

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 22 SEPTEMBER 2021**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
e-mail: [memberservices@fenland.gov.uk](mailto:memberservices@fenland.gov.uk)

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 Council still observing Covid-19 restrictions.

The YouTube link for today's meeting is

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 54)  
  
To confirm and sign the minutes from the previous meetings of 28 July 2021, 11 August 2021 and 18 August 2021.
- 3 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 4 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 5 F/YR21/0339/F  
Land North And West Of 47, Fridaybridge Road, Elm  
Conversion of existing barns to 1 x 4-bed and 1 x 5-bed two storey dwellings and erection of 8 x dwellings with garaging (6 x 2-storey 4-bed and 2 x 2-storey 5-bed)

and associated works including demolition of existing dwelling (Pages 55 - 94)

To determine the application.

6 F/YR21/0157/F

Land East Of 60, Station Road, Manea

Erect 2 x dwellings (2-storey, 2-bed) and formation of access to 60 Station Road (Pages 95 - 108)

To determine the application.

7 F/YR21/0702/O

Land North Of 15, Sandbank, Wisbech St Mary

Erect 1no dwelling (outline application with all matters reserved) (Pages 109 - 120)

To determine the application

8 F/YR19/1106/F

Land East Of St Marys Church Hall, Wisbech Road, Westry

Erect 6 dwellings (4 x 2-storey 2-bed and 2 x 2-storey 3-bed) and associated works (Pages 121 - 158)

To determine the application.

9 F/YR21/0555/O

Land East Of Station Farm, Fodder Fen Road, Manea

Erect up to 5 dwellings (outline application with matters committed in respect of access) (Pages 159 - 174)

To determine the application.

10 F/YR21/0603/F

42 Tavistock Road, Wisbech

Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access (Pages 175 - 186)

To determine the application.

11 F/YR21/0611/PLANOB

Land South East Of Orchard Lodge, Jobs Lane, March

Modification of Planning Obligation attached to planning permission F/YR15/0290/F (entered into on 27/09/2016) to allow Accent Housing to charge the dwelling for market value subject to tenancies as opposed to existing use value and remove the requirement to enter into a nomination agreement in relation to occupation of the unit

(Pages 187 - 194)

To determine the application.

12 Items which the Chairman has under item 4 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,

This page is intentionally left blank

## PLANNING COMMITTEE



**WEDNESDAY, 28 JULY 2021 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor Mrs S Bligh, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor D Topgood.

**APOLOGIES:** Councillor D Connor (Chairman), Councillor M Cornwell, Councillor C Marks and Councillor R Skoulding.

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jonathan Allen (Legal Officer) and Elaine Cooper (Member Services).

**P27/21**

**F/YR21/0387/F**

**LAND NORTH EAST OF THE WOODLANDS, DAYS LODGE ROAD, FODDER FEN, MANEA**

**TEMPORARY SITING OF A LODGE (SINGLE STOREY, 2-BED) FOR 5 YEARS IN ASSOCIATION WITH EXISTING AGRICULTURAL CONTRACTORS BUSINESS AT THE SITE INCLUDING ERECTION OF A POST AND RAIL FENCE (1.2M HIGH MAX, NORTH BOUNDARY) (RETROSPECTIVE)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Slater, the agent.

Mr Slater advised members that the lodge building has been in situ now for 7 years and in that time it has been used for an office associated with the family business and as staff accommodation. He made the point that whilst it is accepted that the building remains unauthorised, in his view, if it was causing significant harm he would have expected the Council to have pursued enforcement action to seek its removal, but no action has been taken post 2015.

Mr Slater stated that the family business is an agricultural plant and machinery company, which provides, in his view, a vital service to local agricultural and drainage boards. He advised that Mr Fowler set up the company, but it is now run on a day to day basis by his son, with Mr Fowler still undertaking maintenance and servicing of the vehicles.

Mr Slater referred to the various IDB drainage boards that they carry out work for. He stated that in semi-retirement, Mr Fowler intends to continue to work a couple of days per week carrying out maintenance on the company plant and vehicles, which is carried out in the recently approved barn/workshop adjacent to the lodge.

Mr Slater stated that the proposed use of the lodge is as temporary accommodation to enable Mr Fowler to live on site for short periods whilst he maintains the company's vehicles. He made the point that the Design and Access Statement sets out that Mr and Mrs Fowler are now semi-retired and have sold their property, Woodlands, and are in the process of moving to the Norfolk Coast.

Mr Slater referred to the officer's report whereby the changes in circumstances with the selling of Woodlands and relocation of Mr and Mrs Fowler to the coast is seen as material to the application,

but at that time the sale of the property was not secured. He advised members that at no time have they been asked to provide evidence of a functional need in addition to that set out in the application submission.

Mr Slater made the point that Mr and Mrs Fowler are seeking a temporary permission to enable occasional occupation of the lodge in association with the business use in the barn for a period of 5 years, which will provide an opportunity for Mr Fowler to reduce his work to a full retirement, and at the end of this period the need for the accommodation can be reviewed in the light of the circumstances at that time. He stated that the maintenance work is partly seasonal, but there are also breakdowns and emergencies throughout the working year.

Mr Slater informed members that Mr and Mrs Fowler would look to occupy the lodge for several days at a time for the maintenance periods and on an as and when basis for minor works and emergencies, and, in his view, the occupation would not be more than 100 days in any year, which will reduce in the coming years. He expressed the opinion that there is an essential need for Mr Fowler to have access to accommodation on site to maintain the high level of service to the local agricultural community and drainage boards.

Mr Slater referred to flood risk, in that whilst it is accepted that the site and much of the surrounding area is in the Flood Zone, the operational need for Mr Fowler to be able to work from the barn is such that the lodge needs to be on site. He also made the point that the proposed use is for occasional occupation and for a temporary period.

Mr Slater highlighted to members that there are no technical constraints to the development, with officers confirming that the building itself is acceptable in terms of design, character and amenity. He made the point that the Parish Council does not object and there are several letters of support from local people confirming the important role that the business plays to local agriculture and drainage boards. Mr Slater asked members to approve a temporary permission for the proposal.

Members asked Mr Slater the following questions:

- Councillor Sutton asked Mr Slater what is the destination of the building after the 5 year period? Mr Slater responded that it is potentially demolished or as it is a modular building it could be picked up and moved to another location.
- Councillor Sutton queried whether a Certificate of Lawful Use should have applied if the building has been in existence for 7 years? Mr Slater responded that there was not the level of evidence required to demonstrate its use and the building needs to have been there for 10 years.

Members asked officers the following questions:

- Councillor Mrs French asked if the building has been there for 7 years, what action has Planning taken over the last 7 years? David Rowen stated that enforcement is a reactive service and if it is not brought to their attention, enforcement does not necessarily know about it. Its presence has now come to light and there may have been a change of use of the building, which could be a potential or new breach of planning control, but there is an application in front of members today that a decision is needed on.
- Councillor Mrs French asked whether the buildings existence had been brought to the attention of the Council further down the line? David Rowen responded that knowledge of the building may have existed in 2014, but the building was viewed as ancillary to the use on the site and the decision was taken that it was not expedient to take any action.
- Councillor Murphy referred to Mr Slater stating that the building could be demolished or taken away after 5 years and asked if the Council can ensure this is undertaken, so its presence is not forgotten and it is not still in situ 10 years down the line. David Rowen stated that if the application is approved it can be conditioned, which would be monitored at the appropriate time. Nick Harding made the point that this does not prevent a further application being submitted to seek to retain the building and this would have to be

considered against policies at that time.

- Councillor Miscandlon asked that, bearing in mind that the building has been on site and used for residential accommodation for some time, have the rates been paid and if not, why not? Nick Harding advised that this is not a material planning consideration.
- Councillor Sutton made the point that Planning Committee had visited the area in 2013 and there was not, as far as he can remember, any building on site at that time, so 7 years seems to be correct. He asked whether the building came to light when the application for the workshop was submitted last year? David Rowen advised that it is not known how the building came to light or the background to the enforcement case, but timings do seem coincidental.

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

- Councillor Sutton stated that he knows Mr Fowler, but not well and they do not socialise. He knows that he runs a well-respected company and undertakes a lot of work in the area. Councillor Sutton notes that the current dwelling has been sold and given the dwelling is there and the proposal is for a specific period, he tends to give more weight to that business. He made the point that there will be a reduction in need and as long as the building is only there for 5 years, he gives this more weight than strict policy.
- Councillor Benney stated that he visited the site on Sunday and struggled to find it, so, in his view, the proposal would not cause any concern. He feels that if the proposal had more of a definable need it would have been approved, but questioned how you quantify a need for a business. Councillor Benney expressed the view that Mr Fowler is the anchor and his knowledge keeps the successful business operating and the best person to say what a business needs is the owner. He stated that he will be supporting the application.
- Nick Harding referred to the officer's report, which presents the proposal in the context of adopted local policies as well as national policies and dwellings in the open countryside should only be approved in limited circumstances and only where essential for a rural business. He made the point this is a rural business, but there is already a dwelling associated with this business, which has been sold off and if this application is approved the same situation could reoccur.
- Councillor Miscandlon asked if there are any safeguards in the conditions that can be placed on the proposal? Nick Harding stated that whilst conditions can be placed on the application, these can be applied to be varied or removed, and an application cannot be prevented which would need to be considered at that time. Councillor Miscandlon asked if a condition is placed on the proposal and an application comes forward to change that condition, it would have to come back before committee? Nick Harding stated that if the application is approved and someone applied to retain the cabin dwelling and there is a viable business then it is highly likely that there is a need for that dwelling for the business to be operated.
- Councillor Benney requested clarification that members are looking at an application that will last 5 years and after 5 years the building would either come down or if needed another application would be submitted and considered at that time. Nick Harding stated that is correct, but made the point that there is already a dwelling in existence to serve the business.
- Councillor Mrs French questioned what harm is a temporary building going to do to the countryside? Nick Harding made the point that Council policies and national policies seek to protect the countryside for its own sake. Councillor Mrs French expressed the opinion that if Councillor Benny had trouble finding the site then the proposal does not stick out "like a sore thumb".
- Councillor Sutton acknowledged that the officer's recommendation is the only one they could come forward with, but feels this application is unique as it is looking forward to a retirement. He thinks members can give more weight to issues that officers cannot and a business should be allowed to thrive and grow. Councillor Sutton stated he will give more weight to the needs of the business rather than policy.

**Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation, with delegated authority given to officers to determine appropriate conditions.**

**Members did not support the officer's recommendation of refusal as they feel that whilst the proposal is in an elsewhere location more weight can be given to the requirements of the business rather than policy.**

**P28/21      F/YR21/0552/F  
UNIT 3, SANDBANK BARNS INDUSTRIAL UNITS, SANDBANK, WISBECH ST  
MARY  
CONVERSION OF EXISTING BUILDING TO FORM 1NO DWELLING (SINGLE-  
STOREY, 3-BED), ERECTION OF SHED AND GAZEBO TOGETHER WITH  
INSTALLATION OF 2.2 METRE HIGH BOUNDARY FENCING (PART  
RETROSPECTIVE)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Booth, a District Councillor.

Councillor Booth stated that he was at the latest meeting of the Parish Council when this application was discussed, where it was recognised that this is a local business and since Mr Frankham has taken on the business he has much improved the site as beforehand it had become somewhat derelict. He feels that members should be supporting this proposal as it is an established building and effectively a brownfield site, and if looked at from the NPPF and Government guidance point of view brownfield sites should be built on ahead of sites in the open countryside.

Councillor Booth questioned whether this was a site in the open countryside as the Local Plan does not specify any boundaries so it is a subjective assessment. He expressed the view that, whilst Sandbank is on the edge of the Wisbech St Mary, it is an established building that is already there and can be seen from quite a wide area, and the Parish Council are looking at submitting a privately funded highways bid to amend the speed limit along this road, with the limit to be changed past the entrance to this business so the Parish Council consider this area within the actual envelope of the village and not an elsewhere location.

Councillor Booth made the point that when the Local Plan was developed a number of years ago, the discussion around elsewhere locations was around areas, such as Bunkers Hill or Thomolas Drove, but this location is just on the edge of the village and there is development and residential properties adjacent to it. He expressed the view that these buildings were former agricultural units and if they had been left as agricultural buildings they would probably have permitted development rights to convert them into dwellings.

Councillor Booth expressed the opinion that there is no real visual impact from the proposal, which is identified in the officer's report at 10.9. He stated that there is a lot of foot traffic along this road and this is part of the reason why the Parish Council want to amend the speed limit because they recognise it is not in the open countryside and there are a lot of people walking along this road getting to the shops in the village.

Councillor Booth referred to the Police statistics, which do show a lot of anti-social behaviour and concern within this area, which backs up the applicant's argument of having a residential property next to his business. He made the point that members should remember that when the Local Plan was developed, it was set as a trail blazer and innovative Local Plan, one that supported business, one that supported growth and the officer's report dilutes that element of the Local Plan. He feels

that members should also remember the Council's strapline of Open for Business and by refusing this the Council would not be.

Councillor Booth informed members that the proposal received unanimous support from the Parish Council.

Members received a presentation, in accordance with the public participation procedure, from Mrs Windsor, an objector to the proposal.

Mrs Windsor expressed the view that the plan shown in the officer's presentation do not show what is on the ground. She expressed the view that Mr Frankham has addressed the need to live on site due to safety and stresses of the business with his family life, but at present he lives a 3-minute walk away.

Mrs Windsor feels the property is well equipped with security lights and cameras and she would expect a good alarm system, which can easily be monitored from Mr Frankham's present home. She made the point that she lives 20 minutes' drive away so tending to the needs of her horses and managing an equestrian property over the last 20 years can be difficult at times, but she still manages reasonably well.

Mrs Windsor referred to Mr Frankham stating that he wishes to expand his business and provide jobs for local people, at present he states he has 6 people working for him and planned to take on two more, but these plans were put on hold due to Covid, which has caused a lot of stress as it has done to many businesses. She expressed the view that if this proposal is approved, it will mean that the workshop areas for the planned expansion will be lost as would a large amount of storage space for timber, with present planning restrictions on the property meaning that timber cannot be stacked any higher.

Mrs Windsor expressed the opinion that there would also be a loss of parking on site due to the access needing to be maintained for residential vehicles plus staff vehicles, which all take up space for customer parking and could make the situation regarding deliveries more difficult. She did acknowledge that Mr Frankham has tried to address this issue by widening his access to the road in order to give more space on site as there is no turning point within the site for large vehicles.

Mrs Windsor referred to the Planning Portal where Mr Frankham states that he had a letter from Mrs Bennington regarding her comments which cannot be published but offered to pass them onto anyone who requested them. She stated that she has asked for these comments from Mr Frankham, but has been met with zero response. She stated that she did e-mail the Planning Officer to see if she could provide her with a copy of these comments, but was informed she could not due to GDPR as it was not in the public domain as it covered areas outside of the planning process due to details over boundary issues.

Members received a presentation, in accordance with the public participation procedure, from Mrs Hamilton, a supporter of the proposal.

Mrs Hamilton stated that she has lived in Wisbech St Mary for over 22 years and has never seen the site looking so well kept and professional. She fully supports the applicant's decision to apply for planning permission as she is well aware of the security implications should a property not be attended at all times.

Mrs Hamilton expressed the opinion that she can see no problems with the location of the proposed dwelling as it does not interfere with any other properties or persons, it is set back off the road and out of the way, and as there are already a number of buildings it can only improve the look of the property further. She feels the roadway is well maintained and customer service and

safety are at the forefront of the applicant's business at all times, which should be commended.

Mrs Hamilton feels that due to the materials on this site, the possibility of damage due to theft or fire by individuals is high in this area and would, therefore, strongly recommend that there needs to be 24-hour security, which would also protect neighbouring properties by being affected by criminal activity. She made the point that the applicant has built a thriving business and wants to protect his livelihood and his family, and feels it makes sense that he would want to live on site and be able to conduct and support day to day running of the business whilst balancing family life.

Mrs Hamilton referred to the letter from an adjoining landowner, which she has read, and she is the neighbour of the applicant living directly across the field from this site and feels that there is no proof been identified regarding the boundary, with Mr Frankham always stating that should proof of boundary be submitted he would consider making appropriate changes. She stated that although she cannot comment or wish to be included in this dispute regarding this issue, she has in the past had a conversation with another person who has had issues with the same couple over boundaries and again they did not have any proof so she can only assume that this was not resolved. She feels that Mr Frankham has been keen to resolve any argument amicably, which she has experienced first-hand and was solved with care, respect and consideration to herself and the safety of her horses.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Sam Frankham, the applicant.

Mrs Jackson stated the application is for the conversion of an existing building to form a single-storey 3-bed dwelling, which will allow the applicant and his family to live at his business premises known as Fenland Timber as they are currently living in a rented property which is to be sold by the owners. She expressed the view that this is a situation whereby the effectiveness of a local rural business is being threatened by the owner not being able to reside on site, with Fenland Timber being the only source of income for the applicant who is having to invest most of his waking hours into the business to support his family resulting in a poor work/life balance exacerbated by the fear of crime that threatens his livelihood.

Mrs Jackson expressed the opinion that allowing the Mr Frankham and his family to reside on site will provide a better work/life balance and reduce the risk of and fear of crime, and whilst she appreciates that there is not a specific policy requirement within the Local Plan, this is a genuine situation which could help save the ongoing functioning of a rural business that is not dissimilar to other occupational dwellings previously considered favourably by the committee. She feels that the promotion of an existing rural enterprise and health and well-being issues are material planning considerations and supported by policies in the Local Plan.

Mrs Jackson argued that these issues outweigh the concerns with regards to the locational aspect of the site, which is considered in the officer's report as being outside of Wisbech St Mary, and she feels that the proposal will have no visual impact on the surroundings given that it is the conversion of an existing building. She made the point that the proposal is supported by the Parish Council.

Mrs Jackson advised that a revised Flood Risk Assessment is currently being considered by the Environment Agency, which addresses their objection, and there are no other objections from technical consultees. She hoped members would be able to support this rural business by approving the application and they would be happy to accept conditions tying the property to the business.

Mr Frankham informed members that he started working for himself back in 2009 in a landscaping company and was still undertaking this when he moved into Wisbech St Mary in May 2014. He stated that it was always his dream of owning a timber yard and first started renting one of the units at the barns in 2015 to store his tools and trailer and then made the decision to start Fenland

Timber, which started as timber related jobs from the landscaping side to adding new services, such as bespoke sheds, animal housing or anything timber related.

Mr Frankham stated that within 18 months the business had gone from strength to strength, occupying another unit at the barns, and commencing the process of becoming a timber yard buying bulk quantities of timber for their own use, but also being able to sell to their ever-growing customer base. In 2020, with 8 employees, he was able to buy the barns from the landlord and everything fell into place, with work orders for buildings being at a high, demand for raw materials going up and generally becoming a well-known business in the area.

Mr Frankham advised members that with the success comes stress and long hours as it is a family run company with corporate ambition and he generally works between 12-15 hours a day 6 days a week with Sundays as appointment only. He made the point that he is renovating and upgrading the site after years of neglect, with upgrades to the drainage and surfacing of the property with more to continue with the buildings and outside space.

Mr Frankham informed members that he is running the business on a day-to-day basis and fitting in the renovation around work that he is doing 12-15 hours a day, so does not have a lot of home time with his family and he feels that if he lived on site he could see his family more often. He also gets nervous when he leaves the site as he has expensive materials in the yard and all of his tools and machinery that he has worked hard to buy are left unattended overnight.

Mr Frankham made the point that the business is his family's only source of income as his wife also works within the business.

Members asked questions of Mr Frankham as follows:

- Councillor Sutton referred to one of the previous speakers mentioning conifers being taken down and asked Mr Frankham to confirm where they were? Mr Frankham advised they were on the inside of his fence boundary, it is a civil dispute but the fence belongs to him and whilst there were some conifers on his side, which belonged to him, they were removed to free up more space on the site.

Members asked officers the following questions:

- Councillor Sutton expressed the view that if this building had still been a redundant agricultural building it would more than likely have been approved under Class Q. Given that is the case and the stance to support businesses, he thinks he would tend to put weight to this. He referred to Class ZA, with his understanding of this is that B1 and B2 use can be converted into residential, and he understands that the premises are B1/B2 so, in his view, the applicant could have applied under Class ZA, which would likely have ticked all the boxes under this, but these two use classes conflict with the NPPF and the Local Plan. Councillor Sutton made the point that on the visit to the site, he saw a static caravan, some stabling and a container on land adjacent to the site and asked if this has planning permission? Alison Hoffman stated that the adjacent site was granted a Certificate of Lawfulness for equestrian use and she believes the structures did form part of this process. She stated that with regard to the application site a change of use was granted for a B2 use and the permitted development rights quoted relates to B1 use. It is her understanding workshop 3 was a new build element, although a change of use application, there was an anomaly during the processing of that application and she would imagine if the option under permitted development had been available the applicant would have gone down that route. There is also the added element with permitted development in that officers have to look at how they sit alongside existing uses. David Rowen added that it is easy to say agricultural or commercial buildings can be converted under the General Permitted Development Order as permitted development, but there are a number of considerations that limit that and in terms of agricultural conversions members would have seen from the number of appeals decisions concluding that development is not permitted. He stated that the buildings are not

agricultural and they would not been accepted under Class Q anyway and Class ZA does refer to B1 use only and some of the issues that would need to be taken into account with Class ZA are impact of noises from commercial premises.

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

- Councillor Mrs Bligh referred to crime and in Wisbech St Mary there is the fear of crime as a lot of the crime is opportunistic so the fact that there is no data suggests that it is not a high crime area but the applicant wants to be on site to avoid the opportunistic crimes that can come out of nowhere to protect his only source of income.
- Councillor Benney acknowledged that it is difficult to have a work/life balance when you run a demanding business and the applicant has spent time improving the buildings and making the business successful. He stated that he has no faith in the Police statistics and with rural security, whilst you can put alarms and cameras up, the thing that really deters people is a presence on site as they never know when you are going to walk out your door and with this type of business out in a rural area the best way to safeguard it is to live on site. Councillor Benney expressed the view that members do not want to be hearing that Mr Frankham has had his business broken into and his family upset, but want him to prosper. He stated that he did not see the site before Mr Frankham owned it, but can see that it is looking very tidy and clean and if living on site helps to address that work/life balance that should be supported. Councillor Benney feels that LP2, rural well-being, is a reason to support the application and members should be helping somebody who is helping himself. He reiterated that the only way to safeguard the business is to have someone living on the site as it is the best deterrent to have.
- Councillor Mrs Bligh referred to approval of the Barrett's Bridge application for exactly the same reasons going against officer's recommendation for security purposes. She stated that the Police say there is no crime, but there is crime and having someone on site is the best security a business can have and when the business is your only source of income she can understand the fear of crime. Councillor Mrs Bligh drew members attention to the support this application has received from the local community, which shows there is no actual harm this proposal is going to cause.
- Alison Hoffman acknowledged that members seem sympathetic to the proposal, but pointed out that there is an outstanding consultation response from the Environment Agency and asked that if members were mindful to consider favourably the application it would be good to have a steer as to how members view the flood risk issues noting that a revised Flood Risk Assessment has been submitted, but it is not known if this meets the requirements of the Environment Agency but does highlight the ground the flood levels could reach and does make provision for safe refuge. David Rowen added that if members are minded to grant the application then there are two options; firstly, that members give greater weight to granting the application than the flood risk issue or secondly, to potentially delegate to officers to resolve this issue satisfactorily.
- The Legal Officer advised members that if they are minded to go against the officer's recommendation where there is clear planning basis for this to make sure members have all the facts in front of them when weighing up that assessment in terms of how much weight they would give to each element and what might outweigh the planning considerations and Flood Risk Assessment.
- Councillor Mrs French asked when the deadline for the consultation with the Environment Agency ended? Alison Hoffman responded that it was yesterday.
- Councillor Miscandlon expressed concern that this proposal is for a single-storey building in a high flood zone and he would not wish to put this family, if the application is granted, in any danger and there should be flood mitigation measures put in place.
- Councillor Murphy stated that members have always been told that they need to consider applications on what is in front of them and it is through no fault of the Council that the comments of the Environment Agency have not been received.
- Councillor Mrs Mayor made the point that the plans do show that one of the bedrooms is built higher to provide a refuge point if there is a flood.

- Councillor Mrs Bligh referred to the Barrett's Bridge application again, which she believes was also single-storey and exactly the same situation as this proposal.
- Councillor Benney stated that, although no fault or a reflection on officers, members have an incomplete report in front of them and committee is regularly receiving desktop and incomplete reports. He feels that consultees are not responding and not visiting the sites, which is a worrying trend. Councillor Benney stated that he would be happy to support the application today with officers being permitted to apply conditions and resolve the flood risk issues. He stated that he did read that a mezzanine floor was going to be put in and if a bedroom is going to be built higher he feels this addresses the flood risk issues.
- Alison Hoffman referred to David Rowen mentioning that there were two options available, but stated there is also a third option to put a condition on the application, if members are minded to approve, to comply with the Flood Risk Assessment as submitted given that it does seek to address the points raised by the Environment Agency. She made the point that the Environment Agency's lead in time for a consultation response is longer than the Council gives them and all the agencies are dealing with unprecedented number of applications and officers do have to take a leap of faith in scheduling applications to ensure a timely response and Mr Frankham was keen to get some closure on the application to know how to take the site forward.
- Councillor Sutton expressed the view that it seems unfair that the Council has to abide by the Government's response deadline in determining applications, but other consultees are not under such restrictions. He made the point that the committee needs to be consistent and when it is not consistent it has been punished by the Planning Inspectorate and he feels that it would be inconsistent for the committee not to approve this application just as it would not be consistent for the officer's recommendation not to be one of refusal. Councillor Sutton made the point that a similar application was passed in Manea and in Wisbech St Mary, and if this was refused the applicant could genuinely say what is the difference. Whilst these applications do not meet the criteria of demonstrable need to live on site it is a benefit to those businesses, bigger than members may realise and whilst he does not like to go against officer's recommendation, he will be supporting the proposal.

**Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with conditions being delegated to officers.**

**Members do not support officer's recommendation of refusal of planning permission as they give greater weight to supporting a business than policy and do not feel it is in elsewhere location, with Wisbech St Mary Parish Council stating this location is part of their village.**

*(Councillor Mrs Bligh registered that, she is the ward member for Parson Drove and Wisbech St Mary and also Clerk to Wisbech St Mary Parish Council, but takes no part in planning applications. She stated that Mr Frankham is known to her, but they do not socialise)*

**P29/21**

**F/YR21/0600/RM**

**LAND NORTH OF 135, FRONT ROAD, MURROW**

**RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO APPEAL DECISION APP/D0515/W/18/3202467 (F/YR17/1148/O) TO ERECT 4 X DWELLINGS (2-STOREY 4-BED) AND THE FORMATION OF A NEW ACCESS**

Alison Hoffman presented the report to members.

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

- Councillor Mrs Bligh referred to the policy within Parson Drove Neighbourhood Plan for a footpath and, in her view, the footpath does not need to be a formal one, it could be a gravel

track or a line on the road as this is the last part of Back Road to be developed, it is used by dog walkers and is a single-track road. She asked whether a condition could be placed on the application for a designated walkway to be provided rather than a constituted footpath which would “tick the box” of the Neighbourhood Plan? David Rowen stated that this is a Reserved Matters application and officers have to look back at what the Outline permission set out, the Planning Inspector when giving permission gave consideration to the footway and the emerging Neighbourhood Plan and concluded that it was unreasonable and unnecessary to provide anything. He advised that whilst members could impose a condition regarding a footpath, that condition would potentially fail to stand up in terms of reasonableness if it was challenged by the applicant. Nick Harding added if that pathway remains private, there are the on-going liabilities of people’s safety walking across it and it gets very complicated.

- Councillor Mrs Bligh stated that she understands the outline permission was before the Neighbourhood Plan was adopted so agree with the officer’s recommendation for approval, but wondered if there was any scope to “tick the box” regarding a footpath and make everyone happy.
- Councillor Mrs French agreed with the officer’s report and whilst it is sad that members have to against the Neighbourhood Plan, due to the hard work that goes into producing them, the development was permitted on appeal prior to the Plan’s adoption. She advised that there are local highway improvements that the Parish Council can apply for. Councillor Mrs Bligh informed members that the application’s location lies within Parson Drove Parish Council’s responsibility, but she would pass the information on.
- Councillor Sutton expressed the view that this road has been the bane of his life, having sat on committee and complained about any development in this location due to the road being unfit for purpose. He feels though that to do anything other than go with officer’s recommendation would be crazy.
- Councillor Mrs French made the point that this issue has been in existence since 1999 and members are having the same conversation now.

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

*(Councillor Mrs Bligh registered, that as ward member for Parson Drove and Wisbech St Mary, she attends Parson Drove Parish Council meetings, but takes no part in the discussions on planning applications)*

**P30/21**

**F/YR21/0680/FDC**

**SITE OF FORMER 24, HIGH STREET, WISBECH**

**ERECT A 4-STOREY BUILDING (COMPRISING OF 7 X 1-BED FLATS WITH RETAIL FLOORSPACE AT GROUND LEVEL) INVOLVING THE DEMOLITION OF A WALL WITHIN A CONSERVATION AREA**

Alison Hoffman presented the report to members.

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

- Councillor Sutton made the point that the site is restricted and it is limited in what can be developed on the site. He questioned the size of the retail unit and what business would occupy this space, which he acknowledges is not a planning issue, as well as the proposal being for four stories without any lift provision. Councillor Sutton referred to a two-storey office that he knows of that was forced to provide a lift. He queried how disabled people were going to get up four floors, although he recognises the stairs are ambient which helps the disabled? Alison Hoffman stated that this building was an office property, but the commercial element of this proposal is at ground floor level so it would be residential properties that would not have a lift available to them. She is not aware of any schemes she has dealt with in the past requiring a lift and made the point that this proposal is for

housing within a town centre location, with a lift not being a planning requirement. David Rowen added that this issue would be a building regulations matter and as the Council has appointed experienced architects to design the scheme he would have thought that they would have factored building regulations into the design and would be building regulations compliant as a result.

- Councillor Sutton expressed the view that as this is a Council property the Council should be showing some leadership, although he acknowledges that the stairs are built to ambient specification and is not a reason to refuse the application.
- Councillor Miscandlon agreed with Councillor Sutton's comments. He made the point that this proposal is being built from scratch and a lift could have been factored in. Councillor Miscandlon recognises that lifts and their maintenance are expensive, but by not putting one in is denying the disabled the opportunity to live in one of these properties or access to them, which is wrong. He made the point that it should be part of the remit to allow access for the disabled who are part of our society.
- Councillor Purser referred to the first-floor plan and the fact there is no disabled access, but a wheelchair store. Nick Harding reiterated that there is no requirement for a lift to be provided based on the Council's policies or legislative requirement and these matters if required under building regulations would be dealt with at that stage. He believes there are stipulations for managed residential accommodation over two floors, but he does not know whether this proposal is going to be managed.
- Councillor Mrs Bligh stated that she was born in Wisbech and would love to see this gap site developed. She feels the proposal is a good use of the space, but there is a need to ensure that everyone has access to these homes whatever their disability.
- Councillor Purser referred to the second-floor plan which refers to wheelchair refuge and service risers and asked what this means? Nick Harding stated that both these items are building regulations requirements so that there is a refuge space that people can go to for a limited time in case of a fire. He added that service risers are just a method to get fire fighting equipment, spray or foam, to the required location.
- Councillor Purser stated that he is a landlord of some retail units and some businesses do require only small units. He feels that the site has been an eyesore for some time and this proposal tidies the area nicely. He stated that he fully supports the application.
- Councillor Topgood made the point that members are discussing issues which fall under building regulations, which are outside the planning process. He feels that the site is very confined, disabled access has been accounted for in the commercial element of the building as per the regulations, but has not been designed for access to the general residential element as there is no parking on site. Councillor Topgood expressed the view that the proposal needs to be approved as the site is an eyesore and has been for decades.

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

*(Councillors Benney, Mrs French and Murphy declared an interest, by virtue of being members of Cabinet where this proposal had been discussed, and left the meeting for the duration of the discussion and voting thereon)*

**P31/21**

**F/YR20/0940/F**

**LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM**

**CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK**

**INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING AND THE**

**SITING OF A STORAGE CONTAINER (PART RETROSPECTIVE)**

David Rowen presented the report to members.

Members received a written representation from Mr and Mrs Stewart, objectors to the proposal, read out by Member Services.

Mrs Stewart stated that it is not easy to complain to the Council about a neighbour, especially when it is a pub and extremely popular, but she feels that no one who has complained about pub noise has taken the decision lightly. She expressed the view that on Easter Sunday 2019, The Sportsman decided to have live music with 2 speakers and an amplifier outside, which was exceedingly loud, and has carried on every Sunday or a Bank Holiday except for the August holiday.

Mrs Stewart stated that some neighbours have spoken to Environmental Health who advised that having a music license did not mean that you could be a public nuisance and to put the speakers inside, but at a Licensing Hearing the pub was allowed to have 6 of these events a year with speakers outside. She expressed the view that when she brought her house she did not expect a car park to be built there and 15 trees have been removed in less than a year, which she did not imagine that this number of trees could be taken down as they live in a Conservation Area.

Mrs Stewart expressed the view that having loud music outside with many people singing along at the top of their voices has definitely changed the dynamics of the pub, especially with the younger ones being much louder now. She stated that when she moved to Elm, The Sportsman held a music night once a month usually a disco until midnight with both doors closed, which she had no problem with, but the new owners have music twice a month along with outdoor music sessions, apart from during Covid, which makes for very noisy living.

Mrs Stewart made the point that the pub changed its alcohol licence in 2019 so they could serve alcohol from 8am every day and until 1am Thursday to Saturday. She needs to know the car park opening times and it needs a proper acoustic fence as she feels sure the pub will still be having music events twice a month as they are well attended.

Mrs Stewart made the point that the car park has been used as a car park by staff and sometimes customers and asked how do we know that they will not carry on doing this and not put a fence up? She stated that they are not just sitting complaining, they have put sound proofing in two windows, with another resident having triple glazed acoustic windows fitted in their house so they can hear their television. She referred to another couple who have lived in Elm for 45 years and when they moved in the pub was derelict and no one has ever complained about the pub before until the new owners took over.

Mrs Stewart asked for some thought and understanding.

Mr Stewart made the point that there does not appear to be an arboricultural assessment as was requested by the Tree Officer in his report in January 2021, who stated that "as the construction will take place adjacent to trees protected by the Conservation Area, we require an arboricultural impact assessment and method statement for the proposed works. This should also include a methodology for the placement of fence posts and any other works within the Root Protection Areas of the trees". The Tree Officer also stated "The proposed site plan also shows the planting of new trees along the west and south boundaries. This should be extended to include the east boundary to ensure adequate screening. New trees should be a minimum of 12/14cm girth to reduce the time frame for screening to establish, a maintenance programme for the trees will also be required".

Mr Stewart expressed the view that none of the Tree Officer's recommendations have been implemented, which is important to him as they were not overlooked before, especially when tree T2 was taken down even though it had a TPO. He feels that apart from the proposed Silver Birch, the 10 proposed tree plantings of 40-60cm height will be inadequate as there are now only 6 trees left, which will take years to grow before offering any screening.

Mr Stewart asked why a qualified sound engineer has not visited the site and carried out a survey

using their machines to find out exactly what fence and other measures are required to meet current legislations or if they have why it has not been submitted? He referred to the last committee meeting where this application was submitted and that Councillor Cornwell stated that David Johnson must try his utmost to mitigate the noise as pub car parks are noisy.

Mr Stewart advised that he contacted an acoustic fence expert as he has not seen a picture of an acoustic fence with a separate gravel board on any acoustic fence website and he was told that an acoustic fence needs to be a complete solid panel not one that sits on a gravel board so that there is no chance of having a gap for noise to travel through and the bottom board should be buried about 50mm into the ground. He expressed the view that the acoustic fence should also conform to BS EN 1793 and be fully tested and certified as a category B3 rated barrier, which is not shown on The English Brothers drawing supplied.

Mr Stewart expressed the opinion that, due to the close proximity of the nearby houses, it is imperative that a qualified sound engineer visits the site and proper acoustic fence panels manufactured. He believes that the need for residents to protect themselves as if a sub-standard fence is erected, they would never get the chance of it being changed, which will impact negatively on their lives.

Members received a presentation, in accordance with the public participation procedure, from Mr Johnson, the applicant.

Mr Johnson advised that he was present mainly to answer any questions, but made the point that the pub has existed at least since 1829 as The Black Horse, which means it has been carrying out pub business, selling intoxicating liquors to people to be merry, have fun and occasionally make noise for over 180 years. When he purchased his home, he stated that he left no stone unturned investigating the neighbouring properties and land, this included the possibility of developing the field behind and the possibility of re-routing the footpath, which is less than 50 yards from his house.

Mr Johnson believes that all neighbouring parties that claim not to know that their land backed onto pub land and what it could mean to their properties in the future have fallen short of their due diligence and their complaints are severely weakened as a result of this and, in his view, any conveyancer should have highlighted this land as affecting potentially the land they were purchasing. He feels that, as the pub has existed for over 180 years, it has moved with the times and needs to make another stride now.

Mr Johnson expressed the opinion that the neighbours who have always complained about parking issues are now championing that it has adequate parking. He feels that common sense needs to apply to this situation as they transition to a food destination pub as they need more parking and it could be that the more food orientated clientele would be a quieter clientele than the lively wet pub they have been known for.

Mr Johnson expressed the view that to refuse the application would be stifling the potential business and made the point that he has not taken a single pound back out of the pub, which has yet to make a profit. He expressed the opinion that this proposal will be a well-managed, highly specified car park and feels that he is only before committee as the previous owner allowed the beer garden to become derelict.

Members asked questions of Mr Johnson as follows:

- Councillor Benney stated that he knows this pub as many years ago there used to be a disco there on a Thursday evening which he used to attend. He has visited the site twice in relation to this proposal and asked when Mr Johnson took the pub over? Mr Johnson advised he was not particularly good with dates, but it was in July 2017 or 2018.
- Councillor Benney expressed the view that the applicant has put a lot of money into the pub,

you can see this by looking at it and the surrounding area, he likes to support local business as much as he can and asked if this is going to be a mainly food orientated pub or a fun pub? Mr Johnson stated that when he purchased the pub, it was a wet pub and it has all changed as he does not know when a wet pub in a village will be viable if ever again, so it is a food pub and he is trying to develop it more and more as a food pub. The pub does get people come outside when the sun shines to the picnic tables, and its trade has really built up on a Tuesday to Friday lunchtimes, with them doing 40-50 covers a day on a Tuesday, Wednesday and Thursday lunchtime. He stated that it is not a fun pub, but a village pub moving with the times and Covid has pushed them a lot quicker to where they are going to get to.

- Councillor Benney asked whether the car park was going to be used for an outdoor entertainment area or only for car parking? Mr Johnson stated that there has been so much nonsense about what this space is going to be used for, it is completely unserviceable from the toilets and bar and only really useful and possible as a car park where you go once to the pub and return to go home. He made the point that staff could not be ferrying drinks and customers could not be nipping into the toilets as you can see from the plan customers have to come down Atkinson Lane and in through the front door all the way to the back of the pub to use the toilets and, in his view, it would not be viable.
- Councillor Benney queried whether the car park was not linked to the pub other than the double gates at the front? He asked for clarification that he would have to park, walk up the lane and enter the pub at the front? Mr Johnson stated there is a footpath surrounding property, so customer would come out of gates along the footpath into the pub. Councillor Benney queried whether a gate would be put in the fence from the pub into the car park and queried again that this area is purely for car parking and not for any entertainment purposes? Mr Johnson stated that it is impossible, otherwise customers would have to walk through the pub's kitchen, cellar or toilets, as there is no viable other route other than through the gates and in through the front of the pub. He stated that there did used to be two accesses, but these were bricked up to build proper toilets, disabled and baby changing facilities and although you can access the car park through the dray yard, they are not going to invite customers to access their dray yard.
- Councillor Mrs French referred to Mr Johnson stating that the property was built in 1859? Mr Johnson stated that it was first listed as a pub in 1829. Councillor Mrs French remembers around 15 years ago going to the pub as a member of the Licensing Committee due to neighbour complaints and there was a priest hole causing issues with noise from when discos used to be held and asked if the pub has received any complaints from the neighbour that lives next door? Mr Johnson explained that the next-door neighbour's porch was a central part of a symmetrical building, with the pub being raised to the ground by fire and they half built the pub back in the 1700s as a forge and after this it became the pub, The Black Horse, and the house next door was Black House, so the priest hole was not originally a priest hole, but a void between what was original and what was built after the fire. He stated, in reference to the neighbours, these are Kim and Craig Stewart and they complain about a lot about the value of their property which they brought at a discount as it is attached to a pub and the pub seems to be at fault for a lot of things.
- Councillor Purser asked in order to have entertainment what you need is an electric power point and could Mr Johnson say that there would be no electric power point in the car park so entertainment could not be held there? Mr Johnson stated that practically he cannot think what he would need power in this area for.
- Councillor Sutton stated that it would be remiss of him not to be involved with this as a ward councillor, but he is in a difficult position in terms of supporting a local business against supporting local residents. He saw on his site visit that there is log store and asked what the plans were for this? Mr Johnson stated that the trees removed were logged on site and a lean to was put over them, with the plan being to burn them during the Winter. He made the point that all trees were taken down correctly and none had TPOs, but a lot of logs were produced with a temporary lean to created to keep the logs dry.
- Councillor Sutton asked if Mr Johnson understands the concerns of the residents as the

proposal will be a change from the situation as it was and takes their concerns on board? Mr Johnson stated that he accepts their concerns and has spoken to residents who want to engage, but made the point that residents cannot have rose tinted view of the derelict land, the trees were dangerous and he agreed with the Tree Officer what could come down, agreeing to retain one that he thought was dangerous and then it blew down in the next storm. He expressed the view that it was not good land, it was rat infested and whilst the trees did provide some canopies, the land was anti-social with dens and it was huge liability for them to keep and maintain it safe, with all he has done is to get the land to a point that it is safe and create a blank canvass, which will help the pub prosper.

- Councillor Sutton referred to one of the written representations making reference to the spilt acoustic fencing, he recognises that English Brothers have a good reputation for wood working, and in the event of this committee supporting the application, would Mr Johnson be willing or is it available to erect an entire panel. Mr Johnson stated that when the fence was designed there were several factors in play one being that if the fence is as designed the panels can be made in English Brothers factory so they would get a much better-quality panel and if 2.4 metres tall they physically could not lift them as they would weigh too much. He stated that they will seam them together as best as they can and English Brothers have made panels for the highways, with it aesthetically not being a gravel board just a change in direction.
- Councillor Benney asked, if the committee was mindful to approve the application, would he be prepared to put signs up asking customers to respect the neighbours and keep the noise down? Mr Johnson stated that he would do this anyway as they want to be a premium village pub and doing things right is what he wants to do.
- Councillor Mrs Mayor made the point that notices would be part of the licensing conditions and would be picked up here if there are any complaints. She stated that he has had permission to remove 21 trees since 2017, which is an awful lot of trees, and asked if any new trees had been planted? Mr Johnson stated that they have not planted anything as he has not got approval for a proposed scheme and he does not want to plant anything in the wrong place. He acknowledged that it is a lot of trees that have been removed, but it goes back to how derelict and dangerous the site was, with conifers being immensely overgrown. Councillor Mrs Mayor interjected that it does not say conifers, the site is within a Conservation Area and if the trees had, had TPOs he would not be allowed to remove them without replacing them. Mr Johnson stated that there were no TPOs and there was a conifer hedge that had vastly overgrown.
- Councillor Benney stated that he understands why Mr Johnson has not planted any trees as if he does not get permission for the land to be car park he may want to turn it into a woodland area. He asked if Mr Johnson intends to plant around the edges to protect some of the residents that adjoin the site? Mr Johnson stated that this is his intention, the aesthetic of the pub is important to him as he wants it to be a pleasing place to be and look and this transfers to the car park as the experience starts when you get out of your car. He stated that he does have a planting scheme with a minimum number to plant and he also wants to put back a Silver Birch and put back some of what was there, but also better tree choices, which was the Tree Officer's recommendation, but he just has not initiated planting yet.

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

- Councillor Benney stated that when this application had come before committee previously he had had his Covid vaccination two days before and was not feeling very clear. In regard to the acoustic fencing, he has read the report that said the fencing would make a difference of between 10-15 decibels, with 10 decibels being a pin drop and 20 decibels a rustling of leaves and he feels that the expense of putting this fence up to save the noise of a pin drop is an expense too far. He made the point that his home is opposite the leisure centre in Chatteris, with planning being about land usage, and if looking at the leisure centre today members would not be looking to turn it down due to loss of privacy and lights shining into residents' houses. Councillor Benney expressed the view that residents knew when they

brought their houses that the pub was there and if you buy a house near a pub residents have to accept there will be noise. He feels that all the fence is going to do is put a lot of expense on the applicant and the car park is not going to be in use every day, there is parking out the front and he feels sure that customers will use the front car park first. Councillor Benney stated that he supports a local business, you get decent people going to a decent pub and he feels the applicant is running the pub in a decent way, is a responsible landlord and the pub looks like a nice establishment. He expressed the opinion that whilst residents may not like a car park, the applicant could turn the land into something else, which could be worse. Councillor Benney expressed the view that if the car park is not provided, cars could end up being parked on the roads all around the pub and car parking is an essential part of that business, with the village lucky to have a pub. He feels it would be a travesty if members do not approve the application making the point that the Council gets criticised that it is not doing enough for business and this is giving the opportunity for a business to thrive.

- Councillor Murphy stated that he had driven past this pub on many occasions and the front garden seems to be packed and it is a well-liked pub in the village. He expressed the view that the Council should be helping businesses, which has occurred twice this afternoon, and the Council should not be stifling a business by not letting them have a car park. Councillor Murphy expressed sympathy for the residents that live near the pub, but made the point that a pub will always have a bit of noise and if you have brought a house near it, it should be expected.
- Councillor Mrs French made the point that there are 13 objectors and 63 supporters, which she feels speaks volumes. She agreed that other businesses have been helped this afternoon and members should be supporting this business, with pubs having suffered due to Covid over the past 18 months.
- Councillor Miscandlon stated that the acoustic fencing was raised at the previous committee meeting when this proposal was considered and the applicant was prepared to go away and investigate it. He feels the applicant wants to be part of the village and the acoustic fencing is part of the protection for those residents in the village. Councillor Miscandlon expressed the view that the acoustic fence is about reducing the upper end of noise that hurts your hearing to bring it down to an acceptable level. He fully supports the proposal as it is as he feels the owner has done a great job to mitigate the problem that is perceived in the village and whilst it will cost him, it will benefit the applicant in the end by being a caring landlord.
- Councillor Sutton stated that as the ward councillor he has residents who support and object to the proposal so it is a no win situation for him, but he feels the applicant has gone the extra mile by considering acoustic fencing. He referred to the comments of one of the objectors, who stated that if there has to be a car park an acoustic fence needs to be put in place, and he feels that the acoustic fence would provide privacy and addresses the legitimate concerns of the objectors. Councillor Sutton stated that he is on the committee to make a decision on what is best and he feels this proposal is the best solution.
- Councillor Purser stated that he supported the proposal before and will be supporting it again as small businesses should be supported.
- Councillor Mrs Mayor referred to the Tree Officer's comments within the report regarding additional tree planting and hopes this will be instigated.
- Councillor Benney suggested that the proposal be approved without the acoustic fencing. Nick Harding responded that the acoustic fencing has been submitted as part of the application so members cannot approve a proposal that excludes it.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officers in consultation with the Chairman, proposer and seconder to determine conditions, which includes a planting scheme.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that the benefits of the business and wider community outweigh policy, the**

**proposal will not adversely impact on the amenity of neighbours as the car park will not be used on a 24-hour basis and tree planting will improve the privacy for neighbours.**

*(Councillor Sutton declared that he had received e-mail from residents on this application asking for advice on who to approach with their concerns)*

**P32/21**

**F/YR21/1123/F**

**WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE**

**ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW ACCESSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Blair Simpson, an objector.

Ms Simpson informed members that she was speaking on behalf of residents on Westfield Road who are against the proposal as they feel the development is over intensification and over development. She stated that Westfield Road is a quiet cul-de-sac comprising of 14 properties and the residents pride themselves on the small community and take pride in their homes, with the small amount of children who live in the road enjoying the benefit of being able to live in the road and play in a safe and secure manner.

Ms Simpson expressed the view that residents are concerned about the additional entrance for two of the dwellings in the development where access and egress will be from Westfield Road. She feels the development will cause over-looking to existing properties on Westfield Road and also Fen Road.

Ms Simpson advised members that the applicant has erected a fence and residents are concerned over the maintenance of the boundary fence going forward and made the point that the grass verges have been looked after by residents for the past 15 years. She referred to a tree in Westfield Road beside number 11, which residents do not want to see removed and, in her opinion, the proposed 25ft gravel driveway will cause additional noise and be intrusive to the residents.

Ms Simpson stated that High Road is a busy road used by the school service to Tydd St Giles School and Peel School and the 46 bus route and residents are concerned about vehicles accessing and leaving the development as there have been accidents in the past. She feels the issue of extra vehicles in the road and parking is a great concern to residents as well as the extra traffic and deliveries the site will generate, delivery of goods through Westfield Road, will invade resident's privacy as this will pass directly next to the residents' front window.

Ms Simpson expressed the view that the applicant has sited a static caravan on the site and is living in it and now appears to be storing a number of 18 tonne lorries on the site as well burning all of his rubbish at the rear of the pub. She feels that, if permission is granted, then appropriate conditions need to be added which must include delivery times and suitable working hours on site.

Ms Simpson expressed the opinion that, as the current occupier is storing 18 tonne vehicles on the site, there is no reason to grant access via Westfield Road, which would spoil what the residents have worked hard to achieve a safe, comfortable and welcoming area for residents to use. She feels the proposal for 4 properties does not allow any turning points on the driveways or any parking for visitors, which is going to congest other areas and cause issues for the current residents of Newton-in-the-Isle.

Ms Simpson made the point that all residents brought their houses around Westfield Road as the

road was a quiet cul-de-sac and granting access via Westfield Road for either building purposes or to allow permanent access for the new properties with an agricultural covenant would be unfair on the residents of Westfield Road as there is no agricultural land that leads from Westfield Road. She hoped that members would take into account the objections from the residents of Westfield Road.

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

- Councillor Sutton stated that he looked at this site on Monday and his initial thoughts were the development is not very pretty, but it does fit, but the more he has read the report the more he has become concerned about highway safety and he re-visited the site on Tuesday. He expressed the view that whilst the visibility splays look fine on the plan, it is a different matter on site and asked if there had been any site visit by highway officers as the visibility splays presented are not possible and how can members possibly allow this to go ahead when on the ground it is not achievable? David Rowen referred to the comments of the highways officer in 5.2 of the report, but could not confirm whether they had actually been out to the site in making those comments. He made the point that there is an access for the public house and there would have been vehicles entering and exiting the site then. Councillor Sutton expressed the opinion that we should not be satisfied with what was there and should make it better, with 37 metres of the splay going through a neighbouring property's garden. David Rowen responded that he is not sure the splays do go through the front garden as there is some overgrowth at the front of that property encroaching into highway land and as far as he was aware the splays could be achieved without going through the front garden.
- Councillor Mrs Bligh queried whether the access has to come through Westfield Road due to the covenant? David Rowen advised that there is no proposal from this application to create an access road into Westfield Road. He stated that there is strip of highway land of around 1-2 metres between the termination of Westfield Road and the application site and the only element of the application that relates to the covenant is that the layout shows an area of hardstanding, which satisfies the covenant within the confines of the application site.

Councillor Mrs Davies informed members that on advice from Nick Harding members could say they are not happy with the highways report and could defer the application.

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

- Councillor Sutton stated that was to be one of his suggestions as clearly the fence is right near the road and the splays cannot be delivered, so, in his view, it is either deferral or refusal.
- Councillor Mrs French expressed concern about the highway situation, not about removal or demolishing building, as further along road there is another dwelling that looks like its vegetation is growing over footpath and she is surprised and disappointed with the highway response. She would be very concerned if the developer tried to use an access for a construction site from Westfield Road, which would be a sacrilege to residents who live in this cul-de-sac and nice area. Councillor Mrs French made the point that the tree in Westfield Road is very old and she would not want to see this taken down unless it was dangerous.
- Councillor Miscandlon referred to the schematic drawing, which he feels is nonsense, and asked why is the developer building a road to nowhere? He feels the applicant could remove the covenant to redesign the scheme to achieve a better layout and access as there is a highway safety issue with the current proposal, which needs to be addressed.
- Councillor Mrs Mayor made the point that covenants go back many years and the person who obtained it may no longer be with us and there may be nobody interested in it. She feels that if highways are going to get involved, this can be sorted out at the same time, with a turning bay provided which would make the lives happier for the residents. Councillor Mrs Mayor expressed the view that the back gardens of the development where the covenant is should be grassed over to be part of their gardens or a turning bay provided for Plots 3 and

4, but there should be no access to Westfield Road.

**Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be DEFERRED for further discussions with Highways and consideration of possible overdevelopment of the site as fewer dwellings could result in vehicles leaving the site in forward gear.**

*(Councillors Benney, Mrs Bligh, Mrs Davies, Mrs French, Mrs Mayor, Miscandlon, Murphy, and Sutton registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, they had been lobbied on this application)*

**P33/21**

**F/YR20/0780/F**

**11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS**

**PART CHANGE OF USE OF EXISTING BUILDINGS TO FORM 3 ADDITIONAL DWELLINGS (2 X 3-BED AND 1 X 2-BED) AND ERECT 2NO DWELLINGS (2-STOREY 3-BED) INVOLVING THE DEMOLITION OF EXISTING OUTBUILDINGS, A SUN ROOM AND WALLS WITHIN A CONSERVATION AREA AND EXTEND EXISTING DWELLING/SHOP**

**F/YR20/0795/LB**

**11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS**

**INTERNAL AND EXTERNAL WORKS TO LISTED BUILDINGS TO FORM 2 X 3-BED AND 1 X 2-BED DWELLINGS AND EXTENSION TO DWELLING/SHOP**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Haggata of Chatteris Town Council.

Councillor Haggata stated that the members of Chatteris Town Council fully and unanimously support both applications, which will allow a neglected and in need of serious attention site to be refurbished and restored to improve the attractiveness of this site on High Street. He made the point that the properties proposed for refurbishment are situated in a very prominent position on this side of Chatteris High Street and informed members of the Listed Buildings that existed in close proximity to the site, which form an attractive vista along this area of Chatteris High Street.

Councillor Haggata expressed the view that, if the applications are approved, it will complete and enhance this vista, which can only be of benefit to the surrounding area and encourage more use of this side of Chatteris High Street. He stated that Chatteris Town Council is in the process of encouraging local businesses to improve and upgrade their presence on High Street by the means of Chatteris Town Council Renaissance Improvement Grant, which has proved successful with many local businesses applying for the grant to refurbish and enhance the appearance of their shop fronts on High Street and Market Hill.

Councillor Haggata advised that Chatteris Town Council members are of the opinion that these planning applications will also be of great benefit to the revival of Chatteris High Street and enable more needed homes to be available in Chatteris. He understands that refurbishment is not without high costs and, therefore, it is accepted that both planning applications are necessary for these improvements to proceed, which is why Chatteris Town Council fully support the applications.

Members received a written representation, from Andrew Wignall, an objector, read out by Member Services.

Mr Wignall stated that he was unable to attend the meeting in person due to work commitments, but his statement was on behalf of the residents of 2 and 6 Boadicea Court. He fully endorses the redevelopment of the High Street and accepts for financial reasons the area known as Dobbs Yard

needs to be developed to enable the funding of the refurbishment and redevelopment of the High Street properties but does have a number of concerns regarding Dobbs Yard.

Mr Wignall raised concern about the open nature of the car ports as these directly open onto the boundary and, in his view, would cause both noise and environmental pollution, especially as the existing boundary wall is only approximately 1600mm high, with the drawings not showing the height of the walls. He expressed the opinion that Plot 2 adjacent to the boundary of 6 Boadicea Court will be increasing the shear height of the wall to 2.7 metres based upon the information within the officer's report, which is an increase of over 1 metre.

Mr Wignall expressed the view that the location of the two-storey element is likely to cause over shadowing in the evening to the garden as the sun moves to the west. He asked members to consider rejection of the application on the basis that Plot 2 should be located further away from the boundary and open car ports be redesigned to prevent noise and environmental pollution to the neighbouring properties.

Members asked officers questions as follows:

- Councillor Benney stated that as a Chatteris Councillor, he fully endorses what Councillor Haggata has said. He made the point that the shops have been empty for a long time and this building needs money spent on it. Councillor Benney welcomes the applications and made the point that the applicant is doing this with his own money although the rear development is needed to provide the income to refurbish the front. He expressed the view that if this development does not happen Chatteris will start to look like Wisbech Town Centre, where public money is needed to come forward to put things right and make them safe. Councillor Benney expressed the opinion that it is commendable that the applicant has brought this application forward, which will benefit Chatteris and safeguard these buildings. He does take on board the views of the residents of Boadicea Court, but made the point that whatever you do someone is not happy, but the proposal needs to be looked at overall and he can see nothing to turn it down, with overshadowing of neighbouring properties not being a sufficient reason. Councillor Benney stated that he fully supports the proposal.
- Councillor Miscandlon fully endorses the proposal as development of this will improve the area and this is much needed. He hopes the applicant is successful in what he is proposing.
- Councillor Sutton echoed the views of the previous two speakers. He stated that Boadicea Court is a lovely cul-de-sac, with really smart properties and, in his view, this proposal will complement it. Councillor Sutton made the point that the Case Officer has worked with the agent and applicant to bring forward a suitable scheme and he congratulated officers for this.
- Councillor Mrs Bligh stated that there are some beautiful buildings in Chatteris and for someone to use their own money to make the area better should be fully supported.

**Proposed by Councillor Benney, seconded by Councillor Miscandlon and agreed that applications F/YR20/0780/F and F/YR20/0795/LB be APPROVED as per officer's recommendation.**

*(Councillor Topgood had left the meeting for this item)*

*(Councillor Murphy declared, following advice from the Legal Officer he has a personal compromise on this application, and to avoid the suggestion of pre-determination and bias left the meeting for the duration of the discussion and voting thereon)*

*(Councillor Benney declared, as Portfolio Holder for Assets he was notified of a request for an easement over Fenland District Council land on this application)*

*(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but takes no part in planning matters)*

**P34/21**

**F/YR21/0361/F**

**LAND NORTH OF 39 TO 49, COATES ROAD, EASTREA**

**ERECT 5 X DWELLINGS (1 X 2-STOREY 3-BED, 2 X 3-STOREY 5-BED AND 2 X 3-STOREY 6-BED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent.

Mr Hall stated that the officer's report sums up the situation well and the recommendation is for approval. He advised members that the proposal is for large executive dwellings of various designs, with the site already having detailed Reserved Matters approval for 4 large dwellings off a private drive with access onto Coates Road, and the dwellings are in the same position, same width and length as approved, with a further section of land being acquired to allow the additional plot to be proposed.

Mr Hall expressed the view that the key issue with this application is archaeology, with there being a proposed standard condition, No.17, for an archaeological investigation. He made the point that this site already has had two archaeological digs, one in 2014 on this site and part of the adjacent site, and a further large dig in 2018, showing a picture on the screen after the archaeological dig, with the area of the dig being 1,340 square metres which is where plots 1-4 are located towards the back of the site and excavation of about 6mm deep over the entire site.

Mr Hall stated that County Council's Archaeology did visit the site when the dig was being undertaken and the owner has advised him that in 2014 the first dig cost £7,500, with the owner of the other site paying £5,000 towards this, and the dig in 2018 cost just over £20,000 and they are now being asked for another dig. He feels the comments under 5.5 of the officer's report do not take into account this much larger dig that was carried out in 2018, and he has tried to contact the County Council's Archaeology Team three times but has had no luck.

Mr Hall referred to an e-mail received on 2 May 2019 after the large dig which states "partial discharge is acceptable we have no issues with the development commencing on site as the front end tasks, namely the approval of the written scheme of investigation mentioned in the condition and the completion of the field work have been approved and completed. However, the overall condition should remain in place to enable Witham Archaeology to conclude the post excavation reporting programme and deposit for the archaeological archive." He made the point that the final report has been back and forwards between the County Council and Witham Archaeology and has not quite been finalised, but the dig has been comprehensive.

Mr Hall expressed the opinion that the archaeology condition should either be removed or amended to wait for the final report to be submitted.

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

- Councillor Benney referred to the comments of Mr Hall about the two archaeological digs and asked if it was reasonable and fair for the applicant to carry out a third one. He made the point that an extensive dig seems to have been undertaken and asked if the condition can be lifted? David Rowen stated that there are comments from County Council in respect of the need for a condition, whether they were aware of the background previously he is not sure, but in similar circumstances when a condition has been imposed and previous work has transpired as having been undertaken the County Council are reasonable in normally accepting this previous work. He suggested to members that the condition remains in place

as recommended as the condition does not state that a full archaeological excavation of the site is required it just requires a scheme of investigation.

- Councillor Mrs French referred to 5.7 where it states Fenland Highway Division and asked when did Fenland become responsible for the Highways? David Rowen stated that the officer who written the report is new to the authority and apologised for any confusion.
- Councillor Sutton expressed concerns about the archaeology and cannot see why it cannot be amended to say the submission of the final written report. He feels the length of travel for the bins for collection is over the Recap recommended distance, but believes appeals have gone against the Council on this issue. David Rowen stated that distance to the bin collection point has not been sustained by the Planning Inspectorate who view it as design guidance rather than hard and fast policy and the previous scheme that was granted had a similar arrangement. He stated that regarding the archaeological condition, without knowing exactly the County Council's rationale for their comments he would not endorse members varying that condition, and whilst he agrees with Councillor Benney's opinion that there is unlikely that anything would be found it is not known if there is further rationale for what they are asking for.

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

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and left the meeting for the duration of the discussion and voting thereon)*

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)*

*(Councillor Benney declared that, Mr Hall is known to him and he has used his services in the past, and he is Chairman of the Chatteris Growth Fenland Project for which Mr Hall is undertaking work, but he is not prejudiced on this application)*

5.32 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 11 AUGUST 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor Mrs S Bligh, Councillor C Marks, Councillor M Purser and Councillor D Topgood,

Officers in attendance: Nick Harding (Head of Shared Planning) and Jo Goodrum (Member Services & Governance Officer)

**P35/21      STATUTORY CONSULTATION F/YR21/4002/LACON ENERGY FROM WASTE (EFW) AND COMBINED HEAT & POWER (CHP) FACILITY, ALGORES WAY, WISBECH**

Nick Harding presented the report to members.

Members asked officers the following questions:

- Councillor Mrs French asked officers to clarify whether a full report had been received by the Highways Authority regarding the highway infrastructure. Nick Harding stated that there was no report and added that it is a consultation to the District Council, and we do not have to consult other external organisations as part of the process. He added that the Highway Authority at Cambridgeshire County Council will be providing their own response to the applicant on the proposal and the Council's Internal Transportation Officer have made their own comments.
- Councillor Cornwell stated that he notes that a lot of the responses appear to be holding responses, whilst further information is obtained on some of the different factors. He added that he is aware of other incinerators across the country, and they are rarely in an urban environment and he asked whether officers are aware of any incinerators in existence which are of the same size and scale, in an urban environment and whether there are lessons to be learnt from the local authorities that house those incinerators within their area. Nick Harding stated that there is an Energy from Waste operated incinerator in Fengate in Peterborough which is owned by Peterborough City Council and it does have a smaller energy output than the proposed incinerator, but the principles of its operation is the same. He added that planning permission has also been granted by the Secretary of State for another Energy from Waste facility, 500 metres away from the one in Fengate, which has now received funding and development is due to commence imminently. Councillor Cornwell asked whether any conversation has taken place with any other authority apart from Peterborough to ascertain their experiences and views. Nick Harding stated that from an officer perspective, there is the requirement to comment on the technical aspects of the scheme and that varies from one development to another and that includes assessing the impacts on the development proposed in relation to the receptors, such as ecology, town scape, air quality and noise and that is what determines whether there is a strong case for objecting to the development proposal. Councillor Cornwell asked whether officers have covered everything to compile their response and are happy with the content of it. Nick Harding stated that the Council is only commenting on a relatively small impact that the

development will have and the reason for that is that County Council are the Lead Authority, as it is a waste authority. He added that they have the knowledge and experience of this form of development and as the lead authority they have commissioned expert advice in a number of fields such as particle pollution and, therefore, the Council has not sought to replicate and look at every possible impact that this development could have. Nick Harding stated that the Council has focussed on air quality, noise, ecology, transportation, townscape heritage and conservation and received comments from the Economic Development Team.

- Councillor Cornwell asked, as the Fenland area is a large area involved with the production of food, is there any evidence anywhere that the risk of pollution could have a negative effect on the quality on the food that is produced? He added that, in his opinion, when the crops and food are produced there could be major risks in the food chain, and he asked whether investigation has been carried out to ascertain the risks involved from an environmental perspective? Nick Harding stated that the emissions that come from the incinerators chimney stack will have to meet a quality which is set by the Environment Agency's permitting system and, therefore, the planning system would not duplicate that system. He added that the planning regime would look to see whether the design aspects of the scheme, the waste stream going in and the technology proposed is capable of achieving the required output standards from the top of the stack and primarily it is covered by the environmental permitting regime. Nick Harding explained that when the decision notices are issued by the Secretary of State on this type of facility, the decisions do not specify the quality of omissions that come from the top of the stack and that is dealt with by the permitting regime. Councillor Cornwell stated that it is not something that the Council can comment on then as the Environment Agency are the controlling body.
- Councillor Miscandlon questioned whether the pollution that will be created by the number of vehicles, including tyre wear, entering and exiting the site has been investigated. Nick Harding stated that air pollution has been dealt with by the air quality information which the applicant has worked on and continues to work on with air quality monitoring stations in place to record the as is situation. He added that members will be aware that air quality management zones were established in the Wisbech area a few years ago and it is his understanding that a point was reached a couple of years ago where they were potentially no longer required. Nick Harding stated that he could not confirm whether the increase in tyre crumb on the highway going into the drainage system had been accounted for. Councillor Miscandlon expressed the view that the vehicles will be going through domestic areas to access the industrial area and stated that, in his opinion, this should be investigated as pollution from vehicles is a major concern for people with respiratory conditions and should be taken very seriously.
- Councillor Connor stated that he was the Chairman of the County Council's Planning Committee when the waste plant facility at Waterbeach was refused against the officer recommendation and then subsequently refused by the Secretary of State and he stated that he can confirm that the County Council do engage with various experts and, in his opinion, they are very thorough when undertaking their research and investigation.
- Councillor Mrs Davis stated that in the report it mentions that the plant will power 74,000 homes and she asked for confirmation on whether the homes it refers to will be in the Fenland area. Nick Harding stated he did not know the answer to that but added that thinking logically if the electricity goes into the local grid it would not be exported away unless it was surplus to requirements locally.

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

- Councillor Mrs French expressed the view that it clearly states at 5d in the report that the County Council are not content with heavy goods vehicles using Elm Road and she has been involved with the Wisbech Access Study for a number of years, with Wisbech being unable to cope with the volume of traffic it currently handles. She stated that the study was at risk of not receiving funding from the Combined Authority to complete it, however, the Board have now agreed to contribute £1.9 million pounds for its completion. Councillor Mrs

French expressed the view that the Fenland roads cannot cope with an additional 362 vehicle movements per day and the rubbish will be transported from across the country and is likely to use the A141 and the Peas Hill roundabout, with the roundabout being at capacity and unable to cope with that volume of traffic coming from the March Bypass. She expressed the opinion that the proposed site will destroy any opportunity for the Wisbech to March rail link which, in her opinion, is unacceptable. Councillor Mrs French made reference to the presentation screen, which showed that there are going to be 70,000 new homes in Walsoken and the Walpole's and added that the proposed facility will be in Fenland and it is the people of Fenland who will suffer and not receive any benefit. She made the point that there is going to be a new school in Barton Road in Wisbech with a proposed opening date of 2024 and will include schooling for primary, secondary and children with special needs, with the special needs element of the school providing places for 60 children, who will come from all over the country. Councillor Mrs French added that there is the intention to improve the quality of life for people, but with that volume of additional traffic this will not be the case and questioned whether the waste will be transported in open topped heavy goods vehicles as, in her opinion, it will stink. She reiterated her view that the Fenland roads cannot cope with the additional traffic and added that she understands that the County Council will be having an input into the consultation and as she is a member of the Highway and Transport Committee at County Council, she will be interested to hear their views. Councillor Mrs French stated that there is no way she would ever support the proposal for an incinerator and, in her view, satellite navigation devices will direct traffic down Elm Road, she cannot see any benefit whatsoever to the residents of Fenland and expressed the view that it is not fair on the villages in Fenland especially Elm. She stated that the traffic on Cromwell Road is already horrendous and stated that, in her opinion, this type of facility should be sited in the middle of nowhere and not on the edge of a town.

- Councillor Skoulding stated that more roads and dual carriageways are required in the Fenland area. He added that the B roads are all built on silt and they move and if all the extra traffic is accommodated there will be dips appearing in the roads which will be likely to cause accidents.
- Councillor Cornwell stated that he would have preferred for the waste to be transported by rail and he cannot support the proposal where 360 extra vehicles will be travelling on the Fenland roads.
- Councillor Cornwell stated that it is well known that Cromwell Road in Wisbech is one of the most congested roads in the Fenland area and is very often gridlocked, especially in the evenings or at weekends. He expressed the view that it is one of the most poorly laid out areas in the Fens. Councillor Cornwell stated that it is obvious that the waste for the incinerator is going to travel some distance into Wisbech by using the major routes into Wisbech such as the A47 and A141. He added that the road network in this area does not have any foundations and heavy lorries ruin them, with it being a known fact that the road to Warboys from Chatteris has been rebuilt many times and it is a constant exercise. Councillor Cornwell expressed the view that if the incinerator is approved then there does need to be a major investment into the infrastructure in the area, before the incinerator commences operation, as the area is desperate for a stronger infrastructure. He fails to understand why the applicant wishes to build an incinerator in a small market town, with the others he has seen having been built out of the way or on an industrial area, but Wisbech does not have an industrial area, it only has a commercial area which is very close to the town, the facilities and the heritage that is in the town. Councillor Cornwell expressed the view that he thinks that a facility may have been turned down in the Kings Lynn area, so the applicant has moved to the next nearest point so that the facility can still cover the Norfolk area and parts of Suffolk. He stated that people's quality of life will be genuinely affected because the wider area will be affected.
- Councillor Miscandlon stated that the Kings Dyke Crossing is being built near to Whittlesey and he added that he has been made aware by lorry drivers that, once the bridge is completed, they will use the A605. He stated that, in his opinion, the traffic coming from the west will automatically use the A605 as they believe that they will not be held up. Councillor

Miscandlon added that lorry drivers have expressed the opinion that the Thorney bypass is not conducive to their type of vehicles. He added that it is well known, that if you put in your car sat nav systems from Kings Lynn anywhere south of Wansford, it automatically sends you down the A605, and that road is not suitable for heavy goods vehicles, and the road has been known to collapse on a regular basis and he reiterated the point made by other members that the roads in the Fens are not fit for purpose.

- Councillor Murphy stated that he is not against an incinerator, but he does not agree with the proposed location and the existing infrastructure is not suitable, when considering the amount of vehicle movements being proposed. He stated that he believes that incinerators will be a thing of the future and stated that when he visited Germany, each town had its own incinerator.
- Councillor Connor expressed the opinion that the proposal is of no benefit to Fenland and there have been no Section 106 contributions included. He added that the proposal is in the wrong location, 750 metres from the nearest school and the traffic problems and the 360 lorries a day will be horrific. Councillor Connor stated that the Fenland roads cannot cope with that volume of extra traffic and whilst he has no problem with companies wishing to make money, it should not be at the expense of Fenland and the people of Fenland. He added that the officer's report, in his opinion, is a good report to be sent to the Secretary of State and he is sure that the proposal will be discussed again by the committee.
- Councillor Miscandlon asked for clarity over the number of lorries per day and asked whether it would be double journeys or single journeys with load and an empty return journey? Councillor Connor clarified that it is 180 vehicles going into the plant and 180 vehicles coming out of the plant.
- Councillor Murphy asked when will the proposal be brought back to the Planning Committee? Nick Harding stated that a further consultation will take place in January 2022 and he added that there will only be four weeks in which to consider information submitted by the applicant. He added that he will endeavour to provide a summary at that time, of each of the subject areas where the Council is proposing to make comment and that will present what the impacts are and provide an indication from an officer's perspective on whether they feel they are acceptable or not.

**Proposed by Councillor Mrs French and seconded by Councillor Skoulding and decided that the consultation response from officers be ADOPTED.**

*(Councillor Sutton declared that he does not have an open mind when considering the officer's consultation response and therefore he took no part in the discussion or voting thereon)*

*(Councillor Mrs Davis declared that she had been lobbied as she had received an email from the local group who are opposing the incinerator)*

1.56 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 18 AUGUST 2021 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding and Councillor D Topgood, Councillor G Booth (Substitute) and Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor D Connor (Chairman), Councillor C Marks, Councillor M Purser and Councillor W Sutton,

Officers in attendance: Nick Harding (Head of Shared Planning), Nikki Carter (Senior Development Officer), Alison Hoffman (Senior Development Officer), Gavin Taylor (Senior Development Officer), Nick Thrower (Senior Development Officer), Vanessa Blane (Legal Officer) and Elaine Cooper (Member Services)

## **P36/21      PREVIOUS MINUTES**

The minutes of the meetings of 14 July and 30 June 2021 were confirmed and signed as accurate records, subject to correction of the misspelling of "today" in the third bullet point of the members comments and questions section of planning application F/YR21/0233/O in the 30 June minutes.

## **P37/21      F/YR20/1235/O LAND SOUTH OF, BRIDGE LANE, WIMBLINGTON ERECT UP TO 88 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

As Councillor Mrs Davis was unable to Chair this item due to being predetermined, it was proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that Councillor Skoulding chair the meeting for this application.

Gavin Taylor presented the report to members.

Members received a written representation, from Councillor John Clark, a District Councillor, read out by Member Services.

Councillor Clark stated that he used to work for R H Palmer some 50 years ago so is known to the family, but has no pecuniary or non-pecuniary interest in this application. He informed members that at the start of his career he served an apprenticeship in the village of Wimblington and had cycled, motor cycled and driven past this site regularly, with him never seeing the site flooded or any water issues, which is reflected in the site being in the Environment Agency's lowest category and not within a flood zone. He added that he also sits on the Internal Drainage Board and the reaches and cleaning of those waterways has been addressed with the adjacent development.

Councillor Clark made the point that Conservatives aim to address the shortage of housing and, in his view, this application provides family housing plus 22 affordable homes and he would be disappointed if the affordable homes were not delivered. He stated that the application, having family living in the village with three children, would support the local school and services and provide family housing to enable young people who wish to stay in the village, but would otherwise

not be able to afford to do so.

Councillor Clark asked members to support the application.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, an objector.

Ms Freear stated that she is pleased care and attention has been given to flooding issues, but is concerned that some of the other issues have fallen by the wayside. She questioned why comments from the public are asked for when, in this case, the strength of opposition to this development seems to have been ignored.

Ms Freear understands that there is a need for housing in Fenland, but they are already over the required number in Wimblington so she feels there are other sites in Fenland that can satisfy this need. She stated that if she were able to she would ask the Middle Level representative what greenfield drainage means and if this is a greenfield drainage site and she is dismayed to read in the report that Anglian Water and Cambridgeshire County Council are saying there have been no reports of flooding problems since 2008 when a number of residents reports have been made as recently as 24 December 2020.

Ms Freear expressed the view that she cannot see how 88 houses will fit on the land, with her being suspicious that when it comes to a viability study, especially due to the rising costs of materials due to Covid and Brexit, the developer will drop the promise of affordable housing for the site and requested a cast iron guarantee that this would not be the case. She referred to two years ago it was put out for developers and agents to come forward with sites and 12 months ago for more sites to come forward and asked why this development has appeared to jump the queue and is being considered in advance of other sites.

Ms Freear stated that she is astounded by the apparent contradiction between this application and other planning applications, with some reasons for refusal having been “the development proposed would fail to respect the existing character of the residential development present in x location and would result in a cramped oppressive form of development that has a detrimental effect on the character of the area where it is located”. She expressed the opinion that if 88 houses being built on a piece of agricultural land that leads to a quiet and peaceful lane is not an oppressive form of development that will have a detrimental effect on the character of the area then she does not know what is.

Ms Freear referred to Policy LP16 of the Local Plan, which “requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate that they make a positive contribution to the local distinctiveness and character of the area enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscaping character of the surrounding area”. She feels the development of the site would result in significant urbanisation of this section of Bridge Lane and that the development proposals put forward for consideration are stark, overbearing and would have a detrimental impact on the existing character of the area contrary to Policy LP16.

Ms Freear expressed the opinion that the residents of Bridge Lane, particularly those whose houses are closest to this development, would be trapped in between new development, surrounding them from all sides and she feels the residents would all argue strongly that the proposal would be a stark and overbearing development that would adversely impact the street scene and landscape character of the area. In her view, it does appear that the requirements of Policy LP16 are considered for some applications but not this one.

Members asked questions of Ms Freear as follows:

- Councillor Mrs French asked who the flooding in 2020 was reported to? Ms Freear responded that she was not subject to flooding, she is a representative for Bridge Lane and it was to Anglian Water. Councillor Mrs French said she was the County Council's co-ordinator for flooding across the District and Wimblington was not one of them. Ms Freear stated that she only mentioned the County Council as in the report it says no reports had been made to Anglian Water and the County Council. Ms Freear referred to one instance where a 78 year old resident was outside his home at 11pm on Christmas Eve bucketing out his drains as foul drainage was coming up into his house.
- Councillor Benney asked Ms Freear if she was a resident or just a representative. Ms Freear responded that she is a resident of Bridge Lane, but has not had flooding problems. Councillor Benney asked how many dwellings were affected by the flooding in December and how many were nearly flooded? Ms Freear stated that the problem is not with water coming off the proposed site, but it is the capacity of the foul drainage as it was coming through residents' toilets into their houses. She is not sure how many houses were affected, but it was at least four, with residents concerned about the over-stretching of the drainage as since the Nursery Gardens site has been built there has been more problems with drainage.
- Councillor Booth asked if there had been other instances with foul drainage problems? Ms Freear responded that the heavy rainfall on 24 December was the only time there has been a problem with foul drainage. She stated that residents are not saying houses will be under water, but development is affecting people's homes and they do not know the reasons why it is happening, with not enough investigation made on foul drainage.

Members received a presentation, in accordance with the public participation procedure, from Richard Mowatt and Gavin Shepherd, on behalf of the applicant.

Mr Mowatt made the point that at the previous committee in July the application was deferred for drainage issues only and surface and foul water drainage will be dealt with by Gavin Shepherd. He stated that the proposed development will deliver 66 market and 22 new affordable homes, with no affordable homes having been flooded in March or Wimblington in the last 3 years.

Mr Mowatt expressed the opinion that provision of these affordable homes will meet some of the existing housing need, with the scheme having been designed to be policy compliant and sustainable and there are no outstanding technical objections from officers or statutory consultees, including Anglian Water, the IDB and Lead Local Flood Authority. He feels the benefits of this development are far reaching, especially in terms of the 25% of new homes being affordable, which exceeds by 5% the affordable housing requirement identified in the Council's own viability assessment.

Mr Mowatt expressed the view that the applicant's own robust viability assessment evidences Section 106 contributions of £2,843 per dwelling, with this money directed towards early years and secondary education and has been accepted by Cambridgeshire County Council. He stated that, notwithstanding the increase in materials, the applicant has committed to these provisions both verbally and in writing to the Council and is committed to completing the Section 106 within 4 months as per the officer's recommendation.

He asked members to support the officer's recommendation.

Mr Shepherd stated that as flood risk and drainage engineers they have a duty to assess proposed development sites to ensure they are fit for purpose and safe for the end users and do not propose a risk beyond the extent of the development site, which they do by engaging with the relevant authorities. He acknowledged that there are some concerns from local residents, but made the point that these concerns are not supported by technical consultees and are not supported by evidence.

Mr Shepherd stated that in relation to flooding and the high water table, the site is within Flood Zone 1, the lowest category. He added that two previous farmers of the land have stated that the field has never flooded and there have been two reported instances within the vicinity, both of which occurred on Bridge Lane and were suggested to be caused by fluvial run off.

Mr Shepherd did acknowledge that ground water levels were raised as a possible concern, which was reviewed within the Flood Risk Assessment as a possible risk which may need further investigation and appropriate mitigation measures can be put in place if required. He stated that Anglian Water have advised that they do not have any capacity issues within the foul network in the local area and have not advised of any flooding issues.

Mr Shepherd stated that capacity issues have been noted at the waste water treatment works, however, Anglian Water have said they will provide capacity for the development, with the foul water serving the development site to be adopted and maintained by Anglian Water. He made the point that following the IDBs preliminary surface water and sewage effluent assessment, approval in principle has been obtained to discharge of restricted surface water flow into the adjacent land drainage ditch for the use of water retention basin, attenuation and restricted flows into the ditch, which mimics the existing site regime and restricts flows to greenfield run off rates using a flow control device to ensure the restricted flow rate is not exceeded.

Mr Shepherd expressed the view that the proposal will also provide a 9 metre easement and a maintenance strip down the entire eastern side of the development for maintenance of the existing ditch. He stated that the site will be served by a new surface water drainage system which will intercept controlled run off from areas of hard standing and where necessary landscaped areas, with permeable paving and a bio-retention area being explored at detailed design stage. He added that the effects of climate change will also be factored into the drainage design in line with current planning policy.

Mr Shepherd expressed the opinion that there are no surface water issues associated with the site, with a detailed design needing to be agreed by all the relevant parties at Reserved Matters stage, which will be tightly controlled by the proposed conditions contained in the officer's report. In his view, the site does not have any flooding, foul sewage and surface water issues as they can be designed in accordance with the Drainage Strategy.

Members asked questions of Mr Mowatt and Mr Shepherd as follows:

- Councillor Cornwell asked who will be responsible for the maintenance of the SUDs and the proposed surface water drainage system that will drain into the SUDs on an on-going basis, each individual owner or a management company? Mr Shepherd responded that it is proposed that Anglian Water will adopt as much of the infrastructure as possible, but drainage at a property level, such as permeable paving, would be the responsibility of that property.
- Councillor Cornwell asked if there are any existing drains on the land that would be the responsibility of any riparian owner? Mr Shepherd advised that he is not aware of any. Councillor Cornwell made the point that this is one of the emerging problems with surface water at the moment due to the lack of maintenance by riparian owners.
- Councillor Miscandlon asked if an up-to-date viability study has been undertaken as the costs of materials are rising? He referred to the current guarantee of 25% of affordable housing but asked if there is the possibility of a viability study coming in which reduces that as affordable housing is needed in the District? Mr Mowatt responded that consistently they have maintained that they will provide affordable housing on the site at 25%, which equates to 22 new affordable homes. He made the point that when the application was submitted it was for 36% affordable dwellings, which was amended to have regard for the sums of money that were directed towards education. He added that the Council's viability assessment suggests £2,000 per property would be acceptable in contributions but the applicant is looking at providing £2,843 per property. Mr Mowatt stated that they are aware

the prices of materials has gone up and had regard for this, and they are still confident that they can deliver the package of commuted sums as set out in the Heads of Terms and over the last month they have continued to look to develop the Section 106 in line with these Heads of Terms. He advised that the Section 106 will be signed as a requirement in the committee report within 4 months, with a commitment to ensure this is undertaken in this timescale and if in the future the site is sold to another developer and they wanted to challenge the viability this would need to come back to this committee and it would be in the committee's gift to say yes or no.

- Councillor Benney referred to viability and made the point that bricks have gone from £600 per pack to £1000 and he fails to see how the proposed contributions can continue to be paid with the costs of materials and building labour. He feels it is all very well promising these contributions now, members hear these promises a lot, but when it comes to the Reserved Matters application he would be surprised if these contributions can be met as the numbers will not stack up, but he hopes that they can. Councillor Benney acknowledged that the only issue being looked at this afternoon is drainage, as members did not object to the rest of the proposal, and asked is the site safe, making reference to the presentation from the objector and residents at the previous meeting that were flooded, as there is a capacity issue in this area for dealing with sewage and this land at Christmas was covered in water as was other land in the area. He made the point that members have a duty of care to their residents to make sure what is being proposed is safe and whilst he recognises that a full drainage scheme will not be submitted at this stage, he does have serious concerns about the drainage capacity for dealing with the sewage. He asked Mr Shepherd if he would be happy to live at the proposed site? Mr Shepherd responded that knowing what he knows about drainage and understanding how it works he would wholeheartedly live in this location knowing that it has been designed properly and in accordance with the guidance. He feels what they are proposing is the best that they can do and it is creating a betterment for the area. Mr Shepherd understands the ill feeling about how drainage works but the surface water would be intercepted and restricted to a very low rate in a controlled way into the IDB drain as at the moment the water can leave that field in an uncontrolled way, and he rests easy knowing this can be achieved. He expressed the view that the foul issue is a separate issue, with Anglian Water looking after the foul system and they have to create extra capacity for additional housing, which they are aware of and have to achieve. He does sympathise that surface water is getting into the foul system and if this is coming off this field then this proposal will stop this from happening because it is being captured and not being allowed to go into Bridge Lane.
- Councillor Murphy asked what was in the report that made Matthew Homes raise the level of the Nursery Gardens site and this proposal also raises the level of the site so does this mean that there is prior knowledge of a flooding problem? Mr Shepherd responded that he has not seen the report from Nursery Gardens site, but is this attributed to ground water that raised the level of this site? Councillor Murphy stated that he is not aware, which is why he is asking the question. Mr Shepherd expressed the view that they are not raising the site from a flood level issue as the site lies in Flood Zone 1 so it is not a fluvial issue, it is not water that is coming out of the water courses and on to the site and it is not rain water as this should be dealt with by the surface water drainage system so he can only assume that it is due to ground water issues and to combat these issues you might raise the property levels. Councillor Murphy asked if this would be happening on this site? Mr Shepherd stated that following further ground investigations, where a grounds investigation specialist would be employed who would probably install some bore holes for ground water monitoring to provide a better idea of what the level is and what the levels of the properties need to be.
- Councillor Benney referred to the submitted plan and asked what the pump in the north-east corner of the site is going to pump water to? He is of the view that the Nursery Gardens development was raised as water would not soak into covered ground, running off onto this site and where does the water from this site run to and if this is just pumping it further down the line is this going to cause more problems to residents in Bridge Lane? Mr Shepherd responded that the pumping station in the north-east corner is for foul water, which might

need to be pumped to an existing sewer to the north-east of the site, which Anglian Water have said has capacity to take that additional flow. He reiterated that the surface water will go to the drainage ditch to the east of the site and the foul water will go to a piped system which will go onto the waste water treatment works.

- Councillor Mrs French asked if there was a guarantee that Anglian Water are going to accept this surface water as it is unusual that Anglian Water want surface water? Mr Shepherd responded that they do not have a guarantee, but with the number of properties being proposed it would be put up for adoption and the design would be to a standard where Anglian Water would be willing to accept that infrastructure. He expressed the view that if you end up with lots of private drains, who looks after the private drains and they want them to be maintained by somebody on a regular basis. Councillor Mrs French expressed the view that it is a shame that there is not actually something in writing from Anglian Water.
- Councillor Mrs Mayor referred to the question from Councillor Mrs French and Anglian Water comments on Page 52 of the officer's report where they state they are unable to provide comments on the suitability of the surface water management. Mr Shepherd responded that this is because the surface water ends up in an IDB ditch so what they are saying is where it ends up they do not take control of how much and at what rate, that is up to the IDB to control how much water they receive into the ditches.

Hilary Ellis of Cambridgeshire County Council, the Local Lead Flood Authority, Hannah Wilson and Rob Morris of Anglian Water and Graham Moore of Middle Level Commissioners were available to answer questions along with officers. Members asked questions as follows:

- Councillor Mrs French stated that she was working with Cambridgeshire County Council on the flooding issues and asked Hilary Ellis if she recalls this site flooding on 24 December? Hilary Ellis responded that the County Council received reports from Bridge Lane, Wimblington, but no specific properties.
- Councillor Cornwell made the point that it seems that historically the problem is more foul water based than surface water based and asked Anglian Water, as the problem has been ongoing, are they convinced that if approved an adequate sewage system could be provided and it could sort out any issues to adjacent properties, especially in the Bridge Lane area? Hannah Wilson confirmed that capacity exists for flows from this development. She made the point that the issues that were experienced in December were surface water related and extreme weather events and Anglian Water's foul network is designed for foul flows, it is not a sealed network, therefore, in extreme events water can get into the foul network and then the foul network surcharges, which can cause issues like residents experienced. Hannah Wilson stated the foul water network as its designed for foul only flows can accommodate the additional flows from this development.
- Councillor Mrs Mayor made the point that in a report on 31 December it was reported that Doddington Waste Water Recycling Centre did not have capacity to treat the flows from this site and it is now being said it does and asked if improvements have been made or improvements are planned, if so can this be guaranteed it will be undertaken to accommodate the flows? Hannah Wilson responded that the report that stated that the plant initially did not have capacity was human error, for which she apologised, and the Case Officer was advised of this. She stated that a new permit has been issued to Doddington Water Recycling Centre in April 2019, it is flow compliant and it does have the capacity to accommodate the additional flows.
- Councillor Mrs Mayor expressed the view that she had heard that foul sewage was being taken from Doddington elsewhere through other villages and asked if this is still happening and if so why is it still happening? Hannah Wilson responded that tanker movements are part of Anglian Water's normal operation, it does not mean that there is no or long-term capacity issues and the Environment Agency can confirm that the centre is compliant.
- Councillor Mrs French stated that last year a physical site inspection was undertaken due to concerns of the drainage board and asked Graham Moore if he was happy the way these reports are written that there are not going to be problems like there were when the site inspection was undertaken? Graham Moore responded that he is reasonably happy, the

applicant has met Middle Level's requests for discharge and for providing a maintenance access strip so at this stage no more can be asked for.

- Councillor Miscandlon referred to the drawing of the site, which shows along the southern and eastern edge drainage ditches and running east along Bridge Lane the ditch is also connected to these and asked Graham Moore if it was the intention for Middle Level to improve that drainage as water from this site runs into that dyke and drains down and that will then create, if you are taking more water into it, a flooding problem along Bridge Lane. Graham Moore responded that the watercourse on the eastern boundary is a Board's protected drain and has a 9 metre wide access strip. He stated that the watercourse on the southern side is not protected and the Board does not have any powers to act upon it, apart from Section 23 applications, and he understands it is regularly maintained at the moment, but in the future it would be down to the individual landowner.
- Councillor Benney stated that some of his information has come third hand from the Chairman of the Planning Committee and a Doddington Councillor, and he acknowledges that Anglian Water say there is capacity, but from what he understands from Councillor Connor raw sewage is being taken out of Doddington treatment plant and taken to March to be treated every day. He expressed the view that if this is accurate you would be correct in saying that you have capacity by putting 10 lorries on instead of 5, but this is not solving a problem but moving a problem and he asked if this problem is going to be fixed long-term so there is capacity other than putting raw sewage on our roads and moving it? Councillor Benney asked what the long-term plans are and is there true capacity at the Doddington Treatment Plant or is the problem being moved further down the road? Hannah Wilson responded that there is true capacity at Doddington Water Recycling Centre and the Environment Agency, who Anglian Water work with and are its regulators, do respond to planning applications on major sites where they do have concerns regarding the water recycling centres. She stated that there are no current plans for investment in terms of growth at Doddington Water Recycling Centre as it is flow compliant, but there are plans for installing a storm tank potentially, with the options being explored, which is a regulatory storm tank through the Environment Agency. Hannah Wilson reiterated that Anglian Water is heavily regulated and it is within its permit at the Water Recycling Centre.
- Councillor Booth stated that he was a councillor when the existing Local Plan was published and there is an informative in the Local Plan about consulting with Anglian Water as it was recognised 10 years ago that there were issues with capacity and there were regular tanking of waste water away from the existing facilities. He advised that he is on the Overview and Scrutiny Panel and Anglian Water attended one of its meetings where similar questions were asked regarding increasing the infrastructure and he asked what Anglian Water had planned around improving the infrastructure and he was told categorically that there are no major plans within Anglian Water's existing 5 year plan to improve the capacity. Councillor Booth expressed concern over the fact that in December there was this extreme weather event, which appears to be becoming the norm and it is almost on an annual basis that flooding is occurring within Fenland, whilst 10 years ago it was not being experienced so how can capacity be dealt with when there is an extreme weather event that hits you suddenly and unexpectedly. He queried whether there are going to be 10 tankers available to take waste water away, if not there will be a repeat of what happened in December. Councillor Booth expressed extreme concern around capacity and the infrastructure, whilst Anglian Water might have the appropriate licences, it is about how you deal with that capacity and the improvements to the infrastructure. Hannah Wilson responded that Councillor Booth was right that it was identified that Doddington Water Recycling Centre did have capacity constraints and this why Anglian Water increased the permit, with the Environment Agency looking at how the workings of the water recycling centre and the impact of any increase in the permit on any water environment itself and that permit was increased in 2019 which has allowed them to be flow compliant. She stated that it is important to clarify the difference between funding infrastructure and investment at its water recycling centres as to how they fund infrastructure investment in the sewer network when they invest in their water recycling centre is through their asset management plan and paid

for by customer bills and Ofwat regulate them. In terms of the foul network, the pipes that lead from a development site that lead to the water recycling centres that is funded through their infrastructure charge which is something that all developers have to pay when they connect to their network and they pool that charge and spend it where mitigation is required so Anglian Water do manage that mitigation function on the network and would only request a condition where mitigation has been identified as needed on that network and in this instance it has not. She hoped this answered Councillor Booth's question about the Local Plan and why that policy was written and action has been taken to ensure they are flow compliant.

- Councillor Booth stated this answered some of the question but it is more about whether you could have had more capacity in 2011 at Doddington Treatment Plant when the Local Plan was developed, but it was just that your permits did not allow you to use it to that extent. He referred the extreme weather events, and expressed the view that it has not been identified that the infrastructure needs to be improved, with these events becoming more regular and he is not convinced that some of these events are not going to reoccur, which is going to cause this foul water issue again to neighbouring residents as there will not be increased capacity within the infrastructure as it is not being improved. Hannah Wilson responded that Anglian Water cannot upgrade or upsize its network to accommodate surface water, whether this is through extreme weather events or overland surface water, which is where they rely on the surface water strategy of particular development sites and that it then for the Lead Local Flood Authority to comment on whether that strategy is acceptable, it is not within Anglian Water's remit to look at that. She stated that Anglian Water's foul network is not there to take and accommodate those extreme weather events surface water flows they should be dealt with appropriately on a development site and reiterated that it is the Lead Local Flood Authority who actually respond as a statutory consultee in terms of major planning applications for that process. Rob Morris added that with regard to the surface water ingress into the foul water network any new development sites as part and parcel of their surface water strategy attenuation would be engaged quite closely with Lead Local Flood Authority and IDB, if the IDB is present. He referred to the point by the applicant that there would be some betterment because where you would have a greenfield site you would have the surface water that falls on that land which would freely discharge into the existing ditches or infiltration, but with it being developed it would be rationalised and the pipes would be sized according to the increased capacity of any additional flows and then attenuated with a restricted discharge into the existing ditches so there is a control basis when there would not have been one before and if there are extreme weather conditions that new infrastructure will help to protect the existing environment. Rob Morris stated that where there is a permit at the Water Recycling Centre to discharge into the receiving environment they are limited to a maximum of flow, therefore, they can only limit the amount of flow that they receive and treat. He stated that previous to 2019 there was a permit that did not have a huge amount of capacity and there were concerns around this, which is why they approached the Environment Agency for that additional increase in discharge permit on their flows so they can receive more flows and treat the flows accordingly to discharge into the environment. Rob Morris advised that the increase in permit was almost two thirds to what it was before, with the capital investment being minor and Anglian Water needed to ensure that it is not only the flow that is addressed but the quality so in some cases where there is an increase in flow permit they do need to invest quite heavily to meet that new heightened quality constraint, but this was not needed at Doddington as the existing assets were able to treat that new quality permit. He referred to the tanker movements and acknowledges that it can be assumed or seen that what they are doing is moving capacity to somewhere else, but this is not what is happening on a normal routine basis, they would only do this if there was an asset failure to which they would have to make sure they were continuing their compliance within their permit.
- Councillor Mrs French asked Hilary Ellis as Lead Local Flood Authority is she content with what she has heard? Hilary Ellis responded in the affirmative.

- Councillor Cornwell asked Graham Moore to clarify that the eastern ditch is a Board dyke? Graham Moore responded that this was correct, it is a protected watercourse, but the southern dyke is not a protected watercourse so it would need to be maintained by the landowner, which as shown on the plans could be 10-15 separate owners. Councillor Cornwell asked Graham Moore if there are any dykes under riparian ownership, a question he asked the agent but did not get a sufficient answer, and would this be dealt with somewhere within the surface water plan. Graham Moore stated that Middle Level has no power to enforce and it is for each individual developer to provide an access or maintenance strip and then it is a question of who maintains it. Councillor Cornwell asked if this possibly needs to be looked at in the drainage plan? Graham Moore responded in the affirmative.
- Councillor Mrs French expressed concern over what Graham Moore has said as across March a lot of the problems encountered, especially in December last year, were that dykes/drains had not been maintained. She referred to a specific example in that only last week County Council officers discovered one dyke, that belongs to about 10 people, had been filled in and caused flooding and she is working with the County Council to get this dyke reopened as it is causing massive flooding problems.
- Councillor Booth asked Graham Moore if the developer has approached the drainage board about management of the SUDs going forward as he believes that it is something introduced in the Cambridgeshire Flood Policy a couple of years ago as the problems with management companies is they can go bust or do not maintain the assets appropriately, is why it was suggested it should be maintained by the Drainage Board as they have the expertise and capacity to do these things. Graham Moore responded that the future maintenance of SUDs is a concern and the potential liability if not dealt with properly, with also the number of parties that might be involved. He referred to March IDB recently taking strong action against one such instance, requesting various reports and proposals and getting legal documents prepared to protect themselves and the ratepayer and he would perhaps suggest the same on future occasions.
- Councillor Booth asked Hilary Ellis how the committee can be assured that what is being proposed is not going to cause problems, especially in relation to extreme weather events? Hilary Ellis responded that one of the things they have asked for as part of the conditions of planning permission is for the applicant to prepare a maintenance and management plan and this would show what features are proposed, who would take ownership of each individual feature and the maintenance activities proposed per feature, which would come to them to approve. She stated that in terms of extreme weather events, there is a national standard that every development has to meet and that is what they call statistically 1 in a 100 years rainfall event when there is 1% chance of that rainfall happening each year and then there is a 40% allowance added to that rainfall for climate change and extreme weather and in this case the developer has proposed a system that is in line with this standard so the surface water for 1 in a 100 years and allowance for climate change will be managed on the site.
- Councillor Miscandlon referred again to the ditch on the eastern boundary and his understanding is that from previous meetings this ditch is in different ownership from this development sites ownership and asked if he was correct. Graham Moore responded that the Nursery Gardens site is.
- Councillor Skoulding stated he was pleased there were going to be tankers instead of open lorries as this creates a horrible smell within March.
- Councillor Skoulding asked what is the chance of the properties that are being flooded having non-returnable valves so they do not get flooded? Hannah Wilson responded that non-returnable valves are not a solution to the problem and they have to be careful when they are used as they can cause problems for the neighbours downstream. She made the point that if you help one person who has been flooded you can cause someone else to be flooded and need to think about the reasoning behind flooding which is surface water.
- Councillor Skoulding stated that in the 1970's the front of this site used to get flooded and he thought there was a drain at the front of the site and asked if this was correct? Graham

Moore responded that historically there was a problem in the area, which was erased in the 1990's, with the current IDB drain being installed and improved in the early 2000s and he is not aware of problem since then. He was unable to confirm if there is a land drain at the front of this site or not.

- Councillor Mrs French asked, having listened to what Graham Moore has said, if the same approach that Middle Level took with Berryfield's application could be applied to this development? Gavin Taylor stated that he is not familiar with the Berryfield application, but Middle Level Commissioners would be consulted when a detailed drainage strategy was submitted. Councillor Mrs French made the point that Middle Level and the drainage boards are not statutory consultees which they should be.

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

- Councillor Booth stated that he has listened to the points regarding flooding and he still has reservations, especially in light of extreme weather events, which are becoming annual events and guidance is not keeping up, and in relation to surface water management. He expressed the view that the problem with water is it will find the lowest point it can and get into the foul water system, which members have heard examples of. Councillor Booth expressed further concern regarding the size of this development on this site in this village and personally feels it goes against policies LP3 and LP12 with the extent of it. He acknowledged that there had been debate on this issue at the last meeting but he does not feel reading the minutes that a decision was reached one way or another and the issue was fully debated. Councillor Booth expressed the opinion that 88 houses on this site is going against what was envisaged when the Local Plan was developed, this is 11.5% growth in this village in one go with a threshold of 15% for all growth over a 20 year period so he feels that it is not a modest small extension to the village and he also feels that location is encroaching into the open countryside.
- Councillor Miscandlon made the point that this application is Outline for access only and to erect up to 88 dwellings, with certain conditions coming forward when it comes to the Reserved Matters application, but at the moment all members are dealing with is the principle of development on this land. He feels that the authorities have given their opinions on the subject of flooding, which has to be taken at face value as members do not have the technical expertise and if members are not happy with the explanation and assurances at the Reserved Matters stage then there is the opportunity to say no at that time.
- Councillor Mrs French made the point that the application was debated at length at the previous committee meeting and Nick Harding stated that members were only here today to discuss flooding issues and receive expert advice.
- Councillor Cornwell agreed that in the introduction it was very clear from officers what decisions the committee was going to have to make today and it was all around flooding, so members cannot take anything else into account.
- Councillor Mrs Bligh agreed with Councillors Mrs French and Cornwell that, as it was deferred, the only decision members need to make is regarding the flooding, as the committee said it was satisfied with everything else. She feels that having all these representatives saying as far as they are concerned the development is acceptable, members have no choice but to go with officer's recommendation.
- Councillor Benney made the point to the residents that everyone has reservations about the development and they might think the committee is making a bad decision on their behalf, but as councillors they have to listen to the technical experts, who are saying the drainage scheme works, and have to abide by policies.

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

*(Councillor Mrs Davis declared that she was pre-determined in relation to this application and took no part in the discussion and voting thereon)*

**CHANGE OF USE FROM RESTAURANT AND 2-BED DWELLING TO MIXED USE OF 7-BED UNIT FOR ACCOMMODATION OF UP TO 18 RESIDENTS WITH SHARED COMMUNAL FACILITIES AND 2-BED DWELLING INVOLVING RETENTION OF EXISTING OUTBUILDING FOR STORAGE AND DEMOLITION OF EXISTING SHED (PART RETROSPECTIVE)**

Nikki Carter presented the report to members.

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

Mr Bevens stated that the project began in July 2020 when they entered into pre-application discussions with officers for a 7-bedroomed HMO whilst retaining the existing 2-bedroomed dwelling and during these pre-application discussions, the size of rooms were outlined as well as bathroom provision. He expressed the view that it was noted that the bedroom spaces exceeded the requirements of the licensing regime and a large communal kitchen and lounge area were provided, which would reduce the need for outside space to be utilised and the likelihood of noise and disturbance to neighbouring properties.

Mr Bevens expressed the opinion that giving weight to appeal decisions it is recognised that occupiers of HMOs have a low level of car ownership and the existing use of the building as a restaurant and B&B would generate a high level of vehicles visiting the site which would be required to park on the street. He made the point that officers pointed out that Station Road is relatively wide at this point and there are no restrictions to roadside parking in the immediate vicinity, with the site being in a sustainable location in close proximity to facilities, which can be accessed by walking, cycling and public transport to other settlements.

Mr Bevens stated that the application was submitted in December 2020 and he was advised to refer to it as a large HMO, which has a sui-generis class in the same way as a hostel, and after submission it was suggested it was a hostel, but it is more likely to be used under the description of an HMO and the applicant is happy to apply for the relevant licences. He expressed the view that the occupants are likely to be seasonal workers, not employees of the applicant, who are likely to stay for lengths of time to suit harvest and general agricultural work requirements and, therefore, likely to reside at the address while employed in the local economy and also supporting local shops.

Mr Bevens expressed the opinion that the scheme has been substantially reduced in both the built form and overall numbers in the last 8 months, with numbers reduced but still ensuring the scheme remains viable to implement with the amount of repair and refurbishment required within the existing building. He stated that he has actively engaged with the planning officer and statutory consultees to address concerns, some of which have been raised by neighbours, and recent conversations have taken place with Highways to ensure sufficient on-site parking and turning is provided to allow vehicles to enter and exit the site in forward gear offering a much improved situation to the existing and previous use where vehicles often reversed out, which will mitigate concerns raised about the access.

Mr Bevens stated that bin storage will be provided in line with guidance received in February, with the number of occupants having reduced since then, but there is sufficient space on site for additional bins and the applicant will consider private collection if this is considered preferable. He expressed the view that, contrary to some objections, the Police have only visited the site once, which was in October 2020, which is before this application was submitted and the Police have provided them with written confirmation that this part of Manea does receive calls on a regular basis, but they are not linked to this property. He added that the applicant has upgraded security

to the property with the installation of CCTV.

Mr Bevens made the point that they have confirmation from the previous owners that they had B&B accommodation at the address for up to 9 adults in the main building, which was without the additional rooms that the applicant is seeking to refurbish or renovate as part of the proposal and they also used their 2-bedroomed annexe as B&B accommodation for a further 4 adults, which meant at peak times there were 13 adults at the address. He referred to LP2, which can also be read in a positive way with this application as it states that sufficient and the right mix of houses to meet people's needs in the right locations should be created, and, in his view, this proposal supports the local economy and is in a central location with access to local amenities so it is the right location.

Mr Bevens feels it should not be assumed that there will be crime or anti-social behaviour caused by the proposal being approved in the same way as a scheme for flats in a town or village centre would be. He made the point in relation to LP15, Highways confirm they are happy and raise no objections, with the pre-application discussions mentioning the relatively wide area of Station Road, the site is served by public transport and the train station is within 1 mile of the site, so, in his view, this is a sustainable location. He expressed the view that LP16 can be interpreted to support the proposal, it will reuse and retain an existing building largely unaffected by the proposals externally meaning minimal disruption to the street view and improvements made to noise and insulation standards to required building control requirements.

Mr Bevens stated that the officer noted in pre-application discussions that the amenity space was not a direct issue by virtue of the large kitchen and lounge and this would reduce the need for outside space. He made the point that the application proposes 7-bedrooms and 7 bathrooms, with an additional 3 WCs and, in his view, the positives outweigh the negatives and he hoped members would support the application.

Member asked questions of Mr Bevens as follows:

- Councillor Benney asked if the building was occupied or empty at present? Mr Bevens responded that there are people in the property.
- Councillor Benney asked if there have been any disturbances that he is aware of or been made aware of since the previous instance? Mr Bevens advised that he has asked the applicant and he has referred back to the only instance being in October 2020, subsequently CCTV has been installed which is monitored and there have not been any other instances that he is aware of.

Members asked questions of officers as follows:

- Councillor Mrs French expressed concern that the Housing Options Team are not involved with this and asked if there have been any updates from the Gangmasters and Labour Abuse Authority? Nikki Carter confirmed that no comments had been received.
- Councillor Mrs Bligh stated that when she went on the site visit the area outside this property was coned off and it has been said there were no parking restrictions and asked if this is something that is regular? Councillor Mrs French responded that Anglian Water were putting cones out to undertake some repairs.

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

- Councillor Miscandlon referred to the CAD drawing, which makes the proposal look so clinically clean and straightforward, but, in his view, the reality is different as it is a hotchpot, cramped and over intensification. He feels the officers have got the recommendation right.
- Councillor Murphy expressed the view that it might not fall within the HMO legislation, but for all intents and purposes it is. He feels, with this number of residents, there is going to be a significant detrimental impact to the centre of a very quiet and peaceful village, it should be located in a more rural setting than in the centre of a village. Councillor Murphy expressed the opinion that the site is incapable of presenting sufficient space to

accommodate the number of bins required and there will be overflow to be stored and who will pay for that, which will create an unacceptable sight of overflow into the street scene causing a health and wellbeing problem. He made the point that the Parish Council object to the proposal and there are an outstanding number of 84 local residents objecting, which he feels tells the true story. Councillor Murphy referred to Fenland's Local Plan Vision Statement which says to make our market towns and villages more attractive places to live, in his view not this development, Policy LP2 sets out points on health and wellbeing on right locations and avoiding adverse impacts, in his view not this development, Policy LP15 sets out designing schemes to provide car and cycle parking for the amount of development proposed also with sufficient turning space, in his view not this development, and Policy LP16 sets out to deliver and protect environments that do not impact on the amenities of neighbours such as noise, light pollution, loss of privacy and loss of light, in his view not this development. He feels that this application is inappropriate, ill thought out, badly conceived and does not do anything for Manea whatsoever and the officer's recommendation is completely right

- Councillor Cornwell agreed with the all-embracing comments of Councillor Murphy and given the number of objections to this application shows how inappropriate it really is.

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

**P39/21      F/YR20/1157/F  
TP24, WEST PARK STREET, CHATTERIS  
CONVERSION OF EXISTING BUILDINGS TO FORM 7 X DWELLINGS,  
COMPRISING OF: 1 X 3-BED 2-STOREY HOUSE AND 6 X FLATS (4 X 1-BED & 2  
X 2-BED) AND ERECT AN APPROX 2.1M HIGH BRICK WALL AND 1.2M HIGH  
FRONT BOUNDARY WALL AND RAILINGS**

Gavin Taylor presented the report to members.

Members received a written representation from Jamie Eames, an objector, read out by Member Services.

Mr Eames stated that this representation comes in addition to his earlier comments posted on the public record regarding the application and whilst he would have wished to address the committee in person he could not get the time off work. He informed members that he is a GIS professional, with over 13 years experience, he has a master's degree in GIS with the focus being on Transport and Planning, his current professional role is in transport planning in the environmental services industry and he is a registered Chartered Geographer.

Mr Eames expressed concern around the parking and the safety of the highway with this application, with parking being a significant local issue. He expressed the opinion that there is evidence of cars parked on both sides of South Park Street, such that it is difficult for large emergency vehicles to access the road and a situation so desperate that during his survey he was able to gather evidence of multiple instances of illegal parking. He added that emerging from South Park Street onto West Park Street is already often an extremely risky undertaking and you can never be sure if there is a vehicle coming from the right owing to the level of parking routine to the area.

Mr Eames expressed the opinion that the original parking survey is flawed in three main areas:

1. 18:30 is not sufficiently late that most people will be home from work, with a large number of residents working in Cambridge or Peterborough, having at least an hour's drive home assuming they do not have to go shopping, collect children or attend a sports club and many people would not arrive home until at least 18:30 and in many cases later assuming a 17:30 finish time. A 17:30 survey time is more representative and given more time he would

- have liked to conduct sampling on multiple nights at different times.
2. The survey notes three public car parks between 5-10 minutes walk from the proposed development, but 10 minutes is not a reasonable walk to get to or from your own car. Imagine the scenario of a person completing their weeks shopping and unable to park near their home, parks in the car park 10 minutes from home, they cannot empty the car in a single load and it takes 3 trips to unload the car; two round trips and one one-way, which would mean a total of 50 minutes just to unload shopping. Imagine another scenario of a pregnant person being at home when her waters break and has to walk with her partner for 10 minutes while in labour just to get to the car to go to hospital.
  3. These car parks only allow for 24 hours of parking, a time limited car park is not necessarily useful to someone who does not use their car every day.

Mr Eames expressed the view that the application does not comply with the Parking Allocation Policy set out in Appendix A of the Fenland Local Plan, with this application having nil provision when the policy sets out at least 10 are required. He notes that special exemptions for being close to the town centre can be applied, but feels this exemption might make sense in a major city or large town with exceptionally good provision of public transport and a vibrant jobs market, but neither is true of Chatteris, with the town having no train station, an inadequate bus service and the majority of residents not working there so, in his view, the exemption does not stand up to public scrutiny.

Mr Eames drew members attention to the continued resistance of Cambridgeshire Fire and Rescue Service as this development would endanger the lives of local residents in the eventuality of a fire should sufficient access not be possible. He urged members to reject the application, but if the application is approved, he urged that the approval notice be suspended until further avenues for reconsideration are considered.

Members asked questions of officers as follows:

- Councillor Miscandlon referred to the front view of the property making the point that the front area looks wide enough to park vehicles and asked if this was to be used for residents to park? Gavin Taylor responded that whilst the area can accommodate vehicles, it is quite narrow so it would involve several manoeuvres to leave in forward gear, which is why it has been negotiated to be a pedestrian access only to be installed prior to first occupation.
- Councillor Booth stated he has read the comments of the Fire and Rescue Service and asked for clarification that these will get picked up as part of the Building Regulations application? Gavin Taylor responded that there has been extensive consultation with the Fire and Rescue Service and as the proposal is for flats their issues will be addressed through the Building Regulations procedure.
- Councillor Mrs French asked if the access is in the ownership of the applicant? Gavin Taylor advised that he understands the applicant has agreement with the adjoining landowner to align and improve the access. Councillor Mrs French stated that she visited this site on Monday and was approached by a person who said he owned the access and would not be allowing the applicant use of it.
- Councillor Cornwell asked if the only access to the house is through a small footpath to the side? Gavin Taylor confirmed that it was, with the footpath being just under a metre wide and leads to the entrance door to the house.
- Councillor Mrs French stated that the adjoining neighbour parks his car over this access. Gavin Taylor stated that during visits to the site by officers the accessway was available for them to utilise.
- Councillor Benney advised that he visited the site on Monday and the accessway is completely fenced off across the footpath, which the neighbouring resident states that they own and, in his view, there is no access to the side. Nick Harding made the point that grant of planning permission does not give the right of access over land not in the applicant's ownership and this would have to be obtained by the applicant. Councillor Benney expressed concern that members are being told one thing, but on the ground it is something

different. Gavin Taylor advised that he was on site about two weeks ago and he was led from the front down the side accessway, with the application form also naming the neighbouring landowner.

- Councillor Booth asked if a condition could be put on the proposal regarding construction vehicles not parking in the road, although he is not sure how this could be undertaken as they may be problems getting materials to the back of the site and it could cause issues in the area. Gavin Taylor responded that depositing items on the highways is a contravention of the Highways Act, with the front of the site being able to be used until it needs to be closed off prior to first occupation. He made the point that it is the responsibility of the owner to abide by any rules and regulations.

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

- Councillor Cornwell expressed the view that this proposal is over-development of the site. He feels that the flats bring the opportunity to protect the chapel building and the street scene, but he cannot understand the rationale for the house to the rear or the strange access arrangements.
- Councillor Benney expressed serious concerns about fire risk, especially due to the issues with the access. He feels it is over-development, not in a Town Centre or commercial area of the Town. Councillor Benney made the point that if the proposal does not lie in a Town Centre location, it should provide parking, with the parking in this area being horrendous.
- Councillor Mrs Bligh made the point that there are some beautiful buildings in Chatteris and whilst she would like to see this building redeveloped it cannot be done in a way that would cause parking issues or multiple movements of vehicles as it would cause chaos. She feels the proposal should be refused.
- Councillor Mrs French expressed her concern about parking issues and referred to the Highways response regarding parking displacement, with civil parking enforcement needing to be looked at seriously as public car parks should not be relied on to provide parking for private developments. She expressed the view that refuse collection is going to be right at the front of this building and the use of obscure windows in rooms that are not bathrooms is nonsense. Councillor Mrs French stated that it is a beautiful building that needs to be retained and developed, but not in this manner.
- Councillor Miscandlon made the point that if the proposal is approved with the front entrance to be bricked up for pedestrian access, it could still be opened up for residents parking destroying the view of a very nice building.
- Councillor Benney asked what kind of development is being created by the use of opaque glass, the proposal is for proper flats which have no visual impact and, in his view, the proposal is not providing good quality designed housing for people.
- Councillor Murphy agreed with the comments of other members and the comments he made in relation to application F/YR21/1257/F he could have reiterated on this application. He made the point that he has lived in Chatteris all his life and there is no car park in this location.
- Councillor Booth agreed with the comments of Councillor Cornwell and whilst it is reuse of a building there are still parking issues as residents will not park in a public car park 10 minutes away but as near as they can, which just displaces the problem. He feels more thought needs to be given to the rear of the land and whether this is over intensification and the applicant should go away and bring back a more suitable plan. Councillor Booth asked for officer's comments on the fire risk and parking issues.
- Councillor Mrs Bligh agreed with the comments of Councillor Murphy and what he said on the previous application. She cannot see any difference between the two applications and members should be consistent, with this application, in her view, not complying with Policy LP12.
- Gavin Taylor stated that the Fire Service have looked at the plans and identified that access is an issue, but that the application proposes a sprinkler system. He made the point that because the proposal is for flats, the Fire Service would automatically feed into the consultation and finer details would be picked up as part of the Building Regulations

process. Gavin Taylor acknowledged that this application does not comply with the parking policy, with the policy worded as central area to the town and this location is just outside, but officers felt the benefits of the scheme outweigh the parking issues and any amenity harm.

- Councillor Miscandlon asked if the Fire Service request for a fire sprinkler had been brought forward? Gavin Taylor stated that this is a matter for the Fire Service and Building Regulations.

**Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be REFUSED against officer's recommendation.**

**Members do not support officer's recommendation of approval of planning permission as they feel the proposal does not bring high quality health and well-being benefits to residents with obscure glazed windows which do not provide a view and provide a poor standard of homes, and it is over intensification of the site with provision of the housing to the rear.**

It was suggested that parking also be used as a reason for refusal, but on the advice of the Head of Shared Planning this reason was withdrawn.

**P40/21      F/YR21/0267/F  
FARM BUILDING BANK FARM, WHITTLESEY ROAD, BENWICK  
CHANGE OF USE OF AGRICULTURAL BUILDING TO 5 X 2-STOREY  
DWELLINGS WITH DETACHED SHED AND BIN STORES COMPRISING OF 2 X 3-  
BED AND 3 X 2-BED AND FORMATION OF A NEW ACCESS ROAD**

Gavin Taylor presented the report to members.

Members asked questions of officers as follows:

- Councillor Booth asked if his understanding is correct that if the applicant only wanted 2 units in this barn he would not even need to get planning permission? Gavin Taylor responded that they could apply for Prior Approval Consent as they did previously for two dwellings, but have to be mindful that the site has been assessed previously for residential use for 5 dwellings as set out now and there were no significant concerns in terms of harm at that point albeit the assessment criteria is somewhat different for Prior Approval. He reiterated that the applicant could technically submit a Prior Approval Consent for two dwellings and subject to demonstrating its acceptability it may benefit from permitted development.
- Councillor Miscandlon stated that this application lies within his ward and he has watched the buildings deteriorate. He made the point that only the front barn is being developed, when there is another barn behind it and asked why this second barn was not also being developed or has this not been considered? Gavin Taylor responded that he did enquire about the future of this barn and he was told it was for low level storage at present.
- Councillor Booth expressed the view that the number of units being proposed presents a cramped and not high quality design due to the way the units are laid out and asked officers views on the quality of the design? Gavin Taylor responded that a conversion of an agricultural barn under Permitted Development Rights is for limited external works so essentially the building still looks like a barn, with the applicant proposing limited external works. He made the point that barn conversions do vary in terms of what the barn is, with each application assessed on its own merits, and this application does not raise any significant concerns or amenity issues and a range of house types are required in the District.

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

*(Councillor Mrs Mayor had left the meeting prior to this application and any remaining applications being considered)*

**P41/21**

**F/YR20/0861/F**

**PHASE 4 LAND AT BASSENHALLY FARM, DRYBREAD ROAD, WHITTLESEY  
ERECT 130 X DWELLINGS (8 X 3-STOREY 4-BED, 18 X 3-STOREY 3-BED, 26 X  
2-STOREY 4-BED, 59 X 2-STOREY 3-BED, 19 X 2-STOREY 2-BED) WITH  
ASSOCIATED GARAGES, PARKING AND LANDSCAPING**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Dwan, on behalf of the applicant.

Mr Dwan advised members that he is the new Planning Director for Larkfleet Homes and he is delighted to present the fourth and final phase of the Bassenhally Farm development. He made the point that Outline permission was granted in 2010 and, therefore, the principle of development has been established, with the layout and design in line with the other parts of the development and this proposal forming an integral part of the Whittlesey Green development.

Mr Dwan stated that as part of the proposal particular regard has been made to maintain access to the sports field, which will be utilised and improve the access of Drybread Road. He expressed the view that the general framework of development including drainage, and open space provision is in accordance with the approved outline scheme and original master plan, with extensive open space being provided on the site in line with the wider open space delivery overall.

Mr Dwan stated that Larkfleet have worked closely with officers throughout the application responding successfully to the comments received resulting in the scheme members have for consideration. He feels the responses from statutory consultees have been positive, with no objections made and with just a minor number of additional conditions proposed to clarify certain details of design matters.

Mr Dwan noted the comments of the Town Council regarding the internal road layout and their desire for the restriction to stop vehicles travelling through the site onto Drybread Road, but Larkfleet has been professionally advised that the approach is entirely appropriate from a technical delivery perspective and offers the most appropriate scheme from a permeability perspective, with this position being supported by the County Council who offer no objection. He further notes the comments of Whittlesey Athletic Football Club within the report with respect to their relocated gates and they would be willing to see how they can assist them.

Mr Dwan expressed the opinion that given the aforementioned considered approach that has been followed they would welcome support in approving the application to allow them to complete the Whittlesey Green development.

Members asked questions of Mr Dwan as follows:

- Councillor Booth asked, in relation to Whittlesey Town Council's comments, did Larkfleet discuss the design put forward with them and are they willing to reconsider the layout? Mr Dwan stated that he has only been in post for a month and it was his predecessor that would have had the detailed discussion. Councillor Miscandlon stated, as Chairman of Planning at Whittlesey Town Council, Larkfleet did attend and gave them a presentation which resulted in the new access for the football ground and various other layouts, which in hindsight the agent presenting to them accepted did not work and they did redesign the top end of the site, but they did not concede to them about the restriction of traffic from A605 to stop Drybread Road becoming a "rat run".

- Councillor Booth asked if Larkfleet would be willing to revisit and re-discuss? Mr Dwan responded that the site is looked at technically and what works best for future residents, with there being no highways concerns raised. He expressed the view that he would not like to see obstacles put in the way of residents to get through the estate if they live there and it is believed the road layout is the best design solution in this instance.

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

- Councillor Booth stated that he was concerned that Whittlesey Town Council's comments could not be incorporated, but hearing the explanation of the developer he is satisfied that it is a suitable development, there is no technical reasons to object to it.

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

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)*

**P42/21**

**F/YR21/1123/F**

**WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE**

**ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW ACCESSSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE**

Nick Thrower presented the report to members.

Members received a written representation from Blair Simpson, an objector, read out by Member Services.

Ms Simpson stated that her representation was on behalf of the residents of Westfield Road who strongly object to the plans as there is currently a covenant on the land and the current occupant of the Woadmans Arms has spoken to several residents regarding this telling them that he would be using Westfield Road as an access point, although this was clarified at the last meeting that this is not the case. She asked that before permission is granted that terms are put in place so that at no point can access be made into Westfield Road via any of these properties.

Ms Simpson stated that the residents of number 10 and 11 would like to know who will be responsible for the fences on the side of their properties as well as the fence that sits between Westfield Road and the Woadmans Arms, which was erected by the current occupier. She referred to the previous meeting, where the application was deferred as the highway report had not been received and it was also mentioned by the committee that adding 4 dwellings to the site would be overpopulated, which is something the residents feels strongly about and queried why it had been returned to committee without any new plans.

Ms Simpson asked that if planning permission is granted residents would like working and delivery hours to be clearly stated as well as reasonable timescales for the building work to be completed by. She expressed the view that Newton-in-the-Isle is a beautiful, quiet village and although it would be a shame to lose the pub, residents do believe adding properties to this piece of land would be great, but it needs to be the right properties and the right amount, not just something that someone can make a quick bit of cash from.

Members asked questions of officers as follows:

- Councillor Mrs French asked for clarity on whether a condition will be put on the proposal so that Westfield Road cannot be used as an access? Nick Thrower responded that a condition is not proposed on the recommendation in front of members. He read out the wording of the covenant, which provides only agricultural purpose access from this land

onto Westfield Road, with the site adjoined by the highway boundary and a verge, and does not give anyone a right of access, therefore, it is not felt there needs to be a condition imposed.

- Councillor Mrs French stated that it would be terrible for residents if access was allowed and there is also a very old Silver Beech tree that needs to be taken into account. She asked what would happen if residents of the application site started using it as an access? Nick Thrower stated that they would need the consent of the Local Highway Authority as they would be crossing highway land.
- Councillor Booth made the point that the covenant could be changed in law and an application could be made to the Highway Authority to install a dropped kerb. Nick Thrower responded that this could in the same way any access for any development site could be changed in the future. Councillor Booth questioned that protection is quite limited as the access arrangements could be changed. Nick Harding responded that an additional condition could be placed on the application to say the fence needs to remain in perpetuity, but an application could be made to vary that condition.
- Councillor Miscandlon expressed the opinion that the agent should have made the effort to get the covenant rescinded so there is certainty on who is going to own and maintain the road to nowhere. Nick Harding stated that the matter of the covenant is not a material planning consideration and officers cannot dictate how a parcel of land is divided between particular properties.
- Councillor Mrs Bligh expressed the view that no access should be allowed through Westfield Road, she wants to be certain this does not happen and any powers should be used via a condition to ensure it does not happen.
- Councillor Booth expressed concern about the marketing exercise as the timing of the marketing was undertaken at the start of the pandemic which would have serious implication on whether anyone would have wanted to take on a pub. He feels the marketing is not robust, it is the only community facility in Newton-in-the-Isle and it needs to be protected. Councillor Mrs Davis reminded members that the application was deferred from a previous meeting for highways and over-development reasons only, therefore, marketing reasons cannot be considered. Councillor Booth acknowledged this, but he was not at the last meeting and he is being asked to make a decision on matters before him and it is a consideration which he does not think was picked up at the last meeting. In his view, the marketing was undertaken at the wrong time, with the officer's report making no mention of the fact it was undertaken during the pandemic and the effect this would have on the marketing exercise.
- Councillor Mrs French agreed that the application had been deferred for specific reasons. She does feel that the pub was last opened in 2017 which is more than adequate time.

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

- Councillor Mrs French expressed concern with the application, with there being a horrendous bend going out of the village, which, in her view, is an accident waiting to happen but acknowledged that highways do not support this view. She feels that committee has no choice but to approve the application, although she is not happy with it.
- Councillor Booth agreed with Councillor Mrs French, with Highways taking a different view which does not take into account human nature.

**Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation, with the additional conditions of the fence to be retained in perpetuity and submission of a construction management plan.**

*(Councillor Cornwell abstained from voting on this application)*

**P43/21      F/YR21/0455/F  
1 EASTWOOD END, WIMBLINGTON**

## **ERECT 3 X DWELLINGS (2 X 3-STOREY 5 BED AND 1 X SINGLE-STOREY 2-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING**

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, a supporter.

Ms Freear expressed the opinion that this is a replacement of an existing dwelling, this and the fact that permission has been granted for one property goes against the rules of the elsewhere location reason for refusing permission. She made the point that following a fourth appeal, Eastwood End is not seen as a settlement in its own right and its status was a matter of judgement, with the Inspector concluding that Eastwood End was an outlying part of the larger settlement of Wimblington.

Ms Freear expressed the view that a recently granted scheme for 3 dwellings directly opposite reinforced this finding and, therefore, refusal cannot be based on LP3 saying that it is an elsewhere location. She noted that the report states that character harm has already been caused by preparatory works, but she fails to see how this can be deemed to be character harm when other developments which, in her view, will cause significant change to urban areas have been allowed, and compared to other developments she does not believe this could be classed as stark and overbearing development.

Members asked questions of Ms Freear as follows:

- Councillor Booth asked if she classes this area as part of the envelope of the village? Ms Freear responded that, having lived in Wimblington for five years, she would always have classed Eastwood End as part of Wimblington.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that the applications site sits opposite a site with planning consent for 3 large dwellings and included within that consent was an extensive footway linking Eastwood End to Wimblington village centre. He acknowledged that officers have been consistent in their conclusion that the area fails to meet LP3 as it is outside the village and in an elsewhere location, however, the committee decision for the 3 dwellings opposite plus other appeal decisions in the local area have arrived at a different conclusion that the site is an outlying part of the larger settlement of Wimblington, with the new approved footpath reinforcing this and providing a link to the village.

Mr Walford expressed the opinion that the scheme has been designed as a continuation of the newly approved scheme opposite with a significant enhancement to this portion of Eastwood End and will significantly improve Highway safety on a very tight and blind bend. He made the point that both the Highways Authority and the case officer have confirmed that the proposed scheme does not present adverse highway impacts and that the requested visibility splays can be achieved on the road for that specific speed limit and furthermore the case officer has confirmed due to the nature of the road at that point it is likely that the actual speed are going to be much lower and, therefore, the visibility splay would be much less than that shown.

Mr Walford stated that at present there is one habitable dwelling on site, with the entire application site being domesticated garden and this proposal seeks to demolish this bungalow and rebuild 3 new dwellings which will be in keeping with the development opposite giving a net gain of 2 dwellings on site. He added that the proposal remains linear to the character and, therefore, is in character with the development along Eastwood End.

Mr Walford expressed the view that the case officer has also confirmed that the dwellings are

acceptable from a residential amenity point of view and overlooking aspect, and has acknowledged that the scheme would make a modest contribution to the housing provision within the District and has the potential to support local employment during construction and the wider benefits of the village facilities. He asked that members support the application.

Members asked questions of officers as follows:

- Councillor Cornwell asked what is the real difference between this application and approval opposite? Nick Thrower responded that the site opposite was also recommended for refusal by officers and the recommendation was overturned by Planning Committee on the basis the proposal provided a pedestrian link between Eastwood End and Wimblington and, therefore, was considered to carry benefits with it that outweighed the harm caused in terms of the location.
- Councillor Cornwell questioned why this application is before committee when the committee had already taken that decision and this application is no different? Nick Thrower stated that this proposal does not come with the benefit of providing a pedestrian link which was approved under the previous scheme, this is purely a proposal for 3 houses in an elsewhere location whereas the previously approved application was for 3 houses in an elsewhere location with the benefit of providing a pedestrian link between Eastwood End in general and Wimblington. Councillor Cornwell made the point that, if the site opposite is providing the footpath link as a condition, would the residents of this proposal not also use this footpath link? Nick Thrower agreed that the future occupiers of this site would be able to use this pedestrian link, but this would not change the fact that the application is considered to be in an elsewhere location, where development is limited to that restrictive set of criteria appropriate to a countryside location. Nick Harding stated that officers were recommending refusal of scheme across the road, committee approved it so when it comes to this application officers are recommending refusal for the same reasons as the one opposite. He added that from committee's point of view, members are able to go against officer's recommendation, but need to identify the reasons why they want to do that as officers are still of the view that it is contrary to policy around development in this area of Eastwood End.
- Councillor Booth recognised that Councillor Connor asked for this proposal to come before committee as he assumes that he has concern that the one opposite had been approved and officers are recommending refusal on this one, so he assumes Councillor Connor supports this application being a councillor for that area. He queried the definition of elsewhere locations, if residents see this as part of the village and local councillors feel it is part of the village surely this position should be taken on board because there are not any defined boundaries that tell members where the village boundaries are, it is very subjective what is an elsewhere location. Councillor Booth stated that if you look at LP3, Eastwood End is not even mentioned as an elsewhere location, but he recognised that nowhere is mentioned as an elsewhere location but some of the smaller hamlets are mentioned and the fact that at appeal the Planning Inspector also considers it part of Wimblington. Nick Thrower responded that Councillor Booth was correct that LP3 identifies the settlements within the District, but it does not then define anywhere else that is not considered to be a settlement. He made the point that LP12 does, however, provide commentary on what is considered to be the built extent of the settlement and Eastwood End does clearly lie beyond what would be considered to be the built extent of Wimblington that is why officers have been consistent in recommending refusal on applications within Eastwood End and concluding that the applications are beyond the extent of the settlement. Nick Thrower expressed the view that the most recent Inspector's decision does make some commentary on that, however, it neglects to consider Policy LP12 and it also references the site opposite and neglects to consider the reason for granting that consent in terms of providing the pedestrian link to Wimblington, with that reasoning set out in paragraphs 9.1-9.4 of the officer's report.

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

- Councillor Mrs French stated that on reading the report she thought the site lay in the open countryside, but on visiting the site she was surprised to see what was opposite and her understanding is that further up the road there was another application won on appeal which was definitely in the open countryside on agricultural land. She feels that a precedent has been set by approving the development opposite and this application should be approved as well.
- Councillor Murphy agreed that a precedent has already been set in this area, it is not an issue regarding the footpath as residents from this development can just walk across the road to use the footpath and feels that common sense should be taken into account.
- Councillor Mrs Bligh agreed with the need for consistency and asked how it would look if committee has approved the application across the road and then do not approve this application. She acknowledged that the site lies on a bend, but it is no worse that has just been approved at Newton-in-the-Isle and she feels that common sense has to prevail and the application should be approved.
- Councillor Benney queried the area being deemed as open countryside as you have the inside part of Eastwood End being built on and the other side with 3 houses being built on as well and he cannot understand how this can be refused. In his view, there is a big bungalow in existence which is the footprint and probably the size of two of the houses that are going to be built so the building has been established on this site.
- Councillor Booth stated that committee needs to be consistent and feels this is classic example of what is the village and where it extends to, with another development changing the characteristic of the area. He cannot see how it can be refused as if it is it would go to appeal and, in his view, an appeal would be lost.
- Nick Harding stated that if a proposal were to be brought forward that goes against officer's recommendation he reminded members that they need to be looking at the two reasons for refusal and identifying why they consider that these reasons are not applicable to this development.

**Proposed by Councillor Benney, seconded by Councillor Murphy and agreed that the application be APPROVED against officer's recommendation, subject to reasonable conditions being delegated to officers to formulate in association with the Chairman, proposer and seconder.**

**Members do not support officers recommendation of refusal of planning permission as the feel that the proposal is not contrary to Policy LP3 as the principle of development already exists on the site, both the ward councillor and members of the community consider that Eastwood End is part of Wimblington, the proposal is making good use of the land and members are being consistent with previous decisions and planning appeals in this area, and they also feel it is not contrary to Policy LP16 as there are no heritage assets to protect, it will add to the local distinctiveness of the area, and the proposal would not detract but enhance the area as the bungalow on site is not an attractive building and the other development that has occurred in Eastwood End has improved the character of the area.**

*(Councillor Topgood had left the meeting prior to this application and any remaining applications being considered)*

*(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she attends Wimblington Parish Council Planning Committee meetings, but takes no part in the discussions)*

**P44/21**

**F/YR21/0508/O**

**LAND NORTH EAST OF 80, COATES ROAD, EASTREA**

**ERECT UP TO 5 X DWELLINGS AND THE FORMATION OF NEW ACCESSES**

**(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent.

Mr Edwards stated, under LP3 of the Local Plan, Eastrea is a small village which means development will normally be considered on its merits and normally be of a very limited nature and limited in scale to residential infilling or to a small business opportunity. He emphasised the word “normally”, as, in his view, similar plots were approved in Wype Road by the committee and several others in the same classification of village, which has extended the village boundaries.

Mr Edwards expressed the opinion that, if this application is approved, there will be a gap of 300 metres before the development of Minuet Paddocks in Coates and made the point that there is a current application extending Coates towards their application site, which has not been determined, which would be approximately 85 metres whereas their site is only 78 metres, with this application having been in the system since last year and has been extended only recently. He would argue the to be determined development would close the gap more than this application as it is still being considered with no approval in place and he feels that their current proposal has come forward now, and the land at Coates should be defined as agricultural and increase the gap.

Mr Edwards expressed the view that the line of development of this proposal is to the extent of the road frontage owned by the applicant, with the land to the rear remaining in agricultural use serviced through the adjacent field not in their ownership, but both fields have been farmed together for a number of years. He expressed the opinion that the Council would be in control of this gap and can resist any further applications should they feel necessary.

Mr Edwards made the point that if both applications were approved the gap between Coates and Eastrea would be at least 2 fields and approximately 220 metres, which is vastly more than exists on the opposite side of the road and will maintain the separation of the two villages. He expressed the view that, it has mentioned on many occasions at this committee, road frontage plots are massively valuable to housing supply in the District and are at a prime, with plots like these being developed by self-builders and small developers that are being priced out of the larger sections of land due to the costs of infrastructure, and small builders and developers employ local tradesmen and agents and buy local from local merchants, which in turn contributes to other businesses in the District.

Mr Edwards stated that the site is within Flood Zone 1 and the Highway Authority have no objection to the proposal, with any points they have raised being dealt with as part of the Reserved Matters application. He expressed the view that landscaping can also be dealt with at the Reserved Matters stage, but should members feel that the installation of a native hedge to the eastern boundary would create a natural break they would more than happy to install this.

Mr Edwards asked members to support this application with the conditions felt appropriate.

Members asked questions of officers as follows:

- Councillor Booth asked if there has been any further formal recommendation from Whittlesey Town Council? It was confirmed that no further correspondence had been received. Councillor Booth requested clarification on the comments from Whittlesey Town Council, querying whether it was effectively from two individual councillors? Councillor Miscandlon responded that the reason it names Councillor Whitwell and himself is that Councillor Whitwell is the ward councillor who makes the decision on the proposal, then it comes to him as Chairman of the Planning Committee for approval and it is forwarded through from the Chairman of Whittlesey Town Council as the response from Whittlesey Town Council.
- Councillor Cornwell expressed the view that the issue seems to be how much of a gap does

one accept between two settlements for them to remain two settlements and asked if there was any advice available on how to interpret this? Nick Harding responded that the two key issues in relation to this application are is it or is it not an infill site and there is a definition within the Local Plan which defines what an infill site is and this proposal clearly does not meet this test because it is not a parcel of land sandwiched between two sets of buildings, there is massive gap on one side. He stated that the agent made reference to an application which is pending a decision further down the road, but committee resolved to approve that application contrary to officer's recommendation and this application is in the process of having the Section 106 signed so this application will come forward for a planning consent. Nick Harding advised that there is no hard and fast rule as to how big the gap has to be, it is a subjective decision for officers and committee to make, and in officers view given the very open nature of that geographic location it is quite obvious where the existing extent of built development ends and starts again.

- Councillor Cornwell asked if there was any difference in the classification of the villages of Coates and Eastrea within the Local Plan? Nick Harding stated that Coates is a limited growth village and Eastrea is small village.
- Councillor Booth stated that in relation to the villages having two classifications, Policy LP12 states that coalescence between two villages still applies even though they have different classifications so asked if that is the main policy that needs to be considered. Nick Thrower responded in the affirmative and Policy LP12 applies to all of the villages as opposed to the market towns and would apply to small villages and limited growth villages.

Members made comments, asked questions and responded as follows:

- Councillor Mrs French expressed the view that if this application is approved it would likely join the villages up and there would be nothing to stop another applicant putting an application in on the remaining land to join the villages.
- Councillor Booth stated that living in a village where there are two settlements with a defined gap he knows the importance of this. He recognises that Whittlesey is developing its own Neighbourhood Plan and is seeking to protect this as well.

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

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussion or voting thereon)*

5.26 pm

Chairman

F/YR21/0339/F

**Applicant: Mr Graham Gardner  
Waterfield Dudley Ltd**

**Agent : Mr Jamie Burton  
Swann Edwards Architecture Limited**

**Land North And West Of 47, Fridaybridge Road, Elm,**

**Conversion of existing barns to 1 x 4-bed and 1 x 5-bed two storey dwellings and erection of 8 x dwellings with garaging (6 x 2-storey 4-bed and 2 x 2-storey 5-bed) and associated works including demolition of existing dwelling**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations received and Parish Council comments contrary to Officer recommendation.**

---

## 1 EXECUTIVE SUMMARY

- 1.1 The application, which has been substantially amended during the evaluation phase in response to matters raised by statutory consultees proposes the erection of 8 dwellings and the conversion of the existing barns to form a further 2 properties, this representing a net increase of 9 dwellings on the site noting the demolition of an existing bungalow.
- 1.2 Matters raised during the consultation regarding the suitability of Wales Bank to accommodate additional traffic have also been addressed through the realignment of the dwellings originally annotated as Plots 6 & 7 to facilitate access via the shared estate access.
- 1.3 There are no technical objections that may not be resolved through the imposition of safeguarding conditions. Furthermore, the scheme is considered acceptable in terms of heritage impacts, character considerations and residential amenity and there would be no significant impacts that would warrant an unfavourable recommendation.
- 1.4 Similarly, the agent has addressed original concerns regarding biodiversity through the submission of appropriate studies.
- 1.5 The only outstanding issue relates to an 'in-principle' agreement being secured from the IDB regarding surface water discharge. However, this evidence deficit when weighted against the policy benefits in delivering 9 residential units on this sustainable site is accepted; having due regard to the fact that the requirements of the LLFA may be conditioned

## 2 SITE DESCRIPTION

- 2.1 The site comprises land associated with Redmoor House, 47 Fridaybridge Road albeit the host property sitting on a plot of circa 2280 metres being excluded from the application site boundary with the area to the east and west being reserved as private amenity land and parking to serve that dwelling.

- 2.2 Additionally 'Redroof' a neighbouring bungalow fronting Wales Bank also falls within the application site boundary, to the north-western corner.
- 2.3 Redmoor House is deemed a non-designated heritage asset by virtue of its age, dating to the early to mid-19th century, and its architectural and historic interest as a building of considerable scale and status in a rural locality, with later elements of the Gothic Revival style. The FDC Conservation Officer notes that *'the house and stables form a group value, and both appear on the 1840 Tithe Map as owned and occupied by one Joseph Blackburn, listed on the 1841 census as a farmer. Both also appear on the 1886 Ordnance Survey map, the barn indicated to show its present horseshoe arrangement, with a formal driveway to the front of the main property, leading to the front of the stable building. The 1900 Ordnance Survey map indicates the house in its current plan form. Both the house and the stable outbuilding are built in local gault brick to the front, and red brick to the rear ranges with slate roofs and have evolved as fashions, finances and requirements have dictated'*.
- 2.4 Situated in the village of Elm the site occupies a corner position to the south of Wales Bank and west of Fridaybridge Road. At the time of site inspection, a range of metal fencing and gates were apparent, and these appear to form a security function to secure the vacant site.
- 2.5 The eastern boundary of No 47 with Fridaybridge Road is enclosed by a combination of a low wall and post and rail fence, behind which are several trees. The sites northern boundary with Wales Bank is predominately enclosed by a 2-metre-high brick wall and the side elevation of one of the outbuildings. The north western part of the boundary adjacent to Redroof, is enclosed by a 1.8-metre-high wooden close boarded fence. There is low vegetation along the boundary of Redroof with Wales Bank and a field gate. The bungalow is set back from the road. The southern and western boundaries of the site are enclosed by planting.
- 2.6 As acknowledged in a number of the consultation responses received a number of large trees have been felled on site prior to the submission of this application, however these trees were not protected. However, there are a number of trees retained within the application site, primarily within the garden of No 47, adjacent to its boundaries.
- 2.7 Access to Redmoor House is derived from Fridaybridge Road although there is evidence of a further access located on the north-eastern corner of the site at the junction with Wales Bank.
- 2.8 There are existing dwellings to the north and west of the site along Wales Bank and to the south fronting Fridaybridge Road. The properties along the Fridaybridge Road frontage are predominantly two-storey with the dwellings in Wales Bank being a mix of two-storey and single-storey properties.
- 2.9 Immediately opposite the site (to the eastern side of Fridaybridge Road) 6 new dwelling are under construction, the outline approval for these having been allowed by appeal, and reserved matters subsequently approved.
- 2.10 A ditch runs adjacent to the southern boundary of the site and there is also an adjacent right of way which traverses to the rear of the houses to the south which front Fridaybridge Road.

2.11 The site is within a Flood Zone 1 location

### 3 PROPOSAL

3.1 The original scheme proposed 13 dwellings on the site and necessitated the demolition of the existing outbuildings to the north-eastern corner of the site. This scheme has been through a series of iterations following feedback from officers/consultees with the scheme now proposing -

- (i) the retention of the outbuildings and their conversion to two dwellings
- (ii) a total of 8 new units
- (iii) a reduced site area to enable the retention of more amenity space to serve Redmoor House
- (iv) It is also noted that the earlier access proposed to Wales Bank to serve two of the originally proposed plots has been deleted with all dwellings now accessed from Fridaybridge Road, this has necessitated the repositioning of the two plots to the north-western corner of the site with these properties now facing into the site.

3.2 The current scheme proposals comprise the erection of 8 new build dwellings and the conversion of the outbuildings to form 2 dwellings, this results in a net increase of 9 dwellings on the site (excluding Redmoor House which is outside the application site boundary).

3.3 Redmoor House and the proposed dwellings will be accessed from a new gated vehicular access to be created almost centrally to the Fridaybridge Road frontage (circa 30 metres from the southern boundary of the site and circa 33 metres from the Wales Bank junction, with the existing access to Redmoor House to the southern end of the site being closed, as will the access point to the north-eastern corner of the site. Each side of the shared access will be bounded by low level walls as a continuation of the existing front boundary wall with further walls introduced to the southern side of the access demarcate the boundaries of Redmoor House, these being 1.8 metre high with 2-metre-high piers.

3.4 The scheme comprises 3 house types, these being as follows:

Type A (5 No.) located to the middle section of the site with 2 located to the southern side of the access, and 3 to the northern side; the rear elevations of those to the north face Wales Bank. The Type A house type has a maximum footprint of 12.5 metres wide x 14.3 metres deep (with 4.5 metres of this being delivered as a single storey rear 'orangery', an eaves height of 5.1 metres and a ridge height of 8.5 metres and comprises 4 bedrooms. Each property features an integral garage however the internal dimensions of these are 2.85m x 4.9m, accordingly they do not qualify as a 'parking space for the purposes of Appendix A of the FLP. No materials have been specified with these annotated on the drawings 'as to be agreed'.

Type B (1 No.) situated to the north western corner of the site again with the rear elevation addressing Wales Bank. The Type B house type has a maximum footprint of 11.5 metres wide x 9 metres deep, an eaves height of 3 metres and a ridge height of 7.8 metres and comprises 4 bedrooms. This property benefits from a single garage, however again this is below the minimum dimensions outlined under Appendix A. No materials have been specified with these annotated on the drawings 'as to be agreed'.

Type F (2 No.) these are located to the south-eastern section of the site and each property will benefit from a double garage which largely conforms with the minimum dimensions outlined in Appendix A, excepting it is 6.8 metres long internally as opposed to the 7 metres specified. Plot 3 will be located immediately to the south-eastern corner of the site and will address the flank wall of Plot 2, with Plot 4 located centrally addressing the shared private drive. The Type F property has a maximum footprint of 12.3 metres wide x 11.4 metres deep, an eaves height of 5.2 metres and a ridge height of 8.4 metres and comprises 5 bedrooms. Again, materials have not been specified with these annotated on the drawings 'as to be agreed'.

- 3.5 Each property will benefit from private amenity space and parking to accord with the FDC minimum garden areas specified in LP16(h) and the Parking Standards specified in Appendix A, albeit the parking area at Plot 6 requires marginal amendment to extend its width – this being easily achieved within the existing plot confines.
- 3.6 The converted outbuildings will comprise 2 properties and the conversion will involve the erection of a two-storey addition to the internal courtyard section and the formation of a first floor to the western conversion (Plot 9). Courtyards will be created to serve each property, and this will require an infill of the existing boundary wall to Wales Bank to maintain its alignment (currently the boundary steps in). The eastern conversion (Plot 10) will comprise a 4-bedroom dwelling and will be delivered on a single level with the central section of the ground floor being associated with this property. The over sail (first floor) of this section will deliver bedroom accommodation associated with the western dwelling which is to be a 5-bedroom property. It is noted that the 2-storey extension was reduced in height following input from the Conservation Officer. Private amenity space is provided to each side of the conversions (east and western side) with parking provided to each property to the north of the shared drive.
- 3.7 The boundary wall will be retained to the Wales Bank frontage, infilled as highlighted in Para. 3.6. This wall terminates circa 32 metres from the western boundary of the site and will be continued with 1.8 metre close boarded fencing. Other boundaries within the site will also be formed by 1.8 metre close boarded fencing with hedgehog holes incorporated.

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

#### 4 SITE PLANNING HISTORY

F/0428/87/F	Change of use of storage building to residential	Refused 12.11.1987
F/0086/88/F	Change of use from agricultural building to Class B1: Business	Refused 12.05.1988

#### 5 CONSULTATIONS

##### 5.1 Elm Parish Council

(13.08.2021) *'On behalf of Elm Parish Council I have been requested to convey Members' continued strong objection to development proposals submitted under planning application ref. F/YR21/0339/F.*

*Of main concern is the latest drainage strategy for the site.*

*Under no circumstances should a drainage pipe be laid under Fridaybridge Road for the purpose of discharging water into the ditch located on the opposite side of the highway. The ditch lies adjacent to a residential development currently under construction and any additional discharge of water would create a flood risk for these properties.*

*Furthermore, Council is led to believe that there are already discharges into this ditch; which are NOT consented; this is currently under investigation.*

*Objections raised previously relating to highway safety, overdevelopment/overbearing nature of the proposals, concerns for protection of biodiversity and wildlife also still stand.*

*(09.07.2021) 'On behalf of Elm Parish Council I have been requested to convey Members' continued strong objection to the revised proposals submitted under planning application ref. F/YR21/0339/F.*

*The deletion of the access to Wales Bank in no way addresses risks presented by the junction of Wales Bank with Fridaybridge Road, it cannot accommodate the width of two vehicles and this regularly causes vehicles to wait on the main road for the junction to clear. The main access to the proposed development is far too close to the existing junction and would present added danger for both motorists and pedestrians.*

*Members are also particularly concerned that objections raised concerning provision for the disposal of both surface and foul water have not been addressed. As already reported, the flooding incidents suffered by residents further along Wales Bank during the period, December 2020 to January 2021 (when raw sewage backed up into properties) need to be taken into consideration and further pressure on the system has to be avoided at all costs. Council notes the objection submitted by the Lead Local Flood Authority in relation to; inadequate soakaway system; lack of infiltration testing and hydraulic calculations and inadequate mitigation measures for pollution risk; Members echo the concerns raised by the Authority.*

*The overbearing effect of the proposals still remains; residents of single storey bungalows lying adjacent and opposite the site would be particularly affected.*

*Members note the content of the Environmental Impact Assessment and would request that further surveys are undertaken as 'bat activity' is believed to be significantly more than has been reported.*

*Reference the site in general; it is an eyesore. The industrial gates and 'prison style' fencing that have been erected; without planning permission; present an ugly scene for residents and Council requests that the developer is made to comply with planning legislation'*

*(13.05.2021) 'On behalf of Elm Parish Council I have been asked to convey Members' strong objection to planning application ref. F/YR21/0339/F and would request that the following points are taken into account;*

*Inadequate provision for the disposal of both surface and foul water (Relates to LP14 'Flooding' Part (B) - The Parish Council is particularly concerned in relation to the findings submitted by both Anglian Water and the Lead Local Flood*

*Authority in respect of this application. There is already a high risk of flooding downstream as demonstrated in the period December 2020 to January 2021 when raw sewage backed up into properties located along Back Road (leading off Wales Bank). Additional pumping is already taking place to the rear of the affected properties and the proposed development would only add further pressure to the system.*

*With regards to the disposal of surface water, no on-site infiltration testing has been undertaken and hydraulic calculations have not been provided to demonstrate the performance of the surface water network.*

*Non-designated heritage asset located on site - In accordance with the National Planning Policy Framework para. 197, 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application'. The barns located on site are over 100 years old, they are of unique design and provide essential habitat for wildlife; it would be a travesty if they were demolished. Whilst not a listed building, the barns should be protected as a heritage asset. Consideration should also be given for protection of the old stone wall located on the boundary of the site.*

*Presence of a protected species and loss of biodiversity across the site - It is understood that bats are located on site; the presence of a protected species is a material consideration when a planning authority is reviewing proposals and it is essential that an Ecological Impact Assessment is determined.*

*Furthermore, there is currently no consideration given to ensuring that there is no net loss of biodiversity across the site. Councillors and residents are alarmed at the number of mature trees that have already been felled on site as well as other vegetation, resulting in the destruction of habitat for wildlife. Biodiversity policies relevant to this application are included under - LP19 The Natural Environment: 'The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland'. The following paragraphs should particularly be taken into account; The Council will - Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity. • Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*

*Highway safety – Wales Bank is already over-used by traffic (including HGV's) and presents danger to motorists negotiating the junction with Fridaybridge Road as it only permits access for the width of one vehicle. Proposals for the new development would create an access extremely close to this junction, thereby increasing risk for motorists at the location.*

*LP12 Rural Areas Development – Council is concerned that proposals do not comply with (i) LP12(d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance; - the development would mainly consist of large 2-storey houses which would create an overbearing effect on single storey bungalows lying adjacent and opposite to the site. The design proposals are not in keeping with the existing character and appearance of the area, smaller*

*properties would be more appropriate. (ii) LP12(g) The site retains and respects ecological, heritage and biodiversity features; The application is at odds with this requirement due to reasons already stated.*

*In addition to the above, I have been asked to highlight the apparent disregard shown by the developer in respect of adherence to planning regulations. Specifically, the heavy industrial gates and 'prison style' fencing which have been erected on the boundary and access gateway to the site without planning permission being sought in advance. The result is an unsightly mess which is causing distress to neighbouring residents.'*

Further comments were submitted by the Parish Council (09.09.2021) in addition to objections already submitted in respect of planning application ref. F/YR21/0339/F. *'Members request that the following issues; relating to the proposal to pipe surface water from the site under Friday Bridge Road; are fully investigated;*

- 1. A number of trees are growing directly out of the watercourse causing obstruction.*
- 2. The drain has not been maintained for many years.*
- 3. Plots currently under construction adjacent to the drain have had pipes laid onto the bed and covered with stone, some of these pipes are already filled with debris and one is already lost under stone used for the access.*
- 4. It would appear that the Redmoor site is 300 to 600mm below road level – investigations need to be made to ensure that there is sufficient fall of the proposed surface water scheme from the Redmoor house development. We understand that this is unlikely.'*

## **5.2 Cambridgeshire County Council Highways Authority**

Requested layout amendments to the original scheme proposals and clarification of access closures and reinstatement measures.

With regard to the latest layout detailed raises *'no highway objections subject to [...] condition [s]*.

Recommended conditions listed in relevant section of report summarised below

- Any gate or gates to the vehicular access set back the minimum distance detailed on the approved plan.
- Vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use
- Visibility splays shall be provided as shown
- No vehicular access(es) to Wales Bank.
- Existing access(es) to Wales Bank shall be permanently and effectively closed [...] within 28 days of the bringing into use of the new access.
- Buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.

## **5.3 FDC Conservation Officer**

Initially recommended refusal in respect of the 13-dwelling scheme noting that whilst Redmoor House and its associated outbuildings were outside the conservation area and not within the setting of any listed buildings they were

considered to non-designated heritage assets; with Redmoor House being identified on the Cambridgeshire Historic Environment Record under reference MCB2681.

Earlier planning history was acknowledged i.e. proposals in 1987 for the conversion of the outbuilding to residential was refused on grounds that it would represent an over-development of the site, coupled with poor parking and turning facilities and lack of private open space (F/0428/87/F). A further application for conversion of the outbuilding from agricultural to business use was refused on grounds of inadequate access (F/0086/88/F).

It was noted that no heritage statement had been submitted with the application and that the Planning Design and Access Statement made no reference to the site's status; therefore insufficient information had been provided with regard to Paragraph 189 of the NPPF and Policy LP18 of the 2014 local plan. Accordingly, the scheme in its original form was recommended for refusal.

Key concerns were identified as follows:

- Scheme neither sustains nor enhances the significance of the non-designated heritage asset and is contrary to policies 127 c and 192 of the NPPF given that the principal dwelling was divorced from its setting and enclosed with modern housing. Furthermore, the rear garden space was not considered proportionate to the size or significance of the property. The demolition of the stables and barns is considered *'wholly contrary to the ethos of sustainable development and policy LP18 of the local plan and paragraphs 127c and 192 of the NPPF. A scheme which saw the retention and re-use of the barns as converted residential units would instead be more consistent with these policies'*.
- [...] *'there is both historic, social and architectural interest in the site and that the stables and barns consequently hold interest in and of themselves but also contributes to the significance of the principal dwelling. The same is true of its setting. The scale of the impact on these elements (which includes the total demolition of the stables/barn) has not been articulated or in any way justified; nor have alternative schemes which sustain, preserve and enhance the significance of the site have, been considered'*.
- It was felt that the scheme should be amended to retain sufficient garden amenity land to the principal dwelling and that the stables and barn should be converted. Furthermore, any new build units should be designed to better reflect local character, materials and design detail.

In conclusion that FDC Conservation Officer commented that 'when weighed against public benefits, it cannot be assumed that a time-limited benefit to the construction industry occasioned by the building of the dwellings is sufficient to outweigh the harm of total demolition, loss of setting and impact on significance occasioned by the proposals, especially given the number, scale and the standard design of the proposed dwellings, the lack of indication of the use local materials, lack of architectural detailing or local style, lack of reference to the history and surviving buildings on site, and carbon impact of new dwellings (including demolition of existing buildings), which do not appear to have been designed with sustainability or the historic environment in mind, contrary to Local Policy LP16 a) and d) and NPPF 192 c)'.

(14.07.2021) Following the submission of revised scheme for 9 dwellings and the conversion of the existing barn to two further dwellings the Conservation Officer provided revised comments which may be summarised as follows:

- Noted that 'the principal dwelling is No. 47 'Redmoor House', Fridaybridge Road, Elm. Redmoor House is excluded from the application and it is not clear whether there is an intention for the site to remain as a single dwelling, or whether it is to be divided into flats. The end use may have an impact on the advice given under these comments.
- Again, acknowledged that the principal dwelling and its associated outbuildings are considered as non-designated heritage assets identified through the planning process and that their associated landscape forms their setting.
- Noted that 'a heritage statement has now been submitted with the application and the Planning Design and Access Statement references to the site's status as a non-designated heritage asset. Thereby complying with paragraph 189 of the NPPF and policy LP18 of the 2014 local plan.

Considers that the application requires further amendment, with the key issues summarised below:

- *'The proposal excludes the principal dwelling from the scheme, and while the Design and Access statement states that is provided with sufficient amenity space, the majority of this is to the frontage, and will be dedicated to parking. It is acknowledged that there has been an increase in garden provision to the rear, but it still stands that the majority is still to the frontage. The rear garden space is still bounded close to the principal dwelling and is not at all proportionate to the size or significance of the property. The removal of plot 1, would in heritage terms at least, provide a much-improved setting for the house. The loss of so much garden land in addition to recent modern development which has also impacted on the setting of this asset (without consultation with Conservation) would result in severing the last link between the asset and both its immediate and wider landscape setting – the result of cumulative change and impact, enclosing it with modern housing, which will neither sustain nor enhance the significance of the non-designated heritage asset and is contrary to policies 127c and 192 of the NPPF. Whether the dwelling is used as a single dwelling or subdivided into flats may further impact on the proposed setting of Redmoor House and though the redline excludes the house from the application, essentially the size of its plot is to be determined under this application'.*
- *'The retention of the stable block in this context, is therefore extremely welcome. A single storey range to the front, is connected to a 2-storey range to the rear by a further single storey element, with modern barns with asbestos sheet roofing, filling the courtyard space behind and between. The two-storey element is set well back and the arrangement of the infill, though it detracts from the character of the stables, does not overwhelm the single storey principal frontage. The proposed ridge height is half a meter higher than the existing building and there is danger that the proposed two storey infill element could appear overwhelming and overbearing to that principal frontage, and this should be avoided, either by a reduction in ridge height to one and a half storey, or given the size of the buildings, to single storey only, as by omitting one bedroom per plot, sizeable 3 and 4-bedroom conversions could still be achieved'.*
- *'The proposal seeks to demolish a later 20th century dwelling to the rear and there is no objection to this, as this building does not contribute to the setting*

- or significance of the principle dwelling or the stable block.'*
- 'The proposed new build units on site should be designed to better reflect the character of the heritage assets, in terms of materials (soft yellows or red brick, slate roofs) and design detail (arched or splayed stone lintels, Arts and Crafts timber detailing) and design detail, and with consideration to sustainability with reference to Local Policy LP16 a) and d) and NPPF 192 c)'.  
'
  - Without an understanding of the proposed use for Redmoor House, it is difficult to weigh the public benefits of the new builds against its loss of setting (setting is not the same as amenity space). Are profits from the new build to be invested into the repairs needed to Redmoor House? Harm occasioned to the stables will be broadly outweighed by the benefits arising from their retention and re-use, though an amendment to the ridge height of the central range would remove the possibility of any harmful impact arising from scale, to the front range and this should be amended'.

Recommends conditions should the application be approved relating to

- (i) the need to undertake a Level 3 Historic Building Recording on the stable block which should be lodged with the Cambridgeshire Historic Environment Record.
- (ii) samples of all external materials, including joinery details to be used in the construction of the development (both to the new builds and the stable) shall be required to be submitted to and approved in writing by the LPA

In relation to the submission of further information responding to the observations of the Conservation Officer the following (and final) consultation response was received:

- *'It is good to have an understanding of the current and proposed use of Redmoor House, which was omitted from the previous submission. However, regardless of whether Redmoor House is a single dwelling or multiple flats, it remains as a single architectural entity and so warrants a setting commensurate with its status. It is regrettable that the Council failed to consider that setting when approving adjacent schemes, but it follows that it is therefore more important, not less, that some semblance of a proportionate setting is retained. It is therefore very welcome that one plot to the west has been removed (resulting in 8 new build plots as opposed to the previous 9 and the additional 2 units from the barn conversion), and the size of the remaining garden to Redmoor House has increased to 25 meters. On that basis I am happy to approve the proposed site plan for the scheme.*
- *It is also greatly welcomed that the ridge height for the central linking range of the barn has been reduced by 0.7m. This seemingly minor alteration will make a notable difference to the balance and scale of the overall scheme and I am now satisfied that the impact is now of minimal harm outweighed by the public benefit of a heritage asset being retained and re-used - a welcomed example of conservation-led regeneration.*
- *The proposed new build dwellings remain unremarkable in their design. Given that a conservation consultation has been requested for this application it was suggested that the principal asset of Redmoor House, which has architectural styles from more than one period could be a source of inspiration for the new development. This would align with LP16 d) which states that all new development shall: "make a positive contribution to the local distinctiveness and character of the area, enhances its local setting,*

*response to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity.....”; and NPPF 192 c) (now para 197 c) July 2021 edition) “the desirability of new development making a positive contribution to local character and distinctiveness. However, no strict requirement was made, suggested or conditioned.*

- *It still follows that the use of arched lintels alone would greatly lift the quality of the proposed design, but I am satisfied that this can largely be controlled by the previously suggested condition to approve all external materials of the development.*

*Therefore, I am now happy to recommend this application for approval, subject to the previously suggested conditions in my comments dated 14<sup>th</sup> July 2021.*

#### **5.4 CCC Archaeology**

The CHER no. MCB26861 is based on the evidence of the 1<sup>st</sup> edition OS map. If we had been consulted (and apologies that this has not been picked up elsewhere from the weekly lists) then we would have identified Redmoor House – and stables – as undesignated heritage assets under that reference number.

#### **5.5 Wildlife Officer**

Originally recommended refusal on the ‘*grounds that there is insufficient information to make a recommendation*’ noting that the further surveys recommended in the Extended Phase 1 Ecological Survey report had not been undertaken and without this information it was impossible for the LPA to make a full informed decision on this proposal.

Following submission of the outstanding survey data raises ‘*No objection subject to conditions.*’ These conditions [listed in full at the conclusion of this report] in summary relate to:

- (a) The licensing of works to be undertaken (noting that a license from Natural England will be required before works can begin),
- (b) the submission of a construction environmental management plan,
- (c) guidance regarding the removal of hedgerows etc and timings,
- (d) the use of locally native species in planting proposals

*Noting that ‘The EclA produced by Glaven Ecology has identified the building as an active bat roost for multiple species. The recommendations made within that report are suitable for the site and identify that a license from Natural England will be required before works can begin. Obtaining this license has been made one of the conditions of the application being acceptable. Much of the ecological mitigation and compensation for the site will be a requirement before this license is issued, as such they are not made a requirement here to avoid duplication of conditions. All other mitigation to avoid harming local species as recommended within the two ecological reports will be included within the CEMP.*

*Due to the rural location of the proposal small mammal holes should be installed into all dividing fences to allow small mammals to transverse the site.’*

#### **5.6 Natural England**

Natural England has no comments to make on this application.

## 5.7 Section 106 Services (FDC)

Whilst the S106 Senior Planning Obligations Officer commenced a review of the Viability Assessment which accompanied the original scheme proposals however this was not progressed given that the revised scheme now represents a net increase in dwellings of 9 dwellings on the site and therefore is under the threshold for which contributions would be sought.

**5.8 CCC Growth and Economy:** Provided comments on the 2<sup>nd</sup> iteration of scheme (11 dwellings (net 10 dwellings)) identifying that contributions would be required for secondary education (£75,534) and Libraries (£1,475). However, given subsequent revisions to the proposal resulting in a net increase of 9 dwellings S106 contributions are no longer triggered.

## 5.9 Housing Strategy (FDC) 27.04.2021

The Housing Strategy Officer provided initial comments with regard to the 13-dwelling scheme, outlining the policy requirements and the expected tenure split however amendments to the scheme detail and numbers again brings the development under the trigger for the provision of affordable housing, i.e. under 10 in terms of net increase

## 5.10 Designing Out Crime Officers

*'I have reviewed the crimes and incidents for the general area over the past two years and I'm pleased to note that burglary levels are low with only 4 offences reported in relation to crime within this location. I consider this proposed layout should provide a high level of natural surveillance with pedestrian and vehicle routes aligned together. All properties have their own driveway access to garages with additional parking for vehicles the layout of the properties provides natural surveillance over the properties in the cul-de-sac's.-*

*It would be nice to see the lighting plan once it's available. No further comments at present.*

*Our office would be happy to discuss secured by design and measures to reduce the risk to vulnerabilities of crime'.*

In respect of the re-consultation reiterate that they have no objection subject to the submission of external lighting details.

## 5.11 FDC Environmental Services (Refuse Collection)

*'In broad principal we have no objection to this development however the following points regarding access would need addressing:*

- *To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*
- *A swept path plan would be required to demonstrate that an 11.5m refuse vehicle could access the site turn and leave the site in a forward direction.*
- *The application states the site will be gated, how will this be accessible and will it be set far enough back so that refuse vehicles do not obstruct the main road?*
- *A shared collection bin collection point will be required for plots 3-5 and 11-13.*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*

- *Refuse and recycling bins will be required to be provided as an integral part of the development.'*

## **5.12 Environment & Health Services (FDC)**

*'Note the submitted information and would advise that we have 'No Objections' in principle to the proposed scheme as it is unlikely to affect the noise or air quality climate.*

*From the information submitted the presence of structures is stated to exist at the application site. Our records show there have been structures at this site for over 100 years. We note the information provided in support of this application, that describes previous use or what activity has been undertaken at the application site, has not been provided.*

*As a full application has been submitted that seeks consent for sensitive end use, we ask the applicant to demonstrate the land will be suitable for further development. A detailed report on past use of the site will be required as a minimum, a Phase 1 Desk Top Study with site walk over may therefore be appropriate in these circumstances, so that the current ground condition can be assessed to determine the sites suitability for development where sensitive end use is required'.*

## **5.13 CCC (Lead Local Flood Authority)**

Initially the LLFA raised objection to the scheme proposal as no infiltration testing had been undertaken to support the proposed drainage strategy which sought to discharge surface water via infiltration. Nor had hydraulic calculations been supplied to demonstrate the performance of the surface water network during a 1 in 1-year return period, 1 in 30-year return period and 1 in 100-year return period allowing 40% for climate change.

Further details were provided in response to these comments however the LLFA maintained their objection to the scheme as they continued to have concern regarding infiltration,

In early July 2021 following the submission of further details the LLFA continued to maintain an objection to the scheme noting that shared soakaways were to be provided which could have negative maintenance implications. It was again noted that no infiltration testing had been undertaken and they reiterated the need for hydraulic calculations to be provided, it was further acknowledged that the applicant proposed discharge into the underlying peat strata and to install a perforated concrete soakaway into the peat layer which is a depth of 2.5 metres. Any infiltration feature greater than 2 m below ground level is considered to be a deep system and these are generally not acceptable. The LLFA will look to review this application once the Environment Agency has deemed the installation of deep bore soakaways appropriate.

This response was followed up with the drainage specialist directly with the LLFA with the latter advising that they were *'concerned about the strategy to manage surface water from the site by infiltration through imported sand. This is not a strategy we are familiar with and we have never accepted this previously. Furthermore, with the absence of viable infiltration testing, we are not able to accept this strategy. Whilst infiltration is the most favourable strategy in*

*accordance with the drainage hierarchy, this should only be used when the local geology is favourable. As the natural geology is not favourable at this site, an alternative strategy should be proposed'. Updated calculations were also requested, and it was acknowledged that shared soakaways located in a publicly accessible part of the site, were acceptable as they could be maintained by a private management company, eliminating the concerns around having to have complex maintenance arrangement between multiple homeowners. This element of the object is therefore no longer applicable.*

Revised details were again supplied and in August 2021 the LLFA again outlined their objection to the scheme noting that the gravel surfacing proposed would not replicate the greenfield situation and this element should be modelled as impermeable surfacing; it was also noted that gravel areas should be maintained regularly to prevent long-term compaction. Finally, it was noted that IDB consent would be required to discharge surface water from the site into an existing watercourse and that an 'in principle agreement' must be obtained to discharge into their system at the proposed rate.

Whilst revised details were again supplied to address the matter of surfacing the earlier concern relating to IDB consent was not addressed with the LLFA subsequently maintaining their objection as follows:

*'The applicant is proposing to discharge surface water from the site into an existing watercourse which is managed by Hundred of Wisbech Internal Drainage Board (IDB). Therefore, an agreement in principle must be obtained from the IDB to discharge into their system at the proposed rate. This is to avoid potential issues of the IDB not having capacity, or limited by other constraints such as the pumps, which could lead to a consented site without a feasible point of discharge.*

*Informatives: IDB Consent - Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and/or that of Hundred of Wisbech whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at: <https://middlelevel.gov.uk>'.*

#### **5.14 Anglian Water Services Ltd:**

Originally responded (23.04.2021) that:

- (i) *'Assets Affected - There were no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary'.*
- (ii) *'Wastewater Treatment - The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows'*
- (iii) *'Used Water Network - Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, in the drainage strategy the applicant has advised that they will gravitate if possible. However, our topography survey indicates that the site will need to pump. Therefore, we require a point of connection, and*

*discharge rate to run a complete assessment on our network. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.'*

- (iv) *'Surface water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.'*

In respect of the revised strategy details provided an updated response as follows (29<sup>th</sup> June 2021)

Assets Affected - reiterated (i) above

Wastewater treatment - reiterated (ii) above

Used Water Network (iii) Noted that the sewerage system had capacity for these flows and noted their consenting process, providing a number of informatives re their infrastructure

*Surface Water Disposal (iv) 'notes that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.*

*From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.'*

#### **5.15 Cambridgeshire Fire and Rescue:**

*'With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for*

*fire hydrants, which may be by way of Section 106 agreement or a planning condition.'*

**5.16 Local Residents/Interested Parties:** 13 letters have been received on behalf of 10 households in Elm – these originate from 8 households in Wales Bank, 2 letters from the same resident in Fridaybridge Road and a further letter from a resident in All Saints Close and may be summarised as follows:

### **General character and form of development**

- Concerns regarding over development, noting that Elm has seen a massive amount of building work in the last 2-3 years with somewhere in the region of 100+ new properties being built within the village. There are currently two large estate developments underway in Henry Warby Avenue & Grove Gardens along with many individual projects in almost every other available space, especially along Fridaybridge Road which has seen every single plot and space filled in.
- Loss of open fields and gaps from Fridaybridge through Elm and on to Wisbech
- *'In just 32 years almost every single gap and space has been filled in with houses, and farmland and orchards turned into estates'*.
- *'13 detached houses of a substantial size will not be for the benefit of the villages future generation who want to live in the village as they will be totally unaffordable, that aside this is not the place for them to be built'*.
- *'How many houses of this size does a small village need'*
- *'The property design does not conform with the existing properties. On the proposed site there is current only bungalows with no multiple storey buildings'*.
- Concerns raised on the following grounds - out of character/not in keeping with area, visual impact, density/over development, design/appearance
- It appears that Elm is in danger of becoming urban rather than rural which is such a pity.
- The rear of the garages attached to plot 10 and especially plot 11 appear to be almost right on the edge of Wales Bank itself.
- *'sets a dangerous precedent for future development along Wales Bank itself'*.

### **Heritage**

- *'I was under the impression that these Barns, (they were actually packing plants for the local crops, mainly potatoes) were subject to a preservation order due to their age and significance in the history of the village'*
- *'Next a barn which has stood for over 100 years along with wall will be destroyed and replaced with something less attractive'*
- *'I have lived in Elm all my life, the Redmoor House is part of the history of Elm. I know we need more houses but just not there. Plenty of room else were'*.
- *Queries 'the proposed intention is with the existing Redmoor House? It is significantly left on the site plans, standing within the development site. As I understand it this house is a listed building, so demolition is not possible. However, I'm sure the developer, nor any future tenants of these houses, is going to want a derelict building sitting within their new gated estate. This leads to the obvious conclusion that the intention will be to turn it into flats. So the proposed 13 dwellings will in fact become what.... 13 houses +13 flats as well? Why is no reference made to the future intentions with Redmoor House as part of this application?'*

*'Removal of barns and wall will set a precedent for eventual removal of the main house which would be a huge loss for the area'.*

### **Residential amenity**

- Loss of view/outlook,
- Overlooking/loss of privacy
- With the complete clearing of the trees within the development site, from our garden, we can now see Redmoor House quite clearly. Once the proposed houses are built, our outlook will be changed again with the feeling of a rural location rapidly vanishing as the area becomes more and more urbanised'.
- *'The current edge of the development along Wales Bank consists of a brick wall. If as I suspect this is to be demolished along with the barns what is going to replace it? There is nothing on the plans to note whether the outlook will become open into the gardens of these new houses, or whether a new wall or some sort of fencing will be installed to shield view'.*
- Proximity to property
- 'Conversion of barns will overlook their property and could look into their lounge.
- Plot 12 looks directly into our daughter's bedroom window
- Amended scheme: The issue of Bungalows opposite and adjacent hasn't been addressed
- 'The development consists of 2-storey houses when adjacent and opposite properties are single storey bungalows which appears to be out of keeping and unfair to those living there'.
- Several properties may lose their privacy by being overlooked.

### **Access, Traffic or Highways**

- With the large developments currently underway within Elm we have seen an increase in HGV traffic using Wales Bank despite the signs suggesting it is unsuitable for HGV's. If the development was to go ahead we would appreciate HGV's using the site not using Wales Bank for access.
- Concerns regarding increase in traffic in Wales Bank as a cut through
- 'Navigating Wales Bank with small children on the school run is already difficult due to a lack of a foot path. Also an additional junction so close to the Wales Bank turning concerns me. The junction is already difficult due to it not accommodating 2 vehicles at the same time. Visibility out of the junction is also poor and could be hampered further by the development at the proposed site'.
- Current roads are in a very poor state of repair
- Driveway to plots 12 and 13 is too close to Wales Bank.
- Potential for confusion between turning into driveway or Wales Bank as Wales Bank can get busy.
- There are no streetlights and no pavements
- *Wales Bank is already too busy and narrow. It needs to be made wider towards the junction.*
- *Wales Bank has historically been a bit of a blind entrance onto the main road. There are 6 new houses and a bungalow already being built opposite [...] development will increase congestion at Wales Bank Junction to 38 extra cars trying to get out to the main road.*
- *The extra driveways and entrances along Fridaybridge Road along with the new houses being built on the opposite side bring a need for traffic calming to be extended further along the main road. However, the traffic calming should*

*be a one lane, right of way section as we regularly see cars overtaking as they leave Elm heading towards Fridaybridge. They end up going past the Wales Bank junction at high speed on the wrong side of the road  
The access appears very close to the turning into Wales Bank which is already overused. The turning is narrow and can only withstand 1 vehicle at a time. Wales Bank is essentially a single track road that has not been able to withstand current traffic levels, this development would impact road use both during and after construction. The distance between the 2 junctions along with the additional development opposite will pose serious risk to those turning off the B1101*

- *'With all the extra cars I hope there is enough parking available without cars parking on the road'.*
- *'Even though the Plans have been slightly changed in regards to the first set of Plans, we still feel very strongly about the access driveway to the new houses is still to near the entrance to Wales Bank'.*
- *'Cars who are turning into Wales bank either from the Fridaybridge side or Wisbech side could be seen as turning into the new houses and other road users already overtake if a car is turning into Wales Bank another close driveway/turning in proximity to Wales Bank will make the road even busier and unsafe'.*
- *'Cars often use the top of their drive as a pull in as they cannot pass on the lane if they meet each other as it is too narrow at this point'*
- *There is no path or pedestrian sanctuary in the mouth of Wales Bank meaning again if there is a pedestrian in the road vehicles are forced to wait.*
- *a major issue with all new build estates is a lack of sufficient parking for the residents. [...] has space been allowed for this within the development?*
- *[Additional traffic will destroy] the already fragile road surface.*
- *Highlighted that construction traffic is using WB at present which is impacting on existing housing*
- *Why do plots 6 & 7 require access onto Wales Bank? [...] all houses should be accessed from within the development.*

## **Drainage and Flooding**

- *'The heavy rains we experienced in December/January demonstrated the surrounding area is liable to flooding. Whilst not serious flooding the proposal of 13 additional houses does cause concern on how damaging any future flooding may be'.*
- *During December 2020 and January 2021 there was significant flooding to Back Road, with raw sewage flowing into residential properties. There is additional pumping to the rear of these properties which will undoubtedly be affected by 13 more dwellings with water a sewage discharge for approx 40 additional people.*
- *'For the first time in living memory of many long term residents, land around the proposed development site suffered from flooding over the winter. This can only be due to the complete over development of the Fridaybridge road, displacing more and more water into the remaining land and dykes behind'.*
- *Questions 'what actions will be taken to deal with the additional water run-off from the site. I see from the online documents that Cambs Flood & Water raises the same objection'.*
- *[...] 'sewerage works must be considered. All these new houses along Fridaybridge road, and in Wales Bank, have presumably been connected to the main drain & sewerage system, a system that was installed in 1978 according to a letter sent to our household from Fenland District Council at*

*the time. [...] the drains are just 100mm (4inches) in diameter and made up of clayware pipes, clearly only ever intended to cope with the few original houses along the road. They have never been upgraded to our knowledge despite all the new properties now connected to them. Our neighbours on Back Road, off Wales bank, lie at the end of a branch of the drain system and have suffered flooding from back flow down the drains during the last 2 winters. This again must be caused by the increased pressure being placed on the system and 13 more houses in such a condensed space is only going to add to this pressure’.*

- *The felling of trees on the site has had an immediate impact on drainage of the surrounding land*

## **Wildlife Concerns**

- *There are bats and owls living in the barns.*
- *The site has almost been cleared of all of its trees with some very large trees being removed in the process. This seems rather presumptuous of planning permission being approved. What was the reason for this? Were they diseased and needed felling? I had previously witnessed an owl making use of one of the trees which has now been removed. With this in mind it would be good to see what environmental impact assessments were done prior to removing a large amount of the trees. I've also witnessed what appeared to be bats entering and leaving the barn currently situated on the proposed site. Again, I would be interested to see what assessment has been carried’.*
- *‘At a time when we are being encouraged to plant trees I think it's very disappointing that those lovely old trees have been cut down before planning permission is granted. I can only assume that there was a good reason for doing so’.*
- *‘The Contents of the Ecological Survey indicate results which are at odds with the residents witness statements Owner has pre-empted any permission and has removed mature trees, stripped the garden and destroyed habitats’.*
- *‘We have seen both owls and bats in and around the barns, there were some mature trees in the garden that have been felled. This seems to be an ongoing problem in the village with trees and hedges being removed for building plots without any being replanted’.*
- *‘Bats in particular I understand to be protected by law, with no disturbance of their natural habitat permitted. There is certainly a significant Bat population in the area as they can often be seen in the evening along Wales Bank, though I could not say exactly where they roost, the Barns would seem highly likely’.*
- *[..] ‘trust the developer will NOT be permitted to begin any demolition before correct and proper surveys of the wildlife have been conducted, despite having already cleared the trees which also must have contained many nests and roosts’.*
- *‘The area also has a sizeable squirrel and Deer population, both of which we have seen regularly in our own garden and along Wales Bank. These animals must also be finding their habitat shrinking with the clearance of so many trees and enclosed green space’.*

## **Other matters**

- *‘The scheme is not what the village needs, there is no work in the village – build where the work is and do not ruin our village’.*
- *‘This is a quiet village location and should not be over-populated with houses that are not for the benefit of locals’*

- ‘When will this over buildings stop, they are not affordable houses for the locals they only line the pockets of developers who then go onto the next project’.
- ‘This development has already begun. Neighbours are concerned to note the poor-quality fencing erected which should be removed immediately. Other developments in the area at Grove Gardens and Henry Warby Avenue have fenced construction off properly with respect for the neighbours and not used poorly fitted prison style fencing which negatively detracts from the aesthetics of the area’.
- Despite all this development there has been NO apparent upgrading to the village school, which has been oversubscribed for years, nor to the roads or services (water, gas, electric etc) within the village.
- Agricultural land
- *‘The LPA are allowing those who have funds to do large scale developments within the village but if the common man wanted to build in their own garden, they doubt that this would be allowed’.*
- Consider more extensive consultations should have been undertaken regarding the proposals.
- *‘We have a playing field no body uses because there is nothing there. We need a new shop, bigger school, and a Doctors’.*
- *‘People keep coming in but what about the people who have been here a long time’.*
- Concerned regarding construction noise and disturbance arising from the building works should permission be granted.

In addition, a ‘representation’ has been received from a resident in Wales Bank noting concern with the state of the road surface in Wales Bank. It is appreciated that not all properties access the site via Wales Bank but consider that any increase in road traffic will deteriorate the road surface even more. With more and more traffic using the road it will need improvement

## **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 10. presumption in favour of sustainable development

Para 12. development plan is the starting point for decision-making

Para 34. Plans should set out the contributions expected from development

Para 39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 64. Provision of affordable housing should not be sought for residential developments that are not major developments

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living condition

Chapter 12. Achieving well-designed places

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

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

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

Determining a Planning Application

## 7.3 **National Design Guide 2019**

Context C1 - Relationship with local and wider context;

Context C2 – Value heritage, local history and culture

Identity I1 - Respond to existing local character and identity

Identity I2 – Well-designed, high quality and attractive

Built Form B2 - Appropriate building types and forms

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

Nature N3 – Support rich and varied biodiversity

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 Areas Development Policy

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

LP18 – The Historic Environment

LP19 – The Natural Environment

## 8 **KEY ISSUES**

- **Principle of Development**
- **Threshold Considerations**
- **Character and visual amenity**
- **Heritage**
- **Residential amenity**
- **Highway safety**
- **Flood risk**
- **Biodiversity**
- **Contamination**
- **Infrastructure**
- **Other matters**

## 9 **BACKGROUND**

- 9.1 The scheme came forward without any pre-application engagement as such the LPA did not have opportunity to outline the likely heritage impacts of the scheme as first presented; accordingly, the scheme proposals have evolved during the consideration of the application in response to the input from a number of the consultees engaged in the consultation process.
- 9.2 It should be further noted that whilst the original scheme for 13 dwellings was accompanied by a viability assessment this aspect no longer requires consideration given that revisions made to the proposal brings the scheme under the trigger which would necessitate the on-site provision of affordable housing and financial contributions towards education and other infrastructure; with a net increase in dwellings of 9 units across the site to be developed.
- 9.3 For the purposes of transparency, it is acknowledged that Simon Machen, who is currently acting in a temporary role as a Corporate Director for Fenland District Council prepared the Planning Statement which accompanies the application. However, he is not the named planning agent for the application and any discussions with officers have only been through the agent.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Elm is identified in the Fenland Local Plan as a 'Limited Growth Village' where a small amount of development will be encouraged and permitted in order to support its continued sustainability. Such growth is caveated by Policy LP12 with thresholds identified to control development which does not have community support.
- 10.2 In addition to the general 'settlement hierarchy' policy the development of this site must adhere to Policies LP12 and LP16 in terms of character, appearance and, residential amenity; whilst also representing appropriate development having due regard to technical matters and site constraints.
- 10.3 With regard to technical matters and site constraints it is also necessary to consider Flood risk (LP14), Highway Safety (LP15), Biodiversity (LP19).
- 10.4 Furthermore as identified during the planning process Redmoor House and its associated outbuildings is considered to be a non-designated heritage asset and in accordance with the National Planning Policy Framework appropriate consideration must be given to any heritage impacts arising from the proposal.

### **Threshold considerations**

- 10.5 Policy LP12 identifies that should the 'threshold' for the village be breached it will be necessary for the proposal to evidence community support demonstrated through proportionate pre-application consultation. The threshold for Elm has been exceeded however since the formal adoption of the FLP in 2014 this particular strand of the policy has been tested at appeal.
- 10.6 It is evident that this proposal is not able to evidence the clear local community support required to comply with Policy LP12, nor has it attracted a favourable recommendation from the Parish Council. However, an appeal decision in 2017, post local plan preparation, questioned this aspect of the policy with the Planning

Inspector noting that the failure to achieve community support should not render an otherwise acceptable scheme unacceptable and allowed the appeal.

- 10.7 Against this backdrop it would not be appropriate to withhold consent solely on these grounds; although it is recognised that should the exceeded threshold limits manifest themselves in actual and significant harm when the scheme is viewed against other policies these material considerations would stand in their own regard.

### **Character and visual amenity**

- 10.8 It is clear that Redmoor House, its outbuildings and associated environs are an important feature within the Elm street scene. In considering any proposals for the site it is necessary to balance the likely impacts of the proposals against the benefits in delivering additional housing. The retention of the existing house, together with commensurate amenity land around it to preserve a 'setting' and the conversion of the outbuildings as secured by negotiation will see the front of the site appearing largely unaltered, excepting for the creation of the new shared access.
- 10.9 Similarly the retention of the boundary wall along the road frontage with Wales Bank will maintain the character of the frontage part of the site; the extension of this boundary with fencing is a less desirable element; however not so significant as to render this element worthy of refusal.
- 10.10 Views to the development to the rear of Redmoor House and the converted outbuildings will be apparent however given the scale and form of the existing buildings and the positioning of the new build dwellings within the site these are unlikely to dominate or detract from the existing setting when viewed from Fridaybridge Road. It is acknowledged that the character of the site will change when viewed from Wales Bank, and comments of consultees are noted. However, there is a mix of dwelling styles and scales within the vicinity and it would not be reasonable or indeed justified to withhold consent for visual amenity or character grounds.
- 10.11 This assessment has due regard to the wider character of the area, noting that there is development to the west along Wales Bank and further at depth development to the north at Peartree Way/Henry Warby Avenue. The critical consideration in achieving an appropriate development is therefore achieving an appropriate setting for Redmoor House as the wider surroundings clearly indicate that at depth development could not be resisted per se in this location given its surroundings.
- 10.12 Whilst in visual terms it may have proved more beneficial to have the properties at Plots 5 & 6 facing onto Wales Bank there is a trade-off to be had between highways and character, noting that these plots were re-orientated on the recommendation of the LHA who considered that the development should be solely accessed from within the site given the nature of the Wales Bank carriageway.
- 10.13 Both the Parish Council and local residents have made representations regarding the form of the development and the amount, however assessed against the Local Plan and the National Planning Policy Framework it is not considered that a refusal could be sustained, the site (excluding Redmoor House and its curtilage) would deliver a density of 14 dwellings per hectare, and on including Redmoor

House and the wider site this would reduce to 12 dwellings per hectare. This could not be deemed to represent an overdevelopment of the site, mindful also of the comments of the Conservation Officer below relating to the setting of Redmoor House.

## Heritage

- 10.14 Whilst outside the conservation area and not formally listed Redmoor House and its associated outbuildings are considered as non-designated heritage assets identified through the planning process. Its associated landscape forms their setting. A heritage asset is a building (monument, site, place, area or landscape) identified as having a degree of significance meriting consideration in planning decision, because of its heritage interest.
- 10.15 The FDC Conservation Officer highlights that *'the house and stables form a group value, and both appear on the 1840 Tithe Map as owned and occupied by one Joseph Blackburn, listed on the 1841 census as a farmer. Both also appear on the 1886 Ordnance Survey map, the barn indicated to show its present horseshoe arrangement, with a formal driveway to the front of the main property, leading to the front of the stable building. The 1900 Ordnance Survey map indicates the house in its current plan form. Both the house and the stable outbuilding are built in local gault brick to the front, and red brick to the rear ranges with slate roofs and have evolved as fashions, finances and requirements have dictated. The red brick elements of the stable and barns are now roofed with asbestos cement sheeting. The rear of the barn building incorporates a patterned brick vent, and a glazed area with potting bench and a Georgian 6 panelled door. The house and stables once stood in nearly splendid isolation, with scale and prominence on a corner plot. Their style, scale, materials, additions and alterations, along with the plot and mapping evidence, indicate a dwelling of some social standing and prominence, indicating the size of family and servants required to run a small rural holding of this kind. Modern housing now encroaches on all sides and the garden to the rear forms the remainder of the setting for the house and outbuildings, which once stretched all the way to Back Lane. A high brick boundary wall runs along Wales Bank and a low frontage wall faces Fridaybridge Road'*.
- 10.16 Whilst initially the scheme came forward without recognition of the status of Redmoor House this was acknowledged as consideration of the scheme advanced and supporting information in the form of a Heritage Statement provided. In addition, the agent for the scheme has proactively responded in the main to matters raised during the evaluation of the proposal through the retention of the barns and their conversion and the reduction in the amount of development to enable a more appropriate 'setting' to be preserved for Redmoor House.
- 10.17 In applications for planning permission that affect a non-designated heritage asset or its setting, the NPPF requires, amongst other things, both that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets, and of putting them to viable uses consistent with their conservation, and the consideration of the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality (NPPF 2021:Para 197)
- 10.18 Revisions to the scheme have secured additional garden/curtilage to serve Redmoor House addressing concerns regarding a proportionate setting for this property therefore the only point of contention remains the design of the proposed

dwellings within the context of the site, noting the FDC Conservation Officers observes that *'the proposed new build dwellings remain unremarkable in their design. Given that a conservation consultation has been requested for this application it was suggested that the principal asset of Redmoor House, which has architectural styles from more than one period could be a source of inspiration for the new development. This would align with LP16 d) which states that all new development shall: "make a positive contribution to the local distinctiveness and character of the area, enhances its local setting, response to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity....."; and NPPF 192 c) (now para 197 c) July 2021 edition) "the desirability of new development making a positive contribution to local character and distinctiveness.*

- 10.19 In response to the comments of the Conservation Officer a further written submission has been tabled which highlights that Redmoor House is in fact two dwellings and that its setting *'[...] has changed fundamentally since its construction. Now two dwellings, it sits within a built-up area of very mixed design quality and with no predominant architectural style. It no longer rests within an open agrarian landscape. Indeed, consent has recently been granted for dwellings immediately opposite the site, the only open aspect remaining. The setting of Redmoor is thus of a property surrounded by post war contemporary development of limited intrinsic architectural quality. Redmoor itself will be physically unaffected by the proposed scheme and its associated outbuildings, which are in state of disrepair, will be brought back into beneficial use.*
- 10.20 Officers concede that whilst the suggestions made would result in an uplift in design quality they could not be insisted on in this instance. That said securing appropriate materials through condition will do much to obviate these concerns.
- 10.21 Noting finally the comments of local residents and the Parish Council with regard to heritage matters largely related to the original proposals to demolish the outbuildings and the intentions of the owner with regard to Redmoor House, these matters have been clarified and resolved through the application process.
- 10.22 It is considered that on-balance a favourable recommendation may be made, acknowledging that the scheme has moved forward in such a way as to largely address the matters raised to an extent where a refusal could not be sustained on heritage grounds.

### **Residential amenity**

- 10.23 A number of the consultation responses received relate to the juxtaposition between the proposed housing and the existing dwellings located within Wales Bank, citing matters of overlooking and loss of privacy. It is appreciated that there will be a change in the outlook from these properties, however on assessment the loss of privacy and overlooking would not be so significant as to render the scheme unacceptable.
- 10.24 Three of the 4 new build properties which lie to northern boundary of the site whilst in the main two-storey incorporate a single storey 'orangery' projection with the two-storey element being circa 11 – 14 metres from their rear boundaries. This results in a separation distance between the rear walls of the proposed dwellings and the front elevations of properties along Wales Bank of circa 28 – 32 metres which could not be deemed justification for refusal in respect of reduced residential amenity. The fourth dwelling, situated adjacent to the western

boundary adopts a different design detailing and presents as a chalet style dwelling, responding to the adjacent bungalow. This property achieves a separation distance of circa 28 metres with its three rear dormer windows serving 2 bedrooms and a bathroom.

- 10.25 The barn conversions will similarly represent no significant impacts with regard to the residential amenities of existing properties with the windows at first floor largely comprising roof lights to the front and rear of the two-storey link. With the two-storey element of Plot 9 containing a window in its rear (north) and flank (east) elevation at first floor level.
- 10.26 With regard to the southern section of the site it is noted that the properties to be sited along this boundary will have a rear outlook onto open agricultural fields, with substantial landscaping being retained along this boundary.
- 10.27 The dwellings sited at Plot 3 and Plot 4 (located to the western section of the site) will have garden depths of circa 8-12 metres and their rear elevations will each feature 4 No. bedroom windows. Plot 4 is situated closest to Richmond to the west, with Plot 3 located in the south-western corner of the site. There is significant planting along this boundary and no significant impacts are anticipated given the placement of the dwellings and the presence of landscaping along this boundary.
- 10.28 The property at Plot 5 is of a chalet style and this will sit forward to Richmond and mark the transition from the single storey dwelling to the two-storey properties there are no first-floor windows in the flank wall of this property and its lower eaves and roof scape will reduce its visual impact when viewed from Richmond. Consideration has been given to the likelihood of this projection being overly dominant and overbearing on the householders at this dwelling and it is accepted that the projection beyond the front of this dwelling is significant. However, the flank wall of the proposed dwelling is circa 2 – 2.4 metres from the common boundary and there is a further 1.5 metres between the common boundary and Richmond (disregarding the timber infill section which is built up to the boundary), with views from the windows of Richmond being oblique. On balance it is considered that the impact would not be so significant as to render the scheme unacceptable. It is further noted that there will be some loss of light to the site frontage of Richmond given the position of the dwelling to the east however this is restricted to the parking area of that property and again would not warrant a refusal.
- 10.29 As noted elsewhere within this report each plot makes appropriate provision for public amenity space in accordance with Policy LP16 (h) and as such makes appropriate provision in this regard to serve the needs of the future householders.

### **Highway safety**

- 10.30 Matters raised relating to traffic considerations, access and highway safety largely focus on the existing use of Wales Bank, its lack of footways and lighting and overall condition. As revisions to the scheme have removed any access to/from Wales Bank these matters largely fall away from consideration.
- 10.31 Notwithstanding the above matters concern has however also been raised regarding the proximity of the proposed access to the existing junction with Wales Bank, with one contributor noting that 'the distance between the 2 junctions along

with the additional development opposite will pose serious risk to those turning off the B1101’.

- 10.32 Whilst these comments are noted they have not been highlighted by the LHA as part of their consultation response, and in the absence of a technical objection from the Local Highways Authority a refusal on these grounds would not be warranted and could not be sustained.
- 10.33 It is concluded that the scheme achieves compliance with Policy LP15 of the FLP (2014)

### **Flood risk**

- 10.34 Again the scheme has been through several iterations with regard to the drainage strategy resulting in a largely accepted scheme, save for the outstanding issue relating to an agreement in principle from the Internal Drainage to discharge into their system at the proposed rate. The LLFA have noted that this is *‘to avoid potential issues of the IDB not having capacity, or limited by other constraints such as the pumps, which could lead to a consented site without a feasible point of discharge’*.
- 10.35 Whilst ideally the LPA would secure this information prior to determination Officers are mindful that development could not progress without the approval of the IDB which operates under a separate consenting regime. The grant of planning permission would not negate the need to obtain such consent and would give the applicant a level of certainty in further developing the scheme for the site whilst also safeguarding the site in terms of flood risk and surface water disposal as clearly the developer will need to demonstrate compliance with the condition prior to any development above ground.
- 10.36 It is understood that the drainage consultant acting for the applicant has been in further contact with the LLFA following on from their latest consultation response in order to ascertain whether there is scope to impose a condition to satisfy this outstanding element and formal comments are awaited in this regard and will be reported to the committee meeting as an update. It is clear that conditioning this aspect is the only way to move forward with an approval, given that a suitable condition will not compromise the ultimate potential of the scheme to satisfy the requirements of both national and local planning policy. Officers are therefore comfortable to recommend this approach.
- 10.37 The concerns raised by residents relating to a flood event in December 2019 are acknowledged however in finalising a suitable scheme based on the details submitted to date there is nothing to suggest that the development of this site would worsen or impact on the surrounding area. Accordingly, it is considered that with appropriate conditions the scheme would achieve compliance with Policy LP14 of the FLP and the NPPF (2021)

### **Biodiversity**

- 10.38 The scheme was originally recommended refusal on the *‘grounds that there is insufficient information to make a recommendation’* noting that the further surveys recommended in the Extended Phase 1 Ecological Survey report had not been undertaken and without this information it was impossible for the LPA to make a full informed decision on this proposal.

- 10.40 This shortfall in information was addressed through the submission of further surveys and the Wildlife Officer has removed his objection to the scheme subject to a number of safeguarding conditions being imposed. It is further noted that a license from Natural England will be required before works can begin.
- 10.41 The submission of a Construction Environmental Management Plan will see the recommendations of the two ecological reports being incorporated into the build programme for the site and will ensure that the scheme achieves compliance with Policy LP19 of the FLP (2014) and the requirements of Chapter 15 of the NPPF (2021).

### **Contamination**

- 10.42 The formal comments from the FDC Environmental Protection team are awaited with regard to the Phase I contaminated land study which was commissioned by the agent in response to their initial consultation response.
- 10.43 It is noted that the Geo Environmental Desk Study Report – Phase 1 indicates that the site had limited documented developmental history since its establishment. However, the walkover survey and searches undertaken as part of the Desk Study indicated that there were no readily identifiable sources of contamination and as such the need for a phase II intrusive investigation was considered unwarranted. The conclusions drawn in the report would appear to align with the anecdotal evidence secured as part of the consultations undertaken, with one respondent noting that the barns were used for *'packing plants for the local crops, mainly potatoes'*
- 10.44 As indicated above the formal comments of the FDC Environmental team are awaited however there is nothing to indicate that compliance with Policy LP16 (l & m) of the FLP could not be achieved.

### **Refuse**

- 10.45 No objection has been raised to the scheme regarding the provision of refuse collection services although it is acknowledged that the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations. Such detail along with bin collection point details may be secured by a refuse collection strategy condition to enable the detail to be submitted and agreed prior to occupation.

### **Crime and design**

- 10.46 The Police Crime and Design team consider that the site layout provides high levels of natural surveillance with pedestrian and vehicular routes aligned together and each property benefiting from their own driveways/garaging. Notwithstanding their support of the scheme, they have requested sight of the lighting plan when this is available, and this may be secured by condition.

### **Pre-commencement conditions**

- 10.47 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to

the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

- 10.48 The applicant has been consulted on the proposed conditions and their formal confirmation of the same is awaited. Subject to such confirmation, it is considered that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows:

Condition 2 – Historic Building Recording

Condition 4 – LLFA Drainage condition

Condition 13 – Evidence that a licence has been issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Condition 14 – Submission of a Construction Environmental Management Plan (CEMP: Biodiversity)

Condition 20 – Submission of levels

## 11 CONCLUSIONS

- 11.1 The scheme has been substantially amended during the evaluation phase to secure the future of the historic barns and reduce the amount of development to ensure that the development is appropriate in context.
- 11.2 Matters raised during the consultation regarding the suitability of Wales Bank to accommodate additional traffic have also been addressed through the realignment of the dwellings originally annotated as Plots 6 & 7 to facilitate access via the shared estate access.
- 11.3 There are no technical objections that may not be resolved through the imposition of safeguarding conditions. Furthermore, the scheme is considered acceptable in terms of heritage impacts, character and residential amenity and there would be no significant impacts that would warrant an unfavourable recommendation.

## 12 RECOMMENDATION: Grant

### Conditions

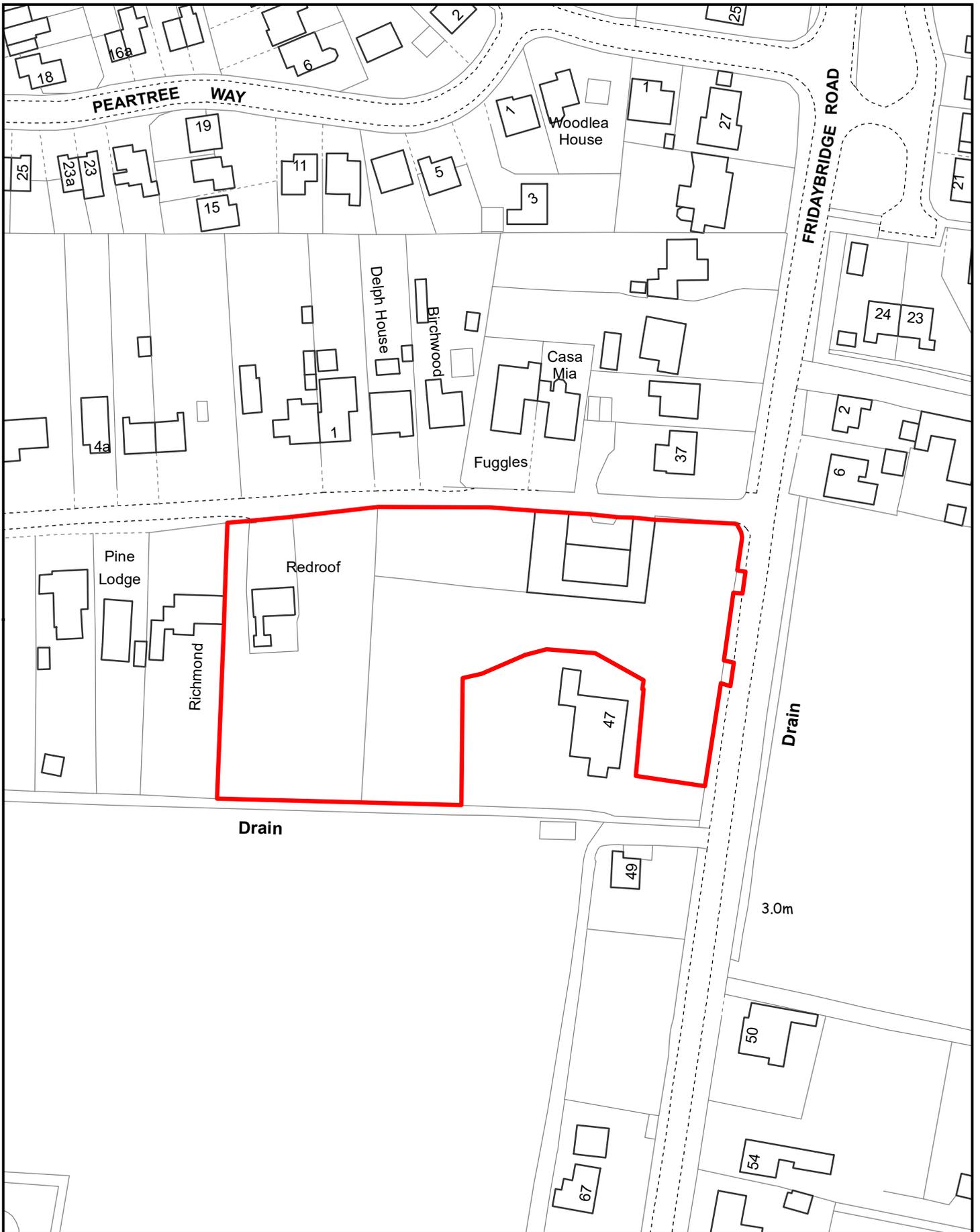
1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.  Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	Prior to the commencement of development, a level 3 Historic Building Recording is to be carried out for the stable block in accordance with Historic England guidelines and to be lodged with the Cambridgeshire Historic Environment Record.

	Reason - To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.
3	<p>Notwithstanding approved plans, and prior to the commencement of any development above ground level, including works of conversion, samples of all external materials, including joinery details to be used in the construction of the development (both to the new builds and the stable) shall be required to be submitted to and approved in writing by the LPA. 1x1m sample panels should be provided to indicate brick, mortar and bonding, and joinery details should be satisfied either by product details for the new builds or scale drawings of no less than 1:10 scale for the stable conversion.</p> <p>Reason – To ensure that the appearance of the development is acceptable in the context of the site noting the presence of the non-designated heritage assets which form part of the development/form its setting, thereby satisfying the aims of the NPPF (2021) and Policy LP18 of the Fenland Local Plan (2014).</p>
4	Drainage condition to be agreed by LLFA
5	<p>The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.</p>
6	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interests of highway safety.</p>
7	<p>No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed private drive have been submitted to and approved by the Local Planning Authority. The private drive shall thereafter be maintained in accordance with the approved management and maintenance details in perpetuity thereafter; this management plan shall extend to include the external lighting secured under condition 07 of this approval.</p> <p>Reason - To ensure a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan 2014</p>
8	<p>Prior to the commencement of any development above slab level a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to occupation of any dwellings hereby approved and retained thereafter in perpetuity.</p> <p>Reason - In order to ensure that the site meets the crime prevention guidelines in accordance with Policies LP16 and LP17 of the Fenland Local Plan 2014.</p>
9	Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back the minimum distance detailed on the

	<p>approved plan. Any access gate or gates shall be hung to open inwards.</p> <p>Reason - In the interests of highway safety.</p>
10	<p>No vehicular access(es) from the development hereby approved are permitted to access Wales Bank.</p> <p>Reason - In the interests of highway safety.</p>
11	<p>The existing access(es) to Wales Bank shall be permanently and effectively closed and the highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of the bringing into use of the new access.</p> <p>Reason - In the interests of highway safety.</p>
12	<p>The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site.</p>
13	<p>The proposal shall not in any circumstances commence unless the local planning authority has been provided with either:</p> <p>a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or</p> <p>b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.</p> <p>Reason: As recommended within section 1.1.5 of the EcIA (Glaven Ecology, 2021). This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.</p>
14	<p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <p>a) Summary of potentially damaging activities.</p> <p>b) Identification of "biodiversity protection zones".</p> <p>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p>

	<p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason - To ensure that the recommended mitigation and compensation suggested in section 5 of the EclA (Glaven Ecology, 2021) and section 5.21 of the Ecological Survey Report (Golden Tree Surgeon, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan (2014).</p>
15	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason - Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.</p>
16	<p>No part of the development hereby approved shall be occupied until such time as a refuse strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be adhered to thereafter in perpetuity.</p> <p>Reason - To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
17	<p>No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> <li>a) hard surfacing, other hard landscape features and materials</li> <li>b) existing trees, hedges or other soft features to be retained</li> <li>c) planting plans, including specifications of species, sizes, planting centres number and percentage mix</li> <li>d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> <li>e) details of siting and timing of all construction activities to avoid harm to all nature conservation features</li> <li>f) location of service runs</li> <li>g) management and maintenance details</li> </ul> <p>Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.</p> <p>The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting</p>

	<p>season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
18	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of 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>
19	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
20	<p>Notwithstanding the approved drawings, <u>P</u>prior to commencement of development/construction/any works, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels, and cross sections, of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the levels shown on the agreed drawing(s).</p> <p>Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
21	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



Created on: 22/07/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

**F/YR21/0339/F**

Scale = 1:1,250

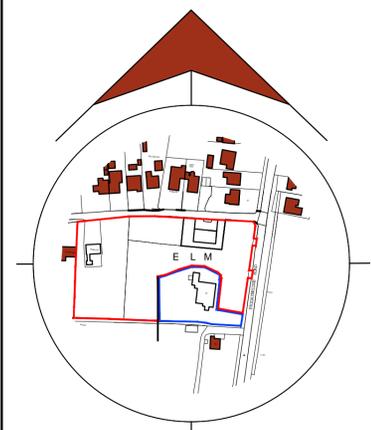




**General Notes**  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

**Area Schedule**

Excluding Garages  
 Detached Single Garage - Plots 5  
 Detached Double Garage - 3 and 4  
**TYPE A - 231.6m<sup>2</sup>**  
 GF = 147m<sup>2</sup>  
 FF = 84.6m<sup>2</sup>  
**TYPE B - 178.7m<sup>2</sup>**  
 GF = 96m<sup>2</sup>  
 FF = 82.7m<sup>2</sup>  
**TYPE F - 235.4m<sup>2</sup>**  
 GF = 117.7m<sup>2</sup>  
 FF = 117.7m<sup>2</sup>



**Location Plan**  
 Scale: 1:2500

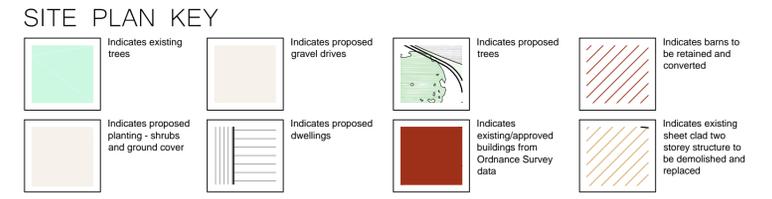
**Revisions**

Revision	Date	Description
A	Dec 2020	Amendments as client request in email dated 16/12/2020
B	Jan 2021	Type C Area Schedule Updated
C	March 2021	Planning Validation Updates
D	June 2021	WIP Scheme Changes Following Planning Comments and Client Meeting
E	June 2021	Barns retained, Plot 7 altered, fewer plots. Existing House garden enlarged
F	July 2021	Plot 6 Orientation Amended Following Highways and Planning Comments
G	July 2021	Plot 1 Removed and Plots 2 & 3 Amended
H	July 2021	Plot Numbers updated and Red and Blue Lines Updated

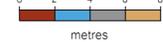
Status  
**FOR APPROVAL**

**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	Date	Drawn by
Proposed Residential Development	December 2020	JB
Fridaybridge Road, Elm, Wisbech		Checked by GE
Drawing Title	Job No.	Sheet Size
Planning Drawing Site Plan	SE-1483	A1
Revision	Dwg No.	Revision
	PP1000	H



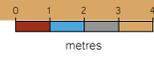
**Site Plan**  
 Scale: 1:200





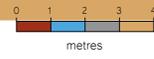
Front Elevation

Scale: 1:100



Side Elevation

Scale: 1:100



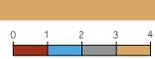
TYPE A

TYPE B



Front Elevation

Scale: 1:100



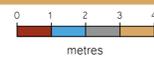
Side Elevation

Scale: 1:100



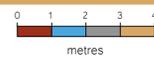
Rear Elevation

Scale: 1:100



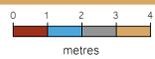
Side Elevation

Scale: 1:100



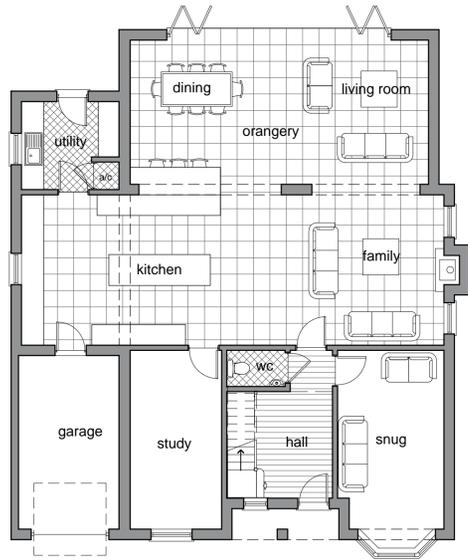
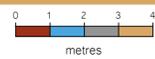
Rear Elevation

Scale: 1:100



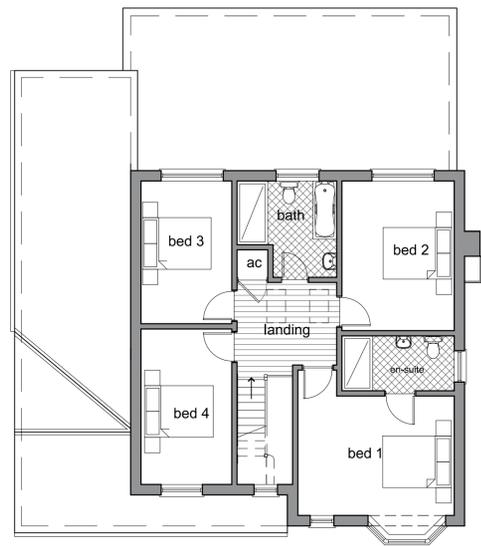
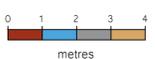
Side Elevation

Scale: 1:100



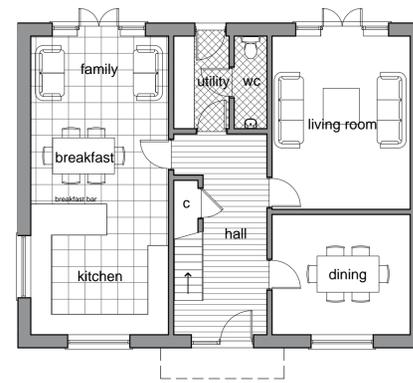
Ground Floor Plan

Scale: 1:100



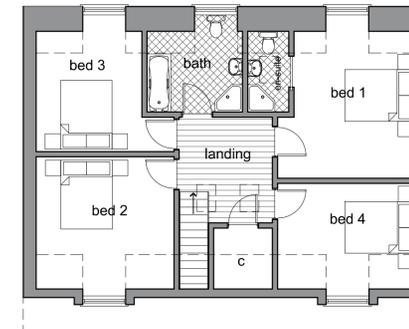
First Floor Plan

Scale: 1:100



Ground Floor Plan

Scale: 1:100



First Floor Plan

Scale: 1:100



- General Notes
- 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.

Area Schedule

Excluding Garages  
 Detached Single Garage = Plots 5  
 Detached Double Garage = 3 and 4  
 TYPE A = 231.6m<sup>2</sup>  
 GF = 147m<sup>2</sup>  
 FF = 84.6m<sup>2</sup>  
 TYPE B = 178.7m<sup>2</sup>  
 GF = 96m<sup>2</sup>  
 FF = 82.7m<sup>2</sup>  
 TYPE F = 235.4m<sup>2</sup>  
 GF = 117.7m<sup>2</sup>  
 FF = 117.7m<sup>2</sup>

KEY

- Indicates roof tiles to be agreed
- Indicates facing bricks to be agreed
- Indicates render to be agreed
- Indicates joinery to be agreed

Revisions

A	Dec 2020	Amendments as client request in email dated 16/12/2020
B	Jan 2012	Type C Area Schedule Updated
C	March 2021	Planning Validation Updates
D	July 2021	Area Schedule Updated
E	July 2021	Plot No. on Schedule Updated

Status

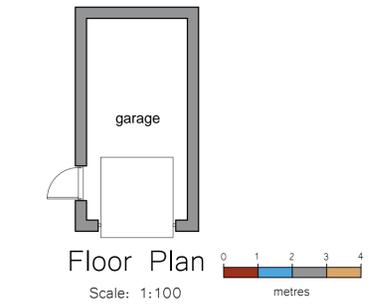
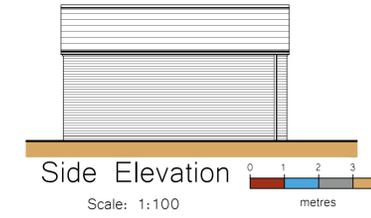
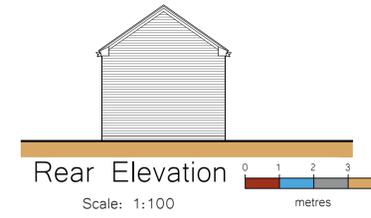
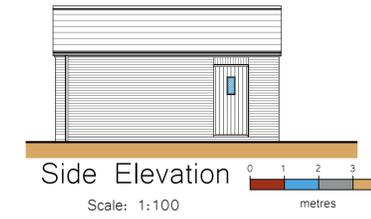
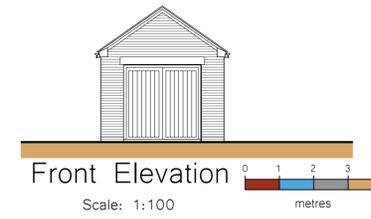
FOR APPROVAL



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

Proposed Residential Development Fridaybridge Road, Elm, Wisbech	Job Title December 2020	Date December 2020	Drawn by JB	Checked by GE
Drawing Title Floor Plans and Elevations Type A & B	Job No. SE-1483	Sheet Size A1	Dwg No. PP2000	Revision E

Single Garages



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

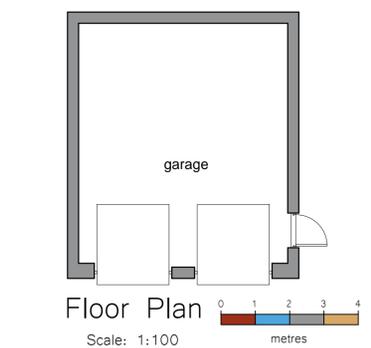
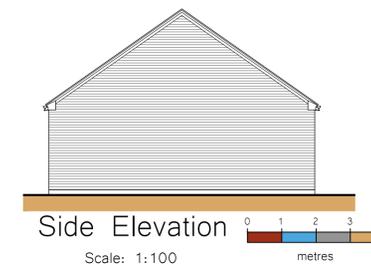
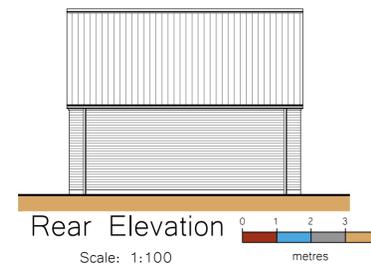
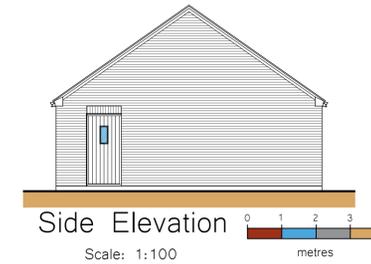
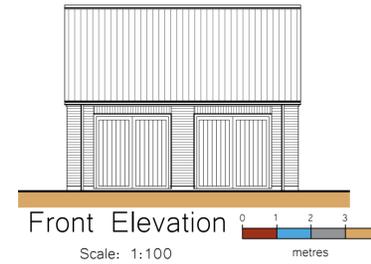
Area Schedule

Excluding Garages  
 Detached Single Garage = Plots 5  
 Detached Double Garage = 3 and 4  
 TYPE A - 231.6m<sup>2</sup>  
 GF = 147m<sup>2</sup>  
 FF = 84.6m<sup>2</sup>  
 TYPE B - 178.7m<sup>2</sup>  
 GF = 96m<sup>2</sup>  
 FF = 82.7m<sup>2</sup>  
 TYPE F - 235.4m<sup>2</sup>  
 GF = 117.7m<sup>2</sup>  
 FF = 117.7m<sup>2</sup>

KEY

- Indicates roof tiles to be agreed
- Indicates facing bricks to be agreed
- Indicates render to be agreed
- Indicates joinery to be agreed

Double Garages



Revisions

A	Dec 2020	Amendments as client request in email dated 16/12/2020
B	Jan 2012	Type C Area Schedule Updated
C	March 2021	Planning Validation Updates
D	March 2021	Planning Validation Updates
E	March 2021	Area Schedule Updated and Type C Omitted
F	July 2021	Plot No. on Schedule Updated

Status

FOR APPROVAL

**SWANN EDWARDS**  
 ARCHITECTURE

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

Job Title Proposed Residential Development Fridaybridge Road, Elm, Wisbech	Date December 2020	Drawn by JB Checked by GE
Drawing Title Planning Drawing Floor Plans and Elevations Type C & Garages	Job No. SE-1483	Sheet Size A1 Revision F
	Dwg No. PP2001	



Front Elevation

Scale: 1:100 metres



Side Elevation

Scale: 1:100 metres



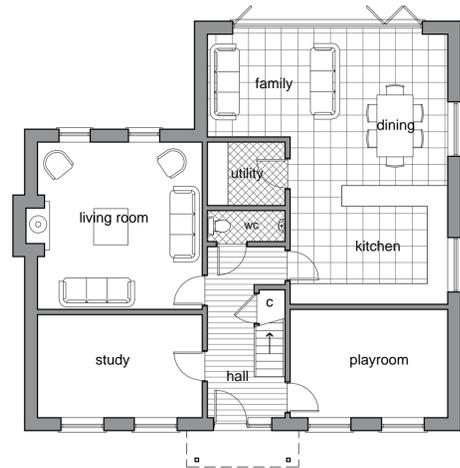
Rear Elevation

Scale: 1:100 metres



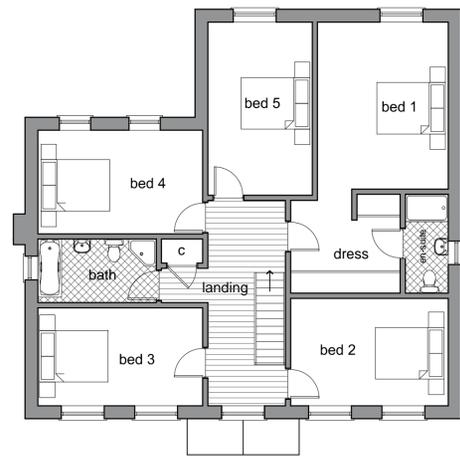
Side Elevation

Scale: 1:100 metres



Ground Floor Plan

Scale: 1:100 metres



First Floor Plan

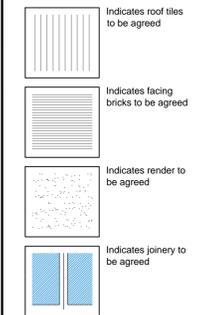
Scale: 1:100 metres

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

**Area Schedule**

Excluding Garages  
 Detached Single Garage - Plots 5  
 Detached Double Garage - 3 and 4  
**TYPE A - 231.6m<sup>2</sup>**  
 GF = 147m<sup>2</sup>  
 FF = 84.6m<sup>2</sup>  
**TYPE B - 178.7m<sup>2</sup>**  
 GF = 96m<sup>2</sup>  
 FF = 82.7m<sup>2</sup>  
**TYPE F - 235.4m<sup>2</sup>**  
 GF = 117.7m<sup>2</sup>  
 FF = 117.7m<sup>2</sup>

**KEY**



Revisions

A	Dec 2020	Amendments as client request in email dated 16/12/2020
B	Jan 2021	Type C Area Schedule Updated
C	March 2021	Planning Validation Updates
D	June 2021	Type E removed and street scene updated
E	July 2021	Internal South Elevation Updated
F	July 2021	Street Scene Elevation Updated
G	July 2021	Plot No. on Schedule Updated

FOR APPROVAL

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



Fridaybridge Road Elevation

Scale: 1:500 metres



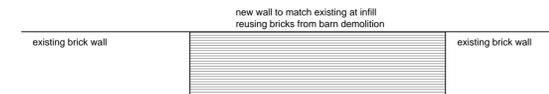
Internal South Elevation

Scale: 1:500 metres



Internal North Elevation

Scale: 1:500 metres



Infill Wall

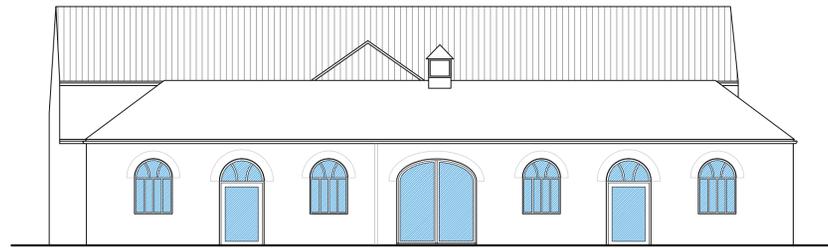
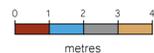
Scale: 1:100 metres

Job Title	Date	Drawn by
Proposed Residential Development Fridaybridge Road, Elm, Wisbech	December 2020	JB
		Checked by
		GE
Drawing Title	Job No.	Sheet Size
Floor Plans and Elevations Type F and Street Scenes	SE-1483	A1
	Dwg No.	Revision
	PP2002	G



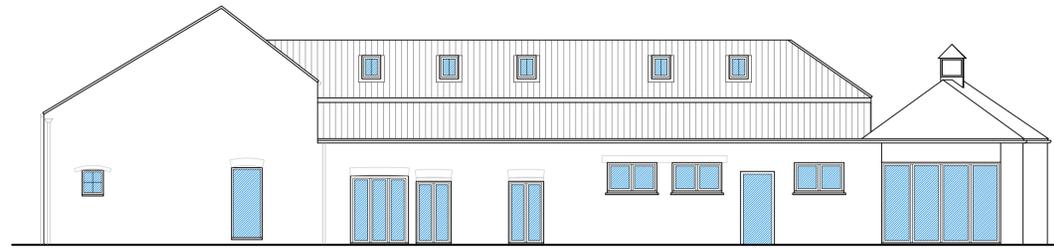
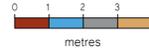
First Floor Plan

Scale: 1:100



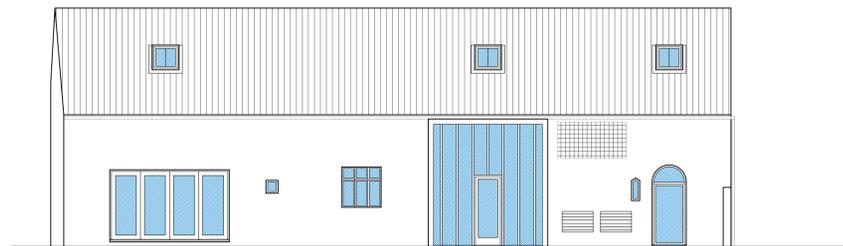
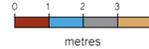
Front Elevation

Scale: 1:100



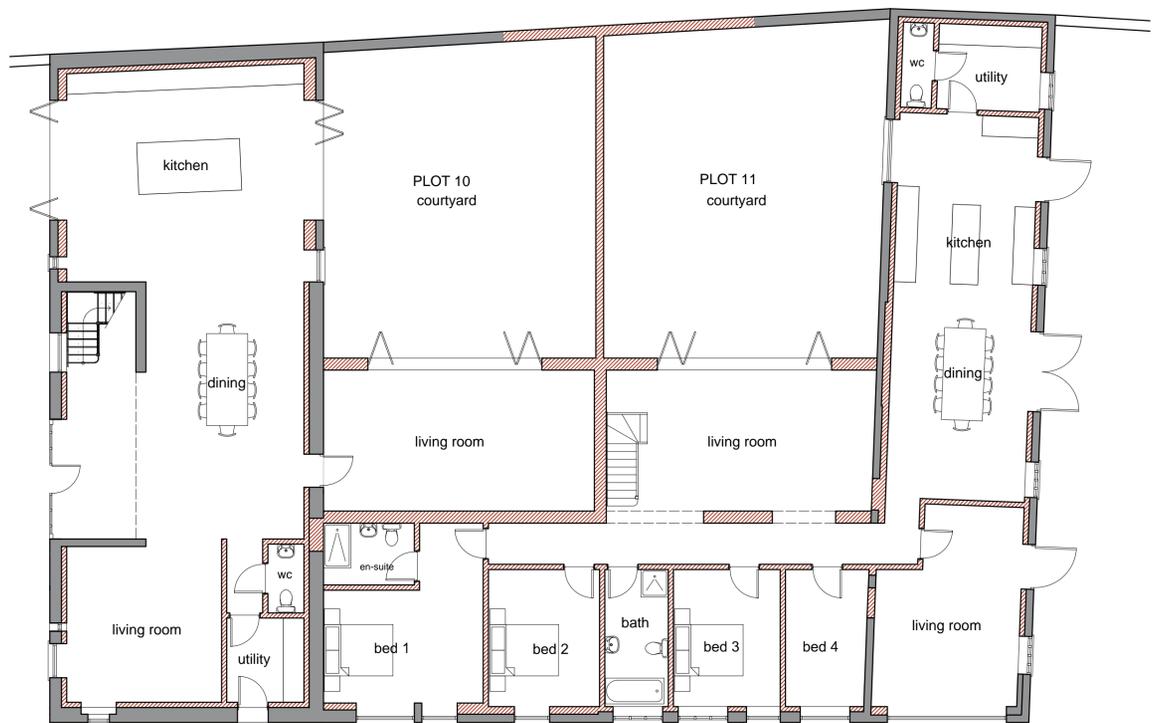
Side Elevation

Scale: 1:100



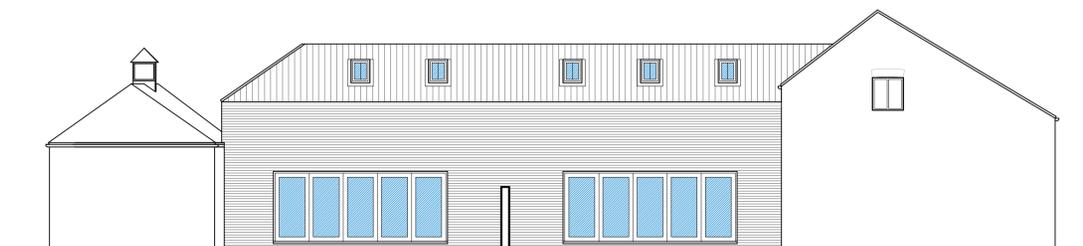
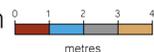
Rear Elevation

Scale: 1:100



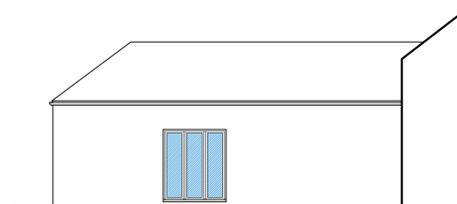
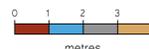
Ground Floor Plan

Scale: 1:100



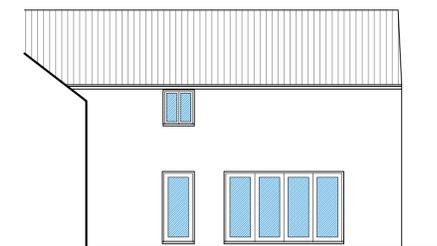
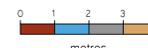
Side Elevation

Scale: 1:100



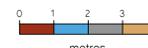
Internal Elevation Plot 11

Scale: 1:100



Internal Elevation Plot 10

Scale: 1:100



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

KEY

- Indicates roof tiles to be agreed
- Indicates facing bricks to be agreed
- Indicates joinery to be agreed

Revisions		
A	July 2021	Two Storey Extension Height Reduced Ridge Lowered 700mm and Rooflights

FOR APPROVAL



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

Proposed Residential Development Fridaybridge Road, Elm, Wisbech	Job Title June 2021	Date June 2021	Drawn by JB
	Drawing Title Planning Drawing Floor Plans and Elevations Barn Conversion	Job No. SE-1483	Sheet Size A1
		Dwg No. PP2003	Revision A

This page is intentionally left blank

---

**F/YR21/0157/F**

**Applicant: Mr David Russ**

**Agent: Mr Ian Gowler  
Gowler Architectural**

**Land East Of 60, Station Road, Manea, Cambridgeshire**

**Erect 2 x dwellings (2-storey, 2-bed) and formation of access to 60 Station Road**

**Officer recommendation: Refuse**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. This application seeks full planning permission for the erection of 2no. 2-storey dwellings on garden land associated with the host dwelling No.60 Station Road. In conjunction with the proposed dwellings, it is intended to create a new access/parking area for the host dwelling and amend the existing driveway to provide access and parking for the proposed dwellings to the rear.
- 1.2. Whilst Manea is a Growth Village as identified within policy LP3, by virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Station Road, which is predominately characterised by frontage residential development. Development within rear garden land at the host property would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry. As such, the proposal would be contrary to the requirements of policy LP12.
- 1.3. The proposed dwellings will stand approximately 2.7m higher than the modest host bungalow. As such, it is considered that the development would be particularly dominant in height and scale when compared with the host dwelling and would enclose the openness of the wider vista currently afforded between and behind the frontage development along this side of Station Road. As such, it is considered that the proposals do not comply with Policy LP16 (d), owing to the impact on the street scene.
- 1.4. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The provided Sequential Test is deficient however because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites able to accommodate the quantum of development proposed in zones of lower flood risk. Furthermore, the scheme fails to include features to address

sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.

- 1.5. On the basis of the consideration of the necessary issues the proposed scheme fails to comply with Policies LP3, LP12, LP14, and LP16(d) and hence the application is recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The site is located in flood zone 3 on the east side of Station Road on the northern fringes of the village of Manea. The site comprises rear garden land of the host dwelling, No.60.
- 2.2. The host dwelling comprises a singles-storey bungalow constructed of buff brick, with a pantile hipped roof and white uPVC fenestration. The site frontage includes a lawn front garden and gravel driveway to the south side of the dwelling, shared with No.58 to the south, a gable-roofed single-storey bungalow.
- 2.3. The rear of the site tapers to the east in a triangular shape and is bounded by high, mature hedgerows to the north and south. The land is predominately grassland and includes some timber outbuildings to the south side.

## **3. PROPOSAL**

- 3.1. This application seeks full planning permission to erect 2no. 2-storey, 2-bed dwellings on the site.
- 3.2. The dwellings are proposed as a pair of semi-detached units, measuring a total of approximately 20.1m wide by 7.9m deep, each with a small central porch section measuring approximately 2.9m wide by 0.7m deep. The roof will be of a gable style, reaching approximately 7.3m to the ridge and 3m to the eaves with a minor decrease when viewed from the front owing to ground levels.
- 3.3. The pair will appear as single-storey dwellings from the front with fenestration limited to the ground floor only with accommodation in the roof space having no front facing windows. From the rear, the dwellings will appear as 2-storey, with upper floor dormer windows with pitched roofs reaching to approximately 6.4m to their ridge.
- 3.4. The garden land is due to be subdivided lengthways and bounded with 1.8m close board timber fencing and the existing leylandii hedges to the northern boundary will be removed and replaced with 1.8m close board timber fencing. The host dwelling will have an area of retained garden bounded by 2.1m high close board timber fencing.
- 3.5. The dwellings are proposed to be constructed of facing brickwork, with a pantile roof and uPVC fenestration, with specific details to be agreed.

- 3.6. A new 5m wide shared access (utilising the path of the existing access) is proposed to be constructed of permeable block paving or similar, and will include 2 parking spaces per dwelling complete adjacent to the north and south boundaries respectively with a shared central turning area. A further access driveway is proposed to facilitate two parking spaces for the host dwelling to its northern side.
- 3.7. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4. **SITE PLANNING HISTORY**

---

F/YR15/0126/CERTP	Certificate of Lawful Use (Proposed): Erection of a detached timber cabin building for use as a study/ storeroom incidental to the enjoyment of the dwellinghouse at 60 Station Road, Manea	Issued 13.04.2015
-------------------	---	-------------------

---

#### 5. **CONSULTATIONS**

##### 5.1. **Manea Parish Council**

*Object: Backland development. Restricted Access. Further development of this site will make the flooding issues in Station Road a lot worse.*

##### 5.2. **Environment & Health Services (FDC)**

*This proposal will not impact upon the local air quality. There are no issues concerning ground contamination. The proposal will not have an adverse impact on the local noise climate and there are no known noise sources which could adversely impact upon this site. Consequently, there are no objections to this proposal.*

##### 5.3. **Environment Agency (Original Comments 09.03.2021)**

*In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:*

*The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.*

*In particular:*

- *Finished Floor Levels are below the predicted 1 in 100 year flood levels.*

*Fenland Hazard Mapping shows that the site will flood to a depth of 1.44m, therefore internal flooding will occur. Currently the proposals have set the floor level to 0.5mAOD which is 500mm above ground levels with a further 600mm flood resistant construction therefore the flood level will be 340mm above the flood resistant construction.*

##### 5.4. **Environment Agency (Reconsultation Comments 23.08.2021)**

We are able to **withdraw our objection** to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than 900 mm above existing ground level.
- Flood resistant measures will be incorporated up to 600 mm above finished floor levels.
- There will be no ground floor sleeping accommodation.

**Advice for the LPA** In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

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

With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

It is up to local planning authorities to determine whether any evacuation plan is sufficient in line with advice contained in Paragraph 58 of the Planning Practice Guidance...

#### 5.5. **Cambridgeshire County Council Highways Authority**

The proposed access arrangements enter Station Road over an area of footway but demarked by a dotted line. This is an unsatisfactory arrangement and should be adjusted by way of footway construction and removal of the dashed line. This removes potential confusion as to whether this area is footway or not and provides for a safer facility for pedestrians and vehicle access to the highway in general.

The two parking spaces for the bungalow require the inclusion of pedestrian visibility splays to be provided and maintained.

The details can be agreed with the following conditions:

1. *Notwithstanding details on plan 428-P01 rev D development shall not commence until details of highway works to include footway construction and the means of access to serve the new dwellings and the bungalow parking have been submitted and approved in writing by the local planning authority. The access works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained thereafter. For the avoidance of doubt details to include construction of footway, removal of carriageway markings, dropped kerb arrangement for the accesses, drainage and pedestrian visibility splays.*

*Reason: for the safety and convenience of users of the access and of the highway.*

2. *Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

*Reason: To ensure the permanent availability of the parking in the interests of highway safety.*

3. *Prior to the first occupation of the development hereby permitted pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicle accesses measured from the back of the footway. Such splays shall thereafter be maintained and free from obstruction exceeding 0.6m above the level of the footway.*

#### 5.6. **Local Residents/Interested Parties**

Two letters of objection to the scheme from a neighbouring dwelling citing issues with the proposed access, and the development exacerbating drainage and flooding issues within the local area.

11 letters of support for the scheme have been received, including one from the applicant (from two properties on Station Road, one from Williams Way, Charlemont Drive, Cox Way, and Park Road) citing:

- Good access
- Attractive and sympathetic design
- Appropriate parking arrangements
- Limited impacts on residential Amenity

These representations in support also highlighted that the proposed development would offer employment opportunities for local tradesmen/builders and that Manea is a sustainable location for residential development of this scale owing to the varied facilities and services available 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) July 2021**

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

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

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

Determining planning applications

### **7.3. National Design Guide 2019**

Context

Identity

Built Form

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

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

### **7.5. Supplementary Planning Documents/Guidance**

Cambridgeshire Flood and Water SPD (2016)

## **8. KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Impact on residential amenity**
- **Flood Risk**
- **Other Matters**

## **9. ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.

- 9.2. Manea is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for two dwellings would be consistent with this policy. However more detailed assessment of the proposal and its impacts must also be given.

### **Character and Appearance**

- 9.3. Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character.
- 9.4. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.5. The proposal seeks to erect two dwellings in rear garden land of the host dwelling, No.60 Station Road. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along this part of Station Road, which is predominately characterised by frontage residential development, save for sporadic outbuildings or commercial/agricultural premises. Development encroaching into rear garden land at the host property would be to the detriment of the character and appearance of the area and would arguably create a precedent for further backland development at sites with similar geometry.
- 9.6. Whilst it is noted that there are some instances of backland development along Station Road, these are located closer to the central built framework of Manea and not within this part of Station Road, where backland development such as this would be detrimental to the more fringe, rural character. As such, the proposal would be contrary to the requirements of policy LP12.
- 9.7. In addition, Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 9.8. Within the vicinity of the site, Station Road includes a mixture of single and two-storey detached properties of mixed ages and characters. The host dwelling No.60 and adjacent dwelling No.58 are both modest single-storey bungalows, with further 2-storey dwellings flanking the site to the north and south. Opposite the site, the properties are newer and have more distinct design styles. All dwellings in the vicinity include a mix of styles and materials. As such, the proposed design and materials intended for the

proposed dwellings are unlikely to be incongruous within the surrounds in this regard.

- 9.9. However, the plans and elevations submitted with the application, and in particular the street scene depiction, suggests that the proposed dwellings will be visible within the street scene behind the host dwelling and neighbouring No.58. The host dwelling is approximately 4.6m high to the ridge, and as such the proposed dwellings will stand approximately 2.7m higher behind the modest host bungalow, which appears necessary owing to the flood risk mitigation requirements to raise finished floor levels 900mm above ground levels. However, due to this requirement the resultant dwellings will be particularly dominant in height and scale when compared with the host dwelling and will enclose the openness of the wider vista currently afforded between and behind the frontage development along this side of Station Road. As such, it is considered that the proposals do not comply with Policy LP16 (d).

#### **Impact on residential amenity**

- 9.10. The proposed dwellings will be set at a significant distance from the host dwelling (approximately 19m) and further still from other dwellings within the vicinity. Owing to this separation and the inclusion of appropriate boundary treatments, the proposed dwellings are unlikely to result in adverse impacts to neighbouring residential amenity with regard to overlooking or overshadowing. As such, the proposal is considered compliant with Policy LP2 and LP16 (e) in this regard.

#### **Flood Risk**

- 9.11. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site is located within Flood Zone 3.

#### *Sequential Test*

- 9.12. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Wisbech St Mary is the area of search for the Sequential Test for this application.

- 9.13. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment states:

*Large parts of the Fenland District between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. The site is protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps. When the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test.*

Whilst this statement is acknowledged, there are areas of Manea that fall within lesser Flood Zones (1 & 2). Thus the Sequential Test is deficient

because the application does not include sufficient documentation to demonstrate that there are no alternative sites in zones of lower flood risk.

- 9.14. For example, the Sequential Test submitted omits planning application F/YR20/0279/F, approved in June 2020, for the development of 2 dwellings in Flood Zone 1; or application F/YR19/0970/O, approved in January 2020, for the development of up to 3 dwellings in Flood Zone 1. As such, these sites would be capable of accommodating the proposed scheme here and are both in areas of lesser flood risk. Thus for the purposes of the Sequential Test as set out in the SPD these are classed as being available for development, and as such the sequential test is considered to be failed.
- 9.15. Upon re-consultation with the Environment Agency regarding the revised Flood Risk Assessment, they were able to remove their objection owing to the mitigation measures outlined within the report. Notwithstanding, the EA's comments of no objection should not be taken to mean that they consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test has not been passed.

#### *Exception Test*

- 9.16. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:
- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 9.17. (a) *Wider sustainability benefits*  
Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:
- Land and water resources;
  - Biodiversity and green infrastructure;
  - Landscape, townscape and historic environment;
  - Climate change mitigation and renewable energy;
  - Flood risk and climate change adaptation;
  - Pollution;
  - Healthy and inclusive and accessible communities
  - Economic activity; or
  - Transport.
- 9.18. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, it is often possible to achieve wider benefits on smaller housing schemes thought the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. The proposal does not offer any features to address these issues and as such the scheme would not satisfy the Exception Test in relation to (a).

9.19. (b) *Flood safety*

The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test with regard to (b).

9.20. *Flooding and Flood Risk - Conclusion*

The evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has failed the Sequential Test. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

**Other Matters**

9.21. There are no issues relating to private amenity space for either the proposed dwellings or the retained garden space for the host dwelling as these areas are in excess of a third of the overall plots.

9.22. Consultations with the Highways Authority returned no objection to the scheme, subject to conditions relating to footway construction (prior to commencement of development), parking and turning retention and visibility splays. The LPA have pre-emptively obtained agreement from the applicant relating to the proposed pre-commencement condition in the event that the Planning Committee seek to approve the scheme against officer recommendation. Subject to the compliance with these conditions, the proposed access, parking and turning arrangements for both the host dwelling and the proposed dwellings are considered acceptable in relation to Policy LP15.

**10. CONCLUSIONS**

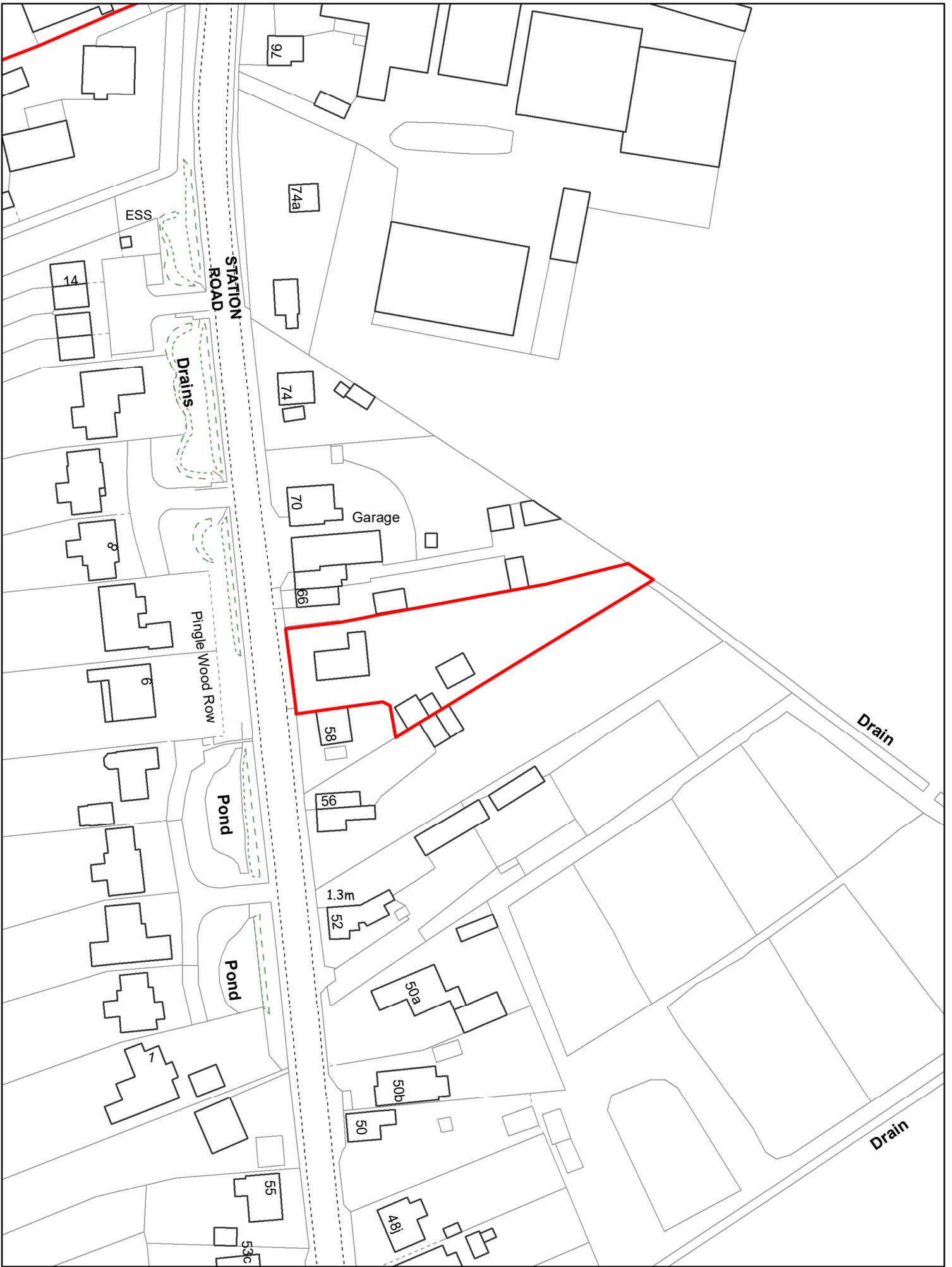
10.1. On the basis of the consideration of the above issues the proposed scheme fails to comply with Policies LP12 and LP16(d) owing to the harm caused to the character and appearance of the area by virtue of the inclusion of backland development and a dominance of the development within the street scene. Furthermore, the application failed to demonstrate how the development is unable to be accommodated in areas at a lower risk of flooding and accordingly failed the Sequential Test in contravention of Policy LP14. As such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

**11. RECOMMENDATION**

**Refuse**, for the following reasons:

## Reasons

1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and policy LP12 details a range of criteria against which development within the villages will be assessed. The application site proposes the construction of two dwellings located in existing garden land to the rear of frontage residential development along Station Road. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Station Road to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Furthermore, the scale of the proposed development would result in the dwellings exerting a dominance over the host dwelling and would therefore detrimentally impact the street scene within the wider setting. Thus proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
2. Policy LP14 of the Fenland Local Plan (2014) requires that development proposal within flood zone 3 are accompanied by a Sequential Test demonstrating how the development is unable to be accommodated in areas at a lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within flood zone 3. The Sequential Test within the Flood Risk Assessment accompanying the application does not sufficiently demonstrate that there are no alternative sites in zones of lower flood risk. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.



Created on: 19/02/2021

© Crown Copyright and database rights 2021 Ordnance Survey 100023778

**F/YR21/0157/F**

Scale = 1:1,250



**Notes**  
 Any discrepancies to be brought to attention of Author as soon as possible.  
 All dimensions shown in "mm" unless otherwise shown.  
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe construction practice that would be covered by a contractors Construction Phase Health and Safety Plan.



**Front Elevation**  
1 : 100



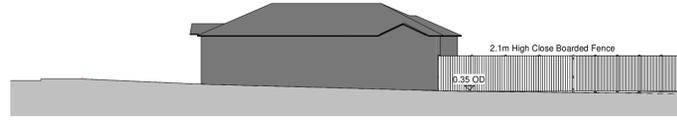
**Rear Elevation**  
1 : 100



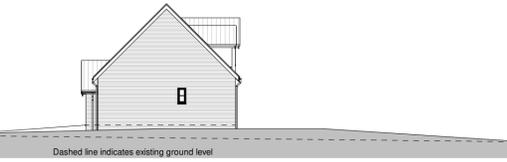
**Side Elevation (north)**  
1 : 100



**Side Elevation (south)**  
1 : 100



**Site Section**  
1 : 200



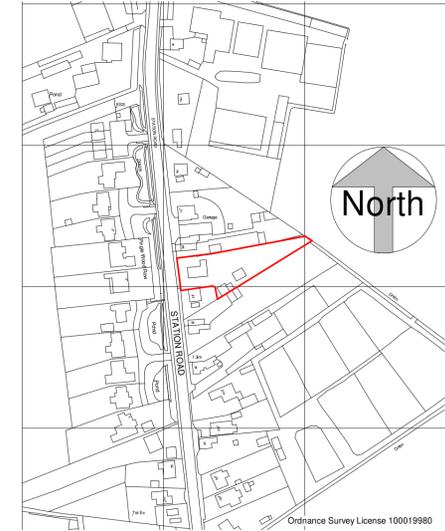
**Street Scene**  
1 : 200



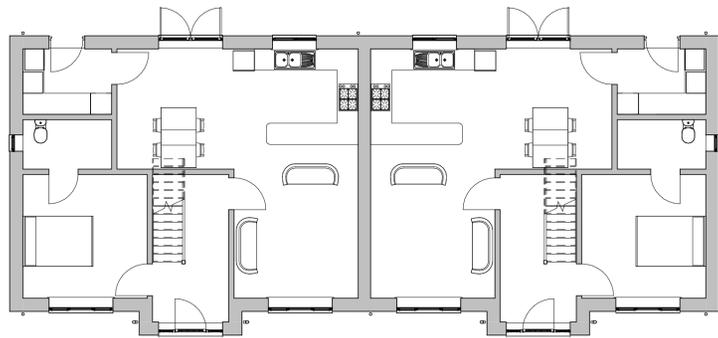
**1.8m Fence Elevation**  
Scale 1 : 100



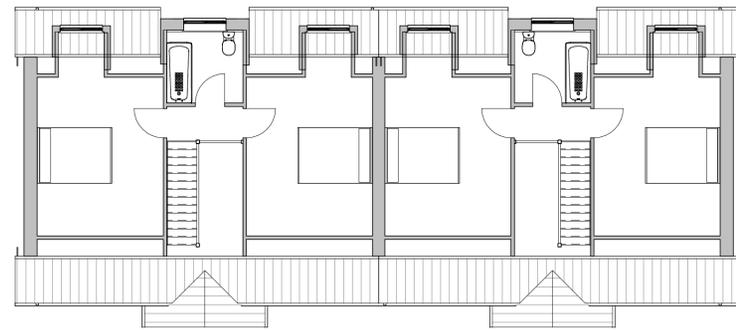
**2.1m Fence Elevation**  
Scale 1 : 100



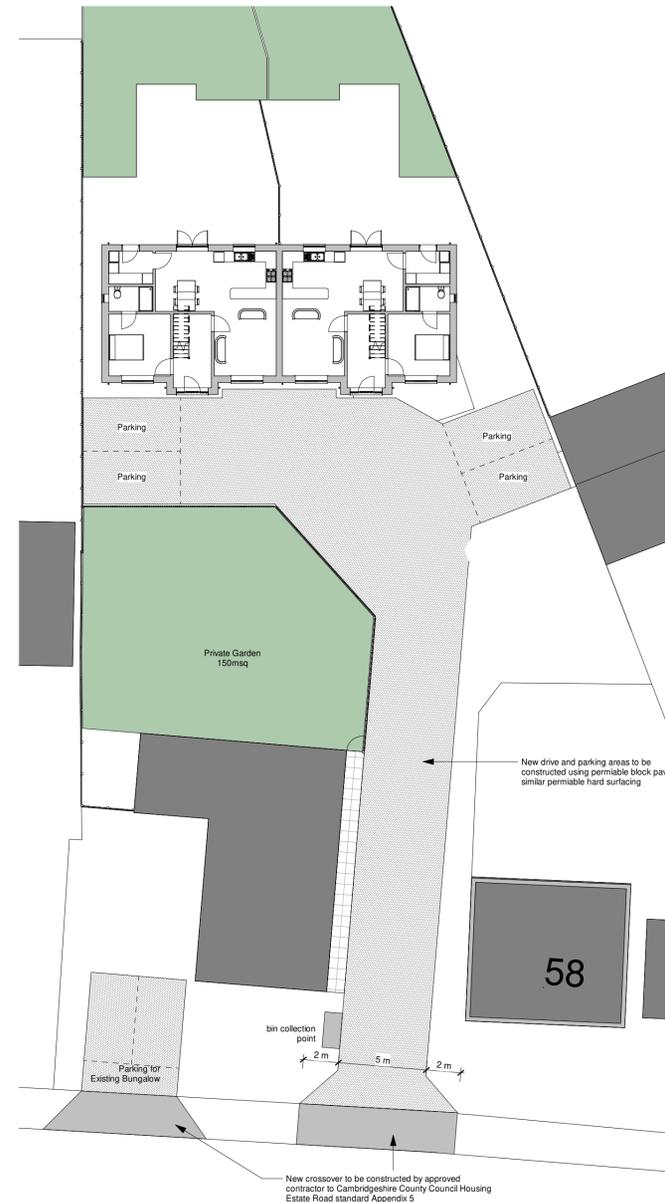
**Location Plan**  
1 : 2500



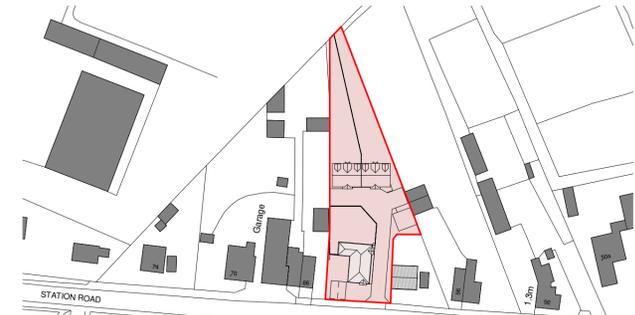
**Proposed Ground Floor**  
1 : 100



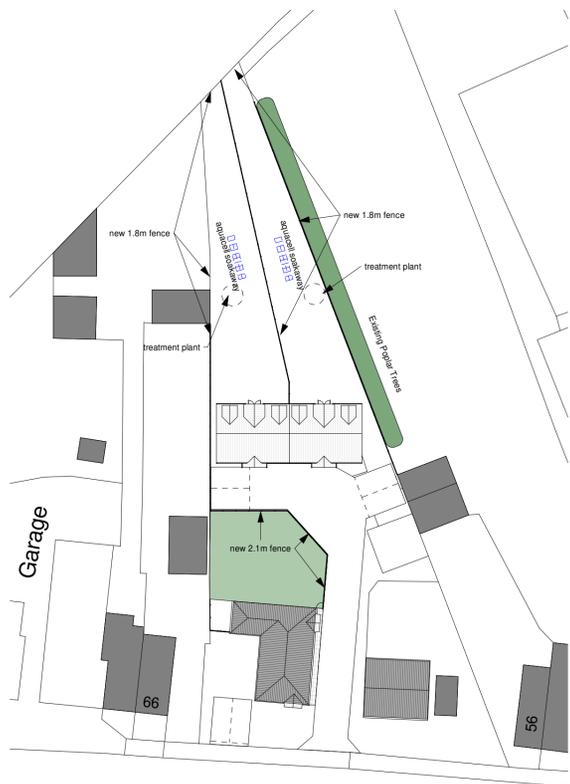
**Proposed First Floor**  
1 : 100



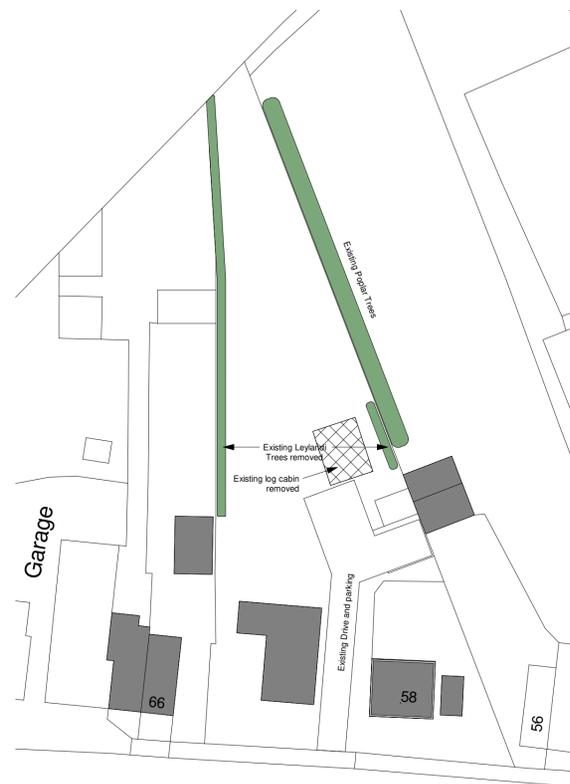
**Proposed Site Plan**  
1 : 200



**Development Plan**  
1 : 1250



**Proposed Block Plan**  
1 : 500



**Existing Site Plan**  
1 : 500

D	Road widened to 5m	16-08-21
C	Design Amended	20-07-21
B	Levels amended to suit Flood Risk Assessment	11-05-21
A	Street Scene Added	01-02-21

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

Proposed Development at 60 Station Road, Manea for Mr Dave Russ

Planning Drawing

date created	scale	drawing no.	rev.
09/11/20	As indicated @ A1	428 - P01	D

**Notes**  
 Any discrepancies to be brought to attention of Author as soon as possible.  
 All dimensions shown in "mm" unless otherwise shown.  
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.



**Front Elevation**  
1 : 100



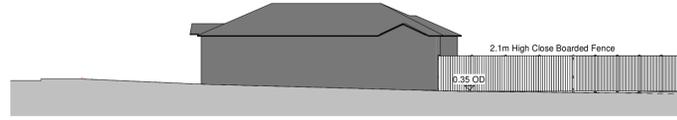
**Rear Elevation**  
1 : 100



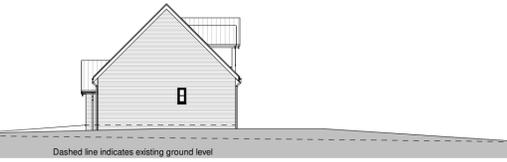
**Side Elevation (north)**  
1 : 100



**Side Elevation (south)**  
1 : 100



**Site Section**  
1 : 200



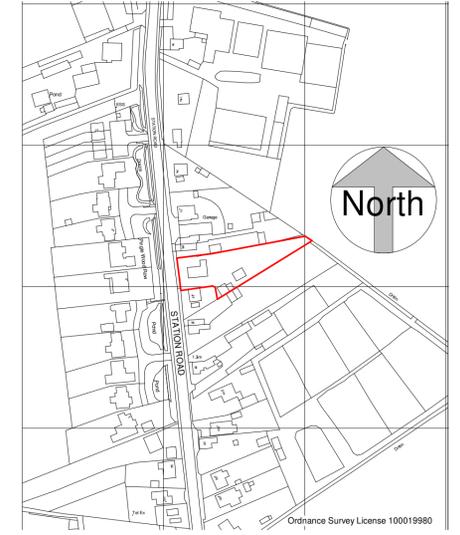
**Street Scene**  
1 : 200



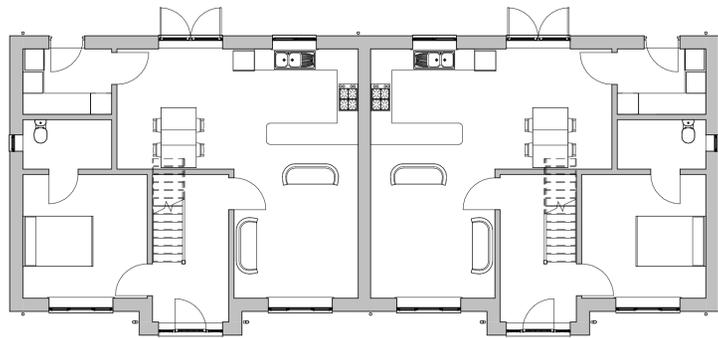
**1.8m Fence Elevation**  
Scale 1 : 100



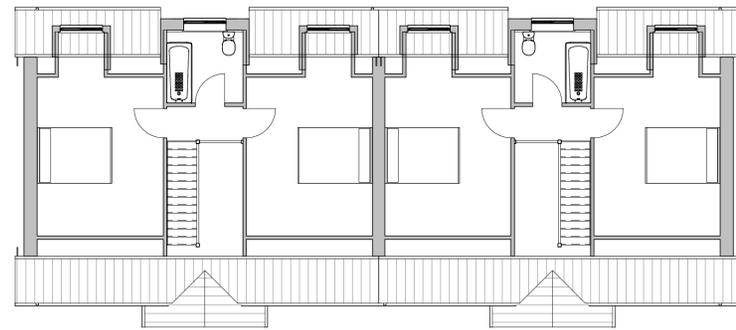
**2.1m Fence Elevation**  
Scale 1 : 100



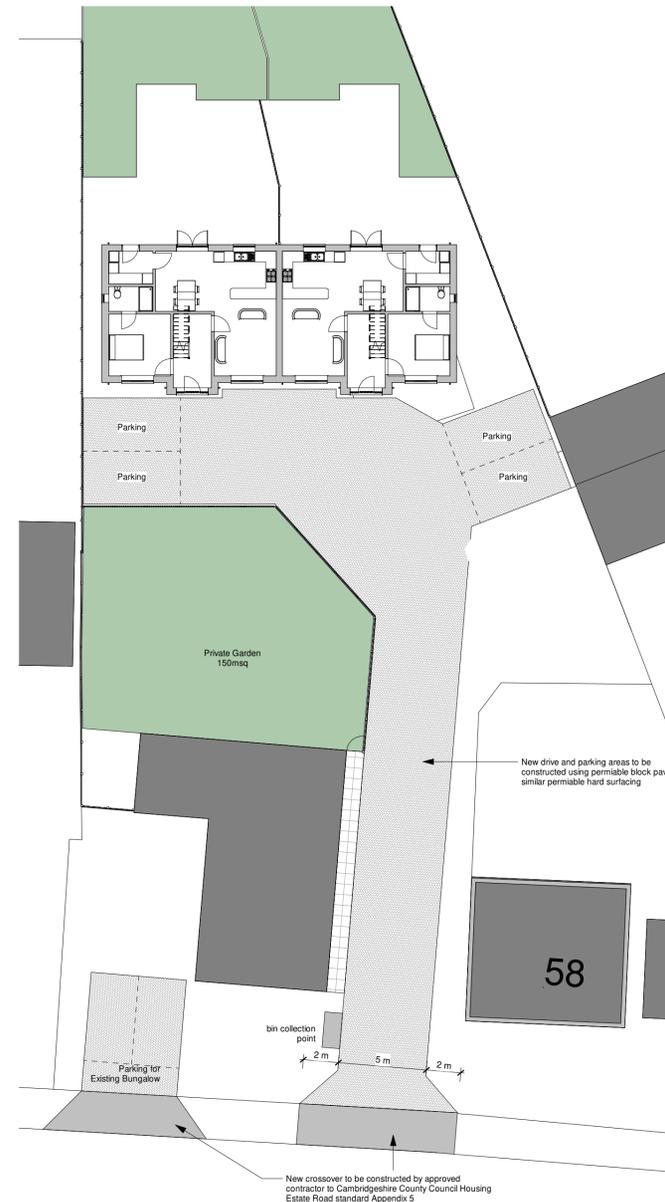
**Location Plan**  
1 : 2500



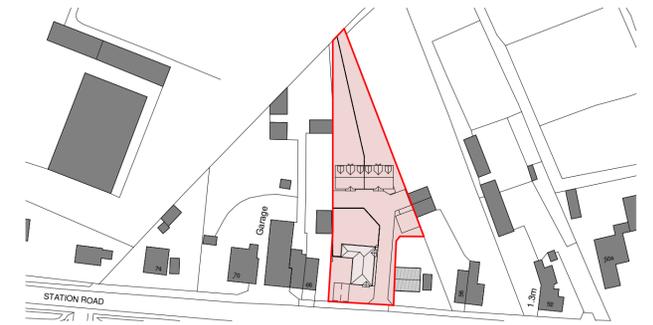
**Proposed Ground Floor**  
1 : 100



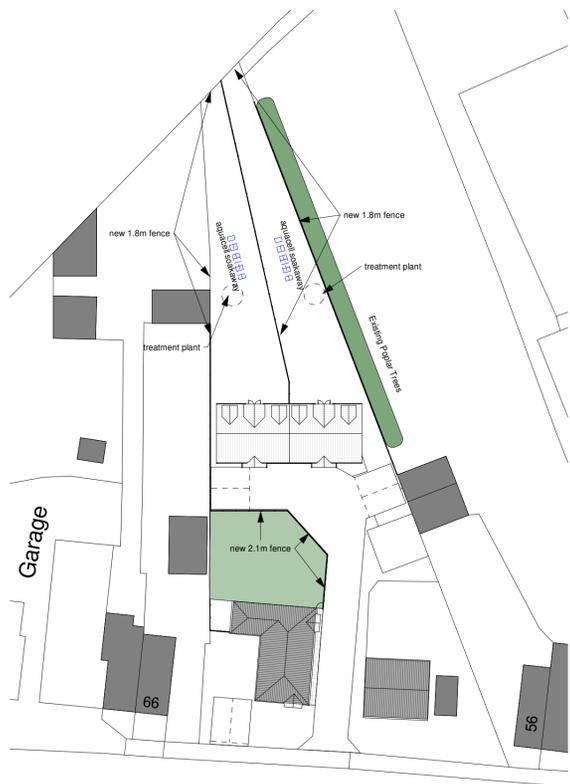
**Proposed First Floor**  
1 : 100



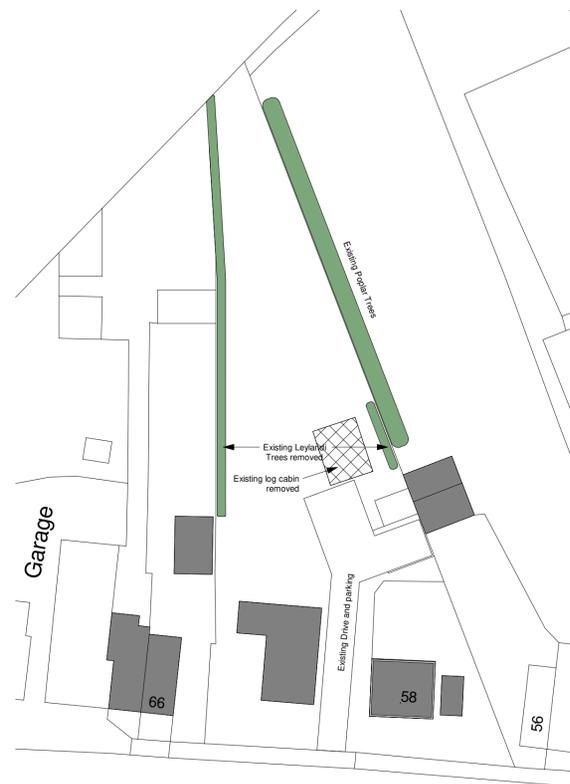
**Proposed Site Plan**  
1 : 200



**Development Plan**  
1 : 1250



**Proposed Block Plan**  
1 : 500



**Existing Site Plan**  
1 : 500

D	Road widened to 5m	16-08-21
C	Design Amended	20-07-21
B	Levels amended to suit Flood Risk Assessment	11-05-21
A	Street Scene Added	01-02-21

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

Proposed Development at 60 Station Road, Manea for Mr Dave Russ

Planning Drawing

date created	scale	drawing no.	rev.
09/11/20	As indicated @ A1	428 - P01	D

---

**F/YR21/0702/O**

**Applicant: Mr & Mrs J Humphrey      Agent: Jamie Burton  
Swann Edwards Architecture Ltd**

**Land North Of 15, Sandbank, Wisbech St Mary, Cambridgeshire**

**Erect 1no dwelling (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1. This application seeks outline planning permission for the erection of one dwelling on agricultural grassland in Flood Zone 3, on the east side of Sandbank, Wisbech St Mary. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2. Whilst Wisbech St Mary is a Growth Village as identified within policy LP3, the application site would extend the existing linear feature of the developed footprint of the settlement into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, which forms a natural demarcation between the developed built form of Wisbech St Mary and the surrounding countryside beyond. Development encroaching into this land would harm the character and appearance of the area. As such, the proposal would be contrary to the requirements of policy LP12.
- 1.3. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The provided Sequential Test is deficient however because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites able to accommodate the quantum of development proposed in zones of lower flood risk. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.
- 1.4. Thus, the principle of development is such as the proposal is considered unacceptable with regard to Policies LP3, LP12, and LP14 and hence the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary.
- 2.2. The site comprises agricultural grassland part of a wider field, set to the north of No.15 Sandbank. The site is bounded by 1.2m post and wire fencing and at the time of site inspection appeared to be utilised as a hayfield and paddock.

## **3 PROPOSAL**

- 3.1. The proposal is an outline planning application for the construction of a single dwelling on the land, with all matters reserved for later approval. The access to the site is indicated as being approximately in the middle of the site frontage. The submitted illustrative drawing submitted shows a detached dwelling in proximity to the northern boundary with separate detached garage, a parking and turning area to front and southern side of the dwelling and garden to rear. Also illustrated is a 1.8m wide footway across the site frontage connecting the development to the existing footway which terminates at the end of the neighbouring property.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

## **4 SITE PLANNING HISTORY**

- 4.1. No pertinent planning history.

## **5 CONSULTATIONS**

### **5.1. CCC Highways Authority**

*The principle of development from a highways point of view is acceptable and I have no objections to the planning application.*

*As part of the future reserved matters application I would expect to see the access arrangements, footway extension and a scheme for parking and turning in accordance with FDC's parking standards.*

*Ideally, the access arrangements to include details of how the access will be drained (drained away from the highway) although this could be conditioned for the reserved matters.*

### **5.2. Environment Agency (Original comments 07.07.2021)**

*In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.*

**Reasons** - *The submitted FRA (ECL0494/SWANN EDWARDS ARCHITECTURE dated May 2021) acknowledges the potential depths of 0.5m to 1m shown on the 0.5% plus 20% climate change hazard mapping.*

*It is proposed to mitigate against the flood risk during a breach by setting the finished floor of the 2 storey property 0.4m above the surrounding ground level*

and 0.6m of flood resistant and flood resilient construction above finished floor level.

The Wisbech Level 2 SFRA Site Specific Flood Risk Assessment Toolkit (June 2012) section 1.3.11 states "Finished floor levels for all types of development (not just dwellings) must be set above maximum flood depth ... If single storey dwellings are proposed this is essential. Where this is not possible (potentially in combination with some raising of finished floor levels) then a range of measures including safe refuge and a means of escape must be considered. This could be achieved by, but is not restricted to:

- Adding a first floor;
- The addition of a mezzanine floor;
- Altering a bungalow to become a chalet bungalow; or
- Providing room within an easily accessible loft space with velux windows added"

The FRA has not stated why the finished floor level of the 2 storey property cannot be set at 1m above surrounding ground levels.

### 5.3. **Environment Agency (Reconsultation Comments 08.09.2021)**

We are able to **remove our objection** and wish to make the following comments.

#### **National Planning Policy Framework Flood Risk Sequential Test**

In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

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

#### **Review of Flood Risk Assessment (FRA)**

We have no objection to this application, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ECL0494a/SWANN EDWARDS ARCHITECTURE dated July 2021) and the following mitigation measures it details:

- 2 storey dwelling
- finished floor levels to be set a minimum of 1.0m above the surrounding ground level
- 0.3m of flood resilient construction above finished floor levels

### 5.4. **Wisbech St Mary Parish Council**

At the meeting of Wisbech St. Mary Parish Council on 12th July 2021, the Council recommended APPROVAL.

**5.5. Environment & Health Services (FDC)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.*

**5.6. North Level Internal Drainage Board**

*My Board has no objections to this application in principle.*

*The Board's Sayers Field Drain forms the southern boundary to the site and therefore the Board's byelaws apply. In particular, Byelaw no.10 which states that 'no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain'.*

*It is also noted that surface water is to discharge to this watercourse and therefore a development levy will be payable...together with formal consent from the Board.*

**5.7. Local Residents/Interested Parties –**

Nine letters of support received (seven from residents of Sandbank, one from a resident of High Side and one from a resident of Elm) for the application on the grounds that the proposal would be an acceptable extension to the village and would not appear to cause any detrimental amenity impacts.

**6 STATUTORY DUTY**

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

**7 POLICY FRAMEWORK**

**7.1. National Planning Policy Framework (NPPF) July 2021**

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

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

**7.2. National Planning Practice Guidance (NPPG)**

Determining planning applications

**7.3. National Design Guide 2019**

Context

Identity

Built Form

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
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments

#### 7.5. **Supplementary Planning Documents/Guidance**

Cambridgeshire Flood and Water SPD (2016)

### 8 **KEY ISSUES**

- **Principle of Development**

### 9 **ASSESSMENT**

#### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 9.2. Wisbech St Mary is classed as a Growth Village, where development and new service provision either within the existing urban area or as small village extensions will be appropriate. The broad principle of developing the site for a single dwelling would be consistent with this policy.
- 9.3. However, Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character.
- 9.4. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 9.5. The development proposed would extend the existing linear feature of the developed footprint of the settlement, by adding a further dwelling to the line of ribbon development along Sandbank, into an area of agricultural grassland. This area of grassland at the site is mirrored by agricultural land opposite, and forms a distinct and natural demarcation between the developed built form of Wisbech St Mary and the countryside beyond. Development encroaching into

this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further ribbon development. As such, the proposal would be contrary to the requirements of policy LP12.

### **Character and appearance**

- 9.6. Within the vicinity of the site, Sandbank includes a mixture of semi-detached and detached two-storey properties of mixed ages and characters. To the east side, the properties are older, of similar gable-roof profiles, and constructed of similar materials whilst to the west the dwellings are generally larger, and have a more modern appearance, with a mix of styles and materials.
- 9.7. The indicative site plan submitted with the application suggests that the dwelling may have a gable roof profile, be of a similar footprint and follow a similar building line to the existing dwellings along the east of Sandbank. Matters relating to the specific appearance, layout and scale will be committed at Reserved Matters stage, however, the indicative site plan suggests that a suitably designed dwelling on the site could be achieved.
- 9.8. Whilst it may be noted that the proposed dwelling could reflect the existing character of development to the east of Sandbank in terms of similar design features, owing to recommendations regarding the mitigation of flood risk from the Environment Agency (and set out within the submitted FRA), namely: the raising of finished floor levels to 1m above ground level; and a two-storey dwelling, this may impact on the streetscene as a result of this overall height, which could detrimentally impact the character of the local vernacular resulting in a dwelling of a significantly larger scale than neighbouring dwellings.
- 9.9. Therefore this requirement to raise the finished floor level of the dwelling and the potential for this to result in the dwelling being taller than those adjacent would exacerbate the detrimental impact on the overall landscape character owing to the proposed position of the site on agricultural land that forms a 'buffer' between development within Wisbech St Mary (as discussed above).

### **Residential Amenity**

- 9.10. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.11. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan

### **Flooding and flood risk**

- 9.12. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site is located within Flood Zone 3.

### *Sequential Test*

- 9.13. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach to agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Wisbech St Mary is the area of search for the Sequential Test for this application.
- 9.14. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment states that an internet search of available development sites within Wisbech St Mary has resulted in no available sites being found. The Sequential Test is deficient however because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites in zones of lower flood risk.
- 9.15. For example, the Sequential Test submitted omits planning application F/YR20/0416/O, approved by Committee in October 2020, for the development of 2 dwellings in Flood Zone 1; or application F/YR20/1155/O, approved by Committee in March 2021, for the development of 1 dwelling in Flood Zone 1. As such, these sites would be capable of accommodating the proposed scheme here and are both in areas of lesser flood risk. Thus for the purposes of the Sequential Test as set out in the SPD these are classed as being available for development, and as such the sequential test is considered to be failed.
- 9.16. Upon re-consultation with the Environment Agency regarding the revised Flood Risk Assessment, they were able to remove their objection owing to the mitigation measures outlined within the report. Notwithstanding, the EA's comments of no objection should not be taken to mean that they consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test has not been passed.

### *Exception Test*

- 9.17. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 9.17. a) *Wider sustainability benefits*  
Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:
- Land and water resources;
  - Biodiversity and green infrastructure;
  - Landscape, townscape and historic environment;

- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;
- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

9.18. Having regard to the scale and nature of development, it would likely be difficult to achieve wider benefits through much of the list above. However, it is often possible to achieve wider benefits on smaller housing schemes thought the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. Features such as the installation of photovoltaic panels, air source heat pump, or means to sustain and encourage biodiversity could be utilised to assist in achieving sustainability benefits. These measures could be considered and included at Reserved Matters stage and may result in the satisfactory compliance with the Exception Test in this regard.

9.19. b) *Flood safety*

The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test in this regard.

9.20. *Flooding and Flood Risk - Conclusion*

The evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

**Highway Safety**

9.21. It is noted and accepted that the specific details of the access are to be considered later as part of a reserved matters submission, however it is appropriate to consider at this stage the indicated point of access to the highway and whether or not the principle of such an access is acceptable.

9.22. There are several properties currently accessed off Sandbank. It is therefore not considered that access onto Sandbank would be harmful to highway safety as a matter of principle, and the lack of objection from the highways authority in this regard supports that conclusion. Details of the proposed access construction would be required to be approved as a reserved matter should the outline proposal be granted consent, and therefore it is not considered necessary to require those plans at this stage. The indicative scheme provided shows that there is sufficient space to allow for vehicles to turn around within the site and thus they would be able to both enter and leave the site in a forward gear.

9.23. It is considered therefore that there are insufficient grounds to justify refusal as a matter of principle on the basis of the highways impact.

## **Agricultural Land**

- 9.24. The site is Grade I agricultural land, the highest quality. While planning policy seeks to restrict development on such sites it is not considered that it would be reasonable to refuse the application on this basis given the abundance of high quality agricultural land within the district.

## **10 CONCLUSIONS**

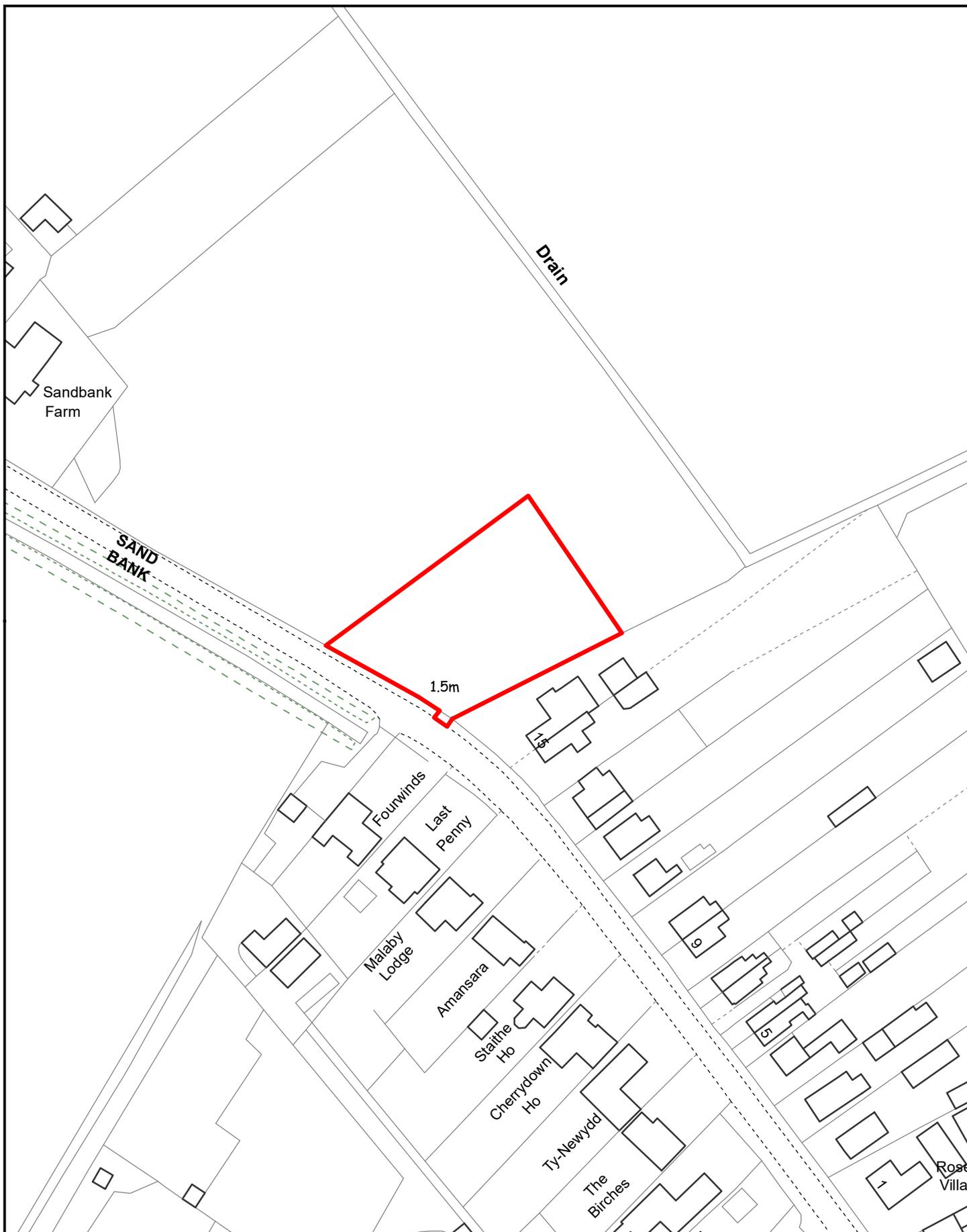
- 10.1. On the basis of the consideration of the three elements contributing to the principle of the development of the site listed above, there would be conflict with adopted planning policy in two of those areas. Such conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

## **11 RECOMMENDATION**

- 11.1. **Refuse**, for the following reasons:

### **Reasons**

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and policy LP12 details a range of criteria against which development within the villages will be assessed. The application site proposes the construction of a dwelling located beyond the existing built up edge of the settlement, extending the developed frontage into the countryside. Development encroaching into this land would detrimentally impact upon the character and appearance of the countryside, exacerbated by the requirement for the finished floor level to be above existing ground level by one metre and could set a precedent for further development failing to make a positive contribution to local character and the streetscene as set out in Policy LP16 (d). The application would therefore fail to comply with the requirements of policies LP12 and LP16 of the Fenland Local Plan (2014).
2	Policy LP14 of the Fenland Local Plan (2014) requires that development proposal within flood zone 3 are accompanied by a Sequential Test demonstrating how the development is unable to be accommodated in areas at a lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within flood zone 3. The Sequential Test within the Flood Risk Assessment accompanying the application does not sufficiently demonstrate that there are no alternative sites in zones of lower flood risk. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.



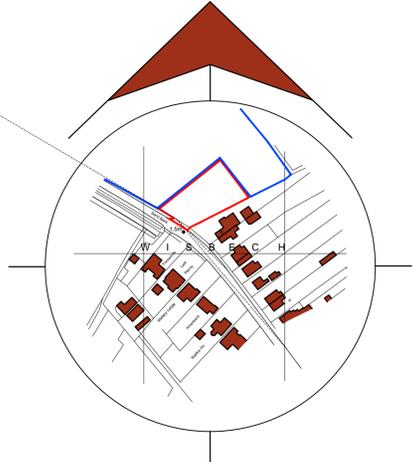
Created on: 29/06/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

**F/YR21/0681/VOC**

Scale = 1:1,250





Location Plan  
Scale: 1:2500  
metres



Indicative Site Plan  
Scale: 1:200  
metres

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

AREA SCHEDULE  
APPLICATION SITE AREA = 1946m<sup>2</sup>

SITE PLAN KEY

- Un-surveyed buildings taken from OS map
- Proposed development
- Existing vegetation
- Proposed trees and vegetation
- Proposed grass
- Proposed private drive
- Proposed crossover to Cambridgeshire County Council standards to be drained and sealed to ensure no water from site enters highway and vice-versa. Full details to be submitted with Reserved Matters Application
- Indicates 1.8m wide footpath extension. Full details to be provided with Reserved Matters Application and will be subject to Highways Approval

Revisions

A	Aug 2021	Plot Size Reduced as Planning Officer Request and Access Relocated
B	Sept 2021	Visibility Splays Clarified

Status  
**FOR APPROVAL**



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450504 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Drawn by
Proposed Dwelling	April 2021	JB
Land North of 15 Sand Bank		Checked by
Wisbech St Mary, PE13 4SE		RS
Drawing Title	Job No.	Sheet Size
Planning Drawing	SE-1624	A1
	Dwg No.	Revision
	PP1000	B

This page is intentionally left blank

F/YR19/1106/F

**Applicant: Mr Green**  
**Ely Diocesan Board of Finance**

**Agent : Dr Wickham**  
**Howard Sharp and Partners LLP**

**Land East Of St Marys Church Hall, Wisbech Road, Westry,**

**Erect 6 dwellings (4 x 2-storey 2-bed and 2 x 2-storey 3-bed) and associated works**

**Officer recommendation: Refuse**

**Reason for Committee: Town Council comments contrary to officer recommendation**

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings and 2-storey, semi-detached 3-bed dwellings with shared detached garage. There would be a single point of access from Wisbech Road, utilising the existing access to the church hall.
- 1.2 The principle of residential development of this site in this sustainable location is considered acceptable. The access is considered to be acceptable, a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.
- 1.3 The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.
- 1.4 Whilst the relationships with existing (or approved) surrounding dwellings is considered to be acceptable, the proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.
- 1.5 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance of the heritage asset. It is considered that the harm created is less than substantial. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide 6 additional dwellings which would provide some public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future

occupiers. As such, the harm created to the heritage asset is considered to be unacceptable.

## **2 SITE DESCRIPTION**

The application site is located on the north eastern side of Wisbech Road, Westry and incorporates land to the rear of the Grade II Listed St Mary's Church and associated Church Hall and consists of the informal parking area serving these and the main section of the site beyond this which is gated off and overgrown. There are substantial trees on site protected by TPO MU/2/465/15. The existing access is to be utilised and upgraded. The site is located within Flood Zone 1.

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings and 2-storey, semi-detached 3-bed dwellings with shared detached garage.
- 3.2 There would be a single point of access from Wisbech Road, utilising the existing access to the church hall. The access road would then run past the church hall to serve, initially, a retained car parking area for this. The access road then runs into the wider part of the site, with two ninety degree turns, where the dwellings would be located in a block of four and a block of two either side of the road.
- 3.3 Plots 1 – 4 measure 29.5m x 8.55m and 7.8m in height; accommodation comprises open plan living/dining/kitchen, study and bathroom at ground floor level and 2 bedrooms and bathroom or shower room at first floor level.
- 3.4 Plots 5-6 measure 24.3m x 8.5m and 7.8m in height; accommodation comprises open plan living/dining/kitchen, study and bathroom at ground floor level and 3 bedrooms and shower room at first floor level.
- 3.5 The shared detached garage measures 6.7m x 6.3m and 4.2m in height. Bin and cycle storage areas are also provided for each dwelling along with Sheffield cycle stands for visitor cycle parking.
- 3.6 An attenuation basin is also proposed to the south of plot 5, adjacent to the southern boundary of the site.

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

[F/YR19/1106/F | Erect 6 dwellings \(4 x 2-storey 2-bed and 2 x 2-storey 3-bed\) and associated works | Land East Of St Marys Church Hall Wisbech Road Westry \(fenland.gov.uk\)](https://www.fenland.gov.uk/F/YR19/1106/F|Erect6dwellings(4x2-storey2-bedand2x2-storey3-bed)andassociatedworks|LandEastOfStMarysChurchHallWisbechRoadWestry)

## **4 SITE PLANNING HISTORY**

None of relevance; pre-application advice is detailed in the background section below.

## **5 CONSULTATIONS**

### **5.1 Arboricultural Officer (FDC) (10/2/2020)**

*The proposed development requires the removal of a number of trees and groups within the site including three groups classed as Category U, two trees graded as Category C and two trees graded as Category B one of which has an additional report justifying its downgrading to a Category C due to structural condition.*

*I have no objection to the tree report by Lockhart Garratt and accept their classification of the condition of the trees.*

*The proposed layout utilises the root protection areas (RPAs) of a number of the trees for the placement of parking bays including two Category A trees (T31 & T38), two Category C trees (T11 & T15) and one Category C tree (T15). The proposed access road will also impact on the RPAs of Category A, B and C trees.*

*British Standard BS5837:2012 notes that the default position for structures (manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork) is outside the RPA. Whilst there are methods of construction within the RPAs of trees they require strict supervision by a qualified arboricultural consultant to ensure contractors follow the procedures.*

*In this case the applicant will need to demonstrate that the necessary systems (cellular confinement system) can be installed for the parking bays/access without major changes in soil levels to achieve the necessary levels and there is an auditable system of site supervision detailing inspection intervals and reports to the Planning Department including the provision of photographic evidence.*

### **5.2 Arboricultural Officer (FDC) (15/10/2020)**

*The proposed development requires the removal of eight trees and three groups of trees. In general, those trees noted for removal are of low value and structurally poor with a number (particularly within groups) of low vigour and dead/dying.*

*The submitted arboricultural impact assessment and method statement provides the necessary guidance to ensure the retained trees are protected during the development.*

*As there are significant encroachments into the RPAs of retained trees, the applicant must ensure that the arboricultural method statement is followed to the letter and that the project arboricultural consultant visits the site to supervise key stages such as position of protective fencing and ground protection and the installation of the cellular confinement systems to ensure there is no damage to the root systems.*

### **5.3 Arboricultural Officer (FDC) (12/1/2021)**

*The impact assessment notes that there will be a requirement for an arboricultural method statement to detail how the project will be constructed with regard to tree protection. Whilst I agree that, in most cases, tree protection can be conditioned, in this instance I consider that we need detail up front regarding the practicality of constructing a swale and gutter within the RPAs of retained trees.*

*It is stated, and shown on drawings, that the swale will be within the RPA of tree T31 and close to the trunk, not just skirting the periphery of the RPA. The swale is stated to be 300mm deep and with the need to have a gentle slope from ground*

*level to the base of the swale there is a chance of roots being damaged/severed to enable this. The developer will need to show the swale and gutter can be installed without long-term damage to retained trees and therefore a trial excavation will need to be carried out using an airspade and supervised by the project arboricultural consultant to assess the volume and size of roots present within the area of the proposed drainage runs.*

*There are also additional excavations required to install the swale inlets and flow control and this requires use of concrete foundations within the RPA of the tree presumably to a depth greater than 300mm; cement is toxic to roots and would require a separation barrier to prevent damage to roots.*

*Currently there is too little detail to grant approval and the preliminary excavation by air spade is essential to determine if the proposed scheme is viable.*

**5.4 Arboricultural Officer (FDC) 12/2/2021**

*Many thanks for the supplied information. I appreciate your cooperation and I have no objection to the amended layout for the site drainage.*

**5.5 Wildlife Officer (8/1/2021)**

*The proposal would involve removing a tree (T28) which has been assessed as having moderate bat roost potential. An activity survey is needed to determine whether bats are in fact using the tree. This can't be done until May when the activity survey season starts (and runs through September).*

*The survey was recommended by the ecologists but as it hasn't been done the council doesn't yet have sufficient information to determine the application.*

*I would not support determination or approval at this time.*

**5.6 Wildlife Officer (19/4/2021)**

*Recommendation:*

*The application scheme is acceptable but only if conditions are imposed.*

*Recommended condition(s)/Reason(s) for refusal:*

*Pre-commencement Condition(s) –*

*• No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones"*
- . c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site, how rubbish is planned to be collected during and post construction, and how all polluting materials and liquids (such as cooking oil, or deasil) will be stored safely and safely transported off site during and post construction.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*

- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

*Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.*

- *No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the lost on-site habitats has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.*

- a) *Purpose and conservation objectives for the proposed works.*
- b) *Review of site potential and constraints.*
- c) *Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) *Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) *Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) *Persons responsible for implementing the works.*
- h) *Details of initial aftercare and long-term maintenance.*
- i) *Details for monitoring and remedial measures.*
- j) *Details for disposal of any wastes arising from works.*

*The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.*

*Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.*

*Pre-occupation Condition(s) –*

- *Prior to occupation, a “lighting design strategy for biodiversity” for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:*
  - a) *identify those areas/features on site that are particularly sensitive for bat and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*

*b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

*Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Policy.*

*Assessment/Comment:*

*The site assessment surveys have established that no protected species will be harmed by the development so long as certain mitigation and compensation is completed. The CEMP and EMP described in the conditions above will outline how the mitigation and compensation will be achieved. The EMP in particular should be created in collaboration between the consultant ecologist and the soft landscape designer to ensure that both aspects eld together correctly.*

*Due to the rural location of the proposal small mammal holes should be installed into all dividing fences to allow small mammals to transverse the site.*

*No lighting plan was submitted as part of this application, good practice states that lighting should be designed with sensitivity to protected species including bats.*

*Planning Policies/Legislation:*

*The Council is required to have regard to the safeguarding of species and habitats protected under UK, European and International legislation when determining all planning applications. The main legislation includes:*

- the Wildlife and Countryside Act 1981 (as amended)*
- the Hedgerows Regulations 1997*
- the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- the Protection of Badgers Act 1992 and*
- Wild Mammals (Protection) Act 1996*

*Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.*

*Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great*

*crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time needs to be certain that great crested newts are not present before the works take place.*

*Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:*

*The advice given above takes into account the following guidance:*

*Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned. For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard”.*

*Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”. The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.*

*The biodiversity policies relevant to the proposal are:*

*LP19 – The Natural Environment: The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.*

*Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:*

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*

• Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas

#### **5.7 Cambridgeshire County Council Archaeology (5/2/2020)**

*Our records indicate that this site lies in an area of archaeological potential, situated immediately adjacent to the north of a previous area of archaeological investigation at Woodville Business Park which identified archaeological remains of predominantly Roman date, overlain by evidence of post-medieval activity (Cambridgeshire Historic Environment Record reference MCB27382). Archaeological investigations adjoining the north eastern boundary of the site revealed further evidence of post-medieval occupation (CHER ref ECB4049) and archaeological investigations 150m to the north revealed an Early Iron Age settlement structure (ECB4462). To the north is a series of Bronze Age settlement sites known in the area north-west of March, including Whitemoor Sidings (ECB2014, MCB16673) and another at Hundred Road (ECB3027). In addition, the site is located just south of the line of the Fen Causeway, an important Roman route linking settlements across the Fens (CB15033).*

*We therefore do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:*

#### *Archaeology*

*No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:*

- a) the statement of significance and research objectives;*
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c) The timetable for the field investigation as part of the development programme;*
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material*

#### *Informatives:*

*Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.*

*Reason To ensure that the significance of historic environment assets is conserved in line with NPPF section 1*

#### **5.8 Cambridgeshire County Council Archaeology (10/10/2020)**

*I am writing to confirm that the amendments do not alter the advice previously issued by this department on 05/02/2020.*

## **5.9 March Society**

*Positive:*

*The plan for the new houses is very thorough and the design aims to reflect certain features of St Mary's Church in their design to give the appearance of traditional almshouses.*

*Any impact on the Church building will be mitigated by a landscaped buffer zone.*

*The new properties will be small but aimed to be sustainable and efficient to run aimed at a first-time buyer market for which there is a demand in the area.*

*Trees (Positive)*

*Such a development will require the disappearance of some trees. The proposed layout requires the removal of five trees and three groups of trees. Trees will be protected during construction and new tree planting is promised.*

*One issue of concern is car parking. The application states in part 9:*

*Vehicle Parking (Need for clarification)*

<i>Existing number of spaces</i>	<i>Total proposed (including spaces retained)</i>	<i>Difference</i>	
<i>Cars</i>	<i>17</i>	<i>35</i>	<i>18</i>
<i>Disability spaces</i>	<i>2</i>	<i>5</i>	<i>3</i>
<i>Cycle spaces</i>	<i>6</i>	<i>26</i>	<i>20</i>

*On the hard landscaping plan there is no indication of parking spaces near the Church hall. The only ones being near the new houses. However since the application talks of retained places these can only be the present informal ones.*

*Clarification may be afforded by page 21 of the draft tree protection plan which shows 19 parking spaces (including 2 disabled spaces) between the church hall and the new planted buffer zone. On page 20 the area in question will also have permanent ground protection.*

*Within the heritage statement*

*3.3 Land to the north of the site will be retained for the provision of an extension to the adjoining churchyard. This land additionally has a large tree to the centre of its southern boundary that is best retained within a communal area.*

*3.5 An area of parking to serve the existing church hall has been incorporated within the scheme. This area is currently utilised by the hall for parking in an informal manner. The aim is clearly to attempt to keep parking for the new housing and that for parishioners separate,*

*3.6 The majority of the parking for the proposed housing is located within a communal area to the South-West of the site. The proposal is to provide the hall with a more considered and structured parking zone to rationalise and maximise this area, further enhancing the setting of St. Mary's Church.*

*It will be up to the PPC to decide if the amount of parking on site and on the road will be sufficient to meet demand for funerals and other events and for bookings of the church hall.*

*Finally new fencing will be erected very close to the church hall and will have 1.2m high metal posts and 3- strand horizontal wire as shown on the Hard Landscaping Plan. Presumably this is to increase the safety of the users of the hall*

**5.10 March Town Council**  
*Recommend Approval*

**5.11 Environment & Health Services (FDC) (15/1/2020)**

*I refer to the above application for planning consent and would make the following observations.*

*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.*

*Owing to your site photos showing what appear to be the remains of structures previously erected on the site, I would kindly request that the following condition is attached to any planning consent granted;*

**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.*

**5.12 Environment & Health Services (FDC) (5/10/2020)**

*This response has considered the Environmental Health issues concerning this proposal.*

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

*Planning Application dated XXXXXXXX  
Design and Access Statement – Headley Stokes Associates –  
May 2020  
Location Plan  
Heritage Statement – dated 5 December 2019  
Fenland District Council Environmental Health response – 15  
January 2020  
Pre-Application Ref:- 17/0150 dated 23 April 2018*

*There are no concerns that the air quality climate will be adversely affected by this development*

*There are no issues about this development impacting on the noise climate.*

*There are no noise sources nearby which are of concern. It is recognised that the A141 March to Wisbech Road is close by, but there is enough distance separation for there to be no need for a noise impact assessment*

*There is no known ground contamination present or of a former contaminative use. However, I would recommend that attachment of the standard unsuspected contaminated land condition be attached to any consent granted, as recommended in the previous response dated 15 January 2020.*

Consequently, there are no objections to the granting of consent to this proposal with 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*

### **5.13 Conservation Officer (FDC) (6/10/2020)**

*This application concerns proposals to erect 6 dwellings on land east of the grade ii listed building, Church of St Mary, Wisbech Road, March. The title of the application is wrong. The previous submission was for 9 dwellings, but the revised drawings indicate only 6. The title however has not changed and still refers to 9 dwellings.*

*There is no planning history associated with this site.*

*However, it is noted that in December 2017 a pre-application enquiry was submitted seeking to establish the acceptability of developing the site in question. The conservation view regarding the scheme submitted at that time was that it could not be supported citing that the sense of space and natural qualities around the church and churchyard served to reinforce the church's historic rural context and were an important aspect of setting. It was stated, in regard to the 2017 scheme, that "the intensity of the development would undoubtedly have an imposing and dominant presence within the setting of the church to the harm of the setting of the church". A slight revision was submitted as part of the pre-app in April 2018 which slightly reduced the number of dwellings and introduced a planting scheme. A scheme for 9 dwellings was submitted under F/YR19/1106/F and recommended for refusal.*

*The scheme now submitted is a revision to that scheme and seems to have had regard to some key conservation considerations previously raised.*

*Due regard is given to development proposals on land in this vicinity of this site which has been considered in the last decade and includes the following:*

*To the east of the site in question planning permission, F/YR12/0305/F was granted for the erection of three dwellings which have been built.*

*To the north of the site in question planning permission, F/YR16/0834/F, was granted for one 1 ½ storey dwelling which has been built.*

*To the south of the Church Hall planning permission, F/YR16/0436/O was granted for 9 dwellings which is yet to be built. This succeeded earlier applications to develop this site. A Reserve Matters application, F/YR19/0602/RM, associated with the 2016 outline is currently pending decision following negotiation to try and achieve an acceptable scheme.*

*In 2011 a planning application for 5 houses at the Phoenix House, Wisbech Road, F/YR11/0418/F, was refused and reason 2 of the refusal concerned the adverse impact on the setting of the adjacent listed building (St Mary's Church) by virtue of two of the proposed plots and their proximity to the church.*

*A Heritage Statement has accompanied this application but it is considered to be of poor quality and hasn't adequately satisfied paragraph 189 NPPF (Feb 2019). It is considered that it fails to full assess, appreciate and describe the fundamental aspects of the setting of the grade ii listed church and contribution this setting makes to the significance of the church. The heritage statement does not account for the interest of the setting in the first instance and does not sufficiently appraise the impact of the development on this setting. No reference is made to the Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017) having been consulted.*

*Consideration is given to the impact of this proposal on the setting of the grade ii listed church in the vicinity of the site with due regard to the duty in laws under S66 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:*

*St Mary's Church is located on the outer edge of the town of March in the ecclesiastical parish of Westry. It was constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location with nearest building being The Rectory to the north east (where Phoenix House now stands) and odd buildings beyond that. As Wisbech Road within March had not been developed at that time the footprint of the town ended at the Norwood Road junction. Today Westry sits on the northern edge of the March Trading Park and the "settlement" of Westry now comprises of houses and businesses stretched out along Wisbech Road (A141). Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church. It is with due regard to the interests of the setting of the church that this proposal is considered.*

*The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, land which is in the immediate vicinity of the church and forms part of the setting of the church. The NPPF (February 2019) Annex 2 defines the setting of a heritage asset as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve". It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church.*

*While development has occurred within the wider setting of the church it has sought to respect rural character of the locality and sense of space around the church. The current proposal seeks to replicate an alms house style, with a short terrace of four buildings to the east, and two further units to the west with a drive through arch leading to the garage at the rear. The units will be one and half storey in height. The plots will be gable end on to the church which will soften their impact on the setting of the church, which will be further screened by a planting belt on the boundary shared with the church.*

*The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. Joinery is to be stained timber framed double glazed casements. The use of these materials is to be welcomed as it will reflect the character and appearance of the church.*

*Some minor amendments are suggested in that the trapezoid windows are omitted from the design, as they appear incongruous with the almshouse aesthetic. Roof lights would work equally well to allow light into those spaces. The lancet windows are acceptable.*

*Any boundaries to the south of the plot currently proposed to be 1.8m fencing ought to be replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church.*

*This scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement).*

*Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority.*

*Recommendation: Approve subject to amendment and condition.*

#### **5.14 Conservation Officer (FDC) (6/1/2021)**

*This application concerns proposals to erect 6 dwellings on land east of the grade ii listed building, Church of St Mary, Wisbech Road, March. The title of the application has now been amended and refers only to 6 dwellings and not the 9 dwellings previously proposed.*

*There is no planning history associated with this site beyond the earlier consultation phase of this application.*

*The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. However, the drawings indicate a classic buff brick will be used with red brick detailing. This buff may be less sympathetic than the stonework previously indicated. Joinery is to be stained timber framed double glazed casements. Clarification on materials should be sought.*

*The trapezoid windows have been omitted from the design and this is supported.*

*Any boundaries to the south of the plot previously proposed to be 1.8m*

*fencing are now replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church. This is welcomed. However, a large areas of trees situated immediately adjacent to the south gable of plot 5 and to the north of the church is now replaced by an attenuation pond, and whilst some trees are being retained or replanted and hedging introduced, this will not be as thick a buffer as has been previously indicated. Furthermore, a large area of car parking has now been introduced for users of the church and church hall, and while there is clear public benefit to this, it will result in a further loss of green space and tree cover from the setting of the designated church to its detriment.*

*The issue of setting was not covered sufficiently in the previous consultation and the heritage statement has not been updated to address these alterations and how they might impact on the setting of the church. This should be.*

*Overall, this scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement), however, it does not comply with the NPPF paragraph 189.*

*Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority and a revised heritage statement should be submitted with sufficient detail to satisfy paragraph 189 of the NPPF with reference to Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017).*

*Recommendation: Approve subject to amendment to accommodate a revised heritage statement and conditions.*

#### **5.15 Conservation Officer (FDC) (13/1/2021)**

*This is now an acceptable heritage statement compliant with para 189 of the NPPF and LP18. I am therefore happy to accept this in relation to the application and don't require any further consultation on this.*

#### **5.16 Conservation Officer (FDC) (10/8/2021)**

*This was a case that I inherited and it was my understanding that previous discussions between officers, applicant and agent had reached a point where initial concerns in relation to the style and density of the proposed development had been addressed.*

*Under paragraph 6. ii in my comments dated 6th October 2020, I state that: "It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church".*

*Subsequent points refer to the details of the development as had been discussed with previous officers. It was felt that the revised scheme had met the concerns*

*previously raised by colleagues and my comments aimed to remain consistent with previous advice.*

*However, there is clear harm to the setting and the setting contributes to the significance of this 1873 Parish Church. Historic maps show that it was once entirely open countryside, with a sparse population in the parish of Westry for a relatively large church, so it perhaps also served those living to the north and west of March. The land around has several permissions for development and the rural isolation of the church has been lost so this development changes the immediate setting and amounts to cumulative harm to that setting if not the overall significance of the church. It is certainly less than substantial harm and so needs to be weighed against the public benefit of the proposal. It is not clear if there is sufficient public benefit in 6 dwellings, to outweigh that harm, and this therefore needs to be assessed in the final review of the application.*

#### **5.17 CCC (Lead Local Flood Authority)**

Comments were received on 5/2/2020, 5/10/2020, 16/10/2020 and 18/12/2020, which are available to view via public access, the most recent response is detailed in full below:

#### **5.18 CCC (Lead Local Flood Authority) (15/3/2021)**

*Thank you for your re-consultation which we received on the 22nd February 2021.*

*We have reviewed the following documents:*

- Surface Water Drainage Revisions Letter, GHBullard & Associates LLP, 132/2020/002/JAH. Dated: 19/02/2021.*
- Proposed Surface Water Drainage Layout, GHBullard & Associates LLP, 132/2020/03-P6. Dated: 19/02/2021.*
- Flood Risk Assessment And Drainage Strategy Addendum, G.H. Bullard & Associates LLP, 132/2020/FRADS/ADD. Dated: October 2020.*
- March Sixth DDC and March West & White Fen IDB Response, GR/315/PL/165 & 316/PL/773.*
- Flood Risk Assessment And Drainage Strategy, G.H. Bullard & Associates LLP, 132/2020/FRADS-P3. Dated: December 2020*

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

*The above documents demonstrate that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site at 0.8 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change.*

*Water will pass through a filter medium to manage the risk of blockage to the flow control.*

*Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following conditions are imposed:*

#### **Condition**

*No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment And Drainage*

*Strategy prepared by G.H. Bullard & Associates LLP (ref: 132/2020/FRADS-P3) dated December 2020 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.*

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

#### *Condition*

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

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

#### *Informatives*

##### *IDB Consent*

*Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment or that of the March West and White Fen Internal Drainage Board (IDB) whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the IDB/MLC to discuss their requirements. Further information is available at: <https://middlelevel.gov.uk/>*

##### *Pollution Control*

*Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.*

#### **5.19 Refuse Team (FDC) (6/2/2020)**

*To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required against any potential damage to the road surface etc. which may be caused during vehicle operations.*

*A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction, this would need to include coming on and off the A141.*

*Alternatively it would require a shared collection point at the top of the access road however this would involve residents having to move bins some distance on collection day.*

**5.20 Refuse Team (FDC) (6/10/2020)**

*The vehicle tracking shows that we could access and turn within the site with no issues. The shared bin collection point is located outside the area of block paving which would mean our vehicles would not have to access this area..*

*Indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations. The roadway would need to be constructed suitably for a 26t vehicle.*

*New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place. - Refuse and recycling bins will be required to be provided as an integral part of the development*

**5.21 Refuse Team (FDC) (28/10/2021)**

*I have been out and had a look at the site and it would be very tight with the tree overhang especially when they are in full leaf (our vehicles are 3.5m high).*

*On reflection a shared collection point next to the 141 as per Church Gardens would be the best solution and remove the need for indemnity etc.*

**5.22 Cambridgeshire County Council Highways Authority (22/1/2020)**

*The proposal access road layout is not conducive to CCC road adoption standards. FDC need to be satisfied that the proposed scale of development can be accessed via a private access road.*

*The access should be sealed and drained 5m for the first 10m. This should be clearly annotated on the planning layout. Due to the access widening, the culvert and dropped kerb arrangement will also require extending.*

*Defer for amended plans or re-consult for highway conditions.*

**5.23 Cambridgeshire County Council Highways Authority (25/9/2020)**

*The site plan should refer to CCC Highway Construction Standards and not NCC*

*The access details pedestrian visibility splays. The splays detailed should form part of the access construction. They should not be referred to as ped visibility in this instance.*

*The private access should be sealed and drained away from the highway. A high point should be formed at the highway boundary so surface water falls into the site into the highway.*

*2.4m x120m vehicle to vehicle visibility should also be detailed. Defer for an amended access details plan*

**5.24 Cambridgeshire County Council Highways Authority (30/9/2020)**

*I have just had a brief discussion with the agent to explain the following;*

*The agent should state the Highway access crossover (btw the footway and the highway boundary) will be sealed and drained in accordance with CCC Highway Construction Standards (details will be agreed at S184 Highway Agreement stage).*

*The note regarding the private access construction should state the access will be sealed and drained away from the highway. These notes just avoid the need for pre- commencement drainage/access construction conditions*

**5.25 Cambridgeshire County Council Highways Authority (05/10/2020)**

*I have no highway objections subject to the following condition recommendations;*

*1.) The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.*

*Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

*2.) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter. Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

*3.) Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway footway. Any access gate or gates shall be hung to open inwards.*

*Reason: In the interests of highway safety.*

**Advisories**

*1.) This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.*

*2.) The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.*

*3.) The development proposes a greater number than 5 dwellings served by a private drive. Your Authority must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.*

**5.26 Cambridgeshire County Council Highways Authority (17/12/2020)**

*I have no further comments*

**5.27 Cambridgeshire County Council Highways Authority (10/8/2021)**

*The visibility splays are achievable along the existing highway verge and the applicant has detailed the visibility splays on submitted plan 23 REV F, albeit they have not detailed the full length. This does however provide sufficient detail/evidence to demonstrate they are achievable with the existing public highway.*

**5.28 Middle Level Commissioners**

*Thank you for your email of the 23rd September 2020 advising of revised proposals in relation to the above planning application. Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in*

*planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so.*

*With the exception of the simplest matters, we are instructed to advise that we no longer provide bespoke responses to planning applications unless we are requested to do so by the Board and/or the applicant, as part of a pre/post-application process.*

*However, on this occasion, the Board has requested that we contact your authority in respect of the above development. We respond as follows:*

*We received an initial enquiry from G H Bullard & Associates LLP acting on behalf of the applicant requesting an “approval in principle” for the discharge of surface water at a rate of 2l/sec to a receiving watercourse which runs alongside the A141 Wisbech Road and the front of St Mary’s Hall and St Mary’s Church. It is believed that this watercourse drains via a culvert beneath Wisbech Road to connect to the drainage system which ultimately drains to the March West and White Fen IDB system. Please note that positive connection to the west of Wisbech Road has not been confirmed nor the state of the drains downstream of the site along Wisbech Road. The site in question also straddles the Highland Catchment boundary with the March Sixth District Drainage Commissioners area.*

*We have had discussions with representatives of both respective Boards regarding the above development and also the other developments within the immediate area references F/YR19/0307/O, F/YR19/3090/COND and F/YR16/0356/F. Subsequent to these discussions I have outlined below the position of both Boards in relation to drainage matters from these developments.*

- Surface water discharge to the private watercourse alongside Wisbech Road/A141 at St Mary’s Church Hall. “In principle” discharge to this watercourse would be acceptable although this would be based on an attenuated discharge to greenfield rates. In addition, the Board would require that the receiving watercourse is of a suitable condition to accept the discharge and there is a positive connection to the wider drainage network to the west of Wisbech Road. This would be subject to proving the connection, it is assumed there is a pipe crossing Wisbech Road, and this pipe is of sufficient capacity to accommodate the flows.*

- As a suggested alternative discharging to the private watercourse on the eastern boundary of the adjacent site, which drains to the March Sixth DDC district, if practical, may be a viable alternative. Please note that such a discharge would also be required to be attenuated to greenfield rates and is also conditional on the condition of the receiving watercourse which would require clearance works to the downstream sections.*

- In both cases as the proposed receiving watercourses are private drains agreement from riparian owners downstream would be required. The alternative watercourse is suggested as this is also the proposed discharge for the other two developments at Woodgate, therefore a “combined” approach may present a viable solution of benefit to all parties.*

- Please be advised that a discharge consent for treated foul effluent from the above development or the other two at Woodgate, to either watercourse or systems would not be granted consent at this time. Due to the number of*

*properties from all of the developments the volume of treated effluent discharge would be significant. This would place a significant increased “load” on the receiving systems in addition to the other issues associated with the disposal of treated effluent water from non-adopted systems, including the increased risk of pollution and odours as a result of “spills”, possibly due to the lack of maintenance of the units; potential detrimental effect on the water environment etc.*

*• The disposal of treated effluent from all development sites would therefore need to be to the local public sewer, the closest being located in Hostmoor Avenue. We have advised all of the developers that they should liaise with each other to propose a suitable system to provide connection for all of the proposed developments. Please note that a discharge consent for treated effluent would still be required, although in this respect to the Middle Level Commissioners, as the local AWS foul system ultimately discharges to the Middle Level System via the March Treatment Plant.*

### **5.30 Local Residents/Interested Parties**

6 objections have been received (4 from Church Gardens, Westry, 1 from High Street, March, 1 from Wisbech Road, March), in relation to the following:

- Drainage/surface water/flooding/ground levels
- Traffic exit/entry
- Parking provision for large functions held at church/church hall and knock on impact
- Access and impact on A141, A141 dangerous and lots of accidents, access needs upgrading, lorries parked in layby block visibility
- Communal parking from proposed dwellings – disputes, unable to charge electric vehicles
- Impact on the setting of the church
- Loss of privacy/overlooking
- Noise
- Loss of/impact on trees
- Overdevelopment/ contrary to rural environment/urbanisation/poor design
- Unsuitable mass and form of building
- 9 dwellings off a private road
- The footpath into town is narrow, poor and inadequate – how will schools be accessed
- Refuse collection point required adjacent highway
- Security and maintenance issues
- No mains drainage or gas – how will foul drainage and heating/hot water be provided
- No windows should be provided in the north elevations and construction hours should be limited
- Plots 2 and 3 only have access to gardens through the dwellings, gardens are largely overshadowed, how will garden waste be dealt with
- Concerns regarding the removal of a portion of 1.8m high boundary fence
- Cellular confinement system appears unsuitable
- Site is in an ‘elsewhere’ location and unsustainable
- Not brownfield
- Smaller number of detached dwellings should be proposed.
- Can refuse vehicles access the site
- Concerns regarding the attenuation basin

## **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).

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**

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

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

### **National Model Design Code 2021**

### **National Design Guide 2019**

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N2, N3

Homes and Buildings – H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

### **Cambridgeshire Flood and Water SPD 2016**

### **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

## **8 KEY ISSUES**

- **Principle of Development**
- **Heritage**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk and Drainage**
- **Ecology**

## **9 BACKGROUND**

- 9.1 Pre-application advice was given (reference 17/0150/PREAPP) that the principle of development in terms of access to facilities was considered to be acceptable, issues to be considered were the impact on the setting of the Grade II listed church, parking and access and the overall design context.
- 9.2 The original submission was for 9 dwellings, it was considered that the proposal put forward failed to preserve the setting of the listed church, the terraced style housing was completely at odds with the prevailing character of the area (relatively rural, low density, detached dwellings on spacious plots) and significant information was outstanding. It was recommended that the application be withdrawn. Subsequently a meeting was held where it was suggested by the Council that a maximum of 3 units be put forward, the agent suggested 6 dwellings on a layout reflecting Church Gardens. A scheme for 5 dwellings was reviewed and informal advice given.
- 9.3 A revised scheme for 6 dwellings was then submitted and revised, a surface water drainage scheme has been proposed and amended due to roots of protected trees, ecology reports have been submitted and a subsequent bat emergence survey undertaken.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 March is listed as a 'primary market town' in Policy LP3 of the Fenland Local Plan, where the majority of the district's new housing, employment growth, retail growth and wider service provision is directed to.
- 10.2 The site is considered to be located within the existing built form and within a reasonable walking distance of some local services and facilities, as such the principle of residential development of this site in this sustainable location is considered acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways, flood risk and ecology.

### **Heritage,**

- 10.3 The application site is located within the setting of the Grade II listed St Mary's Church; constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location. Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by

its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church.

- 10.4 The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, which is in the immediate vicinity of the church and forms part of its setting. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. This setting therefore contributes to the significance of the heritage asset. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset is experienced. Consequently, this would result in harm to the setting of the church. While development has occurred within the wider setting of the church it has sought to largely respect the rural character of the locality and sense of space around the church.
- 10.5 The scheme has been amended to address the significant conservation concerns initially raised and the current proposal seeks to replicate an alms house style. The plots will be gable end on to the church which will soften their impact on the setting of the church and as such the development is considered to create less than substantial harm to the heritage asset.
- 10.6 Para 197 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, para 199 states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to its conservation and para 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.7 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential and whilst they do not object to development proceeding in this location consider that the site should be subject to a programme of archaeological investigation which can be secured through a pre-commencement condition.

#### **Design considerations and visual amenity of area**

- 10.8 The development proposes a terraced block of 4 dwellings and a pair of semi-detached dwellings opposite featuring undercroft parking and a shared detached garage. Whilst proposing rooms in the roof, the dwellings are 7.8m high, with eaves at 2.62m resulting in the roof slopes appearing dominant and there are opportunities to improve the design, that said this is not considered significant enough to warrant a refusal purely on architectural merits. The plots feature defensible space to the front providing separation from the access road. Views when travelling along the access road would be to the side of plot 1 and the rear of plots 1-4 would be visible, this is considered poor in visual amenity term as there is no focal point or sense of arrival.
- 10.9 As noted in the heritage section above, the surrounding area is relatively rural, with a sense of space and verdant character. Where developments have been allowed (for example Church Gardens to the north east and Limetree Close to the south east) these are mainly detached housing on spacious plots and overall, the area is generally low density. The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of

substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.

- 10.10 There are discrepancies on the submitted details in relation to the materials proposed, hence if minded to grant the application it is considered necessary to impose a condition to secure suitable materials; given the location of the site within the setting of a listed building, samples of all external materials would also be required.
- 10.11 The trees on site and surrounding are protected by TPO MU/2/465/15. The application is accompanied by an Arboricultural Impact Assessment, a total of 39 trees and tree groups were recorded and the proposal requires the removal of eight trees and three groups of trees. The three groups and one tree are considered of poor arboricultural quality, six trees are of low quality and T28 is of moderate quality and requires removing as it creates a significant constraint to the development and has a reduced life expectancy due to structural defects. Following further investigation, the drainage scheme was amended due to the presence of major roots, the Council's Arboricultural Officer has no objections to the revised scheme, however it is considered that a method statement be secured by way of a condition to ensure the trees are adequately protected and construction methods are suitable.
- 10.12 Due to the construction methods required to protect the trees there is potential for land levels to be altered, hence , if minded to grant the application it is considered necessary to impose a condition in relation to existing and proposed site levels to enable the acceptability of amendments to be considered. A soft landscaping scheme is also required, this was requested during the course of the application however the agent wished for this to be conditioned.

### **Residential Amenity/Health and wellbeing Surrounding buildings**

- 10.13 To the north east of the site is the substantial 3-storey dwelling of 4 Church Gardens which is located on a substantial plot at the end of a long private drive. There is 1.8m high close boarded fencing separating Church Gardens from the application site and a landscaping strip with significant trees before the private drive is reached. The closest building on this plot is the detached garage and store, which is located approximately 11.5m from the development site, the dwelling itself is located approximately 23m distant at the closest point. It is acknowledged that there would be some additional overlooking as a result of the proposed development, however this would mainly affect land to the front of No.4 which is visible from users of Church Gardens, the dwelling is located on a substantial plot with large areas of amenity space a sufficient distance from the development and the dwelling is located at an acceptable distance away, as such the impact in relation to overlooking/loss of privacy is not considered to be significant. Similarly, there are not considered to be significant adverse impacts on the residential amenity of this dwelling in respect outlook, loss of light or overshadowing.
- 10.14 To the south east is the Limetree Close development of 9 dwellings, approved under F/YR19/0602/RM which are currently under construction, none of these appear to be occupied at this time. Plots 1, 3 and 5 adjoin the application site. Plots 1 and 3 may experience additional noise and disturbance in respect of the intensification of the use of the access, however this is separated by tree/landscaping belt and the access is proposed to be of a bound material mitigating noise, as such this is not considered to have a significant impact on the residential amenity of future occupier of these dwellings. Plot 5 Limetree Close is located alongside the gardens of plots 1-4, the

proposed dwellings are located approximately 18m distant with first-floor windows facing towards plot 5 Limetree Close serving bathrooms, shower rooms and the landing, only the landing window would be clear glazed, and a condition could be imposed to ensure all windows were obscure glazed given these do not serve habitable rooms. Plot 5 Limetree Close does feature a first floor window in the gable end facing towards the proposed development, however this is located 8m from the boundary with the application site. As such there are not considered to be any significant detrimental impacts in relation to the residential amenity of the future occupants of plot 5 Limetree Close.

- 10.15 The dwellings on the opposite site of Wisbech Road are not considered to be significantly affected.
- 10.16 St Mary's Church and Church Hall are surrounded by the application site and the scheme encompasses the car park serving these, the proposed dwellings are some and 41m from the church and 56m away from the hall, both aforementioned buildings would be used for events and functions. Policy LP16(o) seeks to ensure that developments would not result in any unreasonable constraints on adjoining facilities by introducing 'sensitive' developments such as dwellings in close proximity. There is potential for the proposed dwellings to be impacted by the use of the hall, and the layout of the site is such that users of the car park are likely to use the private road to turn, particularly if the car park is full as it would be necessary to enter the site before this would be known, resulting in noise, disturbance and potential parking conflict, however this is not considered to cause such harm to justify a refusal in this regard.
- 10.17 To the north west of the site is the 2-storey dwelling of 5 Church Gardens. Plots 2 and 6 are in closest proximity which their gardens bounding, the proposed dwellings are approximately 34m from the boundary and garage closer at approximately 25.5m, at these distances the proposal is not considered to have a significant detrimental impact on the residential amenity of 5 Church Gardens.

#### **Proposed development**

- 10.18 The proposed dwellings feature rooms in the roof space and the majority of the bedrooms are afforded only rooflights limiting outlook, some are afforded small traditional windows however these bedrooms are long and narrow and as such would have limited natural light.
- 10.19 Plots 2 and 3 have no external access to the rear gardens and would be required to access this through the house, this also results in bin and cycle stores being located to the front of the dwellings which would create a cluttered appearance to the detriment of visual amenity.
- 10.20 Whilst good sized rear gardens are provided to plots 2-6 these are dominated by the substantial protected trees which would limit usability and result in a loss of light and potential for significant overshadowing, and if permitted would lead to pressure to undertake works or fell these trees. The garden to plot 1 is considered unacceptable, not only is it dominated by the existing trees, the parking spaces serving this plot are located within it and only hedging is provided to the southern boundary leading to a lack of privacy to a plot that would be visible the full length of the access road; whilst a suitable boundary treatment could be conditioned the other issues remain.
- 10.21 Plots 5 and 6 feature kitchen windows facing the undercroft parking area, these would either have a poor outlook onto vehicles if cars were parked, or direct views

into the kitchen of the other unit if the space was kept clear. Is it acknowledged that these are secondary windows to the kitchen/dining area, nevertheless this further evidences the poor design and residential amenity afforded to the development.

- 10.22 The separation distance between blocks is approximately 27.5m and this relationship is considered acceptable. However overall, the proposed development is considered to be of poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.
- 10.23 The Council's Environmental Health team consider that whilst the A141 is close by, there is sufficient separation distance for a noise assessment to be unnecessary. They do however request that an unsuspected contamination condition is imposed.
- 10.24 The scheme has been designed to enable refuse vehicles to enter the site for collection, however it was subsequently advised that due to the scale of vehicles and protected trees on site (the vehicles may not clear the trees), that a shared collection point is required within 10m of the A141. A suitable collection point is required for up to 12 bins on collection day (2 per dwelling), the collection point currently shown is both inaccessible to refuse vehicles and insufficient for this number of bins. An alternative scheme will need to be put forward, DM4 and RECAP guidance states that users should not have to carry their waste and recycling more than 30m between storage and collection areas, the closest dwelling would need to carry bins at least 72m, well in excess of the recommended distance with other dwellings being required to carry them a much greater distance. Furthermore, the only option for a bin collection area within 10m of the A141 would be within the root protection area and canopies of the protected trees on the boundary.

#### **Highways and parking**

- 10.25 The site is accessed from the A141 which has a 40mph speed limit in this location, the existing access is to be utilised and upgraded. The LHA consider that the submitted details demonstrate that the required visibility splays are achievable within the existing public highway as such they have no objections subject to conditions in relation to provision of the access, parking and turning and no gates within 6m of the highway.
- 10.26 The private access road is 5m wide with turning heads, allowing cars to pass, turn and exit the site in forward gear; a separate 2m wide path is provided for pedestrians. The road is proposed to be porous asphalt (sealed and drained away from the highway for the first 10m) and charcoal block paving; footpaths are to be brindle block paving, parking for the church hall is gravel and parking for the proposed dwellings broken block paving or asphalt.
- 10.27 The application form submitted indicates that there are 19 parking spaces on site and 6 cycle spaces as existing serving the church/church hall, though this is an informal arrangement, on a small area of gravel with the rest of the site remaining unmade. Policy LP15 and Appendix A require 1 parking space for every 5 sqm of public floor space, this equates to 25 parking spaces. The proposed site plan details 25 spaces of 2.5m x 5m with 6m in between spaces to enable entrance/exit, though with the gravel surface proposed these are unlikely to be demarcated (unless conditioned) resulting in a free for all as is currently the case and there is less space available for parking due to the location of the access road, however this is not considered to cause such harm to justify a refusal in this regard.
- 10.28 With regards to the proposed dwellings, Policy LP15 and Appendix A require 2 parking spaces per dwelling, this can include a garage where internal measurements

are at least 3m x 7m. Each dwelling has 2 parking spaces of 3m x 5.5m, however the garage serving plots 5 and 6 is not large enough to be considered parking, as such their spaces will be located in front of the garage and within the undercroft. The parking for plot 1 is considered to have limited visibility to the north due to the presence of high fencing and it is unclear whether the turning from these plots is workable, further evidencing the poor design of the scheme.

### **Flood Risk and Drainage**

- 10.29 The site is located within Flood Zone 1, the lowest risk of flooding; existing site levels are generally level with a slight fall towards the west of the site. Floor levels are to be set at 150mm above surrounding ground levels.
- 10.30 The government website indicates that there is very low risk of surface water flooding to the site itself, and a localised area of low risk at the access to the site; this data can be viewed here:

[Check the long term flood risk for an area in England - GOV.UK \(flood-warning-information.service.gov.uk\)](https://www.gov.uk/government/checklist/check-the-long-term-flood-risk-for-an-area-in-england)

- 10.31 Cambridgeshire County Council Lead Local Flood Authority consider that the submitted information demonstrates that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site (which has been agreed in principle with MLC. They require a detailed surface water drainage scheme, and maintenance arrangements to be secured by way of conditions.

### **Ecology**

- 10.32 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.33 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.34 A preliminary ecology appraisal survey was undertaken on 20/11/2020, this found low to moderate bat roosting potential within seven trees on site along with foraging and commuting features, T28 is proposed to be felled and there is potential for disturbance to all trees as a result of the development. The site is also considered to provide suitable habitat for amphibians, birds, reptiles and hedgehog. Phased vegetation clearance is recommended along with mammal safeguards. Bat dusk emergence/dawn re-entry surveys were required due to the roosting potential on site, trees and hedgerows should be retained where possible and an external lighting strategy should be approved to ensure this is bat friendly. Enhancements were recommended including provision of bird and bat boxes.
- 10.35 Further survey work was undertaken on T28 which revealed low to moderate bat roosting potential. Subsequently a Nocturnal Bat Emergence Survey was carried out in May 2021 which recorded five bat species in low numbers using the site for foraging and commuting, however no bats were seen emerging from the tree and it was concluded that it was not a bat roost.

10.36 The Council's Wildlife Officer considers that the site assessment surveys have established that no protected species will be harmed by the development, so long as certain mitigation and compensation is completed and that the scheme is acceptable but only if conditions are imposed. Pre-commencement conditions are required in relation to a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS) and a pre-occupation condition in relation to a lighting strategy.

## 11 PLANNING BALANCE AND CONCLUSIONS

11.1 The principle of residential development of this site in this sustainable location is considered acceptable. The access is considered to be acceptable, a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.

11.2 The proposed development seeks to introduce higher density development (more than double the density of the Limetree Close development), which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area.

11.3 Whilst the relationships with existing (or approved) surrounding dwellings is considered to be acceptable, the proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity.

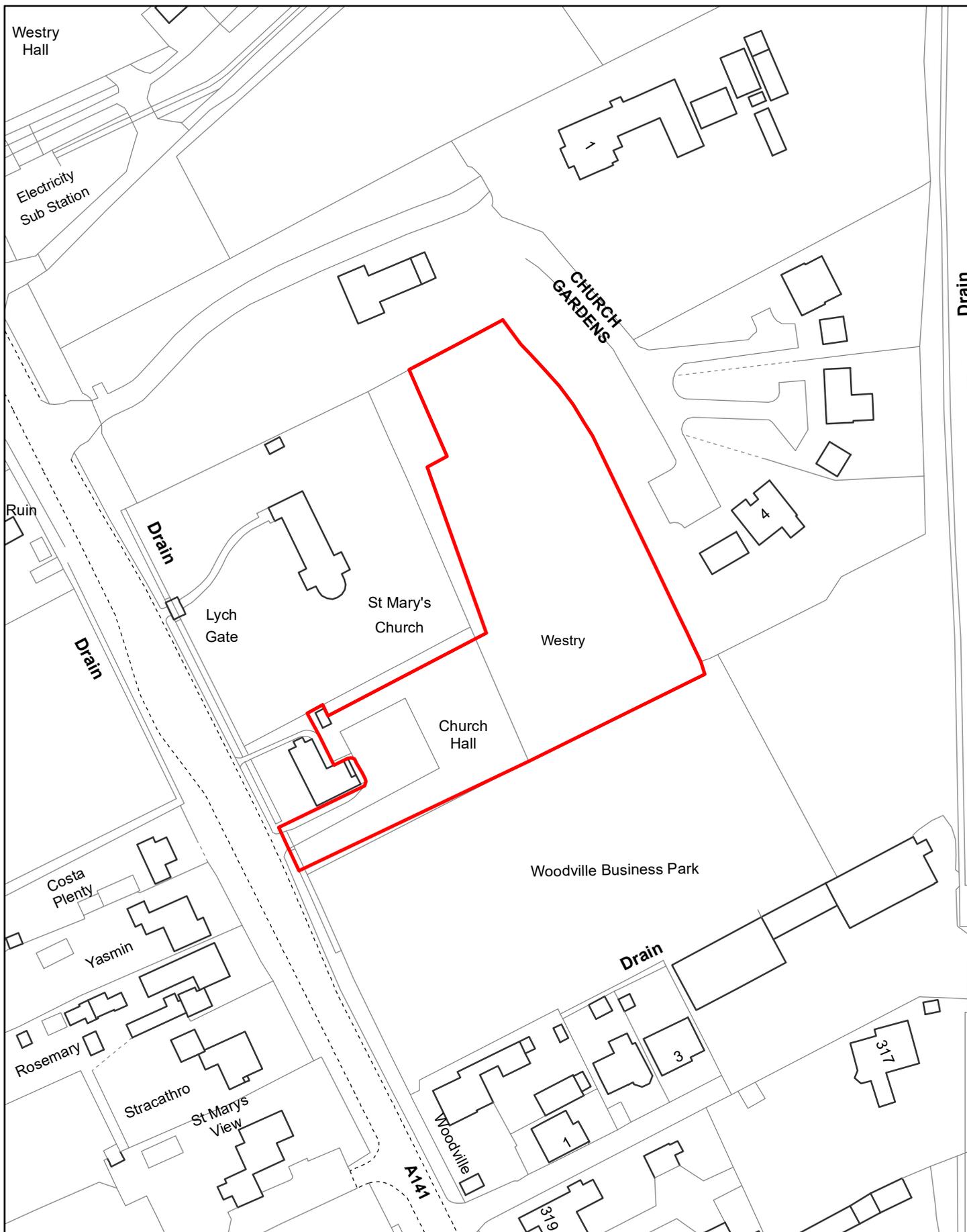
11.4 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance. It is considered that the harm created is less than substantial harm. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide 6 additional dwellings which would provide some limited public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future occupiers. As such, the harm created to the heritage asset is considered to be unacceptable and the application considered to conflict with Policies LP2, LP16 (a, d, f and h) and LP18 of the Fenland Local Plan 2014, DM3 and DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, chapters C1 C2 and I1 of the NDG 2019 and paras 130, 197, 199 and 202 of the NPPF 2021

## 12 RECOMMENDATION

### Refuse for the following reasons

1	Policies LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, chapters C1 and I1 of the NDG 2019 and para 130 of the NPPF 2021 seek to ensure that the character of the landscape, local build environment and settlement pattern inform the proposed development, high quality design which provides a positive contribution and to the
---	--

	<p>local distinctiveness and character of the area is achieved and that developments do not adversely impact the landscape character of the surrounding area.</p> <p>The proposed development seeks to introduce higher density development, which results in an over development of the site and an urbanising impact at odds with the prevailing rural character of the area. Furthermore, the introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area. Overall, the proposal is considered to result in a significant detrimental impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
2	<p>Policies LP2 and LP16 (f and h) of the Fenland Local Plan 2014, DM4 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 seek to avoid adverse impacts, achieve a high design quality which promotes health and well-being, provides a high standard of amenity for future users and provides well designed facilities for the storage and collection of waste.</p> <p>The proposed development is considered to be of a poor design which would not provide a high quality living environment or an acceptable level of internal or external residential amenity for future occupants. Furthermore, a suitable waste storage and collection strategy has not been evidenced. As such, the proposal is considered contrary to the aforementioned policies.</p>
3	<p>Policies LP2, LP16 (a) and LP18 of the Fenland Local Plan 2014, chapter C2 of the NDG 2019 and paras 197, 199 and 202 of the NPPF 2021 seek to avoid adverse impacts and protect, sustain and enhance the significance of heritage assets.</p> <p>The site forms part of the setting of the grade II listed St Mary's Church and contributes significantly to its significance. The development would result in less than substantial harm to the heritage asset by diminishing this setting and this harm needs weighing against the public benefit of the development in accordance with para 202 of the NPPF 2021.</p> <p>Whilst the proposal would provide 6 additional dwellings and formalise the parking to the church hall, which would provide some public benefit, this is considered to be outweighed by the significant detrimental impact on the character of the area, poor design, failure to create a high quality environment and unacceptable levels of residential amenity afforded to future occupiers. As such, the proposal is considered contrary to the aforementioned policies.</p>



Created on: 08/01/2020

© Crown Copyright and database rights 2020 Ordnance Survey 10023778

**F/YR19/1106/F**

Scale = 1:1,250



CHURCH GARDENS

APPLICATION SITE BOUNDARY

PLOT 6

PLOT 5

PLOT 4

PLOT 3

PLOT 2

PLOT 1

ST. MARY'S CHURCH

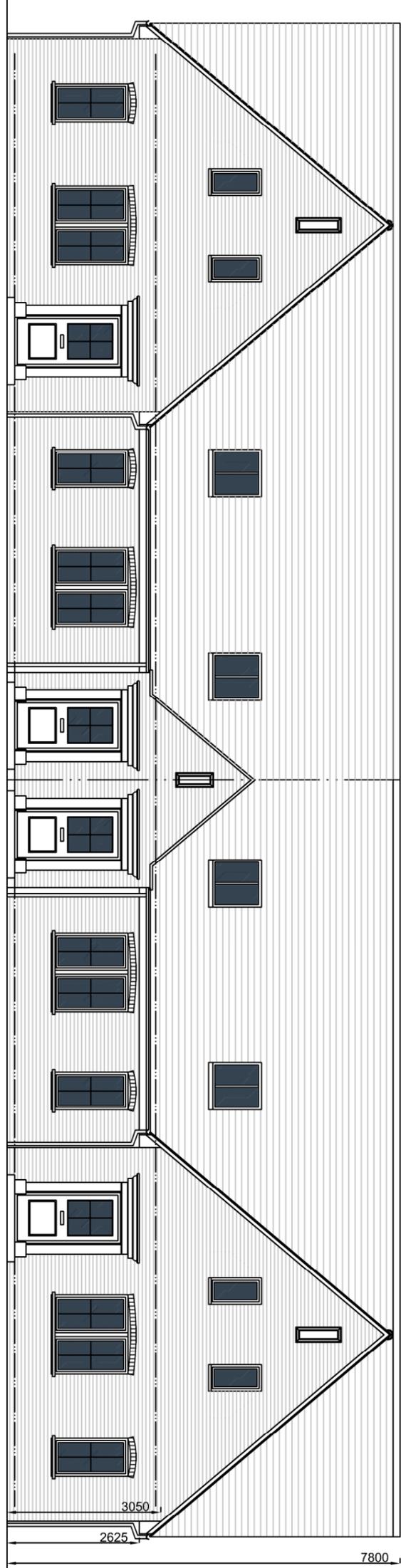
EXISTING CHURCH HALL

WISBECH ROAD

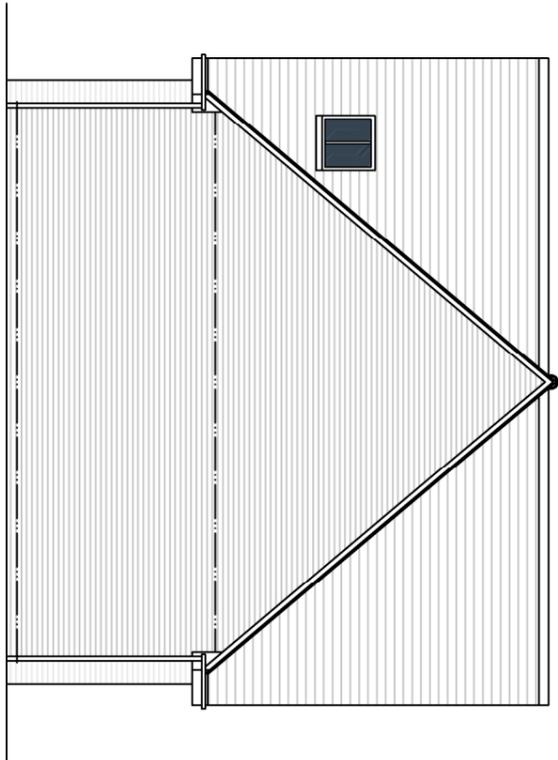
Highway access crossover to be sealed and drained in accordance with CCC Highway Construction Standards



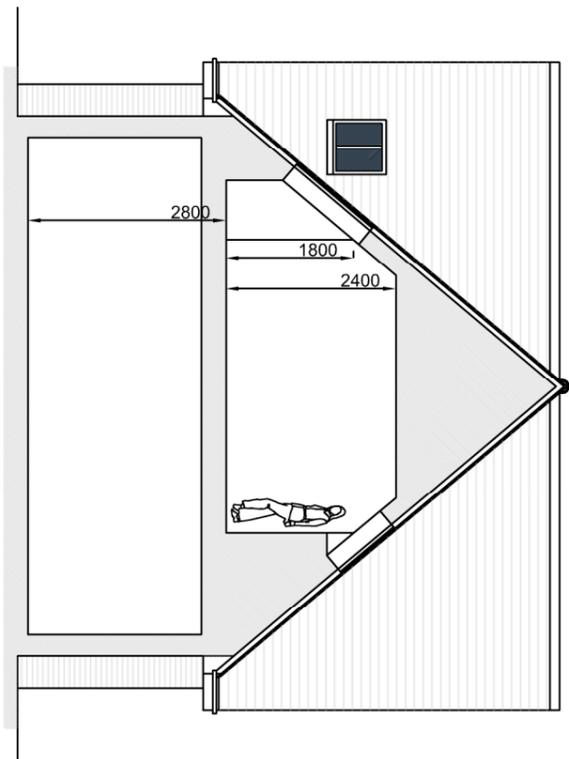
HEADLEY STOKES ASSOCIATES  
Civil Engineering and Planning  
Proposed development at Market St. Mary's Church  
SITE LAYOUT AS PROPOSED  
Date: May 2017 Scale: 1:500  
1752/10/23F



FRONT (NORTH WEST) ELEVATION



END (SOUTH WEST) ELEVATION



TYPICAL SECTION

**MATERIALS**

- Walls - All facing brickwork to be: BEA Classic Buff Multi 65mm
- Arched head details to be: BEA Classic Red 65mm
- All stone features to be in Warrick Stone "Bath"
- Roof - Spanish slate 20x10 Elapi Standard Slate A1, T1 & S1. 30 yr guarantee
- Windows & Doors - Charcoal Grey painted timber framed double glazed casements with royal blue / postbox red gloss paint to front doors
- Fascias and Soffits - Black painted timber
- Rainwater Goods - Black, Heritage range aluminium half-round gutters and matching downpipes

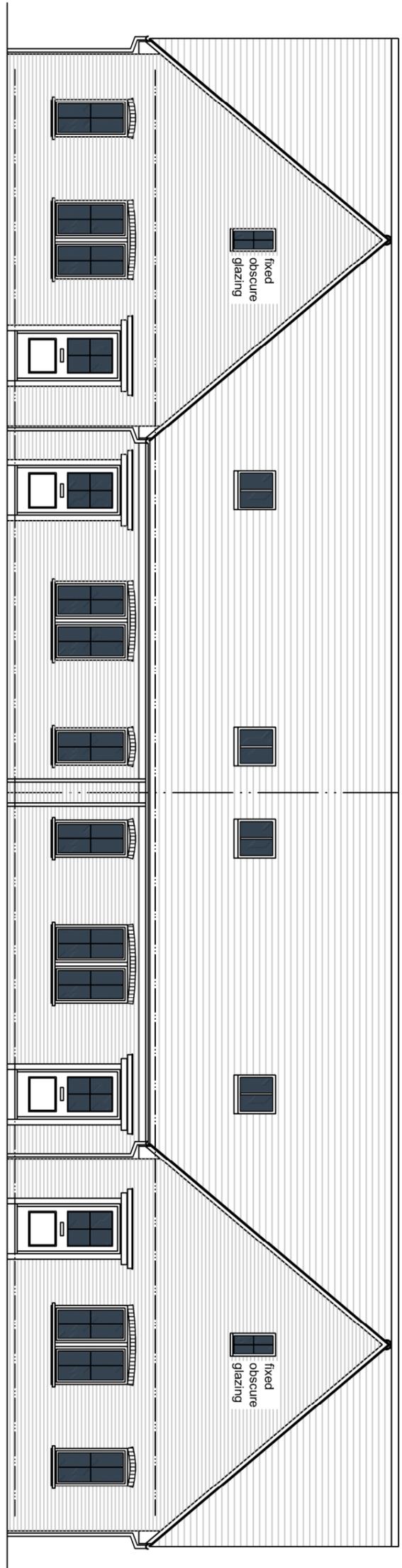


**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507

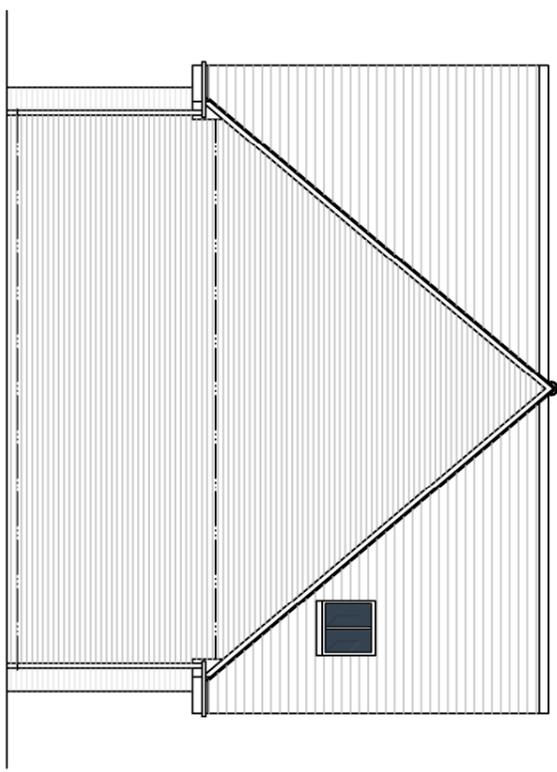
PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**BLOCK "A" ELEVATIONS - 1**

Date: May '20 Scale: 1:100  
 Size: A3  
 1752/10/25A



REAR (SOUTH EAST) ELEVATION



END (NORTH EAST) ELEVATION

**MATERIALS**

- Walls -**  
All facing brickwork to be: BEA Classic Buff Multi 65mm  
Arched head details to be: BEA Classic Red 65mm  
All stone features to be in Warrick Stone "Bath"
- Roof -**  
Spanish slate 20x10 Elapi Standard Slate A1, T1 & S1, 30 yr guarantee
- Windows & Doors -**  
Charcoal Grey painted timber framed double glazed casements with royal blue / postbox red gloss paint to front doors
- Fascias and Soffits -**  
Black painted timber
- Rainwater Goods -**  
Black, Heritage range aluminium half-round gutters and matching downpipes

**HEADLEY STOKES ASSOCIATES**  
Chartered Architects and Project Managers  
Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
Telephone (01480) 456507

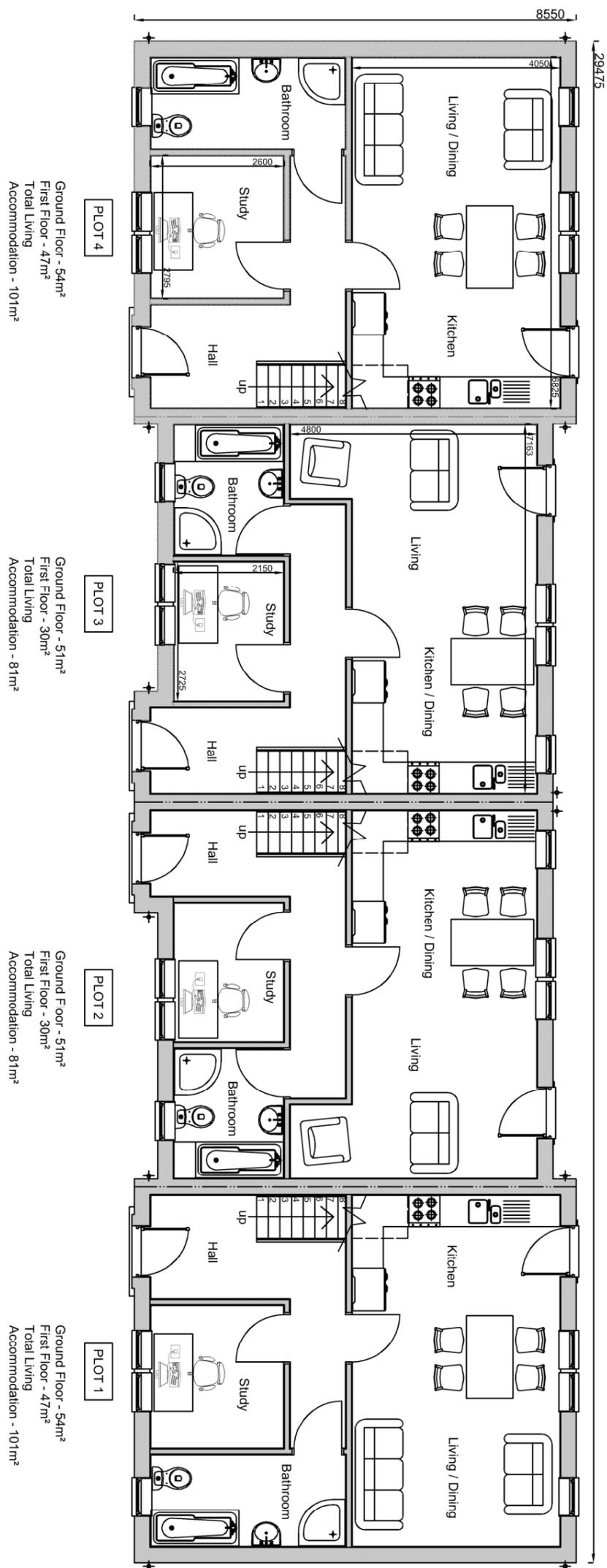
PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**BLOCK "A" ELEVATIONS - 2**

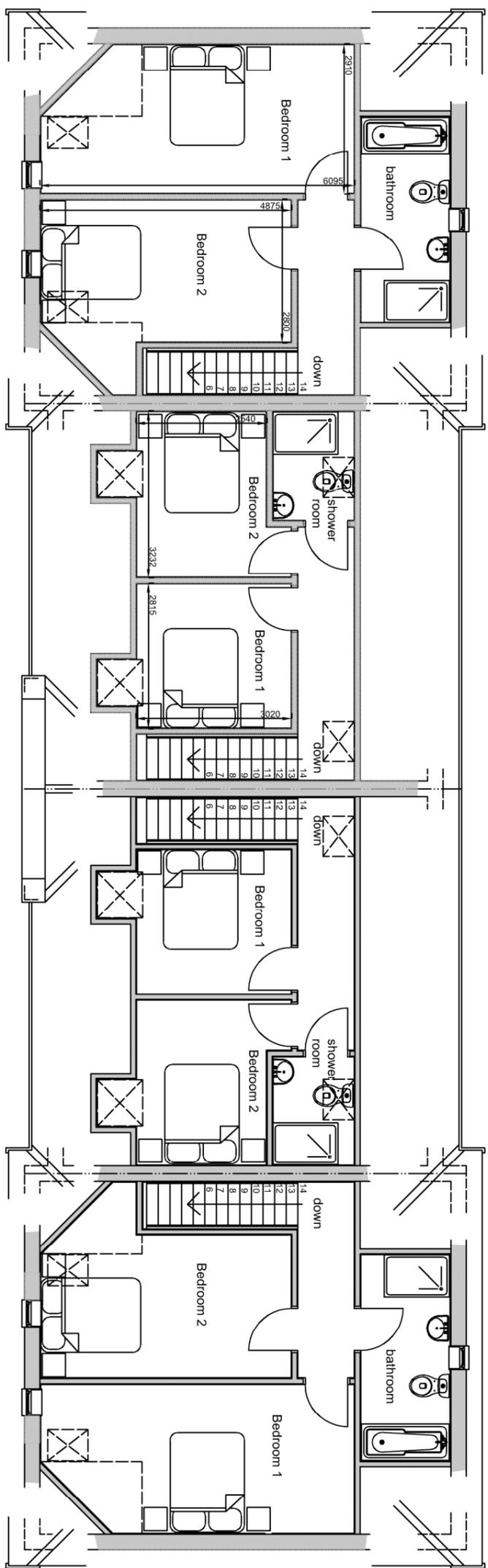
Date: May '20      Scale: 1:100  
Size: A3

1752/10/26A

GROUND FLOOR PLAN



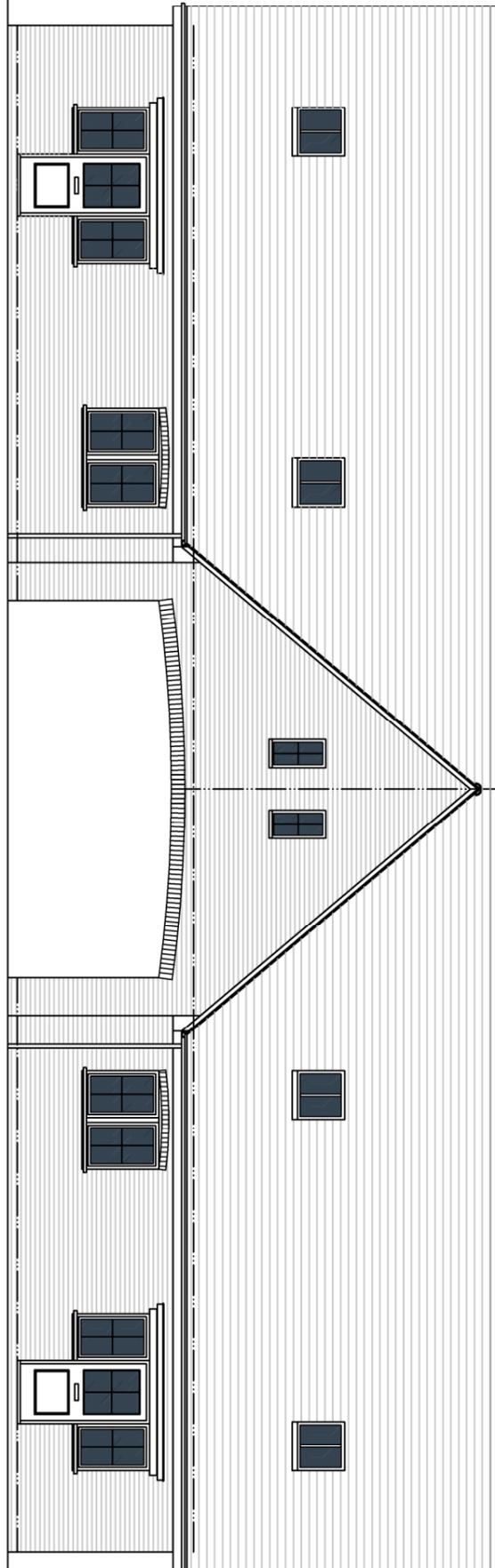
FIRST FLOOR PLAN



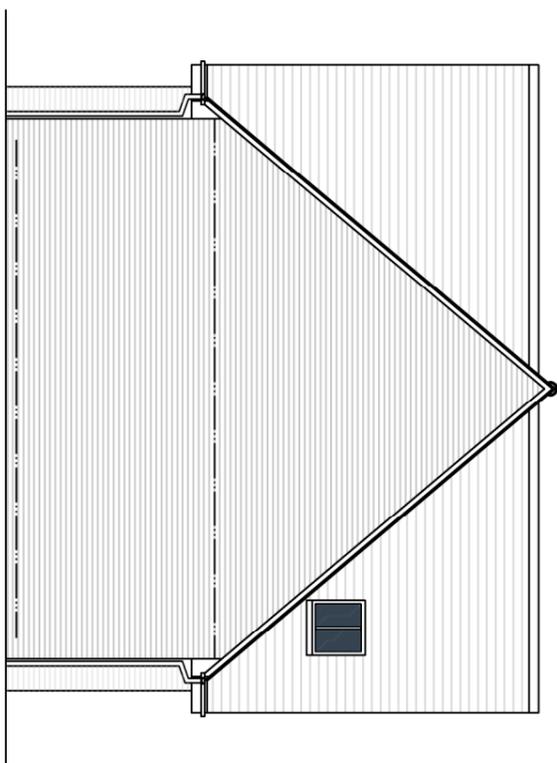
**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507

PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**BLOCK "A" PLANS**  
 Date: May '20  
 Size: A3  
 Scale: 1:100  
 1752/10/24A



FRONT (NORTH WEST) ELEVATION



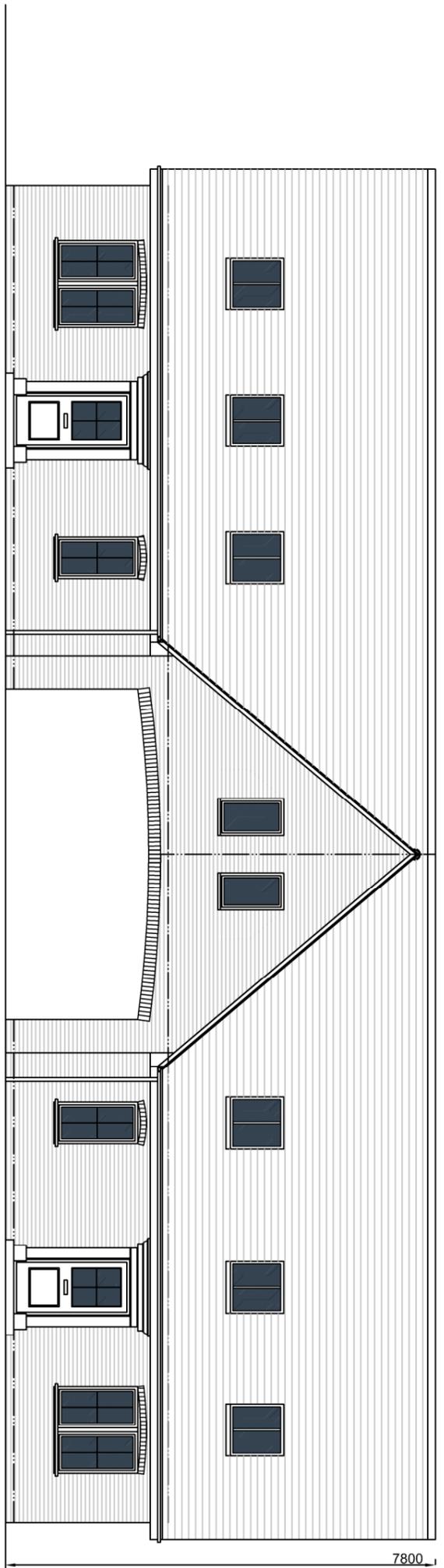
END (NORTH EAST) ELEVATION

**MATERIALS**

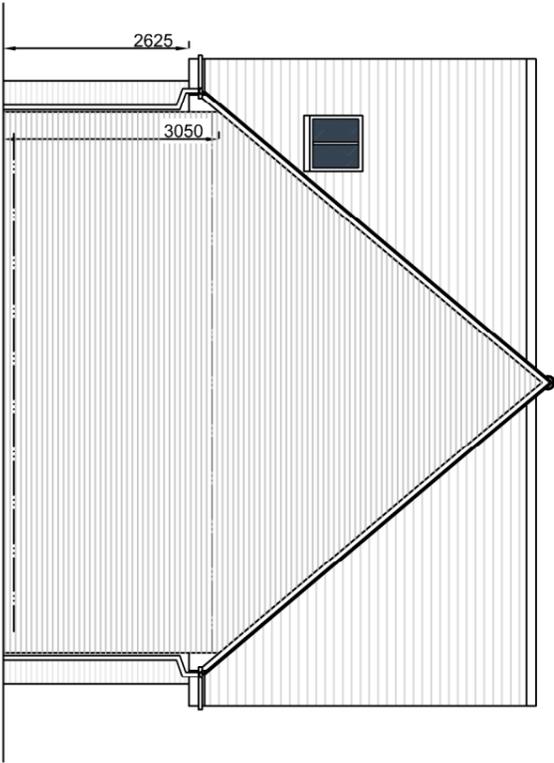
- Walls -**  
All facing brickwork to be: BEA Classic Buff Multi 65mm  
Arched head details to be: BEA Classic Red 65mm  
All stone features to be in Warrick Stone "Bath"
- Roof -**  
Spanish slate 20x10 Elapi Standard Slate A1, T1 & S1, 30 yr guarantee
- Windows & Doors -**  
Charcoal Grey painted timber framed double glazed casements with ryal blue / postbox red gloss paint to front doors
- Fascias and Soffits -**  
Black painted timber
- Rainwater Goods -**  
Black, Heritage range aluminium half-round gutters and matching downpipes



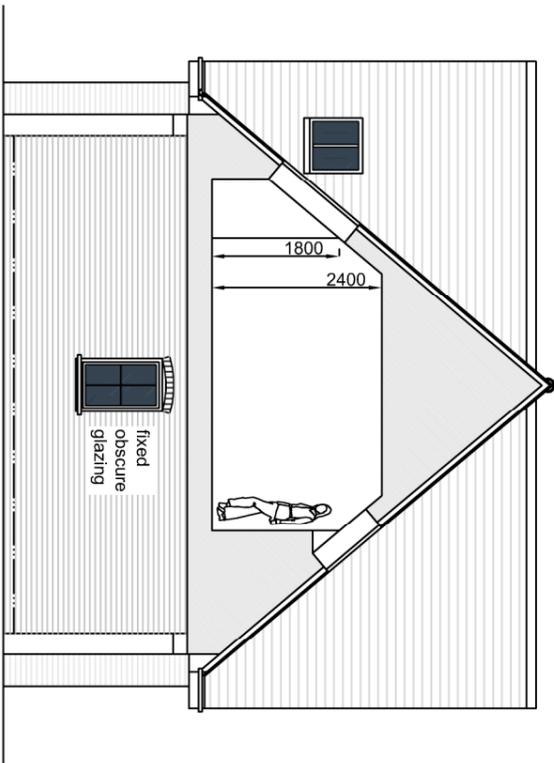
**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507  
 PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE  
**BLOCK "B" ELEVATIONS - 2**  
 Date: May '20 Scale: 1:100  
 Size: A3  
 1752/10/29A



FRONT (SOUTH EAST) ELEVATION



END (SOUTH WEST) ELEVATION



TYPICAL SECTION

**MATERIALS**

- Walls -  
All facing brickwork to be: BEA Classic Buff Multi  
65mm  
Arched head details to be: EEA Classic Red 65mm
- All stone features to be in Warrick Stone "Bath"
- Roof -  
Spanish slate 20x10 Elapi Standard Slate A1, T1 & S1. 30 yr guarantee
- Windows & Doors -  
Charcoal Grey painted timber framed double glazed casements with royal blue / postbox red gloss paint to front doors
- Fascias and Soffits -  
Black painted timber
- Rainwater Goods -  
Black, Heritage range aluminium half-round gutters and matching downpipes



**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507

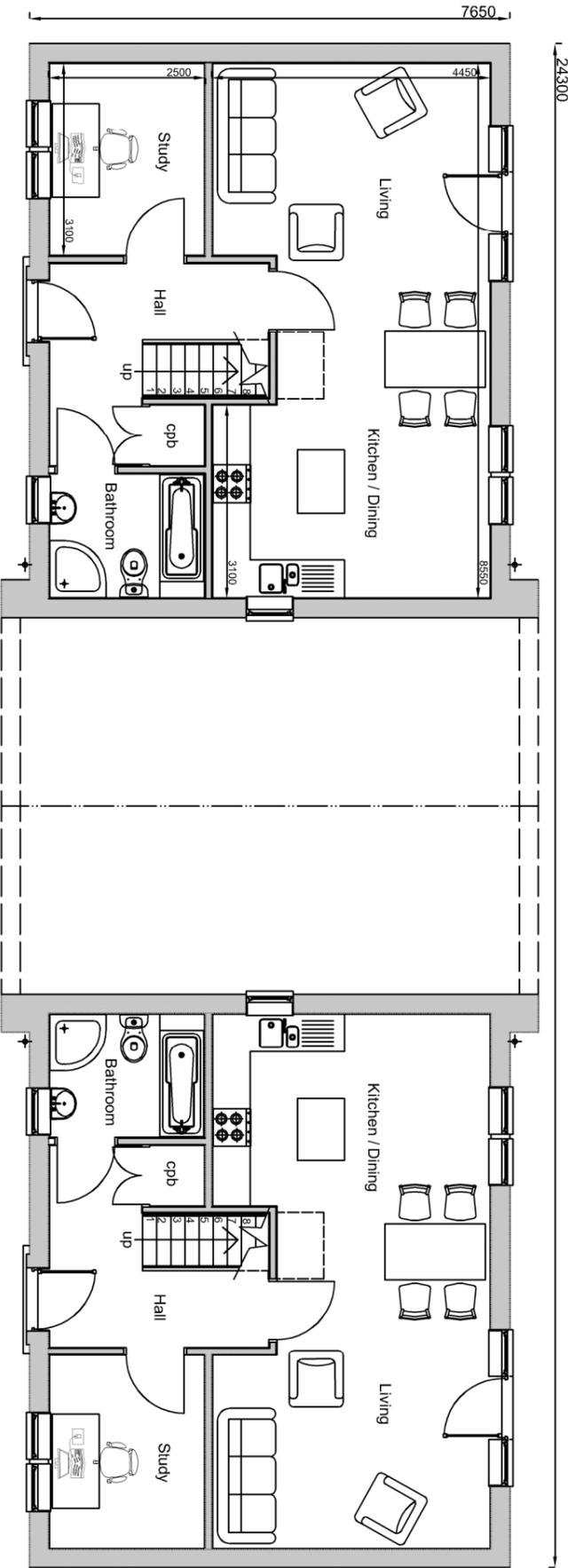
PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**BLOCK "B" ELEVATIONS - 1**

Date: May '20      Scale: 1:100  
 Size: A3

1752/10/28A

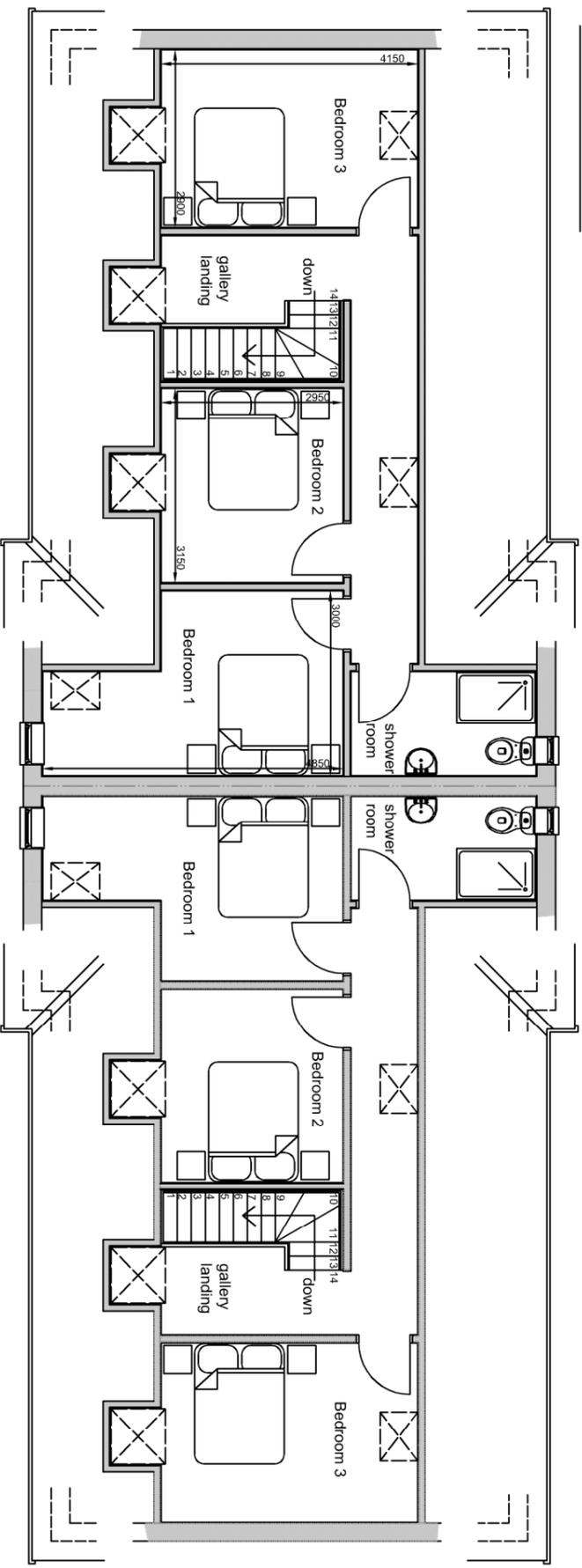
GROUND FLOOR PLAN



PLOT 5  
 Ground Floor - 60m<sup>2</sup>  
 First Floor - 55m<sup>2</sup>  
 Total Living  
 Accommodation - 115m<sup>2</sup>

PLOT 6  
 Ground Floor - 60m<sup>2</sup>  
 First Floor - 55m<sup>2</sup>  
 Total Living  
 Accommodation - 115m<sup>2</sup>

FIRST FLOOR PLAN



**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507  
 PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE  
**BLOCK "B" PLANS**  
 Date: May '20 Scale: 1:100  
 Size: A3  
 1752/10/27A

This page is intentionally left blank

**F/YR21/0555/O**

**Applicant: Mr Sears**

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

**Land East Of Station Farm, Fodder Fen Road, Manea,**

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

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only. It is proposed that each dwelling will have an individual access off Fodder Fen Road, with the agricultural access retained.
- 1.2 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, furthermore the site is not considered to be sustainably linked to the settlement.
- 1.3 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 1.4 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species or result in adverse impact on the residential amenity of future occupiers in relation to noise.
- 1.5 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.6 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.

## **2 SITE DESCRIPTION**

The application site is located to the north of the main settlement of Manea, on the eastern side of Fodder Fen Road (B Class road with a 60mph speed limit) and is within an agricultural field with open countryside beyond. To the south are two historically established dwellings and to the west Station Farm and associated bungalow, there is also planning permission for a car park to serve the railway station between the farm and railway line. The site appears to slope down from the road, is served by an informal access and is currently being actively farmed,

the western and southern boundaries are formed by drains. The site is located in Flood Zone 3, the highest risk of flooding.

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 5 dwellings with matters committed in relation to access only.
- 3.2 It is proposed that each dwelling will have an individual access off Fodder Fen Road, with the agricultural access retained. Illustrative drawings show a row of 5 detached dwellings, with garages, set back from the road behind an area of parking and turning.
- 3.3 Full plans and associated documents for these applications can be found at:

[F/YR21/0555/O | Erect up to 5 dwellings \(outline application with matters committed in respect of access\) | Land East Of Station Farm Fodder Fen Road Manea \(fenland.gov.uk\)](https://www.fenland.gov.uk/Planning/Planning-Applications/F/YR21/0555/O)

### 4 SITE PLANNING HISTORY

- 4.1 No planning applications of relevance on site; pre-application advice will be covered in the background section below.
- 4.2 Of relevance in the vicinity in relation to whether the area is considered as part of the settlement is the following:

F/YR14/0113/F	Erection of 3no dwellings comprising of 1 x 2-storey 4-bed with detached double garage/workshop/store, 1 x 2-storey 4-bed with attached garage with store above and 1 x 4-bed with attached double garage	Refused 1/7/2014
	At	Dismissed on appeal 9/1/2015
	Land South Of Bungalow Station Farm Fodder Fen Road Manea Cambridgeshire	(current local plan had been adopted and was considered)

### 5 CONSULTATIONS

#### 5.1 Parish Council

*Object: Outside of the development area, sets a precedent.*

#### 5.2 Cambridgeshire County Council Highways

*The proposal is in an unsustainable location. Occupants will be dependent upon private motor vehicle and therefore the proposal is contrary to Local and National Policy.*

*The site is within walking distance of the train station, so if the LPA were minded to grant permission, a footway link should be secured to link the site with the train station.*

*The single accesses should be sealed and drained (3.5-4.0m x 5m).*

*Plot 3 and 4 should be a shared access, or the single accesses should be spaced apart to maximise the access/junction spacing. Accesses too close together can result in conflict and visibility problems.*

*Access visibility splays should be detailed (2.4mx 215m).*

*Defer for amended plans.*

### **5.3 Environment Agency**

*We have no objection to the proposed development but wish to make the following comments.*

#### *National Planning Policy Framework Flood Risk Sequential Test*

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

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

*Review of the Flood Risk Assessment We have no objection to this application, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ref ECL0442/Swann Edwards Architecture, dated March 2021) and the following mitigation measures it details:*

- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels*
- A further 0.6 metres of flood resistant construction shall be provided*
- There shall be no ground floor sleeping accommodation*

#### *Flood warning and emergency response - advice to LPA*

*We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.*

*The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.*

*In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for*

*new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.*

*Flood resistance and resilience - advice to LPA/applicant*

*We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.*

*To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction  
[https://www.gov.uk/government/publications/flood-resilient-construction-of-new\\_buildings](https://www.gov.uk/government/publications/flood-resilient-construction-of-new_buildings)*

*CIRIA Code of Practice for property flood resilience*

*[https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx)*

*British Standard 85500 – Flood resistant and resilient construction*

*<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>*

*Foul Drainage – advice to the applicant*

*The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.*

*In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.*

*Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules*

*A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.*

*Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.*

*Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit*

*For further guidance please see: [https://www.gov.uk/permits-you-need-for-septic\\_tanks/overview](https://www.gov.uk/permits-you-need-for-septic_tanks/overview) We hope this information is of assistance. If you have any queries, please do not hesitate to contact us. Please forward a copy of this letter to the applicant.*

#### **5.4 Environmental Health (FDC)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to be affected by the noise or air climate. Contamination is also unlikely to be an issue at the proposed site, as the site has no known contaminative use, being pasture land.*

*In our earlier consultation provided under planning reference 20/0110/PREAPP this service recommended a noise impact assessment in the event a full application was submitted, to address noise from the nearby railway.*

*Railway lines, in particular to evening and night-time diesel hauled freight activity, is recognised as a source of noise and if not mitigated can lead to reduced living conditions. The principle aim of the Noise Policy Statement for England states significant adverse effects on health and quality of life should be avoided, requiring all reasonable steps to be taken to mitigate and minimise such effects.*

*As we have previously recommended a noise impact assessment, the applicant show have regard to the relatively close proximity of the application site to the existing railway line and submit information that demonstrates future occupiers of the proposed dwellings will not be adversely affected by the local rail service.*

#### **5.5 Cambridgeshire County Council Archaeology**

No comments received to date.

The site is in close proximity to an archaeological 'findspot', hence there may be archaeological potential on the site. CCC Archaeology have been contacted to ascertain if there would be any requirements, if any comments are forthcoming they will be provided to members by way of an update.

#### **5.6 Local Residents/Interested Parties**

Seven supporting comments have been received (from three separate properties in Days Lode Road, Manea; some of which appear to have a connection with the applicant), in relation to the following:

- Would bring new residents to support local services/facilities
- Walking distance to railway station
- Would adjoin and is opposite existing housing and therefore appropriate development and supported by Local Plan policy
- Support development on this side of the village, away from main settlement which is crammed in, tastefully designed with open views

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

#### **National Design Guide 2019**

Context – C1

Identity – I1

Movement – M1

Nature – N3

#### **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

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

#### **Delivering and Protecting High Quality Environments in Fenland SPD**

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

DM6 – Mitigating Against Harmful Effects

#### **Cambridgeshire Flood and Water SPD 2016**

## **8 KEY ISSUES**

- **Principle of Development and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways**
- **Flood Risk**
- **Ecology**

## **9 BACKGROUND**

- 9.1 This site has been subject to a pre-application enquiry (20/0110/PREAPP), which advised that the site is not considered to adjoin the developed footprint of the village, would create character harm to the openness of the area and result in an urbanising impact, is not considered to be sustainably linked to the settlement and as such would likely result in a reliance on private motor vehicles and was unlikely to pass the sequential test as there is a high likelihood that there are other sites at a lower risk of flooding which could accommodate the proposal.

- 9.2 It was advised that the scheme was unlikely to receive officer support for the above reasons; however, should an application be submitted (contrary to recommendation) then it should be accompanied by a phase 1 habitat survey due to the potential for the site to provide habitat for protected species and a noise assessment at the request of the Council's Environmental Health team due to the proximity of the site to the railway line. Neither report has been forthcoming with this application.

## 10 ASSESSMENT

### **Principle of Development and visual amenity of area**

- 10.1 Policy LP3 of the Fenland Local Plan identifies Manea as a 'growth village' where development within the existing urban area or as small village extensions of a limited scale will be appropriate as part of the strategy for sustainable growth. Policy LP3 must be read in conjunction with other policies in the Local Plan which steer development to the most appropriate sites.
- 10.2 Policy LP12 (Part A) states that for villages, new development will be supported where it contributes to the sustainability of that settlement (para 79 of the NPPF concurs), does not harm the wide-open character of the countryside (para 174 of the NPPF recognises the intrinsic value of the countryside) and complies with criteria (a) – (k). Policy LP12 makes it clear that the developed footprint is defined as the as the continuous built form of the village and excludes the following:
- Individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built-up area,
  - gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement,
  - agricultural buildings and associated land on the edge of the settlement,
  - outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.3 This site is considered to be located beyond the established settlement of Manea; development north of the railway line is limited and reasonably dispersed, with the form of land and buildings relating more to the surrounding countryside than the built-up area of development. This is a sentiment that is supported by the refusal of application F/YR14/0113/F and subsequent appeal APP/D0515/A/14/2227264 which was dismissed, in relation to an application for dwellings on a site on the opposite side of Fodder Fen Road, closer to the railway. Para 13 of the appeal decision stating:
- '.....due to its largely open character and the modest structures within it, in my judgement the rail corridor including the station forms a visual break and material buffer between the continuous settlement to the southwest and the more sporadic development and open countryside to the northeast. Therefore, the appeal site is neither within or adjacent to the existing development footprint of Manea in the terms of Policy LP12 of the Local Plan. Consequently, in this regard, the proposed development conflicts with this Policy and the associated spatial strategy for the District.'*

- 10.4 LP12 Part A (a) which requires the site to be in or adjacent to the existing developed footprint of the village cannot be satisfied as demonstrated above.
- 10.5 LP12 Part A (c) and (d) which require that developments do not have an adverse impact on the character and appearance of the surrounding countryside and are in keeping with the core shape and form of the settlement cannot be satisfied as the development would result in an encroachment into the open countryside resulting in an urbanising impact.
- 10.6 LP12 Part A (e) which requires that development does not extend linear features or result in ribbon development cannot be satisfied as the development would result in ribbon development extending onto the countryside.
- 10.7 LP12 Part A (j) which requires that development would not put people or property in danger from identified risks has not been fully addressed with respect to flood risk (please refer to Flood Risk section below).
- 10.8 Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character. The proposed development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm.
- 10.9 It is acknowledged that planning permission has been granted (F/YR20/0427/F) for a car park in association with the railway station on land adjoining the railway line on the western side of Fodder Fen Road. In determining this application, it was acknowledged that the land does not adjoin the developed footprint of the village and would therefore be classed as an 'elsewhere location'; however, Policy LP3 supports such development, and it is necessary to be located in close proximity to the railway. As the site was considered to relate more to the countryside than the built settlement it was considered important that this character was retained as much as possible to limit the impact. The site is bounded by trees and vegetation which it is proposed to retain and enhance, a buffer also surrounds the car park which mitigates the impact of the development on the character of this rural location; any impact was considered to be outweighed by the public benefit of the scheme. This development is not considered comparable to the current application for dwellings which has no such policy support and creates a significant detrimental impact on the character of the area.

#### **Residential Amenity/Health and wellbeing**

- 10.10 The site is separated from Victoria House to the south by a drain, a vegetation belt on the boundary and a number of outbuildings serving Victoria House. To the west on the opposite side of the road is the Bungalow at Station Farm and the site of the proposed railway car park. The separation distances, scale of the existing sites surrounding and the application site are such that significant detrimental impacts are not expected, and it is considered a policy compliant scheme could be achieved in relation to the relationships between existing and proposed sites.

10.11 The Council's Environmental Health team have however raised concerns regarding the potential impact on the residential amenity of future occupiers in relation to noise, due to the relatively close proximity to the railway line. It is recognised that noise can lead to reduced living conditions and impacts on health and well being and quality of life. A noise impact assessment is required to demonstrate whether noise would impact future occupiers and if so whether that impact could be adequately be mitigated. Despite being advised at pre-application stage that such as assessment would be required should an application be submitted, no such report has been forthcoming. Therefore, the development is considered contrary to Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF which seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and mitigating against sources of noise and avoid adverse impacts.

### **Highways**

10.12 Aside from the principle of development, access is the only matter being committed as part of this application. Limited information has been submitted and the Local Highways Authority (LHA) have raised concerns regarding the proximity of the accesses and lack of visibility splays. In this case, given the development is considered unacceptable in principle it was not considered reasonable to request further and/or amended information in this regard.

10.13 Fodder Fen Road is some distance from the majority of facilities and services, does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict, hence it is likely there would be reliance upon the use of private motor vehicles, and as such the site is not considered to be sustainably linked to the settlement, a view which is supported by the LHA. Furthermore, this stretch of Fodder Fen Road has a 60mph speed limit. As such, the development is considered contrary to Policy LP2 and LP15 of the Fenland Local Plan which seek to provide sustainable, adequate and safe access to essential services and paras 110 and 112 of the NPPF and chapter M1 of the NDG 2019 which seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.

### **Flood Risk**

10.14 The site lies in Flood Zone 3, the highest risk of flooding; Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.

10.15 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report. Given that the site is considered outside the settlement, the scope for the sequential test would need to be the whole of the rural area (villages and open countryside).

- 10.16 The application has been accompanied by a Flood Risk Assessment which states that if the Middle Level Barrier Bank is considered the site has a low probability of flooding and the development is considered to pass the Sequential Test; this is insufficient. Section 4.4 of the adopted Cambridgeshire Flood and Water SPD clearly sets out the stages that are required; the developer should identify and list reasonably available sites irrespective of land ownership within the search area which could accommodate the proposal, obtain flood risk information for all sites and apply the sequential test by comparing the flood risk from all sources on the sites identified; this has not been done.
- 10.17 Even if the Sequential Test is passed (which is not evidenced and unlikely in this case due to the search area) the Exception Test would also need to be passed. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development will be safe from all sources of flooding and will not increase flood risk elsewhere.
- 10.18 The development does not provide any wider sustainability benefits; para 4.5.9 of the adopted Cambridgeshire Flood and Water SPD advises that provision of housing by itself would not be considered a wider sustainability benefit, this element of the Exception Test is therefore considered to fail.
- 10.19 Environment Agency (EA) data indicates that in the event of a breach of flood defences the site could flood to a depth of up to 1m. The EA do not object to the application in relation to site specific risk, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 0.4 metres above existing ground levels
  - A further 0.6 metres of flood resistant construction shall be provided
  - There shall be no ground floor sleeping accommodation
- 10.20 The above does however differ from advice received on an alternative site on the outskirts of Manea, which required floor levels to be raised to the maximum predicted flood depth. Further advice will be sought in this regard and provided to members by way of an update.

### **Ecology**

- 10.21 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.
- 10.22 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.23 The application site is in a countryside location in close proximity to vegetation and trees and bounded by drains to the west and south; as such it is considered

that there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to culvert/undertake works to the drain to the west for accesses. It was advised at pre-application stage that phase 1 habitat survey would be required to be submitted with any formal application, however this has not been forthcoming. Hence, insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.

## 11 CONCLUSIONS

- 11.1 The principle of development in this location is considered unacceptable as it is beyond the established settlement of Manea, furthermore the site is not considered to be sustainably linked to the settlement.
- 11.2 The development would erode the openness of this verdant countryside location and result in an urbanisation which would have a significant detrimental impact on the character of the area.
- 11.3 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species or result in adverse impact on the residential amenity of future occupiers in relation to noise.
- 11.4 The site lies in Flood Zone 3, the highest risk of flooding and has failed to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 11.5 Overall, the proposed development is considered to be unacceptable and the recommendation is one of refusal.

## 12 RECOMMENDATION

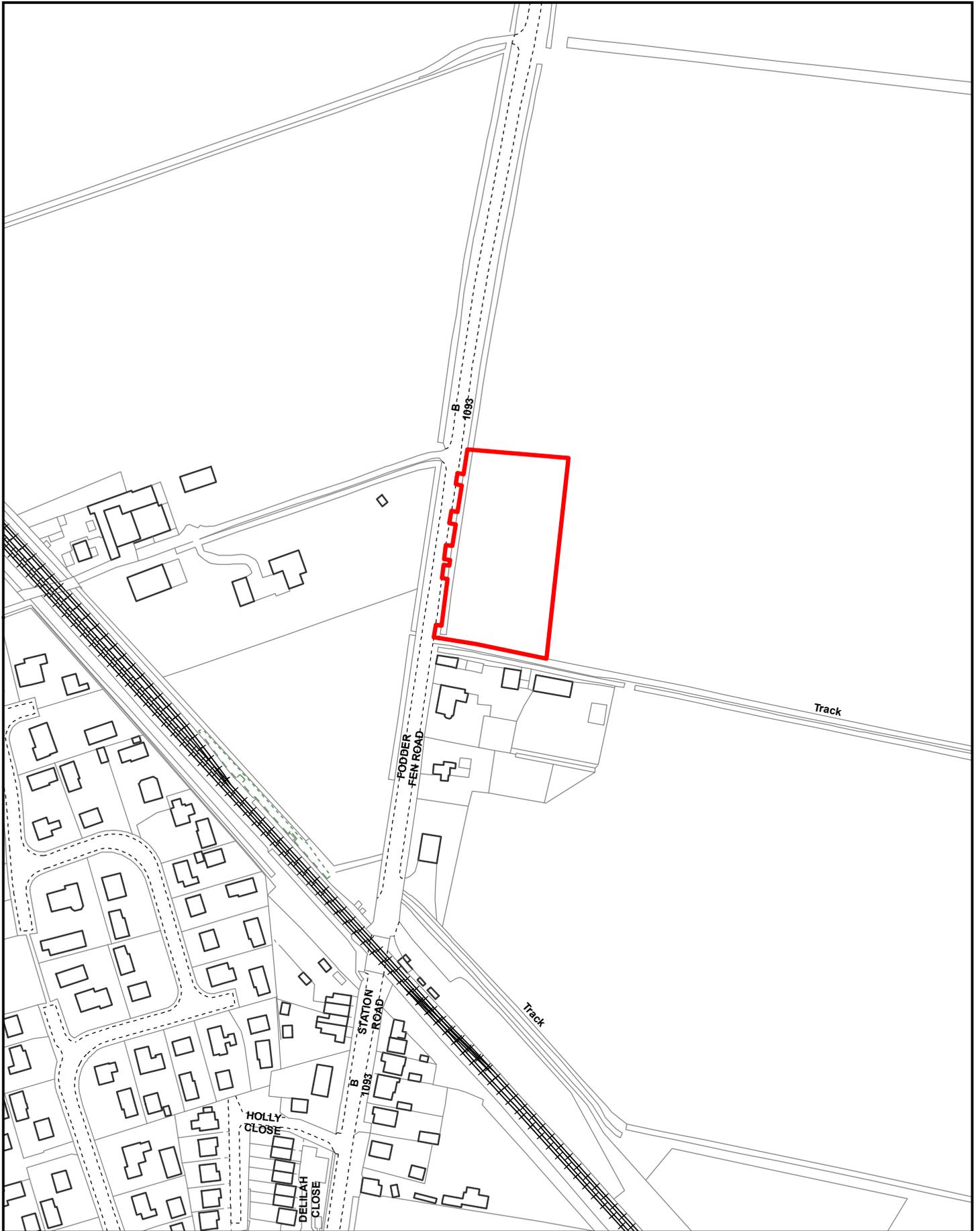
### Refuse for the following reasons;

1.	<p>Policy LP12 Part A (a) and associated footnote make it clear that the developed footprint is defined as the as the continuous built form of the village and that development which is not within in or adjacent to this would be contrary to this policy and the spatial strategy set out in Policy LP3. Policy LP12 Part A (c), (d) and (e) seek to ensure development would not have an adverse impact on the character and appearance of the surrounding countryside and would not result in linear development.</p> <p>Furthermore, Policy LP16 (d) of the Fenland Local Plan, Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF and chapters C1 and I1 of the NDG seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area, and do not adversely impact on the landscape character.</p> <p>This site is considered to be located beyond the established settlement of Manea and as such would result in linear development encroaching into the open countryside. The proposed development would erode the openness of this verdant countryside location and result in an</p>
----	--

	<p>urbanisation which would have a significant detrimental impact on the character of the area. It would also set a dangerous precedent for further incremental development and therefore cumulative harm, contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 (l) of the Fenland Local Plan, DM6 of the Delivering and Protecting High Quality Environments in Fenland SPD and para 130 of the NPPF seek to promote health and well-being and high levels of residential amenity whilst identifying, managing and mitigating against sources of noise and avoid adverse impacts.</p> <p>The site is in the relatively close proximity to the railway line and it is recognised that noise can lead to reduced living conditions and impacts on health and well-being and quality of life. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would result in adverse impact in this regard and as such it is considered contrary to the aforementioned policies.</p>
3	<p>Policy LP2 and LP15 of the Fenland Local Plan seek to provide sustainable, adequate and safe access to essential services, paras 110 and 112 of the NPPF and chapter M1 of the NDG 2019 seek to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.</p> <p>Fodder Fen Road has a 60mph speed limit alongside the site, it does not feature any footpaths and is unlit, with the potential for pedestrian/cycle and vehicle conflict. Hence it is likely there would be reliance upon the use of private motor vehicles, and as such the site is not considered to be sustainably linked to the settlement. The development is therefore considered contrary to the aforementioned policies.</p>
4	<p>The site lies in Flood Zone 3, the highest risk of flooding. Policy LP12 Part A (j) seeks to ensure that developments would not put people or property in dangers from identified risks, such as flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply</p> <p>Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail and the development is contrary to the aforementioned policies.</p>
5	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and</p>

Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.

Due to the location and features surrounding and within the site there is potential for protected species to be affected by the proposed development, particularly as it would be necessary to undertake works to the drain to the west for accesses. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and as such it is considered contrary to the aforementioned policies.



Created on: 25/05/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

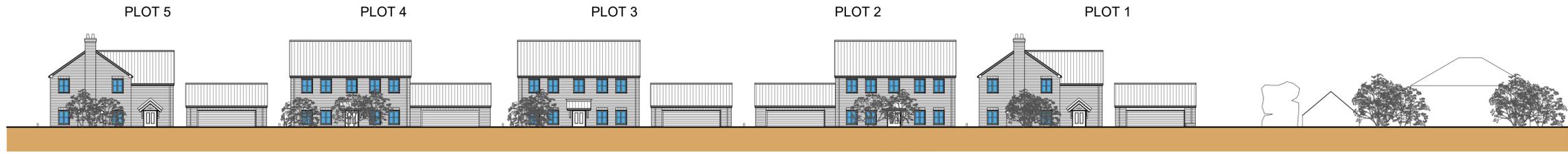
**F/YR21/0555/O**

Scale = 1:2,500

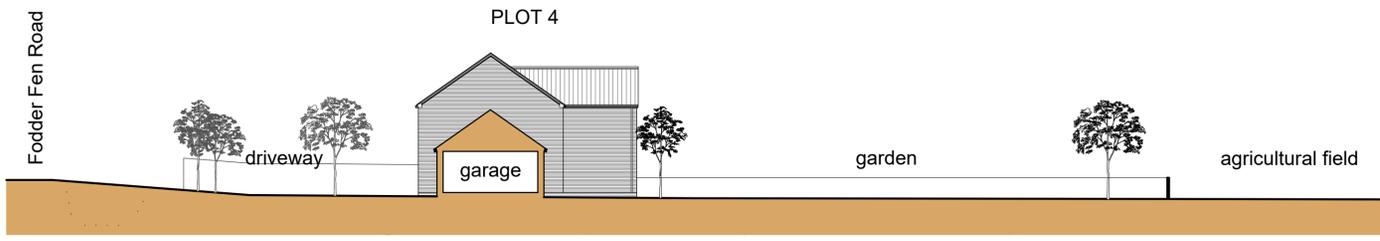


**General Notes**  
 1. All dimensions are shown in 'mm' unless otherwise stated.  
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

**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 as issued to the Principal Designer.



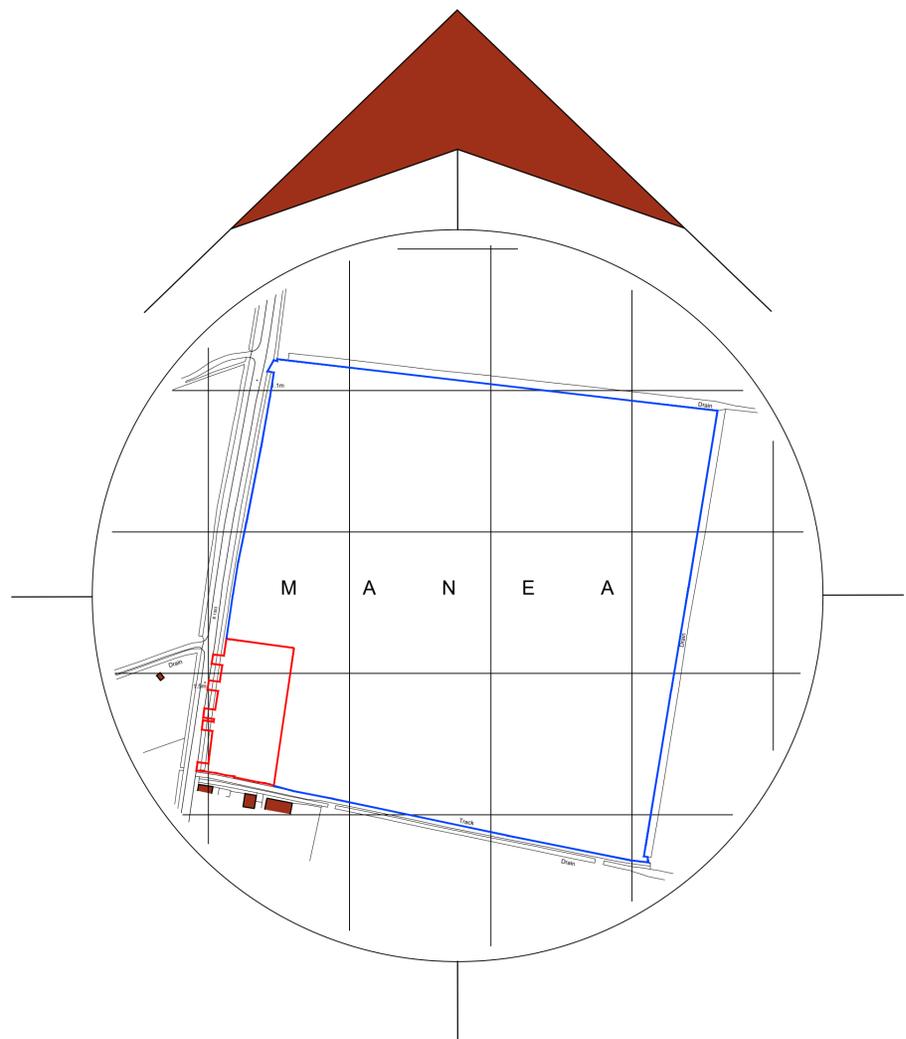
**Indicative Street Scene**  
 Scale: 1:200  
 metres



**Indicative Site Section (A-A)**  
 Scale: 1:200  
 metres



**Indicative Site Plan**  
 Scale: 1:500  
 metres



**Location Plan**  
 Scale: 1:2500  
 metres

**SITE PLAN KEY**

- Un-surveyed buildings taken from OS map
- Un-surveyed vegetation
- Indicates drains
- Indicates 1.2m high post and rail fence
- Indicates existing site features to be demolished
- Indicates proposed dwellings
- Indicates proposed trees

**MATERIALS KEY**

- Indicates brickwork
- Indicates roofline
- Indicates joinery

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

Proposed Residential Development Land on Fodder Fen Road, Manea, March For: Sears Bros	Job Title Date February 2021	Drawn by GT Checked by RS
Drawing Title Planning Drawing	Job No. SE-1466 Dwg No. PP1000	Sheet Size A1 Revision A

This page is intentionally left blank

**F/YR21/0603/F**

**Applicant: Mr S Necker**

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

**42 Tavistock Road, Wisbech, Cambridgeshire, PE13 2ER**

**Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access**

**Officer recommendation: Refusal**

**Reason for Committee: Town Council comments contrary to officer recommendation**

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The application is for the construction of four two-storey dwellings on the land at the rear of the existing host dwelling. The scheme would involve the removal of an existing double garage that serves the host property.
- 1.2. The site is located within the town of Wisbech, and is on land within Flood Zone 1, the lowest flood risk.
- 1.3. The site is located within an area of low-density development with a non-regimented layout, which is adjacent to an area of residential development of geometric street patterns and much higher density development. There is no gradual transition between these character areas within the surroundings. The scheme would therefore be at odds with the character that defines its location and would result in harm to the street scene as a result.
- 1.4. The proposed site layout results in the proposed dwellings being located in close proximity to the boundaries of the application site, and the height and mass of the proposed dwellings would have an unacceptable detrimental impact on the residential amenities of the neighbouring dwellings.
- 1.5. The proximity of the scheme to the neighbouring dwellings would also result in adverse impact due to the use of the proposed parking and turning area and its location in relation to the neighbouring garden areas.
- 1.6. The scheme is therefore considered to be contrary to the relevant policies of the Fenland Local Plan (2014) and is recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site forms the majority of the garden land associated with the host property. An existing garage building is located within the site that is to be removed to facilitate the development. The proposed dwellings would be located

on land that was formerly the lawned area of the property and is also the site of a large conifer tree visible from Tavistock Road.

- 2.2. The application site adjoins the rear gardens of nine properties along Colvile Road, whilst 5 and 8 Trafford Park adjoin the site to the north.

### **3. PROPOSAL**

- 3.1. The application is for the construction of two pairs of semi-detached dwellings on the land facilitated by the removal of the existing garage building and the conifer tree.
- 3.2. The two pairs of dwellings would be accessed by a driveway from Tavistock Road that would also provide access to the host dwelling, which would be served by a pair of parking spaces between the property and the road.
- 3.3. The proposed dwellings would be of a hipped design and a handed internal layout, with parking provision made to the north and south sides of the application site. These spaces would directly adjoin the dwellings on Colvile Road but would be inset from the boundary of the gardens to the north. A shared turning space would serve all four properties.
- 3.4. Each of the dwellings would be served by modest rear gardens to the east of the site, separated from each other by 1.8m closeboard fencing. The gardens would meet the minimum guideline size for properties set out within the local plan and would provide adequate space for the storage of wheeled bins. A bin collection point is shown adjacent to the entrance of the site that meets the size standards set out in Fenland's Waste Collection for Domestic Properties planning guidance document (2021).
- 3.5. The proposed scheme has been amended by the applicant during consideration, and the site plan now details an acoustic fence 1.8m high to be provided along the southern boundary of the site between the proposal and the existing gardens of the dwellings on Colvile Road. The amendments also re-oriented plots 1 and 2 at an angle to the southern boundary of the site instead of being located parallel to it.
- 3.6. Full plans and associated documents for this application can be found at: [F/YR21/0603/F | Erect 4 x 3-bed 2-storey dwellings; 1.8 metre high timber fence and parking for No. 42 involving demolition of existing double garage including formation of a new vehicular access | 42 Tavistock Road Wisbech Cambridgeshire PE13 2ER \(fenland.gov.uk\)](#)

### **4. SITE PLANNING HISTORY**

- 4.1. There is no site planning history.

### **5. CONSULTATIONS**

#### **5.1. Wisbech Town Council**

*That the application be supported, subject to the proposal according with any matters specified, or any planning conditions required, by the Local Planning Authority*

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

*Further to the revised plan submission, I have no highway objections subject to the following condition recommendations;*

- 1.) *Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.  
Reason - In the interests of highway safety.*
- 2.) *The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.  
Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*
- 3.) *The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.  
Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

### **5.3. FDC Environmental Health**

*I refer to the above application for consideration and would make the following observations.*

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality.*

*As the proposal involves the demolition of an existing structure, we ask for the unsuspected ground contamination condition to be imposed in the event planning consent is granted.*

*With regard to the demolition of existing buildings and the construction phases of the development, this process should be restricted to within specific times in order to protect the occupiers of nearby residential properties.*

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

### **5.4. Local Residents/Interested Parties**

12 objections have been received from 8 separate addresses (Colvile Road, Tavistock Road and Trafford Park) on the following grounds:

- Impact on current view from the property (this is not a material planning consideration)
- Impact on light within the neighbouring gardens
- Resultant noise pollution from the proposed intensive development
- Devaluation of property (this is not a material planning consideration)
- Impact on privacy
- Suggest a single bungalow would be an acceptable amount of development
- All landscaping on the site has been removed, displacing a family of hedgehogs
- Bonfire on the site that burned for several days

- Out of character with the settlement pattern of the area in terms of backland development and the larger gardens associated with dwellings north of Colvile Road.
- Overbearing impact on the enjoyment of neighbouring gardens due to proximity and scale.
- Impacts of the proposed construction works (these are not material to the consideration of the proposal)
- Out of character with Tavistock Road
- Parking issues as Colvile Road residents already have to park on Tavistock Road at certain times of the day
- Too many dwellings proposed
- Should a car catch fire in the proposed parking spaces this would jeopardise the safety of the adjacent dwellings
- Reorientation of the dwellings makes the impacts worse

## **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 11: Presumption in favour of sustainable development

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

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 124: Making efficient use of land (density - need & character)

Para 125: Where land is limited, avoid building at low densities

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 131: Incorporation of trees into development proposals

Para 134: Development that is not well-designed should be refused, especially where it fails to reflect local design policies.

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 174: Contribution to and enhancement of the natural and local environment.

Para 180: Harm to habitats and biodiversity should result in refusal.

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

Determining a Planning Application

### **7.3. National Design Guide 2019**

Context

Identity

Built Form

Movement

Nature  
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

LP8 – Wisbech

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

#### **8. KEY ISSUES**

- **Principle of Development**
- **Character Impact**
- **Residential Amenity Impact**
- **Highway Safety and Parking**
- **Other Matters**

#### **9. BACKGROUND**

- 9.1. There is no background history of planning applications on the site, nor any record of pre-application advice being sought in relation to the proposal.
- 9.2. Preparatory works have taken place on the site, consisting of the removal of landscaping and construction of a low boundary wall bordering Tavistock Road. The fence enclosing the proposed reduced garden has also been installed, and a substantial amount of gravel has been imported to the site. None of these works would have required planning permission.

#### **10. ASSESSMENT**

##### **Principle of Development**

- 10.1. The proposal is for the construction of four new dwellings within the built-up part of the town of Wisbech. Wisbech is identified within the development plan as one of four market towns, within which the majority of development is anticipated to take place over the development plan period.
- 10.2. There are no policies set out in the development plan that prohibit development of backland locations for residential purposes, and therefore the application must be considered on the basis of the specific impacts of the development proposals.

##### **Character and Visual Impact**

- 10.3. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely

impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.4. The application proposes the construction of two pairs of semi-detached dwellings within the garden of the host property, which is a backland form of development, with a shared drive and parking area to its front. The application site is visible across the existing land associated with the host dwelling due to the removal of the former boundary landscaping, and the proposed dwellings would as a result be visible from and form part of the street scene of Tavistock Road from which they are proposed to gain access.
- 10.5. The wider area within which the development is located has not been a location for backland development previously, and its character is comprised of the regimented, more orderly development along the geometric pattern of streets that is formed from Colvile Road, Clarkson Avenue, Tavistock Road and Trafford Road and the considerably less dense, more organic pattern of development off Trafford Park and York Gardens.
- 10.6. The proposed development through its form, siting and overall character would fail to respect the existing character of either of these 'areas' and would appear as an overintense development of the site resulting in a visual presence within the street scene that is at odds with the character of development in this location.
- 10.7. On that basis, the proposal would fail to reinforce the existing local distinctiveness and character of the area (specifically the development pattern identified) and would result in a visual impact to the detriment of the street scene (the visual presence of the proposed dwellings in a location that is at odds with the form of development that makes up that location).

#### **Residential Amenity Impact**

- 10.8. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.
- 10.9. Residential amenity extends to a wide range of considerations, including privacy impacts, harm arising from noise generation, proximity of buildings resulting in overshadowing or overbearing impact etc. It is necessary to consider not just the amenity of the properties and residents of the dwellings adjoining the site, but also of the likely levels of residential amenity within the dwellings proposed to be located on an application site.
- 10.10. Each of the dwellings proposed meets the required minimum one third private garden area, as does the existing host dwelling.
- 10.11. With regard to the current application, there are several residential amenity matters that are relevant to the proposals. Matters such as construction noise are not a residential amenity consideration however, nor are any impacts that would not ordinarily be considered as part of the normal usage of the development proposed.
- 10.12. The potential impacts of the proposed dwellings in residential amenity terms are considered to be as follows:
  - Potential for overlooking of neighbouring dwellings

- Potential overbearing impact on use of the neighbouring gardens
- Potential for overshadowing of neighbouring gardens
- Noise generation impacts as a result of use of the dwellings and the driveway/parking area

#### Overlooking

- 10.13. The proposed dwellings are located in such a way that each of the elevations of the building faces private residential gardens that adjoin the site. The front elevations of the buildings, which also contain the main first floor bedroom windows, are located facing the garden of the host property. They are positioned approximately 18m from the resulting private garden of that dwelling however, and in excess of 24m from the nearest part of that property, adequately protecting its amenity.
- 10.14. To the rear, the gardens of the proposed dwellings are in excess of 9m deep, meaning that any overlooking of the private gardens to the south east are separated by that distance, thus limiting any detrimental impact they may have on the amenity of those gardens. There would still be some overlooking in that case, however the distance involved would limit the harm caused.
- 10.15. To the side elevations, the proposed dwellings are limited to a single opening each above ground floor level, serving the main bathroom of the properties. These windows would normally be obscure glazed to secure privacy of the users of the room themselves and could be adequately conditioned to remain as such, ensuring no overlooking of the neighbouring gardens from these rooms.
- 10.16. On that basis, the scheme does not result in any unacceptable impacts on residential amenity through overlooking of the neighbouring properties, and there are no such impacts on the proposed occupiers of the properties from the existing dwellings surrounding the site.

#### Overbearing Impact

- 10.17. This matter relates to the impact that a scheme has on the enjoyment and use of neighbouring property, mainly gardens, from the proximity of a proposal to a shared boundary and the overall scale of the built form given that proximity.
- 10.18. The application in this instance proposes that the dwellings are located between 0.85m and 2.9m from the south eastern boundary fence adjacent to the dwellings on Colville Road, and between 1.25m and 1.4m from the boundary to the north east with 8 Trafford Park. The proposed dwellings are 5.3m tall to the eaves, 8.8m to the ridge, and are 9.6m deep from front to back. The proposal would result in a considerable solid brick-built structure in very close proximity to the shared boundary of the application site with the dwellings to both the south west and the north east of the site.
- 10.19. The impact on the residential amenity within the gardens of those properties would be significant, and would not be mitigated by an existing or proposed landscaping, boundary treatment etc. The scheme would therefore be contrary to policy LP16 in this regard.

#### Overshadowing

- 10.20. Given the proximity identified within the previous section to the boundary of the site with 8 Trafford Park to the north east of the site and taking into account the orientation of the proposed dwellings with the site boundaries and that adjacent

property, it is considered that the proposed scheme would result in a loss of natural light within the garden area of 8 Trafford Park.

10.21. It is also likely that late evening sunlight would be partially blocked from the rear gardens of the dwellings to the south east of the site in addition, although given the separation distance between the properties this would be to a lesser degree than the dwelling to the north east.

#### Noise

10.22. The proposal includes the creation of a private driveway serving the development and also providing access to parking spaces for the existing dwelling on the land. The application details show that this is proposed to be a permeable surface and that the parking provision is also permeable, however no specific materials have been indicated. An acoustic fence is detailed along the length of the south western boundary of the site. No acoustic fence is indicated along the north eastern boundary. It is also noted that the existing host dwelling is not indicated as having acoustic fencing surrounding its new garden area.

10.23. The use of the driveway and parking adjacent to neighbouring garden amenity land has the potential to result in disturbance to amenity and enjoyment of garden space that would not otherwise be the case. This is mitigated by the fact that the existing garage associated with the host property is located resulting in similar movements, however these would be at a much lesser intensity than would be the case for serving four dwellings and would not have extended as far into the site as is now proposed.

10.24. The revisions made to the plans during the consideration of the proposal added in the acoustic fence detail to the southern boundary. It is considered that the main impact to residential amenity in this regard would be the noise generated by the parking/turning area serving the development and the noise generated by people entering and exiting their vehicles in this location. The proposed acoustic fence does adjoin this area, however the benefit of such a fence to those wishing to use their gardens adjacent to the site is considered to be limited. It would provide some mitigation of noise in that regard however, and the resulting impact is not considered to be so significant as to warrant refusal of the application.

10.25. The potential for noise from the everyday occupation of the dwellings is not a material consideration given such 'normal' occupation of a dwelling would not result in unacceptable noise from an amenity perspective. Should abnormal noise result, then other controls exist to address that under separate legislation.

#### **Highway Safety and Parking**

10.26. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.

10.27. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required.

10.28. The proposal makes use of the location of the existing vehicular access to the site, and a private driveway is suitable to serve the number of properties being proposed. It is noted that the Highways Authority have stated no objection to the scheme in terms of the access, and there is ample room within the application site for turning of vehicles in order to access the proposed parking spaces. The proposed spaces are shown as being 2.4m x 4.8m, which is a common proposed

size, however spaces should ideally be 2.7-2.9m wide (depending on if they are obstructed on one or both sides) and 5m long. There is sufficient space within the site to accommodate these standards, and a condition could be imposed to require a plan to detail this should consent be granted.

- 10.29. On that basis, the proposal does not have an unacceptable impact on highway safety and is capable of making adequate provision for parking and turning of vehicles within the site.

### **Other Matters**

- 10.30. Several other matters have been identified in relation to the proposal as part of the consultation process, including the impact on views from and value of neighbouring properties, the impact of construction works and the historic actions that have already taken place on the site in relation to clearance of landscaping and burning of a bonfire. These are not matters that are material to consideration of the proposal in terms of the use of the land for the construction of four dwellings, and should not therefore affect the outcome of the application.
- 10.31. Similarly, the comment regarding the potential for a car fire to affect the neighbouring properties is not an outcome that would be reasonably expected from the normal course of events resulting from a permission being granted for the works and is not therefore material to the consideration of the scheme.

## **11. CONCLUSIONS**

- 11.1. The proposal is for the construction of four dwellings on the land, which currently serves as the garden land associated with the host dwelling.
- 11.2. The scheme results in a development that is at odds with the character of both the host dwelling and the surrounding area, and which has a detrimental impact on the street scene as a result.
- 11.3. The proposal is for development in close proximity to the boundaries of the site, and the scale of the dwellings proposed results in harmful impacts to residential amenity from both an overbearing appearance, and a loss of natural light to adjoining gardens that would be at odds with the relevant planning policies requiring proposals not to adversely affect neighbouring amenity.
- 11.4. The scheme also results in the provision of parking and turning facilities in close proximity to the gardens of the adjoining dwellings however the proposed acoustic fence would limit the impact of this on the residents of the adjacent dwellings to the south.

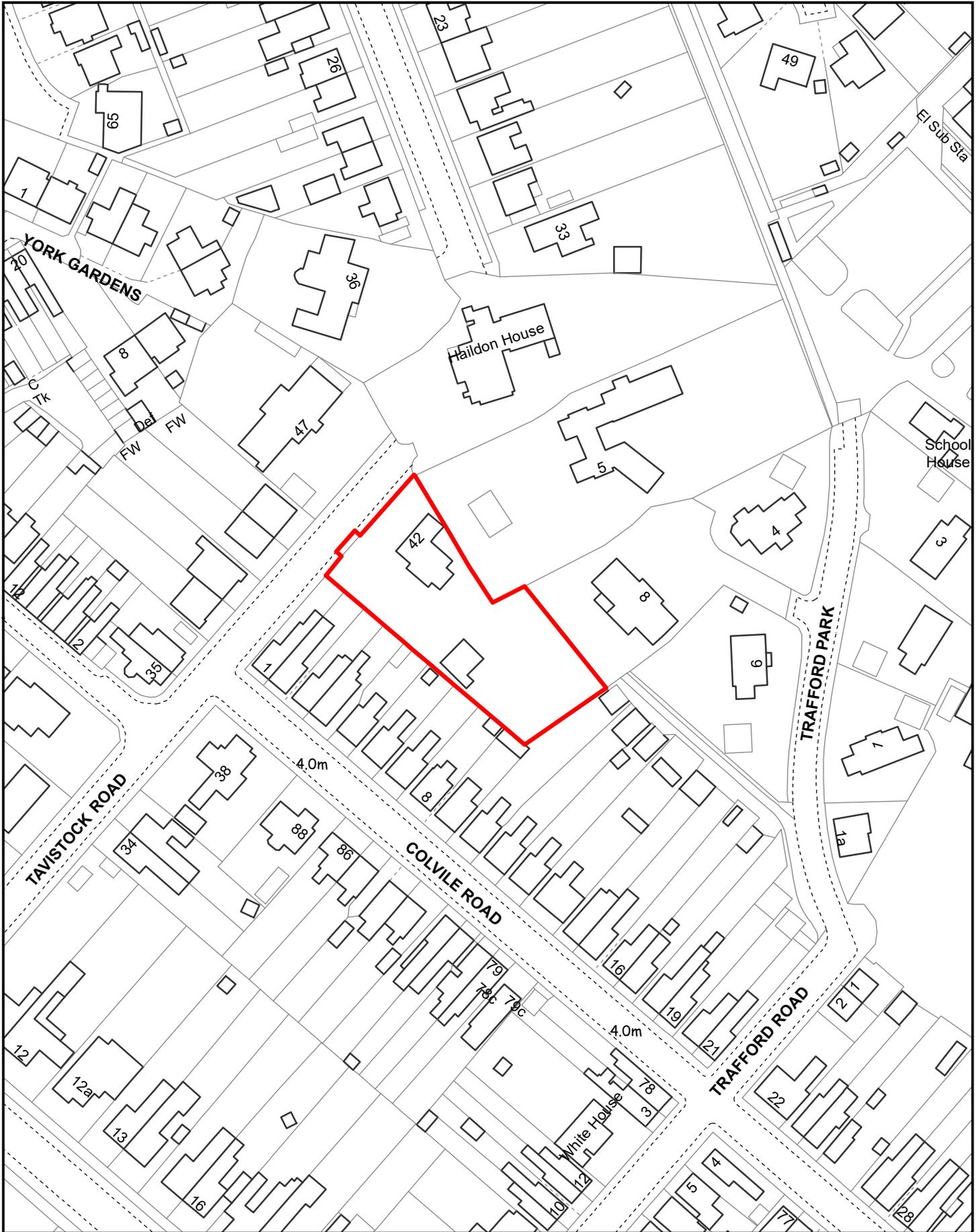
## **12. RECOMMENDATION**

REFUSE Planning Permission, for the reasons below

### **Reasons**

1	Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive
---	---

	<p>contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of four dwellings on a backland site of currently very low-density development. The proposal would result in a development of considerably higher density at odds with its existing character. The scheme would also result in a harmful impact on the appearance of the street scene due to the visibility of the proposed dwellings in that backland location. The scheme would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal. The proposal is for the construction of four dwellings in close proximity to the side boundaries of the application site, which results in a detrimental impact on the amenities of the neighbouring properties by virtue of overbearing and visual dominance to the gardens of the neighbouring dwellings, contrary to the provisions of policy LP16 of the Fenland Local Plan (2014).</p>



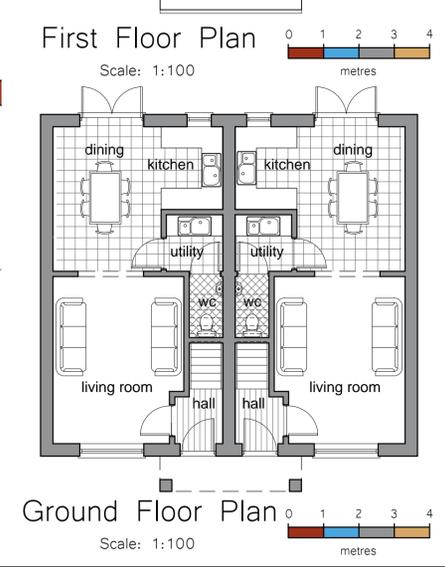
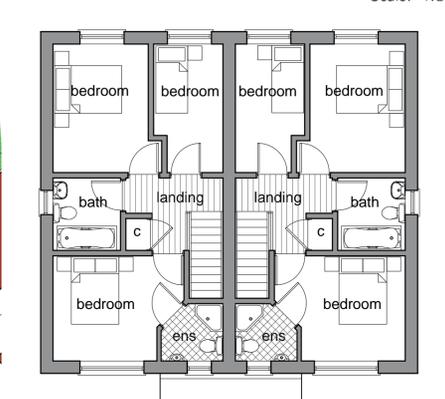
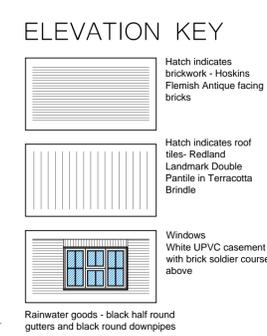
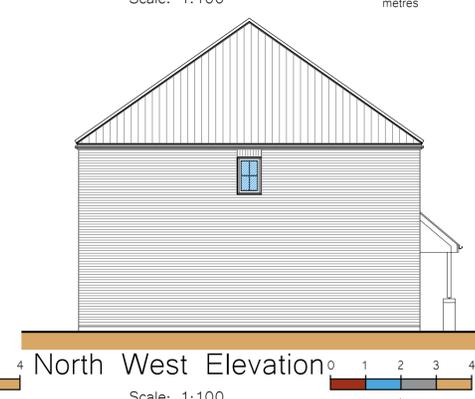
Created on: 09/06/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

**F/YR21/0603/F**

Scale = 1:1,250



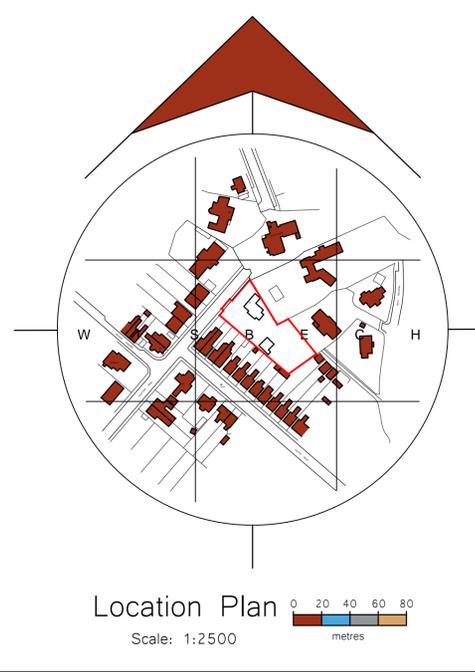


**Method statement for protection of trees on site during construction**

- 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 above table and 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.

**Method statement for 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.

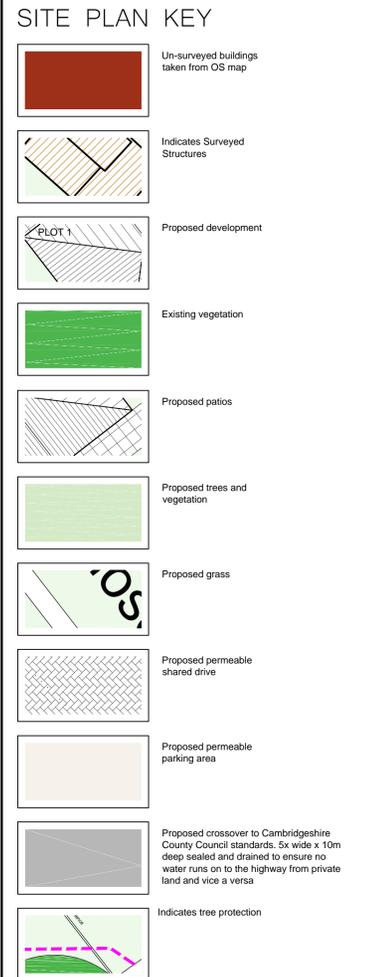


**General Notes**

- 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.

**AREA SCHEDULE**  
PROPOSED APPLICATION SITE AREA = 1811m<sup>2</sup> (0.44 Acres)

PLOT 1-4	= 43m <sup>2</sup>
Ground Floor	= 43m <sup>2</sup>
First Floor	= 43m <sup>2</sup>
<b>Total</b>	<b>= 86m<sup>2</sup></b>



**Revisions**

D	June 2021	Plot 1 & 2 Rotated and Acoustic Fence Added to South Boundary
---	-----------	---

**FOR APPROVAL**

**SWANN EDWARDS ARCHITECTURE**

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

Job Title	Date	Drawn by
Proposed Residential Development	April 2021	JB
42 Tavistock Road		Checked by
Wisbech		RS
For: Mr S Necker		
Drawing Title	Job No.	Sheet Size
Plans, Elevations, Site and Location Plans	SE-1597	A1
	Dwg No. PP1000	Revision
		D

**F/YR21/0611/PLANOB**

**Applicant: Ms Ann McNamee  
Accent Housing Ltd**

**Agent : Mr Adam Jones  
Penningtons Manches Cooper LLP**

**Land South East Of Orchard Lodge, Jobs Lane, March, Cambridgeshire**

**Modification of Planning Obligation attached to planning permission F/YR15/0290/F (entered into on 27/09/2016) to allow Accent Housing to charge the dwelling for market value subject to tenancies as opposed to existing use value and remove the requirement to enter into a nomination agreement in relation to occupation of the unit**

**Reason for Committee: Committee resolution required for variation to Section 106 agreement.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is for the variation of an existing legal agreement to enable the Registered Provider, Accent Housing, to charge the property (Plot 6) at Market Value Subject To Tenancies rather than Existing Use Value for Social Housing.
- 1.2 Accent Housing seeks to amend the existing legal agreement to incorporate a clause which would ensure they can achieve the best possible funding value when securing loans against their asset (plot 6), whilst providing the relevant and required protection to the mortgagee should they default on the loan.
- 1.3 Essentially if Accent Housing fail financially/go into administration and need to sell their stock to cover their debts the amendments proposed would give them 3 months to look for another Registered Provider to purchase the affordable housing unit from them, if they are unable to do this, they would then be allowed to sell on the open market without the affordable housing restriction. If however the purchaser of the unit wishes to re-sell at any point in the future they will again become subject to the restrictions (the unit would revert back to being an affordable home).
- 1.4 A further amendment is proposed to the legal agreement remove the requirement to enter into a 'nomination agreement' with the Council in relation to occupation of the unit, as this is no longer required by Fenland.

## **2 SITE DESCRIPTION**

The application relates to the 20 dwelling development of Spire View, located on the southern side of Jobs Lane, March. The development was nearing completion when the site was visited, with many of the dwellings occupied.

### 3 PROPOSAL

- 3.1 The proposal is for the variation of an existing legal agreement to enable the Registered Provider, Accent Housing, to charge the property (Plot 6) at Market Value Subject To Tenancies rather than Existing Use Value for Social Housing. Plot 6 is the only affordable housing unit to be secured on this development.
- 3.2 This is required in order to meet the requirements of their lenders when securing lending to deliver affordable housing.
- 3.3 A further amendment is proposed to remove the requirement to enter into a 'nomination agreement' with the Council in relation to occupation of the unit, as this is no longer required by Fenland.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR21/0611/PLANOBJ Modification of Planning Obligation attached to planning permission F/YR15/0290/F \(entered into on 27/09/2016\) to allow Accent Housing to charge the dwellings for market value subject to tenancies as opposed to existing use value | Land South East Of Orchard Lodge Jobs Lane March Cambridgeshire \(fenland.gov.uk\)](#)

### 4 SITE PLANNING HISTORY

F/YR21/3011/COND	Further details reserved by condition 3 (archaeology) of planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages) - further details following partial discharge F/YR17/3090/COND	APPROVED 29.03.2021
F/YR19/1076/NONMAT	Non material amendment Plot 11 - Replace window on right side elevation to door relating to planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 20.12.2019
F/YR19/0927/NONMAT	Non-Material amendment: Plot 9 only - Change kitchen window to door to left side elevation and installation of heat source pump to rear relating to planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 26.11.2019
F/YR19/0474/NONMAT	Non-material amendment: Plot 15 only - Remove ground floor bedroom/ensuite and replace with an increased garage space with double doors relating to planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 01.07.2019

F/YR18/3077/COND	Details reserved by condition 03 of planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	REFUSED 24.08.2018
F/YR18/1065/NONMAT	Non-material amendment: Change conservatory to garden room for Plot 14 only of planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 17.12.2018
F/YR17/3090/COND	Details reserved by condition 03 of planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 29.09.2017
F/YR17/3009/COND	Details reserved by conditions 2, 3, 8, 9, 10, 11, 12, 14, 15 and 19 of planning permission F/YR15/0290/F (Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages)	APPROVED 18.05.2017
F/YR15/0290/F	Erection of 20 x 2-storey dwellings comprising of 11 x 4-bed with detached garages and 9 x 4-bed with MIP annexes and integral garages	GRANTED 28.09.2016

## 5 CONSULTATIONS

### 5.1 Housing and Strategic Planning Manager (13/7/2021)

*Accent have stated in their application that they are seeking amendment to the Mortgage Exclusion Provisions (MEP) contained within the S.106 to enable them to charge the dwelling located at Plot 6 of the development Spire View for market value subject to tenancy as opposed to existing use value.*

*Accent are seeking amendments to meet the requirements of their lenders when agreeing to a legal charge against their asset to secure lending to deliver affordable housing. In this instance, the asset is an affordable rent tenure 4 bedroom wheelchair adapted house, secured through planning obligations, and delivered by Accent Housing.*

*Housing Strategy has no objections to the proposal to modify to the Mortgage Exclusion Provisions (MEP) contained in the S.106 agreement relating to Land South East of Orchard Lodge, Jobs Lane, March proposed by Accent Housing, subject to the appropriate scrutiny and approval of the intended modifications by Legal.*

### 5.2 Housing and Strategic Planning Manager (2/8/2021)

*Essentially if an RP - in this case Accent - fails financially/goes into administration and must sell their housing stock to cover their debts, they would have to look for an RP to purchase the stock from them for a period of 3 months. If at the end of that period they had been unable to find an RP to purchase their stock, they would be allowed to sell on the open market. These two paragraphs below (taken from page 2 of the document sent by Bev) explains that at that stage where the RP is free to sell on the open market they can then sell without any of the restrictions set out in the S.106 (i.e. that the property must be an affordable home in perpetuity) applying. If however, that purchaser of the property wishes to re-sell the property at any future point, they will become subject to the restrictions again (i.e. the property would revert to being an affordable home).*

*Explanation of these requirements – These requirements ensure that consideration is given to the impact these restrictions will have on the value of a property sold in possession. This enables us to obtain the best price within a reasonable time period and minimise any potential losses for both the borrower(s) and ourselves. Therefore, whilst it is acceptable for the full terms of the resale restrictions to apply to your purchaser (subject to the valuers comments), as a mortgagee selling in possession we must have the opportunity to sell free from the eligibility restrictions once our prescribed time limit has lapsed.*

*NB: Whilst the mortgagee selling in possession will not be bound by the resale restrictions (once the eligibility period has elapsed), any new purchaser will become subject to these restrictions on future resale, so there is no intention within our requirements to remove a property from the affordable housing eligibility criteria indefinitely*

*As a general point, it is important to bear in mind that it is very rare for an RP to experience issues of insolvency. RPs are closely regulated and monitored by Homes England and the social housing regulator, so any financial issues are picked up at an early stage, long before they go into administration or receivership. The most likely outcome for an RP that is having financial problems, is that they will be bought out by a larger RP. I have never heard of a situation where an RP has had to resort to selling affordable housing on the open market. As I said in my previous email, these MiP clauses have the main function of allowing RPs to meet the requirements of their lenders when agreeing to a legal charge against their asset to secure lending to deliver affordable housing. It is only in extreme situations that they would be relied on to repay debts.*

*Ultimately Legal will have to advise on the proposed DoV but what Accent is asking to include, is now standard practice and therefore I would not have any objections from the perspective of Housing Strategy and Enabling.*

#### **Local Residents/Interested Parties**

None Received.

## **6 POLICY FRAMEWORK**

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

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

#### **Fenland Local Plan 2014**

LP4 – Housing

LP5 – Meeting Housing Need

## **March Neighbourhood Plan 2017**

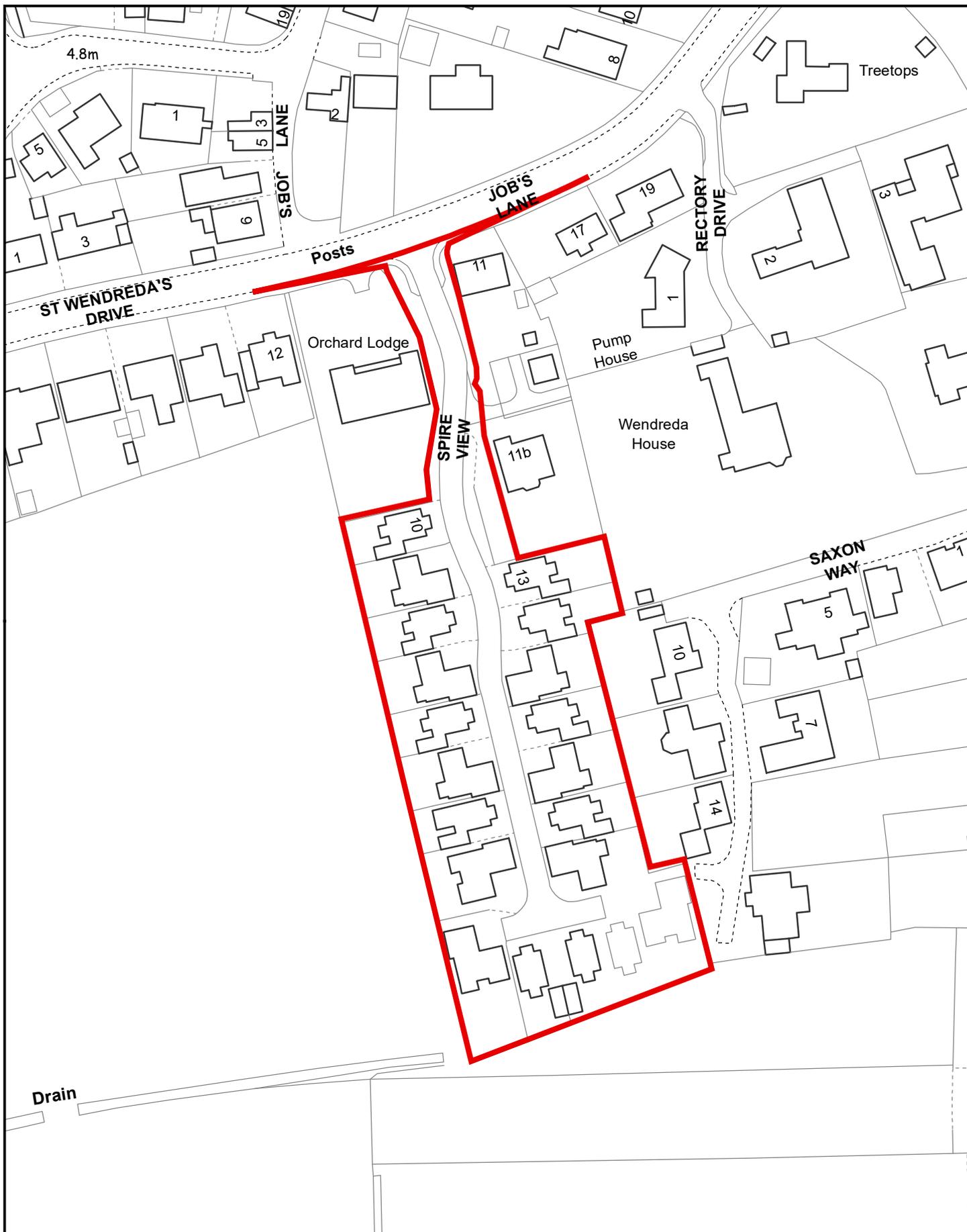
### **H3 – Local Housing Need**

#### **7 ASSESSMENT AND CONCLUSIONS**

- 7.1 Accent Housing seeks to amend the existing legal agreement to incorporate a clause which would ensure they can achieve the best possible funding value when securing loans against their asset (plot 6), whilst providing the relevant and required protection to the mortgagee should they default on the loan.
- 7.2 Essentially if Accent Housing fail financially/go into administration and need to sell their stock to cover their debts the amendments proposed would give them 3 months to look for another Registered Provider to purchase the affordable housing unit from them, if they are unable to do this, they would then be allowed to sell on the open market without the affordable housing restriction. If however the purchaser of the unit wishes to re-sell at any point in the future they will again become subject to the restrictions (the unit would revert back to being an affordable home).
- 7.3 It should be noted that Registered Providers are closely regulated and monitored by Homes England and the social housing regulator and it is very rare for issues of insolvency to be experienced. The main function of the proposed clauses is to meet the requirements of their lender, it is a legal technicality that is unlikely to compromise the unit being available for affordable housing in future.
- 7.4 A further amendment is proposed to the legal agreement remove the requirement to enter into a 'nomination agreement' with the Council in relation to occupation of the unit, as this is no longer required by Fenland.
- 7.5 A draft Deed of Variation has been provided, however this has not been assessed by the Council's Legal team; should the amendments be agreed in principle the matter will be referred to them.

#### **8 RECOMMENDATION**

**Approve the amendments of the planning obligation, with delegation given to the Head of Planning to finalise the Deed of Variation in conjunction with Legal.**



Created on: 10/06/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

**F/YR21/0611/PLANOB**

Scale = 1:1,250





This page is intentionally left blank