

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 9 JUNE 2021

1.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Jo Goodrum
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Whilst this meeting will be held in public, we encourage members of the public to view the meeting via our YouTube channel due to the current Covid-19 restrictions.

- 1 Appointment of Chairman of the Planning Committee for the Municipal Year 2021 - 2022
- 2 To receive apologies for absence.
- 3 Appointment of the Vice Chairman of the Planning Committee for the Municipal Year 2021 -2022
- 4 Previous Minutes (Pages 5 - 50)

To confirm and sign the minutes from the previous meetings of 31 March 2021, 21 April 2021 and 5 May 2021.

- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 6 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.

7 F/YR21/0078/RM

Land North Of The Green And North Of 145-159, Wisbech Road, March. Reserved Matters application relating to detailed matters of appearance, landscaping, layout & scale pursuant to outline permission F/YR17/1127/O to erect 118 x dwellings (2-storey - 50 x 2-bed, 50 x 3-bed, 18 x 4-bed) involving demolition of 147a Wisbech Road (Pages 51 - 68)

To determine the application.

8 F/YR20/1232/O

Land North East Of Tudor Lodge And Sunset, Station Road, Wisbech St Mary
Erect a dwelling (outline application with all matters reserved) (Pages 69 - 80)

To determine the application.

9 F/YR21/0229/F

Land North Of, 39 March Road, Rings End
Erect a 2-storey 3-bed dwelling involving demolition of outbuilding (Pages 81 - 98)

To determine the application.

10 F/YR20/0885/F

Land South East Of Seafeld Barns, Gull Lane, Leverington.
Erect a 2-storey 4-bed dwelling with garage and 1.4 metre high (approx) post and rail fence and gates (Pages 99 - 110)

To determine the application.

11 F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F

Phases 2, 2a and 3 of the Bassenhally Farm.
Modification of Planning Obligations attached to planning permissions F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F to enable adjustments to triggers and contribution amounts relating to Pre-School Education, Primary Education and Secondary Education (Pages 111 - 116)

To consider the variation of the Section 106 obligations.

12 F/YR21/0032/F

Land North Of 34, Whitmore Street, Whittlesey
Erect 4 x 3-bed 2-storey dwellings (Pages 117 - 128)

To determine the application

13 F/YR21/0015/F

Land South Of 20, Primrose Hill, Doddington.
Erect a dwelling (single storey, 3-bed) (Pages 129 - 136)

To determine the application.

14 F/YR21/0159/PIP

Land North of East View, Ringers Lane, Leverington
Residential development of up to 4 dwellings (application for Permission in Principle)
(Pages 137 - 142)

To determine the application.

15 Items which the Chairman has under item 5 deemed urgent

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

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PLANNING COMMITTEE



WEDNESDAY, 31 MARCH 2021 - 1.00 PM

PRESENT: 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 and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor R Skoulding,

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

P79/20 **PREVIOUS MINUTES**

The minutes of the meeting of the 24 February were agreed as an accurate record.

P80/20 **F/YR20/0471/RM** **SITE OF FORMER EASTFIELD NURSERY, EASTREA ROAD, WHITTLESEY** **RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF** **APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE** **PERMISSION F/YR16/1017/O FOR THE ERECTION OF (UP TO) 169 DWELLINGS** **AND ASSOCIATED WORKS**

Gavin Taylor presented the report to members:

Members received a presentation in accordance with the public participation procedure from Councillor David Davies of Whittlesey Town Council.

Councillor Davies stated that as the Ward Councillor for Lattersey on Whittlesey Town Council he objects strongly to the proposed development as it currently stands. He questioned whether the issue concerning the water drainage from the site into the lake to the east of the development has been properly investigated as it is understanding that the owners of that land will refuse permission for that to happen and, therefore, the drainage strategy needs to be revisited.

Councillor Davies stated that the proposed foot path link into Diana Close/ Charles Road has raised many objections to date, there has been over one hundred from residents and it is still a major concern for them in this part of the ward. He added that most are elderly and are concerned about this foot path if it goes ahead, what controls will be put in place to stop it being used as a rat run for motorcycles and bikes and the possibility of anti-social behavior.

Councillor Davies stated that the original Taylor Wimpey plans did remove the footpath following a consultation with the residents, and he added that this is the only consultation that Taylor Wimpey have ever carried out. He added that this proposed footpath only goes to the perimeter of their site and to connect this footpath to Diana Close or Charles Road a new planning submission will need to be submitted and he questioned as to what will happen when someone falls and is injured due to the fact that the ground is uneven?

Councillor Davies reiterated the concerns from the residents regarding the footpath which needs to be revisited due to the number of resident objections and concerns.

Members received a presentation, in accordance with the public participation procedure, from Andrew Stimson, an objector to the application.

Mr Stimson stated that he is speaking on behalf of all residents who have objected to the footpath link, including himself. He made the point that there are many elderly and vulnerable residents in the area around Diana Close, who have lived here for many years, and are very worried and anxious about a footpath link and all the additional anti-social issues it will bring. He expressed the view that the area is already known for drug dealing and this has been witnessed and reported to the Police on numerous occasions over the past couple of years.

Mr Stimson stated that in June 2015 a public meeting was advertised and promoted at the Manor Leisure Centre in Whittlesey, to invite the views of the residents to the initial plans and design of the nursery development, with there even being a book for residents to record their comments and almost all residents who attended objected to the proposed footpath link which was shown on the initial drawings. He stated that to their credit, Taylor Wimpey removed this link and created a revised document called "Design and Access Statement" and this document is attached to the 2016 planning application, with residents being generally happy with the proposal, and they only had few other issues with the development taking place.

Mr Stimson stated that all subsequent planning updates, starting again in 2020, then showed the footpath link had been re-instated and this was during last year's lockdown when residents were shielding and no-one was aware of this change, as only 12 houses bordering the site were actually informed that planning was proceeding after a lull of 5 years. He added that a flyer was created and sent to all residents east of Bellmans Road inviting them to make any comments and this has led to well over 100 objections on this point alone.

Mr Stimson expressed the view that this issue has made the residents very concerned, many who moved here years ago for a quiet life in their retirement and he questioned whether anyone from Fenland District Council or Taylor Wimpey has taken time to speak to them? He stated that there is very limited natural surveillance from the new development according to the latest housing layout, no-one is looking out their window all day and night to keep an eye on the open spaces and there is none from the existing estates along with limited street lighting shown around the new public open spaces. He expressed the view that this will only make a link option a magnet for anti-social behaviour and a risk to public safety.

Mr Stimson added that if a link was created, then the easy access to the Nature Reserve would also attract more anti-social behaviour and drug dealing as there is no surveillance at all. He added that school children are more likely to go through the Nature Reserve to New Road School, simply because it will be quicker than Diana Close, Charles Road and Bellmans Road route. He stated that recently an incident occurred where a dog-walker was almost mugged in the Nature Reserve and he asked how would this safety issue be resolved?

Mr Stimson questioned as to what would happen if the issues highlighted by residents, over creating a link, are correct and the situation worsens? He stated that the Taylor Wimpey document presented at this meeting now states a 2m wide footway come cycleway which is different to the plans and not in the application. He added that this will also allow access to motorbikes, etc and create a rat-run to exit the development in a hurry.

Members asked Mr Stimson the following questions:

- Councillor Sutton referred to the anti-social behavior that Mr Stimson had referred to in Diana Close and stated that as the road is currently a direct end, it is an opportune location for anti-social behaviour to take place, however, if the road is made a through way it will get

used more which will alleviate some of the current issues. Mr Stimson stated that he appreciates the point raised, but it is a currently a very quiet area and there is one house at the very far end of Charles Road, who have noticed at strange times of days there has been unusual behavior and a result drug paraphernalia has been recovered. He added that the residents are aware of the local people who use the wooded area to dog walk and if the area is opened it will allow for a significant increase in the usage of that area. Mr Stimson added that there is no surveillance in that area or the nature reserve and the fear of the residents is the increase in anti-social behaviour.

- Councillor Connor stated that with regard to the footpath, he has spoken to Phil Hughes, the Council's Parks and Green Spaces Manager, who has agreed that the proposed footpath to be constructed by the Council will be in consultation with the Police and a representative from local residents should the proposal be approved. Councillor Connor added that a scheme will be put in place which stops all forms of motorized travel, but will encourage walking and cycling and there may be an amount of money available for CCTV installation to minimize anti-social behaviour and he would hope that this will go some way to alleviate some of the concerns raised by the local residents. Mr Stimson stated that he is sure this will help to reassure people going forward.
- Councillor Cornwell stated that there is always the risk of anti-social behaviour when there are dead end roads and he is aware that the area is very quiet and was so when he visited. He expressed the view that if the road is opened up it would provide further surveillance and would allow the local children in the area to walk to school using the southern entrance rather than having to walk around the main road and back through Bellmans Road. He asked that if enough mitigation is put in place would the residents support the footpath? Mr Stimson stated that most of the anti-social behaviour is taking place during the evenings. Councillor Cornwell asked whether all the instances are reported to the Police and recorded? Mr Stimson confirmed that they are reported, and crime numbers have been obtained.
- Councillor Cornwell asked for clarification as to whether the consultation with the Police has identified the instances which have been reported. Councillor Connor stated that no such detail has been received from the Police for consideration by the committee and he added that he had asked for a representative from the Constabulary to attend the meeting, but they were unable to. Councillor Connor reiterated that if there is CCTV installed, along with adequate lighting, following a consultation with residents, it will only improve the area from the current situation described by Mr Stimson.
- Councillor Marks asked Mr Stimson to clarify that the dog walkers are already walking over the field to the nature reserve? Mr Stimson stated that there are a group of dog walkers who use the open space on a daily basis.
- Councillor Murphy stated that he is aware that when he carries out his regular litter picks, he finds drug paraphernalia on a regular basis and it is not just found in one location. He added that he is aware that due to the pandemic, the Government are encouraging people to walk and cycle to exercise and this is something that along with Phil Hughes, he will continue to encourage in parks and open spaces. Mr Stimson stated that the open area has never been opened up and based on the recent instances of anti-social behaviour, the residents have pride in the local area and are concerned that the area will become a rat run and there is a very strong feeling of discontent among the local residents concerning the link footpath, which will change the area in their view.

Members received a presentation, in accordance with the public participation procedure, from Mr Forster, an objector to the application

Mr Forster explained that he has further documentation that he will be sending into the Planning Department for them to hold on file and whilst he does not object to the development, he does oppose the drainage strategy due to the fact that Taylor Wimpey have failed to consult with Guildenburgh Water, Middle Level Commissioners and other consultees on the overland options that are available. He added that since the 1970's the surface water from Bellmans has been

drained by underground pipe across the former nursery site into the only available drain which flows north to south from the former nursery site to the former London Bridge Site, which is now Guildenburgh Water, bypassing the main lake.

Mr Forster stated that the historical existence of this original drain is confirmed by several Middle Level Commissioners maps and that without any legal agreement with Guildenburgh Water, the owner of the former nursery site excavated a west to east ditch which discharged irrigation run off from their greenfield site into the Guildenburgh main lake, which, in his view, is in breach of the Land Drainage Act 1991 and the ditch is not a legally agreed watercourse. He expressed the opinion that the nursery also constructed an illegal irrigation lagoon on the site without any planning permission from the Council and without the approval of the Middle Level Commissioners, which also breached the Land Drainage Act.

Mr Forster stated that Taylor Wimpey proposed to block the existing natural drainage outlet to the south, so the surface water from two housing estates can be unnaturally forced to drain into the Guildenburgh main lake, by the west to east ditch which was constructed. He added that he has never been consulted by Taylor Wimpey for them to gain permission to discharge into his lake and he has made numerous attempts to suggest to them the overland route for drainage, but these suggestions have been ignored.

Mr Forster stated that at a meeting with Middle Level Commissioners in 2002 a representative from the Internal Drainage Board confirmed that the natural drainage route is to the north and this was then contradicted in a letter in 1997 which stated that the surface drainage water from Bellmans flowed from north to south. He expressed the view that conflicting information from various bodies has led to the Council and Middle Level Commissioners to believe that the natural flow is from south to north.

Mr Forster stated that in 1998 the lagoon failed to cope with flood water, resulting in the flooding of Guildenburgh House, and a second flood was also experienced on 24 December 2020. He expressed the view that the Land Drainage Act 1991 requires riparian owners to pass on the flow of water in its natural state without any interference to quantity or quality, and without obstruction, pollution or diversion which would affect the rights of others, with the previous owners of the nursery site having all been in breach of the Land Drainage Act and the Taylor Wimpey drainage strategy, in his view, breaches the Act in that it proposes to block off the natural drainage route and divert the flow in the Guildenburgh Water Lake, effecting the rights of the owners and users, adding that an independent water analysis of the Guildenburgh Lake has determined that the water is 500 times purer than the Government statistics for tap water and at least 100% purer than bottled water.

Mr Forster stated that the lake is an area of natural beauty and it does not deserve to be exposed to the risk of contamination and pollution from surface water drainage. He expressed the view that the technical content of the drainage strategy is flawed as the SUDS scheme only services the southern part of the development and surface water from the northern part would be discharged into the Guildenburgh lake untreated. He asked that if members are considering approval of the application, that the application be deferred until all parties have met for further discussions.

Members asked Mr Forster the following questions:

- Councillor Marks asked whether Mr Forster had raised his concerns with the previous owners concerning the discharge and was any legal action taken? Mr Forster stated that legal action could not be taken as his insurers were the same as the previous owners. He added that when his house was flooded, he could claim damages, but he was advised that no legal action could be taken. Councillor Marks asked whether that information relates to the early 1990's and Mr Forster stated that it did. Councillor Marks asked for clarification as to when the property flooded, and Mr Forster confirmed it was 1998.

Members received a presentation, in accordance with the public participation procedure, from Matt Collerson and Phil Brown, the Agent and Drainage Consultant for the application.

Matt Collerson stated that he is a Chartered Town Planner and Director of CC Town Planning and is speaking on behalf of Taylor Wimpey East Midlands who is the developer of the site. He stated that also speaking on behalf of Taylor Wimpey will be Phil Brown of JPP who will explain the drainage situation.

Mr Collerson stated he would like to highlight a few key points which he would like members to take into consideration in determining the application. He stated that he would like to highlight that this site was granted outline planning permission for up to 169 dwellings in 2019, subject to the approval of 4 reserved matters – appearance, landscaping, layout and scale - and the application relates solely to those reserved matters.

Mr Collerson stated that the site is allocated as a strategic housing site within the Fenland Local Plan and within the Council's latest monitoring report (Nov 2020) all dwellings are forecast to come forward within the next 5 years, as such this site is a key strategic site for the Council to maintain a 5 year housing land supply. He made the point that the number of dwellings has been reduced from the maximum permitted under the outline (169) to 158 dwellings comprising of 2, 3- and 4-bedroom homes and it was agreed at outline stage that there is no affordable housing requirement on this site.

Mr Collerson stated that the outline planning permission also secured Section 106 contributions towards education, as well as to the Wildlife Trust to provide improvements to the local Nature Reserve. He explained that concerns relating to matters such as highway impact, traffic congestion, lack of affordable housing and impact on local services have been raised by local residents and stated that these are all matters that were assessed as part of the outline planning permission.

Mr Collerson expressed the opinion that he has worked closely with officers over several months, making several revisions to the scheme to provide a layout that officers support and respond to consultees and local concerns. He added that the proposed dwellings are of a high quality design with a varied materials palette and together with the careful use of landscaping and boundary treatment, along with significant areas of open space and retained landscaping, will create a high quality living environment for future residents.

Mr Collerson stated that the scheme has been amended to provide a footway link from the site to the Charles Road area to the west, at the request of officer's to provide better connectivity and encouraging more sustainable transport options, with the applicant also agreeing to the payment of a financial contribution towards enhancing the footway link on the Council's land which will be secured through the Section 106 agreement. He stated that the concerns relating to surface water drainage will be outlined in more detail by Mr Brown and added that both the IDB and LLFA are satisfied with the proposed drainage strategy, with the drainage proposals having been prepared by an experienced and highly qualified engineer, independently assessed by Mr Brown as a drainage expert, independently assessed from a legal perspective as set out in the advice provided to officers and again have been accepted by the IDB and LLFA.

Mr Collerson stated that as set out in the committee report, the applicant has sought to address the owner of Gildenburgh Lakes concerns by proposing a scheme to monitor the quality of water at outfall source and this is considered by officers to be a pragmatic and effective way of monitoring water quality within the Lake. He stated that the scheme includes policy compliant levels of open space, along with the provision of play equipment and bird boxes, with the reserved matters submission having been accompanied by detailed landscaping plans and these have all been approved by the County Ecologist, Wildlife Trust, and the Council's Arboricultural Officer.

Mr Collerson stated that he understands the local concerns to this development, however, these have either been considered at outline stage or addressed through this submission as recognised by the fact that there are no technical objections and through the officer's recommendation. Mr Brown stated that he has a degree, with Honours, in Civil Engineering and is a Chartered Engineer and a Fellow of the Institution of Civil Engineering and a Fellow of the Chartered Institute of Highways and Transportation. He stated that his brief from Taylor Wimpey was to provide an independent opinion of the development with respect to storm water drainage and he added that it is his understanding that the consultees to the planning application, that include the IDB and Lead Local Flood Authority, do not object to the development or to the storm water strategy currently proposed and that the development complies with their requirements.

Mr Brown stated that he undertook a site visit on the 15 March with Taylor Wimpey and by reviewing the historic maps of the site, where the development site is shown as a field, and to the east the Gildenburgh Brickworks site has grown significantly to include rail links to the south, with the south eastern boundary of the site showing the current Taylor Wimpey site with the ditches that are there today showing a link between the quarry and a reservoir to the south east. He stated that the Taylor Wimpey site is currently undeveloped and no buildings or hardstanding of the former nursery remain and the drainage features to the south east corner are still in place and comprise the boundary ditches mentioned earlier and lagoon, which appear to be working as there is not flooding and draining occurring both to the south and to the east.

Mr Brown stated that, whilst the site visit was undertaken on a dry day, there was observed a small flow of water from the lagoon going south and east and having examined the topographical survey that was undertaken by MK Surveys in December 2018 it is clear that the outfall from the lagoon is both to the east and to the south, with ditch bed levels falling away from the lagoon, evidenced by a water flow observed on site. He added that these flows are not impeded to both Gildenburgh Water and to the pond to the south and the topographical survey does not extend to Gildenburgh Water or to this pond to the south.

Mr Brown expressed the view that the Terry Stafford drawings show an existing storm water pipe from the housing development off Bellmans Grove, immediately to the east of the Taylor Wimpey development and whilst the catchment details are not known, it is assumed to be the outfall from this housing development, with the outfall to the ditch to the north of the Lagoon at an invert level of 3.49m, lower than the recorded lagoon water level of 3.66m and lower than the bed level of the ditch between this outfall and the lagoon of 3.54m. He stated that the Taylor Wimpey design, produced by Terry Stafford, for Taylor Wimpey, shows the storm water for the development being collected from hardstanding areas and draining by gravity to the south of the site, to a SUDs Basin, with the SUDs basin predominantly a dry pond that has a flow restrictor, or flow control chamber, at the outlet.

Mr Brown expressed the opinion that the SUDs basin also provides a degree of treatment to improve the quality of the water leaving the development, which is achieved by allowing the water to flow across vegetated areas and into a sediment forebay just before final discharge offsite, with the sediment forebay giving the opportunity for suspended solids to drop out of the water during low flow conditions and with the right type of planting offering a final polishing of the water. He explained that the design further incorporates a significant amount of permeable block paving to all private drives and parking areas, which allows water to be collected and treated at source and properly constructed permeable paving can remove pollutants at source both by filtration and anaerobically and it also aids in the management of storm water flows as well, with all these drainage features designed to the normal standards expected.

Mr Brown expressed the view that following the historic drainage routes from 1926 it is clear that a drain linked the application site to what is now Gildenburgh Water and it is likely that the drain constructed was in response to the development of the brickworks to manage flows from what is now the Taylor Wimpey site. He believes the outfall points for the proposed Taylor Wimpey

development outfall to the same place as the previous nursery development, into the existing lagoon, and this in turn outfalls to the existing drains, with the proposed outfall level higher than the existing pond level, the Taylor Wimpey development does not change in anyway where the water flows at present or is likely since 1926.

Mr Brown expressed the view that the pond to the south appears to only have been in existence between 1958 and 1978 and looks to have been fed from the existing drain along the southern boundary and this pond was, therefore, never part of the original drainage system for the application site. He added that this pond has currently no outfall other than some infiltration at water level and, in his opinion, that as this is a later feature it cannot be relied upon as a viable outfall to replace the outfall to Gildenburgh Water.

Mr Brown expressed the view that the drainage design for the proposed development essentially matches the previous situation in that the existing lagoon receives the collected surface water and outfalls both to the south, to the pond, to the east and to Gildenburgh Water to the east. He stated that given the flow control measures that will be constructed, the Taylor Wimpey development will offer a degree of betterment with respect to storm water flow rates and best match green field run off rates and these will be less than the uncontrolled flow rates from the previous development.

Mr Brown expressed the opinion that the proposed Taylor Wimpey development offers well known and widely implemented techniques to improve water quality, certainly higher than the adjacent housing development to the east, and he would recommend to Taylor Wimpey that the planting in the SUDS basin and the sediment forebay are given careful design consideration to use planting that can offer the best enhancement to water quality.

Members asked Mr Collerson and Mr Brown the following questions.

- Councillor Cornwell asked Mr Collerson to clarify whether Fenland Officers have already agreed a proposal for the drainage on the site? Mr Collerson clarified that what he stated was that the application has been recommended for approval and the agreement is on that basis, but the final decision is for members to take.
- Councillor Meekins stated that he finds it strange that a plan has been submitted which shows surface water being drained into somebody else's property. He questioned whether this is a usual occurrence when developing sites? Mr Brown stated that where an established drainage outfall is in place, it already has drainage rights attached to it and, therefore, it is allowed if the connection already exists.
- Councillor Sutton asked Mr Brown to clarify what the ongoing maintenance regime will be for the SUDS area? Mr Brown stated that he would expect Taylor Wimpey to employ a maintenance company to look after the SUDS Basin in perpetuity including the grassed and planting areas. He added that the effectiveness of the SUDS basins relies on good maintenance.
- Councillor Marks asked Mr Brown whether he was aware of any paperwork or contract in existence with regards to the historic discharge of water in Guildenburgh? Mr Brown stated that there is a lot of documentation between the previous owners of the development and the Internal Drainage Board where rights have been established to allow those connections, but he is not aware of any formal agreement or contract in writing.
- Councillor Mrs Davis stated that Guildenburgh Water is a business, is run as a diving lake and she can appreciate the concerns of Mr Forster and she questioned what the difference in cost would be if an alternative solution was looked at? Mr Brown stated he did not know that information as that exercise had not been undertaken or costed by him. He added that there is an existing drainage network in place that works, the Taylor Wimpey development does not alter that network, it just connects to it and it still permits a flow to the east and south of Guildenburgh lake and the routes will not be blocked off, but will remain exactly the same as what is currently in place and what currently operates. He feels that the pollution control measures that will be put in place offer a higher degree of pollution control than what

is currently in place.

- Councillor Marks asked for clarity that no changes will be made including extra piping or larger pipes? Mr Brown stated that the pipe that links from the SUD station to the existing lagoon is set at a higher level than the current water level and there is no intention to drop the water level at all, with the only changes being to put some crossings in, but there are no other fundamental changes.
- Councillor Sutton stated that the amount of rainfall on that particular block of land will make no difference whether it is developed or not and the drainage through the soil, into any drainage, through the ditches, through into Guildenburgh Water will remain the same. He added that mitigation is in place in terms of the SUDs to give a mimicking of the natural drainage. Mr Brown stated that is correct.

Members asked officers the following questions:

- Councillor Murphy asked officers to confirm that a management company will be in place to look after the three open space play areas and asked whether the roadways will be wide enough to allow the refuse freighters access to service the properties? Gavin Taylor stated that the developer has been advised that they will need to secure a management company to maintain the open space. He added that the private roads are narrow, and, therefore, a bin collection point will be identified to allow our refuse team to access and manoeuvre and these arrangements have been agreed with the Council's Refuse and Recycling Manager. Councillor Murphy questioned why the collection points have not been identified on the map provided to members? Gavin Taylor stated the site development plan details the bin collection points at key areas adjacent to the adopted highway and is shown as grouped areas, which are pepper potted around the site.
- Councillor Mrs French asked the Highways Officer to clarify that if the application is approved are the roads going to be adopted and is there going to be a bond in place to ensure that this does happen? Alex Woolnough from the Highway Authority stated that he is currently in discussions with Taylor Wimpey regarding a Section 38 Agreement and added that they are keen for this to be entered into, which will include a bond to be in place.
- Councillor Marks asked whether the footpath could be constructed prior to commencement of the development, should approval be given, so it is not a rough access path on entry? Gavin Taylor stated that on the proposed condition 6 in the officer's report, it refers to the trigger for delivery of the footpath by Taylor Wimpey and sets out that it needs to be then secured until such time that the Council is ready to deliver their elements. He added that the footpath will not be useable until the Council have delivered their aspects of the development and the developer is proposing that they commence works at the north of the site and work their way down and, therefore, in the interim period would need to access services via the north. Councillor Marks asked whether the trigger period is determined by the number of houses built and Gavin Taylor stated that Condition 8 sets a trigger of 100 dwellings.
- Nick Harding stated that the grant of planning permission does not authorise a developer to undertake works that they are not allowed to do for other reasons. He added that the approval of a drainage scheme does not entitle a person to discharge their water into another person's land and into their facilities and it is not part of the planning application process to resolve issues of land ownership and drainage rights. Nick Harding added that with regard to the earlier comments made concerning the footpath link and concerns regarding anti-social behaviour and crime and disorder statistics, the officer's report states that the Police consultee was fully aware of the residents representations and they would have considered whether the development proposal would exacerbate crime and disorder in the area as a consequence of having the footpath link and the officer has concluded that the link would not be detrimental.

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

- Councillor Sutton stated that he noted from the update report the occurrences of crime and

anti-social behaviour from the 1 January 2019 in Bellman Road, Diana Close and Charles Road, and whilst he appreciates the concerns of the local residents, it appears that there is not the level of anti-social behaviour taking place that the residents have mentioned and it could be that there is a fear of crime, rather than crime taking place, with it being likely that the instances of crime are not being reported to the Police. Councillor Sutton stated that the application is a prime example of good planning and officers have worked exceptionally hard with the agent and should be congratulated. He stated that whilst he appreciates the concerns of residents, he will be supporting the officer's recommendation.

- Councillor Mrs French stated that the Council are working on a cycling, walking and mobility improvement strategy and within the strategy it will provide a high level intervention needed to create a consistent and connected network of cycling and walking routes in Fenland towns, which will enable residents to be able to link with places of education and employment. She added that this planning proposal will accord with the strategy and assist with issues of congestion on the local roads and make the roads safer. Councillor Mrs French added that the strategy encourages local people to commute to school, work, and college on foot or on bicycle, which is something that people are now wishing to embrace following the pandemic. She stated that she fully supports the application and is content with the comments made by the Highways Officer and added that the only concern she has is with regard to surface water discharge, which she hopes can be addressed. Councillor Mrs French stated that she appreciates the comments raised by Mr Stimson but agrees that the introduction of lighting will go some way to alleviate residents concerns.
- Councillor Benney stated that the drainage issues will need to be resolved prior to commencement of works. Whilst he appreciates the concerns of the residents, he feels that the residents may have a fear of instances of crime and by increasing the number of residents living in the locality, it will remove the tucked away feeling that the road currently has. Councillor Benney stated that he will be fully supporting the application.
- Councillor Mrs Davis stated that she wanted to congratulate the Planning Officers for the work and detail which has gone into the application. She added that the drainage issues are for others to resolve between them and she expressed the opinion that she can appreciate the concerns raised by the residents with regard to the footpath, however, the footpath will assist the children in the area for their route to school and added that steps are being taking to allay those concerns. Councillor Mrs Davis stated that CCTV could be considered by Taylor Wimpey going forward, but added that she will be fully supporting the application.
- Gavin Taylor stated that the applicant has proposed a financial contribution and added that the Council's transport have also indicated that there may be some alternative funding streams available and that work is ongoing.

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

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

(Councillor Cornwell took no part in the debate of voting on this item, due to loss of internet connection, and he left the meeting at this point and for the remainder of the meeting)

(Councillors Mrs Mayor and Councillor Miscandlon declared an interest, by virtue of the fact that they are both members of the Planning Committee at Whittlesey Town Council and were present when this item was discussed, and, therefore, took no part in the discussion or voting on this item)

P81/20

F/YR21/0022/VOC

SOUTH OF GOREFIELD HOUSE, CATTLE DYKE, GOREFIELD

VARIATION OF CONDITION 11 (1.8M FOOTWAY) OF PLANNING PERMISSION

F/YR14/0690/F (ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS WITH DOUBLE GARAGE) TO REQUIRE THE DELIVERY OF A FOOTWAY SOLELY TO

THE FRONTAGE OF THE DEVELOPMENT SITE

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the public participation procedure, from Peter Moules, the applicant.

Mr Moules stated that the design and specification of the full Condition 11 footpath, as produced in conjunction with Cambridgeshire Highways (LHA), has continually grown and the cost now stands at £124,000. He added that the requirement is no longer for just a footpath, but for a considerable road improvement to remedy the longstanding drainage issues along the frontage of other houses of 39-45 Cattle Dyke.

Mr Moules stated that throughout the current application process, he has focused on the viability issues created by this demanding specification for the existing Condition 11 footpath and he is confident that he has succeeded in demonstrating that the £124K cost of the works is too much for the site to bear. He stated that, his own planning and that of other developers, has shown that the site cannot produce an adequate developer return if the full footpath is constructed and added that this explains why it has proved impossible to deliver the site during the past six years.

Mr Moules expressed the view that the Developer Appraisal Tool (DAT) has also shown that the developer return is too low and the deficit shown by the DAT translates to a £10K net profit on a Gross Development Value (GDV) of £1.45m and this is clearly a non-starter. He added that the S106 Officer has suggested that a higher marketing price is used to increase the GDV to improve the situation, however, he disagrees with this approach and stated that he uses land registry out-turn prices valued for the last three months in accordance with the standard property valuation procedures used by surveyors and, in his opinion, the figures are much more accurate than Rightmove aspirational figures, which are invariably discounted.

Mr Moules added that in any event, even if the S106 Officer's GDV figures are used, the developer return would remain too low and the Council's own Local Plan Viability Assessment (LPVA) methodology used to inform the emerging Local Plan shows an inadequate developer return if applied to this site with the full Condition 11 footpath and, in his opinion, the raw figures are quite startling. He expressed the opinion that in all the crucial areas the costings fail to meet the viability criteria required for site delivery and his off-site costs are 18.8% of direct build costs, whereas the LPVA anticipates 5% for a small greenfield site growing to 15% for a large greenfield site requiring a significant road system and the footpath accounts for most of this excess.

Mr Moules expressed the view that the LPVA uses a 17.5% developer return for its study modelling and accepts 15-20% as reasonable, and if the LPVA pricing maximum for North West Fenland is applied to the site, with adherence to the rest of the methodology, the developer return is between 6-7%, which is way below LPVA and DAT assumed levels and, therefore, the site cannot be delivered without some sort of compromise. He added that he is keen to move on and develop the site, appreciating that the village wants an early completion.

Mr Moules expressed his understanding that there were no houses constructed in Gorefield in 2020 and if a compromise can be agreed then the site can be started immediately. He stated that he is prepared to accept the inevitably low developer return and in the best-case scenario it is likely to be around 11% if a compromise can be found over the footpath, but he cannot risk going ahead at a forecast return of 6-7% with the full footpath; the site would not generate enough funds to cover the forecast 5-8% construction inflation anticipated for subsequent re-investment in any future site and as a result, there is every chance that the development will remain undeliverable for another extended period.

Mr Moules expressed the view that with regard to what is a fair and reasonable infrastructure

charge for a small site, the National Planning Policy Framework (NPPF), S106 and CIL guidance all recognize that viability is the key to providing infrastructure and the third obligatory test of the NPPF is that infrastructure be fair and reasonable and in proportion to the size and scale of the site is not optional and the test must be passed. He stated that the undeniable figures show that the full footpath is 44% of the quoted land value, 18.8% of the direct build cost, 50% of the net profit and these ratios are prohibitive, with the equation only being rebalanced by reducing a significant part of the footpath, i.e. that part within the Village 30mph zone.

Mr Moules stated the road safety input has only emerged during this application and if there is a road safety issue, it already exists and has done for many years. He expressed the view that the issue is certainly not dependent on the development of this site and there are eight additional dwellings further south along Cattle Dyke that have no access to a footpath, nos 39 – 45, but the Highway Authority having defined the problem has never attempted to resolve it and the reduced footpath he is proposing will provide a level of improvement.

Members asked Mr Moules the following questions:

- Councillor Marks asked for clarity over the savings which will be made if the footpath is reduced? Mr Moules stated that if the footpath is 140 metres long it will be £124,000 and if it is reduced to 40 metres the pro rata cost will be £44,000.
- Councillor Marks asked whether number 45 Cattle Dyke falls within the 30mph zone? Mr Moules stated that the vehicle access to number 45 is in the 60mph, but the front part of the dwelling which is the pedestrian access is in 30mph zone.

Members asked officers the following questions:

- Councillor Mrs French asked Alex Woolnough, the Highways Officer, for his professional opinion on the application. Alex Woolnough stated that each application is looked at on its own merits, the development is within a walking catchment of village amenities and, therefore it is anticipated that the development will generate a number of pedestrian trips. He added that if the decision is taken to remove the link between the development footpath and the existing footpath, pedestrians will be forced to walk along the carriageway and, in his view, that proposes an unnecessary risk to highway safety and undermines the policy objectives as set out in LP13 and LP15 of the Local Plan.
- Councillor Miscandlon stated he recalls the original application and Highways were consulted at that time, with the developer putting forward the suggestion of paving it all the way along. Councillor Miscandlon expressed the opinion that highway safety is still an issue and, in his view, getting worse due to the speed vehicles travel at and he asked Alex Woolnough to clarify whether the proposal is a solution to a highways issue that has been generated by the traffic and the development proposal? Alex Woolnough stated that he agrees and as soon as pedestrians are forced to share the carriageway space with vehicles, it is, in his view, unacceptable, especially in times of darkness or poor visibility. He expressed the opinion that it is perfectly reasonable to expect a footway to be delivered as part of the development.
- Councillor Murphy asked Alex Woolnough to clarify that he is saying that anything the other side of the 30mph going into the 50mph zone is dangerous? Alex Woolnough stated that the principle of the 4 unit development, which is going to generate a number of pedestrian trips, and with a development of that nature, it is reasonable to secure a footway link that connects the development with the existing footpath arrangement within the settlement regardless of the speed of road that it sits on.
- Councillor Connor stated that in the officer's report it highlights that Gorfield Parish Council are in support of the application and have stated that at some time in the future they may be able to fund the extension of the footpath and, in his opinion, road safety is paramount in the view of the Parish Council. Alex Woolnough referred to the viability statement that Mr Moules had submitted and said that there is an alternative scheme available as an internal footpath that can be provided, which would avoid carrying out any works within the highway and this would reduce the footway link between the site and the existing footway that is on

Cattle Dyke.

- Councillor Murphy stated that he cannot see a Parish Council being able to fund a pathway at such a significant cost.

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

- Councillor Sutton stated that he has reviewed the history of the site, which show in 2011 three dwellings were approved and in 2014 four dwellings were approved, where a condition was added, which is why the application is before the committee. He expressed the view that he cannot support any proposal which effects highway safety and he will support the officer's recommendation.
- Councillor Miscandlon stated that if the application was built out in 2011, or 2014, it would not be back before the committee. He added that the developer was willing create the footpath in 2014 and since that time road conditions have deteriorated, adding that road safety is paramount, even if it means a developer gaining less profit. Councillor Miscandlon stated that he will be supporting the officer's recommendation.
- Councillor Mrs Davis stated she will also support the officer's recommendation and added that she finds it disappointing that developers agree to conditions to obtain planning permission and then state that they cannot afford it.
- Councillor Sutton stated that prior to December 2011, the plot would not have been worth very much, but in the present day each plot may be worth £100,000, and there are plenty of options available to the developer, who if they choose not to develop it further they could pass it on to another who would be prepared to include a pavement for safety reasons.

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

P82/20

F/YR20/0952/VOC

LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY
VARIATION OF CONDITIONS 10 (SURFACE WATER DRAINAGE) AND 11 (LIST
OF APPROVED DRAWINGS) RELATING TO PLANNING PERMISSION
F/YR17/1217/F (ERECTION OF 76 DWELLINGS COMPRISING 29 X 2-STOREY 4-
BED, 6 X 3-STOREY 4-BED, 29 X 2-STOREY 3-BED AND 2 X BLOCKS OF FLATS
(4 X 1-BED AND 8 X 2-BED) WITH ASSOCIATED GARAGES, PARKING, PLAY
AREA AND LANDSCAPING INVOLVING THE FORMATION OF A NEW ACCESS
ROAD

Alison Hoffman presented the report to members:

Members asked officer's the following questions:

- Councillor Murphy asked for clarity with regard to the refuse collection arrangements due to the revised scheme not highlighting the bin collection points on the site layout. Alison Hoffman stated that she has proposed an additional condition detailing the location of the bin collection points to be agreed in writing prior to any occupation of the site.
- Councillor Miscandlon referred to point 5.1 of the report, which refers to a brick-built bus shelter, and asked whether it would impact the visibility splay? Alison Hoffman stated that the bus shelter was in situ at the time the application was considered in 2017 and she added that the developer has a consent that requires the provision of the visibility splays and the onus will be on them to ensure that they gain the necessary approval to undertake the works required to deliver those splays. She stated that she raised the issue with the agent for the scheme and it was indicated that discussions were ongoing, however, that fact was refuted by the Parish Council. Alison Hoffman stated that if the scheme cannot be undertaken by delivering that matter then they will have to come back with an alternative proposal.
- David Rowen added that Condition 17 is proposed, which sets out the visibility splays that are required to make the access acceptable and the onus is on the developer to achieve

that. He added that if the bus shelter has to be removed in order for that to be achieved, planning permission does not automatically give a right for third party land to do that and an arrangement would have to be made with the Parish Council and also the bus providers, so that an adequate relocation of the shelter can be considered.

- Councillor Connor stated that he would like to see conditions added to the application to include a vehicle wheel wash to alleviate mud on the highway and a condition to be added to stipulate the working hours permitted when construction is taking place. Alison Hoffman stated that a construction management plan was included as part of the scheme and that was secured as part of the 2017 consent. David Rowen stated that given that the proposal is a variation of condition application it would be unreasonable to impose conditions that go above and beyond those that have already been imposed. He added that the Highway Authority and Police do have powers with regard to mud on the highway and he added that with regard to operating hours, the Environmental Health Team do have powers which could be used if it needs to address any issues which may arise.
- Councillor Miscandlon stated that the agent and developer must be made aware of their responsibility to ensure that the roads are kept clean during construction

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

- Councillor Sutton stated that he carried out a site visit to review the bus shelter issue and he measured 2.4 metres back from the edge of the kerb and at 2.4 metres, there is clear visibility down the road. He added that although it is not ideal, it can be done and the road curves off to the right going into the village, so there will be no visibility issue.
- Councillor Mrs Davis stated that she will support the officer's recommendation and added that with regards to the bus shelter, if required a new shelter would cost approximately £3,000 and she expressed the view that she is sure the developer would install one if required.
- Alison Hoffman stated that she has reviewed the agreed construction management plan and there is an element of it which concentrates on the delivery vehicles and states that wheel wash facilities will be on site. She added that there is also a review and monitoring process built into the management plan.

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

P83/20

F/YR20/1013/F

LAND NORTH OF MEADOWCROFT, SILT ROAD, MARCH

ERECT A BUILDING FOR STORAGE OF VEHICLES AND MACHINERY IN ASSOCIATION WITH GROUNDWORKING BUSINESS AND PERSONAL USE INCLUDING 1.4 METRE HIGH (APPROX) TIMBER GATES AND 1.2 METRE HIGH (APPROX) POST AND RAIL FENCING AND FORMATION OF HARDSTANDING AND 1.5 METRE HIGH (APPROX) GRASS BUNDING

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor John Clark, in support of the application.

Councillor Clark informed members that he has known the applicant's family for many years and they are a local March born and bred family, adding that he has no pecuniary or non-pecuniary interest with the application or with the applicant. He stated that Mr Purse is a ground worker and is looking for somewhere secure to store his plant equipment and machinery, with the first thing that will be implemented prior to construction of a property is the groundworks to add the services.

Councillor Clark stated that he knows the site very well, as it is in his Ward, and he has received no complaints about the site and does not anticipate any if the application is approved. He

expressed the view that when you start a new business, it is very difficult to find suitable and appropriate accommodation to store equipment.

Councillor Clark stated that opposite Silt Road at 107 Upwell Road, members may recall a historic groundworks business which was operated with no problems that he is aware of and that business has not operated for several years since the owner passed away. He stated that the application before members could be seen as a replacement and added that recently planning permission was given to a business to operate at Whitegates Corner, who operate machinery with no issues or concerns either. He asked the committee to support the application with local knowledge he has afforded them.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent.

Mr Bevens stated that members will note from the officer's report the area where the proposed storage building is situated goes back to 2016 and what has not been helpful is that previous applications have looked to change the land use. He added that the proposed storage shed is to be used as ancillary use for the applicant's recently extended and approved bungalow, known as Meadowcroft and the associated detached garage.

Mr Bevens stated that it is not intended that the storage shed will be used for any Class B use and it is certainly not his client's intention to use it for anything other than to create secure storage for his machinery associated with his ground working business and separate machinery accumulated from hobbies, including a vintage tractor, horse box, carts and straw and hay relating to their horse passion. He stated that his client looked long and hard for suitable sites in March and the surrounding areas where he relocate to and store his machinery without general nuisance and disturbance and this site fits that description and there were no other suitable properties or sites.

Mr Bevens expressed the view that the client has invested a large sum of money in the extensions and alterations to the former bungalow, known as Meadowcroft, following a successful decision in 2018 and the vast majority of the works have been completed with the triple garage block currently being completed on site. He explained that having reviewed the previous applications and looked at the reasons for previous refusals, he has prepared site section drawings to show that the building will not stand out in the landscape despite its modest height increase.

Mr Bevens expressed the opinion that the site is well screened from long views into the site by the railway embankment to the east and the existing trees screen on the north and eastern boundaries. He added that the building is only some 2.7m higher than the railway line with a grey roof to help blend in with the skyline, and whilst the bulk of the external cladding is proposed to be green to reflect the existing trees near the site, additional landscaping is proposed to the western boundary to help screen the site from Silt Road and with the combination of existing hedge planting, the triple garage and the existing dwelling at Meadowcroft, there will be very little view of the proposed storage building.

Mr Bevens stated that he disagrees with the officer's suggestion that the storage shed is an 'alien feature' in a tranquil rural setting and added that the site lies next to the main railway line to the east, which is due to be expanded with more train use and continued freight use. He explained that Fenland is well known for its agriculture and agricultural sheds located in the open countryside and this building was designed to be fit for purpose and not trying to disguise it.

Mr Bevens that there were earlier conversations with the Council about domesticating the building, which, in his view, would have been wrong and if the building is set some 42m from the nearest window of Medway Cottage and the height of the building is no higher than a typical

bungalow, he does not see how the scale has the potential to result in significant disturbance to the amenity of Medway Cottage. He added that the Town Council support the application and the application has been submitted with a large number of letters of support from nearby residents and only 1 letter of objection from the owner of Medway Cottage, who does not live at the address, but some distance away and to the best of his knowledge the current tenant has not raised any objections to the proposal.

Mr Bevens stated that the applicant is happy to have appropriately worded conditions on the application, regarding landscaping and use of the building, to provide comfort to members as appropriate and once again noting that the building is for the storage of vehicles and machinery associated with the applicants personal use and his business, which he does not run from the address.

Members asked Mr Bevens the following questions:

- Councillor Mrs Mayor stated that this is an area where there are similar buildings throughout the area, and she does not have any concerns with the proposal.
- Councillor Miscandlon stated that the committee approved a similar proposal on the bypass for the rose growers and that was against the officer's recommendation for refusal. He added that the building does not stick out and has blended into the countryside and is no different from any other farm buildings. Councillor Miscandlon stated that JCB equipment is very costly to replace and he would not like to see the applicant to suffer any loss. He added that he will support the application.
- Councillor Meekins asked Mr Bevens to clarify whether the application is going to be used for the applicant's business? Mr Bevens clarified that his client has ground working equipment, which are associated with his business, but there is not a business operating from the site and it is solely to be used for storage in a secure premise. Councillor Meekins asked whether the yard at the application site is already being used to store his equipment? Mr Bevens stated that there is already equipment on site and also equipment associated with the build of the garage and the recent extension to Meadowcroft and as far as he is aware there has only been the one letter of objection, which is the owner of Medway Cottage.
- Councillor Murphy asked for clarity with regard to the temporary mobile home and stated that permission was refused in 2017 and questioned why it was still there and whether it was being lived in? Mr Bevens stated that he cannot comment on the mobile home as he was unaware of its status.
- Nick Harding stated that Mr Bevens has stated that a business will not be operating from the site and has advised members that the description of the application proposal is incorrect, however, if there is storage of commercial groundworks equipment then there is the introduction of a commercial use into the location. He added that storage of plant machinery that is used for groundworks is a commercial use and the administration side of the operation can take place in the residential property next door. Nick Harding clarified that the application site does not have the benefit of domestic use on it so a change of use is also involved.
- Councillor Marks asked for clarity with regard to the storage of vintage tractors on site and added that if it was only personal possessions being stored on site and not equipment associated with the business, would it make a difference? Nick Harding stated that it would be irrelevant as Mr Bevens has made it clear that the site is for the use of plant and machinery for commercial use. Councillor Marks stated if the applicant chose only to store the personal equipment would it make a difference? Nick Harding stated that then an application would be required to construct the barn in question and undertake hard standings and if the use of the land and building was primarily associated with the residential use of the property next door, a residential use of the site would need to be applied for.

Members asked officers the following questions:

- Councillor Mrs French stated that it is her understanding that the vehicles have been on site for a few years. David Rowen stated that a great deal of the activity currently taking place on the site is unauthorised and does not have planning permission. He added that this is something that the Council's Enforcement Team has been aware of, however, due to the renovations that are taking place next door at Meadowcroft, it has been made serving a notice challenging due to trying to ascertain what equipment is needed for the works for the property and differentiating what equipment is there in a commercial basis. He added that once the works to Meadowcroft are completed, it will be easier to serve a precise Enforcement Notice which will be far clearer.

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

- Councillor Mrs French stated that, in her opinion, the site currently is an absolute mess and she is aware of the frequency of plant equipment being stolen. She feels that if approved the site would be cleaned up and there is the need to support local businesses.
- Councillor Marks stated that he concurs with Councillor Mrs French and added that new businesses are finding it very difficult to find secure premises. He added that he will be fully supporting the application.
- Councillor Benney stated that the applicant should be fully supported and he needs to look after his property. He added he does not feel it will be detrimental to the area and it will blend into the area.
- Councillor Mrs Davis stated that the applicant should be supported. The site is out of the way, will not interfere with anybody and she will support the proposal.
- Councillor Mrs Mayor stated that the equipment is expensive and needs to be kept safe and secure and she will be going against the officer's recommendation and will be supporting the application.
- Councillor Sutton stated that the application has been before the committee previously and on both occasions, he voted against the application. He added that he is now aware that another application for a barn in Coleseed Road was approved under delegated officer's powers and had he known that previously he may have voted differently. Councillor Sutton referred to another application, which has been approved out of the village of Manea and, therefore, he is now minded to approve the application against the officer's recommendation.
- David Rowen stated that the application before members does differ from that on Coleseed Road. He added that a great deal of what is already on site is unauthorised and if members were to give weight by granting planning permission to tidy up a site, it would set a dangerous precedent. David Rowen stated that although the appearance of the proposal is similar to a barn, its overall use is not and he referred members to LP3 of the Fenland Local Plan and added that he is not sure how the application fits with that element of the Local Plan. David Rowen referred to the issue of crime and stated that it is not uncommon for plant equipment to be stolen from building sites, however, a building in this location will not necessarily stop the issue of theft.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed 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 Mrs French, and Councillor Benney.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application does not adversely impact on the amenity of neighbouring properties, is not out of character with the open countryside and the proposal has also incorporated appropriate security measures to deter crime and be a safe environment.

(Councillor Purser 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)

Gavin Taylor presented the report to members.

David Rowen presented a written representation on behalf of Councillor Fred Yeulett, as follows:

As a local member for March East, I agree with the Town Council and support this application. In my opinion the reason for opposing the recommendation in Section 12.1 of the agenda item 8, are not valid. There have been many recent developments on both sides of Upwell Road. In addition, twice as many residents are in support of the application than those opposing the application and the Town Council support the application. On Saturday morning I walked from Elwyn Road to Upwell Park along Upwell Road. I counted 14 backland developments which were of recent construction. Some, such as Mills Gardens and Strawberry Way, of much the same size and scope as the proposed development. The existing settlement pattern is mentioned in 12.1. Precedents have already been set in allowing recent development in the existing settlements and this proposal should be granted permission. Additionally, FDC has consistently failed to meet its house building targets in recent years. Granting permission for this application will help towards meeting these targets and meeting much needed housing demand.

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

Mr Brand stated that there is only one reason given for the refusal of the application, which is that there is significant harm to the character of the area due to its incongruous location, but he feels that these are very subjective matters with no clearly defined rules, and often a matter of opinion. He added that before addressing this matter there is a second very important issue, that of consistency of committee decisions, with nine dwellings on a very similar backland site, further out of town, being approved by the Planning Committee, against officers' recommendations, in 2020 and officers appear to consider this application similar to that proposal and have been consistent in their recommendations and he expressed the opinion that the committee should consider consistency.

Mr Brand expressed the view that the proposal is a very similar backland location to the approved nearby scheme and the application site has far less impact on the character of the area, as the 9 dwelling site is very visible as you enter March along Upwell Road. He added that the application site has very little impact on the appearance of Upwell Road as it is screened from view by existing dwellings.

Mr Brand made the point that Policy LP16 of the Local Plan states that schemes should "not adversely impact on the street scene, settlement pattern or the landscape character of the surrounding area" and, in his view, this application has no adverse impact on the street scene or settlement pattern. He stated that regarding other issues raised by officers about the character of the area, in their recommended reason for refusal they state protection of high quality environment and he added that Upwell Road is a nice enough area, but, in his opinion, should not be considered a high quality environment.

Mr Brand referred to officer's stating that the scheme does not respond to the existing linear settlement pattern and, therefore, represents urban sprawl into the open countryside, but, in his view, this scheme is compact, out of sight and not urban sprawl, and whilst Upwell Road in this area could easily be considered urban sprawl, the scheme should not, and does not, reflect or add to this. He added that the officer's report mentions the appeal on a scheme in the same area as

the proposal, which was also given as a reason to refuse the 9 approved dwellings, but was obviously not considered by the committee to justify refusal.

Mr Brand expressed the opinion that officers have no objection, in principle, to this application, which provides much needed, good quality housing in a sustainable location, with there being no evidence to support the one reason for recommending refusal, character of the area, and he feels there is much evidence, which he has summarised, to show there is no adverse impact on the area and approval of the application would be consistent with the recently approved similar scheme.

Members asked Mr Brand the following questions:

- Councillor Sutton stated that Mr Brand has highlighted that there is no evidence to support the officer's recommendation, however, that is not quite true as there is an appeal decision. Mr Brand stated that he was referring to the approved scheme of 9 dwellings at Upwell Park, which is very similar and was determined by the Planning Committee last year, and officers at that time said the same thing which was because of an appeal decision, it should be refused, but the committee went against the officer's recommendation at that time and it was approved. Councillor Sutton stated that there is a difference in quoting an Inspectors decision for refusal on this site.

Members asked officer's the following questions:

- Councillor Mrs Davis referred members to agenda item 6, which was an earlier application determined at the meeting and expressed the view that this proposal is not dissimilar to it, and asked officers to clarify the difference between the two proposals. Gavin Taylor stated that each case is to be determined on its own merits and stated that agenda item 6 is in an entirely different settlement and added that the Council has approved backland schemes in the past and there is no policy as the National Planning Policy Framework (NPPF) suggests that officers should consider to rule out backland or garden land developments. Gavin Taylor stated that an application will be determined by officers on the merits of the case and a scheme for 70 houses would provide significant benefits to a parish and the district in terms of housing delivery and stated that a scheme of 76 dwellings is not comparable to a scheme of 6. He stated that there is a planning history on the proposal site and the history has been determined under the NPPF and the current development plan and the appeal decision supported the Council's decision. Gavin Taylor added that there are schemes around the area which are backland development and they will all have their own anomalies and considerations, but, in his opinion, the scheme at agenda item 6 is not comparable with the proposal before members.
- David Rowen stated that the location plan on page 66 of the agenda pack does not show that to the east of the site there is an existing in-depth development of School Close and Whites Drive, off Churchfield Way. He added that the reasoning behind the Wisbech St Mary scheme was that there had already been the expansion of development into the countryside with significant housing development. He added that there are significant differences between the sites and the planning history, and he reiterated that there is also a recent appeal decision, which is a significant material consideration.
- Councillor Miscandlon stated that he recalls the Wisbech St Mary application and stated that at the time it was felt that it enhanced and was a great benefit to the area.
- Councillor Purser stated that he does not have an issue with the application and added that there are several fields to the rear of the proposal site, where wildlife is being encouraged and he is aware that local residents would like to see a fence erected to protect and contain it.
- Nick Harding stated that members should be aware that the appeal decision is special, due to the fact that at the time of the Inspector looking at the case, the Council did not have a 5 year land supply and, therefore, the significance of that is known as the tilted balance. He added that the Inspector was giving more weight to the fact that planning permission should be granted in their consideration of the scheme, but the tilted balance was in play in favour of granting planning permission, the Inspector still made the decision to refuse planning permission.
- Gavin Taylor stated that, at the previous appeal decision, the Inspector had stated that allowing the appeal would leave two narrow strips on either side of the appeal site which could

potentially be considered as infill sites and the Inspector had stated that by allowing the appeal would make further applications for development on those adjoining fields difficult for the Council to resist.

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

- Councillor Benney stated that he cannot see anything wrong with the application and development cannot keep taking place in towns and more space is needed to move out to. He added that there is the demand for housing, the housing market is buoyant, and the delivery of houses is needed. Councillor Benney stated that he agrees with the comments made by Councillor Mrs Davis regarding the similarities of the scheme in Wisbech St Mary, albeit a different size and scale. He stated that there is plenty of land to build on and homes are needed for people to live in and six houses will give six homes which are much needed, and he will support the application.
- Councillor Mrs French stated that the application was refused on appeal in 2017 and much has changed since that time. She added that in 2019, nine dwellings were approved by Planning Committee and she stated that she would agree with officers if the proposal was past Upwell Park and added that there has been no infill policy in place since 2009. Councillor Mrs French referred to the statement from Councillor Yeulett where he had mentioned the amount of backland development and she added that under delegated authority, officers have approved many applications.
- Councillor Sutton referred to the Inspectors appeal decision which even when presumption was in favour, the Inspector still felt that the committee had made the right decision. He expressed the view that officers have made the correct decision again and following a very strong steer from the Inspector, in his view, that needs to be respected.
- Councillor Miscandlon drew members attention to the fact that the application does not accord to various parts of the NPPF and the Fenland Local Plan. He added that although the refusal was in 2017, the appeal was refused in 2018, which is a lot later than people think. He added that Councillor Sutton is correct as there was not a 5 year land supply at that time and the appeal on the Inspectors advice was that the properties should not be built and he will be supporting the officers recommendation to refuse the application.
- Councillor Benney stated that he appreciates the officer's comments concerning the appeal decision, but each application is treated on its own merits. He expressed the view that the Inspectors decisions are not consistent, and he added that the application will provide 6 much needed homes and he will support the application.
- Gavin Taylor stated that there is a 5-year housing land supply in place, and whilst the housing delivery test has not quite been met there is not a significant gap before the tilted balance would apply. He added that with regard to the comment concerning the changes that have taken place since the last decision, the characteristics of the site and its surroundings, the lack of change to the development plan policies and the fact that the latest appeal decision was made under the latest NPPF, the conclusion is that there has not been much change apart from the 9 dwelling scheme that was proposed. Gavin Taylor referred to some of the NPPF policies that Councillor Miscandlon had alluded to and stated that some of the policies he had highlighted referred to flood risk and adverse impacts on biodiversity and added that whilst they are not recommended reasons for refusal by officers, if they are matters of concern, then they would need to be expanded on if they were to form part of any refusal reasons.
- David Rowen referred to the statement from Councillor Yeulett, which had made reference to backland development in Strawberry Gardens and Mill Way, which are both located towards the town centre in areas where there is in-depth development and are not in the back of linear development or encroaching out into the open countryside. David Rowen stated that with regard to the appeal decision in 2018, the significant material consideration for members to consider when determining the application is the appeal decision before them and he reiterated the importance of the decision made by the Inspector. He added that if the application was refused by members and resulted in the submission of a further appeal, any future Inspector would refer in the first instance to the findings of any previous

appeal decision.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor 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 Benney, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation with delegated authority to be given to officers to impose appropriate conditions.

Members did not support the refusal of planning permission as they felt, whilst acknowledging the Appeal Decision, that each application is judged on its own merits, under LP16 of the Local Plan there is a requirement to deliver good quality housing, which members feel this proposal is, the application will be a good quality environment in which families can live and grow and the proposal will not bring demonstrable harm to the countryside by the building of six houses.

5.30 pm

Chairman

PLANNING COMMITTEE

WEDNESDAY, 21 APRIL 2021 - 1.00 PM



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

APOLOGIES: Councillor C Marks and Councillor R Skoulding,

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jo Goodrum (Member Services & Governance Officer) and Jennifer Seaman (Sernior Development Management Officer)

P85/20 **PREVIOUS MINUTES**

The minutes of the meeting of the 17 March were agreed as an accurate record.

P86/20 **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,**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Weetman from the Chatteris Past, Present and Future Society in objection to the proposal.

Mr Weetman expressed the view that the applicant's Heritage Consultant, Mr Donoyou, may have inadvertently misled this committee in December when he told members 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", but he is perplexed as to why such a description does not appear in Mr Donoyou's historic building analysis, written in 2018 and re-submitted in support of this application on 30th March, and he stated that the very detailed, eleven-page report didn't refer to the building's use as a poultry house or to ventilation shafts. He stated that in his society's initial response to the application, he provided copies of advertisements for the sale of Fortrey house and he added that these clearly describe the building as a coach house, with stables and a two-storey granary. He added that those adverts date from 1894 and 1946 and neither mention the building's use as a poultry shed and added that Members should be very clear that this is a Grade II Listed Coach House that is of vital significance to the main heritage asset at 22 London Road and that no evidence has been found, that it was ever used as a poultry house.

Mr Weetman stated that in Mr Donoyou's 2018 report, it refers to the barrel-vaulted ceilings as an "impressive" and "striking architectural feature" of the coach house and added that it goes on to say that a "barrel-vaulted ceiling in a late 19th century utilitarian structure is both an unusual and notable feature of this curtilage building" and he questioned as to whether Mr Donoyou was wrong

in 2018 or is he wrong now? He stated that the applicant has repeatedly implied that Historic England has no objections to the demolition of the building and its opinion is a gross mischaracterisation of Historic England's responses, which say that while the building falls outside of its prioritisation criteria for casework and he added that Historic England say that the Council should defer to the advice of its Conservation Officer.

Mr Weetman stated that the Council's Conservation Officer has clearly laid out important reasons as to why the application should not be granted if the Council wishes to make a decision that is consistent with its legal obligation in accordance with the Fenland Adopted Local Plan and the National Planning Policy Framework, as well as the Council's legal duty to protect listed buildings. He expressed the opinion that if the Council wishes to make a decision that does not comply with the Council's Local Plan and the National Planning Policy Framework, councillors are clearly leaving the Council vulnerable to a judicial review by one of the four national societies that have strongly opposed this application to demolish part of Chatteris' heritage and further diminish its "at risk" Conservation Area.

Mr Weetman stated that he does not intend to fully re-hash the planning points raised by the Conservation Officer and the advice provided by the Planning Officer, except to remind councillors that the application must meet all four of the criteria set out in Paragraph 195 of the National Planning Policy Framework. He added that if any one of these criteria has not been met, the application must not be granted and, in his view, it is hugely doubtful that the applicant has provided sufficient evidence that they have met any of these criteria at all, let alone each and every one of them.

Mr Weetman explained that, in particular, one of the criteria says that it must not be possible to save the building through marketing of the property, but a neighbouring resident has made an offer to purchase the building for use as an art studio and educational facility and this would result in significantly greater public benefit than a single dwelling. He stated that the applicant provides no evidence that they have fully explored this opportunity, so the applicant has already failed the test set out in the National Planning Policy Framework and has also failed to sufficiently explore the non-residential uses for the building, and the efforts to find charitable funding seem half-hearted at best.

Mr Weetman stated that the Conservation Officer, and the Planning Officer's report, both outline exact reasons why each and every one of the other tests in the National Planning Policy Framework have not been met, and, in his opinion, granting the application would be a clear breach of the Council's legal obligations and it may also be a breach of the Members Code of Conduct, since there has been no significant change in the circumstances of this property since Fenland District Council refused a 3-bed conversion at the site due to the damage it would cause to a designated heritage asset. He explained that the Council's Planning Code of Conduct is clear that approving such a follow-up application may be an indication of, in the words of the Code of Conduct, "perversity and maladministration" in the planning process and stated that the fact that the previous application was not determined by this committee does not seem to be a mitigating factor in this regard.

Mr Weetman stated that he would like to point out that there has been an alternative option available to the applicant throughout this process, whereby the developer could have asked Historic England, for a relatively small fee, to consider de-listing the coach house at 22 London Road or to modify the listing to explicitly exclude the coach house and if the coach house is as insignificant as the applicant claims, this process would have been concluded within 12 weeks. He stated that if the applicant had taken this action when I suggested it at the December meeting, the process would have been concluded by now.

Mr Weetman explained that given that this would have been a much quicker process, and given that it would have avoided asking councillors to contemplate ignoring countless planning policies

and breaking the law in the process, members must surely wonder why the applicant hasn't decided to do this? He expressed the view that the applicant has not tried to de-list the coach house, because it is in fact historically significant and instead of doing the right thing, the applicant is forcing members into an untenable position and members shouldn't allow it.

Members received a presentation in accordance with the public participation procedure, from Kate Wood, the Agent and Richard Donoyou, the Heritage Consultant.

Kate Wood stated that Richard Donoyou would present on behalf of them both and she would answer any questions that members may have. Mr Donoyou referred to the presentation screen which showed a slide of the existing street scene and then a further slide of the conversion street scene and stated that, when the application was previously refused, one of the main reasons cited for refusal was that the view of the Council's planning officers was that the proposal would have a negative impact on the relationship of the conversion to the existing house and the street scene in general and it was said to be not in the public interest. He stated that the application was accompanied with a financial analysis of the conversion scheme cost and the market value and the scheme would not make any profit which he accepted in 2019, and since that time an independent viability assessment has been carried out, which has been reviewed by a Fenland Senior Planning Officer.

Mr Donoyou added that if consideration is given to the preference suggested by the Council's Conservation Officer, which is for a one bedroomed unit, a development of such a type would result in a loss of over £100,000. He stated that it is pleasing to note that members of the committee have had the opportunity to carry out a site inspection and he referred to a speaker from Save Britain's Heritage, who spoke at the meeting in December, who had made reference to a possible judicial review if the application was approved and when questioned by members he had admitted that he had never visited Chatteris, but still felt empowered to make a threat of a judicial review.

Mr Donoyou stated that after four months, Save Britain's Heritage have still not inspected the building or visited Chatteris and, in his view, it should be noted that anybody can seek a judicial review on any decision made by a Local Authority, including the applicant. He referred to the point that had been made with regard to the demolition of a third of the listed building at 22 London Road, but having looked through the officers reports and in coming to that decision, there is no mention of judicial review, even though the building is specifically listed and queried whether there has been any threat of legal proceedings from any party, following that decision.

Mr Donoyou stated that he has considered the legal position of the application in relation to the four tests that had been outlined following the December meeting and made the point that the building was offered to Cambridgeshire Historic Buildings Trust and they had responded by stating that the Coach House had insufficient architectural merit for them to be really interested in it and the requirement for a one bedroomed unit even at a nominal cost, would in their opinion, not be financially favourable and, therefore, declined all interest. He stated that he has been made aware that a local resident has offered to purchase the building, but he reputed that fact and added that the owner of the building has never been contacted and neither has his agent and he added that to bring the building into a usable condition would cost in the region of £100,000.

Mr Donoyou expressed the opinion that enough has been done to fulfil the four tests as detailed in paragraph 195 and added that the reason that there has been no progress with the building is due to the constrictive requirements of the Conservation Officer. He added that an application was submitted to convert a building which was refused and stated that the objective is to work together to provide a scheme which will work and allow the renovation of a Listed Building at number 22 and to enhance a derelict site in the Chatteris Conservation Area.

Mr Donoyou added that it is in everyone's interest to overcome the issue of unused buildings and

asked the committee to consider the scheme carefully and referred them to the presentation screen to view a further slide. He stated that if the committee feel that they cannot approve the proposal he asked them to consider the submitted conversion scheme and advise him further with regard to the possible resubmission of the scheme.

Members asked Mr Donoyou and Miss Wood the following questions:

- Councillor Miscandlon asked for clarity with regard to when they were made aware of the legal position and the requirements concerning the maintenance of the Listed Building to bring it back into use? Miss Wood stated that the owner knew of the legalities when he purchased the building and Mr Donoyou confirmed that the purchase took place in 2018. Councillor Miscandlon stated that due to the timescales the building has deteriorated over three years and Mr Donoyou stated that the building is regularly photographed, and, in his opinion, there has not been a significant deterioration of the building.
- Councillor Mrs Davis asked whether any attempts have been made to get the building delisted? Miss Wood stated a building cannot be delisted if it is not on the list. She added that if attempts were made to delist the building in this case, then number 22 would also have to be delisted, which is a Listed Building that is valued and that advice was provided by Historic England.
- Councillor Cornwell asked for clarity with regard to the ownership of the building from 2018 and asked what protective measures have been put in place for the building since that time? Mr Donoyou stated that the building and site have been made secure and as a result of that there has been no vandalism or unauthorised entry and remains in a similar state, since when it was purchased. Councillor Cornwell questioned that the holes in the roof, the slipped slates and the poor condition of the staircase are in exactly the same condition, without any deterioration due to weather since 2018? Mr Donoyou confirmed that the staircase was unusable in 2018 and the Council's Conservation Officer has stated that the upper floor of the granary section was not inspected due to the condition of the staircase. Councillor Cornwell asked for clarity with regard to the roof and Mr Donoyou stated that the roof has not been raised as an issue by the planning officers and they have not insisted on adding an Urgent Works Notice to a Listed Building. Councillor Cornwell expressed the view that if the building had been maintained better over the last three years, it may now be in a better state of repair for any conversion. Miss Wood stated that in 2018/2109, the application was for a conversion and it was always in the owners interest to maintain the building to facilitate the conversion and to keep the costs to a minimum in order to provide the conversion works, but since that time the application has been refused and an alternative has been looked at with regard to demolishing and replacing the building, but if the proposal is refused, then consideration will have to be given to turning the site into a three bedroomed dwelling as per the previous proposal and now that more information is available in terms of the viability assessment which brings forward a change in circumstances since the previous refusal. She added that it is not in anybody's interest to let the building fall into disrepair.
- Councillor Meekins referred to Mr Donoyou stating that the reason that the application was refused in 2019 was to do with the appearance of the building, however, he thought that it was due to the extensions that were being applied for. Mr Donoyou stated there were a number of reasons for the refusal and made the point that there was a proposal of a small rear extension and officers had advised at one point that the proposal would be acceptable, but then it was added as a reason for refusal, with the reasons for refusal including the relationship of the conversion scheme and the small extension with the Listed Building and the impact of the Listed Building on the street scene. He added that the illustration provided is a true and honest reflection and most people they would not have been aware that from the street scene point of view that the building had changed in any way at all and, therefore, he was surprised to hear that the conversion scheme was deemed to be not in the public interest and compromised its relationship with the listed building. Mr Donoyou added that the building cannot be converted and make a large financial loss at the same time, with the development for renovation and conversion of the coach house needing to be financially at

a break-even position and the conversion scheme has to be one which will not make a financial loss.

- Councillor Benney stated that the presentation appears to bring forward a conversion scheme and he asked whether, if the proposal was not approved, would a conversion scheme be something he would like to consider? Mr Donoyou stated that the site was purchased with the intention of a development within the yard and the conversion of the Listed Building and the Coach House, but it appears that he is unable to produce a scheme which satisfies the planning officers requirements and at least to break even financially, hence, the proposal before members today. Mr Donoyou added that if the committee could advise him to submit a conversion scheme, then he will be happy to work with the planning officers in order to submit an application and for the economics of the scheme to be independently examined. He stated that the Coach House will not make as a conversion any profit at all and will only form part of the development.
- Councillor Murphy questioned whether it would be possible for the application to be deferred in order for a conversion scheme to be submitted? Nick Harding stated that would not be feasible as it would be a fundamental different proposal to the one that is before the committee.

Members asked officer's the following questions:

- Councillor Cornwell asked Nick Harding to provide the committee with advice on how to determine the application. Nick Harding stated that the committee cannot indicate that it would go onto approve a subsequent application for a conversion scheme as the detail of the conversion scheme is not yet known. He added that any further application received will be reviewed in conjunction with the Council's adopted planning policies and any other national guidance available. Nick Harding added that with regard to the 2019 application, that was refused for the conversion, it did include some alterations to the roof of the building as well as the rear extensions, so it was not a simple scheme, which, in his view, influenced the reasons for refusal. He added that the applicant could resubmit the previously rejected scheme or alternatively the applicant could enter into pre application discussions with officers to reach a suitable conversion scheme that meets both requirements of the applicant and would also accord with the appropriateness of a listed building.
- Councillor Benney asked whether it is possible that the Coach House could be delisted or is it something that just will not happen? Nick Harding stated that the full criteria, which is identified in the National Planning Policy Framework has no reference to the question of delisting or not, because they are there on the basis that the property in question is Listed and therefore the issue of delisting is a separate matter. He added that application to delist would involve both properties and he is not in a position to prejudge any conclusion that would be drawn by Historic England. Claire Fidler, the Conservation Officer, added that Miss Wood is correct in what she has stated with regard to the fact that the Coach House cannot be delisted by itself, but the applicant could apply to Historic England and ask them to clarify the listing of number 22, with the potential result that Historic England and the Secretary of State would deem that the Coach House was not of significance to the principal dwelling, so that the listing would then be clarified.
- Councillor Meekins stated that it is his understanding that if the application were approved the committee would be breaking the law by approving demolition of a Listed Building and if that is the case, does each committee member deem themselves liable. The Legal Officer, Chris Gordon, stated that by granting planning permission you would not be breaking the law, however, it would not look favourably on the Council. Nick Harding stated that should there be a legal challenge to any planning permission granted then individual members of the Planning Committee would not be liable, it would be a corporate decision that was made and if the challenge was accepted by the judge the outcome would be that the consent approved by the Council is quashed and then it would come back to Planning Committee for redetermination. He added that the judgement from the court would identify from what areas in the law the committee had gone awry in and the purpose for reconsidering the applications would be taken in a way that addresses the short comings of the original

decision made.

- Councillor Mrs Davis asked for clarification with regard to the delisting point. Claire Fidler stated that somebody could apply to Historic England for clarification on the listing as it stands and then Inspectors might determine that the Coach House does or does not contribute to the significance of the principal dwelling, and then exclude it from its curtilage, however, it would still be within the setting of the Listed Building and an application would need to be considered for demolition against section 16 and 66 of the law in terms of how the demolition would affect the setting and, therefore, the significance of the principle dwelling.

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

- Councillor Cornwell stated that a solution needs to be reached, so that the building can be protected, and the Council fulfils its duty under legislation. He added that, in his opinion, it would be better that the application be refused in accordance with the officer's recommendations, but with the expectation that negotiations between the applicant and officers takes place so that the site is developed with the retention of the Coach House and its conversion and protection for the future.
- Councillor Benney stated that his concern is that a blot will be left on the landscape. He added that, in his opinion, the site should have been included when the six bungalows were developed, but the proposal cannot be passed in its present form, but neither does he want to refuse the proposal. Councillor Benney stated that Mr Donoyou appears to be considering resubmitting the original plan for a conversion and questioned whether the proposal could be deferred to give the applicant the opportunity to investigate the options available to him. He stated that a one bedroomed property on the site is not viable and it could remain empty for years and he emphasised that he wants to see a positive outcome on the site. Councillor Benney stated that the applicant should be given the opportunity to investigate the possibilities of delisting the building and if that is not possible then he could withdraw the application and there would not be a refusal on site and a new scheme could be submitted by working with officers.
- Councillor Miscandlon stated that it is not in the developer's interest to leave a derelict building at the front of his prestigious site that is being developed. He expressed the opinion that the application should be refused so that the developer can reconsider the options and come back with a positive application.
- Councillor Murphy stated that he agrees with the comments raised by Councillor Cornwell and Councillor Benney. He queried that should the applicant come back again with another application would he be charged? Councillor Murphy expressed the opinion that Listed Buildings and archaeological buildings need to be reviewed regularly, so that there is an awareness of them, their condition and the significance of them.
- Councillor Connor stated that a compromise does need to be reached and stated that the developer should be allowed to investigate the delisting possibilities and if this cannot be achieved, then he should be encouraged to work with officers to bring the site to a satisfactory conclusion.
- Councillor Mrs Davis questioned whether the committee could request that the application be withdrawn in order to allow the applicant to resubmit a further proposal without incurring costs? Nick Harding stated that the committee does not have the ability to give the applicant a zero fee application as the fees are prescribed in the legislation. He stated that with regard to the comments made by members concerning a further deferment of the application, he would advise the committee against that, due to the fact that if the delisting exercise is not successful then the situation will still be the same as the development proposal still does not meet all the criteria as set out in the National Planning Policy Framework. He added that if the delisting exercise is successful, the applicant can always decide if the committee were to refuse the application, to withdraw the application before the decision notice is issued and the applicant would not then have a notice to show that their application was refused.
- Councillor Mrs French stated that in 2015, the building was placed on the at-risk register by

the Council. She made the point that six years have now passed and she questioned why the Conservation Officer is not looking at buildings at risk.

- Nick Harding stated that the responsibility of the maintenance of the buildings lays with the owner.

F/YR20/0585/F

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

F/YR20/0586/LB

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

(Councillor Sutton stated that he would take no part in this item as in his opinion he felt he was predetermined)

P87/20

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

David Rowen presented the item to members:

Members asked officers the following questions:

- Councillor Murphy asked for clarity over the opening hours of the premises and David Rowen stated that if members were to approve the application, then delegated authority could be given to officers to clarify the point.

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

- Councillor Sutton stated that, in his opinion, it is good to see an extra service coming into a village rather than being withdrawn.
- Councillor Meekins stated that he agrees that there are too many facilities being withdrawn from villages and he welcomes the proposal, which will enhance the village of Parson Drive.
- Councillor Miscandlon stated that the take away food premises do serve healthy food options and should there be a cause for concern in the future then steps can be taken to look into this further.
- Councillor Cornwell stated that it is important that the rural villages receive the services they need and remain viable. He added that any provisions of food and routes to school, he would like to see form part of the new Fenland Local Plan.

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

P88/20

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)

Jennifer Seaman presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Jane Eyeington, in objection to the application.

Ms Eyeington stated that that whilst she fully understands the need for 'green energy', this should not be at the expense of everything else, including the environment that has been here thousands of years. She added that she would like to raise concerns with regard to all ecological effects having been investigated in depth, including the effect on bats, and, in her view, sufficient surveys have not yet been carried out as required under the law, to avoid harm to the bats, which, in her belief, should be done before planning permission is granted.

Ms Eyeington expressed the opinion that the Anaerobic Digester (AD) plant is not in keeping with the Fenland environment and is spoiling the outlook of the countryside. She added that the original planning application, was for a larger plant and this was rejected, and questioned whether planning laws have changed and asked whether it was felt acceptable to increase the size of the current AD plant, with any increase making a bigger impact and an eyesore even worse.

Ms Eyeington added that the original AD plant was supposed to provide planting to landscape the border, providing cover and this was to be maintained, which has not been done and, therefore, not providing the screening required in the original planning consent. She added that even since raising this point, nothing has been done to rectify the problem and expressed the view that this does not bode well for installation and maintenance of the new boundary planting for the extension.

Ms Eyeington highlighted that the screening proposed must be of a mature planting, with evergreen included, otherwise the plant is fully exposed for 6 months of the year and stated that it must also ensure it is fully maintained. She stated that the lighting on the existing and new proposed extension is, in her view, excessive and whilst she understands the need for security, the plant is manned 24/7, with a multitude of CCTV cameras and questioned the need for so many lights. She added that the revised lighting plan, puts in more lights, not less, and the height is still 18 ft and the excessive lights around the plant is causing lighting pollution, having a detrimental effect on the environment and wildlife.

Ms Eyeington stated that there has been no LUX report on the intensity of the lighting, which affects all wildlife and bats, which should be undertaken before permission is granted not after. She added that she understands that the new extension to the plant will be using mainly straw and highlighted that straw is already used by the existing plant, and the waste left over from the site is dumped on the field next to her property, which she stated will only increase with the extension.

Ms Eyeington stated that the AD plant seem to take no responsibility for this waste as it is on the associated farmers land and she added that she has been advised that this waste would be removed within 3 months, and it has not happened, as it is still there. She stated that the A142 is a busy single carriage way road, which the plant uses for access and, in her opinion, any increase in traffic, especially slow tractors and heavy good vehicles, will cause the whole local area problems.

Ms Eyeington explained that she has had very large vehicles turning up at her door, intended for the plant, which has caused inconvenience for her family as they then need to open her gates to allow them onto her paddock to turn around and, therefore, signage is needed so there is no access via her track, and better information given to delivery drivers so this does not happen.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Steve Ripley, the applicant.

Mr Ripley explained that the AD plant will produce transport fuels and will produce bio methane, which will be certified green methane. He added that going forward, he will be using straw at the

plant, which is a residue from the production of wheat and the straw will have a high concentration of energy in it and its digestibility is lower.

Mr Ripley stated that the process will use heat, biology, and enzymes in an anaerobic environment to fully digest and the process has to be thinned down considerably by using processed water. He added that the technology used will be a leading example of renewables and once produced the bio gas will be separated from the bio methane in order to capture the carbon dioxide, which will then be chilled to turn it into a liquid and then that will be sent to the food and beverage sector.

Mr Ripley stated that there will be the need to employ additional people and explained that the project will ensure a reduction in emissions by using residues and capturing the CO₂, which does not become carbon neutral, it becomes carbon negative and is a massive step forward.

Members asked Mr Ripley the following questions.

- Councillor Cornwell asked Mr Ripley to clarify whether it is new technology which is being introduced at the site? Mr Ripley stated that it is not new, but it is refined and specific to the nature of the work being carried out at the plant. He added a great deal of research development has been carried out and it is all to do with pre-treatment of the raw materials which is assisted with enzymes designed to assist with the nature of the biomass. Councillor Cornwell stated that the plant is using a waste product rather than a prime product which is being used on the original site. Mr Ripley stated that the product being used is a residue and it is consistent product and in plentiful supply. He added the product when broken down will release carbon back into the atmosphere. Councillor Cornwell asked whether there will be an odour from the new processing system? Mr Ripley stated that maize is approximately 30% dry matter and having been preserved and fermented there will quite a sweet smell omitted from it, whereas straw is approximately 90% dry matter and is basically odourless. Councillor Cornwell asked for clarity that the waste is going to be transferred into pellets? Mr Ripley stated that it is pellets that will be used in horticulture as a peat replacement.
- Councillor Mrs Davis asked for clarity with regard to vehicle movements in and out of the site and asked for confirmation that it is 4 heavy goods vehicles entering and exiting the site each day?. Mr Ripley confirmed that this was correct. Councillor Mrs Davis asked for information as to how the pellets are transported? Mr Ripley stated that the pellets are transported via a lorry and the straw used is brought in by lorries as well.
- Councillor Mrs French asked Mr Ripley what his intentions are to ensure that his business is considerate towards the neighbouring properties? Mr Ripley stated that he is planning to have a meeting with Ms Eyeington and discuss the development and work out solutions to any problems that can be foreseen.
- Councillor Miscandlon referred to light pollution and stated that the upward glare from the lighting at the plant is quite significant and he asked Mr Ripley what mitigation is being put in place to correct the issue? Mr Ripley stated that he has just been made aware of the issue and he stated that there are several factors to be considered, safety, security, and observation. He added that the Police have advised him that from a security perspective the lighting is important at the plant and he stated that good lighting is important with regards to safety and observation. Mr Ripley stated that he is going to undertake a study to investigate the lighting aspect and it is his understanding that there are areas of the site where timers can be placed on certain lights and will be motion activated, which will assist with the issue of light pollution and save electricity. He explained that he is also going to review the lux level of the existing lighting and see if it can be toned down slightly and added that he is also going to look at the necessity of some of the lighting. Councillor Miscandlon stated that he appreciates the necessity of the lighting from the perspective of the Police, but added that the light beam does not need to shine so high into the sky and added that shades can be fitted to alleviate and control the issue.

Members asked officers the following questions:

- Councillor Sutton asked planning officers to clarify a condition with regard to working hours

for the plant where the officer's report states that the operating hours are Monday to Sunday from 7am to 7pm and he questioned whether the condition should be altered to reflect the deliveries to the site, as well as the operating hours of the site, as the plant is a 24 hour operation. Jennifer Seaman stated that condition 17 specifically deals with deliveries to the site, which is 7 to 7, Monday to Sunday and she added that it is an applicant specific request that the working hours be 7am to 7pm on the extended site. She added that the existing site can operate 24 hours a day, 7 days a week and confirmed that deliveries are restricted from 7am to 7pm.

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

- Councillor Cornwell stated that he is intrigued by the process and where it is. He added that he is relieved that the site is not going to be serviced by tractors and trailers and is pleased to hear that Mr Ripley is going to be a good neighbour. Councillor Cornwell expressed the view that he is concerned with the effect of the vegetation from the exit point from Greys Farm onto the main road, which does cause poor visibility out on to the main road and is also concerned with regard to the closeness of the pre-determined mini town close to Chatteris which will be developed in time, but he added that the utility provision and services are already in place and he will support the application as it also includes an element of new technology.
- Councillor Sutton stated that he is also pleased to hear that the company wish to work with their closest neighbour, and it is a positive step. He added that the surrounding trees and bushes will cover up the area and the site will be not be visible. Councillor Sutton stated that he is pleased to hear that the applicant will review the lighting at the site and he added that officers have worked with the applicant to bring the proposal forward and he will be supporting the application.

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

(Councillors Connor, Mrs Davis and Miscandlon, registered in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters, that they had been lobbied on this item)

P89/20

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

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Craig Brand, the Agent.

Mr Brand stated that the outline application seeks permission in principle to develop the site, with details of the necessary access improvements only committed and the submitted indicative site layout plans and house designs are for illustrative purposes only. He added that the applicant is happy to reduce the proposed maximum number of dwellings to 2, to match the existing semi-detached houses in the vicinity.

Mr Brand explained that the site is 1 of 4 potential development sites adjacent to the playing field surface road and garden land development has already been approved at the rear of 30 and 32 Russell Avenue and he highlighted on the presentation slide to the committee where the development fronts onto West Close. He stated that committee approval led to 7 and 8 West Close gaining permission for their gardens and this was demonstrated in slide 2.

Mr Brand added that the committee report concentrates on the terrace proposal even though a semi-detached illustrative design was also submitted and he stated that the officer's report highlights what it deems to be the failings of the terrace scheme by being only separated by 10m from the existing dwellings whereas the semi-detached proposal has a 15m separation between dwellings as shown in Slide 3. He explained that in 9.2 of the officers report, the Inspector of the 2015 appeal found there would be no harm from the semi-detached proposal to the living conditions of neighbouring properties and the reason for dismissing the appeal was the perceived harm the development would cause to the character of the post war estate and the playing field.

Mr Brand stated that March Town Council recommend approval of the application with the improvements to the access road shown and they are happy that the development would comply with Policy H2 of their Neighbourhood Plan and would be in keeping with the settlement pattern and character of the estate. He added that the dwellings, surrounded by the playing field which are bounded by high hedges and close border fencing, along with outbuildings in their gardens, have little or no views of the open space and, therefore, views of the new houses would be negligible from the surrounding properties and there would be no harm to them as they are a distance away.

Mr Brand stated that in general playing fields in March and public open spaces have housing in closer proximity and he used Southwell Close as an example. He expressed the view that the proposal would cause no harm to the playing field, but would provide a strong presence that the existing surrounding housing would deter anti-social behaviour.

Mr Brand referred members to slide 4 which shows a layout introducing landscaping to the playing field boundary, which, in his view, will significantly reduce the harm perceived by the Inspector to the playing field and houses that surround it. He added that the final layout, scale, and appearance of the proposal to be determined by a reserved matters application would overcome the Inspector's reasons for refusal.

Mr Brand added that since the right to buy scheme began the estates original uniform identity has been eroded by alterations to the houses external appearances due to extensions, new dwellings and flats have been constructed and approval of the application would be another progression in this changing identity of the original post war estate. He added that there are no technical issues with access as Highways have approved the layout with a widened 5m road and separate 1.5m footpath.

Mr Brand stated that he would ask that the committee agree with him that the development will not harm the character of the area and will provide much needed homes. He added that the final detailed design can be controlled at reserved matters stage to ensure that the building scale and mass will respect the playing field and its surrounding area.

Members asked Mr Brand the following questions:

- Councillor Mrs French asked Mr Brand for clarity about the existing footpath which goes into the field and does not support traffic and asked whether the footpath he had referred to is a new proposed footpath? Mr Brand stated that he will be widening the existing footpath by a metre either side that is already in existence. Councillor Mrs French stated that the access does not belong to number 25 and it used to belong to the Council. Mr Brand stated that the area is on the County Council Highway's List of Adopted Roads and is indicated as being a footpath. Councillor Mrs French expressed the view that is a public right of way and it does not give permission for users to drive down there.
- Councillor Miscandlon stated that on the presentation screen, Mr Brand had pointed out the distance between number 25 and 27 and that of the proposed development, which was 15 metres, where he had questioned the original decision by the Planning Inspector. Councillor Miscandlon added that the drawing that had been displayed was for the two houses and not the three and, therefore, the 15 metres is greatly reduced between 25 and 27 and the proposed development for the three properties. Mr Brand stated that he is

seeking outline consent for the principle of development and stated that since he has seen the officer's report, the applicant is prepared to reduce the proposal down to two dwellings, which would be a distance of 15 metres.

Members asked officers the following questions:

- Councillor Murphy stated that Mr Brand had explained that the presentation had shown a proposal for two dwellings, but the application is for outline permission for up to three dwellings. David Rowen stated that the application is for up to three dwellings and, therefore, members would need to consider that if they were minded to grant planning permission contrary to officer's recommendation that three dwellings can satisfactorily accommodated within the site.

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

- Councillor Mrs French stated that, in her opinion, the officer's recommendation is correct. She added that she has known the site for over 30 years and added that the neighbouring properties have objected as they feel the proposal will invade their privacy. Councillor Mrs French stated that her concern is with regard to overlooking and that they propose to use the road for vehicles to drive down and it has never been used for that purpose before. She added that children use the area to play and she congratulated the officers for their work and recommendation on the application.
- Councillor Mrs Mayor expressed the view that she has concerns over the access and stated that if the land is not in the applicants ownership, they should not be using it as an access and she will be supporting the officer's recommendation.
- Councillor Mrs Davis stated that she will be supporting the officer's recommendation and added that she does not like to see applications brought forward when the access road is not even in the applicant's ownership. She added that she also has concerns that further development on the opposite side of the field may come forward which should be taken into consideration.
- Councillor Sutton stated that he has no issue with regard to the road, however, the application was refused some time ago. He added that Mr Brand has referred to West Close which was built some time ago as a cul-de-sac, however, that was an infill development and the proposal being determined today is totally different. Councillor Sutton stated that he has noted that the application was discussed three times by March Town Council, before they recommended the proposal for approval. He added that he concurs with the comment made by Councillor Mrs Davis with regard to her concerns over further development and he stated that he will also be supporting the officer's recommendation for refusal.
- Councillor Mrs French added that the photo presented by Mr Brand, which was referred to as West Close, was not in fact a photograph of West Close. She stated that West Close was built at the same time as the rest of Russell Avenue was built and she stated that the houses that Mr Brand had referred to are up the alleyway where the Council's allotments were and the access is on the left hand side. Councillor Mrs French reiterated the fact that she cannot support the application and added that children use the footpath and it is not a road.
- Councillor Sutton stated that two of the dwellings that Mr Brand had referred to are in West Close and were approved in outline planning permission in 2004 and full in 2005.

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

(Councillor Cornwell took no part in the debate or voting on this item, due to the fact that he had lost internet connection)

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

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Emily Warner, the agent.

Ms Warner stated that the UK High Street has witnessed significant changes in the past decade, and the impact of the Covid-19 pandemic has only served to exacerbate this. She added that the National Planning Policy is clear that planning decisions should support town centres by taking a positive approach to their growth, management and adaptation and she added that town centres should be allowed to diversify in a way that can respond to rapid changes.

Ms Warner explained that the current property at 10 High Street is too large to successfully operate as a newsagents given the national decline in newspaper sales, which means that the current floorspace is much underused and the application responds to the changing needs of Aspinall's to enable the longstanding business to continue trading from this established location, but in a size much more suited to their needs and the proposal will also enable a hot food takeaway provision to provide some diversification and contribute to the provision of a dynamic town centre, as sought by the Local Plan. She explained that the resulting mix of uses will support both the daytime and night-time economies, will bring additional employment opportunities and will serve to enhance the vitality and viability of the High Street.

Ms Warner referred to the officer's report, where in September 2020 the Government introduced new legislation to amalgamate some of the current use classes including shops, financial and professional services, offices, restaurants and cafes into a single new Class E, therefore, deregulating changes of use between them, with the overarching aim being to support High Street revival and economic recovery. She added that the property could potentially change in its entirety, without any planning permission, to another non-retail use or for example, a pizza restaurant, and the limitations of the Local Plan in terms of protecting and limiting the uses in the Primary Shopping Frontage are, therefore, superseded and notwithstanding this, this proposal would result in the retention of a retail use and this part of the High Street would remain predominantly in retail use.

Ms Warner explained that the proposals include sympathetic external alterations to the façade of the unlisted building to facilitate the sub-division and stated that a separate advertisement consent for the new signage has already been approved by the authority. She stated that the Council's Conservation Officer has raised no objection to the proposed alterations, subject to a condition, and confirmed there would be 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.

Ms Warner stated that the application has also been submitted with full details of the flue system for the extraction and dispersal of odorous smells and this will be installed before the use commences and following the submission of a noise assessment which is to be secured by condition. She stated that the Council's Environmental Health Officer raises no objection on this basis and the applicant is agreeable to the revised operating hours as requested by the Town Council, again which will be secured by condition.

Ms Warner explained that the Local Highways Authority has raised no objections to the proposal, advising that the trip generation and transport impacts for the existing and proposed uses are comparable and the site is located in the Town Centre which provides the maximum opportunity to make journeys using modes of transport other than the private car. She stated that there is also

the ability to park on street and within public car parks within walking distance.

Ms Warner stated that it has been demonstrated that the principle of development is acceptable and that the development would not give rise to any adverse impacts on heritage assets, residential amenity, or the highways network. She advised members that there are no outstanding technical objections and asked the committee to accept the officer's recommendation and vote to approve the application.

Members asked Ms Warner the following questions:

- Councillor Sutton stated that he has noted from the officer's report that the current flat kitchen to the rear of the property is going to become a storage area and there is going to be a kitchen diner where the current diner is. He added that in effect there are two different users of the ground floor and first floor, which could create some noise issues and he asked whether any noise mitigation has been considered, such as an insulated ceiling? Ms Warner stated that the storage area will only be used very infrequently, however, noise mitigation is something that could be looked at. She added it had not been raised as a concern by the Environmental Health Officers.
- Councillor Benney asked whether Building Control will confirm that the building is fireproof and sufficient sound proofing is in place in accordance with regulations? Nick Harding stated that the introduction of a takeaway constitutes change of use in respect of building regulations and, therefore, there is the expectation that the building regulations application will be forthcoming in order to resolve noise and fire safety issues.

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

- Councillor Murphy stated that over time he has seen the property altered and added that the proposed changes will make for a viable business and he welcomes the application.
- Councillor Cornwell stated that if there is a market for this type of business in the High Street it should be supported. He added that looking at the site plan, the layout appears to be convoluted and unusual and he is concerned that immediately adjacent to one of the red boundary markers there is something on the plan identified as 'ruins' and asked for an explanation of the term in the context of the application. David Rowen stated that he is unaware that any of the operations proposed for the application would materially affect anything. Ms Warner clarified that the word ruins in the context of the application and confirmed that there are no archaeological issues which have been confirmed by the County Council. She added that the word ruins are often noted when there are essentially buildings in ruin form on an earth plan and she added that in that location there is a building which has very much fallen.
- Councillor Benney stated that the trade of newsagents is a dying trade and the premises do need to find another use. He added Chatteris does not have many empty shops currently thankfully and although it is sad to lose little shops, they are no longer viable and, in his opinion, the application should be supported.

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

(Councillor Purser took no part in this item due to the fact that he lost internet connection)

P91/20 PLANNING APPEALS.

David Rowen presented the appeal report to members.

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

F/YR20/0232/F

- Councillor Connor asked whether there were any associated costs involved with this application? David Rowen confirmed that no cost claim was submitted as part of this particular appeal.
- Councillor Sutton stated that he finds it disappointing that somebody out of the area can overrule the decision made.
- Councillor Mrs Mayor stated that the site is in her ward and there is an issue with regard to highway safety. She added that initially that area and the outbuildings were in the ownership of one person and they had one car and used that entrance. She added that now people are parking in the gateway and cars are overhanging the footpath and there is now an issue being caused. David Rowen stated that officers were of the view that the application should be refused and that was the decision that was taken. He added that it is a judgement that was made by that particular inspector in this particular case and sometimes that judgement goes against the Council and officers are also very disappointed.
- Councillor Miscandlon stated that he is also very disappointed that the inspector did not take into consideration the flats at 44 to 46. He agrees with Councillor Mrs Mayor with regard to the cars overhanging the pavement and that issue has also been reported to the Police. He added that the parking outside is also time limited, however, this is not being adhered to.
- Councillor Sutton asked whether there is the opportunity for representation to be made to the Inspector to address the fact that the committee are very disappointed about the decision. Nick Harding stated that a letter could be written to the Inspectorate to request that the decision is reviewed.
- Councillor Mrs Mayor stated the property was in one family's ownership and they resided above the shop and the area above the shop is now going to be flats of which there is no parking for them.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and it was AGREED that the Head of Planning write to the Inspectorate to raise the concerns highlighted by the committee.

(Councillor Mrs French had left the meeting prior to the commencement of this item)

4.38 pm

Chairman

PLANNING COMMITTEE

WEDNESDAY, 5 MAY 2021 - 1.00 PM



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

APOLOGIES: Councillor M Cornwell, Councillor C Marks and Councillor R Skoulding,

Officers in attendance: Alison Hoffman (Senior Development Officer), Jo Goodrum (Member Services & Governance Officer), Sheila Black (Principal Planning Officer), Carol Pilon (Corporate Director and Monitoring Officer), Nick Thrower (Senior Development Officer) and Chris Gordon (Legal Officer)

P92/20

F/YR20/0963/F

LAND NORTH OF ELBOW COTTAGE, ELBOW LANE, CHURCH END, PARSON DROVE.ERECT A SINGLE-STOREY 2/3-BED DWELLING INCLUDING CONVERSION OF EXISTING STABLES TO PLANT ROOM

Nick Thrower presented the report to members.

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

Mr Slater stated that he is representing the applicant, Mr Crowson, and his family as an advocate for, in his view, the specially designed and stunning bungalow proposal before the committee. He added that he is aware of the general policy provision that apply in this location in terms of principle of development and flood risk, as reflected in the planning history in the officer's report.

Mr Slater stated that in developing the concept for the design he has sought to address these in an innovative and design led way and there are 2 key elements to their argument. He added that in Paragraph 79 of the National Planning Policy Framework it does provide a pathway to achieve new development in isolated locations, provided that it is exceptional and it is contended that the design of this home is ground breaking in 2 key aspects design concept and dealing with flood risk.

Mr Slater stated with regard to design, the proposal is designed specifically to meet the needs of Mr Crowson's son James, who needs a quiet and isolated location, and with the home designed around his needs in terms of mobility and space requirements. He added that the scheme was designed inside out with the form of the home following its function to address the applicant's sons individual needs, a quiet and isolated location, sufficient space to not feel closed in, a simple palate and design on interior to avoid sensory overload and a chillout/sensory room.

Mr Slater added that the external appearance of the building is unrepentantly striking and will be finished in a bright blue render. He added that it is noted that the officer concludes that the proposal is not sympathetic to local distinctiveness, but in his opinion the design and built form of Elbow Lane is not particularly distinctive and the site is visually separate from the development along Elbow Lane, with the approach being always to deliver a sculptural architectural form and as such it is not intended to replicate the surroundings, but to be distinctive in its own right.

Mr Slater stated that in relation to flood risk, the issue of dealing with development in flood zones is very important in planning, but of particular significance to Fenland and a number of the coastal districts of Lincolnshire and Norfolk, which the Environment Agency identify as being at particular risk. He is aware that members of the committee are frustrated at the blanket approach to flood risk planning advocated at a national level and are looking for a design solution that can allow development in parts of the district that lie within Flood Zone 2-3 and otherwise would fall foul of national policy.

Mr Slater expressed the view that the jacking system proposed to raise the home in the event of flood is genuinely innovative and added that he is aware of the Larkfleet example. He stated that this proposal is innovative through evolution as the home is significantly larger than the experimental home built in Bourne and the technology has moved on in the intervening years.

Mr Slater expressed the opinion that the personal circumstances associated with the application, the medical condition of the applicant's son in combination with the medical needs of the applicant, is a material consideration in decision making, with the weight to be attributed to material considerations is a matter for the decision taker and whilst he notes that the officer has not given this significant weight he asked the committee to give weight to the particular medical circumstances of this family. He stated that it is considered that the proposal is consistent with material policy that can allow special homes in isolated locations and in combination with the very unfortunate medical circumstances of the family, he would hope that that members can support this much needed and innovative proposal.

Members asked Mr Slater the following questions:

- Councillor Benney stated that the proposal has not been accompanied by any technical figures to state that the land would be suitable for a hydraulic jacking system and he expressed the view that, in his opinion, it appears to be an expensive way of mitigating the risk. He asked Mr Slater to clarify whether the technical data has been provided to demonstrate that the jacking system will work in the area and to confirm the associated costs to deliver the jacking system? Mr Slater stated that he does not have the details of the cost, but with respect to the engineering of the jacking system, he is sure that it can be achieved and it is a case of building a raft foundation where the jacking system will sit and he is sure it can be done but is unaware of the costs.
- Councillor Meekins stated he appreciates the medical conditions of both the applicant and his son and added that he notes that inside the property there will a low level muted colour scheme to avoid sensory overload, however, the external colour scheme proposal is going to be a vivid blue colour scheme, and he asked whether there is a reason why it needs to be that colour and not a more sympathetic colour? Mr Slater stated that potentially it could be any colour, however, the applicant has chosen blue, but if members are concerned over this aspect of the proposal, then another colour could be considered.
- Councillor Connor asked Mr Slater to clarify whether the proposal is viable if he has no detail of the technical data or associated costs? Mr Slater stated that he has been advised by the architects that it is a viable scheme.
- Councillor Miscandlon asked whether there has been any investigation into the depth of the earth before bedrock is reached in order to facilitate the jacking system? Mr Slater stated that it is his understanding that the rafting system does not need to hit bedrock as the jacking system effectively sits on a raft. He added that if it is a matter that members wanted more information on then they could look to defer the application.
- Councillor Mrs Davis asked Mr Slater to confirm why there has been no sequential test and why is the applicant so insistent on this particular location, bearing in mind that it is in Flood Zone 3? Mr Slater stated that in terms of viability of the project, the applicant owns the site and if he is to deliver it, it does need to be at this location. He added that the reason that they have gone for the unique jacking system is because there is no need for the sequential test and a house can be delivered which is safe for the duration of its lifetime within an area of land in Flood Zone 3. He added that the applicant wishes to build a property in an

isolated location to assist with the needs of his son and a built up location would not suit the personal requirements of the family.

- Councillor Purser asked for clarity that the proposal site is very isolated and stated that he had noted that the distinct colour of the proposal could be seen as a distraction to passing traffic, however, due its remoteness this may not be the case. Mr Slater stated that he agrees and he does not foresee any issue with passing traffic, with the prerequisite for a Paragraph 79 house is that it needs to be in an isolated location.

Members asked officers the following questions:

- Councillor Benney asked officers to confirm that if the application was passed in its present form, with the hydraulic jacking system, would it then give the land status in terms of development and could another application be submitted, once the principle of development had been established on the site, with another simpler scheme to deliver, which could not be refused because development rights had already been given on the land? Nick Thrower stated that the granting of consent for a residential dwelling on the land would give the site a residential use and it could not be precluded the possibility of an application coming back in the future with an alternative proposal for mitigating the flood risk. He added that the application before members is based on the jacking proposals, which form part of the application, and should a further application be submitted with alternative flood mitigation the decision on that day would be based on that proposal with the alternative schemes. Nick Thrower explained that a subsequent application could not be prevented from coming back with an alternative scheme for flood mitigation if the application before members was granted consent based on the principle of a residential development on the land.
- Councillor Connor asked for clarity that if the application was approved against the officer's recommendation and it proved to be non-viable, it is his understanding, that a condition could not be added to the application. Nick Thrower stated that the approved plans are based on the information supplied under the current scheme and it would not be possible to require the jacking system to form part of any subsequent planning application on the site. Sheila Black stated that the agent has already made reference to a Paragraph 79 house as opposed to an elsewhere location house and part of that is innovative and if it is approved, members are probably looking at how innovative the house is. She added that if the applicant comes back without the jacking system then the question would be is it still innovative enough or is it just a house that does not fit Paragraph 79.
- Councillor Meekins asked whether any details were available concerning the research that had been carried out following the Larkfleet Homes scheme? Nick Thrower stated that the consent was granted in 2016 with a test bed property implemented in 2019 and, therefore, any results from that as a trial would be sensitive information and there is no evidence to substantiate that the jacking system would work.
- Councillor Mrs French stated that the actual cost of the building is not a material consideration, if the application is approved and then the applicant comes back and states that the proposal is no longer viable, then it is a different planning application. She stated should the application be approved and then it is deemed as not cost viable, she would hope that the applicant would not come back with a proposal for a dwelling due to the fact that planning permission has already been approved. Councillor Mrs French added that the proposal involves modern residence solutions and in the Fens lots of the land is in Flood Zone 3 and under National Guidelines there is a steer to build and sometimes Flood Zone 3 is the only place to do it. She expressed the view that if the application is approved, and the applicant decides that their proposal is not viable, then it is unfortunate, but they should've carried out extensive research prior to submission of the application.
- Councillor Mrs Mayor questioned if it was in the remit of the Planning Officer to ask for engineering details concerning an application such as this? Nick Thrower stated that a detailed engineering specification was not asked for on the jacking system and he added that he would expect that to form part of the building regulations process as planning is more related to land use. He stated it is something that could be requested, but the proposal that is before members details the system that is going to be used and if it does not work it

will not pass the building regulations and if it is too expensive it will not be undertaken. Nick Thrower stated that officers had concluded that it was not a material consideration to understand the engineering system in order to make a recommendation on the application.

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

- Councillor Murphy stated that the proposal is a very expensive way of getting an application passed. He added that the application goes against all policies and recommendations and he will support the officer's recommendation.
- Councillor Meekins stated that at paragraph 10.22 it states that the 'design and access statement states that the external appearance of the building is considered to be intentionally striking, such that the bungalow will be visible within the open landscape and that this will raise design standards in the area and enhance its setting.' In his opinion a bright blue bungalow in the open countryside will not enhance the landscape and enhance design standards. Councillor Meekins stated that there is not enough information concerning the jacking system and, in his view, officers have made the correct recommendation and he will be supporting them.
- Councillor Sutton stated that the issue concerning whether the jacking system will work or not is of no consequence to the committee and that is down to whoever may build the property. He expressed the view that the design is not innovative, it is in an elsewhere location and he will support the officer's recommendation.

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

**P93/20 F/YR21/0015/F
LAND SOUTH OF 20, PRIMROSE HILL, DODDINGTON. ERECT A DWELLING
(SINGLE STOREY, 3-BED)**

This item was withdrawn from the agenda.

**P94/20 F/YR21/0059/F
LAND SOUTH OF 63, CREEK ROAD, MARCH. ERECT 1 DWELLING (2-STOREY 3-
BED)**

Nick Thrower presented the report to Members.

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the Agent.

Mrs Jackson stated that the proposal is for the construction of a new dwelling on land that is currently occupied by an existing outbuilding, with it being used, pre-Covid, as a gym by the applicant and he would travel on a daily basis from his house in Wimblington. She expressed the view that the proposal site is in the built-up settlement of March where the principles of development are supported by the policies in the Local Plan and the National Planning Policy Framework.

Mrs Jackson explained that the site is located in the town centre where residents will have the opportunity to walk or cycle to the amenities in the market town and, therefore, it represents sustainable development which should be seen as a significant benefit as it will result in new housing in a town centre location. She added that concerns have been raised with regard to the appearance of the development and the impact on the character of the area, however, the proposal represents residential development in a residential location and, therefore, in principle would appear to conform with its surroundings.

Mrs Jackson added that there are many existing structures positioned to the rear of the existing

dwelling and, therefore, the dwelling would not look out of place, making the point that the proposal has been specifically designed to be three quarter style in order to have less of a visual impact, so that it does not compete with the other two storey dwellings in the area. She explained that, following the survey work carried out on site, it was noted that a small bin collection lorry could access the site, which already services the neighbouring properties to collect the refuse and recycling bins and she added that with this in mind there is no need for future residents to drag a wheelie bin for collection.

Mrs Jackson referred to some concerns that have been raised with regard to parking and highways safety and made the point that the highway authority have raised no objection to the proposal on technical grounds and the parking spaces have been set back to allow for a six metre clearance from the other side of the road and measure 2.55 metres, with this arrangement being accepted across the board and is the same arrangement that is found in supermarkets. She expressed the view that the point raised with regard to increased traffic as being unreasonable, given that the site is already frequented by the applicant and is an area which is already trafficked by existing users, with the traffic generated by the existing gym being offset by the dwelling and the vehicular movements will be easily absorbed into the existing situation and the Highway Authority have raised no issue.

Mrs Jackson stated that there are no technical objections to the development, there is community support for the proposal and the application is a sustainable form of development which represents a benefit to the area by introducing a new dwelling in a town centre location and she asked members to consider approval of the application.

Members asked Shanna Jackson, the following questions:

- Councillor Mrs French asked whether the road is a public right of way? Mrs Jackson stated she is not sure that it is an official public right of way, although it is used by residents. Councillor Mrs French stated that she noted from the officer's presentation that it showed a number of parked vehicles at the top and she asked whether the piece of land was in general use for the residents of Creek Road or is it residents land which backs onto Nene Parade. Mrs Jackson stated that she is aware that residents along Creek Road do use the access, but she cannot confirm whether they are their vehicles. Councillor Mrs French stated that is an important factor to consider because should the application be approved it may restrict other people from parking. Mrs Jackson stated that the land in question is owned by the applicant and, therefore, he would have control over the land, making the point that it is not an official parking space.

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

- Councillor Mrs French stated that the proposal site is in Flood Zone 1 and she referred to the flooding episode in December 2020. She expressed the view that as the proposal site backs onto Nene Parade she has concerns over the noise disturbance and vibration of building the property as Nene Parade is falling into the river and the Highway Authority along with the County Council have to spend a significant amount of money in order to protect it. Councillor Mrs French stated that she is also taking into consideration the residents' concerns.
- Councillor Miscandlon stated that he has noticed from the presentation that the piece of land is grossly overgrown and in a dilapidated state, and he cannot see it used as a parking space. He added that the officers have made the correct recommendation and expressed the view that the owner of the land should be looking to tidy his piece of land up as it is an eyesore.
- Councillor Mrs French stated that she agrees with the comments made by Councillor Miscandlon and added that she is surprised that there have been no complaints from the residents. She added that the Council do have the authority to serve a notice on the landowner to request that the area is tidied up. Councillor Mrs French reiterated her concerns over Nene Parade road falling into the river and added that the issue has been

ongoing since a burst pipe in November. She expressed the opinion that the officers have made the correct recommendation.

- Councillor Mrs Davis expressed the view that she does not believe that the dilapidated building is being used as a gym. She added her main concern is the dog leg in the road and access for emergency vehicles, which could be an issue. Councillor Mrs Davis stated that she will support the officer's recommendation.
- Councillor Sutton stated that should the application be approved; he cannot foresee any issue that the building works would impact on the ongoing problems in Nene Parade. He expressed the view that if approved, a precedent would be set and, in his opinion, a further 3 or 4 dwellings could be built on the site. Councillor Sutton expressed the view that it needs to be recognised that there are some locations which are just not developable, and, in his opinion, this is one of them. He added the only way to turn around is in somebody's driveway as access is so tight and he expressed the opinion that officers have made the correct recommendation and he will be supporting them.
- Councillor Purser stated that he agrees with the concerns raised by Councillor Mrs French with regard to Nene Parade and stated that the lane is not wide enough for emergency vehicles to access should the need arise and he will support the officer's recommendation.

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

(Councillors Mrs French and Purser registered that they are members of March Town Council, but take no part in planning matters)

(Councillor Mrs Mayor took no part in the debate or voting on this item due to having lost internet connection)

**P95/20 F/YR21/0060/F
LAND WEST OF, 25 LINDEN DRIVE, CHATTERIS. ERECT A SINGLE-STOREY 3-BED DWELLING WITH DETACHED GARAGE**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the Agent.

Mr Hall explained that the applicant for the site is 77 years old and has owned the land for a significant number of years, prior to selling the majority of the land, which is now Linden Drive, and then re purchasing the application site land in 1998, with the site having always been under private ownership and has never been owned by the Council. He stated that the application members are considering, had previous approval for two bungalows and garages in 1998 and he has reviewed the application which was refused in 2018, which was for two dwellings set close to boundaries, reworking the proposal and reducing it to a single storey three bedroomed bungalow in similar appearance to others on the estate.

Mr Hall added that there have been a number of letters of support received and no letters of objection. He made the point that the Council have recently granted permission in principle for a dwelling at 10-14 Bedford View in Manea on a piece of land, which was agreed in 2005 as a public play space, but was never used for that purpose and that proposal has two storey dwellings either side and is only approximately 9 to 11 metres wide, where this proposal being determined is in excess of 20 metres.

Mr Hall referred to the officer's report and stated that the applicant is happy for conditions to be applied with regards to landscaping and materials. He added that members will note that all of the existing properties have a driveway but do not have a turning area and reverse out onto the road.

Mr Hall stated that discussions have taken place with numbers 25 and 26 Linden Drive, with both properties having written a letter of support and have been kept fully informed and following the discussions the garage has been moved. He stated that the proposal is for a single storey dwelling with no overlooking concerns, the site is in Flood Zone 1, there are no highway objections and adequate parking provision.

Mr Hall stated that there are no objections from the Conservation Officer, or any other consultees and Chatteris Town Council are in support of the proposal along with much local support from the residents in Linden Drive.

Members asked Mr Hall the following questions:

- Councillor Meekins stated that within the officer's report it makes reference to a map of the area and behind the proposal site there is a square area, which is unmarked and has no access to it, and he questioned whether it is a parcel of land in the ownership of the applicant? Mr Hall stated that the land directly behind the proposal site, which is shown as Chatteris on the plan, is not owned by the applicant and it is his understanding that the land is owned by 16 London Road.
- Councillor Meekins referred to the amenity land and asked whether those individuals who have using the land have been trespassing on the land belonging to the applicant? Mr Hall stated that some members of the Planning Committee were on the committee in 2014, when the application was previously discussed and he added that at the time the application was delayed, whilst a land search was carried out to ascertain whether the land was in the ownership of the Council or in the ownership of the applicant and, in his view, the land has always been in private ownership and never in the ownership of the Council. Councillor Meekins stated the photograph of the site shows the land to be in an overgrown state and he asked that should the application be refused, is it the intention of the applicant to tidy the site? Mr Hall stated that there is a 6ft high fence at the back of the site which has been erected as a deterrent as people have been using the area as a cut through. He added that the site was a grassed area, however, the applicant found the area too large to maintain and has been paying other people to cut the grass, which has now been scraped off to negate the requirement for ongoing maintenance. Councillor Meekins asked if the grassed area will be reinstated should the proposal fail? Mr Hall stated that he would hope so.
- Councillor Murphy asked Mr Hall to confirm why the residents at number 24, 25 and 26 are all in agreement with the proposal? Mr Hall stated that he has been present when discussions with the applicant have taken place with the residents at number 25 and 26 and they are not against the application. He added that number 25 did set out distances where he wanted the dwelling to be sited away from his bungalow as he has a conservatory based on the south elevation and they wanted the fence that is in place to be maintained. Mr Hall added that the resident at number 26 has written to the Council to state why she wants the application approved, but he has not met the residents at number 24.
- Councillor Miscandlon stated that he recalls the application from 2014 where the application site at that time was in a very good state of repair and he expressed the opinion that he is disgusted that the site has been allowed to fall into such a state of disrepair. He expressed the view that the residents possibly want the site to be developed so the eyesore is removed as it currently looks like a ploughed field. Mr Hall stated that the applicant has been paying for maintenance of the area to be cut and he expressed the opinion that he thinks the applicant has got fed up paying for it to be maintained.
- Councillor Mrs Davis referred to the fence which had been erected at the back of the land and asked Mr Hall to clarify that it had been erected to act as a deterrent as a cut through? Mr Hall stated that in the letter of support from number 26 it refers to people who have been using it as a cut through on foot. Councillor Mrs Davis asked whether this was access from Linden Drive into the land owned by number 16 London Road? Mr Hall

confirmed that was correct and that a relation of the applicant erected the fence.

Members asked officer's the following questions:

- Councillor Sutton stated that he recalls the site from 2014 and he agrees that the area has deteriorated. He asked officers to confirm that if it was designated amenity land, why was it not adopted previously? Alison Hoffman stated that having looked back at the planning history on the site, that information is not available and she added that the lack of adoption does not override the availability of the land as a visual amenity and also as a public amenity space. She added that it maybe that the developer retained it, however, the planning use of that area is shown as an open green space. Alison Hoffman referred to the letters of support that had been received and added that she notes that the resident at number 25 has no objection and states that the applicant has kept them fully informed and discussions have taken place and agreements have been reached with regard to the fencing and landscaping. She added that the resident at number 26 has identified issues concerning waste, appearance of the land and anti-social behaviour that has been undertaken on the site and the other letter is a standard proforma letter of support.
- Councillor Mrs French stated that an application was passed in 2014, with a condition that area is going to be public open space and now seven years later this has come forward. She added that going forward any planning application that comes forward where there is public opens space involved needs to be carefully considered and conditions added that are in perpetuity.
- Councillor Miscandlon stated that the application was not approved in 2014, it was refused, with the open space being part of original Linden Drive estate approval. Alison Hoffman stated that she has looked back at the planning history for one of the withdrawn applications and has noted that there is an officer communication to the Agent at that time, which states that 'there is a complicated planning history dating back to 1988 and legal agreements relating to public open space contributions and noted that the original agreement in 1988 did not require the provision of public open space and, therefore, this will not be the case should the development prove to be acceptable on the site'. Alison Hoffman stated that the key aspect to consider regardless of the use of the site is whether the development that is proposed is acceptable and in the officer's report it states that notwithstanding the loss of the visual open space area it does have an impact on the residential amenity and the visual amenities of the area by virtue of the layout and constraints of the site. She added that it would appear that the Linden Drive Development was 1988 and the land was not secured as public open space at that time.
- Councillor Murphy expressed the opinion that there is no impact on the local residents as the residents that live in the closest proximity are in agreement with the proposal and there are 17 other people who reside in Linden Drive, who are also happy, and he cannot see any reason why the committee should oppose it.
- Alison Hoffman stated that the planning considerations need to be factored in and it is the opinion of the officer that the scheme will cause harm to the residential amenity. She added that residents have written in advising of their support to the proposal and in many cases it may appear that a bungalow is preferable, rather than what is currently on site, however, it would be remiss of officers to recommend a scheme for approval merely on the basis that local residents see no objection to the proposal, whereas professionally, officers consider that real harm will occur to the residential amenity and visual amenity.

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

- Councillor Benney stated that he has known the area and the site all of his life. He added that the residents in Linden Drive all strive to keep and maintain their properties in a very good condition, but the one thing that would cause him concern if he resided in the road, would be if the land behind the application site was ever brought back into use. Councillor Benney expressed the view that if he lived in Linden Drive, he would be more than happy to see a bungalow built at the bottom of the road to ensure that that the road maintained its status of a cul de sac. He added that there are no letters of objection and only letters

received in support of the proposal and he will support the application.

- Councillor Miscandlon stated that he fully sympathises with the applicant and the wish to put a bungalow on the site. He added that the bungalows in the road are beautifully kept and they are a credit to the owners, with the piece of land at the end being a green amenity space and it was used as such for many years. Councillor Miscandlon added that the amenity space is needed, but there is also the need for the space to be blocked off to stop the possibility of a road going through into the open field.
- Councillor Sutton stated that there appears to be a big focus by members on the letters of support and objections received and the committee must remember that letters of support and objection are not a material consideration when determining planning applications. He added that the two neighbouring properties may be quite happy with the proposal, however, any future occupiers may have a different opinion.
- Councillor Benney stated that Huntingdon Road Recreation Ground is in proximity of Linden Drive, which is full of amenity space for residents.
- Councillor Murphy stated that the piece of land in question has never been a public open space and has been left dormant for many years and will never be an open space again. He expressed the view that a bungalow will complete the road.
- Councillor Mrs Davis questioned the width of the space between the fence and number 25. Councillor Sutton stated that the width is 7.2 metres and Mr Hall stated that the distance from the side wall of the bungalow to the face of number 25 bungalow will be a fraction shorter than 10 metres.
- Councillor Meekins stated that the proposal of a bungalow is shoe horning a property into a confined area. He added that if you have a piece of land which is a private amenity, then the owner, also has the responsibility of keeping that private amenity space in a decent condition, which does not appear to have been happening. Councillor Meekins added that if permission is not granted then consideration should be given to the fact that landowners have a responsibility for the upkeep of their land. He added that it is pure speculation to say that by erecting a bungalow it will stop development on the field belonging to 16 London Road and this proposal cannot be determined on something that may or may not happen in the future.
- Sheila Black stated that it has been acknowledged that it is not a large piece of open space, it is a piece of green space, which is acknowledged in the officer's report. She added that when determining the application, members need to be satisfied that due to the constraints of the site, the siting of the bungalow is going to be prominent and members need to be certain that they are satisfied that the siting of the bungalow will not impact on the nice character of Linden Drive and will fit into the existing streetscene and that residential amenity will not be affected. Sheila Black added that it has already been mentioned that there will be an impact on number 24, due to vehicular movements, and an impact on the two dwellings at the back, both visually and by being hemmed in.

It was proposed by Councillor Sutton, seconded by Councillor Meekins to refuse the application as per the officer's recommendation. This proposition failed on a majority vote by members.

Following advice from the Legal Officer, it was proposed by Councillor Benney, seconded by Councillor Murphy to approve the application against the officer's recommendation, which was AGREED with the use of the Chairman's casting vote.

Members approved the application against officer's recommendation as they feel the development makes a positive contribution to the street scene and does not adversely affect the amenity of neighbouring users and future occupiers.

(Councillors Benney and Murphy registered that they are members of Chatteris Town Council, but take no part in planning matters)

(Councillor Benney declared that the agent has been previously been used by him, but was open minded on the application)

P96/20

F/YR21/0199/F

106 CAVALRY DRIVE, MARCH.ERECT A 2-STOREY SIDE EXTENSION, FORMATION OF A PITCHED ROOF TO EXISTING GARAGE AND REMOVAL OF EXISTING CONSERVATORY.

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the Agent.

Mrs Jackson stated that the application is for the erection of 2 storey side extension and the formation of a pitched roof above the garage, with the proposal following a previous application for an extension, which have been completed and the previous application also included a pitched roof over the garage, but this aspect had been removed following concerns raised by the officer at the time with regard to it being out of keeping with the area. She stated that the dwelling is not a Listed Building and the site is not within the curtilage or the setting of a Listed Building or a Conservation Area, therefore, there are no strict guidelines governing the site and there is no complete uniformity amongst properties within the area.

Mrs Jackson expressed the view that the flat roof at the dwelling is in need of replacement, hence the pitched roof application and typically a flat roof would have a 10 -15 year life span and a tiled pitched roof typically is 60 years. She stated that the applicant wishes to invest in his property to ensure it remains a quality property, which he can continue to reside in and the new pitched garage roof will not only function better and result in a higher quality property, but will also be visually appealing and add to the character of the property and these additions outweigh any concerns of the roof not matching the one next door.

Mrs Jackson made the point that that proposal had initially received the officers support, but once further investigative work had been carried out on the planning history of the dwelling, the positive recommendation was changed to the refusal. She stated that there are 12 letters of support from local residents and support from the Town Council and, in her opinion, the formation of the pitched roof on the garage will not appear incongruous and will enhance the character, function and quality of the dwelling, which will benefit the occupiers.

Members asked Mrs Jackson the following questions:

- Councillor Sutton referred to Mrs Jackson stating that the life expectancy of a flat roof would be ten years and he asked whether she would agree that there are materials available nowadays for flat roofs where a longer life expectancy would be the case? She stated that she had sought guidance and had been advised that a typical industry standard flat roof would have a 10 -15 year life expectancy, however, a tiled roof would certainly outlive a flat roof in terms of its functionality and performance.
- Councillor Miscandlon stated that he is aware that the installation of a recent flat roof, has a guarantee of a minimum of 20 years, however, he agreed a pitched roof will last longer. He added that although it is not in a Conservation Area, there are certain criteria within the area which standardise the buildings within that area and he asked Mrs Jackson whether she would agree that the proposal is out of character Mrs Jackson stated that there are other properties which are the same, however, there are bungalows within the street scene and a dwelling with a 2 storey side extension and, in her opinion, the character is not as strict as is made out. Councillor Miscandlon stated that he is not against a pitched roof.

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

- Councillor Mrs French stated that there are a mix and match of designs on the Cavalry

estate. She added that if the applicant wishes to add a pitched roof to his dwelling, she cannot see any problem with the proposal, and she will be going against the officer's recommendation and will support the application.

- Councillor Sutton stated that if you isolated numbers 98 – 108, then the proposal would stand out, but taking the proposal in context of the wider area, it would not be highlighted quite as much. He stated that number 80, a similar designed dwelling, with a similar forward projection, does have a pitched roof and questioned whether the proposal should be looked at in isolation or in a wider perspective.
- Councillor Benney stated that a pitched roof does have a longer life expectancy, can be insulated well, and negates noise pollution. He added that the bungalow opposite the application site has a pitched roof over its garage and there are other dwellings on the estate that also have pitched roofs. Councillor Benney expressed the opinion that if the proposal is approved, the neighbouring properties may choose to do the same. He expressed the view that when first developed housing estates are all uniform in their design, but in time alterations are made to the individual dwellings, which adds character to the area and this is what the applicant is choosing to do to their property.
- Councillor Mrs Davis stated that she agrees with the comments made by Councillor Benney and she will be voting against the officer's recommendation.
- Councillor Miscandlon stated a pitched roof will enhance the property and will make it individual. He added that he can see other properties deciding to do the same and he will also be voting against the officer's recommendation.

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

Members did not support the officer's recommendation of refusal as they feel the proposal makes a positive contribution, is not detrimental to the street scene and does not have an adverse impact on neighbouring properties.

(Councillors Mrs French and Purser registered that they are members of March Town Council, but take no part in planning matters)

P97/20

F/YR21/0229/F

LAND NORTH OF, 39 MARCH ROAD, RINGS END.ERECT A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF OUTBUILDING.

This item was withdrawn from the agenda.

3.38 pm

Chairman

F/YR21/0078/RM

**Applicant: Partner Construction and
Inside Land Group Ltd**

**Agent : Mr Rob Wells
Williams Gallagher**

**Land North Of The Green And North Of 145-159, Wisbech Road, March,
Cambridgeshire**

**Reserved Matters application relating to detailed matters of appearance,
landscaping, layout & scale pursuant to outline permission F/YR17/1127/O to
erect 118 x dwellings (2-storey - 50 x 2-bed, 50 x 3-bed, 18 x 4-bed) involving
demolition of 147a Wisbech Road**

Officer recommendation: Approve reserved matters and associated S106

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping (with access previously approved at outline stage) for 118 dwellings. The scheme comprises 100% affordable housing and would deliver far in excess of the 25% (30 dwellings) required within the S106.
- 1.3 The application proposes a policy compliant scheme which raises no issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highways layout.
- 1.4 As the scheme is wholly for affordable housing, this does have implications for the wider social infrastructure contributions – education and libraries, healthcare and cycleway contribution, as Section 4.2 of the Council's Developer Contributions SPD sets out that where development is for affordable housing, a planning obligation will not normally be sought, other than for the provision of affordable homes themselves.
- 1.5 Whilst the implications for this means that the development would not provide contributions towards social infrastructure, in-line with the Council's Developer Contributions SPD, the benefits of securing 100% affordable housing, in view of the shortfall and current demands are significant and Officers recommend that the scheme is approved.

2 SITE DESCRIPTION

- 2.1 The comprises approximately 4.85 hectares of agricultural land located north of Wisbech Road (the B1099) at the western side of March. It lies to the rear of

houses on Wisbech Road, The Green, West Close and Meadowlands and abuts properties on Meadowlands Retail Park and the Ely-Peterborough railway line.

- 2.2 The land was mainly in agricultural use (to the east) and the remainder unused or used as paddocks with some horses grazing. There is a line of small trees separating an existing field access from the paddock area, and hedgerows/trees abutting the edge of the agricultural area. The site includes No 147a Wisbech Rd, which is a bungalow and is proposed to be demolished to facilitate the development.

3 PROPOSAL

- 3.1 The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping (with access previously approved at outline stage).
- 3.2 The scheme is for 118 affordable dwellings comprising 108 affordable rent and 10 in shared ownership. For reference, the S106 secured under the outline permission sought 30 affordable homes (25%) comprising 21 affordable rent and 9 shared ownership.

Layout

- 3.3 The layout has been amended through consideration of this application to address concerns over some elements of road alignment in respect of refuse vehicle access and turning – including bin collection point locations and some parking layout concerns.
- 3.4 The layout relies on a primary road (proposed to be adopted) through the development which incorporates 2m wide footways on either side. Private, secondary roads spur off to serve pockets of dwellings at the western edges of the development.
- 3.5 All estate roads incorporate turning heads and bin collection points are located adjacent to the adoptable highway. All dwellings include on-site parking achieved through driveways.
- 3.6 All dwellings present their principal elevation onto their respective roads with rear gardens generally backing onto existing or proposed rear gardens. The dwellings along the eastern boundary are set away from the boundary to achieve a 3m maintenance easement and a controlled access point to the north east of the site is to be provided, to enable IDB access to maintain the adjacent watercourses. The IDB will be responsible for the maintenance of the easement strips.
- 3.7 Beyond the built development to the west, the site opens to areas of planned open space which also incorporates a SuDS attenuation pond linked to a swale at the northwest of the development. The open space equates to approximately 20% of the overall development areas and is proposed to be soft landscaped but undeveloped with exception to the SuDS feature i.e. no play equipment included but will accommodate free play and sports. A section to the south west comprising around 0.4Ha is to remain undeveloped and is not committed as part of this reserved matters application, as the applicant is reviewing option for this parcel of land.
- 3.8 An electricity sub-station is proposed to be located along the primary route at the west of the site and a foul pumping station is proposed at the northern end of the site with specific details yet to be finalised.

Scale & Appearance

- 3.9 The dwellings are all 2-storey and arranged either in pairs or terraces of 3, with the centre terrace dwelling incorporating a ginnel to enable secure access to the rear garden area. They appear fairly traditional in design, utilising a mixture of render or buff and red facing brick, with rustic red and dark grey roof tiles and incorporate a front canopy over the entrance.

Landscaping

- 3.10 The landscaping proposes a mixture of hard and soft landscaping material across the site. Within each property, amenity areas are proposed to be laid to lawn and a mixture of trees, shrubs and hedgerow incorporated into public realm areas e.g. verges and front gardens. Hedges are used to define front and side boundaries where they meet the highway.
- 3.11 The primary road is proposed to be surfaced in tarmac with secondary roads block paved. Within the properties themselves, driveways are proposed to be finished with permeable block pavements – notwithstanding the specific details of roads to be agreed via Condition 8 of the Outline permission and through the S38 highway adoption process.
- 3.12 The private amenity areas for each dwelling is enclosed with 1.8m high close boarded fencing except where they are visible within the public realm, where they will comprise a mix of brick wall and fencing. In order to compensate for levels differences, particularly along the southern boundary where the proposed rear gardens back onto existing gardens the 2.0m high fences are proposed.
- 3.13 A 3m high acoustic fence is proposed along the northern boundary and wraps round part-way along the north eastern edge of the site, to mitigate against noise emanating from the adjacent railway line.
- 3.14 The open space comprises a mixture of wildflower meadow and amenity grass with the native hedge to form boundaries and light woodland mix planting along the western edge. Around the perimeter of the attenuation pond, a mixture of wildflower is proposed.

Drainage scheme

- 3.15 The drainage strategy has been amended during consideration of this application and follow detailed discussion with the Lead Local Flood Authority (LLFA). The scheme relies on an attenuation pond which links to a swale connected to a drain at the north west corner of the site. Foul drainage is to be directed toward the pumping station at the north of the site and is proposed to be offered for adoption to Anglian Water.
- 3.16 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
F/YR20/3162/COND	Details reserved by condition 12 (ecology) of planning permission F/YR17/1127/O (Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road)	Pending

F/YR20/3159/COND	Details reserved by condition 10 (surface water) of planning permission F/YR17/1127/O (Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road)	Pending
F/YR20/3158/COND	Details reserved by condition 8 (road/cycle network) of planning permission F/YR17/1127/O (Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road)	Pending
F/YR20/3157/COND	Details reserved by condition 13 (trees) of planning permission F/YR17/1127/O (Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road)	Pending
F/YR20/3156/COND	Details reserved by condition 5 (archaeology) of planning permission F/YR17/1127/O (Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road)	Pending
F/YR17/1127/O	Erection of up to 118no dwellings (outline application with matters committed in respect of access) involving demolition of 147a Wisbech Road	Grant 20.01.2020

5 CONSULTATIONS

March Town Council

- 5.1 Recommends approval subject to all surrounding ditches and dykes being adequately maintained for all times.

5.2 FDC Environmental Health

Confirms that they agree with the findings of the RPS noise report and the recommendations therein.

Recommends that a condition is placed on any permission granted to ensure that the measures identified in the noise report are implemented in full prior to first occupation of the proposed dwellings.

A further condition is recommended to secure full technical details (prepared by a person suitably competent in the field of acoustics) of the proposed acoustic barrier as referenced in the noise report, to be agreed by the LPA and implemented in full prior to first occupation.

CCC Lead Local Flood Authority

[Following a site visit and submission of amended site layout plan]

- 5.3 Raises no objection in principle to the reserved matters application.

Considers that the proposed site layout is consistent with the surface water drainage strategy that has now been agreed under application F/YR20/3159/COND. Notes that surface water will be managed through the use of permeable paving, an attenuation basin and a swale, before discharging into the adjacent watercourse at 3.8 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change.

Anglian Water

5.4 Foul Water

Considers that the impacts on the public foul sewerage network are acceptable to at this stage. Requests that they are consulted on any application to discharge Condition 11 of outline planning application F/YR17/1127/O, to which this Reserved Matters application relates, that requires the submission and approval of detailed foul drainage information.

Surface Water

Notes that the surface water drainage strategy does not involve discharge to Anglian Water owned assets, and therefore has no comments to make.

CCC Highways Development Management Team

5.5 Further to revised layout plans, I have no highway objections subject to the following condition recommendations; [summarised]

- i) Details of future management of streets and/ or adoption
- ii) Details of the construction of roads, paths and lighting
- iii) Development to be built to binder course prior to first occupation
- iv) On-site parking to be provided prior to first occupation
- v) Visibility Splays as detailed shall be provided prior to first occupation
- vi) Driveways built with drainage to prevent surface water run-of onto the highway
- vii) Wheel washing facilities to be approved

[Subsequently agreed that criteria i), ii), iii), vi) and vii) are already captured through conditions secured under the outline permission.]

5.6 **CCC Transport**

Raises no objection. Defers to the Highways Development Management Team for comment.

Network Rail

5.7 Raises no objection but provides the applicant advice on the following topics where in proximity to the railway line;

- Demolition
- Future Maintenance and access
- Fencing and securing the development
- Landscaping

Local Residents/Interested Parties

5.8 8 letters of objection received from residents at the following locations;

- 3 at Wisbech Road
- 4 at The Green
- 1 at Russell Avenue
-

Raising the following concerns;

- Parking issues/ cars parked on yellow lines
- Hedges & shrubs have been removed/ cut down on boundaries to properties
- Loss of tranquillity
- Increased traffic & congestion, Highways dangers
- Local services are at capacity/ not able to cope
- Overlooking/ Loss of privacy
- Was previously told by solicitor (1991) that previous planning proposals had been turned down – what has changed?
- Noise during construction
- Drainage, Flooding & low water pressure
- Boundary treatments
- Land ownership
- Agricultural land
- Devaluing property
- Environmental Concerns
- Visual Impact

- Wildlife Concerns
- Would set a precedent
- Light pollution through car headlights
- Loss of greenspace
- Anti-Social behaviour
- Density/Over development

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

7.5 March Neighbourhood Plan 2017

H1 – Large Development Sites

H3 – Local Housing Need

7.6 Supporting/ Supplementary Planning Documents (SPD)

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Cambridgeshire Flood & Water SPD (2016)

- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Layout**
- **Scale & Appearance**
- **Landscaping**
- **Residential Amenity**
- **Biodiversity**
- **Drainage**
- **S106 & Social Infrastructure**

9 ASSESSMENT

Principle of Development

- 9.1 The principle of development was established under the initial outline permission F/YR17/0127/O. The Outline permission also secured full planning permission for the access at Wisbech Road.
- 9.2 The outline application assessed the transport impacts of the development for up to 118 dwellings in terms of anticipated flow and capacity and was considered to be acceptable, with improvements to Peas Hill Roundabout being identified as required and subsequently secured through condition 14 . Furthermore, the flood risks of the development and potential noise impacts from the adjacent railway line were also considered, with in-principle agreement reached, subject to the submission of further details at detailed design stage.
- 9.3 As such, whilst the concerns raised by some residents through this reserved matters submission, in respect of principle, access location, off-site traffic flow and highway safety implications, flood risks of the site, impacts on local schools and services, loss of greenspace/ agricultural land, loss of property value and precedent are noted, these were matters explored at the outline stage and found to be acceptable or in the case of the latter point, not material. As such, it is not appropriate to re-visit the principle of development. This application seeks to agree the detailed design elements of the development and also the implications of the development on S106 contributions secured at Outline stage.

Layout

Access & Highways

- 9.4 The layout follows a relatively conventional approach; a main road with the use of secondary routes to serve small pockets of dwellings. The layout has been amended through consideration of the application, primarily to address vehicle tracking to ensure that the Council's refuse lorries can safely manoeuvre around the site without conflicting with other road users, pedestrians and infrastructure.
- 9.5 The primary road is proposed to be built to adoptable standard whereas the secondary roads are intended to be privately managed. In this regard, bin collection points are located close to the junctions of the adoptable highway to comply with RECAP guidance.

- 9.6 The LHA has reviewed the layout and confirmed that the road alignments and geometry meet with their standards. Condition 8 of the Outline permission requires details of the road and cycle infrastructure to be adopted or privately managed, including details of lighting, construction specification etc. and a scheme for its long-term management .
- 9.7 Therefore, whilst the general layout and arrangement of roads is acceptable, the specific details e.g. construction, lighting, drainage are to be agreed through a separate discharge of condition application which the applicant is currently progressing (F/YR20/3058/COND).
- 9.8 As such it is considered that this application demonstrates that the layout provides appropriate access and highways infrastructure for the nature and quantum of the development in accordance with policy LP15 of the FLP.

Open Space

- 9.9 The scheme proposes around 20% of the site for open space (excluding the SuDS feature) where the Council's open space standards would usually require around 4% of children's play (of which around one third should be equipped) plus areas of amenity greenspace. At Outline stage, it was considered that an off-site contribution toward play equipment, to support existing infrastructure would be more appropriate and therefore this development proposes open space for free-play and informal use examples of which could be football, dog walking etc.
- 9.10 In this regard, the layout secures adequate levels of open space which will enable recreation and encourage healthy lifestyles in accordance with FLP policy LP2.

Dwellings

- 9.11 The dwellings are served by privately owned driveways, providing policy-compliant levels of parking in accordance with Appendix A of the FLP. Most properties are served by policy-compliant levels of private amenity space – a minimum of a third of each plot, with the exception of Plots 23 and 38 which fall to just around 20% - 23%. Whilst this is short of the one-third requirement under policy LP16, it is not anticipated that this would severely harm the amenity of future occupiers of these properties who will also have access to the open space provided within the site. Nonetheless, this disbenefit will need to be balanced against the benefits of the wider scheme.
- 9.12 Dwellings are spaced and oriented so as to avoid overlooking and overbearing impacts. As noted above waste collection is either by roadside collection in the cases of adopted roads, or by bin collection points where served by private drives. General street lighting for both public and private streets is secured via condition 8 of the Outline as noted above and the final lighting scheme will be considered through a conditions discharge application.
- 9.13 In summary, with the exception of the 2 plots achieving sub-policy compliant levels of private amenity space, the layout raises no significant concerns in respect of access, density, amenity or safety in accordance with policies LP2, LP16, LP17 and LP19 of the FLP.

Scale & Appearance

- 9.14 The dwellings are all 2-storey and commensurate in scale to the average scale of properties in the locality. The dwellings are all traditional in form incorporating porch canopies and traditional casement windows.

- 9.15 Following amendments to the charter plan to address concerns over the limited palette initially proposed, the mixture of dwelling styles and external finishes will now add interest to the future street scene. In particular, the key use of render on properties either at vista stops or on the corners of junctions will aid with legibility providing distinguishable buildings to use as waypoints through the development.
- 9.16 The electricity sub-station is proposed to be finished in facing brick with either a flat or pitched roof brown which, whilst relatively isolated from the core of the development, will assimilate well into the street scene.
- 9.17 Given the overall scale of the development, its location effectively behind established roads and estates, and with its single point of access from Wisbech Road the development itself will form its own character area. As such, the development is not considered to result in any conflict with the existing character and appearance of the area.
- 9.18 In summary the scale and appearance of the development is considered to accord with policy LP16 of the FLP.

Landscaping

Hard landscaping

- 9.19 The primary and secondary routes are proposed to be surfaced in different materials; tarmac for primary, block paving in brindle for the secondary shared access routes. This will assist in legibility and road speeds, with roads narrowing as they follow the hierarchy and surfaced to accentuate this. In this regard, the hard landscaping for the main highway routes is acceptable.
- 9.20 The boundary treatments are also considered appropriate for the development, comprising close boarded fence along residential boundaries, but incorporating brick wall where this can be seen from the public realm. The acoustic fence will appear as a slightly dominant feature in the backdrop, essentially stifling view of the railway line, but is necessary in order to mitigate noise impacts that would arise, particularly to those along the north and north-eastern boundary of the site. In view of its prominence (and reliance for noise defence), it will be necessary to ensure that its condition is maintained.

Soft landscaping

- 9.21 The scheme incorporates a mixture of soft landscaping features which varies from wildflower meadow ,amenity grassland and native hedgerow in the less urban areas, and more formal planting in the developed streets. This reinforces the transition from urban to rural environments through the development.
- 9.22 Condition 13 of the Outline permission requires details of how existing trees and hedgerow to be retained will be protected and the Council's Arboricultural Officer has confirmed that the proposals put forward are satisfactory. They have however raised concern over the lack of natural screening between existing and proposed properties. This is noted, however it is not uncommon for new developments to rely on fences or walls for screening as this immediately establishes privacy measures, with natural screening often taking years to fully establish the level of screening required – much of which may ultimately be removed by future occupiers wishing to reduce maintenance of shrubs and trees within their gardens. As such, it is considered that the boundary screening proposed is appropriate for the development.

- 9.23 It is acknowledged that one resident has raised concerns regarding some hedge clearance or reduction on land outside the developer's control. This would constitute a civil matter and not one that the planning system can address, needless to say that approval of planning permission does not convey the right for persons to undertake works on third party land. Notwithstanding this, the matter has been reported to the applicant.

Open space

- 9.24 As noted above, the landscaping for the open space area is considered to be appropriate and will provide an interesting, natural environment for residents to enjoy, whilst accommodating a key drainage function for the development. The Council's current policy is not to adopt new areas of open space and it will therefore be necessary to seek details of the long-term management and maintenance of the open space. This can be reasonably secured via planning condition and should also require details of how the acoustic fence will be maintained for the lifetime of the development.
- 9.25 In conclusion, the proposed landscaping schemes, subject to a satisfactory for the long-term management and maintenance of the open space is acceptable and accords with policy LP16 of the FLP.

Residential Amenity

Noise

- 9.26 As noted above, the applicant is proposing to mitigate noise impacts emanating from the adjacent railway line, via a 3m high acoustic fence. In addition, properties will include additional measures to further mitigate this impact, dependant on the specific location of each property relative to the noise source. Such measures include; acoustic ventilation, enhanced glazing and sound insulation and these are specific for each relevant property within the submitted noise report.
- 9.27 The Council's Environmental Health team has reviewed the proposals and concurs with the recommendations as set out. It is considered that ensuring that noise mitigation is incorporated into the scheme prior to first occupation can be reasonably secured through planning condition.
- 9.28 Notwithstanding matters of noise, the layout of the development avoids any undue overlooking, overshadowing or visual dominance for future occupiers in accordance with LP16 of the FLP.

Existing residents

- 9.29 As noted above, the rear gardens of proposed dwellings where they back on to existing properties will be screened with close boarded fencing to a height of 2m in areas where the land levels are slightly raised and 1.8m for all other areas. This will avoid direct views from properties into rear gardens and also should mitigate any potential for car headlights to sweep directly into existing windows at ground floor. Furthermore, the arrangement of proposed dwellings achieves adequate separation distance from existing properties which, combined with the moderate scale of the dwellings, will avoid any severe issues in respect of overlooking, overshadowing or visual dominance, again in accordance with LP16.
- 9.30 Concerns have been raised by residents over potential noise nuisance during construction phases and the loss of tranquillity given that the land is currently undeveloped. Condition 6 of the outline permission requires the agreement of a Construction Management Plan which ultimately seeks to manage and reduce as

far as practicable, any nuisance that may arise through the construction phase of the development. This document once submitted will be considered by the Council's Environmental Health team (and the Local Highways Authority in respect of wheel washing facilities).

- 9.31 In terms of the operation phase of the development i.e. the residential occupation, there is nothing to suggest that any significant noise impacts will result over and above that expected through a residential use of land.
- 9.32 At least two residents have raised concerns over potential ASB issues arising from the development but have not expanded specifically on what or where this may arise. The layout itself raises no concerns in terms of potential areas where ASB may occur, with generally good surveillance across the site and the overall scheme does not indicate that ASB would arise specifically as a result of this development.
- 9.33 In summary, the proposal raises no concerns in respect of any adverse impacts to residential amenity.

Biodiversity

- 9.34 Concerns have been raised by residents in respect of wildlife impacts. The Outline application was supported by an ecology survey which considered the impact of the proposal on species such as bats, Great Crested newts, water Vole and reptiles. The results and recommendations arising from the survey work indicated that the development could proceed subject to final details of mitigation measures which is secured via condition 12 under the Outline.
- 9.35 The applicant has submitted an application with a scheme to discharge this condition (F/YR20/3162/COND) and the Council's Wildlife Officers have raised no objections to this. It is considered that the proposal complies with the aims of policies LP16 and LP19 of the FLP.

Drainage

- 9.36 Condition 10 of the outline permission requires a detailed surface water drainage scheme. The drainage scheme has been revised following an on-site meeting with the applicant and LLFA and has now been agreed. The strategy informs the layout – with the SuDS pond and swale leading to the existing watercourse. Whilst the scheme is ultimately to be agreed through the conditions discharge application F/YR20/3159/COND, there are no concerns raised by any statutory, or non-statutory bodies to the proposed method of surface water drainage and associated layout.
- 9.37 Anglian Water have also raised no issues to the proposal advising that they have capacity for foul flows and raise no concerns in terms of any degradation of water pressure. Details of the foul system are to be agreed through an application to discharge condition 11 of the Outline permission.

S106 and Social Infrastructure

- 9.38 The principle for up to 118 dwellings on this site was established under F/YR17/1127/O. This proposal set out a full suite of planning contributions, secured under a S106 agreement as follows;
- 25% affordable Housing
 - Education & Libraries contributions
 - Healthcare

- Cycle path
 - Open Space
- 9.39 As noted above, this scheme comes forward as 100% affordable housing and therefore, far in excess of the 25% (30 dwellings) required within the S106. However, in this regard, this does have implications for the wider social infrastructure contributions, as Section 4.2 of the Council's Developer Contributions SPD sets out that where development is for affordable housing, a planning obligation will not normally be sought, other than for the provision of affordable homes themselves.
- 9.40 This means that as the application proposes 100% affordable housing, no other contributions would be sought, in accordance with the SPD. In this regard, the applicant has prepared a draft deed of variation (DoV), to sit alongside the reserved matters application and which removes all obligations, other than the delivery of AH for the entire development. It is important to note that this DoV is relevant only to this RM application and that, if ultimately an alternative scheme comes forward e.g. for some market housing and/ or a reduction in affordable housing, then the terms of the original S106 would apply.
- 9.41 Both the County Council and NHS England have been consulted on this application, specifically on this point but no comments have been received.
- 9.42 It is acknowledged that the scheme in its proposed form would not secure the contributions originally proposed as directed by the SPD. It is also noted however that since the completion of the S106, the Council undertook a review of the District's general development viability having noted a steep decline in policy compliant levels of affordable housing, with the District facing a substantial overall shortfall in affordable housing delivery during the latest plan period. The Council's Housing team has advised that zero affordable homes have been completed in the March area for the past 3 years, with a current need of 589 homes, a majority of which are 1, 2 and 3 bedroom homes. In view of this, Officers consider that proposals for appropriate affordable schemes which demonstrate they meet a need should be given significant weight, given the social and economic benefits they generate. This is notwithstanding the Council's own viability review which indicates that securing policy-compliant levels of affordable housing may be challenging in the longer term.
- 9.43 As such, whilst it is recognised that the implications of this scheme mean that no contributions for social infrastructure would be secured, the benefits of this scheme are clear in that they would address an immediate affordable housing need, specific to March and would make a substantial contribution toward an affordable housing shortfall for the district. Officers consider that these benefits can be attributed significant weight.

10 CONCLUSIONS

- 10.1 The reserved matters submission, in the main, proposes a policy compliant scheme which raises no significant issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highways layout.
- 10.2 The scheme is for all dwellings to be affordable homes which would make a substantial contribution toward addressing the District's affordable housing

shortage. Whilst the implications for this means that the development would not provide contributions towards social infrastructure by way of healthcare, education, open space and sustainable transport contributions in-line with the Council's Developer Contributions SPD, the benefits of securing 100% affordable housing, in view of the shortfall and current demands are significant and Officers recommend that the scheme is approved.

- 10.3 It is acknowledged that two of the properties achieve a sub-policy compliant level of private amenity space as noted in 9.11 above. The scheme provides 118 affordable homes which has been designed to a registered housing provider's (RP) specification. It is assumed therefore that the RP is content to deliver the two properties with smaller rear gardens. Furthermore, whilst these two smaller plots can be considered a disbenefit to the scheme, this is not significant in the context of the overall development and when balanced against the clear benefits it would realise. This is notwithstanding the amount of accessible open space the development also achieves for future occupiers if the development.
- 10.4 Accordingly, the reserved matters submission can be recommended for approval subject to conditions.

11 RECOMMENDATION –

1. Approve the reserved matters subject to the conditions set out in section 12 below;
2. That the Committee delegates authority to finalise the terms of the S.106 deed of variation agreement associated with this reserved matters application to the Head of Planning.

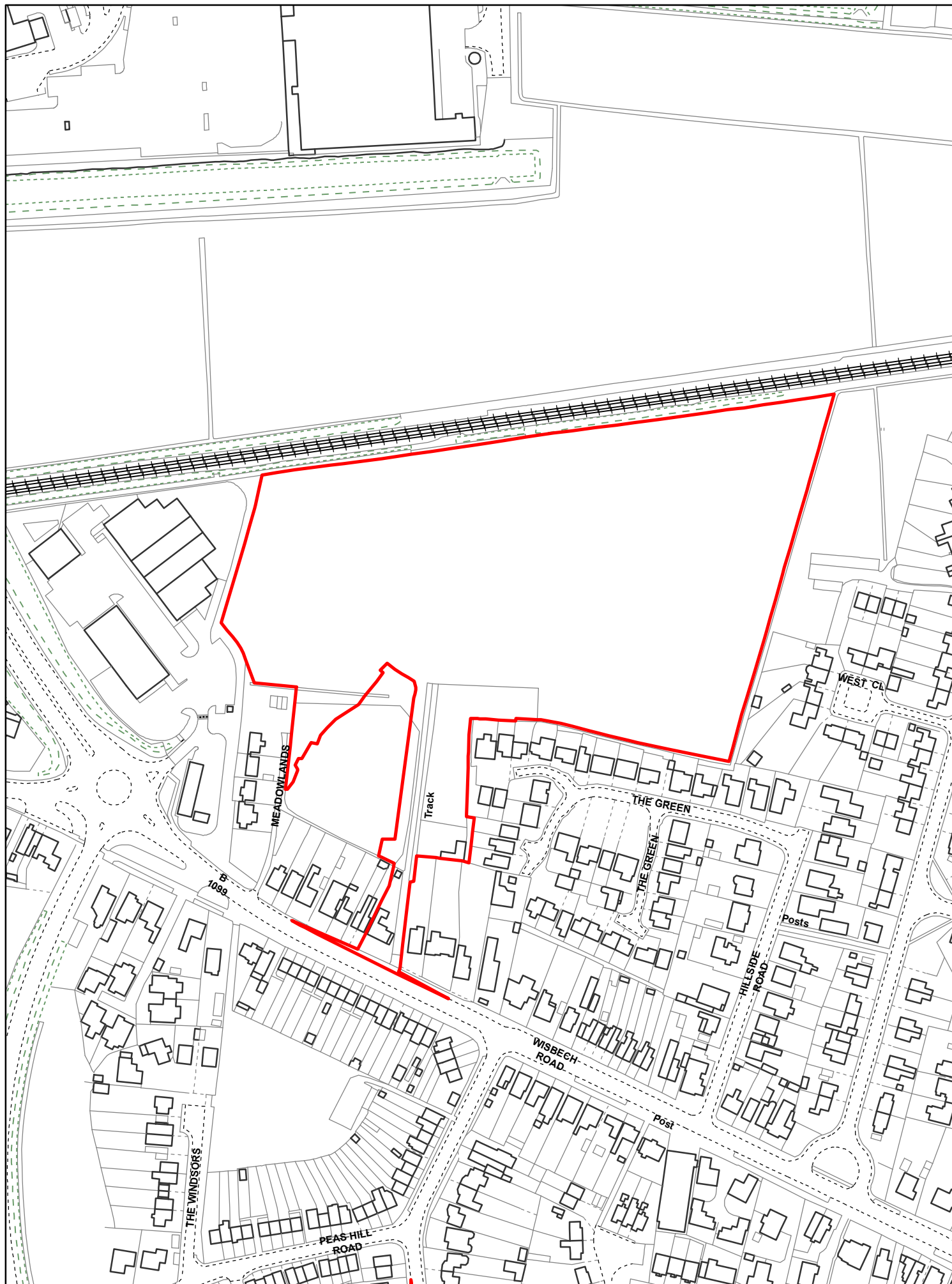
12 Conditions

12.1 The recommended conditions are as follows;

1.	<p>Prior to any works proceeding above slab level, full specification details of the proposed 3m high acoustic fence as detailed on plan reference 100-709/(P)043J shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The fence shall be erected in accordance with the details approved prior to the first occupation of the development and thereafter retained and maintained to the agreed specification in perpetuity (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: In order to protect residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
2.	<p>The development is to be carried out in accordance with the details as set out in Section 2 'Façade Assessment: Glazing and Ventilation Requirements' of the submitted noise assessment (RPS, 2392e_Report01_Rev1, dated 07/12/2020) prior to the occupation of each respective dwelling and thereafter retained/maintained in perpetuity.</p> <p>Reason: In order to protect residential amenity in accordance with Policy LP16 of</p>

	the Fenland Local Plan, 2014.
3.	<p>Prior to the first occupation of the dwelling to which they relate, the proposed on-site parking turning shall be laid out, demarcated, levelled, surfaced and drained within the site i.e. not onto the highway in accordance with the approved plans and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
4.	<p>Prior to the first occupation of the dwelling to which they relate and associated roads, visibility splays shall be provided as shown on the plan reference AAC5685-RPS-xx-xx-DR-C-114-01 P02 and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
5.	<p>All soft landscape works 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 development, or in agreed phases and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in 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>
6.	<p>The 2.0m high close boarded fences and gates located along southern boundary as shown on plan reference 100-709/(P)043J shall be erected prior to first occupation of the dwellings to which they relate and maintained at a height no lower than 2m (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: In order to protect residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
7.	<p>Prior to the first occupation of the development a scheme for the long-term management and maintenance of the open space and acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented upon completion of the relevant works and maintained for the lifetime of the development.</p> <p>Reason: In order to provide a satisfactory level of accessible amenity space and to ensure the residential amenity of future occupiers is maintained in accordance with Policies LP2 and LP16 of the Fenland Local Plan, 2014.</p>

8.	List of Approved Plans
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F/YR21/0078/RM

Scale = 1:2,500





Revision:	Date:	Drawn:	Check:
A	Client name updated for submission.	09-12-20	SIG RAW
B	Client logo updated for submission.	10-12-20	SIG RAW
C	Scale annotation updated to LPA comments.	07-01-21	SIG RAW
D	FAH comments addressed on garden and car parking.	03-02-21	SIG RAW
E	Parking space and highways comments addressed.	25-02-21	JP SIG
F	LPA comments address introducing a 3m maintenance strip - Plot position and parking amendments to 39-44 and 23-24 to accommodate.	12-03-21	SIG RAW
G	Updated to revised drainage requirements.	12-03-21	JP SIG
H	Highways comments addressed, chicanes replaces with bend in the access road.	25-03-21	SIG RAW
I	Highways comments addressed, additional bend and raised table in front of plot 40 removed.	06-04-21	SIG RAW
J	Site boundary updated.	12-04-21	SIG RAW

House Type Drawing	Plot Number
Sheet Ref	
(P)044D	07-08; 14-15; 16-17; 18-19; 20-21; 24-25; 28-29; 47-48; 65-66; 66-67; 80-81; 84-85; 103-104; 105-106; 109-110; 111-112; 115-116
(P)045C	83-84
(P)046C	91-92
(P)047C	68-69
(P)048C	22-23; 78-79
(P)049C	37-38; 60-61; 95-96; 101-102
(P)050D	70-71; 114
(P)051C	117-118
(P)052D	30-31; 35-36; 58-59; 62-63; 82-83; 86-87; 107-108; 113-114
(P)053C	26-27
(P)054C	32-33-34
(P)055D	03-04; 39-40; 43-44
(P)056D	01-02; 05-06; 41-42; 45-46; 97-98; 99-100
(P)057C	09-10
(P)058D	75-76-77
(P)059D	11-12-13; 52-53-54; 55-56-57; 88-89-90
(P)060D	49-50-51; 72-73-74

Schedule of Accommodation	Type	Stores	SQM	No.
F114	2B4P House	2	72.5	50
F112	3B5P House	2	83.7	28
F113	3B5P House	2	84.3	12
F115	3B5P House	2	85.6	8
F137	3B5P House	2	86.1	2
F119	4B6P House	2	105.2	18
TOTAL				118
Site Area:	4.78Ha			
Public Open Space:	1.17Ha			
Retained Land:	0.39Ha			
Garden Range:	38.7m ² to 217m ²			

For discussion purposes only. Subject to surveys and approvals from the Local Authority and Building Control.

INSIDE LAND
GROUP

Partner

rcg

Project: Wisbech Road, March

Status: PLANNING

Client: Partner Construction Limited and Inside Land Group Ltd

Sheet title: Proposed Site Layout

Scale: 1:500@A0

Date: 30-11-2020

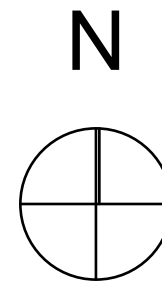
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F/YR20/1232/O

Applicant: Mrs Smith

**Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

Land North East Of Tudor Lodge And Sunset, Station Road, Wisbech St Mary, Cambridgeshire

Erect a dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This submission seeks outline planning permission for a single dwelling to be served off an existing access track situated between Sunset and Sunnyside, Station Road, Wisbech St Mary
- 1.2 The site and the wider area has been the subject of various planning proposals for residential development, either as new build or conversion and these have been resisted given that they constituted development which encroached on the open countryside, excepting a recent proposal to deliver a pitch to serve the individual needs of a gypsy and traveller family which has been implemented.
- 1.3 The proposal constitutes an unjustified encroachment into open countryside which would have an adverse impact on its character and appearance.
- 1.4 Access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection.
- 1.5 There has been insufficient justification to deviate from the earlier assessments made in response to the delivery of residential accommodation in this location and as such the scheme continues to be in conflict with relevant local plan and SPD policies, and it is therefore recommended that the application is refused

2 SITE DESCRIPTION

- 2.1 The site comprises an area of grassed land situated immediately to the north-east of Tudor Lodge and Sunset which are both residential dwellings fronting onto Station Road. Both these dwellings have lengthy rear gardens circa 100 metres. The common boundary with these garden areas are formed with a low level post and rail fence supplemented with tree planting; a further grassed area lies to the north-east of the proposed site. The north-western boundary is formed by an established conifer hedge.

2.2 It was noted at the time of site inspection that a gated access with associated brick piers has been constructed along the existing access road immediately in line with the south-western boundary of the site. This access arrangement supplements further gates and piers which mark the boundary of the site to the north-east of that currently under consideration which has a mobile home in situ as per the planning permission issued in 2020. Also on this site is a former coal yard building.

2.3 The site is within a flood zone 1 location.

3 PROPOSAL

3.1 This submission seeks outline planning approval for a single dwelling, all matters are reserved for later consideration. An illustrative layout is submitted as part of this proposal this shows a detached dwelling with associated parking and garden area and indicates that the north-eastern boundary will be formed by a 1.8 metre close boarded fence supplemented by trees and shrubs. The accompanying application form specifies the proposed development as '1 No. 4-bed 2-storey dwelling'.

3.2 Access will be derived from the existing access road which leads from Station Road, this is some 150 metres long and of single width with no passing places along its full extent.

3.3 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR19/1048/F	Siting of a residential caravan (retrospective) Land Rear Of Sunset Station Road	Grant	06.05.2020
F/YR19/0576/F	Change of Use of building to single-storey 2-bed dwelling including erection of a single storey extension Land Rear Of Sunset Station Road	Refused	27.08.2019 Dismissed at appeal 06 Jul 2020
F/YR18/0674/O	Erection of a dwelling (outline application with all matters reserved) Land Rear Of Sunset Station Road	Refused	07.09.2018
F/YR17/1197/O	Erection of up to 4 no dwellings (outline application with all matters reserved) Land Rear Of Sunset Station Road	Refused	04.12.2018
F/YR17/0368/PNC	Change of use of an agricultural building to 1-storey 1-bed dwelling (Class Q(a) and (b))	Refused	22.06.2017
F/YR05/1439/O	Erection of a dwelling – Land west of Coal yard, Station Road	Refused	31.01.2006

5 CONSULTATIONS

- 5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 11th January 2021, the Council recommended REFUSAL based on access concerns and back land development.'*
- 5.2 **Cambridgeshire County Council Highways Authority:** *'I have no highway objections to the development in principle. When access is committed at outline stage, I would like to see the access widened (if possible, within land constraints) and sealed and drained.'*
- 5.3 **Environment & Health Services (FDC):** *'There are concerns that this ground of this site, or part of it, may be contaminated as a consequence of it's former use as a coal yard. This issue was highlighted in a response by Environmental Health to Planning Application Ref. No. F/YR17/1187/O, dated 2 January 2018. In a subsequent application. Ref. No. F/YR18/0674/O, this matter wasn't addressed.'*

As far as Environmental Health are aware, this site may still be contaminated. A Phase I investigation suggested that a Phase II Intrusive Investigation should take place to identify any contaminants and submit a strategy for remediation of the site.

On that basis, I would recommend that a condition is attached to any consent granted in respect of this proposal, which could address this issue, possibly before an application for full planning consent is made.

There are no issues with noise being created by this proposal and no known noise sources which could adversely impact upon this site.

There are no concerns that this proposal will impact upon the local air quality.

Consequently. I have no objections to the granting of consent to this proposal but recommend the attachment [of a condition to secure a Phase 2 Intrusive Contaminated Land Investigation] '.

- 5.4 **North Level Internal Drainage Board:** *'North Level District IDB has no comment to make with regard to the above application.'*
- 5.5 **Local Residents/Interested Parties:** Two letters of objection have been received from adjoining householders which may be summarised as follows:
- Access: *'The single right of way track cannot accommodate two vehicles passing and cause a holdup on station road' this will create problems [..] especially with workmen coming up and down and delivery drivers with large lorries with building supplies.*
 - Concerned about potential damage to drive, trees and grass verge
 - Agricultural land
 - Backfill
 - Does not comply with policy
 - Light Pollution
 - Local services/schools - unable to cope
 - Loss of view/Outlook
 - Out of character/not in keep with area
 - Outside DAB
 - Proximity to property
 - Wildlife Concerns

- Would set a precedent: 'We feel this development would open the gate to further development in open countryside
- Would further devalue the nearby properties
- Note that the access is not within the ownership/control of the applicant and as owners of the land they would not agree to the widening of the access noting that they own the first 11 metres
- Comment that several of the letters of support have no objection but note that the writers are nowhere near the property with only two within the vicinity, one from the resident at Sunnyside cottage which is fenced off from the area and one from the owner of Hillfield House whose access is actually on Church Road not Station Road.

Six letters of support have been received from residents of Wisbech St Mary – Station Road (x 3), High Road (x 1), Sandbank (x 1) and Church Road (x 1) these may be summarised as follows:

- *'As a resident of 30 years plus standing have no objection to a dwelling being built of land at The Old Coal yard'*
- *'The above mentioned planning application may be classed as backfill. The site is in flood zone 1 in a growth village'.*
- *'FDC recently approved of backfill building for Fen Falconry, FDC have also approved planning for holiday homes behind Trafford House, and also a large home behind Station Farm, all backfill along Station road'*
- *'I see no reason why Mrs Smith cannot be allowed to build on the site having lived in the parish for 50+'*
- *'No objections to one house being built on the land'*
- *'No issue with the land being lived on'*
- *Land is 'very well lit up at night across the field at the back of my property which does make me feel safer'.*
- Site has good access to the pavement opposite giving good access to village facilities
- Requests that they are consulted on any future applications serviced by this road or facing their garden
- *'I live at the Old Coal Yard, Station Road, I support K Smith in a house elderly women who I could help care for [...] it's a lovely area, my children go to school in the village, lovely neighbours'.*
- *'Think it would be lovely for K Smith as very quiet and very nice people around area'.*

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
 Paragraph 10 - Presumption in favour of sustainable development
 Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise
Para. 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
Para. 78 – rural housing
Chapter 11 - Making effective use of land
Para. 155 – Flood risk

7.2 Fenland Local Plan 2014 (FLP)

LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP12 – Rural Areas Development Policy
LP14 – Flood Risk and Renewable Energy
LP15 – Transport Network
LP16 – Delivering and Protecting High Quality Environments

7.3 Delivering and Protecting High Quality Environments in Fenland SPD 2014

7.4 National Design Guide (NDG)

C1 – Understanding and relate well to the site, its local and wider context
I1 – Responding to existing local character and identity
H1 – Healthy, comfortable and safe internal and external environment
H2 – Well-related to external amenity and public spaces

8 KEY ISSUES

- **Principle of Development**
- **Justification**
- **Character and Visual amenity**
- **NPPF Para. 78 considerations**
- **Residential amenity**
- **Village Thresholds**
- **Access and servicing**
- **Flood risk**

9 BACKGROUND

- 9.1 As can be noted in the history section above, this site and the wider area have been the subject of a number of planning applications for residential development; these have proposed the conversion of the former coal storage building together with the redevelopment of this site for single and multiple dwellings.
- 9.2 All earlier submissions have been resisted as representing an unwelcome and unjustified intrusion into the open countryside. Although more recently consent has been granted for the stationing of a mobile home on the site to the north-east (within the former coal yard area) to provide a gypsy and traveller pitch; this submission having been found policy compliant as greater weight was given to the occupancy status of the residents as allowed for under Policy LP5 – Part D.
- 9.3 It is also noted that during the consideration of this application it became apparent that the applicant did not own all of the land with the first part of the access road being within different ownership and a section of the access being unregistered; this has been addressed in accordance with the relevant

procedures and the application is now deemed a valid submission which is capable of determination.

10 ASSESSMENT

Principle of Development

- 10.1 The settlement of Wisbech St Mary is identified as being a Growth Village under Policy LP3 of the FLP (2014), however this site has consistently been found to have a greater affinity with the open countryside and as such is deemed an elsewhere location where development should be resisted as non-compliant with Policy LP12. Notwithstanding the locational issues Policy LP16 is also pertinent with this policy seeking to achieve high quality environments in keeping with the character of the area and providing appropriate levels of residential amenity for future residents. In addition, matters of highway safety and flood risk require consideration under Policies LP15 and Policy LP14 respectively.
- 10.2 Due regard must also be given to the planning history of the site to ensure consistency of decision making.

Justification

- 10.3 A policy assessment is put forward within the design and access statement with the agent noting that the development is '*recessed from the highway to the rear of existing properties*' and going on to state that '*the overall form and position contains the proposed within the same mass as the two nearby properties*'. It is not entirely clear as to what the agent is seeking to express in this statement. Similarly, comments made regarding 'promoting positive integration' are again not overtly clear.
- 10.4 The submission goes on to outline that the '*the existing concrete paddock's west boundary acts as a barrier between the proposed outline and the agricultural land, therefore, not adversely harming the countryside character. In addition, the scheme would be surrounded by existing tree's and shrub's, thus, removing the intervention out of sight.*' Furthermore, the agent asserts that the 'proposal does not extend the settlement, as is the close association of the proposed to nearby properties, with a clear end'. It would appear a perverse argument to put forward that just because you will not see the incursion it will not have occurred, and clearly this is not in the spirit of the policy. In addition the comments made regarding the concrete paddock's west boundary acting as a barrier between the site and the agricultural land do not appear correct as the only evidence of concrete would be the former coal yard site which appears physically distinct, and some 40 metres distant from the current application site.
- 10.5 Further assertions that the land was once in industrial use are equally challenged as the 'coal yard' activities would appear historically to have been undertaken within the compound to the north-east now occupied by the mobile home and existing coal yard storage building. Historic aerial imagery, dating back to 1997, also shows the site as presenting as grassland with the coal yard complex clearly a separate land use.
- 10.6 Matters of access are also considered with the D & A statement indicating that there is footpath on Station Road opposite the site access, however the quality and extent of the access track are not specifically addressed.

- 10.7 It is also indicated that the provision of further trees will promote biodiversity and that given the scale of the dwelling and its relationship with the existing built form the scheme will neither impact on local distinctiveness or on the amenity of nearby dwellings.

Character and Visual amenity

- 10.8 The prevalent character of Station Road is of frontage development, whilst 3 examples of development adopting a different character have been identified in one of the consultation responses received these do not serve to justify the current proposal with a key tenet of planning policy being that each application should be dealt with on its own merits. These developments have also been highlighted in a consultation submission as precedent for 'backfill' however it should be noted that the recently approved dwelling at Fens Falconry was required in conjunction with a business use and the holiday lets at Trafford House represented a conversion of an existing barn and were supported as compliant with the Fenland District Wide Local Plan 1993 (as amended). The dwelling behind Station Farm again appears to pre-date the current local plan having been initially granted outline planning permission in 1989.
- 10.9 The prevailing planning policy clearly states that development should be in keeping with the core shape and form of the settlement within which it is located and should not adversely impact on existing character and amenity. The application site under consideration presents largely as open countryside on the periphery of the established settlement and as such the development illustrated would not accord with the existing character
- 10.10 Introducing a dwelling on the site will be at odds with the existing character of the area, this view aligns with that taken by the Planning Inspector in his consideration of the appeal submitted in respect of F/YR19/0576/F. Whilst the scheme which was considered under this appeal was a conversion and extension of the existing barn on the site, to the north-west of the site currently under consideration, it does serve to demonstrate that development within this area was found not to reflect the overall character and form of the area or indeed Policy LP12.

NPPF Para. 78 considerations

- 10.11 For the sake of completeness due regard has been given to paragraph 78 of the NPPF which postdates the earlier consideration of proposals for this site. Para 78 of the NPPF allows for the introduction of housing where it will '*enhance or maintain the vitality of rural communities*' with key emphasis on allowing villages to grow and thrive, especially where such housing will support local services. It is explicitly identified in Para 78 that '*where there are groups of smaller settlements, development in one village may support services in a village nearby*'.
- 10.12 Some weight may be given to Para 78 in that the site is reasonably well related to the settlement core however Wisbech St Mary could not be deemed 'a small settlement' and there are numerous other opportunities available from which additional housing may be delivered. In real terms the contribution that one dwelling on this site would make to the housing stock of the village when viewed against the actual harm that would arise with regard to character is such that a dwelling in this location should be resisted.

- 10.13 Furthermore, allowing the development would significantly undermine Policy LP12 and would be inconsistent in terms of decision making noting the extensive planning history quoted earlier in this report.

Residential amenity

- 10.14 Whilst it has been shown on a layout plan that the site can accommodate the development as proposed and the scheme is unlikely to raise issues in terms of residential amenity in terms of adjoining occupiers this does not outweigh the character concerns.
- 10.15 In addition the level of amenity that the dwelling would afford its future occupiers is questionable given that pedestrian access into the village would be via an unmade track and the bin collection point indicated to serve the property would be some 150 metres from the property boundary.
- 10.16 Policy DM4 of Delivering and Protecting High Quality Environments in Fenland SPD 2014 concerns the provision of adequate, well designed facilities for the storage, sorting and collection of waste that are user friendly and appropriate to the amount and type of development proposed. In particular Policy DM4 requires criterion (f) of Local Plan Policy LP16 to be satisfied as well as its own criterion (c). DM4 requires storage areas should be accessible by refuse vehicles, or bin /boxes to be moved to an accessible collection point. The RECAP Design Guide SPD as mentioned above recommends this distance should not exceed 25m.
- 10.17 This has been highlighted as an issue with particular reference to the RECAP guidelines on earlier proposals for the site and whilst this did not manifest itself as a reason for refusal in the most recent submission/approval for a mobile home it was clearly noted that *'Whilst the length of the track is such that the standards outlined in the RECAP guidance are exceeded this would not be so significant as to render the scheme unacceptable in terms of residential amenity when balanced against the substantial weight that may be given to the provision of accommodation to meeting an unmet need for Gypsy and Traveller accommodation within the district.'*
- 10.18 There are no such considerations in play within the current proposals accordingly weight may be given to this deficiency in terms of failure to comply with Policy LP16 (f).

Village Thresholds

- 10.19 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.20 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a growth village by 15% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot

be determined, then there will be a requirement for support from the relevant Parish Council.

- 10.21 The threshold for Wisbech St Mary has been breached with the current figures, as of 18th January 2021, allowing for 85 new dwellings and the number of dwellings built or committed being at 151 as such any application requires demonstrable community support in accordance with the Policy.
- 10.22 This application has not been the subject of pre-application community consultation and therefore contravenes Policy LP12. Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given a Planning Inspectorate appeal decision which indicated that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.
- 10.23 Although it must be acknowledged that the Parish Council, as per their earlier responses in respect of similar proposals on this site continue to recommend that the scheme be refused.

Access and servicing

- 10.24 This proposed dwelling would not be located in a sustainable location with no immediate access to public transport or good footpath links and would not therefore accord with Policy LP2.
- 10.25 It is noted that the LHA have raised '*no highway objections to the development in principle*' they have recommended that at detailed stage they would '*like to see the access widened (if possible within land constraints) and sealed and drained*'.
- 10.26 Noting that no further land is identified within the application site, red edged boundary, and that the applicant does not own the access track (as highlighted in the background section above), it would not appear that there would be any scope for such access improvements.
- 10.27 It is acknowledged that there is no highway safety reason to withhold consent however access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection and it is appropriate for this to manifest as a reason for refusal in this instance, it is acknowledged that the scheme for a mobile home and the conversion proposal did not attract a reason for refusal in this regard, however in the consideration of these schemes there were other material considerations such as the reuse of a building and the occupancy status of the residents; furthermore the current scheme would increase the quantum of households subjected to poor levels of residential amenity.

Flood Risk

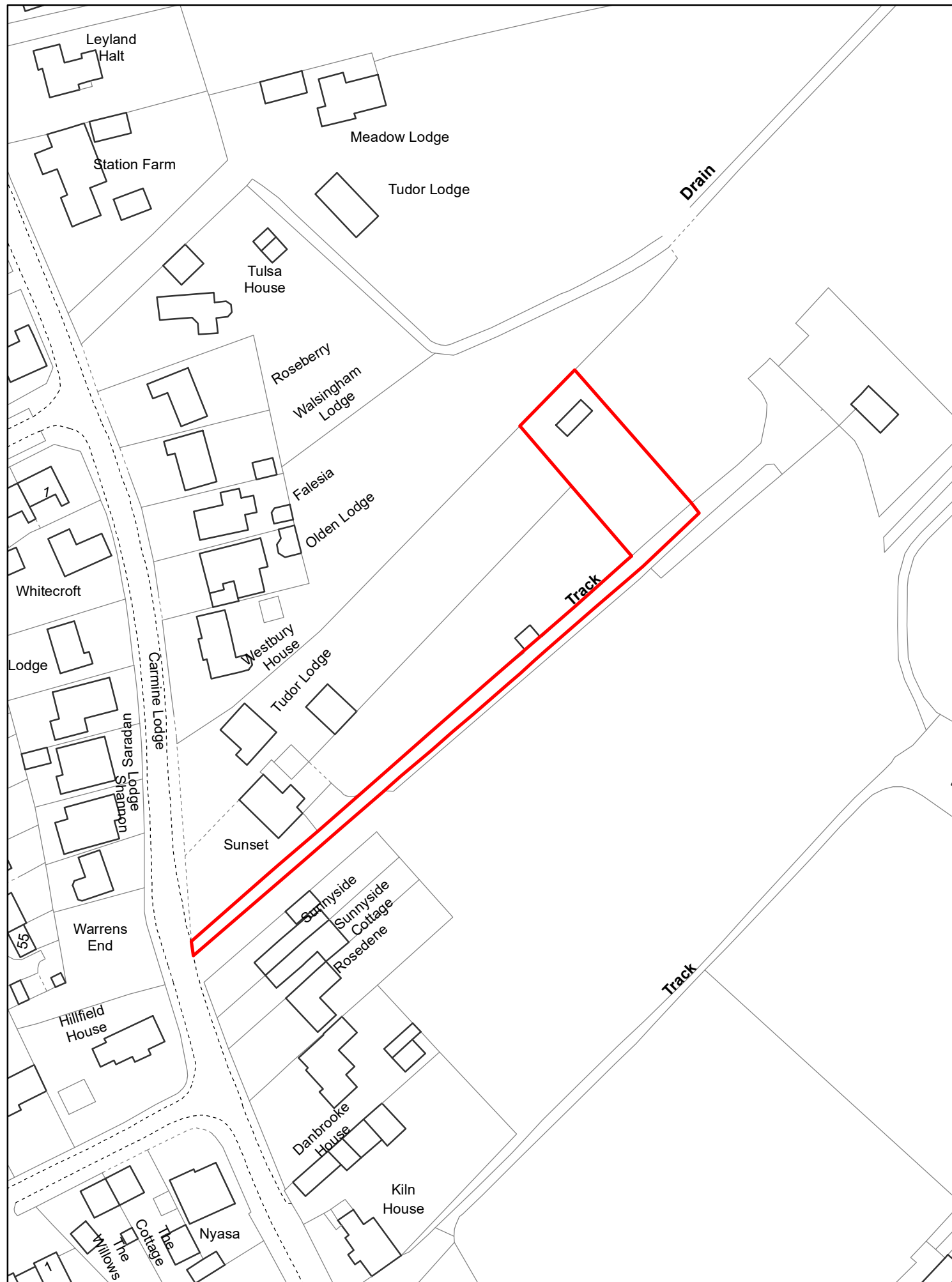
- 10.28 The site is located within Flood Zone 1 and as such there are no issues to reconcile with regard to Policy LP14 (Part B). Surface water disposal will be considered as part of the building control regulations.

11 CONCLUSIONS

- 11.1 The proposal constitutes an unjustified encroachment into open countryside which would have an adverse impact on its character and appearance.
- 11.2 Access to the site is through an unmade and narrow track of excessive length which will be to the detriment of accessibility and waste collection.
- 11.3 The proposal is therefore considered to conflict with relevant local plan and SPD policies, and it is therefore recommended that the application is refused

12 RECOMMENDATION: Refusal

1	The proposal does not constitute development within the existing urban area and the site lies beyond the existing line of ribbon development forming the eastern side of Station Road and therefore represents an encroachment into open countryside. The proposal would adversely affect the character and appearance of the open countryside and would not be in keeping with the existing built form of the settlement. For these reasons it is considered that the proposal conflicts with the provisions of Policies LP12 and LP16 of the Fenland Local Plan 2014.
2	Policy LP15(c) requires that development should be located and designed to maximise accessibility and increase the use of non-car modes through the provision of well designed, safe and convenient access for all. Access to the site through an unmade and narrow track of excessive length would be contrary to the provisions of Policy LP15(c) of the Fenland Local Plan 2014.
3	The length, surfacing and width of the access track to the proposed dwelling mitigates against the provision of adequate and well-designed facilities for the storage, sorting and collection of waste. The proposal would therefore be contrary to the provisions of Local Plan Policy LP16, and SPDs on waste management and protecting high quality environments in Fenland.



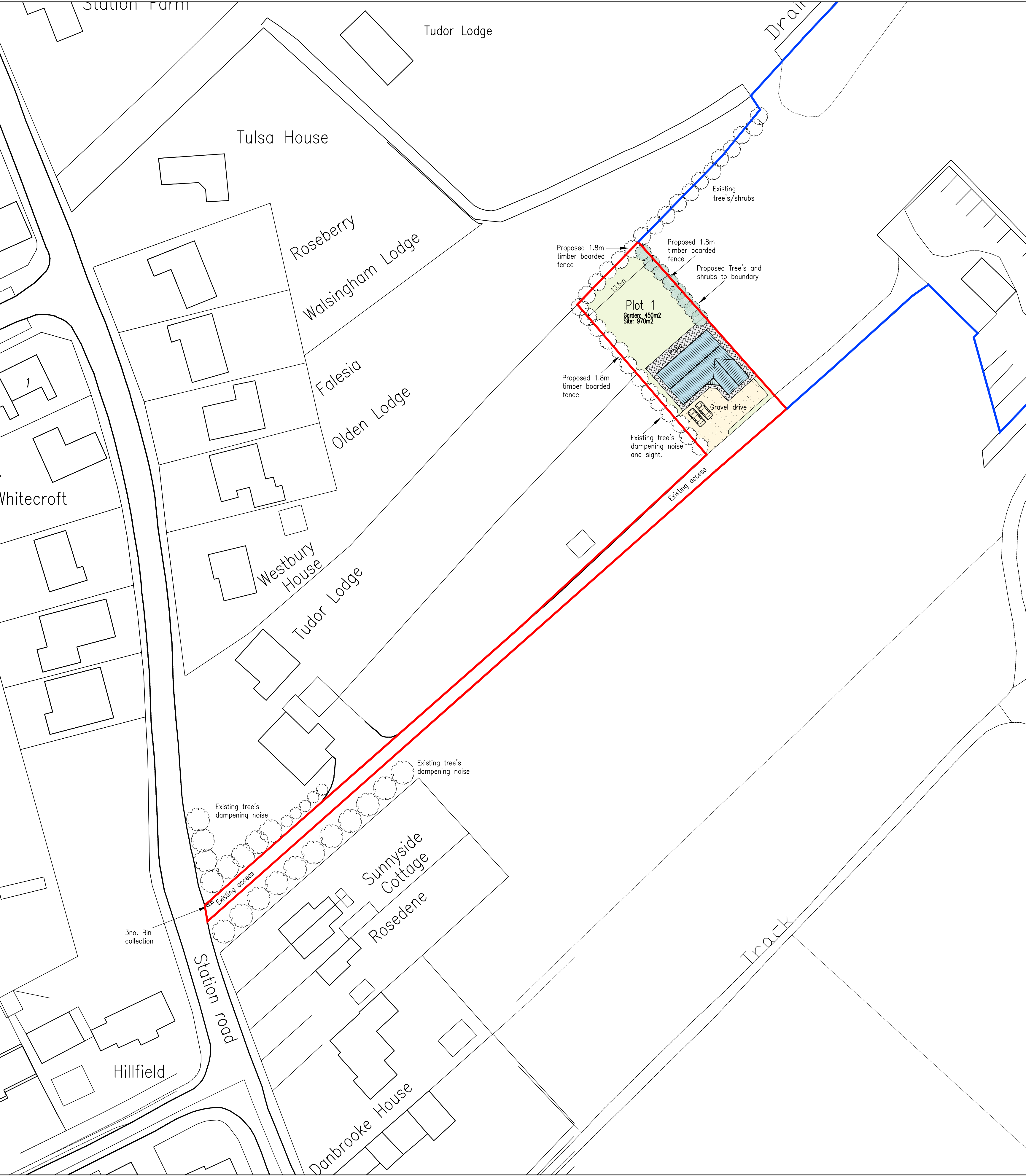
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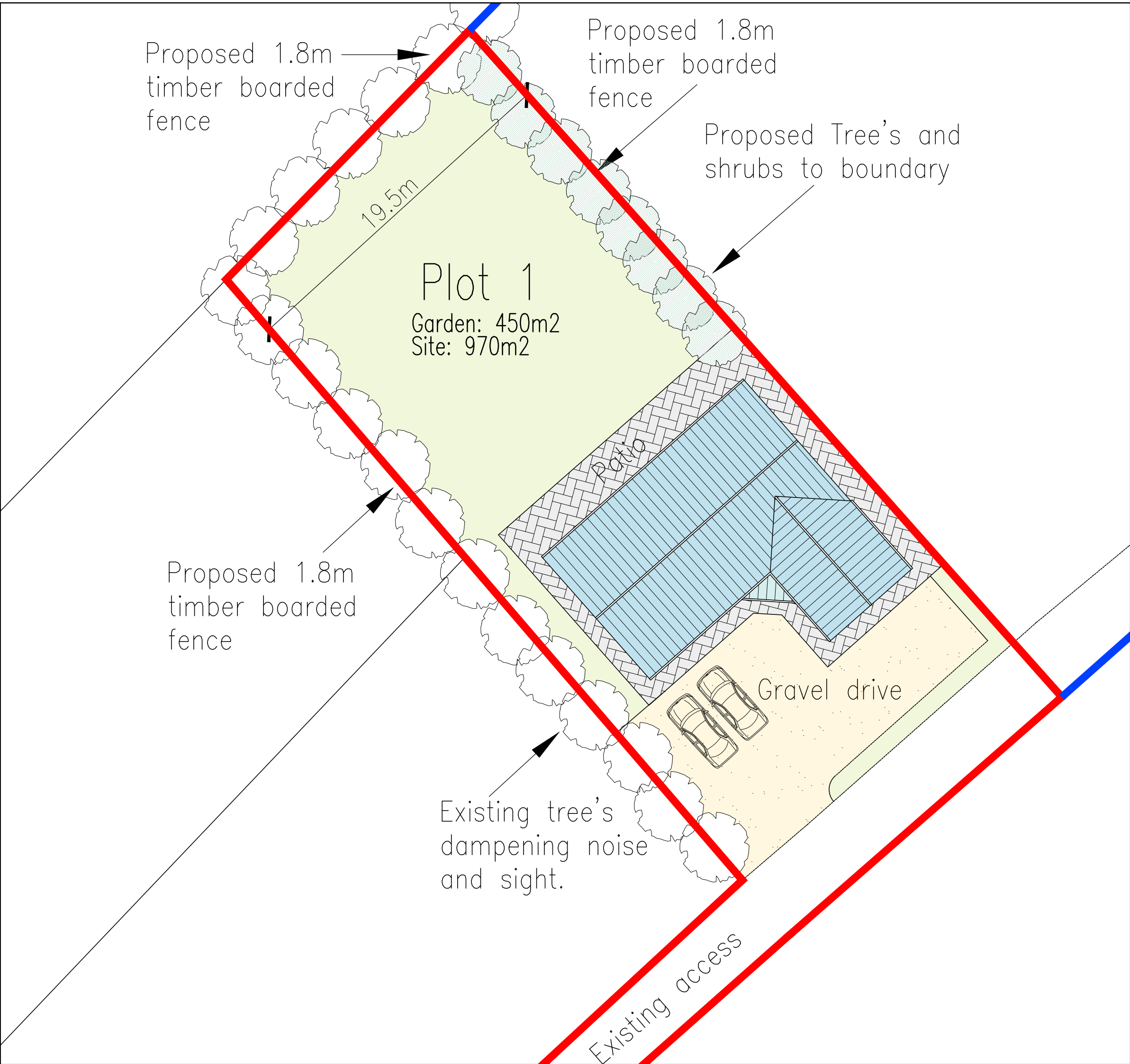
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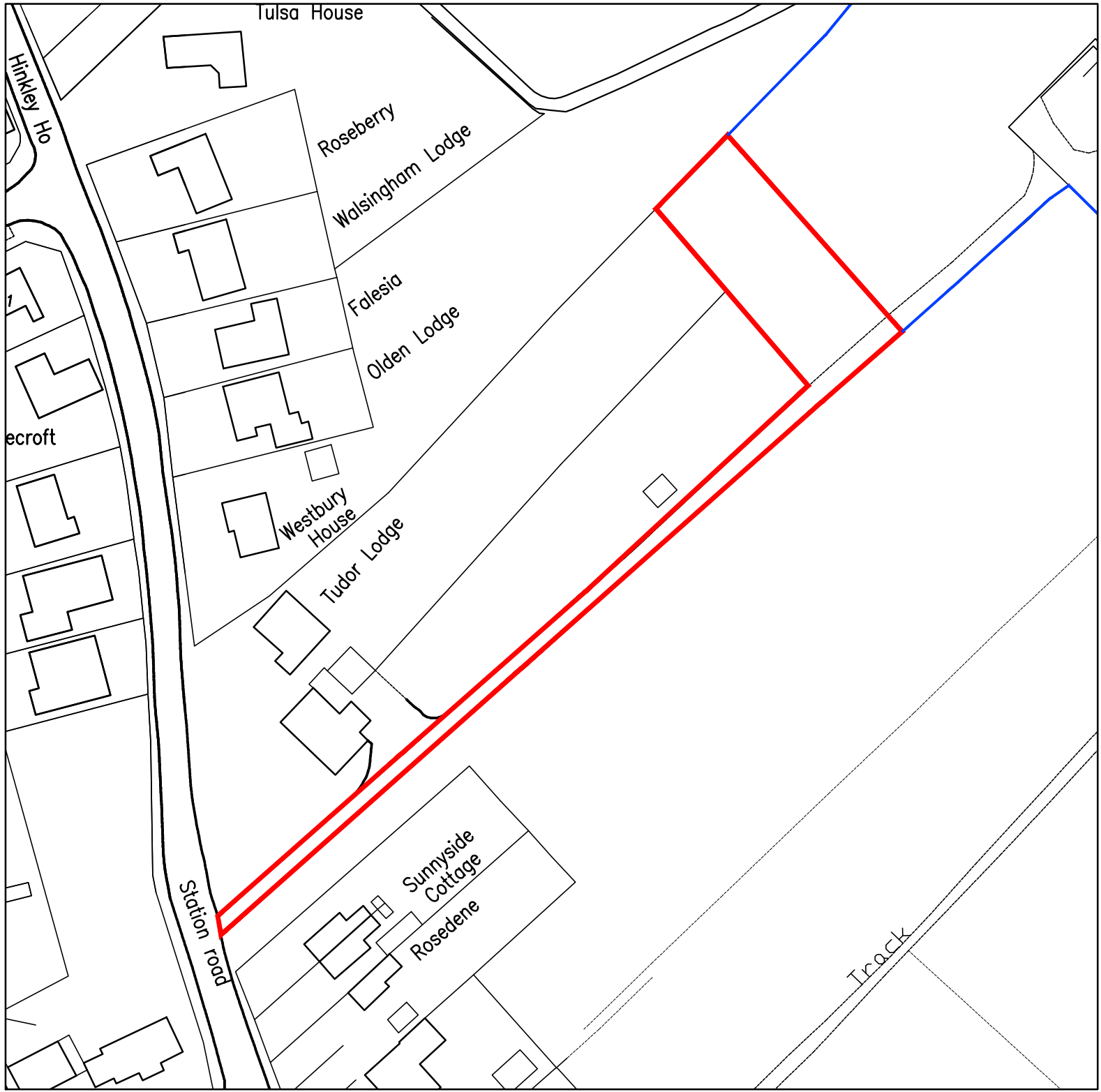




Indicative Site Plan 1:500



Indicative site plan 1:200



Location plan 1:1000

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
OUTLINE APPLICATION FOR 1 DWELLING

SITE
LAND REAR OF SUNSET
STATION ROAD
WISBECH ST MARY
PE13 4RW

DRAWING
LOCATION & SITE PLAN

CLIENT
Mrs K Smith

DATE December 2020 SCALE As Shown at A1 JOB No. 5636/PL01D

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Building
Design Awards
Building Excellence in Fenland
Category Winner 2010/11
Overall Winner 2010

F/YR21/0229/F

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

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

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

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

Officer recommendation: Refuse

Reason for Committee: No. of representations received contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This proposal represents an alternative scheme relating to a site which has previously been dismissed at appeal and refused by committee. However mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity and as such compliant with Policy LP3. It is against this backdrop the scheme has been considered.
- 1.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and amended positioning of the property within the site have overcome the earlier concerns regarding design and scale, however this is very much an on-balance view mindful that the site has been accepted at appeal as an infill opportunity. By proposing a simple two-storey dwelling of a reduced width, when viewed against the earlier scheme, the dwelling is able to be positioned in such a way as to respond to the existing built form in terms of its position and the simplicity of the dwelling design is such that it no longer competes with its neighbours. On balance it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.
- 1.3 Notwithstanding the above it is apparent that as a consequence of the reduction in width, to address the visual and character considerations previously highlighted, new concerns relating to residential amenity arise. Noting that the extended length of the property, together with the repositioning of the dwelling, will see the rear elevation of the property only 4.4 metres from the railway arches at its closest point. This relationship now introduces concerns relating to the levels of residential amenity available both within the house and within the garden area. In that the outlook from the rear rooms of the house and from within the garden will be dominated by the imposing railway arches, which will also serve to overshadow both aspects of the dwelling resulting in a scheme which fails to deliver appropriate residential amenity for its intended householders.
- 1.4 Furthermore, with regard to private amenity space it remains the case that the 'private' amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP. This paucity of provision is further exacerbated, as recognised above, by the presence of the

historic railway arches which will reduce the value and quality of the limited private amenity space available at an extent where it would fail to accord with the detail and spirit of Policy LP16.

- 1.5 Whilst there has been some challenge regarding land ownership and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP. Similarly concerns raised regarding foul drainage would be reconciled through other consenting regimes.
- 1.6 In conclusion it is acknowledged that the appeal history has indicated that this plot represents an 'infill' opportunity and that the agent has sought to deliver a scheme which addresses earlier concerns regarding design and private amenity space. However, it remains the case that the proposal fails to deliver policy compliant private amenity space for both the existing and proposed dwelling, and that the amenity space proposed is reduced in quality by virtue of the presence of the historic railway arches. In addition, by seeking to resolve matters of 'character' a new concern relating to residential amenity arises as a consequence of the elongated dwelling now proposed and its relationship with the arches.
- 1.7 Overall, the scheme is still found lacking in terms of residential amenity in that it fails to deliver a high-quality environment for both existing and future occupiers. In addition, the proposal fails to demonstrate that the 'plot' itself is of sufficient dimension to accommodate a dwelling which could be deemed compliant with policy.

2 SITE DESCRIPTION

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

3 PROPOSAL

- 3.1 This submission seeks full planning permission for a detached dwelling within part of the former garden area associated with No 39 March Road.

- 3.2 The dwelling as proposed adopts a simple functional design with a footprint of 5.8 metres wide x 8.3 metres deep, with a ridge height of 7.6 metres and an eaves height of 5.1 metres.
- 3.3 Situated largely in line with the existing terrace of cottages there will be a small garden area to the northern side of the dwelling with two tandem parking spaces provided to the southern side of the property, these will be parallel to those intended to serve the host property No. 39.
- 3.4 Access is shown as derived from the access road from March Road which serves the existing terrace and runs along the northern boundary of the proposed dwelling and its garden.

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

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

4 SITE PLANNING HISTORY

F/YR20/0508/F	Erect a 2-storey 3-bed dwelling involving demolition of outbuilding	Refused 24.09.2020
F/YR17/0761/O	Erection of a dwelling (Outline application with all matters reserved)	Refused 11.10.2017 Dismissed at appeal 04.10.2018
F/YR10/0047/O	Erection of a dwelling	Approved 12.03.2010
F/90/0636/O	Erection of 2 x 1 bed flats	Approved 06.12.1990
F/1530/89/O	Erection of 2 x 1 bed flats	Refused 15.03.1990
F/1336/88/O	Erection of a dwelling	Approved 09.02.1989

5 CONSULTATIONS

- 5.1 **Parish Council:** *'Elm Parish Council objects to the proposals included in planning application ref. F/YR21/0229/F for the following reasons:*
- The dwelling would have no relationship in character or appearance to the existing pattern of development in a prominent location.*
 - The proposals fail to include adequate provision for private amenity space'.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *'The principle of development is the same as planning application F/YR20/0508/F and therefore*

my highway comments remain consistent with the previous application. No highway objections subject to a parking and turning condition’.

- 5.3 **Highways England:** *‘We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, we offer No Comment.’*

- 5.4 **Environment Agency:** *‘We have no objection to the proposed development but wish to make the following comments’.*

Gives advice regarding the National Planning Policy Framework Flood Risk Sequential Test noting that ‘by consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Environment Agency position The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment and subsequent email submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) FRA, Ref GCB/ LTS CONSULTANCY, prepared by Geoff Beel, dated June 2020 and the following mitigation measures.

- Finished floor levels set at a minimum of 600mm above ground level*
- Development shall be two storey*
- Future occupants advised to sign up to Floodline Warnings Direct*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice also included for the applicant with regard to flood resilient measures and flood warning.

- 5.5 **Environment & Health Services (FDC):** *‘This proposal will not impact upon the local air quality. There are no concerns that this proposal will be a source of noise problems to nearby residential properties. With regard to the proximity of the site to the A141 March - Guyhirn road, there is no requirement for a noise impact assessment in respect of traffic noise.*

There are no objections to the approval of consent to this proposal but would request [that the unsuspected ground contamination] condition [is] included in any consent.’

5.6 **Senior Archaeologist (CCC):** *'We have reviewed the above referenced planning application and have no objections or requirements for this development'.*

5.7 **Local Residents/Interested Parties**

Objections

13 letters of objection have been received from 7 households; 6 of these being within the ward (Elm and Christchurch) and 1 being within the adjacent ward (Benwick, Coates and Eastrea) these may be summarised as follows:

Access, Traffic or Highways, Parking arrangements

- *'The access on to a main road coming into a private lane and no access to the property insufficient space for parking'*
- *'There is no access to the property as he does not own or have permission to access the land via the Private road at the back'.*
- *Owner of road notes that whilst there is access to No. 39 this is via a private road and they have not been asked for permission, the rights do not transfer to a new build'. 'If permission is granted access would have to be gained from the main road at the front of the property.'*
- *Concerned about visibility when pulling out onto the road.*
- *'[...] there isn't adequate space for parking/unloading/turning not only for workmen, but for the new residents causing them to constantly have to cross our property to reverse in or out'.*
- *'The supposed plot is tiny and with not much access. To turn vehicles around unless they go on other people's private properties. I have access through one of the arches and we do not want that blocking.'*
- *'You will not be able to get emergency vehicles around the back of the houses if anything should happen'.*
- *'Traffic through the village is terrible at times and this will make it ten times worse. I'm sure this will cause accidents as there is not much space to move heavy vehicles'*
- *'Neither 39 or the new build residents would be able to reverse in and out of the proposed parking spaces without using someone else's private property'.*

Design, Appearance, Density and Character

- *Density/Over development: 'space for this property is insufficient no garden for a family home'*
- *'With it being a 3 bedroom building there will undoubtedly be children where will they be able to play'.*
- *'This new dwelling will not in keeping with the cottages and the rest of the village'.*
- *House will be hideous for the village against the railway cottages. The end house looks silly'. 'You only need to look at the end house they have just done up. It looks ridiculous to other 2 cottages'.*
- *'In the design and access statement the photo provided of the existing buildings is out of date misleading as the applicant has made significant changes to number 39'.*
- *'The rubbish and the gates looks like eyesore. They have let village down'.*
- *Visual Impact, Out of character/not in keep with*

area: *'the plans for the new property are not in keeping with the other cottages this will look out of place will change the character of the of the three cottages that have been here for many years a new house'*

- *'Will look so out of place'*
- *'It's appearance will not be in line with existing properties as the applicant clearly cannot keep to this with the existing property that he owns, which is outlined in the plans and has already rented out the unfinished property. This change of appearance is already unlawful.'*
- There will also be a loss of visual amenity, ie. the view of the arches (listed on Buildings of Local Interest), would be detrimentally affected by such a build.
- *'the design is not in keeping with the current properties and it is an over development of a very small historic area'.*
- *'One of the reasons that the previous application was rejected was because it would block the historic arches which this new proposal would still do'.*
- *'The pictures used in the planning application are out of date by a considerable period of time - see attached a current image of 39 March Road, Rings End - note how different in appearance the developer has made the property in relation to the others in the terrace,. Refer to the picture submitted for planning. As can be seen, 39 March Road, it is not in keeping with the existing character of the existing buildings'.*
-

Residential amenity

- Overlooking/loss of privacy, Shadowing loss of light
- Proximity to property
- Loss of view/Outlook *'Plot will block my view from house'*

Drainage & Flooding

- Will not meet regulations regarding septic tanks/sewage treatment plans, insufficient land for drainage/soakaway. *'To grant planning permission would set a precedent to breach regulations'.*
- *'There is no drainage. Number 39 also has an agreement with number 41 that the property can drain into 41's cesspit - any proposed new build would not be able to do this and as pointed out before, there are no mains sewers (even though the applicant has stated again that they will use mains drainage) and there is not enough space for any sort of private sewage system to be installed legally'.*

Other matters

- Environmental Concerns, Wildlife Concerns
- Would set a precedent
- Local services/schools - unable to cope. *'The village does not need another house no amenities to support a family'.*
- *'As resident of Ring's End this will not be good for the village'.*
- *'As before there is no modern amenities i.e. drainage, parking, access to neighbouring properties, these cottages were built in 1846 and a modern property would be totally out of character, after applying for development on the same site on numerous occasions and being refused why should this time be different'*
- *'This application has been refused at least once so what has changed since then because the application is a duplicate of the last one'.*

- 'Nothing has changed since the last time planning was refused on this plot It will still negatively affect the character and appearance of the area',
- Noise, Waste/Litter, Smell, Anti-Social behaviour, Light Pollution
- Devaluing property
- Does not comply with policy
- *'Electrical supply is attached to number 39 ,41,43 how would they get electricity to the new property without disrupting the cottages'.*
- Agricultural land
- *'There is also no space on his own property for him to be able to store building materials or carry out the build without using my property, which is probably why a large proportion of his outlined site area is not his property but mine'.*
- *'The applicant has dug the bank out on the land that isn't his to extend his boundary and is in breach as there is a mains water supply there'.*
- *'The applicant has again outlined land that isn't his on his plan'.*
- *'The developer has created a property not in keeping with the existing buildings, and the application made is somewhat equivocal in what the final property planned would look like and how it would meet regulations and no doubt would also be subject to the cosmetic alterations if allowed to go ahead'*
- Work has yet to be completed on No 39 March Road.

Support

There have been 11 letters of support received from 9 households, 5 being from within the ward (albeit the neighbouring resident has written in twice) (4 households) and 2 from an adjacent ward (March East) and (Parson Drove & Wisbech St Mary). Three further letters have been received originating from March West and Doddington & Wimblington (non-adjacent wards) and one from Kings Lynn (outside the district). Those originating outside the ward are identified in the text below.

- *'Support application - provide a family with a home and make use of an otherwise redundant plot'.*
- *'More & more people are moving into March so I believe it would be the perfect opportunity to be able to offer another family a home. Also, it would be an excellent way of making use of the redundant plot'.*
- *'Always a great idea for a family to move in. Nice little area great access to everything and would be a waste of a space if not'.*
- *'Happy to have a new neighbours lovely area too. Good place for a nice new house to go up! Highly support this application'.*
- *'It's a good use of vacant land and would block the view of run down arch's and a very tired caravan'.*
- *'I've lived in Guyhirn 10 years and travel past location every day. Be nice to see*

Non-adjacent ward

- *'I drive through here at least 2 or 3 times a week and although the Railway Arches used to be quite nice to look at. They are just getting ugly and not maintained. A new house would brighten up the area that looks very run down'.*
- *'Once building is complete, I see absolutely no issues with traffic / noise or anything else'.*

- *'The plot of land in question is of a suitable size for another dwelling, access to the plot is viable and it would freshen up the area with a brand new house. It would also hide the untidy arches currently on display'.*
- *'I think that this will be a good use of the space that is there and will disguise all the mess that sits in the arches along with the run down caravan'*

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
 Paragraph 10 - Presumption in favour of sustainable development
 Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
 Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise
 Paragraphs 55-56 - Outline the tests to be applied with regard to conditions
 Chapter 15 - Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context: C1 - Relationship with local and wider context
 Identity: I1 - Respond to existing local character and identity and I2 - Well-designed, high quality and attractive
 Built Form B2 - Appropriate building types and forms
 Homes and Buildings: H1 - Healthy, comfortable and safe internal and external environment and H3 - Attention to detail: storage, waste, servicing and facilities

7.4 Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents
 LP12 – Rural Areas Development Policy
 LP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland
 LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
 LP16 – Delivering and Protecting High Quality Environments across the District
 LP18 - The Historic Environment
 LP19 - The Natural Environment

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 A proposal for the erection of a dwelling at this site was refused and subsequently considered at Appeal during 2017/2018. The main issues identified in respect of the appeal were:
- The effect of the development on the character and appearance of the area;
 - Whether the location of the development would comply with local policy; and,
 - The effect of the development on the living conditions of occupiers of 39 March Road (No 39), with particular regard to outlook.
- 9.2 In consideration of the appeal the Inspector noted that *'the underlying development pattern is irregular, with dwellings of diverse age, size and style, and having a varied relationship with the busy road frontage. She went on to identify that a 'two storey dwelling, with a ground floor level raised at least 300mm above ground level, as recommended by the Flood Risk Assessment, would be significantly taller and bulkier than the dwellings in the adjacent terrace [and] likely that it would have to be sited forward of the terrace's building line. Furthermore she considered that 'the limited plot size would restrict options for the dwelling's siting within the plot [and concluded] that the alignment, bulk, and height of a two storey dwelling would be unrelated to the existing dwellings, as it would appear over-scaled and dominant in this context.*
- 9.3 The Inspector did however note in her assessment that it was the size of the dwelling rather than its proximity to the arches, which she acknowledged were a Building of Local Interest, that led her to conclude that the 'development would have an adverse effect on the character and appearance of the area'.
- 9.4 Moving on to consider general principles in terms of location the Inspector considered that whilst the railway arches did not constitute a dwelling, they were a sizeable structure that contained the development pattern to its south. Moreover, she further noted that there was 'continuing linear development to the north of the railway line' and whilst there 'would be a small piece of vacant land between the appeal site and the railway arches, [she was] satisfied that on balance the site could be considered to be an infill site in an otherwise built up frontage.
- 9.5 On matters of residential amenity the Inspector considered that the site was sufficiently large to allow separation and whilst the dwelling would give enclosure to the view from No 39 this would not lead to adverse living conditions with regard to outlook.

- 9.6 The Inspector also noted that the scheme has previously been given permission. However as there was not an extant permission in place this did not represent a viable fall-back scheme.
- 9.7 It was against the above backdrop that an alternative scheme was submitted under application number F/YR20/0508/F, this application being considered by the Planning Committee in September 2020. At this time Members upheld the officer recommendation for refusal and consent was refused on the following grounds:
- (1) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The development would introduce an individual dwelling with no relationship to the existing pattern of development on a prominent site in the streetscene, by virtue of its positioning and scale. As such, the development would appear as an incongruous feature adversely affecting the character and appearance of the area. The proposal is therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.
 - (2) Policy LP16 paragraph (d) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact, either in design or scale terms, on the streetscene. The overly complicated detailing of the proposed dwelling although taking design cues from its neighbour competes with rather than complements the existing terrace, this being compounded by the foreshortening of the proposed dwelling given its scale and form. This results in a development which is visually incongruent within the streetscene to its significant detriment and therefore contrary to Policy LP16 paragraph (d) of the Fenland Local Plan 2014.
 - (3) Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16.
- 9.9 Councillors did however suggest that the agent should engage with officers further with regard to any subsequent proposals for this site, which the agent has duly actioned – culminating in the submission of the current scheme.

10 ASSESSMENT

Principle of Development

- 10.1 As indicated above the Planning Inspector considered the site to be an infill opportunity and as such compliant with Policy LP3; i.e. single dwelling infill situated within an otherwise built-up frontage. This is a material consideration in the consideration of the current scheme proposal, as it was in the scheme refused under F/YR20/0508/F. That said there are still matters of threshold, character and visual amenity and residential amenity to consider in accordance with Policies LP2 and LP16 of the FLP (2014).

- 10.2 It is further acknowledged that the earlier scheme, which was the subject of an appeal, was silent with regard to highway safety and drainage and these aspects are considered below; again as they were in respect of F/YR20/0508/F.

Character and design

- 10.3 The agent has taken on board the earlier concerns of officers relating to design and are now proposing a simple two-storey dwelling as opposed to the earlier scheme proposal which took its design cues from the existing terrace. The earlier scheme proposals having been found to directly compete with the existing terrace of dwellings as opposed to contrasting with or complimenting them. The functional design now proposed and its positioning away from the terrace is considered to lessen its character impact overall.
- 10.4 In addition the width of the proposed property has reduced from 9 metres to 5.8 metres this reduction has enabled the dwelling now proposed to sit in line with the existing terrace to the south, as opposed to standing proud of these properties. Consequently, it is considered that the revised scheme overcomes the earlier reasons for refusal outlined above (refusal reasons 1 & 2).
- 10.5 It is acknowledged that delivering a more traditional two-storey dwelling will result increase in ridge height when viewed against the previously refused scheme proposals (from 6.9 metres to 7.6 metres). However, the submitted streetscene elevation demonstrates that the property is of a similar scale in height to its neighbours. The agent has also submitted amended elevational drawings which correspond with the FFL set out in the Flood Risk Assessment and have noted that *'in order to achieve the level access threshold for building regs there will be a small ramp'*.
- 10.6 It is considered that the revised scheme has overcome the matters raised in both the earlier appeal decision and the latest refusal for the site and that a refusal on the grounds of design and character could not be substantiated as being at variance to the requirements of policy LP16 paragraph (d) of the Fenland Local Plan 2014.

Impact on the Setting of the Listed Building

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

Impact on the settling of the railway arches

- 10.8 The Planning Inspector in considering the earlier appeal *'acknowledge[d] that the railway arches [were] on a register of Buildings of Local Interest, [however it was the] size of the dwelling proposed in relation to the plot that [was] determinative to my reasoning, rather than the proximity or state of repair of the arches.*
- 10.9 It was the view of the Inspector that the development would *'appear over-scaled and dominant'*. The earlier scheme proposal illustrated a dwelling that had a width of 7.6 metres and an overall height of 8.6 metres to the ridge, albeit these details were not committed. The current scheme under consideration details a dwelling that is 1.8 metres narrower and 1 metre lower in height, consequently it

is considered that earlier concerns have been overcome. There will be gap views of circa 8 metres between the existing terrace and the proposed dwelling and the railway arches will be clearly visible to the northern backdrop of the proposed dwelling.

- 10.10 Mindful of this earlier appeal decision it is accepted that the loss of the views of the arches to the north-east whilst regrettable could not manifest itself in a defensible reason for refusal. Although it is appreciated that the views expressed by local residents are considerably at variance to the conclusions of the Planning Inspector.

Residential amenity

- 10.11 The earlier appeal decision indicated that adequate separation distance could be achieved between the host dwelling (No. 39) and the proposed dwelling and appropriate separation is demonstrated in respect of the current scheme. It is further noted that there are no windows proposed in the southern flank wall of the new dwelling and no issues loss of privacy or overlooking to reconcile between dwellings.

- 10.12 That said the dwelling now proposed introduces new issues in that to compensate for the reduction in width the property, which still retains 3-bedrooms, it has been lengthened by circa 0.8 metres, this combined with the repositioning of the property back into the site, in response to the position of neighbouring dwellings, results in the rear elevation of the property being circa 4.4 metres at its closest point (7.2 metres at its furthest point) from the arches beyond. This is considered to have adverse consequences for the intended householders in terms of overall dominance as the arches will clearly have an overbearing impact, furthermore there will be overshadowing arising as the arches are situated to the east of the property. It should be noted that the separation distance from rear elevation of the house and the arches shown on the illustrative layout submitted under F/YR17/0761/O was circa 6.3 metres (from the projecting 2-storey outshoot detailed) extending to 10.8 metres and circa 7.1 metres extending to 13 metres in respect of the scheme proposed under F/YR20/0508/F. The relationship now shown is clearly an adverse consequence of the scheme now proposed and significant enough so as to render the proposal unacceptable in residential amenity terms.

- 10.13 Furthermore it remains the case that the private residential amenity space provision for the new property will not meet the minimum standards of Policy LP16 (h) providing as it does only 20% of the plot as garden land (excluding access). The garden area is also considered to be convoluted in its layout, wrapping as it does around the rear and side of the dwelling. In addition, the amenity space is further compromised in terms of its quality by the presence of the dominating historic railway arches to the east as highlighted in para. 10.12 above

- 10.14 A similar situation exists with regard to the 'private' amenity space associated with the host property No 39 which would see only 27% of the plot available as private garden (excluding access), as opposed to the minimum third required under Policy LP16 (h).

- 10.15 Whilst it is accepted that there may be situations where a shortfall in amenity space would be warranted, i.e. smaller units and those situated with ready access to established public amenity space provision, it must not be forgotten that the

dwelling proposed is a 3-bedroom property and as such there is a reasonable expectation that it will accommodate a family. The shortfall evident in regard of both the proposed and existing dwellings is such that the scheme clearly and unequivocally at odds with the underlying aims of Policy LP16 which seeks to provide high quality environments and Policy LP2 which seeks to deliver high levels of residential amenity.

- 10.16 It is clear that the agent, in consultation with officers, have sought to revise the scheme proposals in line with comments made during the recent committee consideration of the refused scheme and that the proposal has clearly been moved forward somewhat with regard to character and design it is apparent that considerations with regard to the delivery of private amenity space remain at variance to the relevant planning policy framework and are so significant as to render the scheme presented unacceptable. In addition, the introduction of additional residential impacts arising from the proximity of the arches serve to further evidence that the scheme is unacceptable in residential amenity terms and clearly contrary to policies LP2 and LP16 of the FLP in this regard.

Highway safety

- 10.17 It is noted that there were no grounds to withhold consent in respect of highway safety with regard to the earlier schemes, and this remains the case with regard to the current scheme proposals.
- 10.18 Although it was acknowledged as part of the evaluation of the earlier scheme that an additional dwelling would increase the likelihood of vehicles meeting at the access the LHA officer confirmed at that time that this is unlikely to result in a highway safety issue; noting that a vehicle turning right into the access will be able to see vehicles emerging and will therefore be able to give way to emerging traffic.
- 10.19 Similarly it was considered that a vehicle turning left into the access will have good visibility of the access and will be able to slow to allow a vehicle to emerge from the access.
- 10.20 It is noted that the site layout shows two parking spaces to serve each dwelling (existing and proposed) with appropriate space available to facilitate turning; Given that the parking area to serve No 39 is shown within the blue edge boundary, i.e. land within the control of the applicant such provision may be secured via condition.
- 10.21 Based on the above evaluation there are no grounds to withhold consent on the grounds of highway safety and as such the scheme achieves compliance with Policy LP15 of the Fenland Local Plan (2014)

Flooding and drainage

- 10.22 The agent has satisfactorily addressed the sequential test requirements as part of the submitted Design and Access Statement, and it has been demonstrated that there is no land reasonably available at lower risk of flooding which could accommodate the development proposed. As such the Sequential Test is passed.
- 10.23 With regard to the site specific flood risk considerations it is noted that the Environment Agency have raised no objection to the proposal subject to a

condition being included on any given permission that ensures that the development is carried out in accordance with the submitted Flood Risk Assessment , i.e. two-storey development with a finished floor levels set at a minimum of 600mm above ground level.

- 10.24 Accordingly there are no site specific flood risk concerns which would render the scheme non- compliant with Policy LP14 of the FLP (2014).
- 10.25 Matters of foul water disposal will be dealt with under Building Control should approval be forthcoming. The comments raised by adjoining landowners regarding the necessary distance that such provision has to be from a dwelling are noted and had been previously relayed to the agent in respect of the earlier scheme proposal who advised at that time that there were alternative engineering solutions available that could be adopted and that this will be addressed under Building Regulations .
- 10.26 It is further acknowledged that the provision of a septic tank is also controlled by environmental permitting. It is not the role of the LPA to duplicate other legislative frameworks/consenting regimes and as such there would be no grounds to withhold consent on this basis; notwithstanding this it would be considered prudent to impose a condition relating to the submission of details pertaining to foul and surface water disposal prior to the commencement of the development should a favourable recommendation be made.

Community engagement and threshold considerations

- 10.27 In considering the earlier appeal the Inspector identified that although there had not been any community consultation undertaken with regard to the proposal the consultation exercise undertaken as part of the application had not generated any adverse comments. In addition, it was noted that the Parish Council had raised no objection, these factors led the Inspector to conclude that there was community support and whilst Rings End had met its threshold in terms of planning approvals compliance with LP12 was achieved.
- 10.28 The current backdrop to this submission remains at variance to this earlier situation in that the Parish Council has recommended that the scheme be refused. It is also noted that local residents within the vicinity have written to object the scheme.
- 10.29 A further 7 households have communicated their support for the scheme, with 5 of these originating from the Elm and Christchurch ward or an adjoining ward (4 households). Three further letters of support have been received however these originate from March West and Doddington and Wimblington (non-adjacent wards) and Kings Lynn (outside the district).
- 10.30 Notwithstanding the above earlier appeal decisions elsewhere in the District have indicated that the lack of community support for an otherwise acceptable scheme is not considered sufficient grounds on which to withhold consent accordingly no weight can be given to this scheme deficiency.

Other Considerations

- 10.31 It is noted that the consultation process has generated concern regarding the ownership of the site; from a procedural perspective this does not represent any issues as notice has been served on the landowner highlighted. It would be for

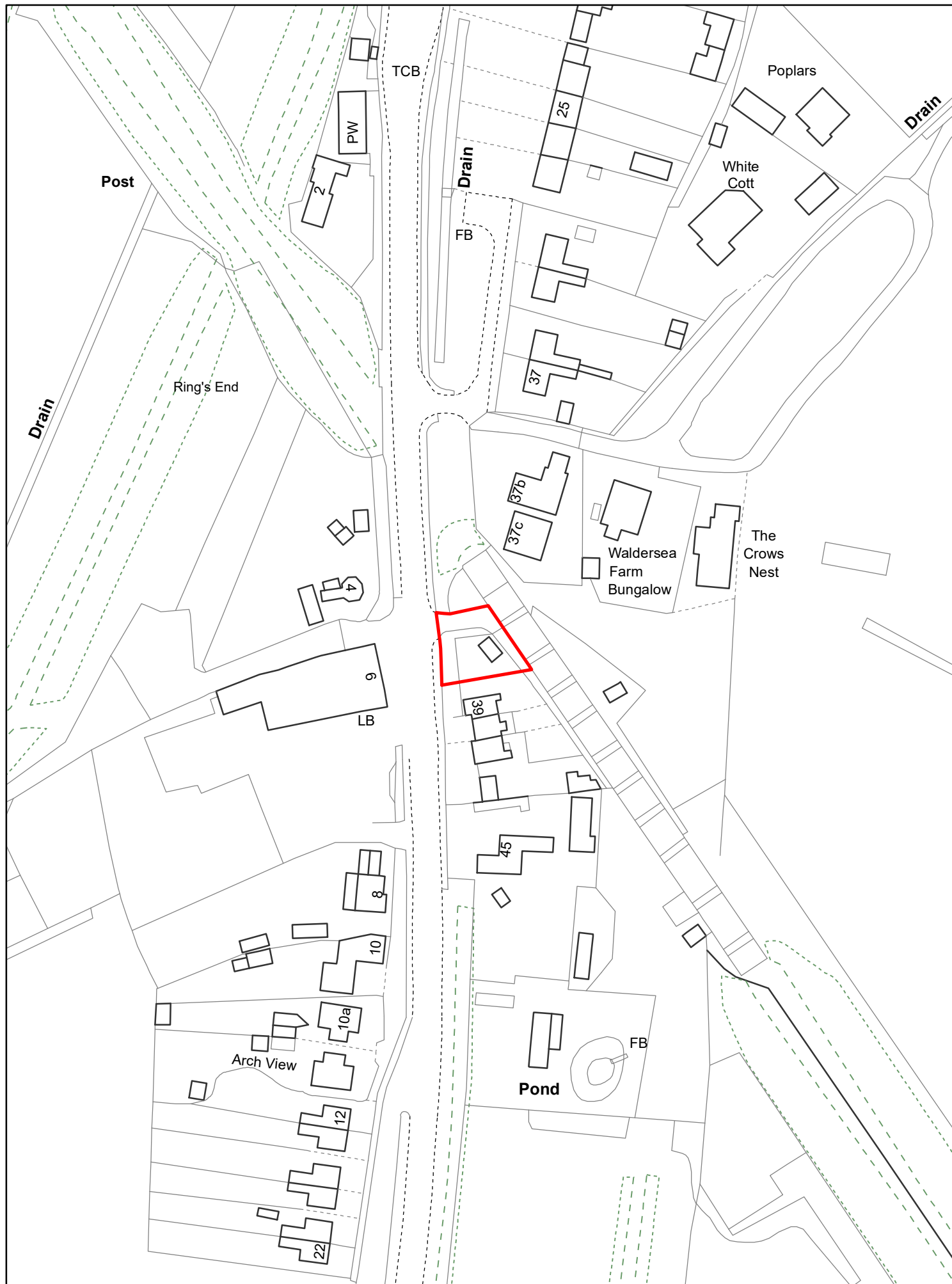
the applicant to ensure that they have the legal authority to develop the land should permission be granted

11 CONCLUSIONS

- 11.1 Mindful of the earlier appeal decision it is accepted that the site could be considered an infill opportunity in terms of the existing built form of the area and as such compliant with Policy LP3. However this is not the only component of a successful scheme and it must be evidenced that the plot is 'capable' of accommodating a dwelling.
- 11.2 With regard to the visual amenity of the area it is considered that the revised design of the dwelling and its amended positioning within the site have overcome the earlier concerns regarding design and scale. By adopting a simple design which responds to the existing built form in terms of its position the agent has satisfactorily resolved earlier concerns, furthermore it is considered that the scheme will not have a significant impact on the historic railway arches to the north-eastern backdrop given that gap views will be maintained between the existing terrace and the proposed dwelling. Against the backdrop of the earlier appeal decision it is not considered that there are any grounds to withhold consent when viewed in the context of Policy LP16.
- 11.3 As indicated within the report it is considered that in addressing matters of character there are consequences for residential amenity given that the rear elevation of the dwelling will now be positioned circa 4.4 metres at the closest point to the looming historic arches to the east. The resulting visual dominance of this structure and the potential overshadowing arising will impact on the outlook from within the house and have implications for the quality of the garden which is already below the standards outlined in the FLP.
- 11.4 With regard to private amenity space it remains the case that the private amenity space associated with both the new and existing properties will fall short of the minimum standards outlined in the FLP and that the shortfall is significant and will result in a family dwelling which is served by amenity space which is both substandard in terms of its dimensions and its quality, acknowledging as above the dominate presence of the historic railway arches to the east.
- 11.5 Whilst there has been some challenge regarding land ownership and access in so far as it relates to parking and access these fall outside the planning considerations of the scheme as they require resolution from a civil perspective. From a purely planning perspective it has been demonstrated that parking provision could be made in full accordance with Appendix A of the FLP.
- 11.6 In conclusion whilst noting that the appeal history has indicated that this plot does represent an 'infill' opportunity and mindful of the revisions to the scheme secured following negotiation it remains the case that the constraints of the site and the amount of development proposed combine to result in a scheme which is incapable of delivering a policy compliant scheme in terms of amenity for both the existing and proposed dwelling. In addition, it is considered that the intended householders would not be afforded levels of residential amenity commensurate with the aims of the FLP by virtue of the relationship of the property with the historic railway arches to the east. These factors combine to an extent where it would not be appropriate, or compliant with policy, to favourably recommend the scheme.

12 RECOMMENDATION: Refusal

1	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity. Given the relationship between the existing historic railway arches to the east and the dwelling it is considered that the intended householders would have a compromised outlook which would be visually dominated by the historic arches. In addition, the presence of which in arches in such close proximity would result in a level of overshadowing of both the house and garden. As such the scheme will fail to deliver appropriate levels of residential amenity as promoted by Policies LP2 and LP16 and clearly is at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).
2	Policies LP2 and LP16 of the Fenland Local Plan require that proposals for new development promote high levels of residential amenity with private amenity space being an essential component of such amenity. The scheme proposed fails to make appropriate provision for private amenity space as indicated in Policy LP16 (h) and as such fails to deliver adequate levels of residential amenity as indicated by Policies LP2 and LP16. In addition the presence of the historic railway arches to the north-east of the proposed dwelling will further detract from the amenity value of the already substandard amenity space thereby exacerbating the failure of the scheme to make appropriate provision for private amenity space this being to the significant detriment of the residential amenities of future occupiers and clearly at odds with the aims of Policies LP2 and LP16 of the Fenland Local Plan (2014).



Created on: 10/03/2021

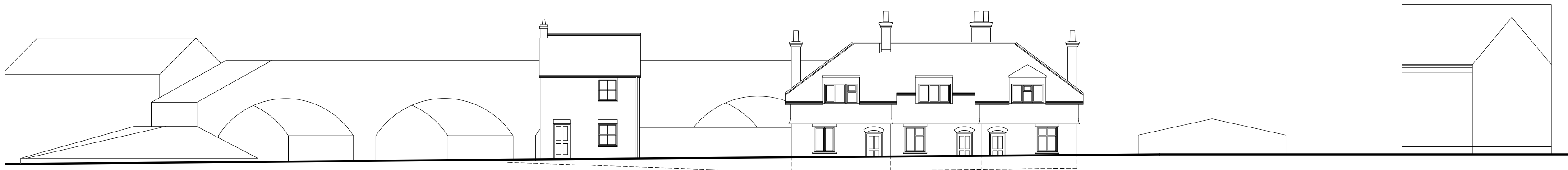
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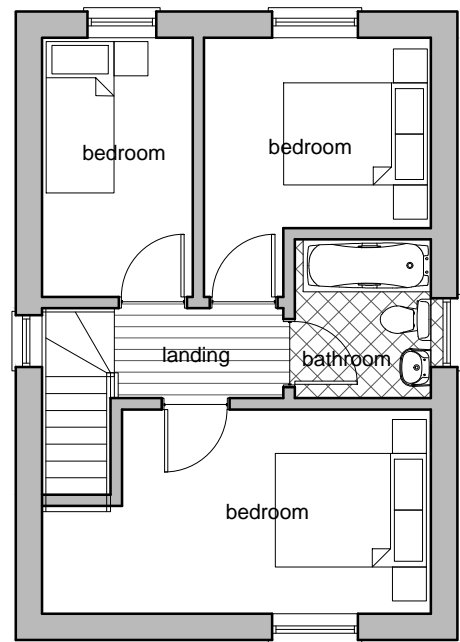
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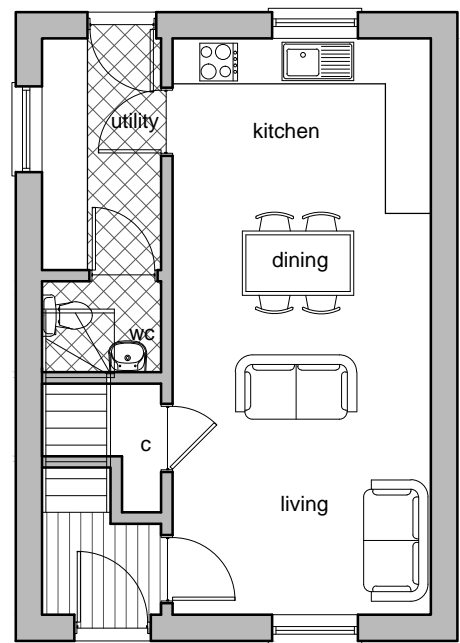
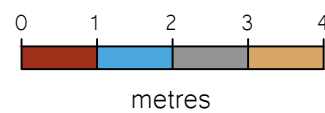
Fenland District Council



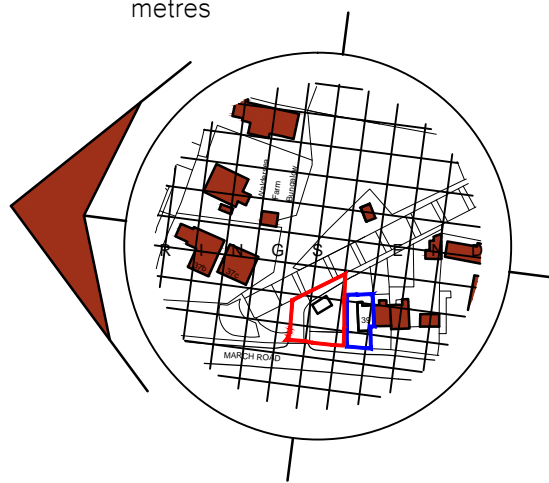
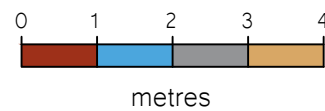
March Road Elevation
Scale: 1:200



First Floor Plan
Scale: 1:100



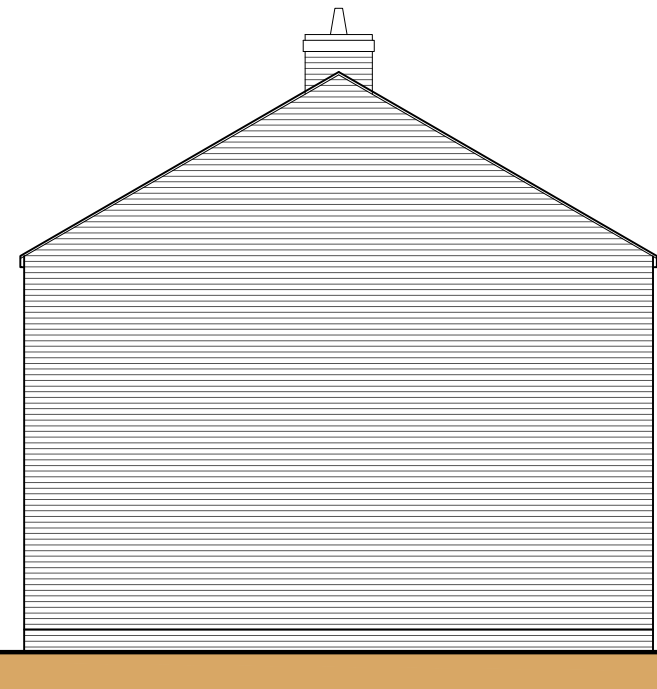
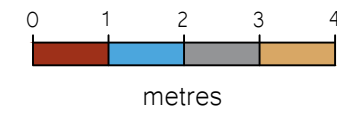
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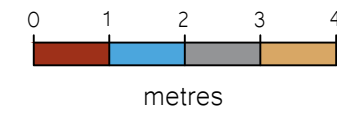
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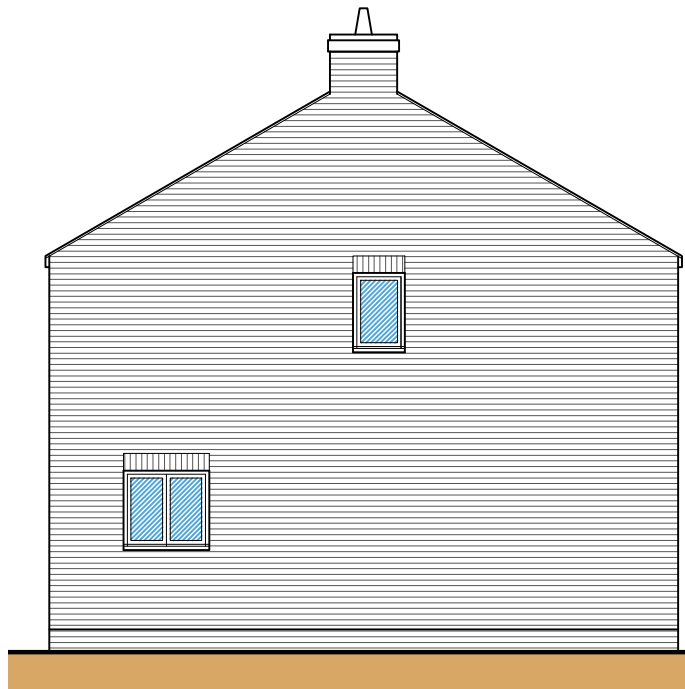
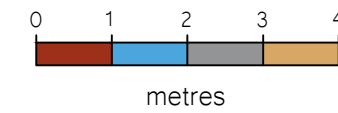
Front (W) Elevation
Scale: 1:100



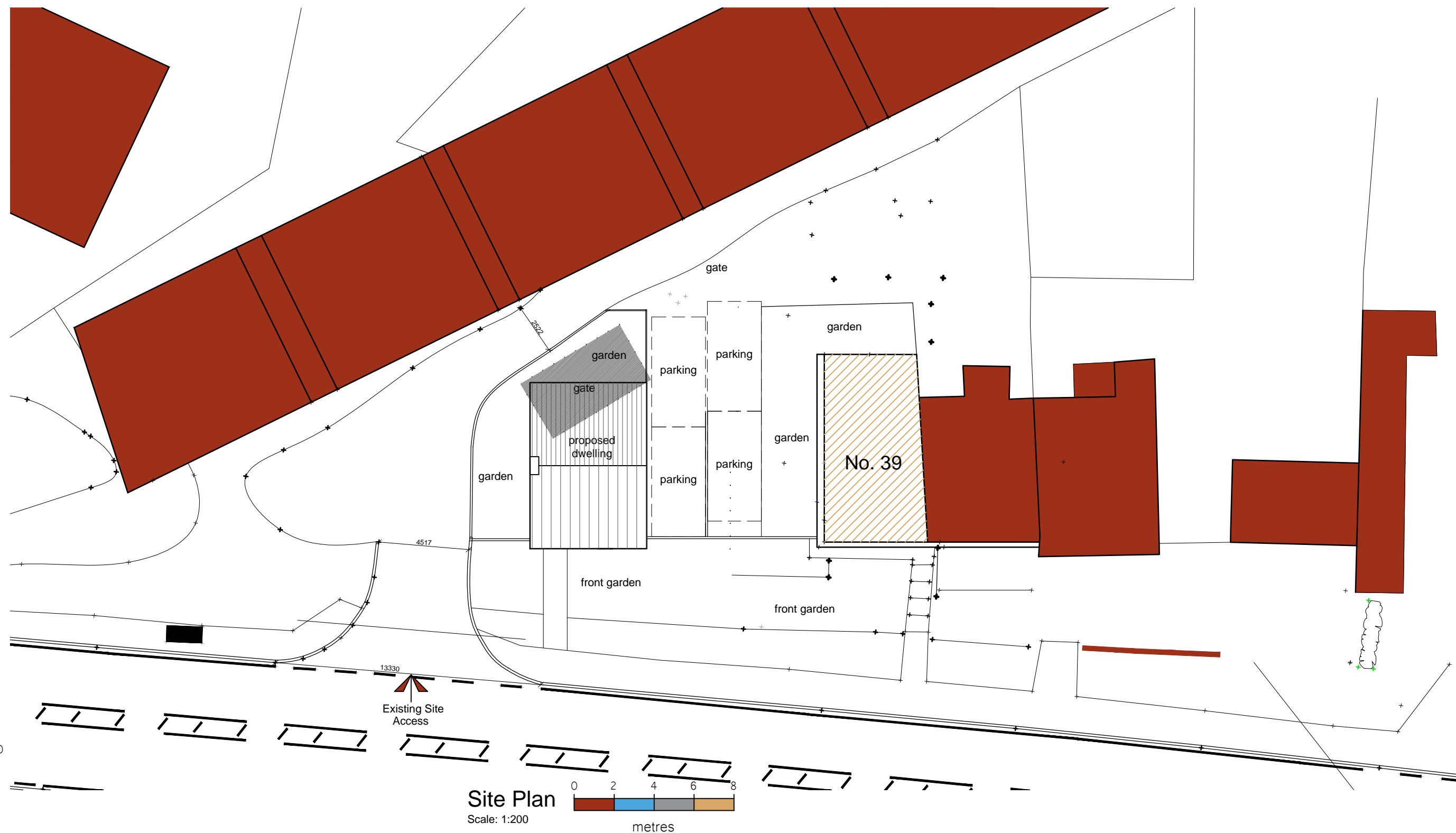
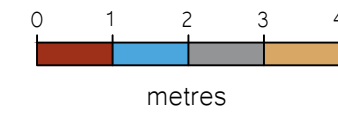
Side (S) Elevation
Scale: 1:100



Rear (E) Elevation
Scale: 1:100

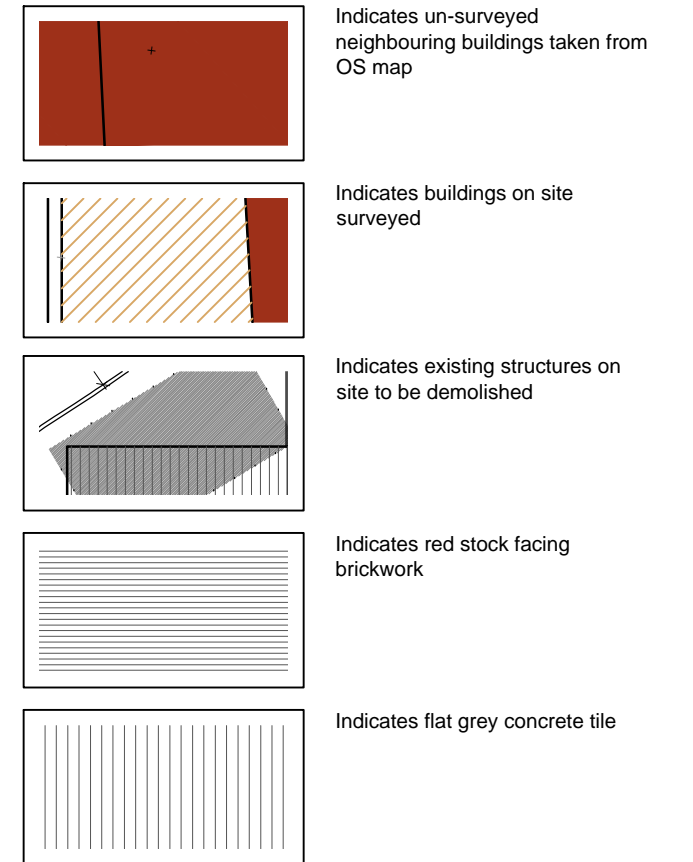


Side (N) Elevation
Scale: 1:100



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

KEY



joinery to be white UPVC
Gutters and down pipes to be black UPVC on white UPVC fascia

Revisions

A	Oct 2020	Fencing amended
B	Nov 2020	Floor plans amended
C	Nov 2020	Revised Scheme
D	Dec 2020	Parking Location Updated Following Planning Comments
G	April 2021	Street Scene Updated

Status

FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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

Job Title Proposed New Dwelling Land North of 39 March Road, Rings End, Guyhirn For: LTS Consultancy Ltd	Date October 2020	Drawn by JB
	Checked by SJ	
Drawing Title Informal Planning Drawing	Job No. SE-1399	Sheet Size A2
	Dwg No. PP1010	Revision G

F/YR20/0885/F

**Applicant: Mr Love
Oak Tree Projects (Fenland) Ltd**

**Agent : Mr Craig Rudd
Swann Edwards Architecture Limited**

Land South East Of Seafeld Barns, Gull Lane, Leverington, Cambridgeshire

Erect a 2-storey 4-bed dwelling with garage and 1.4 metre high (approx) post and rail fence and gates

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on Advice of Committee Chairman

1 EXECUTIVE SUMMARY

- 1.1 The proposed dwelling is situated in a location that has been accepted as adjacent to the settlement and as such the development complies with Policy LP12 of the Fenland Local Plan (FLP).
- 1.2 In addition, it is accepted that there are no issues of character, residential amenity or highway safety to reconcile.
- 1.3 That said the scheme has failed to demonstrate in a manner consistent with other decisions that there are no sequentially preferable sites which accommodate a single dwelling within the settlement of Leverington; accordingly the scheme fails to achieve compliance with Policy LP14 of the FLP or the Cambridgeshire Flood and Water Supplementary Planning Document and as such the correct policy response must be a recommendation of refusal.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the south of Seafeld Farm house and south-west of the converted barn complex known as Seafeld Barns. To the west of the site is a property under construction which is separated from the site by the existing access which runs to the south of the converted barns and terminating at Seafeld Farmhouse.
- 2.2 The site is currently grassed paddock with a timber post and rail fence to the front boundary, which extends along the norther (side boundary). There are established trees and hedging to the northern and southern boundaries. A further post and wire fence is present along the rear boundary of the site along with a low level hedge which appears newly established beyond the rear boundary is open paddock land with views of two storey dwellings in the distance across agricultural land.

3 PROPOSAL

- 3.1 The proposed dwelling design has been revised during the evaluation of the submission as officers identified at an early stage concerns regarding the scale and appearance of the proposal, which was elongated and straddled almost the entire plot. The revised proposal put forward for consideration comprises a detached dwelling situated to the northern side of the plot with a main two storey wing to the southern side which features a gable end to its western and eastern elevations with the western (front) elevation featuring a glazed panel to the ground and first floor sections. The property then extends in a northerly direction, again as a two-storey element however the first floor is accommodated within the roofscape of this element with rooflights to the front aspect.
- 3.2 The maximum dimensions of the property are 18.8 metres wide x 14.3 metres deep with a maximum ridge height of 8.2 metres and an eaves height of 4.5 metres, the northern offshoot will have a maximum ridge height of 7.4 metres and eaves heights of 3.4 metres and 2.5 metres.
- 3.3 An integral double garage features in the northern end of this side wing with a gravelled drive to its front aspect. The remainder of the site is laid to grass with some incidental planting shown, existing landscaping is retained to the side and rear boundaries with the side boundaries to be reinforced by 1.8 metre high close boarded fencing. The front boundary is to comprise of 1.4 metre post and rail fencing with gates to provide pedestrian and vehicular access to the plot.

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

www.fenland.gov.uk/publicaccess

4 SITE PLANNING HISTORY

F/YR20/0620/NON MAT	Non-Material Amendment: Installation of flue and 2 x additional roof lights, changes to window and door arrangements and alteration to internal layout relating to [...] F/YR20/0302/F	Approved 12.08.2020
F/YR20/0302/F	Erection of a 2-storey 3-bed dwelling	Granted 28.05.2020
F/YR19/0769/VOC	Variation of condition 9 (imposition of a condition listing approved plans) relating to F/YR19/0362/F to enable the following changes: Plots 1, 2 and 3 - change of position to side door, and Plots 1 and 3 - handed (so all dwellings are orientated the same way)	Granted 31/10/2019
F/YR19/0362/F	Erection of 3 x 2-storey, 3-bed dwellings with associated double garages (North West Of Seafeld Farm)	Granted 18/07/2019
F/YR19/0331/F	Erection of 1 x 2-storey 3-bed dwelling (Land South Of Seafeld Farm)	Refused 21/06/2019 Appeal Dismissed 13/02/2020

F/YR16/1189/F	Erection of 2 x 2-storey 3-bed dwellings including additional parking for Barns 4 and 5 and alterations to access track to Seafield Farmhouse (South Of Seafield Farm)	Refused 15/02/2017
F/YR18/0051/F	Erection of 2 x 2-storey 3-bed dwellings (Land South Of Seafield Farm)	Refused 12/03/2018
F/YR14/0928/O	Erection of 3 x dwellings (North West Of Seafield Farm)	Refused 05/06/2015 Allowed on appeal
F/YR05/0537/F	Conversion of barns to form 1 x 2-bed and 2 x 3-bed dwellings including erection of single-storey front extension and detached 3-bay car port	Granted 01/07/2005
F/YR04/0039/F	Formation of new driveway to serve existing Dwelling (Seafield Farm)	Granted 10/03/2004

There are also a number of non-material and amendment submissions relating to the sites development; these are not listed above.

5 CONSULTATIONS

5.1 **Parish Council:** Originally recommended refusal for the following reasons:

- Overcrowding on site.
- Entrance with additional traffic problems

In respect of the revised scheme proposals maintain their objection and provide the following further observations:

- *'Over development of site. Already 10 properties on site, if you include Seafield Cottages, Seafield Farm.*
- *Out of character with the original Barn Conversions*
- *Overlooking neighbouring properties and causing loss of privacy and light*
- *Increase traffic flow also creating more noise*
- *Access is via single track Lane.*
- *Although the property looks smaller than the original application it is felt that it is still too big for that plot, also seems like overcrowding'.*

5.2 **Cambridgeshire County Council Highways Authority:** *'The proposal results in no material highway impact. 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 development as it is unlikely to have a detrimental effect on local air quality or the noise climate.*

Previous correspondence from this service confirms that a limited contamination investigation was carried out on land adjacent this application site under

F/YR16/0796/F. Results from sampling showed contamination levels to be within acceptable parameters.

However, as stated in previous consultations relating to residential development at Seafeld Barns, due to the potential for made ground, this service recommends that the unsuspected contaminated land condition be imposed in the event planning consent is granted to ensure the development complies with approved details in the interests of the protection of human health and the environment’.

- 5.4 **Environment Agency:** Notes that they have no objection to the proposed development but make comments regarding the need for the sequential test to be applied. With regard to flood risk they have *‘no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ref: ECL0322/Swann Edwards Architecture Ltd, dated: September 2020 are adhered to’.*

Also include advice to Applicant regarding flood resilience and flood warning.

- 5.5 **North Level Internal Drainage Board:** *‘North Level District IDB have no comment to make with regard to the above application’.*

- 5.6 **Local Residents/Interested Parties:** Two letters of objection were originally received in respect of the scheme from residents within the Seafeld Barns complex, however one of these letters has been withdrawn and the earlier objector has now written to support the proposal. The remaining objection is as follows:

- *‘[...] granting planning permission for this one is a step too far. We already have three houses nearing completion to the north of the barns and a further large house to be built to the south of the barns adding another house to the south east of the barns is simply overcrowding and will lead to a complete loss of any views. This is on top of loss of light and privacy of the soon to be built house overlooking our garden and house is not acceptable’.*

Two letters of support have been received from residents within the existing Seafeld Barns complex these may be summarised as follows:

- *‘The developer has built very high-quality properties around the barns and lives on site. He has always consulted existing residents and has listened to their feedback’.*
- *‘Further to our initial objections some time ago we are now commenting in support ‘ of the proposed planning application F/YR20/0885/F We have had time to reflect on the positive aspects Gull Lane has developed into a small individual stylish complex a mix of converted barns cottages and house. The setting is enhanced by the developer resurfacing the road tracks adding trees and flora which is encouraging the wildlife and maintaining a rural feel. The said house will complete the complex adding additional homes within the village’.*

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para. 10 - Presumption in favour of sustainable development

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

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

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

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context C1 - Relationship with local and wider context;

Identity I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

Uses U2 - A mix of home tenures, types and sizes

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

Lifespan L3 - A sense of ownership

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Area Development Policy

LP14 – Responding to Climate Change and managing the risk of Flooding in Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 Cambridgeshire Flood and Water Supplementary Planning Document

Developed by Cambridgeshire County Council as Lead Local Flood Authority and adopted by FDC Full Council on 15th December 2016 as SPD

8 KEY ISSUES

- **Principle of Development**
- **Character and design**
- **Residential amenity**
- **Highway considerations**
- **Flood Risk and the Sequential/Exception test**

9 ASSESSMENT

Principle of Development

- 9.1 The wider site has been accepted as adjacent to the settlement of Leverington, of particular reference in this regard is appeal decision APP/D0515/W/19/3237708 (LPA ref F/YR19/0331/F) which relates to the site currently under construction to the west of the site and south-west of the barn conversions. The Planning Inspector whilst dismissing this appeal on the sequential test grounds noted that 'given the site's position on the edge of the village, the principle of a dwelling in this location is in accordance with the Policies of the Fenland Local Plan (FLP), May 2014'. The earlier refusal was overcome through a revised submission which addressed sequential test issues.
- 9.2 Against this backdrop it must be found that similarly this scheme meets the settlement and locational criteria of Policies LP3 and LP12. The proposal does however remain to be considered in terms of its policy fit relating to LP2 and LP16 (residential amenity), Policies LP12 & LP16 (character and visual amenity), LP15 (highways) and LP14 (flood risk).

Character and design

- 9.3 Matters of character and setting were raised by the LPA in respect of the appeal referred to above; these were dismissed by the Planning Inspector who in response noted that the '*residential character of the area is evident due to car parking, stove pipes and roof lights on the barn conversions themselves*'. Furthermore the Inspector even when recognising that the '*appeal proposal [which was within a more prominent position within the site] would interrupt views of the barn conversions, when viewed from Gorefield Road*' concluded that the barns are not listed nor did they lie in a conservation area and as such limited weight was attached to this aspect.
- 9.4 The design and character issues arising from this proposal are no more acute than those considered with regard to the dwelling to the west. Indeed it must be acknowledged that the proposal currently under consideration occupies a secondary position to the barns and house to its west and as such must be deemed to have a lesser impact than the dwelling previously considered by the planning inspectorate.
- 9.5 Accordingly, it is not considered that matters of character would warrant refusal of the scheme. Simple design detailing and the use of black cladding and brick to match the approved dwelling to the west will add visual interest to the property and create synergy with the wider development. The agent has clarified that the roof tiles will be Imerys Tile Pannes, in an Old North colourway which are a blended pantile. It is noted that the dwelling under construction to the west is to have Redland Rosemary Blue Brindle roof tiles which are blue tile with a terracotta accent; whilst the tiles now proposed will be a contrast to these they will pick up on the terracotta pantiles which are a feature of the barn conversions and will add appropriate contrast within the scheme.

Residential amenity

- 9.6 The proposed property is to be located some 13 metres with the common boundary with the barns to the north-east and circa 20 metres wall to wall (both measurements at the closest point). Accordingly, it is considered that appropriate separation distances are achieved. It is further noted that the majority of first floor windows in the front elevation of the proposed dwelling are to be rooflights (serving a dressing room, en-suite and hall (2) with only the gable end to the

southern end of the property featuring a glazed panel, which serves both ground floor living room and a first floor bedroom.

- 9.7 Again the separation distances (circa 24 metres) are such that a refusal could not be substantiated on these grounds. Although it is accepted that there will be some loss of amenity arising from an additional dwelling being situated in this location this would not be so significant as to warrant refusal of the scheme on amenity grounds.
- 9.8 As separation distance of circa 26 metres is achieved to the common boundary with properties to the south, allowing for the intervening land and drains. Within the southern flank wall at first floor level including 3 first floor windows; with two of these windows serving en-suites and one serving a bedroom. The intervening boundary treatment and separation distances are such that there are no adverse consequences in terms of existing residential amenity.
- 9.9 With regard to the relationship of the proposed dwelling with Seafeld Farmhouse to the north it is noted that there is a separation distance wall to wall of circa 23 metres again with intervening landscaping in addition there are no first floor windows in this elevation; accordingly there are no matters of residential amenity to reconcile. To the east of the site is paddock land for some distance and as such no residential amenity issues arising in this regard.
- 9.10 The proposed dwelling makes appropriate provision for private amenity space at 45% of the overall plot.
- 9.11 Based on the above evaluation there are no grounds to withhold consent in respect of Policies LP2 and LP16 of the Fenland Local Plan (2014).

Highway considerations

- 9.12 The observations of the Parish Council are noted with regard to the access to the site, however the LHA have not raised any objection to the proposal in terms of highway safety and as such there is no justification to withhold consent on these grounds.
- 9.13 Appropriate provision is made for parking and turning within the site in accordance with the adopted parking standards contained within Appendix A of the FLP (2014) noting that 4 spaces are available on the proposed driveway and a further two spaces within the integral garage.

Flood Risk and the Sequential/Exception test

- 9.14 Policy LP14 Part B as well as Paragraph 155 of the NPPF express that new developments should adopt a sequential approach to flood risk, where new developments are steered to areas with the lowest possibility of flooding. Paragraph 158 states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Therefore, proposals for housing should be directed to Flood Zone 1 areas followed by Flood Zone 2 areas and then Flood Zone 3 areas as a last resort.
- 9.15 The application includes a sequential test evaluation as part of the submitted Planning Statement (PS), this document seeks to demonstrate that there are no available alternative sites within a lesser flood risk designation.

- 9.16 The Cambridgeshire Flood and Water SPD identifies reasonable available sites to be:
- Local Plan allocations;
 - Sites with planning permission for the same or similar development, but not yet developed;
 - Five-year land supply and/or annual monitoring reports;
 - Housing and Economic Land Availability Assessments;
 - Local property agents' lettings;
 - Historic windfall rates, where appropriate.
- 9.17 The submitted Sequential Test has been duly considered however it is noted that outline planning permission F/YR18/0606/O as quoted remains extant (permission granted 08/11/2018); this approval for up to 4-dwellings and relates to a site located within Flood Zones 1 & 3. Given that this site benefits from planning permission it must be deemed sequentially preferable and capable of accommodating the development proposed by this application. This site has been discounted by the agent on the following grounds:
- 'Swann Edwards Architecture Limited are currently working with the developer and can confirm that the developer intends to develop this site. A search of property sale sites and this site is not offered for sale. As such it is not reasonably available and cannot be considered as part of the sequential test.'*
- 9.18 Although this may be the current position it does not preclude the site from being available in the future and as such the argument postulated may not be accepted in this instance. Whilst it is noted that an earlier submission for this site did accept this argument this is not the correct interpretation of the Flood and Water SPD and to continue on this basis would not be deemed consistent with the application of the ST elsewhere.
- 9.19 It is therefore considered that the accompanying sequential test has not fully explored reasonably available site and subsequently renders the sequential test deficient.
- 9.20 Given the failure to pass the sequential test there is no requirement to assess whether the scheme passes the exception test, however it is acknowledged that the FRA has been accepted by the Environment Agency, thereby addressing the 2nd part of the exception test. Furthermore the PS highlights that renewable energy measures would be incorporated into the building design to address the requirement for 'wider sustainability benefits' as part 1 of the exception test, with such measures having been previously accepted and conditioned on similar scheme approvals. Although it must be noted that the site to the south approved under F/YR20/0302/F did not condition this element as the land was within a flood zone 2 location and as such the exception test was not applicable.
- 9.21 Notwithstanding the likely compliance with the exceptions test the failure of the scheme to satisfy the Sequential Test renders the proposal contrary to Policy LP14 and as such the scheme must be recommended for refusal on these grounds.

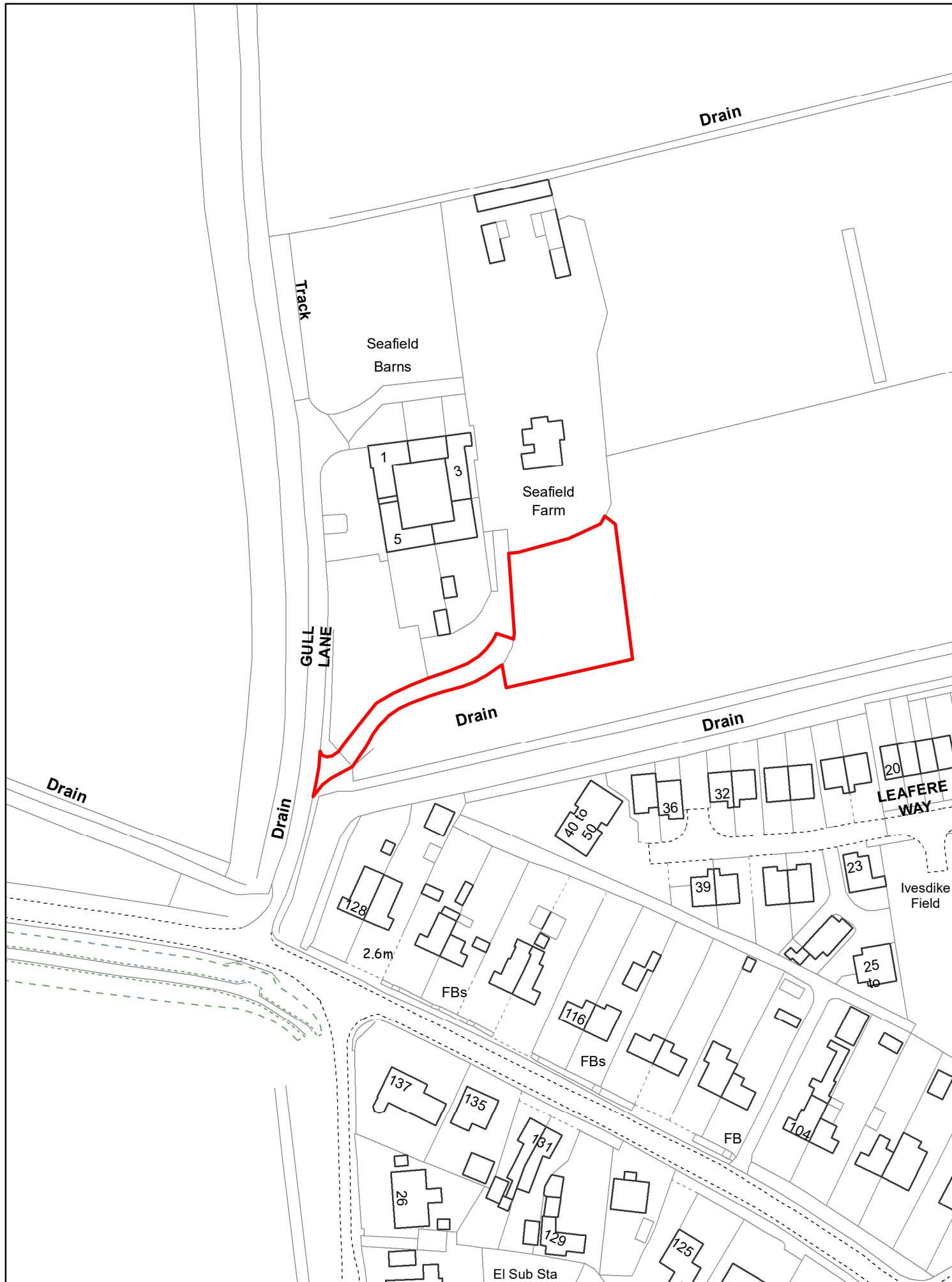
10 CONCLUSIONS:

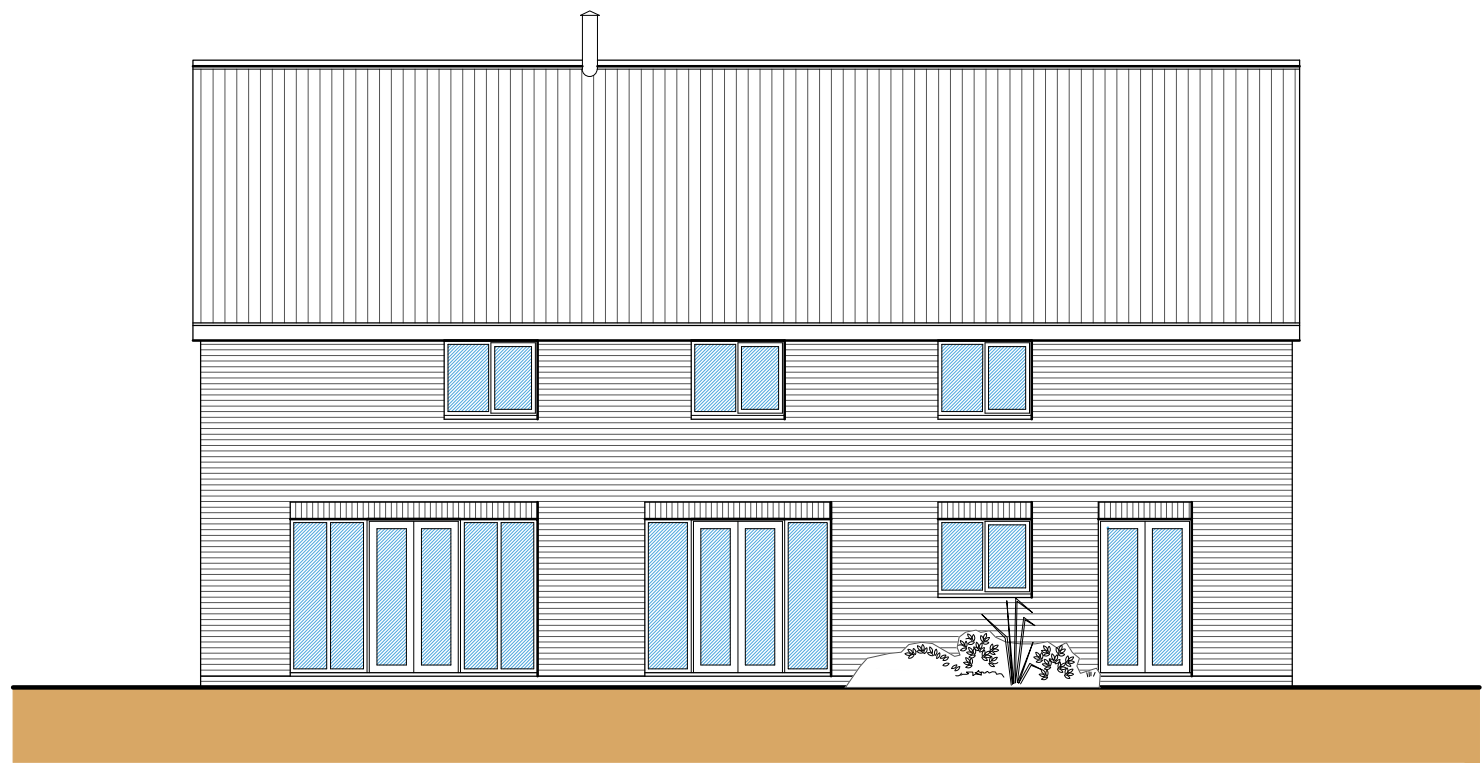
- 10.1 Whilst the scheme has demonstrated adherence to policy in respect of its form and appearance and is also viewed as acceptable in terms of residential amenity impacts and highway safety it fails to demonstrate compliance with the Sequential Test. Noting that there are other reasonably available sites on which such a development may be located the only response to this proposal must be to withhold consent on flood risk grounds.

11 RECOMMENDATION

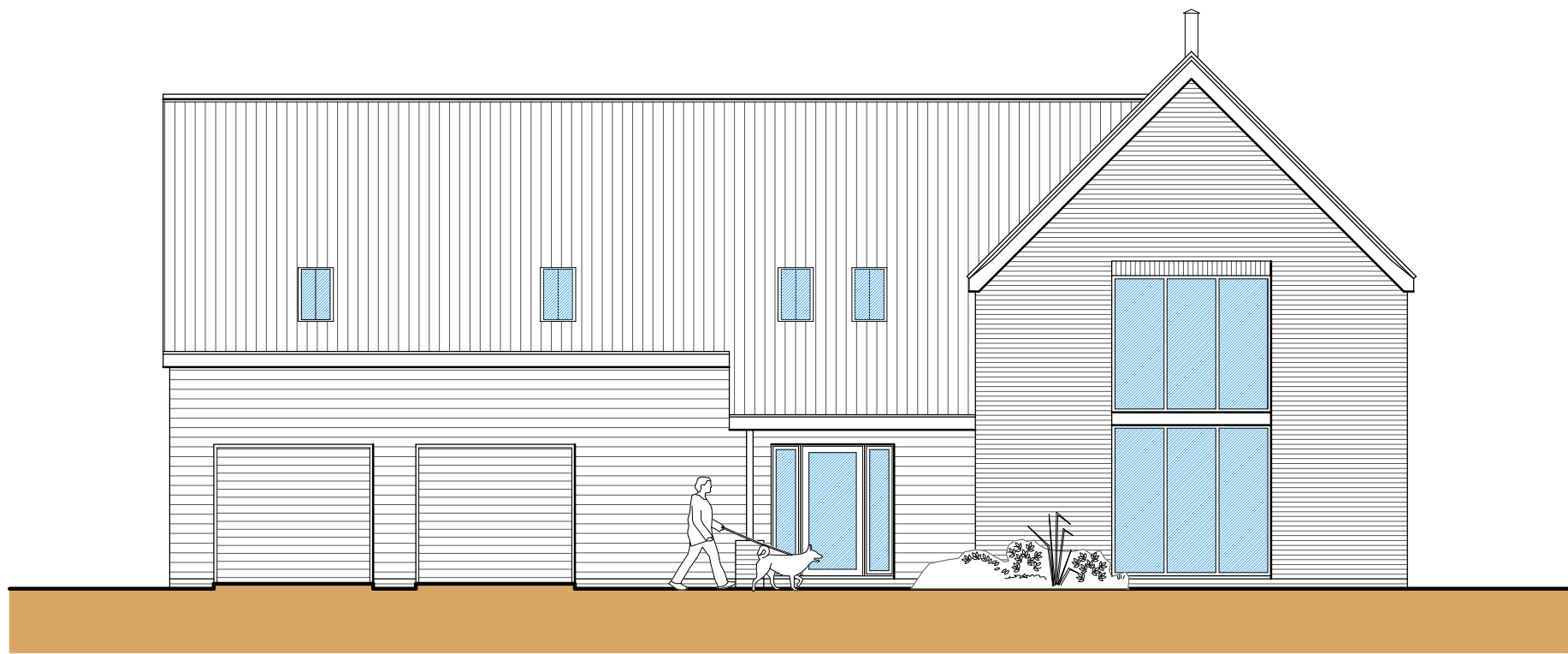
Refuse

1	Policy LP14 Part B of the Fenland Local Plan 2014, Paragraphs 155 and 158 of the National Planning Policy Framework 2012 and the Cambridgeshire Flood and Water SPD state a sequential test should be applied where new developments are located in areas known to be at risk from any form of flooding. The Policies also express that developments should not be permitted if there are reasonably available sites. The proposed development fails to explore all the reasonably available sites within the settlement of Leverington and therefore provides a deficient sequential test. As such, the proposed development fails to comply with the aforementioned policy.
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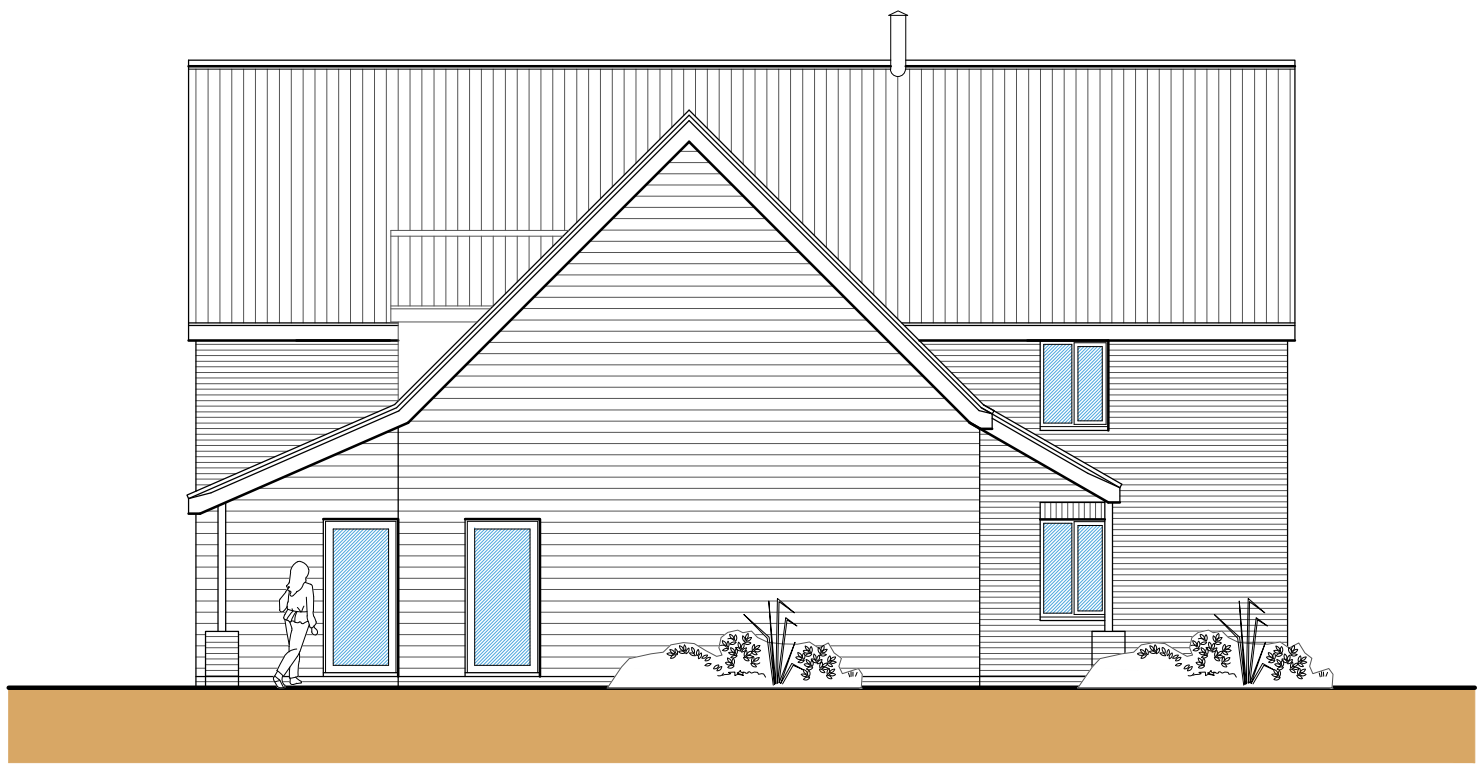




Side Elevation
South - Scale 1:100

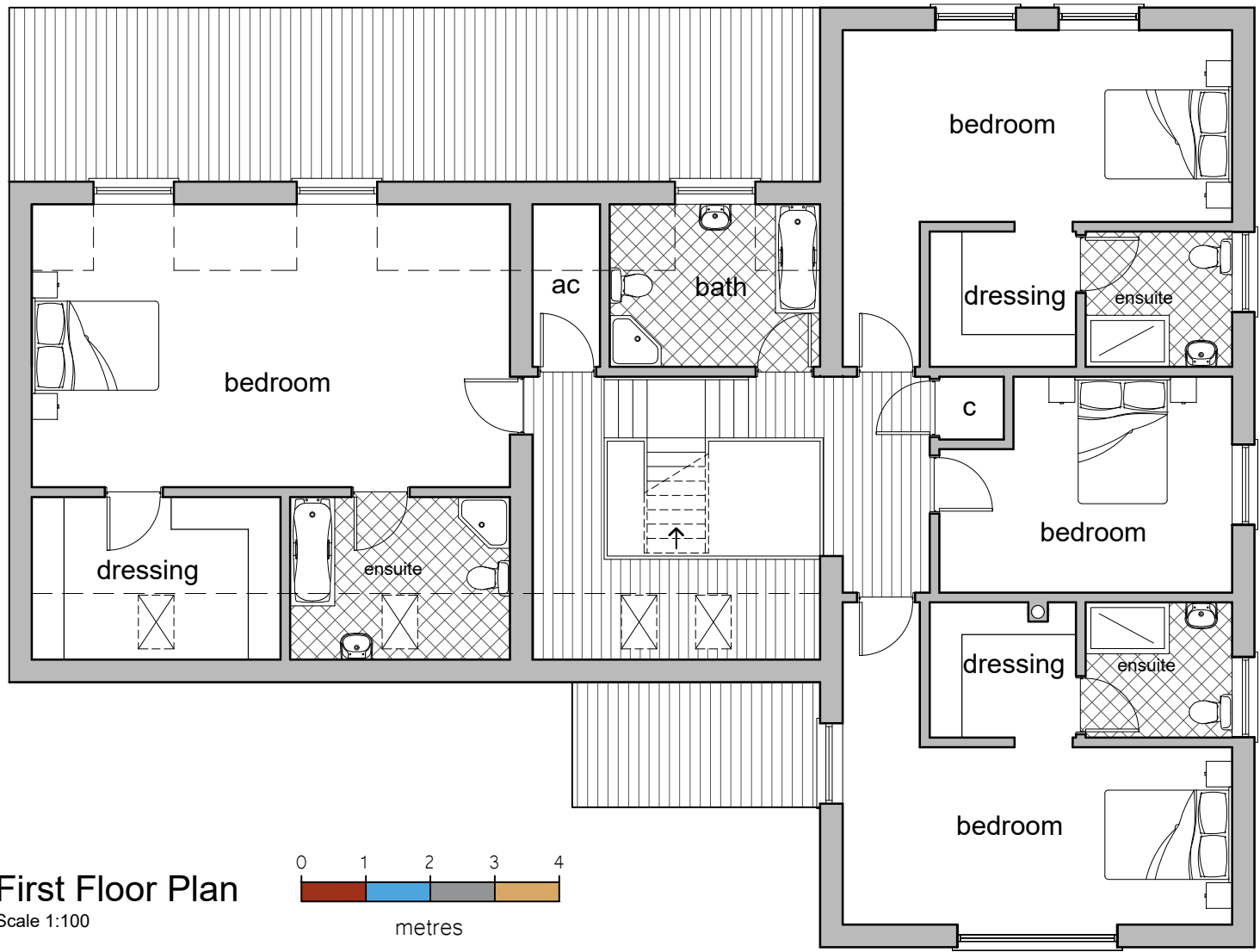
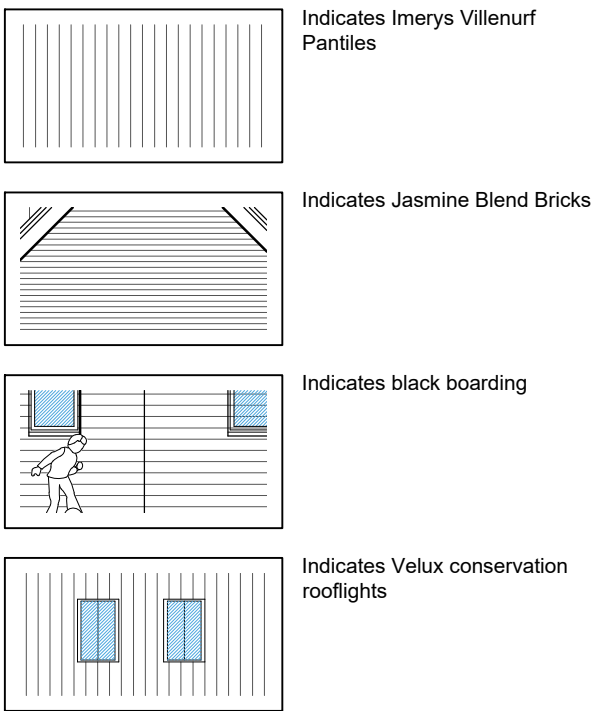


Front Elevation
West - Scale 1:100



Side Elevation
North - Scale 1:100

ELEVATION KEY



First Floor Plan
Scale 1:100



Ground Floor Plan
Scale 1:100



Rear Elevation
East - Scale 1:100



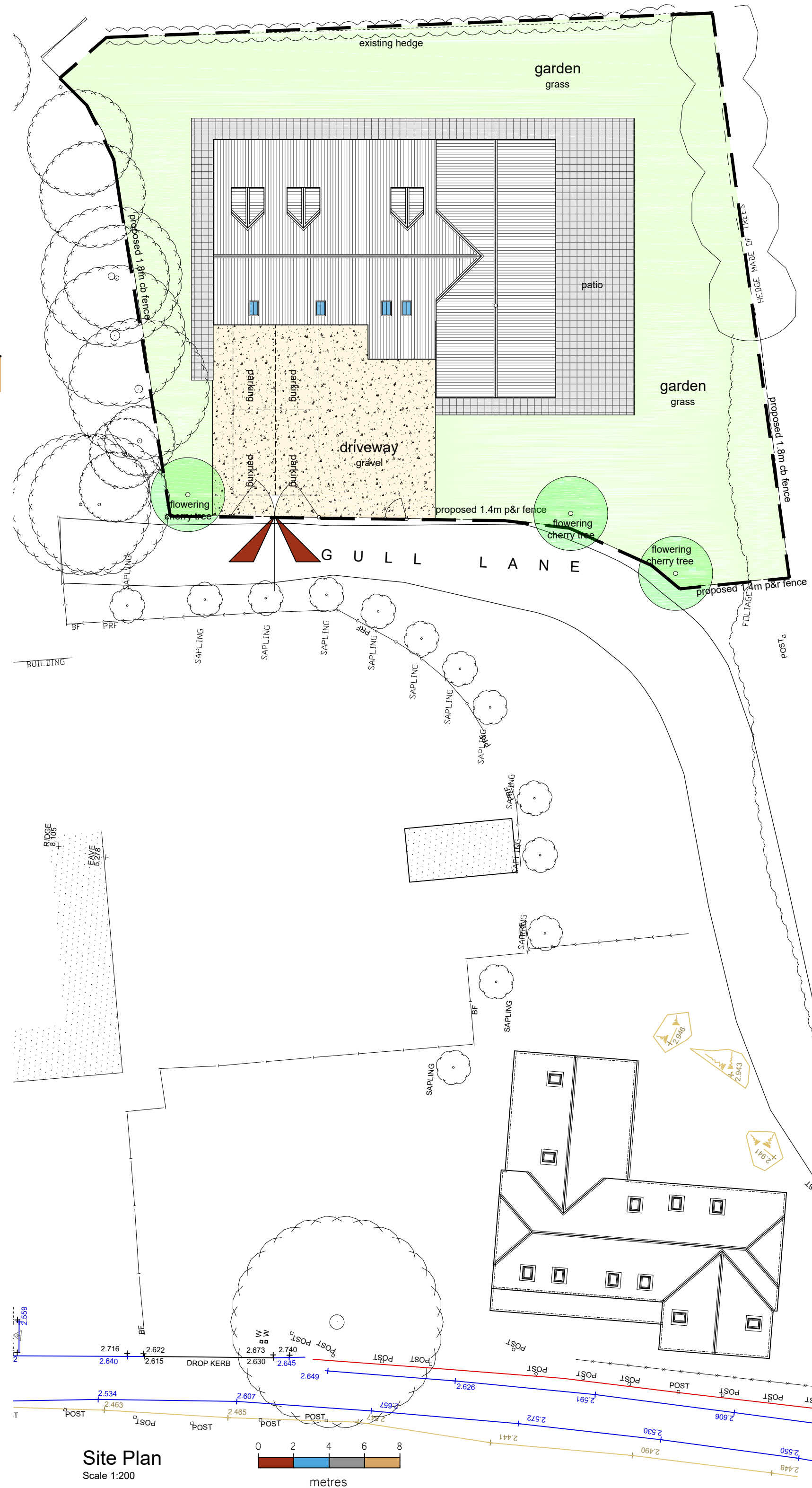
Location Plan
Scale 1:2500

Protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

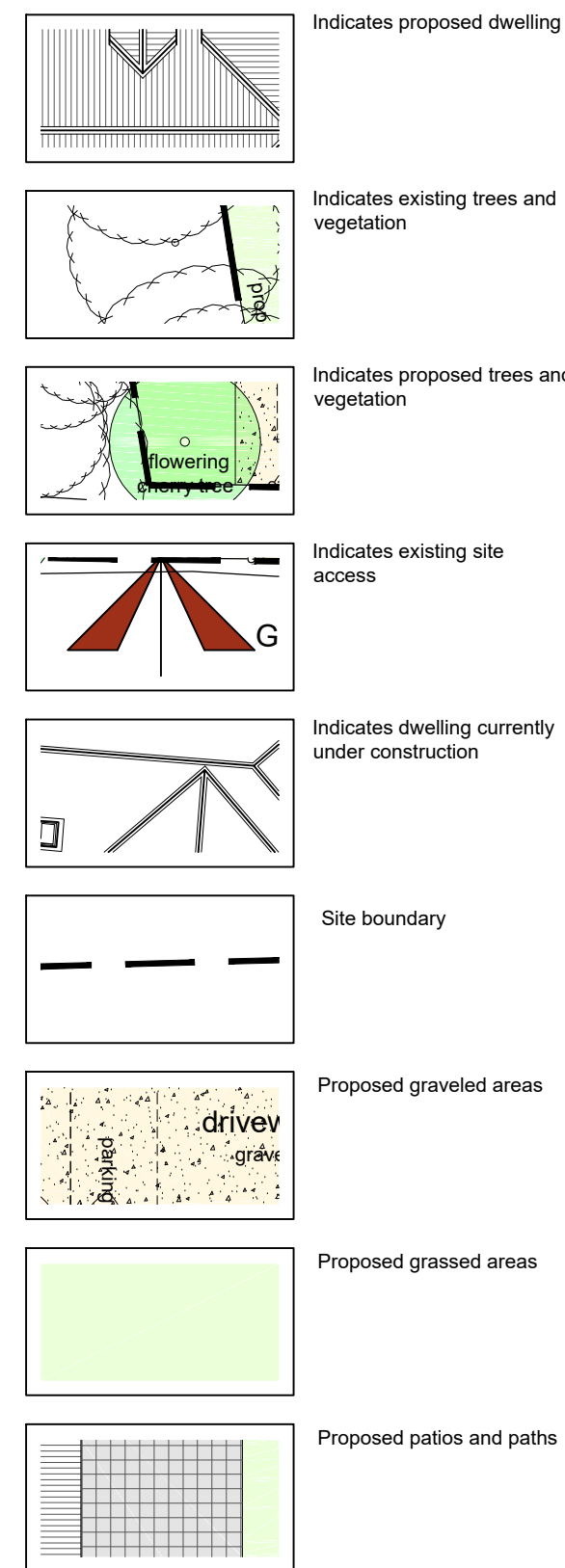


- General Notes
- This drawing shall not be scaled, figured dimensions only to be used.
 - All dimensions are shown in mm unless otherwise stated.
 - The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 - This drawing is to be read in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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

SITE PLAN KEY



FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title
Proposed Dwelling
Gull Lane, Leverington
Wisbech, Cambs. For:
Oaktree Projects (Fenland) Ltd

Date
March
2021

Job No.
SE1429

Sheet Size
A1

Dwg No.
PP1005

Revision

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F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F

Applicant: Mark Mann
Larkfleet

Agent :

Phases 2, 2a and 3 of the Bassenhally Farm

Modification of Planning Obligations attached to planning permissions F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F to enable adjustments to triggers and contribution amounts relating to Pre-School Education, Primary Education and Secondary Education.

Reason for Committee: In the absence of delegated authority

1 EXECUTIVE SUMMARY

This application seeks to modify the existing Section 106 Agreement relating to Phases 2, 2a and 3 of the Bassenhally Farm/Whittlesey Green development to reflect the amendments to triggers. In addition, following input from the County Council, as Local Education Authority, amendments are also now proposed to the contribution amounts payable.

The County Council have clarified that the revisions to the amounts payable are 'as a consequence a need to *'correct a number of errors in the calculations relating to the pupil yields derived from the dwelling mixes across all three phases. The changes we have agreed ensure that all three phases (and phase 4) are calculated on the same basis to ensure consistency.'*

The guidance/input of the County Council is noted, and it is recommended that authority be granted by the Committee to enter into deeds of variation relating to the changes detailed

2 SITE DESCRIPTION

- 2.1 The application sites form Phases 2, 2a and 3 of the approved Bassenhally Farm/Whittlesey Green development.

3 PROPOSAL

- 3.1 This proposal seeks to vary the existing Section 106 Obligations entered into the developments at Phase 2, Phase 2a and Phase 3. These variations come forward under S106A (1)(a), i.e. an agreement between the parties and NOT

as a consequence of an application by the developer to modify pursuant to S106A (3).

- 3.2 Details of each S106 Agreement are shown in the table below; it should be noted that all details excepting the trigger points and the contribution amounts relating to Early Years, Primary Education and Secondary education remain unchanged by the proposed DOVs

Reference	S106 Dated	Obligations secured (triggers)
F/YR15/0877/F	18.08.2016	<p>Early Years £243,656 Primary Education £70,719 Secondary education £640,008 <i>(50% prior to commencement and 50% prior to occupation of 50%)</i></p> <p>Libraries and Lifelong Learning £9,814</p> <p>Strategic waste £778.41 <i>(prior to 50% occupation)</i></p> <p>Public Open space <i>(Construction and laying out prior to 50% occupation of the open market dwellings)</i></p> <p>25% Affordable Housing <i>(Contract to be entered into with Affordable Housing Provider before 50% occupation of open market dwellings)</i></p>
F/YR16/0316/F	30.09.2016	<p>Early Years £87,020 Primary Education £17,144 Secondary education £160,002 <i>(50% prior to commencement and 50% prior to occupation of 50%)</i></p> <p>Libraries and Lifelong Learning £3,959.28 <i>(prior to 50% occupation)</i></p> <p>Strategic waste £393.39 <i>(prior to 50% occupation)</i></p> <p>12 dwellings as affordable housing <i>(Contract to be entered into with Affordable Housing Provider before 50% occupation of open market dwellings)</i></p> <p>Monitoring contribution £650</p>
		<p>Early Years £365,484 Primary Education £505,550 Secondary education £443,327</p>

		<p><i>(50% prior to occupation of 1st dwelling and 50% prior to occupation of 50%)</i></p> <p>Healthcare contribution £39,902 <i>(prior to 80% occupation)</i></p> <p>Libraries and Lifelong Learning £15,950 <i>(prior to 50% occupation)</i></p> <p>27 dwellings as affordable housing <i>(Contract to be entered into with Affordable Housing Provider before 50% occupation of open market dwellings)</i></p> <p>Monitoring contribution £650</p>
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3.3 The purpose of the variations is to secure amendments to the trigger points for payment of the Early Years Contribution, the Primary Education Contribution and the Secondary Education Contribution. For Phase 2 and Phase 2A the relevant triggers have already been reached at the developments are built out so the agreements will be varied to ensure all payments are made on completion of each respective deed.

3.4 In respect to Phase 3 the Early Years, Primary and Secondary triggers will be varied to ensure payment as follows:

1. 30% of the contribution prior to the Occupation of more than 40% of the Dwellings to be erected on the Site.
2. 30% of the contribution prior to the Occupation of more than 60% of the Dwellings to be erected on the Site.
3. 40% of the contribution prior to the Occupation of more than 80% of the Dwellings to be erected on the Site.

4 SITE PLANNING HISTORY

F/YR15/0877/F	Erection of 93 residential dwellings with associated garages and infrastructure to form Phase 2 of Whittlesey Green.	Granted 18.08.2016
F/YR16/0316/F	Erection of 47 x 2-storey dwellings (Phase 2a) comprising of 6 x 1-bed apartments, 10 x 2-bed, 26 x 3-bed, 1 x 4-bed and 4 x 5-bed with garages	Granted 30.09.2016
F/YR18/0331/F	Erection of 110 x dwellings comprising of: 5 x 2-storey 5-bed, 19 x 2-storey 4-bed, 73 x 2-storey 3-bed, 11 x 2-storey 2-bed and 2 x 2-bed flats with associated garages, parking and landscaping	Granted 02.10.2018

5 POLICY FRAMEWORK

5.1 National Planning Policy Framework (NPPF)

Planning Conditions and Obligations.

5.2 National Planning Practice Guidance (NPPG)

Viability and decision taking
Planning obligations

5.3 Fenland Local Plan 2014

LP13 - Supporting and Mitigating the Impact of a Growing District

5.4 Developer Contributions SPD (adopted February 2015)

6 ASSESSMENT

- 6.1 The purpose of the variations is to secure amendments to the trigger points for payment of the Early Years Contribution, the Primary Education Contribution, the Secondary Education Contribution, Libraries and Waste Contributions. For Phase 2 and Phase 2A the relevant triggers have already been reached at the developments are built out so the agreements will be varied to ensure all payments are made on completion of each respective deed.

In respect to Phase 3 the Early Years, Primary and Secondary triggers will be varied to ensure payment as follows:

1. 30% of the contribution prior to the Occupation of more than 40% of the Dwellings to be erected on the Site.
 2. 30% of the contribution prior to the Occupation of more than 60% of the Dwellings to be erected on the Site.
 3. 40% of the contribution prior to the Occupation of more than 80% of the Dwellings to be erected on the Site.
- 6.2 Originally the proposals came forward solely in respect of the 'triggers' and to this end the Deed of Variations (DOVs) progressed under delegated powers. However, on receipt of the draft DOVs Officers noted discrepancies between the contribution amounts and these were queried with the County Council.
- 6.3 Officers were advised that the amendments to the amounts detailed were necessary to *'correct a number of errors in the calculations relating to the pupil yields derived from the dwelling mixes across all three phases. The changes we [CCC] have agreed ensure that all three phases (and phase 4) are calculated on the same basis to ensure consistency.'* It is further noted that the revised contributions also sought to address the matter of 'rounding up' which was deemed as non-compliant with CIL as this would inflate the contribution levels across a phased scheme.
- 6.4 Whilst it is clear that this is largely a matter of 'book-keeping' and that the changes proposed have little consequence for the Local Planning Authority, being that the County are best placed to identify the requisite contributions in

line with their contributions formula, it was considered procedurally necessary to secure endorsement of the committee to enter into the DOVs.

- 6.5 As indicated above, each scheme remains fully policy compliant in terms of the necessary obligations due and it is not a case that there is scope to divert monies to other infrastructure requirements as the schemes each make requisite provision for appropriate infrastructure and contributions in accordance with the FLP
- 6.6 The original S106 Planning Agreements secured the amounts detailed in Column 2 in respect of education and these were payable prior to commencement (50% of contribution) with the remaining 50% due prior to occupation of 50% of the dwellings.

	Column 2 Original amount	Column 3 Revised contributions
Phase 2		
Early Years	243,656	238,435
Primary	70,719	45,432
Secondary	640,008	378,671
Phase 2a		
Early Years	87,020	81,779
Primary	17,144	16,278
Secondary	160,002	144,022
Phase 3		
Early Years	365,484	306,310
Primary	505,550	612,727
Secondary	443,327	471,327
	2,532,910	2,294,981

- 6.7 The County Council and the Applicant has agreed to amend the triggers to those set out in paragraph 6.1 above and in considering this matter have taken the opportunity to adjust the amounts payable as per column 3 given the formula and rounding-up anomalies highlighted at 6.3 above.

7 CONCLUSIONS

- 7.1 The request to enter into deeds of variation in respect of the highlighted schemes has been given due consideration and given that the changes have been agreed between the Applicant and the County Council, the Local Education Authority, it is recommended to accept the principle of Deed of Variations in respect of the above, i.e. amended to reflect the revised contribution amounts and trigger points.

8 RECOMMENDATION

- 8.1 Members approve the changes outlined above and give delegated authority to Officers to complete the Deeds of Variation.

F/YR21/0032/F

Applicant: Conservative Club

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

Land North Of 34, Whitmore Street, Whittlesey, Cambridgeshire

Erect 4 x 3-bed 2-storey dwellings

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The application site is part of the existing car park serving the Conservative Club in the centre of the town of Whittlesey.
- 1.2. The application site is located on land designated as Flood Zone 1.
- 1.3. The proposal is made on the basis that the reduced membership of the club means that the whole car park is no longer required, and the revenue from the development will support the club going forward.
- 1.4. The proposed dwellings are a terrace of 2-storey, 3 bedroom properties, each with a limited rear garden and provision of 8 parking spaces at the front of the site to serve the development.
- 1.5. The number of dwellings proposed, combined with the limited scale of the application site results in a cramped form of development that will not provide a high quality living environment for the proposed residents, and will also impact adversely on the amenities of existing neighbours.
- 1.6. The scheme is therefore recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is located to the rear of the Conservative Club off Whitmore Street in Whittlesey, on land that is currently in use as a car park serving the Club premises.
- 2.2. The land is adjoined to the north by St Mary's Court, a development of 28 flats acting as a retirement housing scheme with a part-time, non-resident manager.
- 2.3. To the east the site adjoins the gardens of residential property on Gracious Street and the parking associated with new dwellings on Orchard Street, and to the south are the Conservative Club and several dwellings on

Whitmore Street. The land to the west of the site is the existing car park serving the Conservative Club, with residential development beyond.

- 2.4. The Conservation Area of Whittlesey encompasses the town centre area, and its boundary extends to Whitmore street to the south, including the Conservative Club itself and part of its car park to the rear. The only overlap of the Conservation Area boundary with the application site boundary occurs at the vehicular access to the site.

3. PROPOSAL

- 3.1. The proposal is for the construction of a terrace of four dwellings within the existing car park at the rear of the Conservative Club on Whitmore Street. The dwellings would each be of two storeys with nominally 3 bedrooms at first floor level.
- 3.2. The design of the proposed dwellings includes a projecting single-storey element to their front elevations, creating a small fenced-off yard area to the front of each property serving the main entrance, and providing each property with a bin storage area.
- 3.3. Each dwelling would also be provided with a private rear garden, with access paths to the north and south sides of the terrace giving direct access to each of the rear gardens when required.
- 3.4. The central two dwelling's gardens are shown on the plan as being approximately 4.6m wide and 5m deep, while the end terrace's gardens are shown as 4m deep due to the presence of the access path.
- 3.5. Vehicular access to the dwellings would be shared with the Conservative Club via the existing access to the west of that building, and 8 parking spaces (each 2.4m by 4.8m) are shown across the front of the site.
- 3.6. The result of the sharing of the vehicular access is that the proposed properties would be accessed through the existing car park area of the Conservative Club, which is intended to remain in active use
- 3.7. Full plans and associated documents for this application can be found at:

[F/YR21/0032/F | Erect 4 x 3-bed 2-storey dwellings | Land North Of 34 Whitmore Street Whittlesey Cambridgeshire \(fenland.gov.uk\)](#)

4. SITE PLANNING HISTORY

- 4.1. There is no relevant site planning history.

5. CONSULTATIONS

5.1. Whittlesey Town Council

The Town Council recommend refusal on the grounds of access, the properties are being encased within the curtilage of the carpark and is contrary to LP3.

5.2. FDC Conservation Officer

There is no objection to this application. However, the following comments are made:

The proposed site location represents an infill site and introduces a new (although limited) grain of residential building in this location. The proposed design, with the w/c in a forward projecting element and screening fences creates a sense of small enclosed boxes and it is felt that given the proximity to the conservation area and to the Conservative Club, the design ought to be improved with a more open facing elevation, and quality detail. There is no objection to development in principle in locations where there is no harmful impact, but it does not follow that developments should not take the opportunity to be of high quality and design detail. The relocation of a WC under the stairs would enable the façade of these houses to become more open and pleasing in their design, with perhaps a traditional bay window detail. Alternatively, a modern design would also be welcome. The success of any development hinges on the quality of materials used and these should be conditioned.

5.3. FDC Environmental Health

There are no concerns that the local air quality climate will be adversely affected by this proposal.

There are no noise implications for nearby residential properties associated with this proposal and there are no known noise sources close by which would have an adverse impact on the occupiers of the dwellings.

Consequently, there are no objections to the granting of consent to this proposal subject to the attachment of the following condition: -

UNSUSPECTED CONTAMINATION

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

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

5.4. The Whittlesey Society

This development will detract from the Victorian building, being 34 Whitmore Street.

Car parking and use of the car park by the Conservative Club users will affect the residents of these houses.

Noise from car doors and activity from the club at night will be an issue.

The shared drive out on to Whitmore street will devalue 34 Whitmore Street

5.5. Local Residents/Interested Parties

7 letters of support have been received in relation to the proposal. The responses were received from properties on Coates Road (Coates), Mountbatten Way (Whittlesey), Munday Gardens (Whittlesey), Drybread Road (Whittlesey), and Thorney Road (Eye).

The reasons given for the support of the application are as follows:

- Four affordable homes will be an asset (Officer note – the dwellings are not proposed as affordable dwellings)
- The scheme will help to sustain the Conservative Club for years to come
- Proposals are similar scale to new dwellings in Orchard Street
- The site access is of a good width and with good visibility
- More houses are needed for young people to get them on the property ladder
- The dwellings will be close to the amenities within the town

6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention 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 2: NPPF is a material consideration in planning decisions.
Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development
Para 117: Promote effective use of land
Para 118: Opportunities and benefits of the reuse of land
Para 184: Heritage assets should be conserved in a manner appropriate to their significance.
Para 189: Applicants should describe the significance of any heritage assets affected.
Para 196: Less than substantial harm should be weighed against public benefits.
- 7.2. **National Planning Practice Guidance (NPPG)**
Determining a Planning Application
- 7.3. **National Design Guide 2019**
Context
Identity
Built Form
Movement
Uses
Homes and Buildings
Resources
Lifespan

7.4. **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP11 – Whittlesey
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP18 – The Historic Environment

8. **KEY ISSUES**

- **Principle of Development**
- **Visual Impact & Character**
- **Residential Amenity**
- **Heritage Impact**

9. **BACKGROUND**

- 9.1. There is no relevant background to the application.

10. **ASSESSMENT**

Principle of Development

- 10.1. The application is located within the built-up part of the Market Town of Whittlesey, not far from the town centre and all the key facilities that provides to residents.
- 10.2. Whittlesey is identified as one of four market towns within the development plan where development is encouraged to take place across the life of the development plan.
- 10.3. The application site is a backland location, forming part of the car park of an existing commercial building (the Conservative Club) and there are no policies of the development plan that specifically preclude such a form of development.
- 10.4. The principle of the development is therefore considered to be acceptable, and the recommendation made in relation to the scheme will be determined by the specific impacts of the development, namely its visual impact and its relationship with the existing character of the area, its impact on neighbouring residential amenity and the proposed levels of amenity within the development itself for future occupiers, and its impact on the heritage assets of the town present in the vicinity of the application site.

Visual Impact & Character

- 10.5. The proposed dwellings are of a relatively simple design, comprising a single two-storey block, 9m deep along the side gables, and 18.5m wide along the front elevation. The ridge height of the dwellings is 7.75m and the eaves height is 5m.

- 10.6. Each of the individual properties benefits from a modest ground floor projecting gable on its front elevation to accommodate a downstairs wc, with the space enclosed between this projection and that on the neighbouring property with a 1.4m high fence behind which are located bin storage areas for the dwellings alongside the main entrances to the dwellings and immediately outside the ground floor kitchen window.
- 10.7. The application site is located just beyond the boundary of the conservation area to the rear of the Conservative Club, and although the site is surrounded by two-storey properties, there will be views possible of the proposed development through gaps between existing buildings in the street scene.
- 10.8. The views of the development from the public realm would be limited however and gained in the context of other residential development that would be more prominent within those views and therefore the visibility of the scheme would not be harmful in that respect.
- 10.9. With regard to the impact of the proposal on the character of the area, and also whether or not the scheme reinforces the local distinctiveness of the area, the context of the site must be considered.
- 10.10. The site is located in close proximity to the centre of the town and is largely surrounded by other residential development. The character of this development is generally one of two-storey properties, the majority of which are semi-detached. The court of retirement flats and the conservative club itself depart from this character, as do two detached dwellings to the west of the Conservative Club entrance. There are examples of backland development in the area, although these are not commonplace.
- 10.11. Notwithstanding that however, the development would also be viewed from several other locations, including parking courts and neighbouring dwellings, as well as the remaining car park of the Conservative Club itself.
- 10.12. In this respect, the visual impact of the proposal is still required to comply with the relevant policies of the Fenland Local Plan. The appearance of the scheme in that regard would not be of high quality, and would be likely to be of detriment to the area. The frontage of the site would be dominated by the domestic parking arrangements for the dwellings, and with parking spaces shown on the plan as being 2.4m wide by 4.8m deep with no allowance for door opening etc, the parking provision would be intensive.
- 10.13. Beyond that parking provision would be the main elevation of the buildings, partially hidden behind the proposed fencing to their fronts and the proposed building would fill almost the entire width of the available space, with only limited paths to the sides in order to grant access to the rear gardens.
- 10.14. The proposed dwellings would therefore appear cramped within the site, representing overdevelopment of the land available and having a detrimental impact on its surroundings.

Residential Amenity

- 10.15. The Fenland Local Plan requires that development provides high quality environments, in terms of levels of residential amenity as well as impacts of

development on surrounding properties. Policy LP16 indicates that a minimum of one third of the available plot will be expected to be dedicated as private amenity space serving a dwelling.

- 10.16. With regard to the proposed development, the scheme appears to be deficient in several respects in relation to the provision of high levels of residential amenity, and also impacts on the amenities of the neighbouring properties.
- 10.17. The proposed development is located in close proximity to the side boundaries of the application site, and its design is such that it presents a deep gable to each of those boundaries. To the north is a complex of retirement flats that benefits from windows looking out over the application site, and to the south are the residential gardens of properties on Whitmore Street.
- 10.18. In the case of the former, the proposed building would block a significant outlook from the windows and would overshadow the central courtyard at the premises, impacting adversely on the amenities of the neighbouring properties. In the case of the latter, the presence of the proposed gable so close to the rear boundary of their gardens would have an overbearing impact on those areas to the detriment of their amenity.
- 10.19. In addition to this, there are several elements of the scheme that fail to provide adequate amenity standards for the future occupiers of the proposed development. None of the proposed units meet the indicated standard of one third of the plot as private amenity space, with the two central units benefiting from a garden forming 31% of the plot area and the two end units only 25% (figures do not include car parking spaces within the calculation of the total plot area). In this regard therefore the scheme would be contrary to policy LP16 of the Fenland Local Plan (2014).
- 10.20. In addition, the proposed layout of the site is not conducive to high levels of residential amenity within the dwellings themselves. The two most southerly plots are adversely impacted by the presence of a 5m high rear wall of a building on the adjacent site to the east, whilst a similar, albeit lower structure is also present on the boundary of the northernmost unit. External access to the rear gardens of the two central units is provided by means of narrow paths to either side of the block, which then run adjacent to the boundaries of the end units, whilst the bin storage provision is located within a small courtyard at the front of the dwellings immediately adjacent to the front entrance and outside the solitary kitchen windows.
- 10.21. The application site is also notably located on part of an existing car park site serving the Conservative Club to the south, and justification for the proposal is given as being that the development would enable the continued operation of that facility. If the Conservative Club remains in operation following the construction of the proposals, then its continued use would be likely to have a detrimental impact on the residential amenities of the proposed dwelling, specifically through the proximity of the dwellings to the car park and the likely noise generated by its use, potentially late into the evenings.
- 10.22. The additional use of the Conservative Club as a functions venue exacerbates this impact, as functions of this nature result in more intensive

arrivals and departures than its normal operation, and this would also result in periods of disturbance to the amenity of the future occupiers of the properties proposed.

- 10.23. The proposed amenity levels of the proposed dwellings do not therefore meet the high standard required of development by the Fenland Local Plan, and the proposals are therefore contrary to policies LP2 and LP16.
- 10.24. Parking provision at the premises is made on the basis of 8 spaces provided at the front of the development, each space measuring 2.4m by 4.8m, with 6m to the rear as turning space. No allowance is made for wider spaces to facilitate easier access and this is an additional element of the proposal that limits the quality of the proposed amenities serving the dwellings.

Heritage Impact

- 10.25. The proposal in such a way that the access to the site lies within the Conservation Area, although the proposed dwellings themselves are outside it. Views of the proposal would be possible from the Conservation Area, however given their limited scope it is not considered that these would justify the refusal of the application.
- 10.26. The comments of the Conservation Officer do not identify any harm to heritage assets, but do note that the quality of design of the proposed dwellings is not as high as would be expected, and that control of proposed materials would be expected by condition.

11. CONCLUSIONS

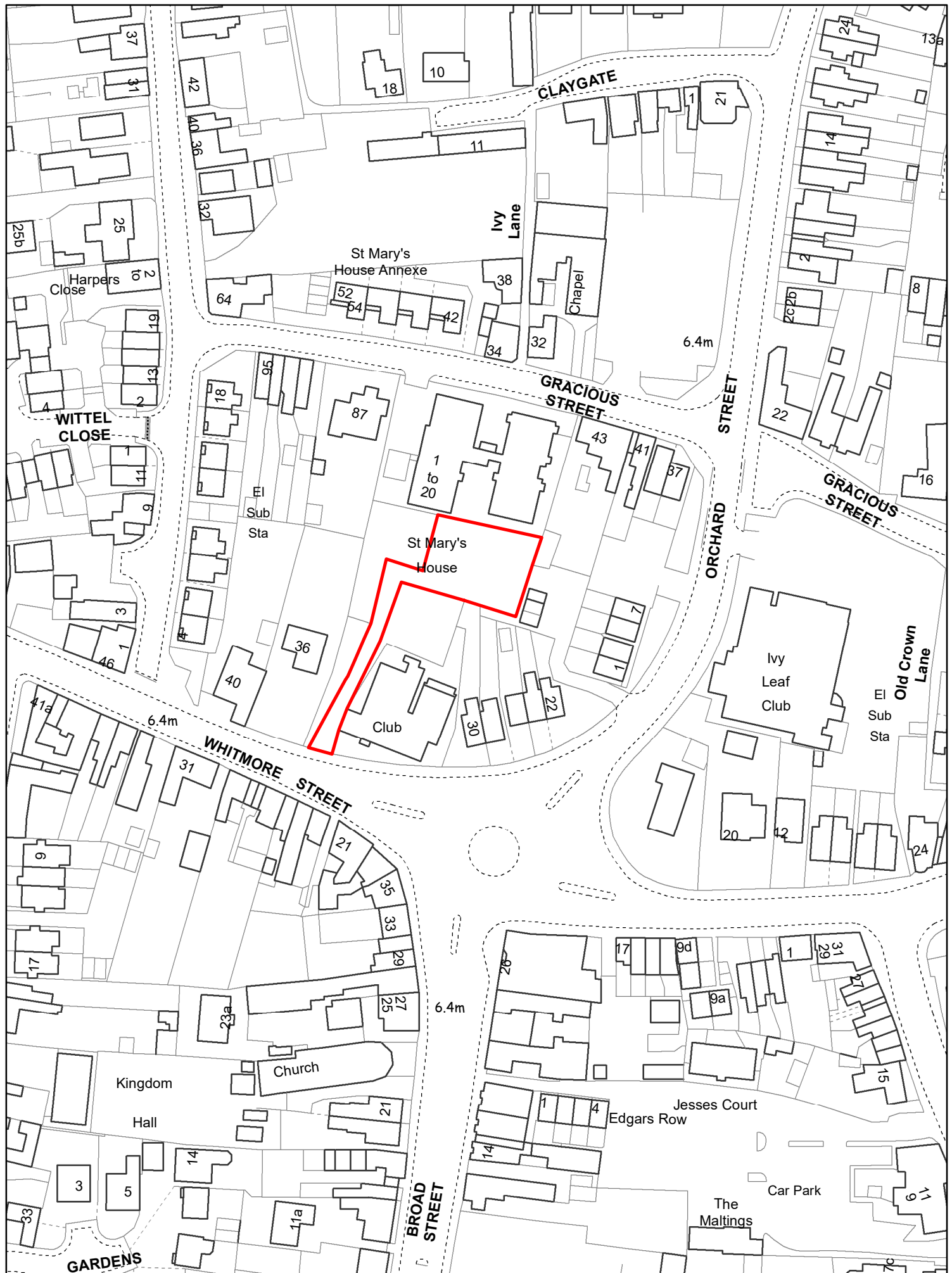
- 11.1. The principle of residential development within the settlement is acceptable, however the specific proposals result in a cramped form of development that impacts adversely on its surroundings and fails to provide adequate amenity to satisfy the requirements of the relevant policies of the Fenland Local Plan.

12. RECOMMENDATION

Refuse, for the following reasons:

- 1. Policy LP16 of the Fenland Local Plan requires that development delivers high quality environments throughout the district, making a positive contribution to the local distinctiveness and character of an area. The proposal is for the construction of a terrace of four dwellings in a backland location, and the proposed dwellings would fill the entire width of the existing space, which combined with the proposed parking serving the properties located immediately in front of the dwelling and the lack of provision of a pedestrian access past the parking area, would result in a form of development that by its cramped appearance, would have a detrimental impact on the character of the area contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).
- 2. Policies LP2 and LP16 of the Fenland Local Plan (2014) require developments to provide high levels of residential amenity, with private amenity space provided suitable to the type and amount of development proposed. The gardens provided with the development are below the indicated minimum one third of the plot, and the level of

amenity provided is limited due to the overbearing impact of the buildings surrounding the plot and its location in close proximity to the commercial use of the land to the west of the proposed dwelling, through which the access to these domestic properties would be gained. The proposal is therefore contrary to the provisions of policies LP2 and LP16 of the Fenland Local Plan (2014).



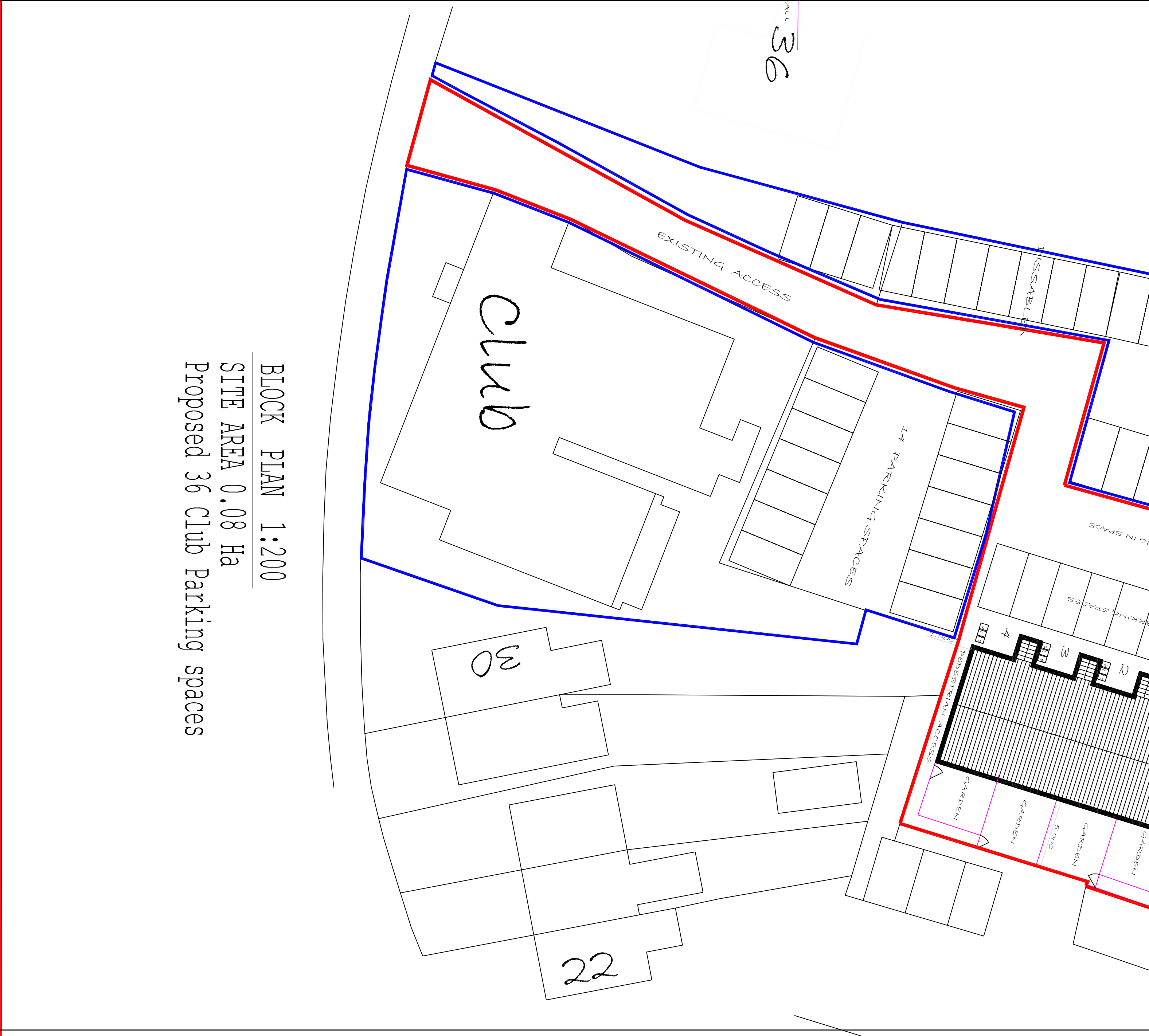
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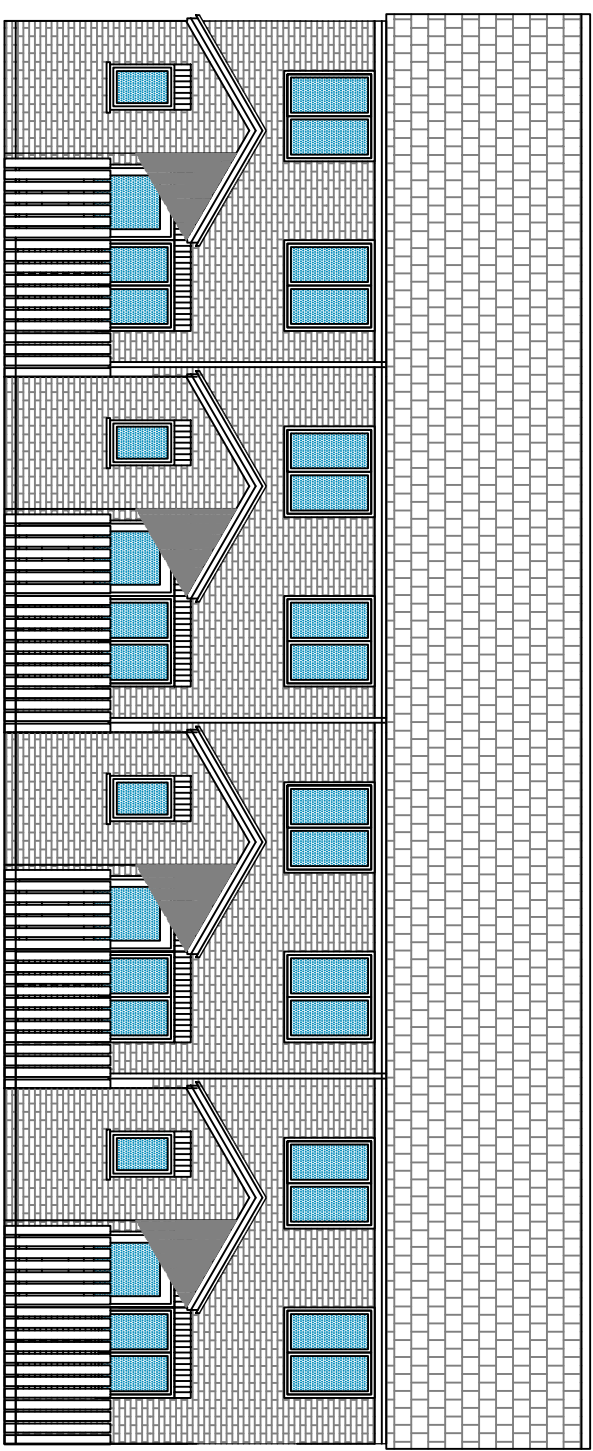
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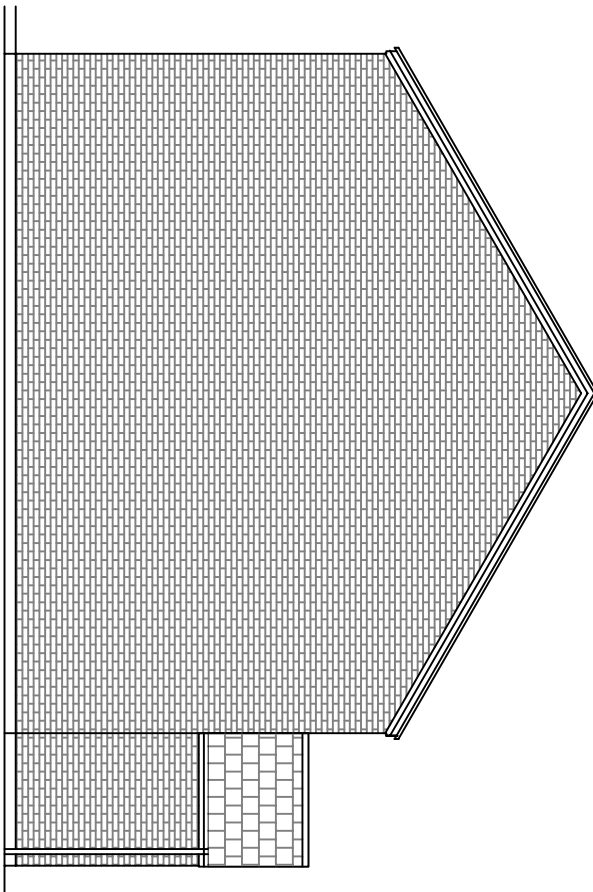






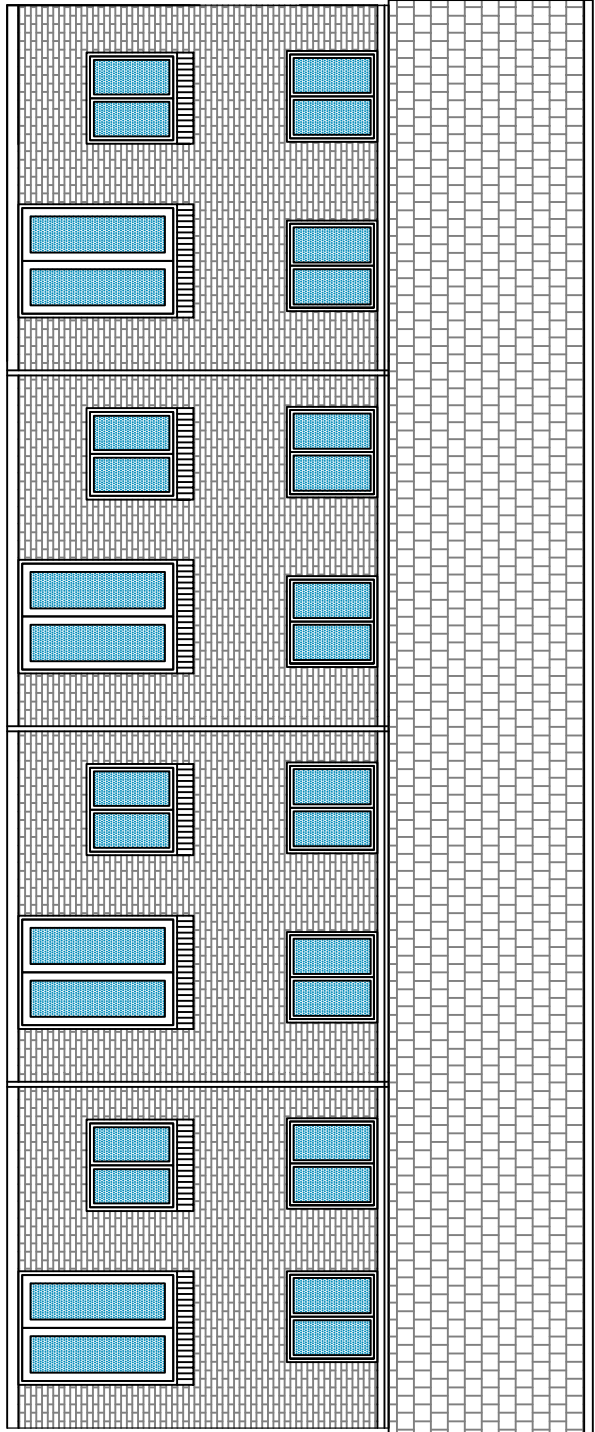
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Scale 1:100



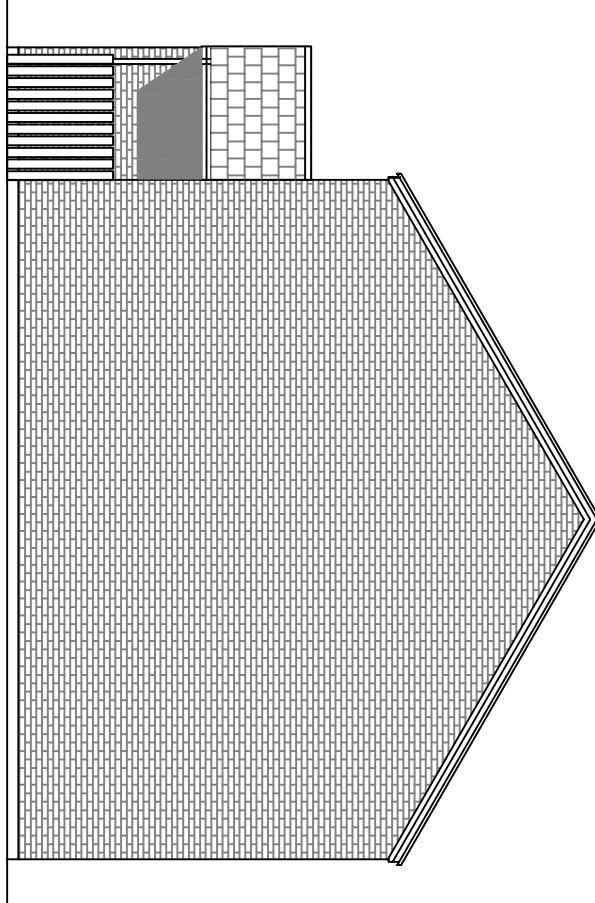
End / NORTH Elevation

Scale 1:100



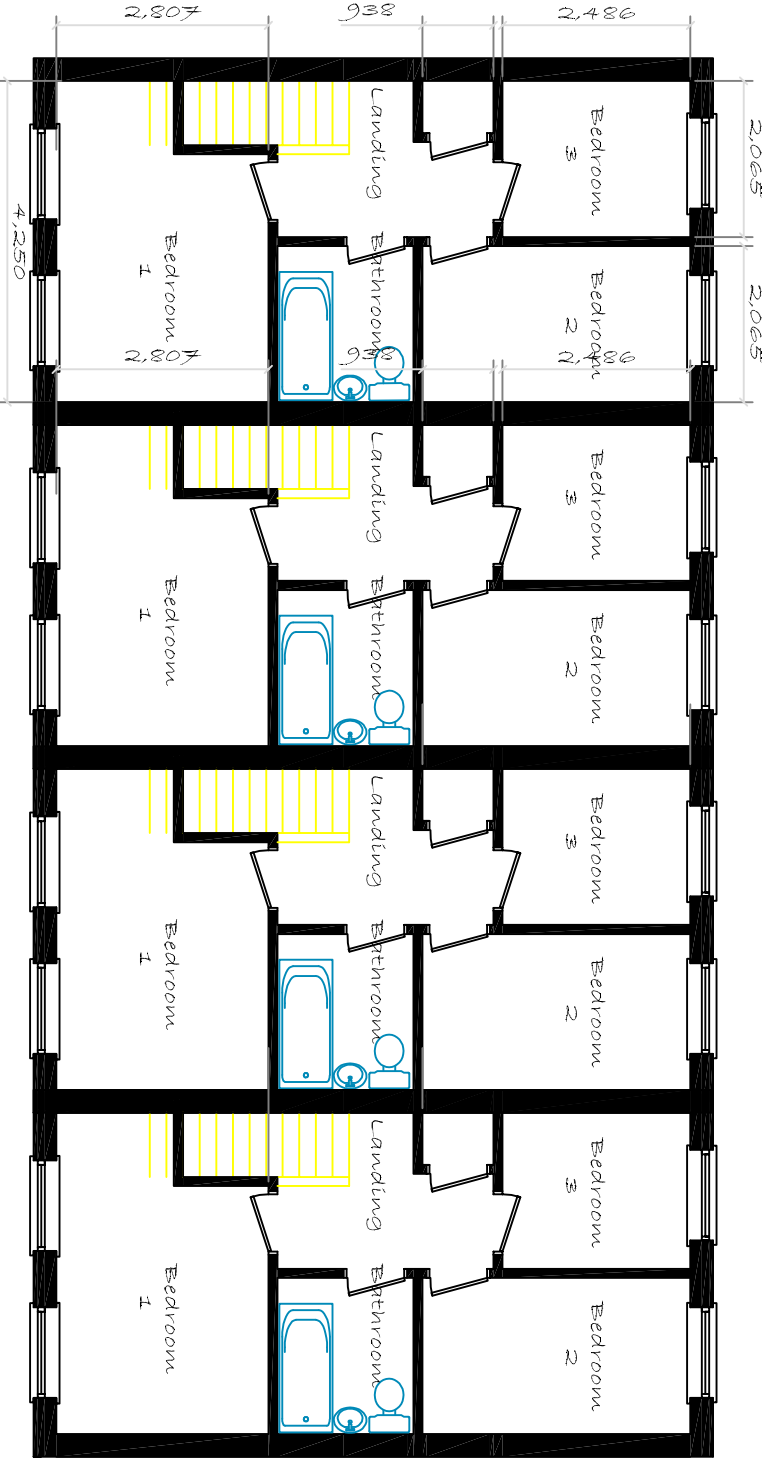
Rear / EAST Elevation

Scale 1:100



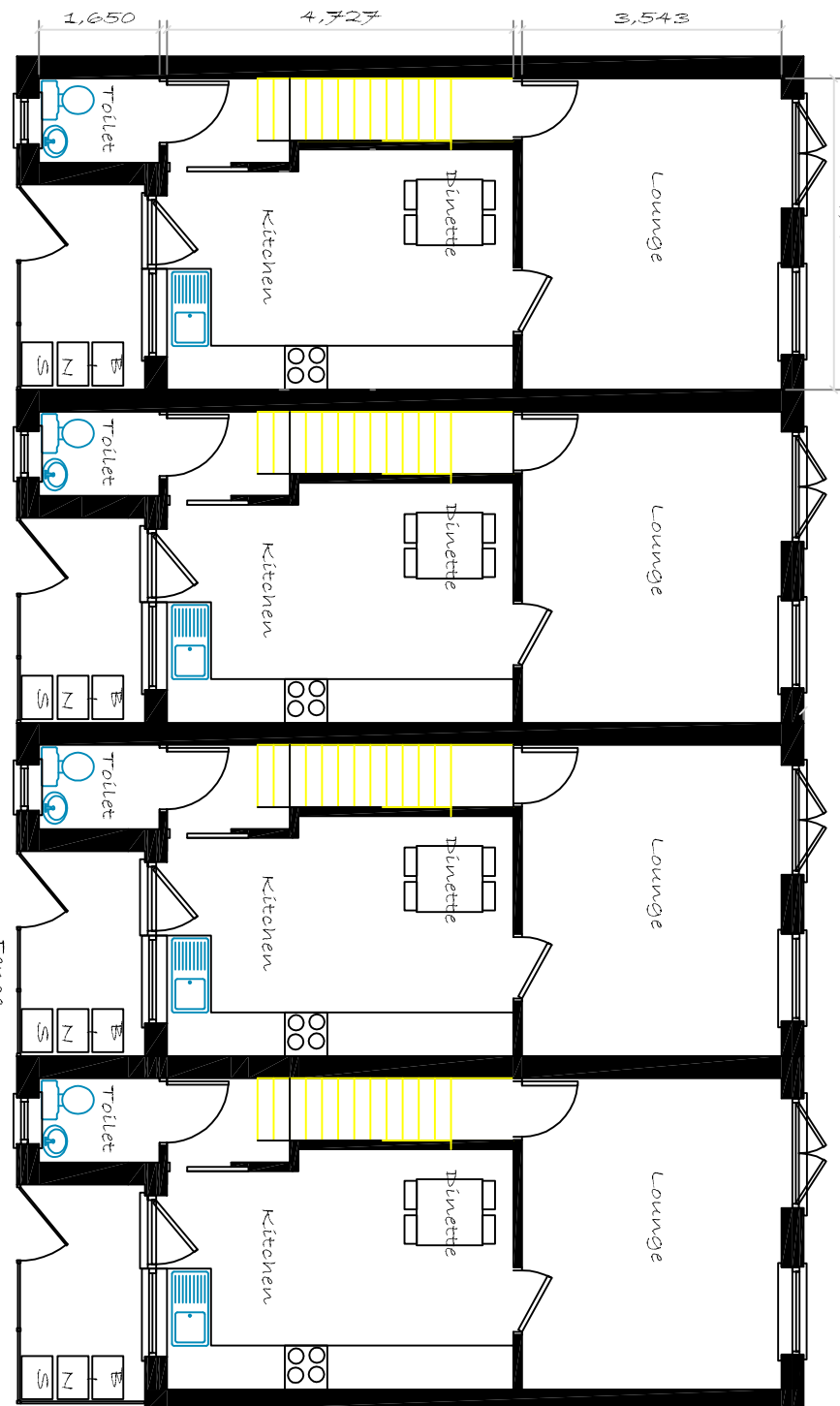
End / SOUTH Elevation

Scale 1:100



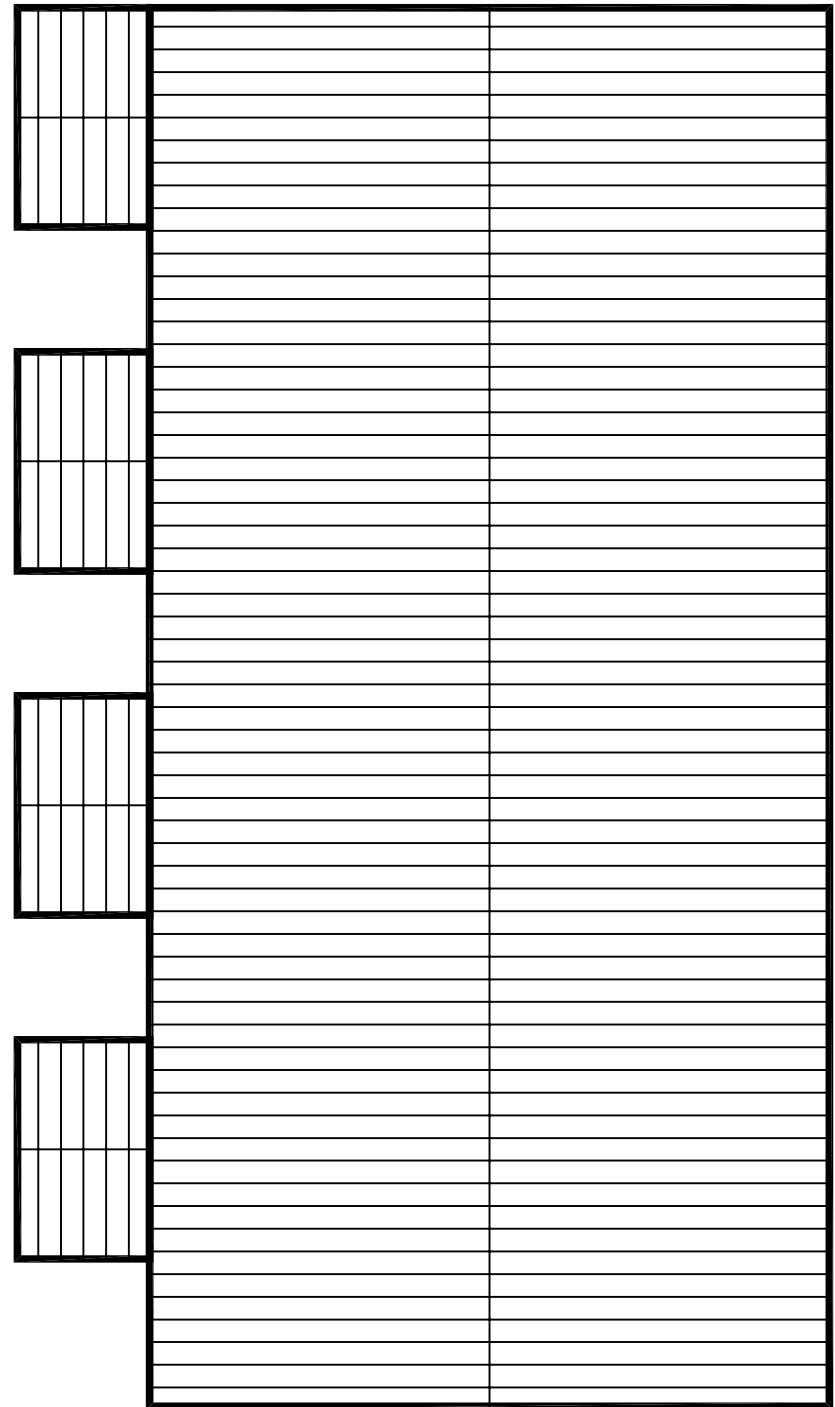
First Floor Plan

Scale 1:100



Ground Floor Plan

Scale 1:100



Roof Plan

Scale 1:100



FACING BRICKS HOSKINS, OLD FARMHOUSE
ROOF COVERING REDLAND GROVEBURY MK2 FARMHOUSE RED DOUBLE PANTILES

EXISTING BLOCK PLAN 1:200

EXISTING 47 Club parking spaces

Highly Commended
through Council of Kings Lynn
Residential New Build
West Norfolk The Heroes Award for Design in the Environment

Winner, New Small Scale
housing development
Commercial category building
Peeterborough City Council

Winner, Heritage award
for Conversion or Restoration
Highly Commended
Heritage award New Build

LABC

Building
Design Awards
Building Excellence in Norfolk
Heritage award New Build

DBDS

DAVID BROKER DESIGN SERVICES

ARCHITECTURAL TECHNICIANS
CLARENCE STATION ROAD
WIMBORNE ST MARK
WIMBORNE ST MARK
Tel: 01937 541111
E-mail: david@dbdsdesign.com

Issue	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1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F/YR21/0015/F

Applicant: Mr & Mrs Gowler

Agent :

Land South Of 20, Primrose Hill, Doddington, Cambridgeshire

Erect a dwelling (single storey, 3-bed)

Officer recommendation: Refuse

Reason for Committee : No of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.
- 1.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.
- 1.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.
- 1.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.
- 1.5 The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 This 0.27ha site is agricultural land located within the open countryside on Primrose Hill, Doddington, opposite Dykemoor Drove. An existing farm access falls away slightly from the main highway which is screened from the site by a bank of sapling trees. The access track is bounded to the north by a mature hedge several metres high. The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is a full application for the erection of a single storey 3 bed dwelling. The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. The applicant proposes that the dwelling will be

carbon neutral and where possible, carbon neutral materials and recycled and re-used materials will be used in its construction.

- 3.2 For these reasons, the applicant is proposing the dwelling as a “paragraph 79” home, in particular part e). Paragraph 79 of the NPPF states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 3.3 The dwelling is to be partly sunken into the ground to have minimal impact on its open countryside location. The roof height will be approximately 3.8m above ground level. Large areas of glazing are proposed facing south east to provide solar gain in the morning. This is in the form of a curved wall of mostly glass. The maximum diameter of the dwelling will be 20m approximately. The roof overhang and deciduous trees will provide solar shading to the glazing and dwelling during the summer.

- 3.4 The roof will be slightly sloping to allow some solar gain and light to penetrate the property. It is proposed that the construction will be reinforced concrete, externally insulated to achieve a high thermal mass. High thermal mass helps to retain heat in the winter but prevent solar overheating in the summer.

- 3.5 The following low carbon technologies are proposed:

- MVHR – Mechanical Ventilation with Heat Recovery
- Air Source Heat Pump Heating and Hot Water
- Photovoltaic panels also mounted to provide additional shading.
- Solar divertor system to direct excess electric to hot water, car chargers, appliances, or battery storage.
- Battery storage system to provide electric at night when solar is not generating

High levels of insulation include:

- Walls 200mm fibre insulation – Normal new dwelling 125mm fibre insulation
- Roof 200mm foam insulation – Normal new dwelling 120mm foam insulation
- Floor 200mm foam insulation – Normal new dwelling 100mm foam insulation
- Windows Energy Efficiency 0.8 – Normal new dwelling 1.2

Thermal bridging is also proposed at the junctions of the building.

- 3.6 The flat roof will be finished as a wild meadow roof. The applicant considers this type of roof finish is more beneficial to wildlife than a traditional green roof, plus

maintenance is minimum but the low height of roof over the plant roof allows for easy access.

- 3.7 One ash tree is to be removed and 8 saplings will be relocated.
- 3.8 The existing access serves 3 x agricultural fields. At the request of the Highways Officer additional detailing has been added to the plan with regard to the highway cross over. The access will be metalled and drained for 10m into the site. Two parking spaces are proposed.
- 3.9 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QMKE53HE0D800>

4 SITE PLANNING HISTORY

None

5 CONSULTATIONS

5.1 Doddington Parish Council- support the application

5.2 CCC Highways Officer

Requested the agent adds a note to state the highway crossover will be constructed to CCC Highway Construction Specification, and add dimensions (widths) to the access plan. Accept the existing field access provides a suitable arrangement for the shared use.

5.3 FDC Environmental Health

The Environmental Health Team note and accept the submitted information for the erection of a single storey dwelling and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on the air quality or noise climate. Records show the application site has no former use and therefore contamination is unlikely to be an issue.

5.4 Local Residents/Interested Parties

Six letters of support have been received.

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)
National Planning Practice Guidance (NPPG)**

Para 2: NPPF is a material consideration

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

Para 79: Avoidance of isolated homes in the countryside except in exceptional circumstances

7.2 National Design Guide (NDG)

- C1 – Understanding and relate well to the site, its local and wider context
- I1 – Responding to existing local character and identity
- H1 – Healthy, comfortable and safe internal and external environment
- H2 – Well-related to external amenity and public spaces
- R1 Follow the energy hierarchy
- R2 Careful selection of materials and construction techniques
- R3 Maximise resilience

7.3 Fenland Local Plan 2014 (FLP);

- LP1: A Presumption in Favour of Sustainable Development
- LP2: Facilitating Health and Wellbeing of Fenland Residents
- LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP16: Delivering and Protecting High Quality Environments Across the District

8 KEY ISSUES

- Principle of Development/ Paragraph 79 of NPPF
- Design/ Impact on Character of the Area/ Residential Amenity

9 ASSESSMENT

Principle of Development/ Paragraph 79 of NPPF

- 9.1 Policy LP3 identifies the site as being in an elsewhere location where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 9.2 However, paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) the development would involve the subdivision of an existing residential dwelling; or*
 - e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 9.3 The applicant has asked for the proposal to be considered against paragraph 79 e), specifically stating that *“The design of the dwelling is focussed on using the unique features of the site to create a low carbon dwelling. It’s proposed that the dwelling will be carbon neutral and where possible carbon neutral materials to be used along with recycled and re-used materials”*.
- 9.4 Paragraph 79 of the National Planning Policy Framework however only applies to the development of isolated homes in the countryside and therefore consideration

must be given as to whether or not the current scheme falls for consideration in this regard. What constitutes an isolated home should be determined on its own merits, but having researched recent appeal decisions and high court judgements, certain principles should be given due regard. The following decisions are considered to be particularly relevant in the assessment and determination of this application.

- 9.5 The case of *Braintree DC v SSCLG* was considered by the Court of Appeal in terms of what constitutes an isolated dwelling, and this in turn has been used in the determination of a recent appeal. In appeal reference APP/F0114/W/18/3208289 the Inspector when determining the appeal referred to the *Braintree* judgement which stated that the term “isolated” should be given its ordinary meaning of “far away from other places, buildings or people”. It also considered that proposals cannot be considered isolated if there are other dwellings nearby.
- 9.6 As the application site is situated within close proximity to a number of scattered dwellings along Primrose Hill, the proposal is not considered to comply with the key requirement of paragraph 79 of the NPPF as it cannot be considered to be isolated in the normal sense of the word.
- 9.7 As such, the proposal cannot be assessed under paragraph 79 but must be considered on its own merits. With regard to its location, the site is within the open countryside. Therefore the principle of the proposal cannot be supported as the proposal would be contrary to Policy LP3.

Design/ Impact on Character of the Area/ Residential Amenity

- 9.8 Policy LP16 also seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users and provides appropriate amenity for future occupiers.
- 9.9 The National Design Guide 2021 under *Resources*, specifically R1, R2 and R3 recommends that developers should maximise resources, through the careful selection of materials and construction techniques.
- 9.10 The design of the dwelling would be unusual within the Fen landscape, but also set down slightly from ground level, minimising the appearance of the dwelling within the street scene.
- 9.11 It would have a contemporary design with a curved glass wall creating an unusual footprint. The dwelling would be 3.8m high and approximately 20m across at its widest point. The remaining external materials would comprise reinforced concrete, thermally insulated. A wild meadow roof is proposed rather than a green roof, with PV panels, an air source heat pump and mechanical ventilation with heat recovery. Bat and bird boxes would also be incorporated.
- 9.12 One tree will be lost but other saplings will be relocated. These will in due course shield the development from the highway, and the mature hedging to the north of the access road, reduce any views of the proposed dwelling. With regard to any potential impact on the character of the area, the proposal is considered to have a neutral impact. The incorporation of a range of energy efficient measures also finds support with the National Design Guide.

- 9.13 The site is located approximately 35m from the nearest residential property. Therefore, it would not impact on the amenity of neighbouring users. The proposed living space and garden area is likely to deliver a nice family home. There is considered to be no conflict with Policies LP2 and LP16 with regard to residential amenity.

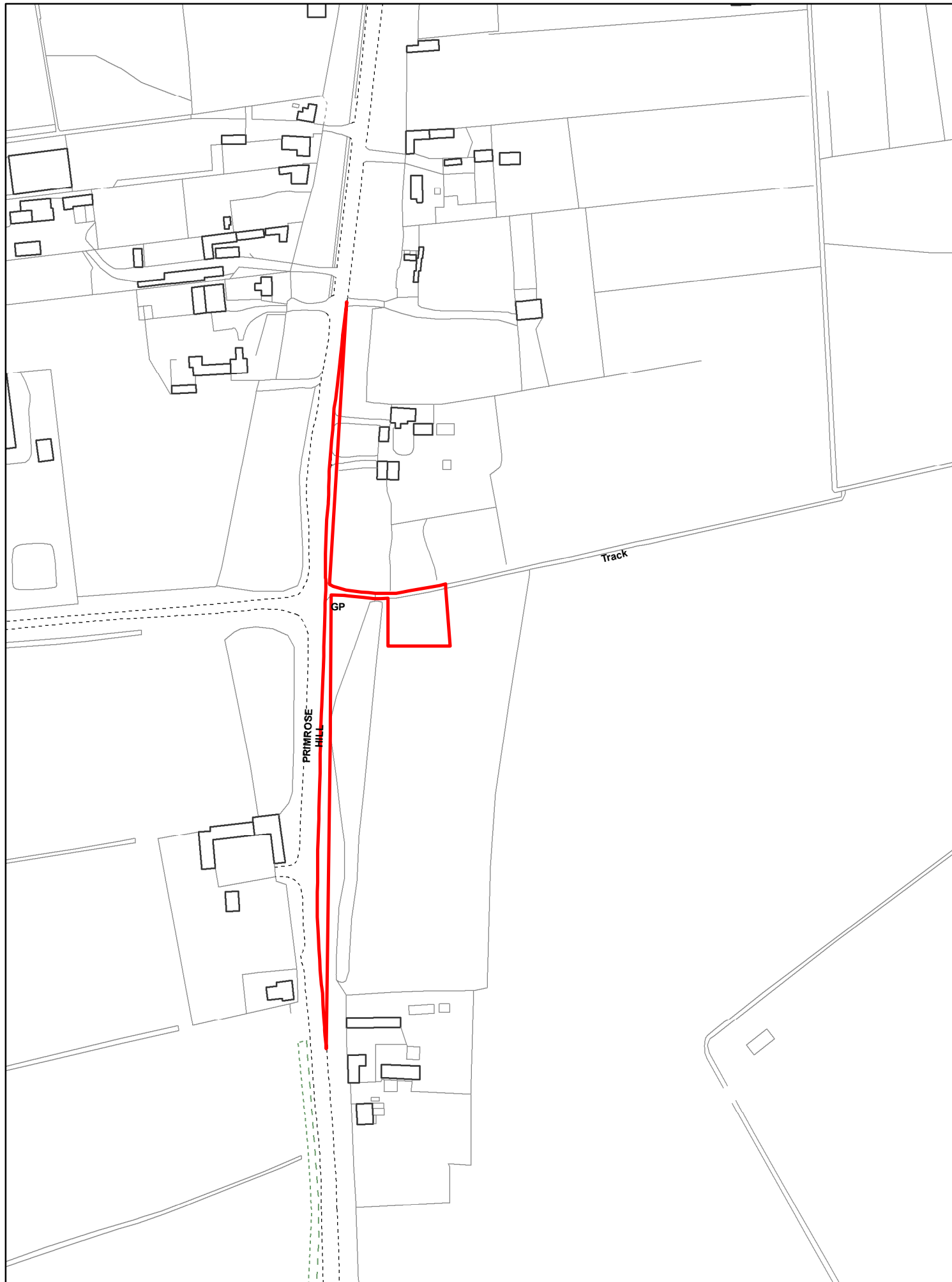
10 CONCLUSIONS

- 10.1 The site is located within the open countryside where residential development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services by Policy LP3 of the Fenland Local Plan 2014.
- 10.2 As such the applicant has put forward the proposal as an NPPF paragraph 79 home. Part e) facilitates an isolated new home in the countryside if the design is of an exceptional quality. The design of the dwelling is considered to be unique within the Fen landscape.
- 10.3 Unfortunately, the application is not considered to be truly isolated due to the proximity of nearby dwellings, reference, the *Braintree* judgement.
- 10.4 The main policy consideration is therefore Policy LP3 which identifies the site as being within the open countryside where residential development in this instance would be contrary to that policy.

11 RECOMMENDATION

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

1	Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The proposal has not demonstrated that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location. The development therefore does not comply with the requirements of Policy LP3.
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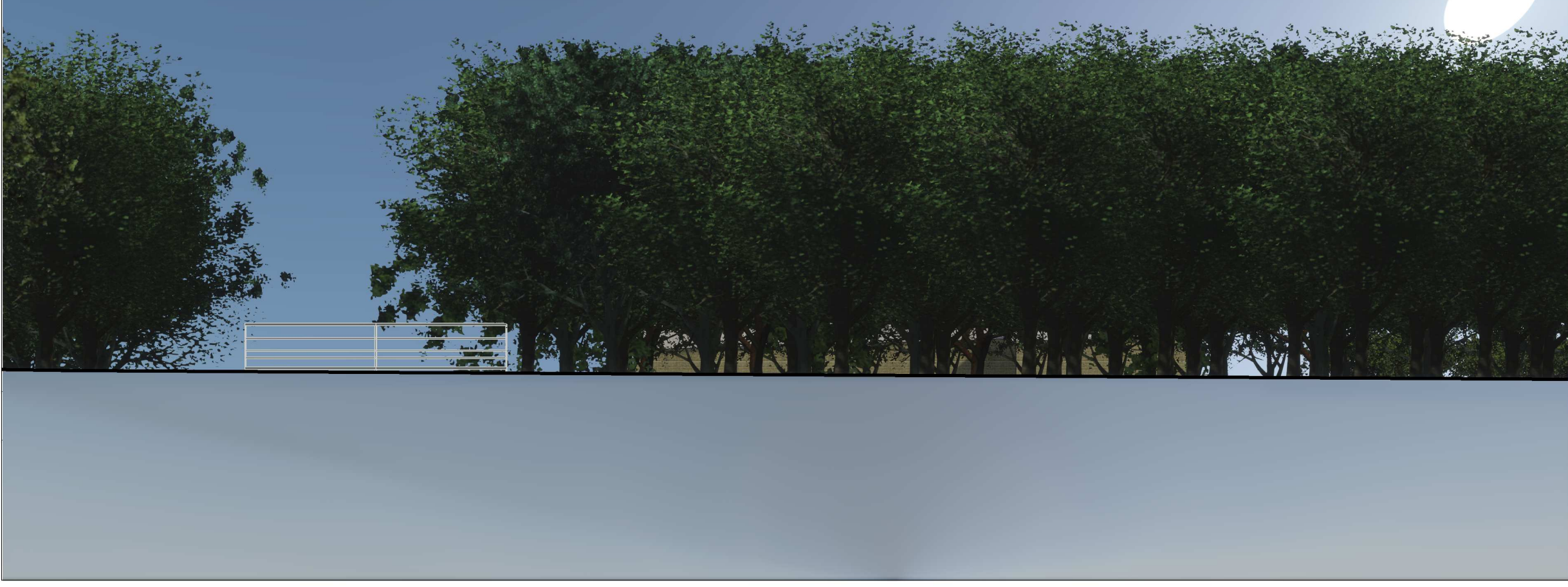
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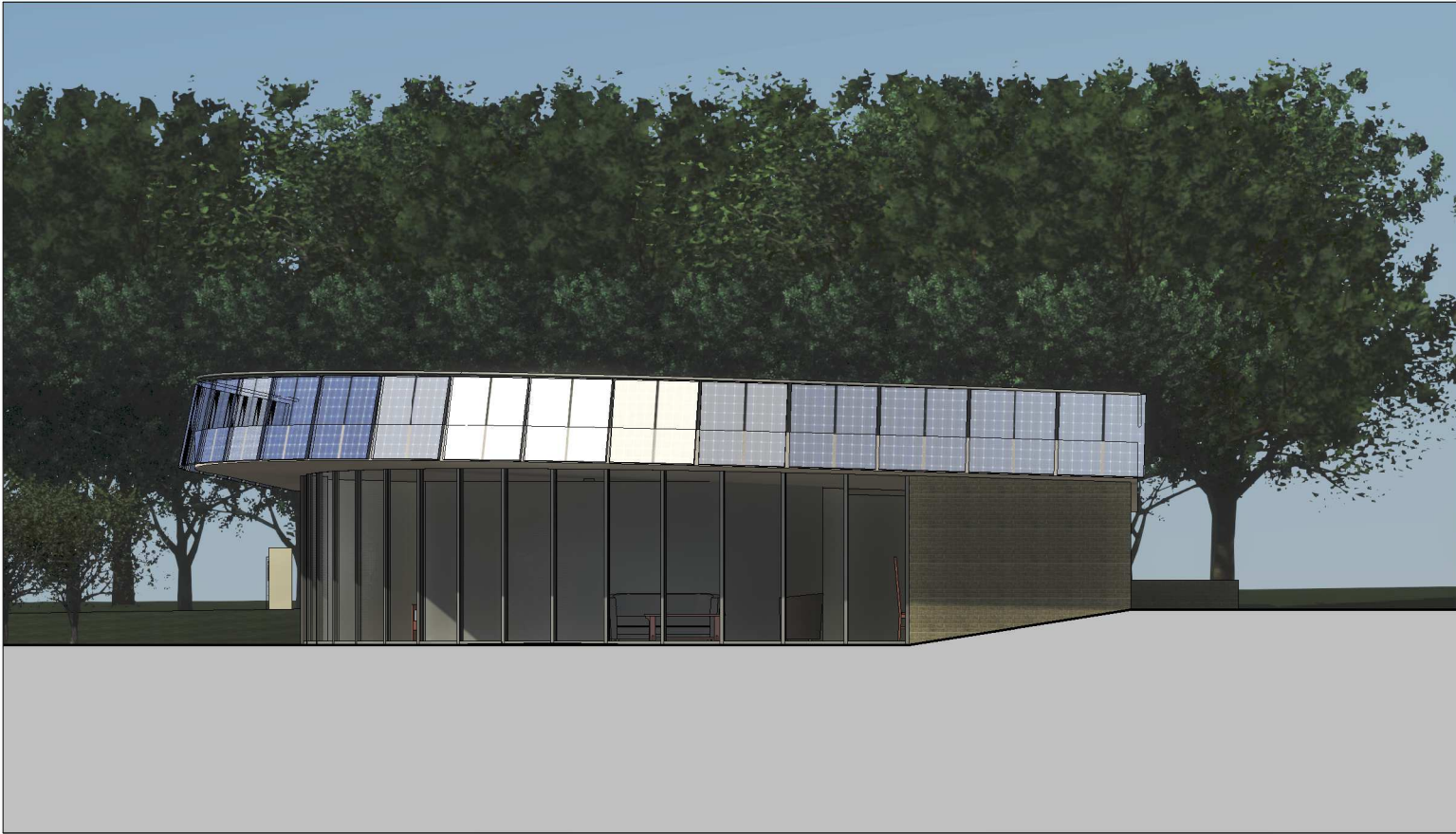




Street Scene / Planning Front (north)
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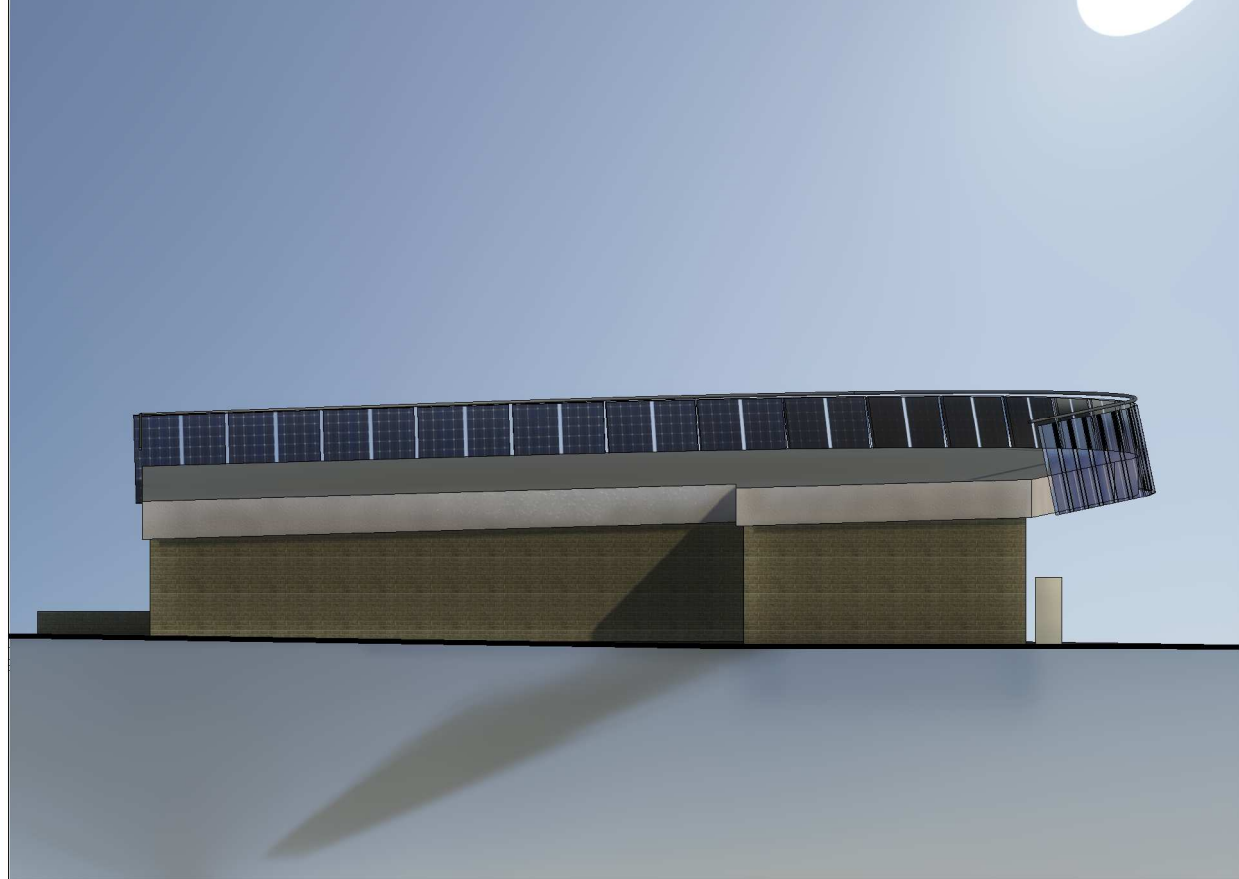
Street Scene (Primrose Hill)
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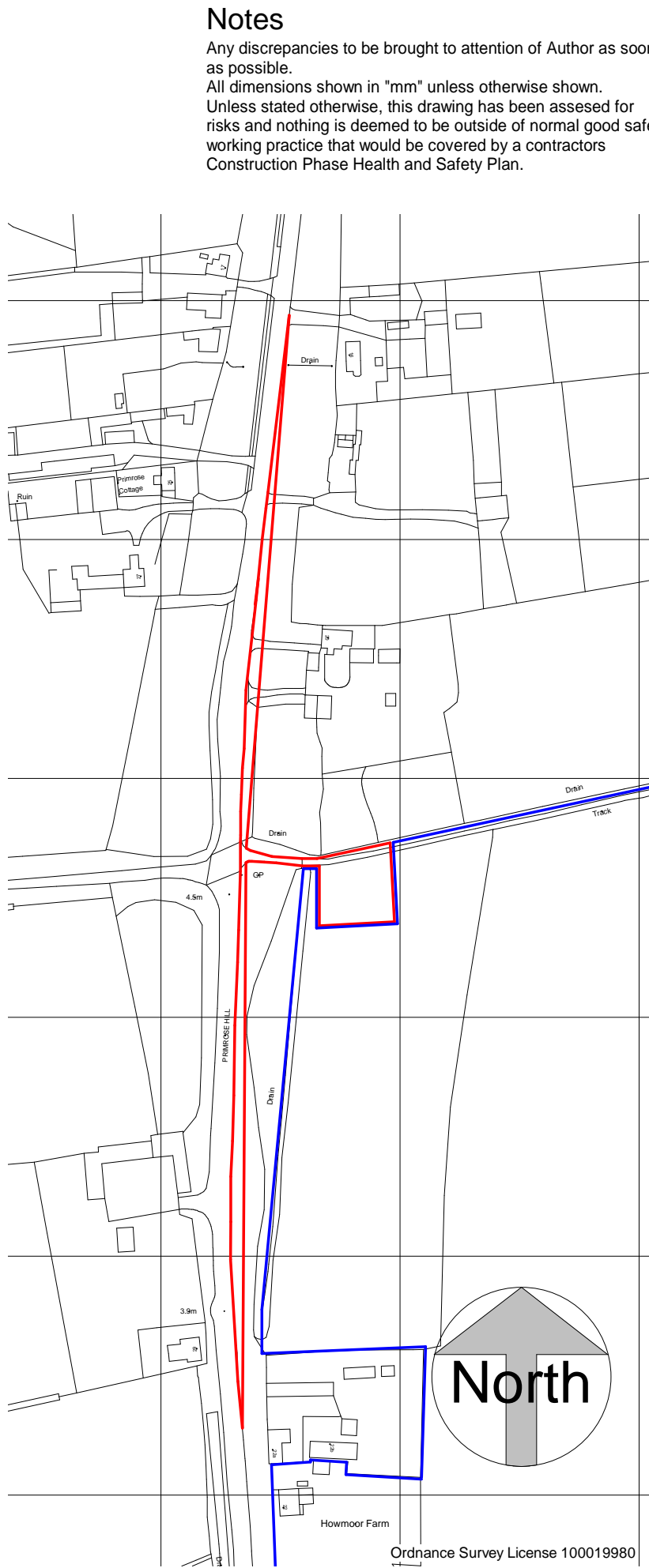
Planning Side (east)
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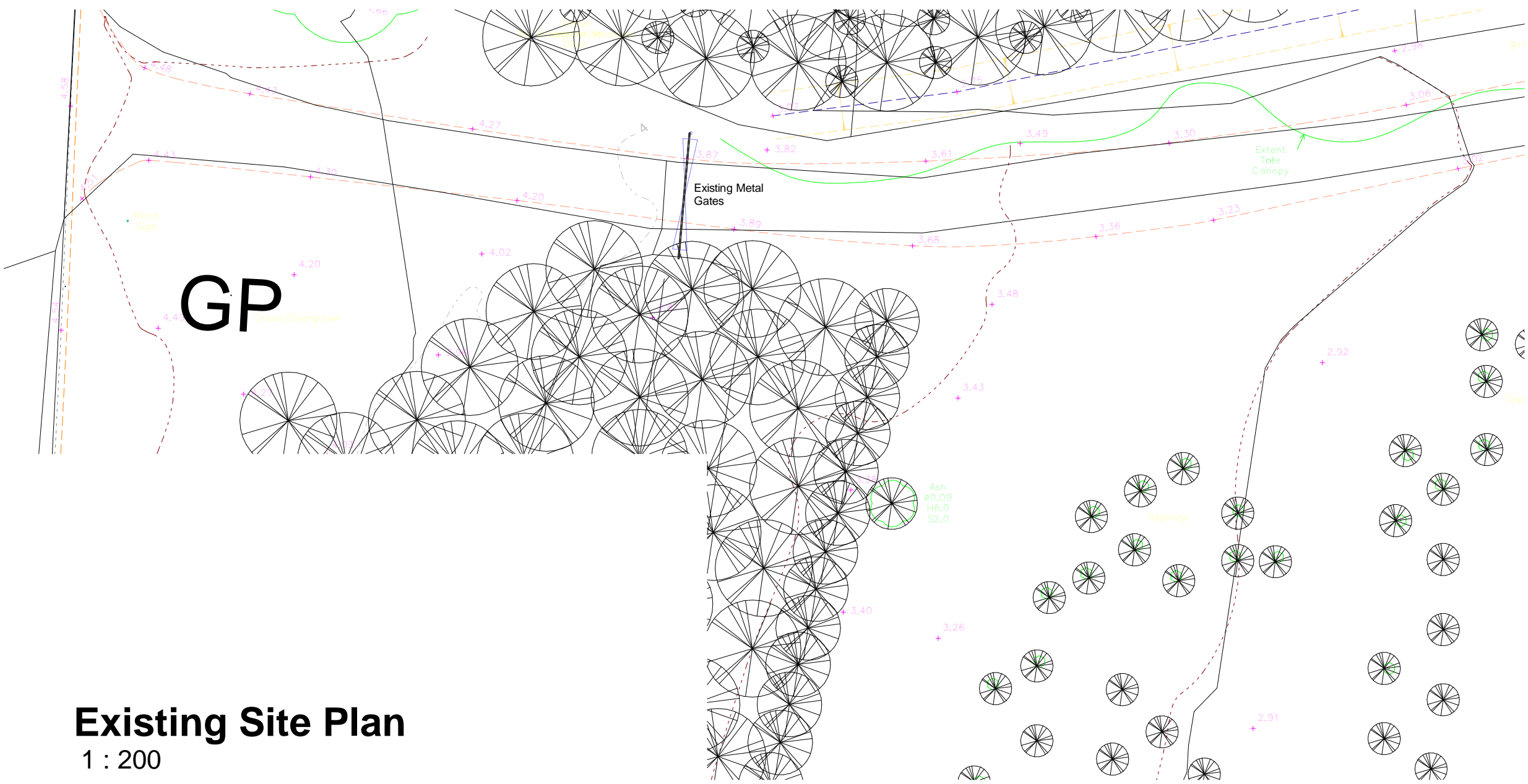
Planning Rear (south)
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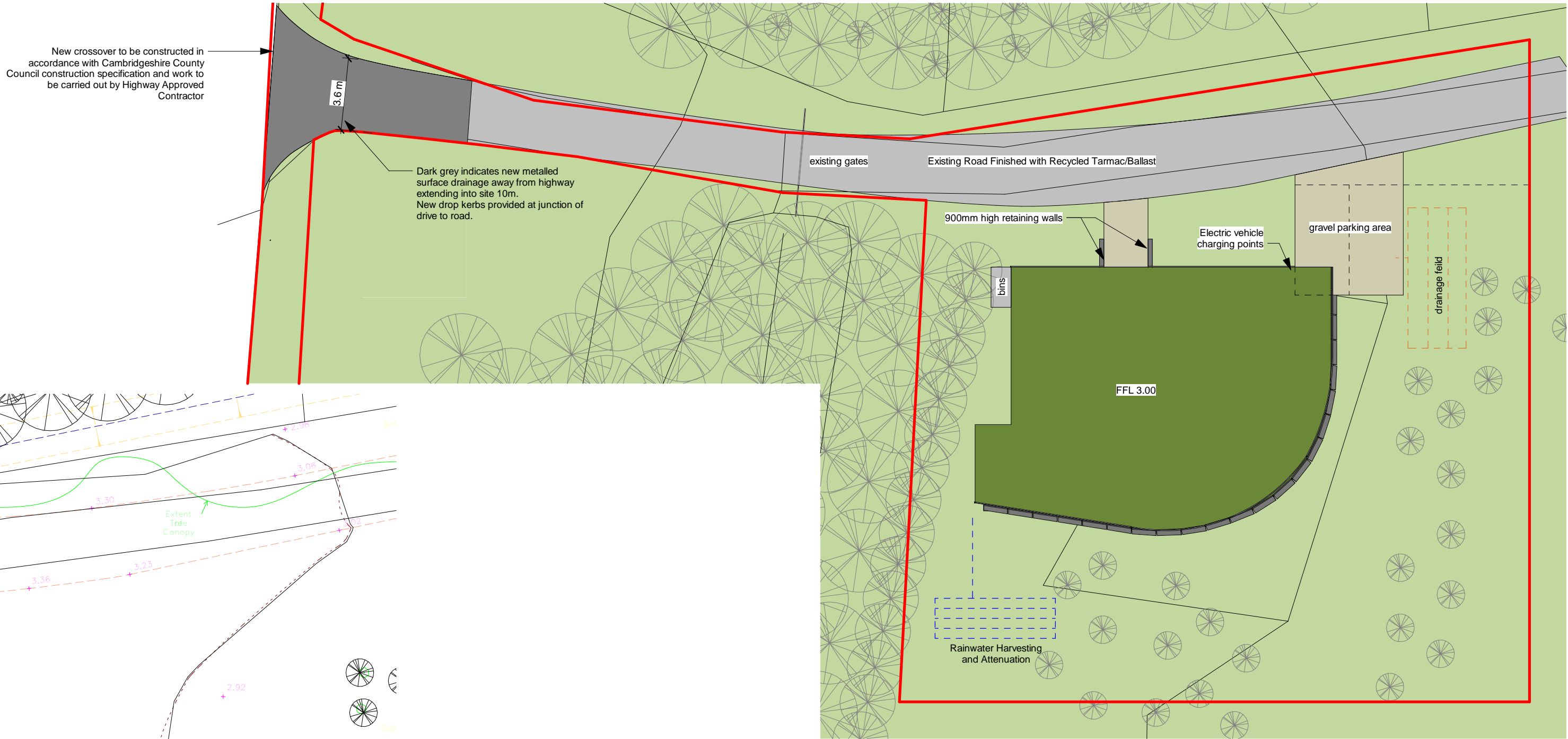
Planning Side (west)
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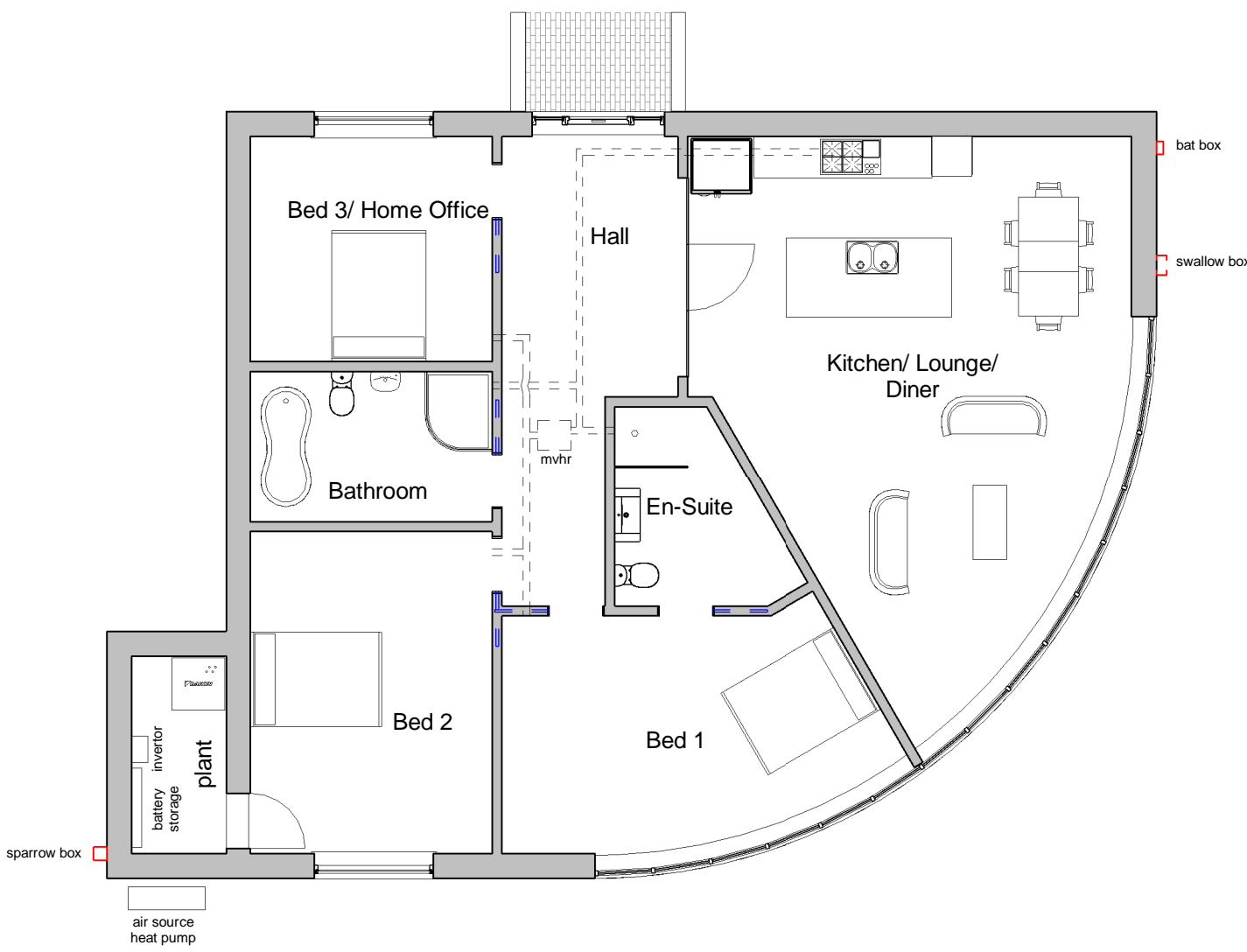
Location Plan
1 : 2500



Existing Site Plan
1 : 200



Proposed Site Plan
1 : 200



Proposed Ground Floor
1 : 100

A Highway Notes Added 04-02-21

Ian Gowler Consulting Ltd
Architectural and Domestic
Energy Consultant
Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU
tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed New Dwelling at Primrose Hill,
Doddington for Mr and Mrs Gowler

Planning Drawing

date created	scale	drawing no.	rev
04/01/21	As indicated @ A1	386 - P01	A

F/YR21/0159/PIP

Applicant: Messrs S, P & R Shippey

**Agent: Mrs Lydia Pravin
Brown & Co Barfords**

Land North of East View, Ringers Lane, Leverington, Cambridgeshire

Residential development of up to 4 dwellings (application for Permission in Principle)

Officer recommendation: Refuse

Reason for Committee: Referred by the Head of Planning on the advice of the Planning Committee Chairman

1. EXECUTIVE SUMMARY

- 1.1. The proposal is an application for Permission in Principle to develop the site for up to 4 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the principle issues namely: (1) location, (2) use and (3) amount of development proposed and the second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 1.2. The application site is located beyond but adjoining the built-up part of the settlement of Leverington within an area designated as flood zone 1.
- 1.3. The existing open character of the site is a key part of the setting of this part of the settlement and the public house and the connection between the settlement and the agricultural land surrounding it.
- 1.4. The granting of consent on this land would result in severance of a substantial connection between the settlement and the countryside to the detriment of its character.
- 1.5. For this reason, the application would be contrary to Policy LP16 of the Local Plan and is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site is an open field located beyond the existing built up part of the settlement of Leverington and to the west side of Ringers Lane. There is some limited recent development to the west of Ringers Lane to the south, however this is significantly detached (approximately 270m) from the application site. A single dwelling (early 20th century) is located on a plot immediately to the south of the application site.

- 2.2. The land is located within flood zone 1. The site is currently open to view from Ringers Lane with no boundary hedgerows to limit any views across the agricultural land in this location. It is consequently of an extremely open, agricultural character.
- 2.3. The site adjoins the existing settlement through its shared boundary with an existing dwelling to the north, which forms part of the continuous developed footprint of the settlement.

3. PROPOSAL

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of up to 4 dwellings at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:
- (1) location,
 - (2) use; and
 - (3) amount of development proposed,
- and establishes whether a site is suitable in principle. Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of PiP alone does not constitute the grant of planning permission.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QOBIQPHE01U00>

4. SITE PLANNING HISTORY

- 4.1. No site planning history.

5. CONSULTATIONS

Cambridgeshire County Council Highways Authority

- 5.1. *The principle of a 4-dwelling development is acceptable in this location subject suitable access junction spacing from the Ringers Lane/Gorefield Road junction.*
- 5.2. *A suitable footway connection may be required, linking the development with the existing Highway footway network.*
- 5.3. *I will happily comment further on the above two points when further details are committed in the way of site access arrangements.*

Local Residents/Interested Parties

- 5.4. None received

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

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

Para 117: Promote effective use of land

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context

Uses

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

8. KEY ISSUES

- **Principle of Development**
- **Character Impact**
- **Agricultural Land Grade**
- **Residential Amenity**
- **Highways & Access**

9. BACKGROUND

- 9.1. There is no relevant background to the proposal. No pre-application contact has been made with the authority.

10. ASSESSMENT

Principle of Development in this location

- 10.1. The application site is located near the settlement of Leverington, which is identified within the settlement hierarchy policy (LP3) of the Fenland Local Plan as a Limited Growth Village, where policy allows for a “*small amount of development and new service provision*”. The principle of residential development as part of the settlement of Leverington is therefore not opposed by the settlement hierarchy, and the detailed aspects of the development must be considered, including whether or not the site constitutes a part of the settlement.
- 10.2. Policies LP12 and LP16 consider the detail of development proposals in rural areas, and note that development needs to satisfy a list of criteria in order for

it to receive support, as well as making a contribution to the sustainability of the settlement without harming the wide open character of the countryside.

- 10.3. Policy LP12 identifies initially that to receive support, the site must be in or adjacent to the existing developed footprint of the village. This is defined as the continuous built form of the settlement, subject to certain exclusions. In this case, the site is considered to be adjacent to the existing developed footprint and therefore the principle of residential development is not opposed. Consideration must therefore be given to the specific impacts of the proposals under policy LP16 as follows.

Character Impact

- 10.4. The application proposes the development of an existing section of an agricultural field that currently provides a distinct open character and affords significant views over a substantial piece of the countryside to the west of the settlement. This agricultural field is an important part of the setting of the settlement of Leverington and is also prominent in westward views from Gorefield Road, as well as defining the character of Ringers Lane. The current nature of the site contributes to the distinctiveness and character of the area and the development of this would result in the loss of this character, regardless of the scale of properties proposed. It would therefore fail to accord with the requirements of policy LP12 part A and LP16(d).

Agricultural Land Grade

- 10.5. The application site is currently in agricultural use, and forms part of a much larger agricultural field. The applicant has stated that the land does not have an agricultural grading and states therefore that the proposed development must be deemed acceptable. The Agricultural Land Classification data available from Natural England indicates that the site lies within an area generally classified as grade 1 or 2, the highest grades available.
- 10.6. It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds

Residential Amenity

- 10.7. The application is made for Permission in Principle, and as such the detailed design of the proposed dwelling is not available for consideration at this time. Consideration of such details would include the impact of detailed proposals on the amenity of the occupiers of the neighbouring dwellings. On that basis the impact of the proposal on residential amenity is not for consideration at this time.

Highways and Access

- 10.8. The format of the current application does not allow for detailed consideration of access proposals, however the Highways Authority have confirmed that there are no objections to the principle of the proposal from a Highway Safety perspective, subject to an appropriate design being submitted at the Technical Details stage.

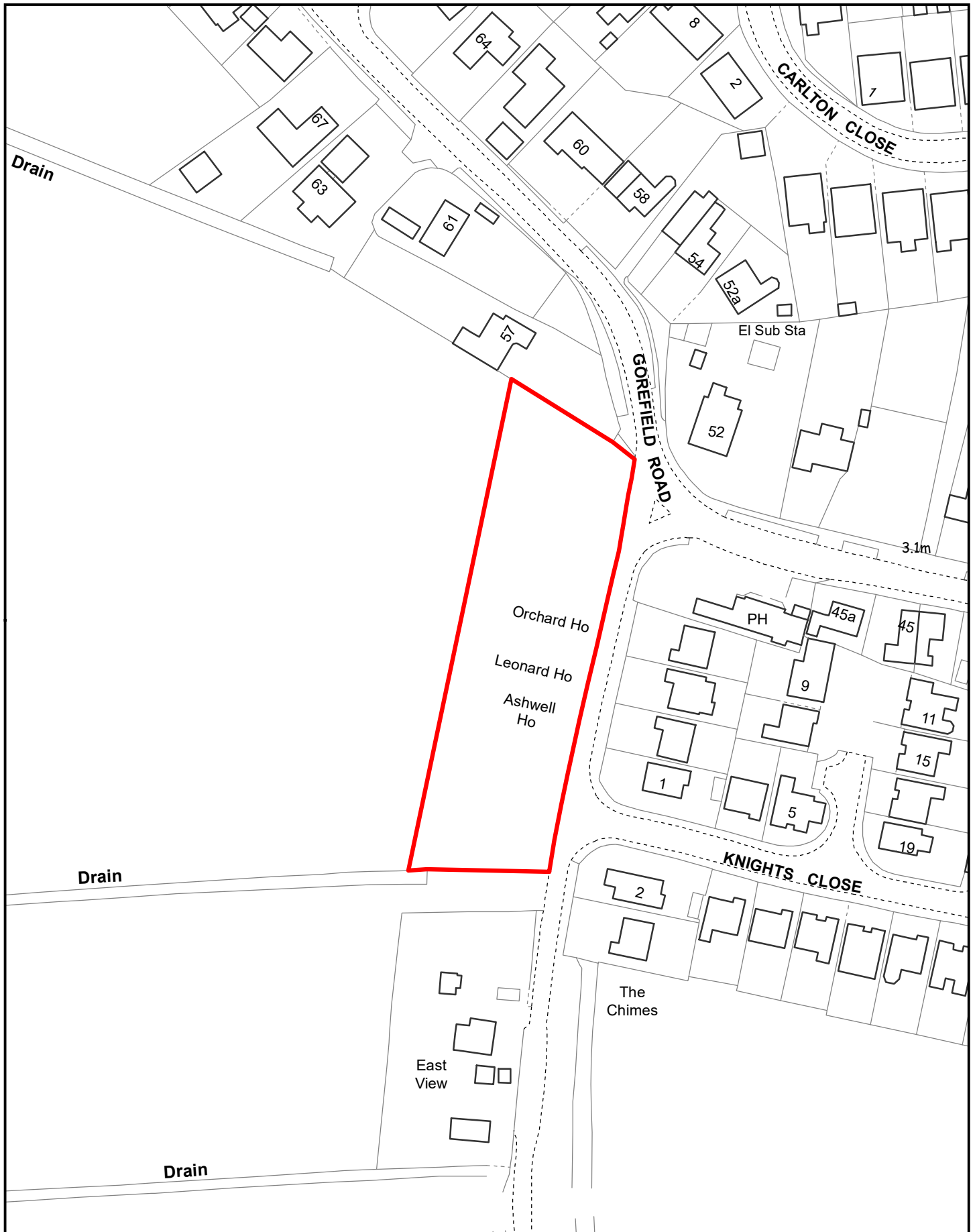
11. CONCLUSIONS

- 11.1. The development of this site would not be in accordance with the adopted policies of the Fenland Local Plan (2014). The site is in a location where its development would result in harm to the character of its immediate surroundings through the loss of significant open views across the open countryside. Such harm would be contrary to the provisions of policy LP12 of the Fenland Local Plan (2014) and may, subject to the availability of detailed proposals, also be contrary to policy LP16. It is therefore considered that in terms of location and land use considerations the PIP application fails.
- 11.2. The loss of agricultural land with the best and most versatile categories is not justified within the information supporting the application. Given the extremely limited land within the district that does not fall within such classification however, this does not in and of itself justify refusal of the application.
- 11.3. The amount of development proposed on the land is proportionate to similar existing development within the area, although it would be of a lower density than the more directly related site on the east side of Ringers Lane. The amount of development proposed does not justify refusal of the application, if the principle of the development of the site were to be accepted. It is considered that the development would make a modest contribution to the housing supply in the District, but that this would not outweigh the harm identified.

12. RECOMMENDATION

Refuse

- 1 Policies LP12 Part A and LP16 (d) of the Fenland Local Plan (2014) requires development to not have an adverse effect on the character and appearance of the countryside and to make a positive contribution to local distinctiveness and character. The proposal for development of up to four dwellings on part of an existing agricultural field would result in the loss of significant views across the open countryside to the west of the application site, and the loss of the close relationship between the settlement and the countryside in this location. The development would result in harm to the character and appearance of the area. The scheme would therefore be contrary to policy LP12 part A and LP16(d) of the Fenland Local Plan (2014).



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