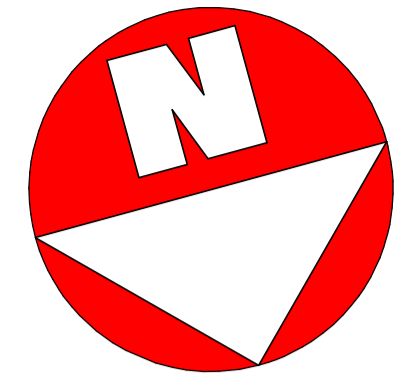
**Craig Brand** Architectural & Highway Design.

9 Cricketers Close,  
 MARCH, PE15 9RU.  
 Tel: (01354) 656977.







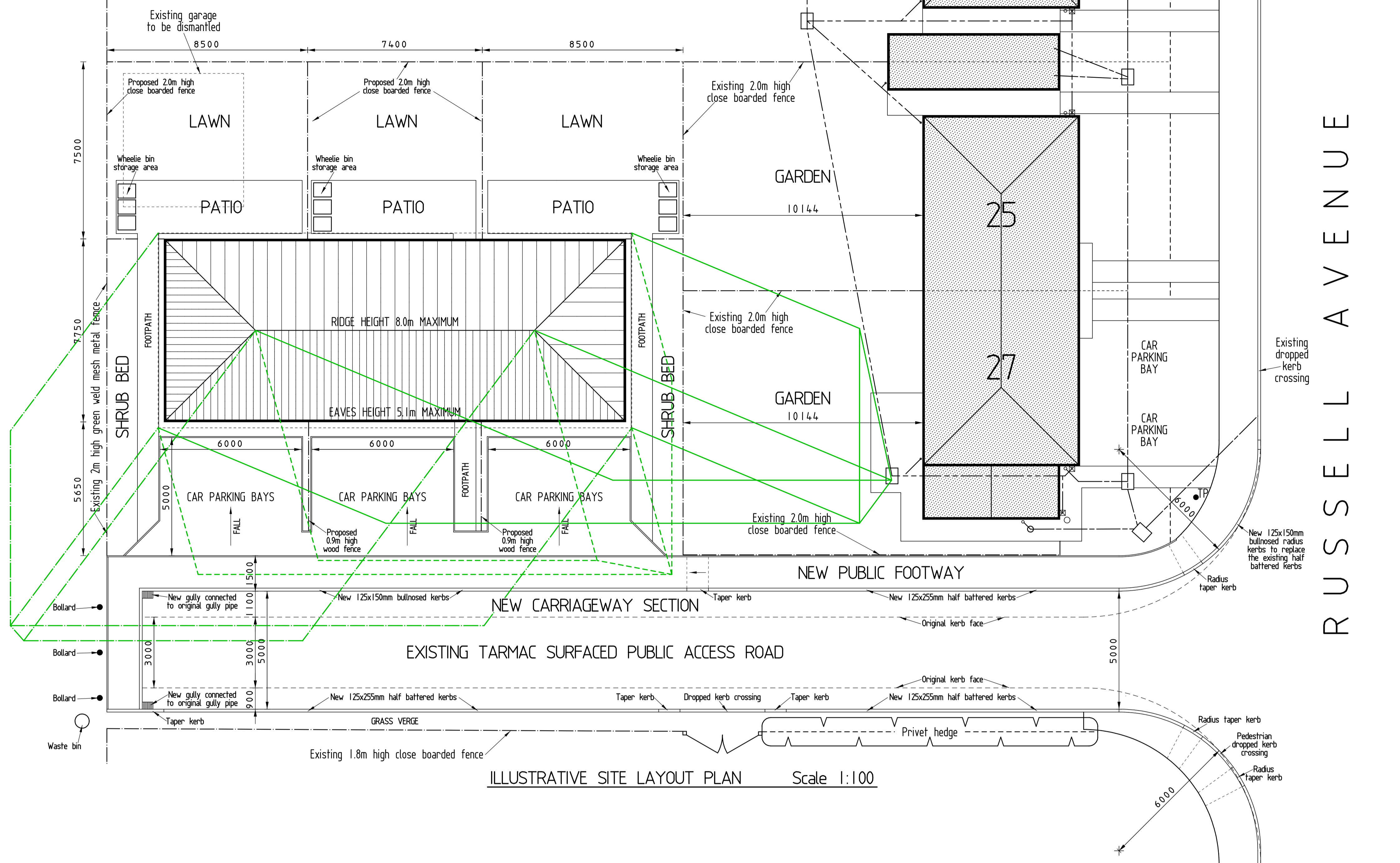


CHILDRENS PLAY AREA  
WITH PLAYGROUND  
EQUIPMENT REMOVED

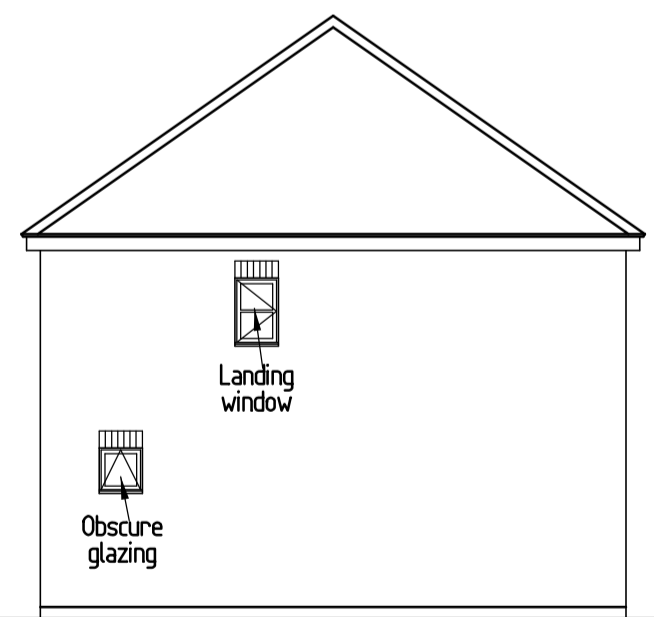
0.75m high hoop top galvanised metal railings

Gate

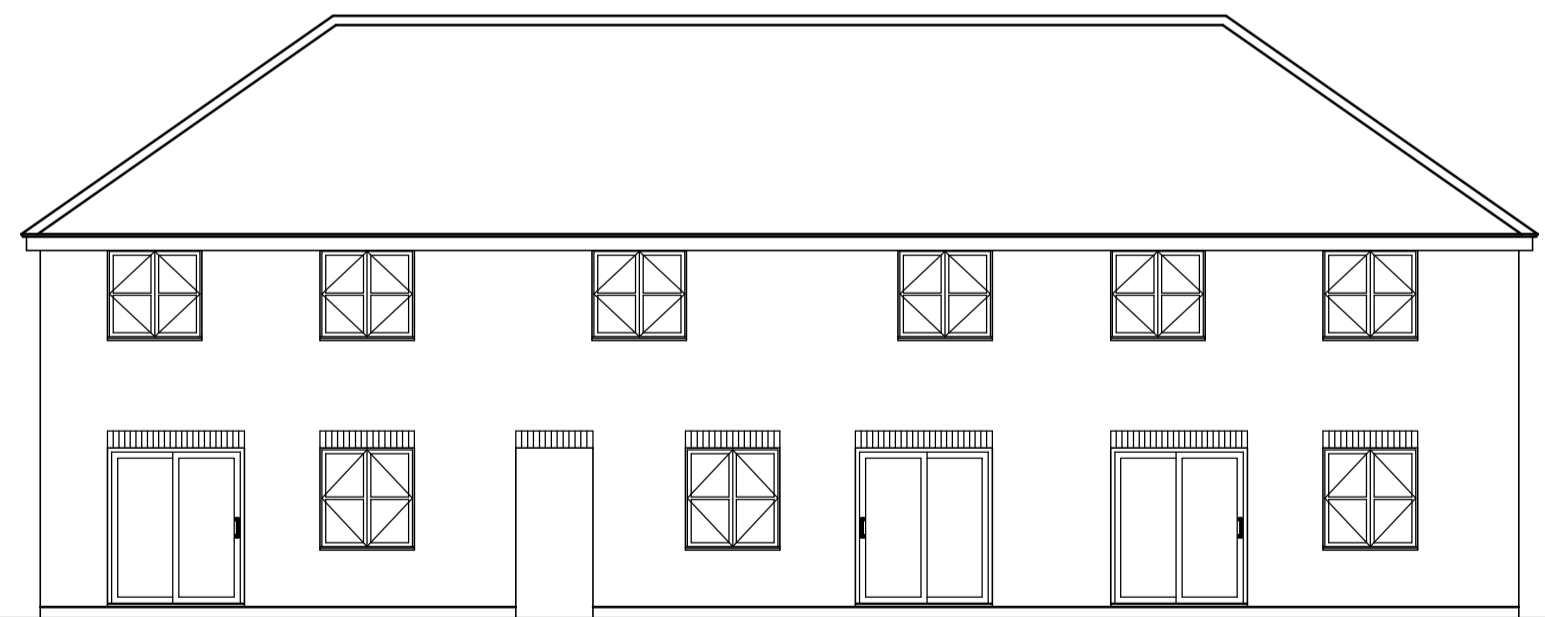
RECREATION  
GROUND



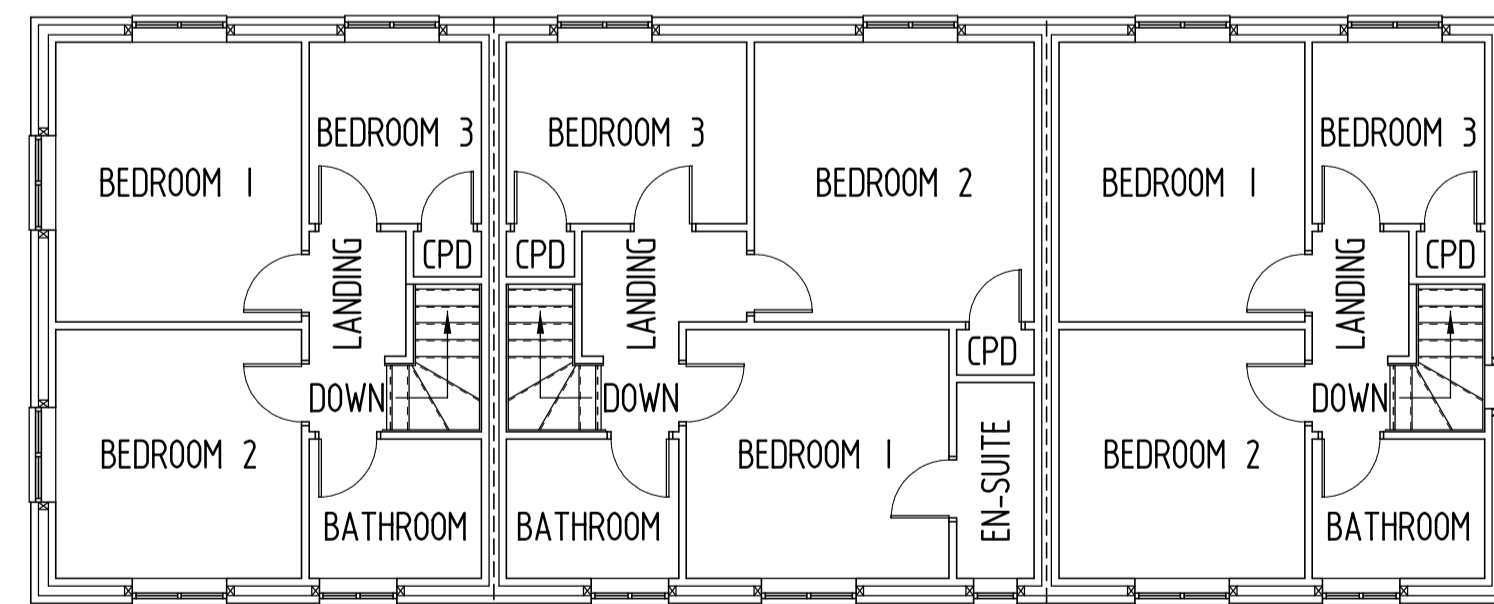
ILLUSTRATIVE SITE LAYOUT PLAN Scale 1:100



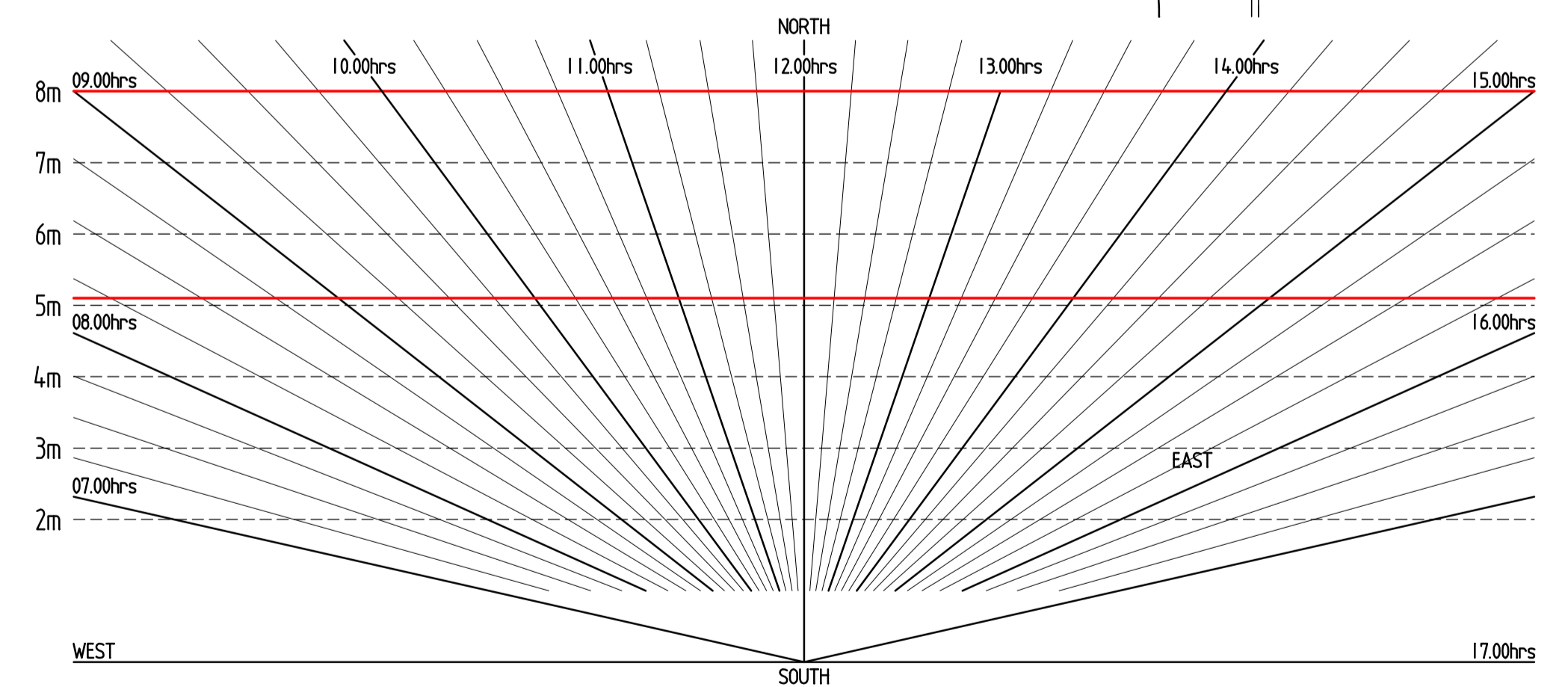
SIDE ELEVATION TO HOUSES



REAR ELEVATION

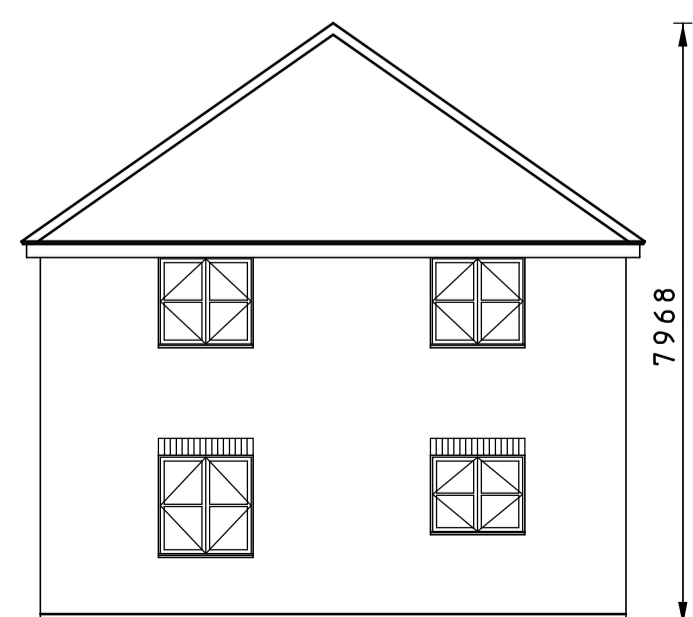


FIRST FLOOR LAYOUT PLAN

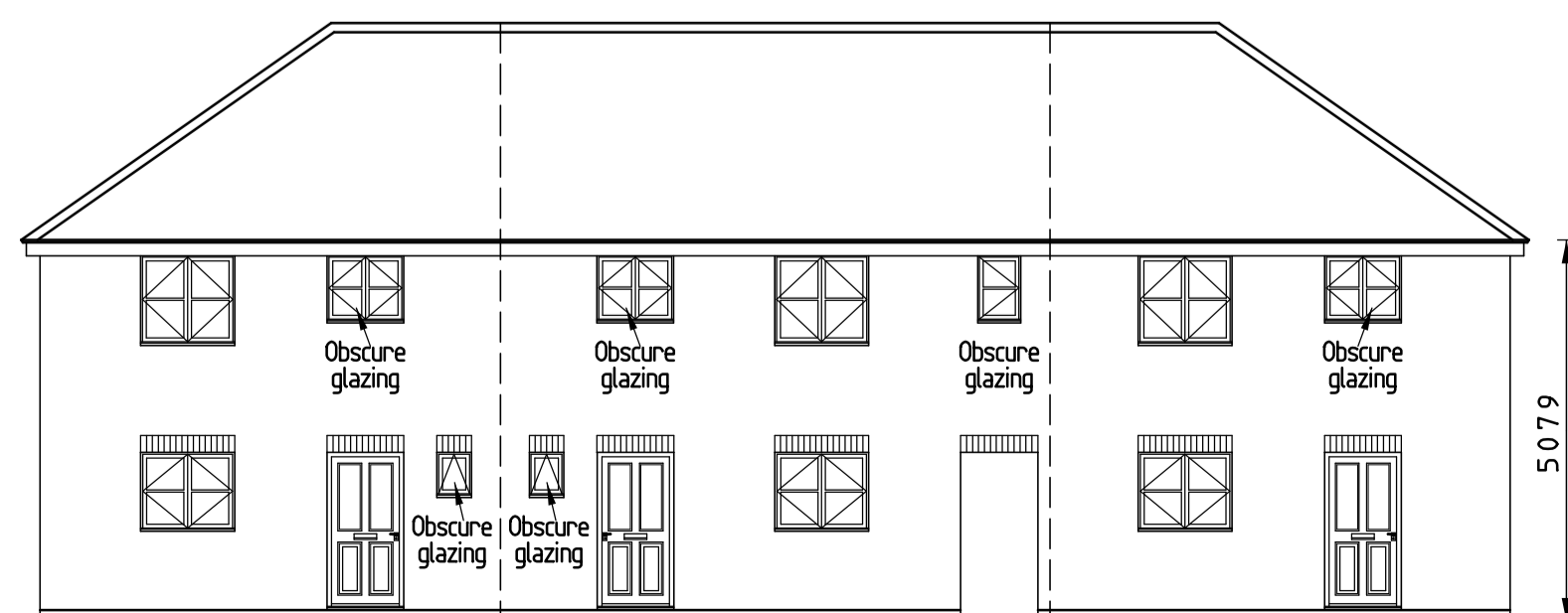


SUN-ON-GROUND INDICATOR FOR 21 MARCH AT LATITUDE 51.5° NORTH Scale 1:100

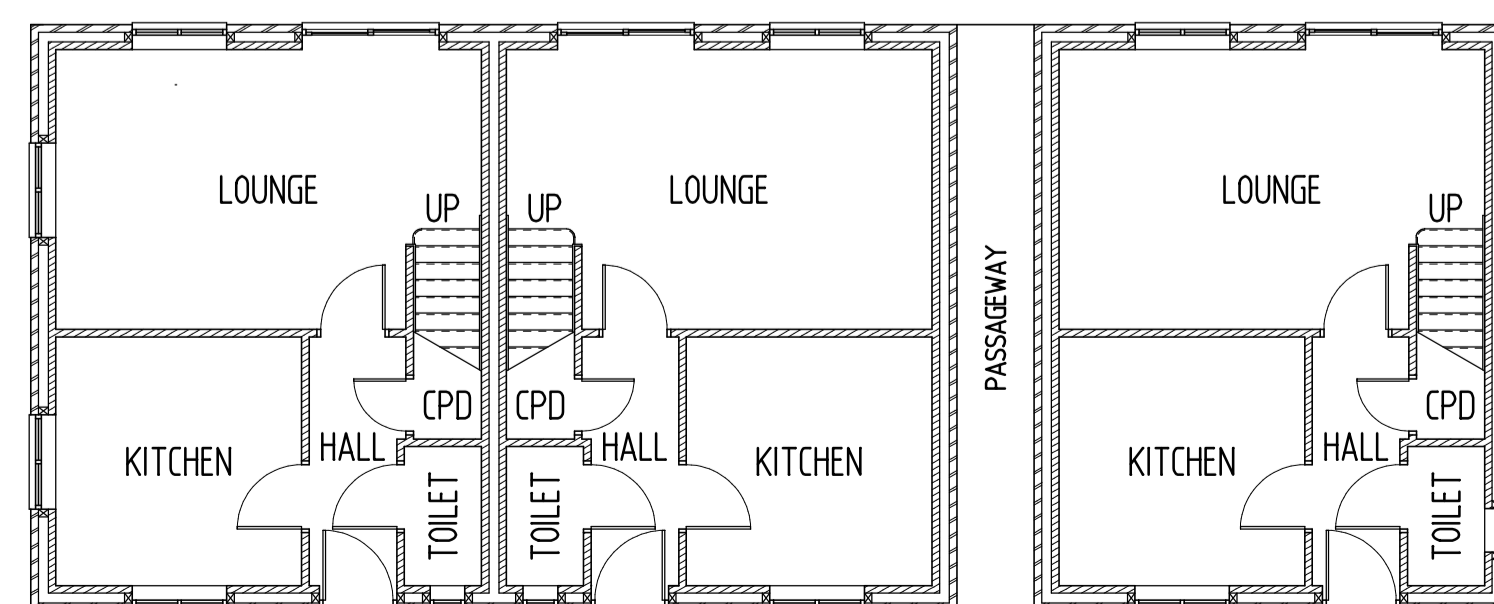
KEY:-  
— = 09.00 extent of shadow cast on 21 March  
- - - = 12.00 extent of shadow cast on 21 March  
- · - · = 15.00 extent of shadow cast on 21 March



ELEVATION TO PLAYING FIELD



FRONT ELEVATION



GROUND FLOOR LAYOUT PLAN

REVISION A - 4 January 2021  
Road layout amended following receipt of CCC Highways Officer comments

REVISION B - 5 January 2021  
Road layout amended following additional consultation with the CCC Highways Officer

Drawing Title:-  
OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT ( MAXIMUM 3 DWELLINGS )  
LAND EAST OF 25-27 RUSSELL AVENUE, MARCH.  
ILLUSTRATIVE 3 DWELLING LAYOUT AND HOUSE DESIGN

Client:-  
MISS JILL RICHES  
Scale:- 1:100 Date:- November 2020 Drawing No:- CAD 213 / 100 Rev:- C

Craig Brand Architectural & Highway Design.  
9 Cricketers Close, MARCH, PE15 9RU. Tel: (01354) 656977.

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F/YR21/0130/F

**Applicant:** Fireway Chatteris Ltd

**Agent:**

**Ms Emily Warner  
Smith Jenkins Ltd**

**10 High Street, Chatteris, Cambridgeshire, PE16 6BE**

**Change of use and subdivision of retail shop and 3-bed flat to retail shop, hot food takeaway and 3 -bed flat including formation of an additional shop front and installation of external flue and air conditioning unit to rear of takeaway**

**Officer recommendation: Grant**

**Reason for Committee: The number of representations received contrary to Officer recommendation.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1. The application seeks full planning permission for the change of use and subdivision of retail shop and 3-bed flat to retail shop, hot food takeaway and 3 -bed flat including formation of an additional shop front and installation of external flue and air conditioning unit to rear of takeaway at 10 High Street, Chatteris, Cambridgeshire.
- 1.2. The proposal seeks to retain an element of retail within Chatteris Primary Shopping Frontage, with an additional unit of non-retail frontage added. This will see a marginal increase to the percentage of non-retail units with the Primary Shopping Frontage. The marginal impact results in refusal of the scheme being unjustifiable, and as such the principle of development is considered, on balance, acceptable.
- 1.3. There are also potentially limited impacts to residential amenity with regard to the hours of operation, and possible noise implications. As such it is suggested that necessary conditions are imposed that can mitigate these impacts.
- 1.4. The below assessment deems the proposal to be compliant with the relevant policies within the Fenland Local Plan (subject to necessary conditions) and as such the recommendation is to grant the application.

## **2 SITE DESCRIPTION**

- 2.1. The application relates to the premises at 10 High Street, Chatteris which is at present a dual use property with retail newsagents and 3-bed flat. The building is 2-storey and finished in white render with a slate roof. There is an enclosed courtyard to the rear. The application site is located within Chatteris Conservation Area, flanked either side by grade ii listed buildings and within

the Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage.

### 3 PROPOSAL

- 3.1. The application seeks full planning permission for the change of use and subdivision of a retail shop and 3-bed flat to a retail shop, hot food takeaway, and 3-bed flat, including formation of a new shop front and installation of an air conditioning unit and flue to the rear of the proposed takeaway.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

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|               |                                                                                          |                       |
|---------------|------------------------------------------------------------------------------------------|-----------------------|
| F/YR21/0129/A | Display of 2no externally illuminated lettering fascia signs<br>10 High Street Chatteris | Granted<br>29.03.2021 |
|---------------|------------------------------------------------------------------------------------------|-----------------------|

---

### 5 CONSULTATIONS

5.1. **Chatteris Town Council**

*Support if the hours of operation are reduced to 11am to 11pm Sunday to Thursday and 11am to 12.30am Friday and Saturday and would like to see remaining features of the old frontage (roundels near the door) preserved.*

5.2. **Cambridgeshire County Council Highways Authority**

*The proposal will not generate a material increase in trip generation when compared with the existing use.*

*I have no highway objections.*

5.3. **Environment & Health Services (FDC)**

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

*The application includes the full details of the air conditioning unit and extraction flue system for the extraction and dispersal of odorous smells and states these units will be installed before the use commences and a noise assessment is to be carried out in support of the application. The Environmental Health Team welcomes the installation of these systems before use commences and a noise assessment to determine if this proposal will have an impact on the local noise climate. Therefore, we recommend a pre-commencement condition is imposed in the event planning permission is granted to demonstrate the noise will not adversely affect the amenity of the local area before opening for business. A commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken within 2 weeks of installation in order*



to demonstrate that this condition has been achieved. The results of the assessment shall be submitted to and approved in writing by the LPA.

In addition to this, as the applicant plans to sell hot food between the hours of 11pm and 5am, we would advise they will require a premises licence. Further information on late night refreshment and how to apply for a premises licence can be found on our licensing page at

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

#### 5.4. **FDC Conservation Officer**

1. *This application concerns works of alteration and signage to enable a change of use to an unlisted, but characterful and prominent property in Chatteris Conservation Area. The building in question has listed buildings either side.*
2. *Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.*
3. *Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
4. *Due regard is given to relevant planning history. A 1989 application (F/0069/89/F) relates to a change of use from living accommodation to retail; a subsequent application was granted to allow the change of use from part residential premises to form an extension to the existing shop (F/93/0822/F) and a further application for internal alterations including removal of an internal wall at ground floor level to form additional shop area and residential area. A 1997 application for the installation of a new shop front with detachable grills was also granted (F/97/0156/F). This indicates a variety of changes in recent history, but none which have had an impact on the character of the building, or of the conservation area.*
5. **There is no objection to this application.** However, the following comments are made:
  - i. *Number 10 High Street (Aspinalls Newsagents) is located within the Chatteris Conservation Area. The buildings on either side, number 9 and 12 and 14 are listed at grade II. 10 High Street was built around the late C18 as part of a terrace of two-storey buildings located on the west side of the High Street. Since the early C20 the premises have been occupied by Aspinalls, newsagents and printers and is possibly of the oldest continuously active shops in Chatteris. A photograph taken in the early C20 shows the building before it was altered. Since then,*



*the glazing on the shopfront has been replaced, the roof has been raised on the frontage, the upper floor sash windows have been replaced, as has the window to the right of the shopfront. These alterations occurred during the first quarter of the 20<sup>th</sup> century and now presents an attractive circa 1920s or '30s building in its own right, despite alterations.*

*The two-storey, two-bay building is constructed of brick, rendered and painted white, under a tiled roof. It has a two-storey brick wing to the rear. A C19 timber shopfront occupying the left side of the frontage has a panelled stall riser and a fascia and cornice supported by console brackets. The leaded lights are not original but reflect that early 20<sup>th</sup> century alteration and character. The alterations to the front elevation have resulted in the loss of considerable historic fabric and have affected the original architectural character of the building but is still considered to be of local architectural and historic interest and quality as a building dating to the late C18 with a C19 shopfront and early 20<sup>th</sup> century alterations. **It is within this context that this proposal is considered.***

- 6. A Heritage Statement has been submitted as part of the application and fully complies with paragraph 189 of the NPPF and local policy LP18.*
- 7. The proposal seeks to reinstate a wall that was removed under the earlier application. The proposed new shop entrance is in keeping with the style and character of the existing shop front, and whilst the loss of the current window will remove a characteristic element of the 20<sup>th</sup> century alteration, it will have only a neutral impact on the character and appearance of the conservation area, and no impact on the setting or significance of the adjacent listed buildings.*
- 8. The change of use from a newsagent to takeaway will result in a loss of that sense of a small, family run, but essential community shop, replaced by an anonymous takeaway. However, given that the newsagent is being retained, albeit in a smaller and newly separated space with its own entrance immediately adjacent, and given that the existing shop front is not being altered, it is not considered that the change of use will have such an impact as to negatively affect the overall character and appearance of the conservation area.*
- 9. It is welcomed that the name 'Aspinall's Newsagents' is being retained, as it does indeed create a link to the past in local collective memory. It is welcomed that the existing shop front is retained, and the new shop signage incorporated within the existing fascia. It would be preferable however, if the typeface of the new proposed shop were closer to that of the Newsagents as this would promote continuity and unity between the old and new shops. It is a minor detail, but one which could have a strong positive impact on the overall finished aesthetic.*

10. *Those necessary elements to the rear (the air units and flues) are not considered to have an impact on the assets either of the conservation area or the listed buildings.*

11. **CONDITIONS**

- i. Notwithstanding the approved plans, prior to the commencement of the development precise details of all new joinery for the shop front will be required to be submitted to and approved in writing by the LPA (clarified through 1:20 drawings and 1:5 typical sections).*

*Recommendation: Approve*

**5.5. Local Residents/Interested Parties**

The LPA received letters from 8 local residents with regard to the scheme, 6 of these letters were objections and a further two in support.

The reasons for objections were cited as:

- Access
- Anti-Social behaviour
- Design/Appearance
- Devaluing property
- Environmental Concerns
- Impact of competition
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Parking arrangements
- Smell
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Would set a precedent

Reasons for support were cited as:

- Improvement to struggling high street

**6 STATUTORY DUTY**

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

6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

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

Chapter 6 – Building a strong, competitive economy  
Chapter 7 – Ensuring the vitality of town centres

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

Determining a planning application

### **7.3. National Design Guide 2019**

Context  
Identity

### **7.4. Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP6 – Employment, Tourism, Community Facilities and Retail  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments  
LP18 – The Historic Environment

## **8 KEY ISSUES**

- **Principle of Development and Economic Growth**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk**

## **9 ASSESSMENT**

### **Principle of Development and Economic Growth**

- 9.1. The application site is within the settlement of Chatteris, designated within the settlement hierarchy and Policy LP3 as a 'Market Town' where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place.
- 9.2. Policy LP6 advises that units within a Primary Shopping Frontage should be retained predominantly for a retail purpose. The application site is located within Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage and LP6 states that development for a non-retail use at ground floor level within a Primary Shopping Frontage will be supported provided that the proposal would retain the predominant retail element within the frontage, that there is no impact on the vitality and viability of the centre as a whole and that all other relevant policies in the plan are satisfactorily addressed.
- 9.3. The Primary Shopping Frontage of Chatteris, located predominately to the west of the High Street includes a total of approximately 38 commercial units, of which the application site is one. A survey of the Primary Shopping Frontage in Chatteris, undertaken by the Case Officer, revealed the following:

**Table 1 - Retail vs Non-Retail units on Chatteris Primary Shopping Frontage**

|                                          | <b>Number observed</b> | <b>Percentage of Total</b>                                  |
|------------------------------------------|------------------------|-------------------------------------------------------------|
| Total Observed Units                     | 38                     | 100%                                                        |
| Current (or most recent) Retail Uses     | 16                     | 42%                                                         |
| Current (or most recent) Non-Retail Uses | 19                     | 50%                                                         |
| Current Solely Residential Use           | 3                      | 8%                                                          |
| Current Vacant Units                     | 3                      | Most recent use allocated as either retail/non-retail above |

- 9.4. However, since the adoption of the Local Plan in 2014 there has been more updated policy considerations relating to change of use for retail premises as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.5. In addition, owing to the changes of the Use Classes Order (1987) in September 2020, retail now falls under Class E Commercial Business and Service, and as such the existing retail unit would not require planning permission for the change of use to, for example, a restaurant, café, or for professional services use.
- 9.6. Therefore, the consideration of this application has to reflect the current update to the Order and in particular the ‘permitted’ changes that a retail unit can under go. Thus, it can therefore be seen that this retail unit could change to a different use other than retail and the limitations of the Local Plan are therefore considered to be superseded and a refusal on the basis of this policy is not considered sustainable.
- 9.7. Notwithstanding, the proposed change of use to a takeaway now falls within its own use class since the amendments to the Use Class Order in September 2020. A takeaway is now classed as a ‘sui generis’ use which means any further change to the premises will require planning permission and the Local Planning Authority will have the opportunity to ensure that any future use is appropriate in this location.

#### **Heritage, design considerations and visual amenity of area**

- 9.8. The application proposes an existing front window to be removed and new timber framed shopfront installed to match the existing shop front. Both shop fronts are proposed to be painted black and include new signage. The proposed signage and lighting are subject of a separate advertisement consent application (F/YR21/0129/A).
- 9.9. The proposed extraction flue and air conditioning unit are due to be set entirely to the rear of the building and will not be visible within the street scene.
- 9.10. Comments from the FDC Conservation Officer state that the proposals will not offer any detrimental impact to the conservation area or adjacent listed buildings.



- 9.11. As such, the proposal is considered to comply with Policies LP16 and LP18 with regard to design and character and its impact to heritage.

### **Residential Amenity/Health and wellbeing**

- 9.12. There are a number of flats in the vicinity which could be impacted by the proposed development in respect of noise and odour.
- 9.13. The application includes the full details of the air conditioning unit and extraction flue system for the extraction and dispersal of odorous smells and states these units will be installed before the use commences and a noise assessment is to be carried out in support of the application. Comments from the Environmental Health Team state that this should be secured by condition, should permission be granted. The Environmental Health Team recommended a pre-commencement condition to be imposed to require the applicant to undertake a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) to be undertaken within 2 weeks of installation to demonstrate the noise will not adversely affect the amenity of the local area before opening for business. The statement provided by the applicant suggested that conditions such as the above would be agreeable.
- 9.14. The opening hours of the takeaway are proposed as 11:00-23:00 Monday to Friday, 11:00 – 02:00 on Saturdays, and 11:00 –23:00 Sundays and Bank Holidays. Comments from Chatteris Town Council proposed to support the scheme if the hours of operation were reduced to 11:00 to 23:00pm Sunday to Thursday and 11:00 to 00:30 Friday and Saturday. As such, it follows that Chatteris Town Council consider that the current proposed hours of operation are unacceptable and recommend careful consideration of these by the LPA.
- 9.15. Given the nature of Chatteris town centre with residential properties in close proximity to the site, it is considered that the proposed hours of operation are excessive. As such, in order to mitigate impacts to residential amenity with regard to Policy LP16 (e) it is considered acceptable to condition the opening hours of the proposed takeaway to those proposed by Chatteris Town Council.

### **Parking/Highways**

- 9.16. There is no on-site parking provision available for the proposal, however this is also the case for the existing retail use. The Local Highways Authority have no objections to the proposal, advising that the trip generation and transport impact for the existing and proposed uses are comparable; as such there are no concerns to address in respect of Policy LP15 of the Fenland Local Plan.

### **Flood Risk**

- 9.17. The application site lies within flood zone 1; accordingly, there are no issues to address in respect of Policy LP14.

## 10 CONCLUSION

- 10.1. The proposal is considered acceptable and accords with necessary policies of the Fenland Local Plan as whilst it is acknowledged and detailed above that there will be some impact on the Chatteris Primary Shopping Frontage and residential amenity, this is not considered to be significantly adverse and can be mitigated by condition. As such a favourable recommendation may be forthcoming.

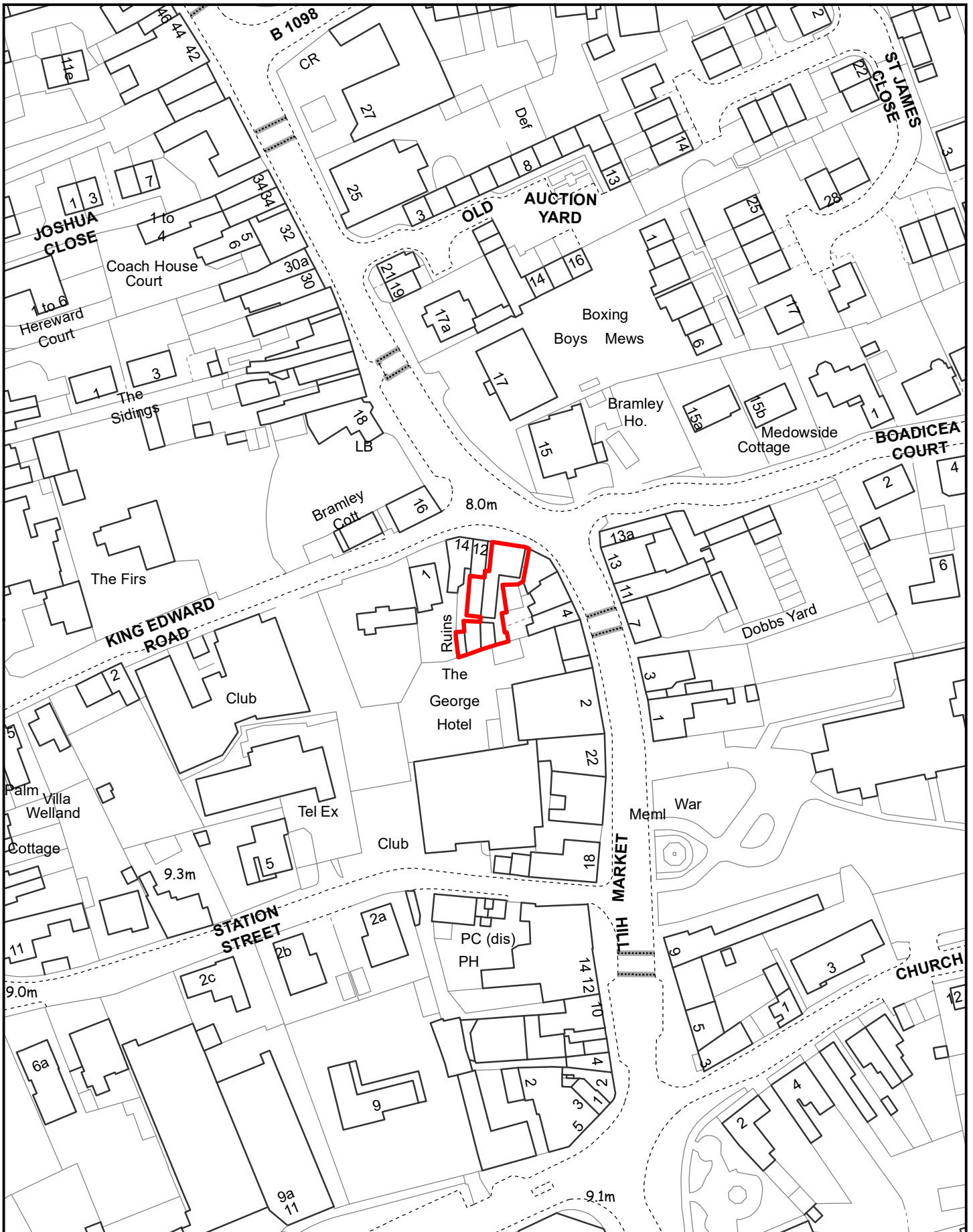
## 11 RECOMMENDATION

### Grant

The proposed conditions are as follows;

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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>Notwithstanding the approved plans, prior to the commencement of the development precise details of all new joinery, including materials and colour, for the shop front, clarified through 1:20 drawings and 1:5 typical sections, will be required to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p> |
| 3                         | <p>The hot food takeaway hereby permitted shall only operate between the hours of:</p> <p>11:00 to 23:00 Sunday to Thursday (including Bank Holidays);<br/>and<br/>11:00 to 00:30 Friday and Saturday</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with LP16 of Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                             |
| 4 –<br>needs<br>discharge | <p>Prior to the first operational use of the development hereby approved a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken for both the extraction flue system and air conditioning unit, within 2 weeks of installation. The assessment shall be submitted to, and approved in writing by, the Local Planning</p>                                                                                                                                                                                             |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <p>Authority, prior to the premises opening for business. The development shall then be carried out in accordance with the approved particulars and retained as such for the lifetime of the development.</p> <p>Reason - To assess the impact of the development on the local noise climate and to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with LP16 of Fenland Local Plan 2014.</p> |
| 5 | <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents.</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>                                                                                                                                                                                                                                          |



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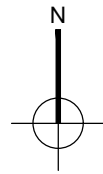
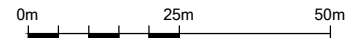
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**F/YR21/0130/F**  
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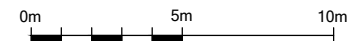
LOCATION PLAN

1:1250@A3



BLOCK PLAN

1:250@A3



CONTEXT IMAGE

**BLOCK PLAN KEY:**

- A. Application boundary
- B. Entrance to residential unit above
- C. Bin storage Area for Takeaway & Shop
- D. Hatch indicates element of 10 High Street extending over No.12 at first floor level
- E. No.10 has right of access to rear via passageway between No.8 and No.10

**REVISIONS**

|   |          |                |
|---|----------|----------------|
| A | 16.11.20 | General Update |
| B | 17.12.20 | General Update |
| C | 07.01.21 | General Update |
| D | 28.01.21 | General Update |



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Mrs Priyamwatha Mariflo

CLIENT

ASPINALL'S / FIREAWAY  
10 High Street, Chatteris,  
Cambridgeshire, PE16 6BE

PROJECT

PLANNING  
Location & Block Plans

DRAWING

|                   |            |
|-------------------|------------|
| STATUS            | PL         |
| DRAWING STATUS    |            |
| P - Preliminary   | T - Tender |
| PL - Planning     | R - Record |
| BR - Building Reg |            |
| C - Construction  |            |

|       |                  |         |         |
|-------|------------------|---------|---------|
| DRAWN | NS               | CHECKED | KO      |
| SCALE | As Noted         | DATE    | Sept 20 |
| No    | 06294-PL100 RevD |         |         |



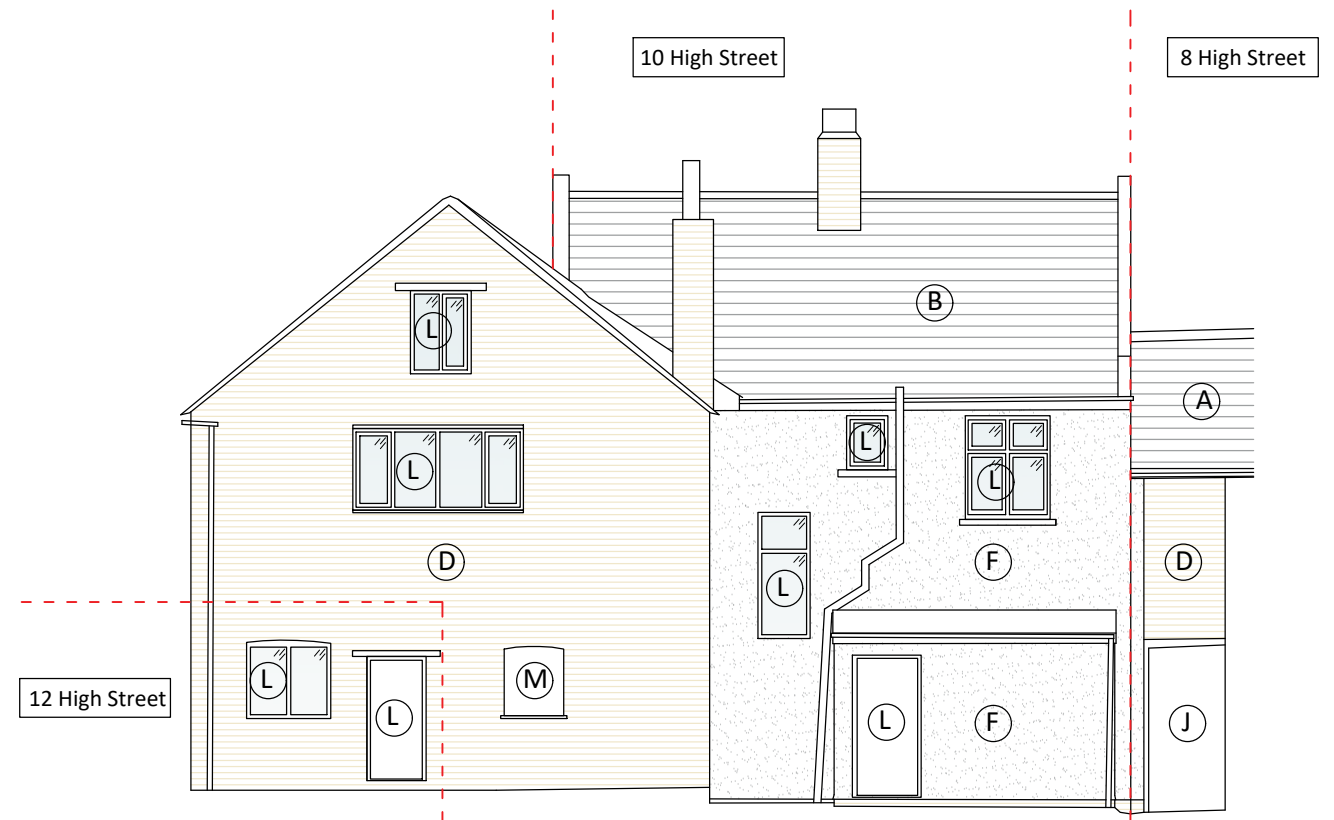


EXISTING NORTH ELEVATION 1:100@A3

- MATERIALS KEY**
- A Roof slates
  - B Plain tiles
  - C Profiled concrete roof tiles
  - D Facing brickwork
  - E Painted brickwork
  - F Painted render (White)
  - G Timber shop front, windows & doors
  - H Existing shop signage
  - J Walkway to rear
  - K Room above walkway
  - L Timber framed windows/doors
  - M Boarded window



EXISTING EAST ELEVATION / PART SECTION 1:100@A3



EXISTING SOUTH ELEVATION 1:100@A3

REVISIONS

|   |          |                |
|---|----------|----------------|
| A | 17.12.20 | General Update |
|---|----------|----------------|

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 CLIENT

ASPINALL'S / FIREAWAY  
 10 High Street, Chatteris, Cambridgeshire, PE16 6BE  
 PROJECT

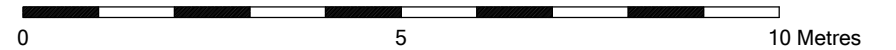
PLANNING  
 Existing Elevations  
 DRAWING

|                                                                           |                          |                         |       |         |        |
|---------------------------------------------------------------------------|--------------------------|-------------------------|-------|---------|--------|
| STATUS                                                                    | PL                       | DRAWN                   | NS    | CHECKED | KO     |
| DRAWING STATUS                                                            |                          | SCALE                   | 1/100 | DATE    | Oct 20 |
| P - Preliminary<br>PL - Planning<br>BR - Building Reg<br>C - Construction | T - Tender<br>R - Record | <b>06294-PL102 RevA</b> |       |         |        |



PROPOSED NORTH ELEVATION

1:100@A3



**MATERIALS KEY**

All materials and finishes to be retained as illustrated on drawing 06294-PL102 unless noted below

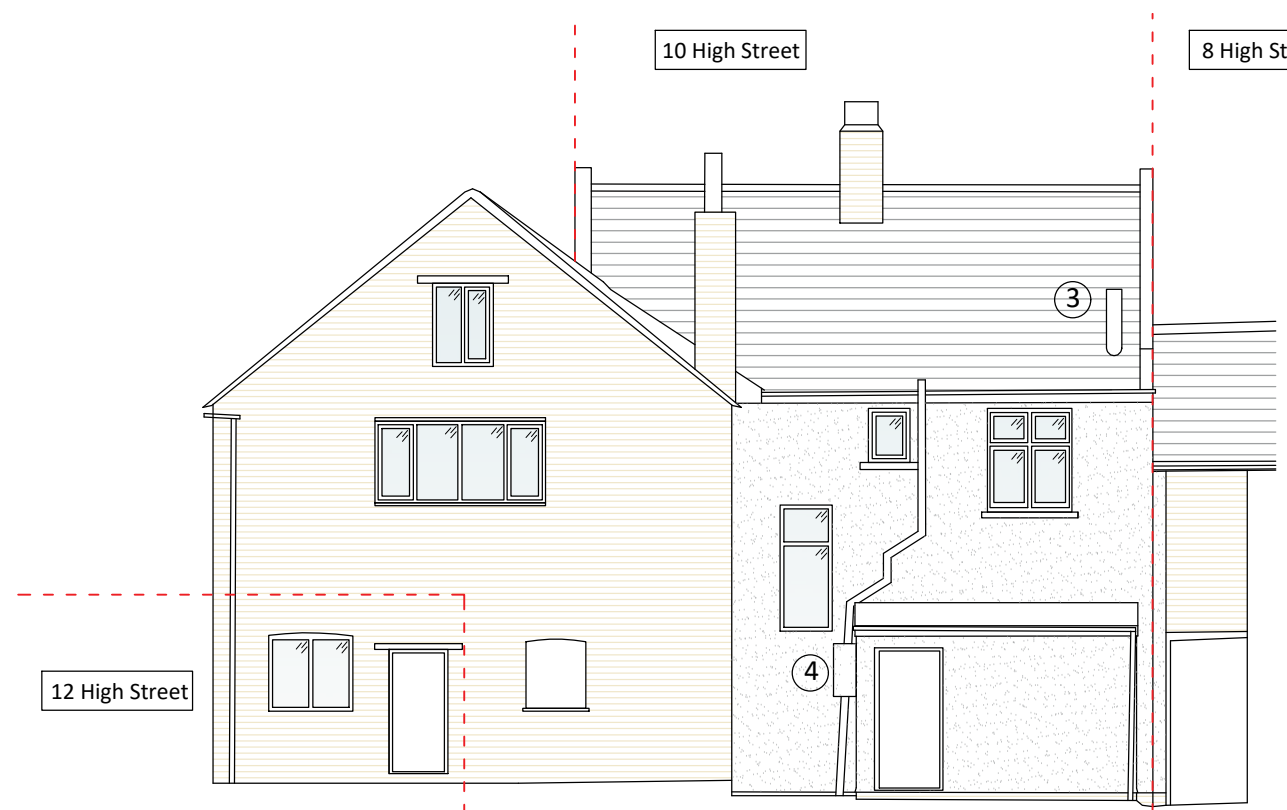
- 1 Existing window removed and new timber framed shopfront to match existing shop front to No10 High Street to be installed. Shopfront to be painted black and include "ASPINALL'S NEWSAGENT" signage panel with trough light above
- 2 "FIREAWAY" signage on existing shopfront signage board with trough light above. Existing shopfront to be repainted in black
- 3 Flue from oven extraction. Ductwork to run internally through building from oven to roof terminal and utilising an internally mounted in-line fan. In-line fan to be a Flueboost Ltd, Flueboost 350
- 4 Air conditioning condensor unit (Daikin RZASG71MV1)

NOTE - Refer to drawing 06294-PL104 for dimensions and detail of proposed signage



PROPOSED EAST ELEVATION / PART SECTION

1:100@A3



PROPOSED SOUTH ELEVATION

1:100@A3

**REVISIONS**

|   |          |                |
|---|----------|----------------|
| A | 16.11.20 | General Update |
| B | 19.11.20 | General Update |
| C | 17.12.20 | General Update |



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CLIENT

ASPINALL'S / FIREAWAY  
10 High Street, Chatteris,  
Cambridgeshire, PE16 6BE

PROJECT

PLANNING  
Proposed Elevations

DRAWING

STATUS PL  
DRAWING STATUS  
P - Preliminary T - Tender  
PL - Planning R - Record  
BR - Building Reg  
C - Construction

|                         |             |
|-------------------------|-------------|
| DRAWN NS                | CHECKED KO  |
| SCALE 1/100             | DATE Oct 20 |
| <b>06294-PL103 RevC</b> |             |
| No                      |             |

## **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/YR20/0622/F

**Site/Proposal:** Part single storey and part two storey side/rear extension following demolition of existing detached garage, 17 Willey Terrace, Doddington Road, Chatteris PE16 6UD

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

**Main Issues:**

- **The character and appearance of the area; and**
- **The living conditions of neighbouring occupiers, with particular regard to outlook and privacy.**

**Summary of Decision:**

The application proposed the erection of a Part single storey and part two storey side/rear extension following demolition of existing detached garage at 17 Willey Terrace, Doddington Road, Chatteris PE16 6UD.

The Inspector considered that the proposed widened front elevation would provide some additional variety to the streetscene which could be accommodated visually without significantly altering the overall character of the street.

However, the Inspector believed that the first floor roof terrace on the proposed rear extension would result in an elevated outdoor amenity space that would appear over dominant and overbearing in relation to neighbouring dwelling No 16 Willey Terrace, and to a lesser extent No 18, viewed from the rear gardens of those properties and No 16's rear extension.

Thus, the Inspector concluded that the roof terrace element would result in the proposal harming a) the character and appearance of the host row and the area and b) the living conditions of neighbouring occupiers, in terms of outlook and privacy. As such, the proposal would conflict with Policies LP2 and LP16 of the Fenland Local Plan (2014), and the appeal was dismissed.

**Planning Application Reference:** F/YR20/0232/F

**Site/Proposal:** Change of use of storage building to 2 storey 2-bed dwelling with refuse area including erection of a porch, 44-46 Market Street, Whittlesey, PE7 1BD

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

**Main Issues:**

- The effect of the development on the living conditions of the occupiers of neighbouring residential properties and the potential occupiers of the proposed dwelling.
- The effect of the development on highway safety at the entrance to the site from Market Street.
- The effect of the development on the character and appearance of Whittlesey Conservation Area and its effect on the non-designated heritage assets.

**Summary of Decision:**

The application proposed the change of use of an existing storage building at the rear of 44-46 Market Street, Whittlesey.

The Inspector considered that due to the town centre location, a certain amount of overlooking from neighbouring premises was to be expected, and that the occupants would balance the loss of privacy against the advantages of living in the town centre. They considered that the lack of privacy of the garden area in this instance was therefore acceptable, and that the impact of the relationship between windows in the existing and proposed flats/dwelling could be mitigated by planning condition.

In respect of the matter of highway safety, the Inspector accepted an amended plan showing only a single parking space, and concluded that such an arrangement would not unreasonably harm the safety of pedestrians using the access. The Inspector confirmed that they considered no one would be prejudiced by them accepting the amended plans.

Finally the Inspector concluded that the opening up of the site access would make a positive contribution to the character and appearance of Whittlesey Conservation Area, and that the proposal would also make a positive contribution to the conservation of a non-designated heritage asset.

The Inspector therefore found that the proposal had clear benefits to the character of the Conservation Area, the health and wellbeing of potential occupants and to a non-designated heritage asset sufficient to outweigh the loss of privacy the potential occupants would experience within the garden to the property.



**Planning Application Reference:** F/YR20/0024/O

**Site/Proposal:** Outline planning permission for a single 2-storey dwelling, Stanley House, 3c Bridge Lane, Wimblington, Cambridgeshire PE15 0RR

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

**Main Issues:**

- **Character**

**Summary of Decision:**

The application proposed the erection of a single 2-storey dwelling on between dwellings at 3C Bridge Lane, Wimblington.

The Inspector discussed the appeal site location in a semi-rural location with buildings relatively spaced out on a very narrow plot.

The Inspector summarised that the introduction of the proposal onto the site would erode the character of the area by greatly increasing the density within the streetscene and would result in the proposed development appearing shoehorned into an available space, making it appear overcrowded and emphasising the adverse effect of densely developed infill plots; causing significant harm to the character and appearance of the area.

Thus, the Inspector concluded that the proposal would cause detrimental 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.