

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 27 OCTOBER 2021**

**1.00 PM**

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

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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 16)  
  
To confirm and sign the minutes from the previous meeting of 22 September 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/YR21/0337/O  
Land West Of 207 To 215, Fridaybridge Road, Elm  
Erect 2no dwellings (outline application with all matters reserved) (Pages 17 - 30)  
  
To determine the application

- 6 F/YR21/0411/F  
8 Market Hill, Chatteris  
Conversion of rear storage area of existing restaurant at ground floor level to 1 x 1-bed manager's flat involving the insertion of 1 x side window and relocation of external staircase (Pages 31 - 44)

To determine the application

- 7 F/YR21/0804/F  
Land West Of 256 Ramsey Road Accessed Via, Milk And Water Drove,  
Pondersbridge  
Erect 1 x dwelling (single-storey, 4-bed) involving the formation of a new access (Pages 45 - 60)

To determine the application.

- 8 F/YR21/0872/F  
Eastrea Hill Farm, 182 Wype Road, Eastrea  
Erect an agricultural contractor's workshop involving the demolition of existing buildings to the rear of the site (Pages 61 - 72)

To determine the application.

- 9 F/YR21/1057/F  
The Piggeries, Flaggrass Hill Road, March  
Erect 2 x 2-storey 4-bed dwellings with covered parking involving demolition of existing outbuildings (Pages 73 - 90)

To determine the application.

- 10 Planning Appeals. (Pages 91 - 94)

To consider the appeals report.

- 11 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,

## PLANNING COMMITTEE



**WEDNESDAY, 22 SEPTEMBER 2021 -  
1.00 PM**

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

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

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

### **P45/21      PREVIOUS MINUTES**

The minutes of the meetings of the 28 July, 11 August and 18 August 2021 were confirmed and signed as accurate records.

### **P46/21      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**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Jamie Burton, the agent.

Mr Burton explained that the proposal is a full application, which has an officer recommendation for approval and since the original submission he has worked very closely with Planning and Conservation Officers through numerous iterations to overcome their concerns and ensure that the proposal complies with all policy requirements and achieves officer support. He added that the amendments have also been developed to address and respond to concerns raised by residents and the Parish Council and the concerns primarily relate to amount of development, highways implications and drainage.

Mr Burton stated that the scheme has evolved significantly in response and has reduced in number from 13 to 10 dwellings, 1 of which is a replacement, including retention of the existing barns for conversion, the closing off all 3 access points on to Wales Bank one of which is directly on the junction and a single access point on to Fridaybridge Road, and the provision of a drainage scheme which has been accepted by the Lead Local Flood Authority (LLFA). He added that the officer's report comprehensively details the evolution of the scheme and their response to concerns raised to ensure the proposal is acceptable and can be supported and the intention of

the application is to be able to deliver a high-quality development in the desirable village of Elm, which is a Growth Village in which small village extensions are appropriate.

Mr Burton explained that the site is not located within the Elm Conservation Area, neither is it close to any Listed buildings, however, the scheme has been amended in consultation with the Conservation Officer noting the non-designated heritage assets on the site. He stated that the site is located within Flood Zone 1 and is within the built-up area of the village with houses to the north, south, west and east and, in his view, the proposal fully complies with LP3 and LP12 as it would not result in coalescence with any neighbouring villages, not adversely impact the character and appearance of adjacent countryside, would not extend the existing linear features, would not result in a loss of important open space or agricultural land, and it can be adequately drained as confirmed by the drainage strategy and LLFA and will not put people or property in danger.

Mr Burton pointed out that the impact of the development upon existing trees and biodiversity is assessed in detail with the application and the impacts and mitigation proposed are acceptable as confirmed by the technical consultees and the site, therefore, meets all the criteria set out in LP3 and Part A of Policy LP12. He explained that the revised layout demonstrates an effective use of land, one which is appropriate for its surroundings, and the density of the scheme is in keeping with the existing residential development along Fridaybridge Road and Wales Bank, with the layout also retaining a larger curtilage to No 47.

Mr Burton expressed the opinion that the existing housing surrounding the application site is very mixed in terms of its design and appearance and the well-designed new houses are appropriate for this context and are in keeping with the form and character of the area. He stated that good quality materials can be secured by planning condition and that all the plots are generous in size, and incorporate the retained trees around the edge of the site, with the separation distances from neighbouring properties and the position of the proposed dwellings also ensuring there is no overlooking, and the development will afford the occupiers of the new properties a high standard of amenity.

Mr Burton stated that that scheme has the support of the Highways Officer and highlighted that vehicular access points to Wales Bank have been removed with a single access on to Fridaybridge Road, which highways have deemed as acceptable. He made the point that the application is supported by an Extended Phase 1 Ecological Survey Report which has assessed the site for protected species and management measures have been set out in the report to ensure that the works and mitigation measures can be incorporated and secured by condition, which have been accepted by the Wildlife Officer.

Mr Burton concluded by stating that he believes the application proposes a well-considered and high-quality design and will not result in any unacceptable highway impacts, would not harm the amenity of existing residents, and would afford future occupiers a good stand of amenity. He added that the new landscaping and measures to enhance biodiversity can be incorporated into the scheme and secured by planning condition and he stated that Elm is designated as a 'limited growth village' where village extensions will be supported.

Mr Burton stated that the scheme will not result in overdevelopment and will retain and respect the non-designated heritage assets. He expressed the view that the site can be adequately drained and has no technical consultee objections and officers support as a policy compliant proposal.

Members asked Mr Burton the following questions:

- Councillor Sutton asked Mr Burton whether his drainage consultants have been on site to measure any levels including the level of the ditch? Mr Burton stated he was not aware whether any measurements had been undertaken. Councillor Sutton stated that the Parish Council and Internal Drainage Board officers have raised concerns regarding the levels, and they do not think that the water can drain off because the bottom of the ditch is level with the surface of the plot. Mr Burton stated that he will consult with the drainage consultants again and stated that there are solutions to overcome such issues such as attenuating on site and pumping into the drain at an agreed rate.
- Councillor Sutton stated that the ditch is in a poor condition and the dwellings that are being erected on site are installing 450 diameter pipes, one of which is invisible as there have been no headwalls put in place and the hardcore has fallen into the ditch. He asked Mr Burton what steps he will put in place to overcome the issues as well as ascertaining and contacting the riparian owner to obtain permission to pump into the drain? Mr Burton expressed the view that it is likely that the Internal Drainage Board will insist that he makes good the drain and maintain it with any improvement measures required and the piping and cross overs from the individual plots should have had permission before they were installed and if they have failed then Internal Drainage Board could insist that element is put right, but it is something that he can pick up as part of the improvement works to the drain.
- Councillor Sutton asked if those works are not achievable what other mitigation steps would be put in place? Mr Burton stated that he would look to attenuate on site further and increase the amount of infiltration on site and soakaways. He stated that there is the shared roadway on site and there is the potential to use clean stone on site with larger gaps to allow it to attenuate water within it and allow it to percolate. Mr Burton added that there was another proposal which came forward to the LLFA for a deeper soakaway, but their preference was to use the drain and if that cannot be achieved through the hierarchy, then the deep soakaway on site would be the option.
- Councillor Mrs French asked who would be responsible for the running costs and the maintenance of the pump that Mr Burton had referred to? Mr Burton stated that the site has a shared access drive and there will be a management committee which each of the dwellings will be involved with and the committee would be responsible for the management and maintenance of the pump which the occupiers would be expected to make a financial contribution towards. He stated he would be happy to accept a condition for the management scheme to come forward for the roadways and drainage scheme.

Members asked officers the following questions:

- Councillor Benney asked whether the drainage issue is something that can be dealt with by way of a condition? Alison Hoffman stated that the LLFA have responded and provided a comprehensive bespoke condition which states that no laying of surface, creation of hard surfaces and erection of buildings should take place until the detailed design of the surface water drainage of the site along with the timetable for implementation is put forward which gives a level of certainty that has been requested and at Part F of their robust condition they require full details of the maintenance adoption of the surface water drainage system going forward, with the agent accepting the detail in that condition.
- Councillor Murphy stated that he agrees with the refuse collection strategy which has been detailed for the site and referred to condition 16 which states that it will be in place for perpetuity. He questioned as to how assurances can be given that the perpetuity condition

will be adhered to? Alison Hoffman stated that she would hope that if any concerns were raised by the Refuse Team, these would be passed to the Planning Enforcement Team for any action deemed necessary.

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

- Councillor Sutton stated he would like it noted that the agent and officers have worked together to make the scheme acceptable, however, he still has concerns over the drainage issues. He added that he has spent six years trying to resolve flooding issues in Birch Grove which goes into the same ditch and he stated that 1 and a half litres a second does not sound very much but over an hour it equates to 5400 litres. Councillor Sutton made the point that if the drainage issues are not sorted out and the water flows north it will add to an already existing problem, of which the Parish Council have also raised concerns. He expressed the opinion that the condition stated appears to allay any problems, however, he is unsure whether it should be put in place before permission is granted.
- Councillor Mrs Davis asked Councillor Sutton whether he is aware of how often Wales Bank has flooded? Councillor Sutton stated that there is a crossroads in Wales Bank, when accessed from Fridaybridge Road, where he is aware of two houses who have suffered from flooding issues, although he has not witnessed it himself and he is not aware of any reports of flooding of properties on Wales Bank itself.
- Councillor Mrs French stated that Cambridgeshire County Council are currently looking at all dykes and ditches across the county following the flooding episodes which affected the area over recent months.

Nick Harding stated that the drainage strategy is in place which the LLFA are satisfied with, however, if through the discharge of conditions, it becomes apparent that the strategy cannot be complied with, then a variation of condition application would have to be submitted for an alternative drainage strategy to be submitted and subsequently approved.

Councillor Connor asked whether that variation of condition application would be brought before the Planning Committee and Nick Harding explained that not necessarily, but if the application was called in by members it would be brought back to the committee.

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

**P47/21      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**

Alison Hoffman presented the report to members.

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

Mr Gowler stated that the application is for 2 semi-detached, 2 bed dwellings and explained that, if permission is granted, the dwellings would be constructed for the applicant's two daughters and although this is not a material planning consideration the applicant is looking for somewhere to build a pair of self-build properties within Manea. He explained that the site is in Flood Zone 3 and the officer's report mentions that the site does not pass the sequential test because of other similar

land being available in a lower flood zone.

Mr Gowler stated that currently the only land with permission available for purchase is under permission F/YR19/0970/O and it is being marketed at £200,000 and is also unfortunately susceptible to contamination due to its previous use. He added that this gives the plot value of £66k per plot with a build cost of £120k and would mean the value would need to exceed £186k excluding the contamination work when complete and he stated that a 2-bed property in Manea is likely only to be worth £175k and, therefore, in his opinion this site is overpriced and in reality, not available, or viable.

Mr Gowler explained that the other site mentioned in the report is not being marketed and, therefore, not available and that it is proposed that the new properties will have significant rear gardens that can be used to sustainably dispose of the drainage from the development, with these dwellings, albeit behind existing properties, not having a significant impact on the street scene of Station Road any more than the large 3 storey properties opposite. He stated that properties 58 and 60 are modest single storey bungalows, but all the other nearby properties surrounding the site on Station Road are two storey houses and, therefore, the chalet style bungalows are in keeping with the two styles.

Mr Gowler explained that whilst there are currently no 'backland' dwellings in this area there are other buildings extending out the rear, including the large agricultural buildings to the north, and stated that the site is located within walking distance of the local facilities of Manea and close to the developing train station, which adds to the current sustainability aims of Local and National Planning Policy to encourage less car usage. He concluded by stating that the two dwellings will create two small and affordable self-build dwellings in a sustainable location and hoped the Committee are in favour of the proposal.

Members asked Mr Gowler the following questions:

- Councillor Mrs French stated that she is concerned over the possibility of flooding and asked Mr Gowler how he intends to overcome the issue? Mr Gowler stated that the whole area is at risk of flooding and added that the gardens are very large and there would be enough space to install soakaways or an attenuation system.

Members asked officer's the following questions:

- Councillor Mrs French asked officers whether, in their opinion, it is possible to resolve the issue of flooding? Alison Hoffman stated that within the report it states that the Environment Agency withdrew their objection to the original Flood Risk Assessment and a revised Flood Risk Assessment was submitted. She added that the sequential and exception tests are two stranded and the sequential test looks at directing development to the area of lower flood risk and as the proposed site is within Flood Zone 3, it fails on that part and the two component parts of the exception test look at whether the site itself is physically able to accommodate the development without flood risk both on and off the site, which the proposal does satisfy. Alison Hoffman added that the wider issue of the sustainability benefits remains in terms of delivery of the two dwellings on the site and in Flood Risk Assessment terms the scheme demonstrates that the residents would not be at risk of flooding, the proposal is contrary in terms of location of the site, and it fails to address the sustainability aspect. Councillor Mrs French stated that it is the issue of sustainability that she has concerns with.
- Councillor Murphy stated that the Agent has advised that there are no other parcels of land in Manea for the proposal to be built and asked officers to confirm how much land is available in Manea when considering the five-year land supply?. David Rowen stated that when applying the sequential test, the Supplementary Planning Document adopted by the Council sets out the land that should be considered, it does not identify land which is being marketed and only details extant planning permissions which is sufficient to carry out the sequential test and, therefore, if there are a couple of sites with extant planning permissions

which could accommodate a couple of dwellings then they would be sequentially preferable. Councillor Murphy asked whether there is any more land available, and David Rowen stated that Mr Gowler had indicated that there were two sites, one which was not being marketed and another which was being marketed at a high value. Councillor Murphy asked whether there were any other sites available, and David Rowen stated he was not aware of the extant planning permissions, but he would be surprised if there were only two sites available but for the purposes of the sequential test it has been demonstrated that there are other sites with extant planning permission within the settlement and, therefore, the proposal site is not sequentially preferable as a result.

- Councillor Mrs French stated that she is aware that she has read a document which states that there are 6.92 years of land supply available. She expressed the opinion that the marketed value of the land in Manea is not a material planning consideration.
- Councillor Connor concurred with the comments made by Councillor Mrs French with regard to the marketed value of the land.
- Councillor Sutton agreed that the value of the land is not a material planning consideration when determining the application.

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

- Councillor Mrs French stated that the Parish Council do not support this proposal and their views must be taken into consideration. She expressed the opinion that the proposal is over development, she has concerns over the issue of flooding and access and she cannot support the application.
- Councillor Skoulding expressed the opinion that officers have made the correct recommendation.
- Councillor Sutton stated that in his view the officers have made the correct recommendation and it is consistent with previous planning decisions and he will support the officer's recommendation.

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

*(Councillors Connor and Mrs Davis declared that the Agent for this application is known to them as he used to be a Doddington Parish Councillor and Councillors Connor and Mrs Davis attend Doddington Parish Council in their positions as elected members of Fenland District Council)*

**P48/21**

**F/YR21/0702/O**

**LAND NORTH OF 15, SANDBANK, WISBECH ST MARY**

**ERECT 1NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Jamie Burton, the agent.

Mr Burton explained that the application is before the committee because of the amount of support both locally and from the Parish Council, with 8 of the 9 letters of support being from residents or landowners in Sandbank. He explained that the proposal is an outline application with all matters reserved to allow full details of the design, layout, and access to be considered upon submission of the reserved matters application, with the site itself not being agricultural but paddock land.

Mr Burton stated that the indicative site layout plan demonstrates that the proposal can deliver a high-quality development that follows the existing built form and will accord with the development pattern of Sandbank, with the intention of this application being able to deliver a high-quality self-

build plot in a growth village in which small village extensions are appropriate, and added that it should be noted that early communications with officer's during the application process indicated that the application was likely to be supported. He stated that some amendments to the scheme were incorporated working with the officers, and these amendments included reducing the width of the proposed plot to ensure it lines up with the extent of residential development opposite thereby ensuring the proposal does not result in linear ribbon development and reinforcing that the proposal respects the 9m easement of the IDB culverted drain that runs along the boundary.

Mr Burton explained that the access location was altered to improve the relationship with the transformer poles and the proposal extends the footpath network to meet the proposed access point ensuring that the occupiers would have safe pedestrian access to the facilities of Wisbech St Mary and the nearby bus stops. He expressed the view that the access achieves adequate visibility and has no objections from highways and stated that if members were minded to approve the application, the applicant is willing to accept a condition to relocate the transformer in liaison with UK Power Networks if deemed necessary.

Mr Burton stated that the Parish Council are also bidding as part of a highway improvement scheme to extend the 30mph limit along Sandbank as there are a number of properties beyond the proposed site, with many residents walking along the road into the village and, in his view, this proposal may assist in reinforcing their bid. He stated that the scheme has no objections from technical consultees or local people and has numerous letters of support and the support of the Parish Council and local Councillors.

Mr Burton explained that he has worked proactively with officers throughout the process and has noted the reasons for refusal, but with regards to flood risk the Environment Agency have no objection to the proposal and drainage is intended to connect to the sewer with rainwater into the water course, which is acceptable to the Internal Drainage Board subject to a contribution, which will be forthcoming. He explained that with regards to the sequential test there are no reasonably available alternative sites within the village as confirmed in the Flood Risk Assessment.

Mr Burton referred to other planning applications stating that one of the plots is out for tender and will commence shortly, the second will not be built at this time and the new owners of The Poplars are not pursuing this development and, therefore, it is not reasonably available. He referred to another application which is not currently available to purchase, and a search on the website Rightmove earlier confirmed this and the plot is, therefore, not reasonably available.

Mr Burton expressed the view that to the best of his knowledge other sites within the village have either commenced, are in the same flood zone, have been sold for development or are not currently for sale, all of which are not reasonably available, therefore, meeting the sequential test. He stated that there have been a number of approvals across the District at significantly higher risk of flooding than this proposed site and with regards to the exception test he is willing to accept a climate change mitigation condition as suggested by officers.

Mr Burton expressed the opinion that he believes the scheme abuts the built form, will not result in harm as it is not extending linear development past the current residential development into the countryside, and it should be noted that development exists past this proposed site further out of the village. He added that the proposed site does not mirror grassland opposite as suggested, the proposal mirrors the dwelling opposite, the remainder of the grassland will be retained, retaining

the gap and they are willing to accept an ecological improvement condition to ensure they are enhancing the biodiversity of the site.

Mr Burton stated that the scheme will not adversely affect neighbour's amenity and will respect the form and character, and this can be controlled as part of the Reserved Matters application. He drew members attention to the presentation screen and stated that the slide shows the former development boundary for Wisbech St Mary and clearly shows the proposed site abutting this boundary and, therefore, abutting the built form as required by policy to allow a small village extension.

Mr Burton expressed the view that the scheme is consistent with recent approvals within the village and is also consistent with a number of recent approvals by the Planning Committee within Fenland to deliver high quality development. He feels the proposal complies with policy, will result in a high-quality self-build development without causing harm to the form and character of the area or residential amenity and has local support.

Mr Burton asked the committee to support the proposal and approve this application with the conditions they deem appropriate.

Members asked Mr Burton the following questions:

- Councillor Mrs French asked Mr Burton to clarify whether the applicant would be prepared to install a footpath? Mr Burton confirmed that they would be willing to do that.
- Councillor Connor asked whether the footpath could be installed before construction on the site commenced? Mr Burton stated that the applicant would accept it if it formed part of a condition.

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

- Councillor Sutton stated that he understands why the officer has recommended the application for refusal, but, in his opinion, it is adjacent to the built form, it is in a growth village and as long as the flood risk mitigation is in place when it comes to the Reserved Matters stage, he does not see anything wrong with the proposal.
- Councillor Benney stated that the application has the support of the Parish Council and it is ideal land for the proposal. He expressed the view that he would not deem the application site to be in the open countryside as it is within the village boundaries and, in his view, LP12 and LP16 of the Local Plan are subjective either way and he will support and approve the application.
- Councillor Mrs French stated that she agrees with Councillor Sutton and stated that all the Statutory Consultees have no objection. She added it is a growth village and she will support the application.

Nick Harding highlighted to members the flood risk reason for refusal, and referred members to the Policy LP12 (A) Section E where it says that regard should be given as to whether or not a development proposal would extend the linear features of the settlement or result in the development taking place and he stated that this development would result in that and would be contrary to the adopted Local Plan Part LP2.

**Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation, with conditions to be**

applied as deemed appropriate by officers.

**Members do not support the officer's recommendation of refusal of planning permission as they do not feel that the proposal causes demonstrable harm to the surrounding area, but will improve the setting and the risk of flooding can be overcome by applying flood mitigation measures on the Reserved Matters application.**

Councillor Connor stated that he would like a condition included at the Reserved Matters stage that the path should be in place before any development commences. Councillor Mrs French stated that the top layer of the path should not be included.

Nick Harding stated that he appreciates that members require the early delivery of the path, but he is mindful that the County Council might not want to adopt the footway until it is completed.

**P49/21      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**

This item was withdrawn from the agenda.

**P50/21      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)**

David Rowen presented the report to members.

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

Mrs Jackson stated that this is an outline application for up to 5 dwellings with all matters are reserved expect for access and, whilst the application has been recommended for refusal, it is before the committee as it has received a number of letters of support from the local community. She expressed the view that the primary concern appears to be the locational aspect of the proposal as it has been considered that the site lies outside of the main settlement of Manea, however, as members will have seen from the presentation and site visit, the site is no further out of Manea than the existing dwelling and buildings at the pet care centre over the road and it is within the village sign.

Mrs Jackson expressed the view that the proposal will not encroach any further into the countryside than the exiting development and it is wholly reasonable to consider that the site is within the village. She expressed the opinion that it is further argued within the report that future residents are likely to depend on private modes of transport given the lack of footpath to the front of the site, however, it is widely accepted that Fenland is a rural District and a commuter District, therefore, the reliance on private cars is inevitable, as it is with nearly any new development within the district.

Mrs Jackson added that the benefit that this site has is that it is close to the railway station, whose car park is currently being developed and the site, therefore, has great sustainable transport links, much better than a lot of other areas within the District. She stated that concerns have been raised with regards to the noise from the railway and that it could cause harm to future residential amenities, but the dwellings can be constructed using noise mitigation measures such as triple

glazing and use acoustic fencing and these noise concerns can be overcome.

Mrs Jackson expressed the view that the noise mitigation measures can be secured via a planning condition which would be duly accepted, and she added that, in any case, there are other dwellings in the area to the south of the site and at Charlemont Drive which are closer to the railway line than the application site. She questioned that if these properties were allowed in such close proximity to the railway, why it is different for this application?

Mrs Jackson stated that a further objection relates to the site being located within Flood Zone 3 and stated that members will note from the Committee report that the Environment Agency has no objection to the development and that the Flood Risk Assessment demonstrates that the scheme can be made technically safe from flooding. She stated that the final reason for refusal relates to the lack of a habitat survey to establish the ecological potential of the drains on site which may be affected by the potential access should permission be granted and added that the ecology details on the drain would be covered by the Internal Drainage Board as part of the application to culvert the ditch. She stated that the ecology details would be considered by the Conservation Officer on the Drainage Board who would make recommendations and approve mitigation measures accordingly and, therefore, given that the ecology details are dealt with by other legislation it is not necessary for these details to be required as part of the planning application.

Mrs Jackson stated that the applicant is committed to improving ecology and biodiversity within the area and would be willing to incorporate new woodland features and create new habitats elsewhere within his land ownership in order to promote the biodiversity and geological interest within the area. She expressed the opinion that the location of the site is acceptable, given that it extends no further into the countryside than the existing development and it is within the village sign and the proposal will represent a unique opportunity to provide new high-quality housing in a sustainable location which is next to Manea Station.

Mrs Jackson expressed the view that the technical objections set out in the Committee report can be overcome and she stated that she hopes the committee are able to see that there are significant benefits to this scheme and that they are able to grant planning permission accordingly.

Members asked Mrs Jackson the following questions:

- Councillor Benney asked whether, if the application is approved, as part of the flood mitigation measures will the houses be built up? Shanna Jackson stated that the Environment Agency were content with the Flood Risk Assessment and they recommended a condition to incorporate mitigation measures which the applicant will be happy to accept.

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

- Councillor Benney stated that the development falls within the village sign and the open countryside is on the opposite side of the road. He added he is content to arrive in a village and see nice houses as it sets the tone of what to expect in the village and 5 houses would change the perception that visitors have when they arrive in the village of Manea as currently upon arrival there is a derelict barn. Councillor Benney stated that the proposal will not impact anybody in the village of Manea and the station opposite means that the proposal is well connected for transport links. He added that the proposal will smarten up the area and provide good homes for people and the residents will have cars and use the village of Manea which will help the village progress. Councillor Benney pointed out that the Council have invested money into the car park on the opposite side of the road and the application will enhance that part of the area. He stated that, in his opinion, any prospective purchasers of property will be aware that there is a train station near to the dwellings and they do have a choice as to whether they buy a property knowing there will be an element of noise from the station. Councillor Benney stated that the application site is in a field, and although there is the need to be mindful of taking agricultural land away there are thousands of acres taken out of use and, in his opinion, it is a good use of land for Manea, it will

enhance and welcome people entering the village and he will support the application.

- Councillor Sutton stated that Manea Parish Council do not support the application and it has always been said that the railway is the boundary and to be consistent there have been applications previously in Manea where the car park is, and they were refused and held on appeal. He stated that to remain consistent he cannot support the application and will support the officer's recommendation.
- Councillor Murphy stated that he agrees with the comments made by Councillor Sutton and expressed the view that the application site is too far outside of the village of Manea to class it as being in Manea. He stated that it is in an unsustainable location and Part 158 of the National Planning Policy Framework refers to the Environment Agency and the sequential test and the exception test, which has not been carried out and the site falls into the highest flood risk area of Flood Zone 3. Councillor Murphy expressed the view that Fodder Fen Road has no footpath or lighting and highlighted that the Parish Council have strongly objected to the proposal and he will be supporting the officer's recommendation for refusal.
- Councillor Mrs Mayor stated that she fully agrees with the comments made by Councillor Murphy and fully supports the officer's recommendation. She expressed the opinion that she is concerned about the remarks made by the Environment Agency who have recommended that the floor levels be raised in order to make the dwelling safe provided that there is no ground floor sleeping. Councillor Mrs Mayor added that she has been a member of the project board involved with the development of the car park at Manea Station which has taken a while to come to fruition and some of that has been due to issues surrounding water.

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

**P51/21**

**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**

David Rowen presented the report to members.

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

Mrs Jackson stated that the application is for the construction of 4 dwellings on land to the rear of 42 Tavistock Road, Wisbech, with the dwellings taking the form of 2 pairs of semi-detached houses, positioned in the extended rear garden area serving the existing property and the site represents a great opportunity to provide 4 affordable family homes within Wisbech Town centre. She stated that the site is in a prime location which is within walking distance to education, retail, employment, and health services in the town, which she feels is a rarity, and each plot will be provided with a generous rear garden and two parking spaces, with a large garden and sufficient parking also remaining to serve the host dwelling at number 42.

Mrs Jackson explained that concerns have been raised in the committee report that the proposal would be out of keeping with the character of the area, however, from the submitted site plan the scale and layout of each plot is entirely commensurate with the existing development to the south along Colville Road. She added that, in addition, she would argue that the glimpses of the dwellings you would see from the Tavistock Road frontage would not be harmful, instead they would appear very typical of a town centre location such as this.

Mrs Jackson pointed out that concerns have also been raised with regards to there being an overbearing impact as a result of the proximity of the dwellings to the south western boundary,

however, the rear garden areas serving the properties along Colville Road and Trafford Park are approximately 20m and 10m long respectively and are separated by fencing and landscaping and the length of these gardens and the fact that the roofs of the dwellings will be fully hipped provides a significant amount of visual relief from the rear aspect of the neighbouring houses. She expressed the view that the situation is no worse than that at the Trafford Road/Colville Road junction located to the south east of the site.

Mrs Jackson stated that the application is supported by Wisbech Town Council and no objections have been received from County Highways or FDC Environmental Protection Team. She added that there have also been no objections to the principle of the development or to the design or general appearance of the proposed dwellings.

Mrs Jackson expressed the opinion that the proposal represents a rare opportunity to provide 4 new family homes within Wisbech Town Centre where there are significant sustainability benefits, and she asked the committee to agree and approve the application accordingly.

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

- Councillor Skoulding stated that he agrees with the officer's recommendation.
- Councillor Mrs French stated that she also agrees with Councillor Skoulding and added that, in her view, she believes that the application is over development. She made the point that she does take the views of Town and Parish Councils very seriously, but on this occasion, she agrees with officers.
- Councillor Connor stated that he agrees, the committee must be consistent, it is over development and he will not support the proposal.
- Councillor Mrs Davis stated that she will support the officer's recommendation and expressed the view that the development will have a serious impact on the residents of Trafford Road and Colville Road, with this proposal for four dwellings being in the wrong location.

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

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

**P52/21      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**

David Rowen presented the report to members.

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

*(Councillor Purser declared that he had a close relative who resides in the vicinity of the application site and left the meeting for the duration of the discussion and voting thereon)*

3.07 pm

Chairman

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**F/YR21/0337/O**

**Applicant: Mr S Wadsley**

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

**Land West Of 207 To 215, Fridaybridge Road, Elm**

**Erect 2no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

**Reason for Committee: Previously deferred by the Planning Committee for further consideration of flooding and flood risk**

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## **1. EXECUTIVE SUMMARY**

- 1.1. The application has previously been considered by the Planning Committee, which deferred the determination of the application to allow for the provision of further information regarding flooding and flood risk at the site.
- 1.2. Further consultation has been undertaken following the receipt of the revised Flood Risk Assessment,
- 1.3. The original Committee report is attached as Appendix 1.
- 1.4. The additional information does not result in a change to the original recommendation of refusal in relation to the development being unacceptable in terms of flood risk.

## **2. BACKGROUND**

- 2.1. The application was originally reported to the Planning Committee meeting on 30<sup>th</sup> June 2021. Two reasons for refusal were proposed. Members were of the view that the development did not result in a harmful impact on the character or appearance of the area, but resolved to defer the application to allow the applicant to submit further information in respect of the flood risk at the application site. That information has been submitted, and subject to consultation with the public and the relevant statutory consultees. The original report to Committee and the associated update is attached as Appendix 1.

## **3. FURTHER CONSULTATION RESPONSES**

### **FDC Environmental Health**

- 3.1. No further comments made

### **Environment Agency**

- 3.2. No further comments made

## **Cambridgeshire County Council Highways Authority**

3.3. No further comments made

### **Further Public Comments**

3.4. Four additional responses were received from three properties adjoining the site on Fridaybridge Road, which make the following points.

- Visibility splays indicated as being required by the LHA cannot be achieved on site. (photos supplied)
- Site floods (photo supplied)
- Not in keeping with linear form of development
- Loss of views
- Dangerous access
- Impact on wildlife
- None of the supporters of this application appear to support other applications in the village
- Supporters do not appear to live near the site.
- Site isn't within the village
- Recent developments making the village far less desirable
- Take issue with the letter from the agent requesting that a number of letters of objection be disregarded

## **4. ASSESSMENT**

4.1. The revised flood risk assessment is in reality a revised sequential test. It focuses on searches of national land sales websites and a search of the LPA's website, stating that no suitable sites were found. There is no indication that the test undertook to review the list of permissions granted for residential development kept by the Local Planning Authority and referenced in the original officer's report for the purposes of undertaking sequential tests, as set out in the Flood and Water SPD. That list identifies a range of permissions in Elm that would be capable of accommodating the provision of two dwellings, however no assessment of the status of those sites has been provided.

4.2. The document makes no attempt to provide further argument or evidence that the site will not flood due to topographical reasons, instead simply asserting (despite photographic evidence to the contrary provided by neighbouring residents) that there is no evidence that the site floods.

4.3. The document does note that the proposal is not required to pass the exception test due to its nature and the flood zone classification of the land. This point is correct and any reference in the original report to the scheme being required to pass the exception test should be disregarded.

4.4. Overall however, the revised FRA does not provide any information that would allow the Local Planning Authority to reach a different conclusion than that previously set out in its original report at Appendix 1

## **5. CONCLUSIONS**

5.1. No further information has been provided that addresses the matter of the relationship of the site with the surrounding development and the impact it

has on the character of the settlement, and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

- 5.2. The revised Flood Risk Assessment correctly identifies that the exception test is not required in this instance.
- 5.3. It fails to address however the evidence of flooding of the land, instead stating that there is no such evidence. Photographs provided of the site clearly show the land under water.
- 5.4. The FRA also fails to properly consider the full range of planning permissions granted in the relevant area for the purposes of the sequential test and therefore cannot demonstrate that there are no alternative sites suitable for accommodating the development. The second reason for refusal therefore also remains as previously recommended.

**6. RECOMMENDATION**

The recommendation remains for refusal however the reasons for that recommendation should be amended to read as follows:

1.	Policies LP12 and LP16 of the Fenland Local Plan (2014) require development proposals not to have an adverse impact on the character and appearance of the surrounding countryside, and to be of a scale and location that is in keeping with the core shape and form of the settlement. The proposal is in a backland location that is not in keeping with the predominantly frontage development that makes up the settlement of Friday Bridge, and the scheme is therefore contrary to policies LP12 and LP16.
2.	Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework seek to direct development to land at the lowest risk of flooding, and for development in such areas to be justified through the submission of a sequential test to demonstrate that no land at lower risk of flooding is available that can accommodate the amount of development proposed. The sequential test accompanying the application fails to consider fully the list of existing planning permissions granted within the settlement capable of being implemented and accommodating the development, and as such the sequential test is not satisfactory. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.

**F/YR21/0337/O**

**Applicant: Mr S Wadsley**

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

**Land West Of 207 To 215, Fridaybridge Road, Elm**

**Erect 2no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

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## **7. EXECUTIVE SUMMARY**

- 7.1. The proposal is for the construction of two dwellings on the application site, which is currently maintained grassland to the rear of the frontage development along Fridaybridge Road.
- 7.2. The application site is of an extensive nature in a backland location, and is located within flood zone 2. The application is not accompanied by a detailed sequential test considering the full range of sites capable of accommodating the development within the adjoining settlement, and the exception test does not identify any sustainability benefits to the settlement from the proposed development. The scheme therefore fails to accord with the requirements of policy LP14 of the Fenland Local Plan.
- 7.3. Friday Bridge is the settlement closest to the application site, and is distinctive in character due to its development in a linear form along the main highways leading to and from the village.
- 7.4. The proposal by means of being in a backland location would fail to be sympathetic to the character of Fridaybridge and would therefore be contrary to the relevant policy of the development plan.
- 7.5. The application is therefore recommended for refusal due to character issues, backland location and flood zone 2 issues as set out above.

## **8. SITE DESCRIPTION**

- 8.1. The application site is an open piece of land at the rear of the frontage development along Fridaybridge Road, Elm. The site itself is more closely related to the settlement of Fridaybridge however and constitutes part of the open countryside located immediately to the rear of the frontage development along Fridaybridge Road.

- 8.2. The site is open grassland, with regular silver birch planting alongside the access track serving the agricultural premises beyond the site.
- 8.3. The site lies in the open countryside beyond the existing built up edge of the settlement and is located on land designated as flood zone 2. The site extends to approximately 0.89Ha.
- 8.4. With regard to the wider setting of the site, Friday Bridge is particularly distinctive within the Fenland District due to the way it has developed over time. The overriding characteristic of the village is one of frontage development along the main highways leading to and from the village, with only very limited development at depth evident within the built up area, clustered mainly around the geographical core of the village on land enclosed by existing roads along which frontage development has already taken place.

## **9. PROPOSAL**

- 9.1. The proposal is an outline planning application for the construction of two dwellings on the land. All matters are reserved for later approval. An indicative plan showing how two dwellings could be accommodated on the site is submitted for consideration alongside the scheme.
- 9.2. Proposed development density would be 2.25 dwellings per hectare.
- 9.3. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QQTWWLHE01U00>

## **10. SITE PLANNING HISTORY**

- 10.1. There is no specific on-site planning history.

## **11. CONSULTATIONS**

### **Parish/Town Council**

- 11.1. Elm Parish Council has resolved to support the application

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

- 11.2. No objections

### **FDC Environmental Health**

- 11.3. The applicant has advised they have ceased farming related activity since 2002 but have retained the paddock and barn mainly for the storage of agricultural machinery. They further advise there has been no storage of crops or chemicals and future use of the barn remains the same as it is at this present time.
- 11.4. Our remaining observation is the proposed shared use of the access road and the storage of agricultural machinery adjacent to that of the application site.
- 11.5. On the understanding that use or movement of heavy or large agricultural equipment, that may give rise to a noise or other environmental nuisance,

shall not be undertaken on site, then we would have no further concerns to this proposal.

**Environment Agency**

- 11.6. Follow standing advice with regard to:  
Surface Water Management  
Access and Evacuation  
Floor Levels

**Local Residents/Interested Parties**

- 11.7. 25 responses have been received in relation to the scheme, 9 containing objections, 14 indicating support and 2 neither objecting nor supporting the proposal (one of which is from the applicant).
- 11.8. The objections have been received from Main Road, Fridaybridge and Fridaybridge Road, Elm. They raise the following points in respect of the scheme
- Impact on wildlife
  - Increase in road traffic
  - Impact on natural light to adjacent dwellings
  - Danger to highway safety at junction
  - Concerned by the size of the site for only two proposed dwellings
  - The site is open countryside
  - The site is outside the developed footprint of the settlement
  - The proposal fails to respect the linear pattern of development in the area
  - Loss of open character, urbanisation causes unwarranted harm to the character and appearance of the area
  - Not convinced the stated visibility splays can be achieved
  - Note that 3 of the letters of support range from 1.5 to 58 miles from the application site
  - Scale of the plots is out of proportion to other local properties
  - The application site floods and is located in a flood risk zone
  - Loss of privacy
  - Noise & light pollution
  - Approval would set a precedent for backland development
  - Disconcerting to see the support for the proposal is from those who do not adjoin the site
  - Impact on views and property value
- 11.9. The letters of support have been received from Fridaybridge, Elm, Leverington, Walpole St Andrew, Outwell and Norwich. They raise the following points in respect of the scheme
- Proposals will bring more work to local tradespeople
  - Scheme allows individual flair and design in relation to the plots
  - Occupants will be able to make use of existing transport links
  - Lack of premium plots in the area
  - Would support existing facilities and amenities
  - Low density
  - The land has not been used for farming for many years
  - Backland precedent has already been set

- 11.10. The neutral letters are both from Fridaybridge Road, one of which is from the applicant. Their letter states that there is no intention to build more than two dwellings on the land.
- 11.11. The other neutral letter confirms that the author does not object to the proposal provided only two dwellings are built and no more.

## **12. STATUTORY DUTY**

- 12.1. 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).

## **13. POLICY FRAMEWORK**

- 13.1. **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 12: Conflict with an up-to-date plan should not usually be granted  
Para 117: Promote effective use of land  
Para 155: Development should be directed away from areas at highest risk of flooding.  
Para 157: Need to apply the sequential and exceptions tests.
- 13.2. **National Planning Practice Guidance (NPPG)**  
Determining a planning application
- 13.3. **National Design Guide 2019**  
Context  
Identity  
Built Form
- 13.4. **Fenland Local Plan 2014**  
LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP19 – The Natural Environment

## **14. KEY ISSUES**

- **Principle of Development**
- **Vehicular Access**
- **Flood Risk**
- **Other Matters**

## 15. BACKGROUND

- 15.1. There is no relevant background in relation to the application.

## 16. ASSESSMENT

### Principle of Development

- 16.1. The proposal is for the construction of two dwellings on an existing piece of undeveloped land to the west of Fridaybridge Road.
- 16.2. Fridaybridge Road itself is identified as a Limited Growth Village within the development plan, with such villages capable of accommodating a small amount of growth.
- 16.3. Policy LP12 of the Fenland Local Plan most appropriately addresses the consideration of the application site in this instance and requires development to not harm the wide open character of the countryside alongside meeting a set of 11 criteria. In considering those criteria, it is noted that the site is located adjacent to the existing developed edge of the settlement and would not result in coalescence with any neighbouring village. It would not extend any linear features of the village and would respect the existing natural boundaries of the land. The site exhibits no features of particular interest from an ecological or biodiversity point of view and does not result in the loss of any designated important open space. There are no identified dangers that would put people or property at risk.
- 16.4. The proposed application site does result in conflict with several aspects of policy LP12 however, namely:
- 16.5. (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland
- 16.6. and
- 16.7. (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
- 16.8. Friday Bridge is particularly distinctive within the district due to the prominence of frontage development extending outwards from its core in a linear fashion. In that respect it is at odds with the majority of villages where such linear development has been restricted. This results in an almost unique relationship with the surrounding countryside due to its proximity to the vast majority of development forming part of the village, with backland development schemes being very rare within the built-up part of the settlement. Where non-frontage development has taken place it has generally been of a larger-scale than the current proposal providing a comprehensive development over several Hectares of site area.
- 16.9. On that basis, the proposed development of the application site as a backland location would be at odds with the distinctive character of the settlement and would result in harm to its character and appearance as a result. The development would result in the loss of connection between the

settlement in this location and the countryside beyond contrary to policy LP12.

(i) It would not result in the loss of high-grade agricultural land

- 16.10. It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds

**Vehicular Access**

- 16.11. Concerns have been raised by members of the public during the application process with regard to the proposed access to the site and the use of that access for vehicular traffic given the nature of the road onto which access is gained and the visibility available at the access point where it joins Fridaybridge Road.
- 16.12. Detailed consideration of access geometry is reserved at this point in the application process, but would need to be considered at the reserved matters stage if outline permission is granted.
- 16.13. The proposed vehicular access into the site from Fridaybridge Road is an existing one, currently serving the agricultural building to the south west of the application site. Consequently the principle of allowing a vehicular access at this location is not material to the proposal, and instead it is the increase in intensity of the use of that access that requires consideration. It is noted that in this regard, the Local Highways Authority has not raised any objection to the scheme on the basis of the numbers of dwellings proposed.

**Flood Risk**

- 16.14. The application is located on land largely within flood zone 2, the zone of medium flood risk. As such, the proposal is required to undertake and pass sequential and exceptions tests in order for the development to be justified in flood risk terms.
- 16.15. The sequential test is intended to direct development to areas of the lowest flood risk in the first instance, and only develop those areas at higher risk if no preferable sites can be developed.
- 16.16. The sequential test should be taken independent of land ownership and should consider only the potential for the amount of development proposed to be undertaken elsewhere. It is not sufficient to state that the applicant owns no other developable land and therefore the site is sequentially acceptable. Similarly the sequential test should be undertaken on the basis of the total number of dwellings for which permission is sought, and sites should not be discounted from the test simply because they fulfil only part of the requirement.
- 16.17. Planning applications subject to a sequential test should be accompanied by a document detailing all the alternative sites considered, their flood risk status and their availability for development purposes. Just because a site is not actively marketed does not mean that it is not available for development and does not exclude it from consideration as part of a sequential test. To this end, the Local Planning Authority maintains a database of permissions

granted within the various settlements within Fenland District to identify available sites relevant to a sequential test.

- 16.18. The application is accompanied by a Flood Risk Assessment document, which includes a section on the Sequential and Exceptions tests. It states that a search for available land was carried out but no such areas were located. The information provided however does not appear to consider any land on which planning permission has been granted, as the search in question relates to an online search for land for sale. On that basis, the proposal is considered to fail the sequential test.
- 16.19. The exception test requires that the application demonstrates that the site provides wider sustainability benefits to the community that outweigh any flood risk, and that the development will be safe from flooding for its anticipated lifetime without increasing flood risk elsewhere.
- 16.20. No indication is made within the application as to what the sustainability benefits of the proposal are and therefore the proposal fails the exception test.

#### **Other Matters**

- 16.21. Several other matters are raised in relation to the scheme and are addressed as follows.
- 16.22. The application is currently maintained grassland with no features of particular merit with regard to biodiversity habitats.
- 16.23. The impact of a scheme on private views and property values are not material to the consideration of planning applications. The location of those making comments on an application is not material to its acceptability. The granting of permission would not set a precedent 'per-se' for the approval of any or all future backland proposals in the vicinity, although it could be referenced in the context of the principle of backland development not harming the established character and distinctiveness of the settlement and may therefore require future proposals to rely more heavily on specific impacts on adjacent properties and street scene.
- 16.24. Detailed matters concerning privacy impacts, design and scale of dwellings etc are currently reserved for later approval and therefore should not influence the determination of the outline application except where such impacts would be an inevitable consequence of the development of the site for the number of dwellings indicated.

## **17. CONCLUSIONS**

- 17.1. The application site is a backland location in relation to the settlement of Friday Bridge, which is distinctive within the Fenland Landscape due to its particular characteristic of being dominated by frontage development along its roads. The proposal would therefore be out of character with the settlement, causing harm to its local distinctiveness and the character and setting of the countryside in this location. It is therefore contrary to policies LP12 and LP16 of the Fenland Local Plan.

- 17.2. The scheme has failed to provide an adequate sequential test justifying the site location in flood zone 2. The application is also not accompanied by any detail indicating how the scheme is to bring wider sustainability benefits to the settlement and therefore fails the exception test. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.
- 17.3. The proposal to use the existing access to the site to serve the proposed development is confirmed as being acceptable to the Local Highways Authority in principle, and therefore subject to an acceptable design at the reserved matters stage, does not justify refusal of the scheme.

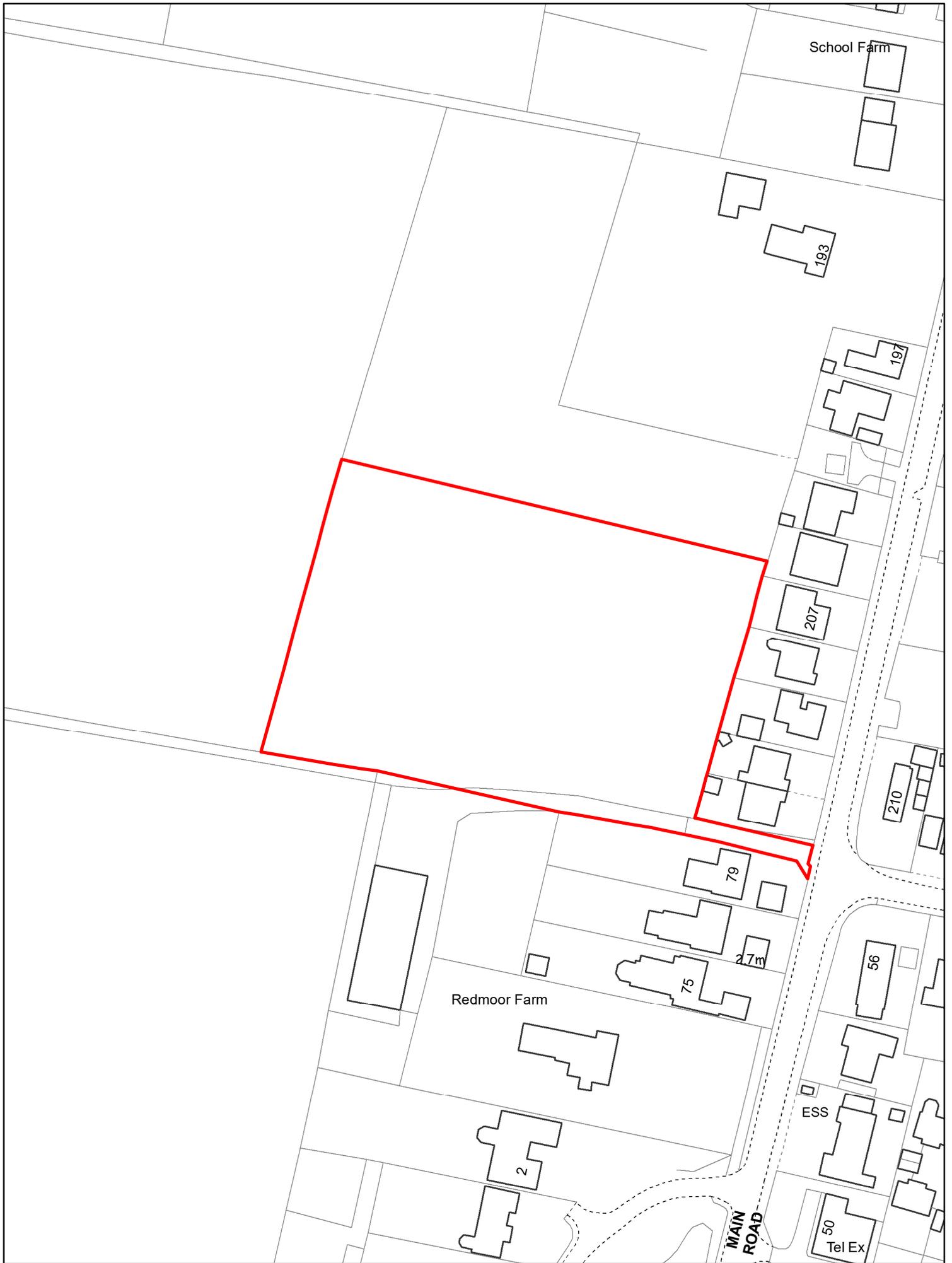
## 18. RECOMMENDATION

### Refuse

The proposed reasons for refusal are as follows;

Policies LP12 and LP16 of the Fenland Local Plan (2014) require development proposals not to have an adverse impact on the character and appearance of the surrounding countryside, and to be of a scale and location that is in keeping with the core shape and form of the settlement. The proposal is in a backland location that is not in keeping with the predominantly frontage development that makes up the settlement of Friday Bridge, and the scheme is therefore contrary to policies LP12 and LP16.

Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework seek to direct development to land at the lowest risk of flooding, and for development in such areas to be justified through the submission of sequential and exceptions tests to demonstrate that no land at lower risk of flooding is available and that there are wider sustainability benefits to the area to outweigh the harm from developing the site. The sequential test accompanying the application fails to consider the potential for accommodating the development on sites with existing planning permissions, and the application identifies no wider sustainability benefits accruing from its development. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.



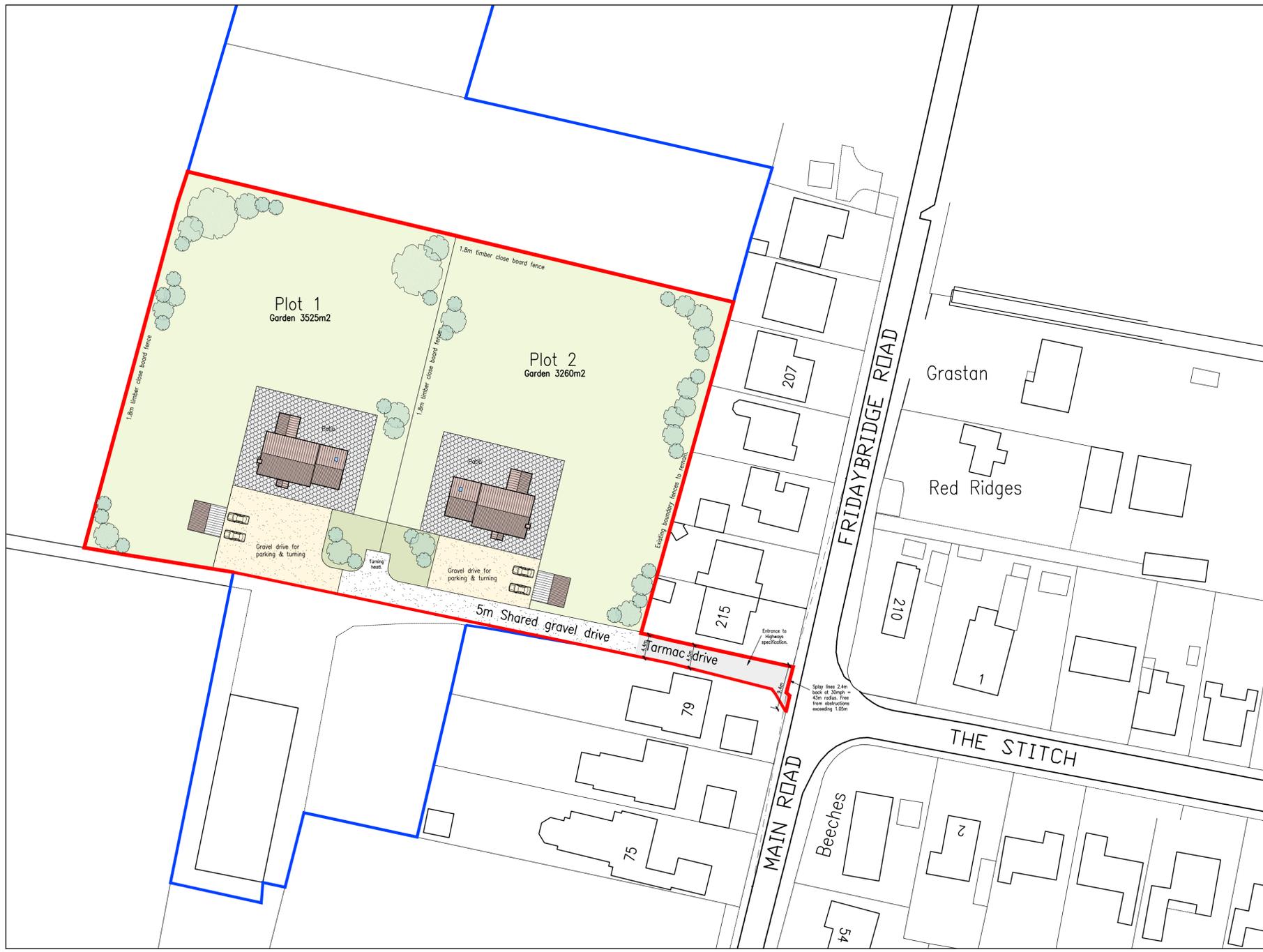
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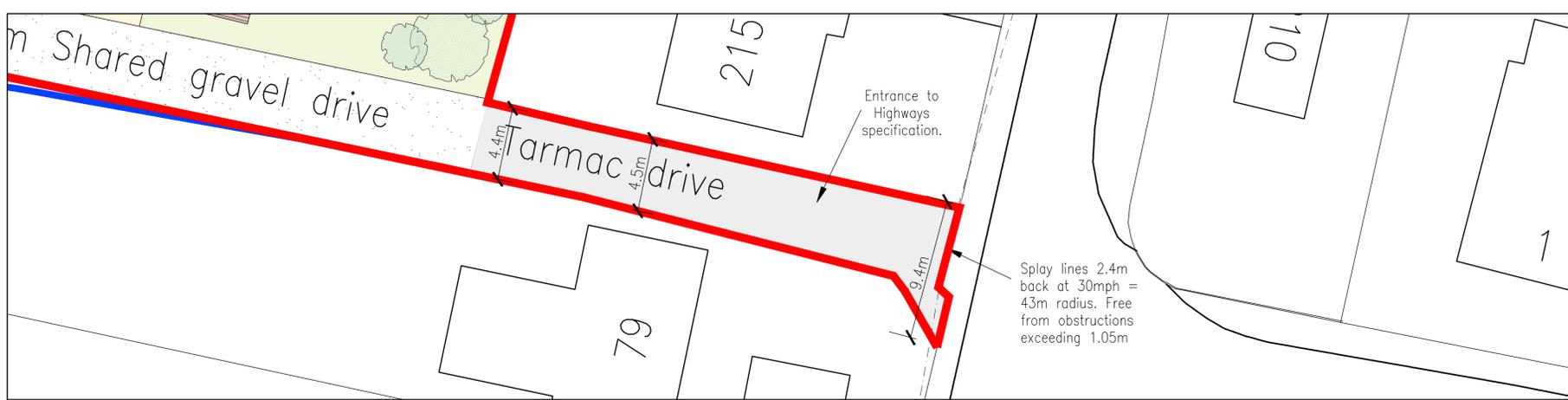
Scale = 1:1,250





Location Plan 1:1000

Indicative Site Plan 1:500



Indicative Site access 1:200

**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
RESIDENTIAL DEVELOPMENT OF  
2no. CUSTOM SELF BUILD PLOTS.

SITE  
LAND SOUTH-WEST OF 193  
FRIDAYBRIDGE ROAD  
ELM  
WISBECH  
PE14 0AU

DRAWING  
SITE PLAN AND LOCATION PLAN.

CLIENT  
Mr S WADSLEY

DATE March 2021 SCALE As Shown at A1 JOB No. 6208/PL01E

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Fenland District Council  
**Building Design Awards**  
Building Excellence in Fenland  
Category Winner 2018/19  
Overall Winner 2019

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F/YR21/0411/F

**Applicant: Mr Hasan Akdogan**

**Agent: Mr Devrim Sahin  
Deco Architecture & Engineering**

**8 Market Hill, Chatteris, Cambridgeshire, PE16 6BA**

**Conversion of rear storage area of existing restaurant at ground floor level to 1 x 1-bed manager's flat involving the insertion of 1 x side window and relocation of external staircase**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1. This application seeks full planning permission for the conversion of a rear storage area of an existing restaurant to 1no. 1-bed manager's flat involving the insertion of 1no. side window and relocation of an external staircase. The site is a large brick building accessed from a grade II listed frontage on Market Hill, Chatteris. Vehicular access to the rear of the site is via Station Road. The site is located within the Chatteris Conservation Area.
- 1.2. There have been other applications relating to the conversion of part of the premises into residential accommodation, such as F/YR08/0806/F and F/YR08/0007/F that were both refused on the grounds of low levels of residential amenity and the lack of enforceability regarding occupancy conditions by the LPA. Conversely, application F/YR12/0915/F for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013. This application was similar to the current application in scale and layout.
- 1.3. However, earlier planning policy did not consider the impacts of development to occupiers' residential amenity specifically or consider the principles of sustainable development, which are both significant planning considerations within the current local plan (adopted 2014) and the NPPF (July 2021).
- 1.4. Owing to the limited natural light ingress to the proposed flat the scheme will result in poor residential amenity for the occupant. Furthermore, the positioning of the waste bins and delivery point for the restaurant situated directly outside the proposed access to the flat, would give rise to the potential for noise, odour and pests that would result in sub-standard living conditions for occupants of the flat.
- 1.5. As such, it is considered the proposal is contrary to Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF and is recommended for refusal.

## 2 SITE DESCRIPTION

- 2.1. The application site is a large brick building accessed from a grade II listed frontage on Market Hill, Chatteris. The building is a former corn exchange, cinema, and dance hall, most recently used as a restaurant.
- 2.2. The main section of the building is not visible from Market Hill, with an access provided centrally through the building frontage. Some views are possible of the building from the area to the west of the site. An alternative vehicular access is located off Station Street to the north.
- 2.3. The main section of the building is a large structure under a dual pitched roof, and a secondary more recent section under a flat roof is located to the west.

## 3 PROPOSAL

- 3.1. This application seeks full planning approval to convert the ground floor area of the flat roof section of the building, that currently comprises ground floor staff rooms, storage area and shower room into a manager's flat. The flat is proposed to include one bedroom, a living/dining/kitchen area, a storage cupboard and bathroom.
- 3.2. To facilitate this conversion, it is proposed to relocate an existing external staircase approximately 1.7m to the west and extend the upper landing platform to accommodate. Beneath the landing, it is proposed to include a new entrance doorway and new window opening.

## 4 SITE PLANNING HISTORY

F/YR21/0413/F	Installation of an extraction flue (retrospective)	Pending
F/YR20/0550/F	Relocation and installation of kitchen extract duct to flat roof at rear (retrospective)	Refused 03.09.2020
F/YR19/0907/F	External works to a listed building involving the replacement of the front door	Granted 16.12.2019
F/YR19/0908/LB	External works to a listed building involving the replacement of the front door	Granted 16.12.2019
F/YR19/0803/F	Re-open 6no. window apertures in North elevation and 3no. window apertures on South elevation	Granted 11.12.2019
F/YR18/0818/F	Conversion of rear part of existing restaurant at first floor level to a 2 x 2-bed flats involving the insertion of 3 x side windows	Withdrawn 05.11.2018
18/0029/PREAPP	Conversion of part of first-floor to 2 flats and reinstatement of first-floor windows to restaurant	Closed 23.04.2018
F/YR12/0915/F	Change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape	Granted 16.01.2013
F/YR10/0357/F	Formation of smoking area on existing flat roof to rear involving installation of staircase with glazed canopy and 1.8m high timber screening (retrospective)	Refused 07.07.2010
F/YR08/0806/F	Change of use of lower ground floor to 3-bed flat for accommodation for restaurant staff	Refused 30.10.2008
F/YR08/0007/F	Change of use of lower ground floor to dormitory accommodation for restaurant staff	Refused 28.02.2008

N.B. Further site history is available for application site and adjacent sites, omitted for conciseness.

## **5 CONSULTATIONS**

### **5.1. Conservation Officer (FDC)**

*This application concerns the conversion of a rear storage area to the existing restaurant at ground floor level to a single 1 bed flat, necessitating the insertion a window and relocation of the existing fire escape staircase. The building was originally the Corn Exchange, but the ceiling was lowered when it was converted to the Palace Cinema and 1938 it became a dance hall. The building therefore played a considerable role in local history, and has now been converted to restaurant, which this extractor flue serves. The former public hall is associated with No. 4,6,8 and 10 Market Hill which are grade II listed as a range of mid-19<sup>th</sup> century shops. However, the hall is explicitly excluded from the listing. The element affected by this application is a later flat roofed extension, which dates to the second half of the 20<sup>th</sup> century, but planning history does not indicated exactly when it was built. The site lies within Chatteris Conservation Area and although within proximity to nearby listed buildings, the works which are the subject of this application, will not impact on the setting of any of them.*

*There is significant planning history on this site and relevant applications include F/93/0704/F which granted permission for the installation of the current external fire-escape stairs and the external alterations including bricking up window openings and replacement of external doors; F/YR08/007/F and F/YR08/806/F to change the space to accommodation for restaurant staff (refused); F/YR12/0915/F to convert the space to a flat including repositioning the fire escape (approved); F/YR18/0818/F to convert the space to two, 2 bed flats involving the insertion of 3 side windows (withdrawn).*

*Consideration is given to the impact of this proposal on the character and appearance of the Chatteris Conservation Area with due regard to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*

*The proposal put forward is acceptable. The following comments are made:*

- i. The scheme involves minimal work and alteration to the north elevation, with the introduction of a single door and window and repositioning of existing stairs. Given the lack of architectural merit of this element of the building, the disconnect from the listed building to the front, and the location of the site, set well back within the boundary, it is not felt that there is any impact on the setting of any nearby listed buildings, or on the character and appearance of the conservation area.*

*CONDITIONS Prior to commencement of works full joinery details for the door and window (scale 1:10) including vertical and horizontal sections (or full product information) shall be submitted to and approved in writing by the local planning authority and works shall be carried out in accordance with the approved details.*

*Recommendation: Approve subject to condition*

**5.2. Chatteris Town Council**

*Support subject to the flat only being used as accommodation for a member of staff.*

**5.3. Cambridgeshire County Council Highways Authority**

*The proposed will not result in any material highway impact. No highway objections.*

**5.4. Senior Archaeologist (CCC)**

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

**5.5. Environment & Health Services (FDC) – Original comments received 26.05.2021**

*I refer to the above application where the following observations are made.*

*In an earlier consultation that sought a similar scheme at the same application site, we advised as the proposal involved converting part of a building associated with a restaurant/fast food outlet, the applicant should have regard to both noise and odour. We note from this latest application this does not appear to have been covered or that it demonstrates how noise and odour will be mitigated.*

*Our records show that complaints have been made by residents living in the area concerning smoke and odour originating from the adjacent restaurant since it began trading in 2019.*

*Further information will be required in terms of improved drawings showing existing use of the building(s) involved and how the provision of an additional residential unit will not be affected by commercial activity immediately adjacent. Sound insulation performance separating the commercial unit and the proposed residential flat will be essential in this type of application and details of noise and odour mitigation will need to be clearly defined.*

*Given that a number of complaints have been made about these premises associated with smoke and odour nuisance, it is likely that a quality living environment may not be possible at the application site.*

**5.6. Environment & Health Services (FDC) – Reconsultation comments received 16.09.2021**

*I refer to the above application for further consultation.*

*In our last consultation of 26<sup>th</sup> May 2021 we advised the applicant should have regard to both noise and odour as the proposal involved converting part of a building associated with an existing restaurant/fast food outlet. We note from the further information provided that noise and odour has been partly addressed by the submission of a drawing and technical specification for a proposed extractor unit.*

*The Environmental Health Team has reviewed the application and further supplied information and would advise it does not sufficiently address the*

*potential for environmental impacts or unwanted disturbance as a result of existing hot food premises and other commercial activity in the area.*

*We previously advised a number of complaints had been made by residents living in the area concerning smoke and odour originating from the adjacent restaurant since it began trading in 2019. The requirements for enhanced sound insulation including noise and odour mitigation measures is essential when sensitive use is being proposed in close proximity to existing sources of potential environmental nuisance. We note from the submitted information it does not address these concerns nor does it offer sufficient natural light for the future occupier as a result of the proposed storage room conversion.*

*The application site is to be accessed by a private service yard that is understood to serve the restaurant in terms of deliveries, waste bin emptying and other associated commercial activity. Residential use requires greater thresholds if quality living environments are to be achieved, the use of such a yard in these circumstances therefore, is likely to conflict against the interests and sensitive needs of a future occupier living at the proposed location in terms of additional noise from deliveries to waste bin emptying. Furthermore, the storage of waste commonly found in service yards presents additional environmental health risks including the potential for rodent infestations.*

*We would advise the storage room previously used by the restaurant to be converted into a residential dwelling having made the above observations is not ideal and as a quality living environment is therefore unlikely to be achieved, this service is unable to support this application.*

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

The LPA received two letters of objection from one address point in relation to this application. The reasons for objection were cited as:

- Access
- Design/Appearance
- Devaluing property
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property

Issues regarding land ownership were cited, and amendments to the Ownership Certificate were sought in this regard.

Comments regarding the repositioning of the staircase were offered, suggesting that this would pose an overlooking risk to the adjacent property 9 Park Street. In addition, concerns regarding parking provision for the property were raised as they appeared to be positioned on land that was owned by a third party, and that the applicant merely has pedestrian right of way on the driveway.

Whilst land ownership is a civil matter and is not a material planning consideration, issues relating to overlooking and parking are considered in more detail below.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

- 7.1. **National Planning Policy Framework (NPPF) July 2021**  
Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;  
Para 130 – Planning policies and decisions should ensure developments are of a quality design and are sympathetic to local character and history;
- 7.2. **National Planning Practice Guidance (NPPG)**  
Determining a Planning Application
- 7.3. **National Design Guide 2019**  
C1 – Understand and relate well to the site, its local and wider context  
I1 – Respond to existing local character and identity  
H1 – Healthy, comfortable and safe internal and external environment  
H2 – Well-related to external amenity and public spaces  
L1 – Well managed and maintained
- 7.4. **Fenland Local Plan 2014**  
LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP16 – Delivering and Protecting High Quality Environments  
LP18 – The Historic Environment

## **8 KEY ISSUES**

- **Principle of Development**
- **Design, character and the impact on the historic environment**
- **Impact on neighbouring amenity**
- **Impact on occupier amenity**
- **Parking**
- **Flood Risk**

## **9 BACKGROUND**

- 9.1. There is considerable planning history on this site, including, most recently, F/YR18/0818/F that sought planning approval for the conversion of rear part of existing restaurant at first floor level to a 2 x 2-bed flats involving the insertion of 3 x side windows. The 2018 application sought to convert, in part,

the same area as proposed within this application. Concerns by the case officer at the time in respect of the 2018 application related to the following:

- Insufficient information provided regarding the potential impact of the existing restaurant in terms of noise, disturbance and odour;
- The proposal does not provide quality living accommodation, for example the only windows to 2 of the bedrooms are current obscure glazed;
- There is no amenity space or bin or cycle stores;
- There is insufficient parking and the access has potential for vehicle and pedestrian conflict and issues with deliveries to the restaurant.

9.2. Owing to the above concerns, the application was withdrawn rather than progressing to refusal.

9.3. There have been other applications relating to the conversion of part of the premises into residential accommodation, such as F/YR08/0806/F and F/YR08/0007/F that were both refused on the grounds of low levels of residential amenity and the lack of enforceability regarding occupancy conditions by the LPA.

9.4. Conversely, application F/YR12/0915/F for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013. This application was similar to the current application in scale and layout with the addition of windows and an entrance door to the northern elevation and the repositioning of the external staircase. Consideration of this application concluded that the formation of a 1-bed flat tied to the premises would create a low level of occupancy and would not result in concerns arising on the previous applications relating to the number of inhabitants proposed, and that creation of the flat could assist in getting the building back into use.

## **10 ASSESSMENT**

### **Principle of Development**

10.1. The site is located in within the urban area of Chatteris. Moreover, the site falls within the designated heritage asset of the Chatteris 2009 Conservation Area. The NPPF suggests that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Similarly, any harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal.

10.2. Policy LP18 of the Fenland Local Plan 2014 seek to protect and enhance heritage assets.

10.3. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance.

10.4. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general.

10.5. The principle of the development is acceptable subject to the National Planning Policy Framework and policy considerations set out below.

### **Design, character and the impact on the historic environment**

- 10.6. The Conservation Officer had no objections to the proposals, and summarised the impact of the scheme as follows:
- 10.7. *The scheme involves minimal work and alteration to the north elevation, with the introduction of a single door and window and repositioning of existing stairs. Given the lack of architectural merit of this element of the building, the disconnect from the listed building to the front, and the location of the site, set will back within the boundary, it is not felt that there is any impact on the setting of any nearby listed buildings, or on the character and appearance of the conservation area.*
- 10.8. Glimpses of the northern elevation are visible from Station Street through the gap created by the access driveway leading to the property. Owing to the location of the northern elevation set back from Station Street, any alterations to the visible elevation will offer negligible impacts within the streetscene.
- 10.9. Therefore, owing to the above, it is considered that the proposal is compliant with Policies LP16 and LP18 with regard to its design and impact on the historic environment.

### **Impact on neighbouring amenity**

- 10.10. The scheme includes no proposals to create additional windows or openings that will result in any additional overlooking potential to neighbouring dwellings. In addition, there will be no additions or changes in height that will result in any overshadowing potential.
- 10.11. The proposal will see the extension of the first floor landing of an external staircase being moved approximately 1.7m closer to an adjacent boundary. During site observation by the Case Officer, it was noted that the existing landing and staircase offers some overlooking potential to neighbouring land owing to its height. However, it is considered that whilst the staircase landing will be positioned closer to a neighbouring boundary, there will be no increase in height, and as such the overall impact of any overlooking potential as a result of this would be similar to the existing situation. As such, it is considered that refusal of the scheme on the grounds of overlooking from the repositioned staircase landing would be unreasonable.

### **Impact on occupier amenity**

- 10.12. The proposal seeks to alter a ground floor internal storage area into a 1-bed flat with the inclusion of a new ground floor entry door and window to serve an intended lounge area. There are no other new openings proposed.
- 10.13. The new door and window will be positioned beneath the proposed external staircase landing on the northern elevation. Owing to the positioning to the northern side and the landing situated over, the ingress of natural light into the proposed window and door will be limited. Furthermore, an existing ground floor window is proposed to be retained, but obscure glazed, to serve the intended bedroom. Thus, owing to the limited natural light ingress to the proposed lounge area and lack of visibility due to the obscured outlook from

the bedroom, both living spaces will result in poor residential amenity for the occupant.

- 10.14. Furthermore, the flat would be positioned at the end of the driveway to the rear of the restaurant, that serves as a service yard for deliveries and waste removal. During site inspection, it was noted that the restaurant bins were positioned at the bottom of the existing staircase and there was no alternative space for the bins to be relocated. As such, occupant residential amenity will be poor, given the positioning of the waste bins and delivery point for the restaurant situated directly outside the proposed access to the flat. This would give rise to the potential for noise, odour and pests that would result in sub-standard living conditions for occupants of the flat.
- 10.15. These concerns were also highlighted by the Environmental Health Team, who concluded they could not support the scheme owing to its inability to achieve high levels of residential quality.
- 10.16. Thus, given the above considerations, it is considered that the level of residential amenity afforded to future occupants of the flat would be of sub-standard quality, in contravention of Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF and not mitigated by the fact that occupancy is indicated as being in connection with the existing use.

#### **Parking**

- 10.17. The submitted site plan suggests that parking for two vehicles would be possible at the end of the access driveway where it meets Station Road. However, this parking provision is considered unrealistic and unable to be achieved on-site, given the need for continuous access to the rear of the restaurant for deliveries and waste collections. During site inspection the Case Officer observed that the access driveway would not offer sufficient space to enable parking for occupants of the flat without obstructing the narrow access driveway. As such, the parking provision shown is concluded to not be achievable and thus there would be no available parking for the flat within the curtilage of the site, resulting in the application being in contravention of the parking requirements for new developments set out within Policy LP15.
- 10.18. Notwithstanding, owing to the site constraints, the town centre location of the flat and the level of accommodation within the proposed flat amounting to one bedroom, it would be unreasonable to justify a refusal of the scheme due to the under-provision of parking in this case.

#### **Flood Risk**

- 10.19. The site lies within Flood Zone 1 and is an existing developed site with established drainage. Accordingly it is considered there are no issues to address with regard to Policy LP14.

### **11 CONCLUSIONS**

- 11.1. Considering the planning history, whilst it is acknowledged that a similar application (F/YR12/0915/F) for the change of use of restaurant storage area to the rear to 1-bed manager's flat and re-positioning of fire escape was granted on 16 January 2013, it should be noted that at the time of the

application the premises were vacant and not utilised as a commercial restaurant as currently exists. As such, the use of this part of the building was considered to be acceptable as it would bring part of a vacant building back into some viable use. However, this application was considered against policies of an earlier development plan (adopted 1993), in particular Policy E8, which considered that new developments should:

- i) Retain and enhance of special features of the site (trees, hedges, etc);
- ii) Include compatible design features congruent with the surrounding landscape and built form;
- iii) Have regard for amenities of adjoining properties and the locality in general; and
- iv) Provide adequate access, parking, manoeuvring and amenity space.

11.2. This earlier planning policy did not consider the impacts of development to occupiers' residential amenity specifically or consider the principles of sustainable development, which are both significant planning considerations within the current local plan (adopted 2014) and the NPPF (July 2021).

11.3. As such, current local and national planning policies including Policies LP2 and LP16 of the Fenland Local Plan seek to ensure the health and wellbeing of occupiers through the creation of high quality residential accommodation. This is supported by part (f) of Paragraph 130 of the NPPF that requires new developments to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*

11.4. Thus, given the above, it is considered that the proposal for the conversion of the rear ground floor storage area of the existing restaurant to 1 x 1-bed flat involving the insertion of 1 x side window and the relocation of the external staircase would result in poor levels of residential amenity due to the lack of natural light ingress and impacts to environmental health and amenity owing to the proximity of the flat to a commercial service yard. As such, it is considered the proposal is contrary to the requirements of both local and national planning policies and cannot be supported. Thus, an unfavourable response is forthcoming.

## 12 RECOMMENDATION

12.1. **Refuse**, for the following reasons:

1	<p>Policies LP2 and LP16 of the Fenland Local Plan and Paragraph 130 of the NPPF seek to ensure the health and wellbeing of occupiers through the creation of high quality residential accommodation. By virtue of the lack of natural light ingress, poor outlook from existing and proposed openings and detrimental impacts to health and wellbeing owing to the proximity of the proposed flat to a commercial service yard at the rear of a restaurant, it is considered that the proposal for the conversion of the rear ground floor storage area of the existing restaurant to 1 x 1-bed flat involving the insertion of 1 x side window and the relocation of the external staircase would result in poor levels of residential amenity for its occupant(s). As such, the proposal is contrary to the requirements of the aforementioned local and national planning policies and cannot be supported.</p>
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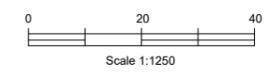
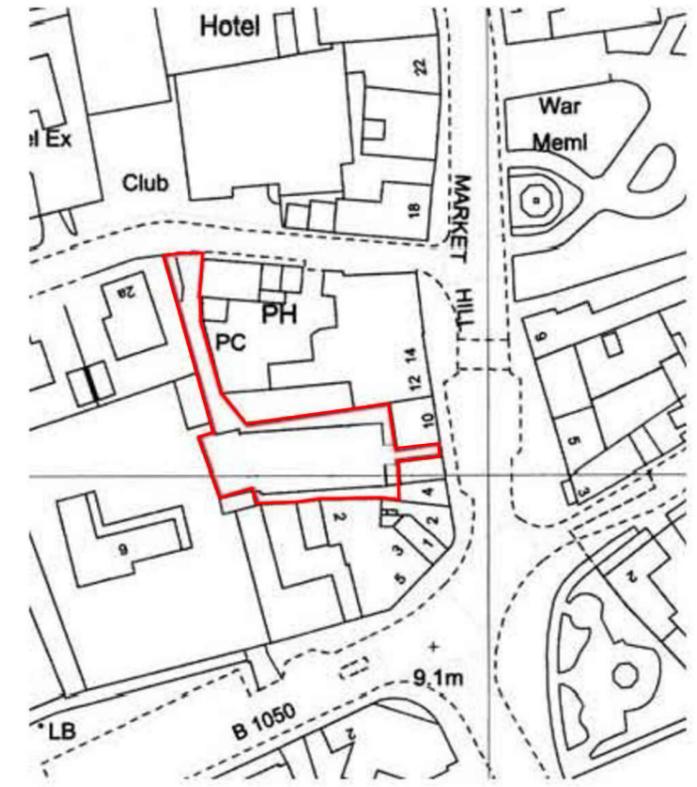




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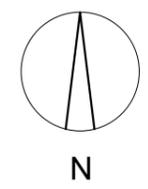
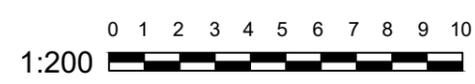
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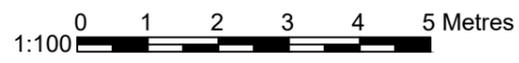
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Project		8 Market Hill, Chatteris, PE16 6BA	
Drawing Title		Location and Site Plan	
Project Number	Date	8MH	1210/2020
Drawn by	Checked by	DS	-
Scale	Revision	1:1250, 1:200@A3	-
Drawing No		P-04	



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Project		8 Market Hill, Chatteris, PE16 6BA	
Drawing Title			
Existing and Proposed Ground Floor Plan			
Project Number	Date		
8MH	01/02/2021		
Drawn by	Checked by		
DS	-		
Scale	Revision		
1:100@A3	A		
Drawing No			
P-01			

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**F/YR21/0804/F**

**Applicant: Mr Hayden Snart**

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

**Land West Of 256 Ramsey Road Accessed Via, Milk And Water Drove,  
Pondersbridge, Cambridgeshire**

**Erect 1 x dwelling (single-storey, 4-bed) involving the formation of a new  
access**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1. This application seeks full planning approval to erect one single-storey, 4-bed dwelling involving the formation of a new access on disused garden land associated with 256 Ramsey Road, Pondersbridge.
- 1.2. The proposal represents minimal issues in terms of visual amenity and is acceptable in design, amenity space, and parking terms. However, the proposed scheme is considered to be contrary to the requirements of Policy LP14 on the basis of a failed sequential test. Details provided within the application have failed to demonstrate that there are no sites available which would be, sequentially, able to accommodate the quantum of development proposed.
- 1.3. There are no material considerations that justify the approval of the scheme contrary to Policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and Cambridgeshire Flood and Water Supplementary Planning Document (2016); and as such is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The site is to the rear but within the curtilage of 256 Ramsey Road, a two-storey detached dwelling constructed of buff brick with a pantile roof and white uPVC fenestration, which sits at the end of a row of houses on a corner plot. It contains a garage, several trees to its southern boundary and overgrown area of garden that is currently disused.
- 2.2. The site is bounded by 1.8m close boarded timber fencing to all sides with an additional substantial row of mature trees to its southern side.
- 2.3. The host property fronts onto Ramsey Road (B1040), with vehicular access from the B1095 Ramsey Road. The site is within Flood Zone 3.

### 3 PROPOSAL

- 3.1. This application seeks full planning approval to erect one single-storey, 4-bed dwelling involving the formation of a new access on disused garden land associated with 256 Ramsey Road, Pondersbridge.
- 3.2. The scheme includes creation of a new access adjacent to the existing access of the host dwelling off Milk and Water Drove (B1095 Ramsey Road), leading to a gravel parking/turning area with parking space for three vehicles.
- 3.3. The proposed dwelling at the site is an entirely flat-roof single-storey structure indicated as a maximum of 14.75m wide by 20m deep, reaching a maximum height of approximately 3.5m.
- 3.4. The dwelling is proposed in a contemporary style, constructed of white render and timber cladding detailing, with black aluminium or uPVC fenestration with a flat, grey EDPM roof.
- 3.5. The site will be bounded by 1.8m close board timber fencing and will retain some of the hedgerows and mature vegetation bounding the site, with some clearance necessary to enable siting of the dwelling.

### 4 SITE PLANNING HISTORY

F/YR17/0519/O	Erection of a dwelling following demolition of existing garage (Outline with matters committed in respect of access)	Granted 10.08.2021
F/0203/83/O	Erection of two dwellings at rear of 256 Ramsey Road Pondersbridge	Refused 23.06.1988
F/0975/84/O	Erection of 2 dwellings r/o 256 Ramsey Road Pondersbridge	Refused 17.01.1985
F/0285/82/F	Erection of a house and garage 256 Ramsey Road, Pondersbridge	Granted 29.06.1982
F/0841/78/O	Erection of a dwellinghouse Ramsey Road, Pondersbridge	Granted 21.07.1978

### 5 CONSULTATIONS

#### 5.1. Cambridgeshire County Council Highways Authority

*The details are broadly acceptable. I have noted that the sealed section of the access does not extend to the full length of the highway boundary. This can be dealt with when the site is constructed and as per the condition below. I have no objections to planning permission being granted subject to the following conditions:*

1. *Notwithstanding details on the approved plan 6302/01F prior to the first occupation of the development the vehicular access where it crosses the public highway shall be constructed in accordance with the Cambridgeshire County Council construction specification. For the avoidance of doubt the access to be sealed and drained onto the site between the carriageway edge and the boundary to the site.*

*Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

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

*Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

#### *Informative*

*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.*

#### **5.2. Arboricultural Officer (FDC)**

*The application is to erect 1 x single-storey, 4-bed dwelling and construction of a new access.*

*The applicant has submitted an AIA/AMS detailing the impact on the tree population and a methodology for the protection of retained trees during the project.*

*I have no objections to the findings of the report and it is a fair representation of the existing tree population.*

*The condition of the mature multi-stemmed White Willow is note and I agree with its urgent removal due to the structural condition of the base.*

*The arboricultural report notes in section 5.9 (Reporting and Monitoring Procedures) the need for regular site visits by a competent arboriculturist. To ensure this takes place we will require brief reports from the project arboricultural consultant covering visits during works that may impact on retained trees e.g., installation of protective fencing/ground protection, root pruning, and final update on the condition of retained trees following the completion of all works on site.*

#### **5.3. PCC Wildlife Officer**

##### **Comment:**

*The recommendations made within the Ecological Impact Assessment are suitable and proportionate for a development of this size. It is highly recommended that any soft landscaping plans are discussed with the ecologists to ensure a high level of biodiversity.*

##### **Recommendation:**

*No objection subject to conditions.*

**Recommended condition(s):**

- (a) *All ecological measures and/or works shall be carried out in accordance with the details contained in section 8 of the Ecological Impact Assessment (Greenwillows Associates Ltd, 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*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.*

- (b) *The development hereby permitted shall not be occupied until at least 1 bird boxes and 1 bat box have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and the bat conservation trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

*Reason: to secure the long-term protection of the nesting bird potential.*

- (c) *If the development hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological measures secured through the conditions above shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to*
- i. establish if there have been any changes in the presence and/or abundance of breeding birds or bats; and*
  - ii. identify any likely new ecological impacts that might arise from any changes.*

*Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.*

**5.4. Environment Agency**

*We have **no objection** to the proposed development but wish to make the following comments.*

**National Planning Policy Framework Sequential Test**

*In accordance with the National Planning Policy Framework (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. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.*

*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 reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.*

*We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

*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. [...]*

#### **5.5. Whittlesey Town Council**

*The Town Council have no objection and therefore recommend approval.*

#### **5.6. 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.*

#### **5.7. Local Residents/Interested Parties – no comments received**

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Para 2 – Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Para 11 – Presumption in favour of sustainable development but in accordance with the development plan;

Para 110 – 112 – promoting sustainable transport;

Para 126 – 130 – creation of high quality buildings;

Para 159 – 168 – development in flood risk areas.

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

## 7.3. **National Design Guide**

Context – C1

Identity – I1, I2, I3

Built Form – B2

Homes and Buildings – H1

## 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

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 across the district

LP19 - The Natural Environment

## 7.5. **Cambridgeshire Flood and Water SPD**

# 8 **KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of the area**
- **Residential amenity**
- **Flood risk**
- **Access and parking**
- **Ecology/Trees**
- **Other matters**

# 9 **ASSESSMENT**

## **Principle of Development**

9.1. Within the Local Plan Policy LP3 - Settlement Hierarchy, Pondersbridge is classified as a 'other' village where residential development will be assessed on its own merits; usually restricted to single plots within an existing built up frontage. The proposed development meets the policy criteria, in that it is a single plot. The rear gardens of the adjacent row of houses extend some distance from the properties. The proposed plot is within the existing building line to the rear of these properties, and although the frontage will be to Ramsey Road, it is on balance considered to be in compliance with LP3.

9.2. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. Policy LP14 suggests that development proposals should adopt a sequential approach to flood risk and support these proposals in principle subject to the scheme demonstrating a positive approach to flood risk management. Policy LP15 supports the principle of development that is acceptable in terms of transport and highway safety. The principle of the development is therefore acceptable subject to the further policy considerations set out below.

### **Design considerations and visual amenity of the area**

- 9.3. Policy LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside; therefore consideration needs to be given to any harm caused.
- 9.4. The proposed dwelling is of a contemporary style and design, and is not of a typical dwelling form, particularly in comparison with other dwellings in the vicinity. However, the proposed property is positioned at a significant distance to the rear of the host dwelling (and properties to the north and south) and is intended to front Milk and Water Drove (B1095 Ramsey Road). As such, the site refers more to the surrounding countryside than that of the adjacent built form. As such it is necessary to consider the proposed scheme on its own merits within the landscape. Given the singularity of the siting of the site, this gives the applicant more scope for the design of the scheme.
- 9.5. Its simple profile, modest roof height and clean architectural style offers an individuality that is uncommon to the wider setting. However, owing to the flat-roof profile, modest height and the intended retention of the mature vegetation to the southern boundary adjacent to the highway, it is likely that only glimpses of the dwelling will be visible within the streetscene, which is supported by the street scene depiction on the submitted plans. As such it is considered that the unique design of the proposal will not cause harm to the overall countryside landscape.
- 9.6. Given the above, it is considered that the proposal complies with Policy LP16 and is acceptable with regard to design and character.

### **Residential amenity**

- 9.7. The nearest dwelling to the site is the host dwelling, set approximately 36m to the east of the proposed dwelling. Further dwellings, including Nos. 254 and 258 Ramsey Road, are located approximately 43m to the northeast and 54m to the southeast, respectively. Given these separation distances, it is considered there are no issues to reconcile with regard to overbearing, overshadowing or overlooking in relation to the proposed scheme.

Thus, the scheme is compliant with Policies LP2 and LP16 (e) of the Fenland Local Plan in this regard.

### **Flood risk**

- 9.8. 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***

- 9.9. 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 Pondersbridge is the area of search for the Sequential Test for this application.

- 9.10. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment argues that the whole of Pondersbridge and the surrounding area is located within Flood Zone 3 and as such there are no sequentially preferential sites at lower flood risk available. Whilst it is accepted that there are no specific sites within Pondersbridge within a lower flood risk area, the Sequential Test is considered deficient because the application is not accompanied by sufficient documentation to demonstrate that there are no alternative sites available that could accommodate the quantum of development proposed.
- 9.11. For example, the Sequential Test submitted omits planning application F/YR21/0375/O, approved in May 2021, for the erection of a 2-storey 4-bed dwelling involving the demolition of existing outbuildings. As such, this site would also be capable of accommodating the quantum of development proposed within this application, notwithstanding that the site also lies in Flood Zone 3. Officers have reviewed the evidence provided and believe that this site would be available for development, and as such the sequential test is considered to be failed.

*Exception Test*

- 9.12. 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.

(a) *Wider sustainability benefits*

- 9.13. 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.
- 9.14. 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.

- 9.15. The Flood Risk Assessment submitted with the application (ECL0482a Dated Sept 2021) includes an Exception Test that details the following sustainable benefits will be included as part of the development:
- a PV solar panel system on the roof of the development to provide electricity;
  - solar thermal panels to warm water;
  - air source heat pump to heat the dwelling; and
  - triple glazing.
- 9.16. These details are also detailed within the Design and Access Statement and plans provided with the application. Furthermore, conditions regarding the provision of bat and bird boxes have been recommended to be included within the scheme by the PCC Wildlife Officer to sustain and encourage biodiversity.
- 9.17. Thus, given these considerations to utilise renewable energy sources and encourage biodiversity, the Exception Test is considered to be passed in this regard.

*(b) Flood safety*

- 9.18. The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures, sustainable drainage systems within the proposal and registration to the Environment Agency's Flood Warning Service 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).

*Flooding and Flood Risk - Conclusion*

- 9.19. 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.

**Access and parking**

- 9.20. Policy LP15 requires development to provide to provide a well-designed, safe and convenient access for all, and well-designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the Council's defined parking standards.
- 9.21. The proposal details 3 parking places to be provided as part of the scheme, which is for the construction of a 4-bedroom dwelling. The parking standards set out in Appendix A of the Fenland Local Plan (2014) require 3 spaces to be provided for dwellings of this size and therefore the scheme meets that requirement.
- 9.22. Whilst the proposed site plan does not depict residual parking for the host dwelling, during site inspection the Case Officer observed that there would be ample residual space at the site for parking for the host dwelling via the existing access.
- 9.23. The comments of the Highways Authority are noted with regard to the proposed access and parking along with the recommendation of necessary

conditions to ensure highways safety. The Highways Authority have confirmed that they have no objections to the scheme, subject to the imposition of the recommended conditions.

**Ecology/Trees**

- 9.24. Policy LP19 seeks to protect the natural environment. An ecological impact survey and a tree report/plans have been submitted with the application. Consultations with both Peterborough City Council’s Wildlife Officer and FDC’s Arboricultural Officer resulted in no objection to the proposal, subject to the imposition of necessary planning conditions to safeguard the retained trees along with the security and enhancement of ecology and biodiversity at the site. The development is therefore considered compliant with LP19.

**Other matters**

- 9.25. The scheme has no implications with regard to private amenity space associated with the either the host or proposed dwellings as both plots are substantial enough to ensure the private amenity space for each remains in excess of a third of their respective overall plots.

**10 CONCLUSIONS**

- 10.1. The proposal represents minimal issues in terms of visual amenity and is acceptable in design, amenity space, and parking terms. However, the proposed scheme is considered to be contrary to the requirements of Policy LP14 on the basis that it has failed to be demonstrated that there are no sites available which would be, sequentially, able to accommodate the quantum of development proposed herein. There are no material considerations that justify the approval of the scheme contrary to Policy LP14 and as such a non-favourable response is forthcoming.

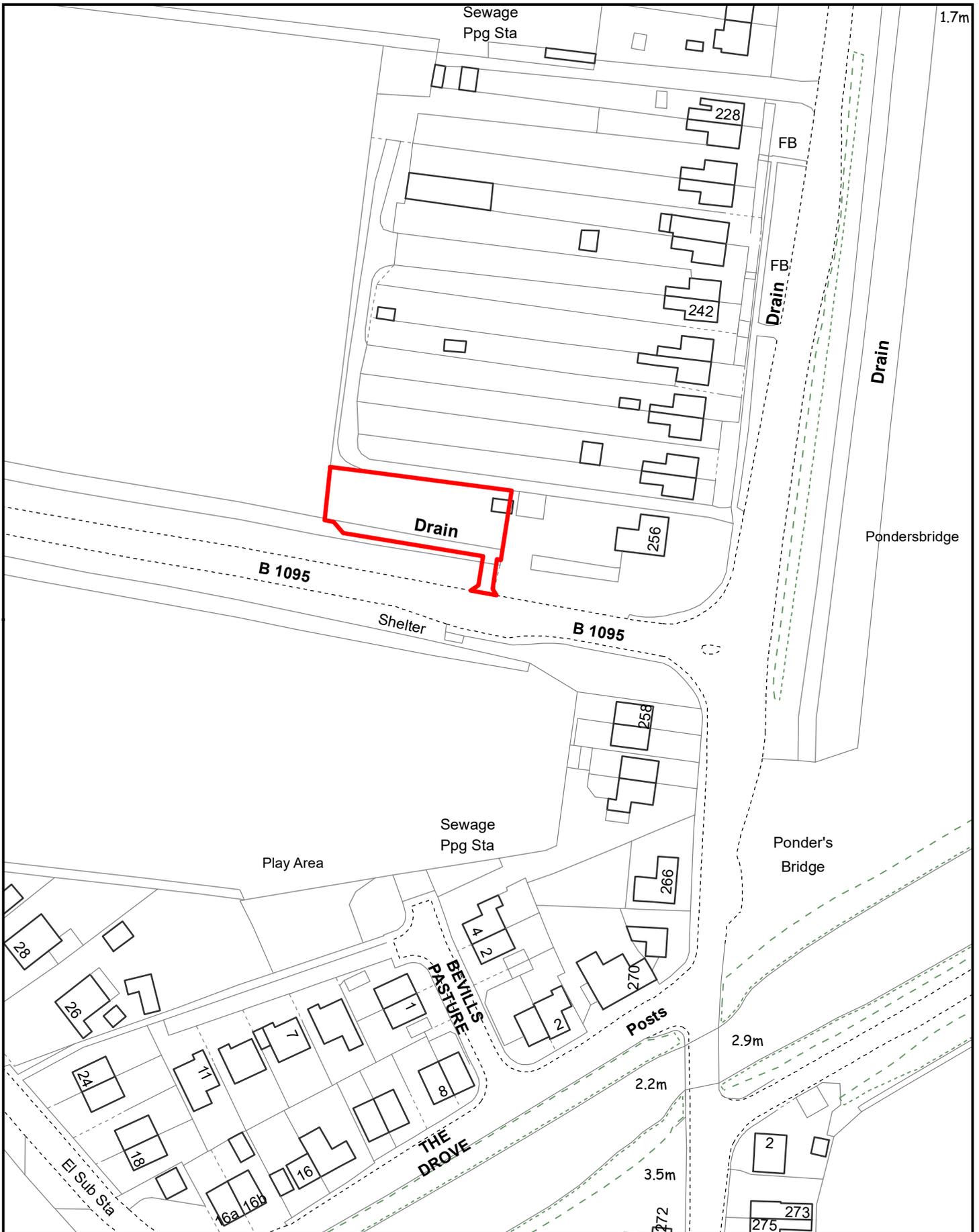
**11 RECOMMENDATION**

- 11.1. **Refuse**, for the following reason

**Reason**

1	<p><b>Flood Risk</b></p> <p>Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2021) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The proposal is for the construction of a new dwelling and argues that the Sequential Test is not relevant in this case owing that the whole of the settlement of Pondersbridge lies within Flood Zone 3. However, the Sequential Test fails to fully identify land available within the settlement of Pondersbridge that is available for development of the scale proposed by the application, and the test is therefore considered to</p>
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	be failed. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
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**F/YR21/0872/F**

**Applicant: Mr J Langley**

**Agent: Mr Martin Williams  
Anfoss Ltd**

**Eastrea Hill Farm, 182 Wype Road, Eastrea, Peterborough, Cambridgeshire PE7  
2AZ**

**Erect an agricultural contractor's workshop involving the demolition of existing  
buildings to the rear of the site**

**Officer recommendation: Grant**

**Reason for Committee: 6 Letters of objection received**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site is located within the settlement of Eastrea south west of Wype Road.
- 1.2 The application seeks full planning permission for the erection of a workshop in connection with an existing agricultural contractor's business involving the demolition of a range of existing buildings to the rear of the site.
- 1.3 The business is established on site and has unrestricted hours of work.
- 1.4 The proposed development is to remove some existing brick built workshops and replace them with a modern workshop of similar design to the building approved under planning permission F/YR20/0238/F.
- 1.5 The workshop has an overall size of 15.3 metres x 8 metres and a mono pitch roof with a maximum height of 4.2 metres angled down towards the boundary of the site to a height of 3 metres adjacent to established hedging along this north west boundary.
- 1.6 The proposed workshop, by virtue of the size, location and materials is considered acceptable and will not cause any overlooking or overshadowing to neighbouring properties. The building is to replace existing buildings on site that are no longer fit for purposes and the recommendation is to grant.

## **2 SITE DESCRIPTION**

- 2.1 The site is situated on the outskirts of Eastrea. The site comprises a 2-storey residential dwelling facing Wype Road with associated workshops/storage structures to the rear. The site has an established vehicular access off Wype Road. The boundary of the site mainly consists of established high laurel hedging and willow trees, with some areas of 6ft close boarded fencing. The site has an established business use. The business generally serves the farming community

and is for the maintenance of agricultural machinery which is both carried out on site and also from customer bases.

### 3 PROPOSAL

- 3.1 The proposal is for the demolition of a range brick building to the rear of the site and the erection of a workshop located adjacent to the north west boundary to serve the existing agricultural contractor's business. The materials proposed for the construction are: cement fibre corrugated grey interlocking sheets with perspex sections for the roofing to let in light, composite cladding to the exterior walls and metal roller shutters. The proposed building will measure approximately 15.3 metres in length, 8 metres in width and have a mono pitch roof with a max height of 4.2 metres angled down towards the boundary of the site to a lower level of 3 metres. The buildings to be demolished have an approximate footprint of 128.5 sq metres and the new building has a footprint of 122.4 sq metres which equates to a 4.7% decrease in overall floorspace.
- 3.2 The range of existing storage buildings to be demolished are located to the rear of the site with one building sited centrally within the site and the other buildings close to the north west boundary. The new workshop will be sited close to the recently approved replacement workshop.

### 4 SITE PLANNING HISTORY

- 4.1 Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR20/0238/F	Erection of an agricultural contractors workshop and demolition of a building to the rear of the site.	Granted	12 Jun 2020
F/YR19/0571/AG1	Erection of an agricultural storage building	Refused	24/07/19
F/YR02/0201/F	Erection of agricultural building	Refused	21/10/03
F/1141/88/F	Additional use of 2 farm buildings for the sale of animal foodstuffs (retail)	Permitted	24/07/89

### 5 CONSULTATIONS

#### 5.1 Ward Councillor – Councillor Wicks

*Having read the comments regarding this application I feel I have to make determination on the application. The applicant is conduct an Agricultural repair and maintenance business from the address. The application relates to the removal of historic buildings (which contain Asbestos) with a modern constructed work shed. This will ensure that the majority of the work conducted on site will be within an enclosed area hence reducing the noise level emitted by work conducted on the site. All sprayers are purged of all hazardous chemicals prior to arriving on site and all functional post maintenance/repair are conducted with clean water (most of this work has to be done off site as spread of the sprayer arms is greater than that allowed by the site)..*

*The business is the main certified agent for a number of international companies which have high standards of Health and Safety and quality assurance which have to be complied with. Both Mr Langley and his son are certified by a national organisation. The repair and maintenance of the sprayers are audited yearly by a national organisation to ensure that the rigorous standards set by the organisation are complied with. No Hazardous chemicals are present on site.*

*The business has been in existence for at least twenty plus years while it is a family business, local employment opportunities could exist in the future. As for the comments regarding smell, I have never experienced any odours on site, as the building has until recently been on the edge of the village and pre dates most buildings adjacent, any comments regarding the vista aspect have to be questioned and any comment regarding out of character really have no relevance Regarding the waste comments. The hard core stored on site will be used in the construction of the Workshop and the scrap metal is stored like most farms until a quantity that makes it financially viable to be sold/collected.. The comments by GL developments regarding the high voltage transformer and supply are factually incorrect as the installation is on the land they are developing Having read the comments regarding this development I agree with the planning officers recommendation to pass the application There might well be conditions that apply but this application will provide much needed business development and possible employment opportunities in the future.*

## **5.2 Whittlesey Town Council**

*The Town Council recommend refusal on the following grounds, there is no report from UK Power Networks regarding the nearby transformer which is on the applicants land, the flooring of the workshop is going to soil, this would allow any chemicals to leak into the soil and effect the adjoining residential houses. No traffic management plan for construction traffic*

### *Additional remark:*

*During the planning meeting to discuss the above application we were informed that the transformer was located on the applicants land this we have found out to be incorrect and we wish to withdraw the reason that states on the applicants land all other reasons and informants stand.*

## **5.3 Cambridgeshire County Council Highways Authority**

*The proposed plan has not indicated any specific marked out parking spaces although the site is large enough for various vehicle parking options.*

*I have no objections to planning permission being issued.*

## **5.4 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.*

## **5.5 Local Residents/Interested Parties**

**6 objections received**, 5 from residents of Eastrea and 1 from a resident in Coates, objecting to the following:

- Environmental concern -Noise and Ground Contamination
- Visual Impact
- Design/Appearance
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Proximity to property
- Devaluing Property
- Traffic and Highways
- Drainage
- Working Hours
- Electricity Transformer

- Site is industrial and not agricultural
- Inaccurate site plan
- Hazardous substances

**17 letters of support received**, 4 from residents of Eastrea, 3 from residents of Coates, 9 from residents of Whittlesey and 1 from Rings End commenting as follows:

- Positive impact on village
- Crucial development for business
- Business shows growth
- Positive impact on local economy
- Development essential for business
- Family run business
- Business respectful to residents
- More efficient workspace and enhanced work environment
- Development will make the business more sustainable
- Business provides essential and specialist agricultural services which benefit local rural economy
- Provides local employment
- Business is established and has been running for over 20 years
- Residential properties built around the business after it was established
- New development more practical and aesthetically pleasing than building to be demolished
- Agricultural machinery to be expected in a rural location

## **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)**

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 130 Achieving well-designed places

Paragraph 159 Flood Risk

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

Determining a Planning Application

### **National Design Guide 2019**

Context – C1 – How well does the proposal relate to the site and its wider context

Identity – I1, 2 & 3 – Well designed, high quality places that fit with local character

Homes and Buildings – H1 & H2 healthy, comfortable and safe places well related to external amenity space

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

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

LP16 – Delivering and Protecting High Quality Environments across the District

## **8 Background**

8.1 Consent was granted in June 2020 for a replacement workshop to serve the existing business on site.

## **9 KEY ISSUES**

- **Principle of Development**
- **Area Character**
- **Residential Amenity**
- **Highways**
- **Noise and Environment**
- **Other Considerations**

## **10 ASSESSMENT**

### **10.1 Principle of Development**

10.1.1 The proposal is for a new workshop/storage building as a replacement for some existing workshops to allow the continued operation of an existing agricultural contractors business. Policy LP6 seeks opportunities for job growth in the district, promoting extensions to established areas of employment. Policy LP16 supports the principle of such development subject to the design and appearance not impacting on the character and amenity of the area. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. The principle of the development is therefore acceptable subject to the policy considerations set out below.

### **10.2 Area Character**

10.2.1 The business, which serves the farming community, has been established for many years at this site and was originally surrounded by agricultural land. However over recent years residential development has been approved and built both to the north and south of the site which has significantly changed the character of the area and also the character of this particular site.

10.2.2 The proposed workshop would be obscured from view from the road owing to the position of the host dwelling together with the existing boundary hedging along the north west edge of the site. It is accepted that glimpses of the workshop roof will be seen but as the overall height of the building has a maximum height of 4.2 metres angled down towards the boundary of the site to a lower level of 3 metres any potential visual impact will be negligible.

10.2.3 As stated above, the character of the area has changed significantly and when the site is viewed against the backdrop of the scale of the neighbouring residential dwellings, this workshop will not have any adverse impact on the character of the area. It is therefore considered the development is compliance with Policy LP16 of the Fenland Local Plan 2014.

### **10.3 Residential Amenity**

- 10.3.1 The location of the replacement workshop within the site will be positioned on the footprint of the current brick workshops and given that the new building is a replacement building it is not anticipated that the level of operations on the site will increase over and above the current operations and therefore there will be no further impacts on residential amenity of adjoining occupiers.
- 10.3.2 The roof of the workshop is mono-pitch in design with the highest point of the roof (4.2 m) located within the site and the roof sloping down to 3 m adjacent to the north western boundary and the dwellings located to the north west. There is existing hedging along this boundary which is proposed to be removed as part of the residential development adjacent and replaced with a 2.4 m high acoustic fence. The height of the roof will not cause any significant impact on the residential amenity of the occupiers of this dwelling through visual impact or overshadowing.
- 10.3.3 The proposed workshop will not have any windows in the rear or side elevations with the access door facing south east into the site. This door will be more than 25 metres away from the nearest dwelling to the south east and will not therefore cause any additional harm to that property considering the existing workshops to be replaced all face to the south east.
- 10.3.2 As such it is considered that the development would not cause significant increased harm to neighbouring amenity in terms of overlooking, overshadowing or loss of light and therefore the proposal is compliant with policy LP16 of the Fenland Local Plan 2014.

## **10.4 Highways**

- 10.4.1 The proposal is to erect an Agricultural contractor's workshop/storage building in replacement for some existing workshops. This would be within the site of an existing agricultural contractors' business which has existing highway access arrangements. Therefore, there is unlikely to be any adverse or material impact on the highway. The Local Highway Authority has raised no objection to this proposal. As such it is considered that the development is acceptable under policy LP15 of the Fenland Local Plan 2014.

## **10.5 Noise and the Environment**

- 10.5.1 Whittlesey Town Council's comments and some neighbouring objections include concern about ground contamination. Ground contamination would be an issue considered by Environmental Health who have their own legislation. The Environmental Health team have considered the application and have no objection, stating that the application would be unlikely to have a negative effect in terms of ground contamination. A neighbour supporting letter was received from a farmer that uses the business for the maintenance of their equipment which stated the business owner requires all chemicals to be emptied from the machinery before it is allowed on the business premises.
- 10.5.2 A number of objectors raised concerns regarding potential noise impacts. Given the site is already operating as an agricultural contractors business where maintenance and repair of machinery is currently undertaken, it is not considered that additional noise will be a factor, however should noise become a nuisance then the Council's Environmental Health Team has statutory powers to investigate and remedy through statutory noise nuisance legislation.

10.5.3 When considering noise in relation to the new residential properties to the north, a condition was imposed on the residential development to provide noise mitigation measures by way of an acoustic fence which will assist in providing mitigation to the residential amenity of these new dwellings.

10.5.4 The Environmental Health team raised no objection to the erection of this new replacement workshop building.

## **10.6 Other Considerations**

10.6.1 A number of objections have been received relating to some of the issues that have been outlined and commented on above, namely, contamination, noise, visual impact and design, character of area, overlooking, working hours and highways. However, there are some other issues that have been highlighted as set out below:

- Devaluation of property due to the development proposed is not a material planning consideration.
- Drainage – it is proposed to use the existing drainage within the site and introduce soakaways where necessary. It is for the applicant to ensure that drainage is acceptable and complies with Building Regulations as appropriate.
- Concern has been expressed over the proximity of an existing electricity transformer on the boundary of the site. This transformer is existing and should there be any need to move the transformer to allow the erection of the new workshop this will be dealt with by UK Power Networks and is not a material planning consideration.
- It is already established that the site is industrial in nature due to the type of work involved, i.e. agricultural contractors business which maintains and repairs agricultural machinery serving the farming community. The site is not considered to be agricultural.
- It is acknowledged that the site plan does not show the adjoining position of the dwellings which is due to the fact that the ordnance survey plans are not up to date. However the case officer visited the site and is aware of the position of the adjoining properties and has evaluated the proposal in line with their proximity.
- Should there be any hazardous substances on the site, it will for the applicant to ensure compliance with all Health and Safety Regulations in accordance with their current working practices at the site.

## **11 CONCLUSIONS**

11.1 The proposed development is for the replacement of existing brick built workshop buildings with a new workshop on a similar footprint. All issues relating to design, visual and character impact has been satisfactorily resolved.

11.2 Consideration has been given to the existence of the current business use on the site, which has been using the site for a large number of years and in particular the fact that this proposal does not show an expansion of the site rather replacement of older buildings with a more fit for purpose structure. Therefore, it is only reasonable to approve the application given that there will be no more impact on the area than exists as present. The site does benefit from unrestricted hours of use and there is no reason to curtail this usage given there is no evidence of concerns from this site.

11.3 Therefore is considered that development proposed will not cause significant adverse harm in respect to the character of the area, residential amenity, highways or the environment. As such, the proposed development complies with Policies LP1, LP2, LP6, LP15 and LP16 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION GRANT

Proposed conditions if the application were to be granted:

**Condition 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.

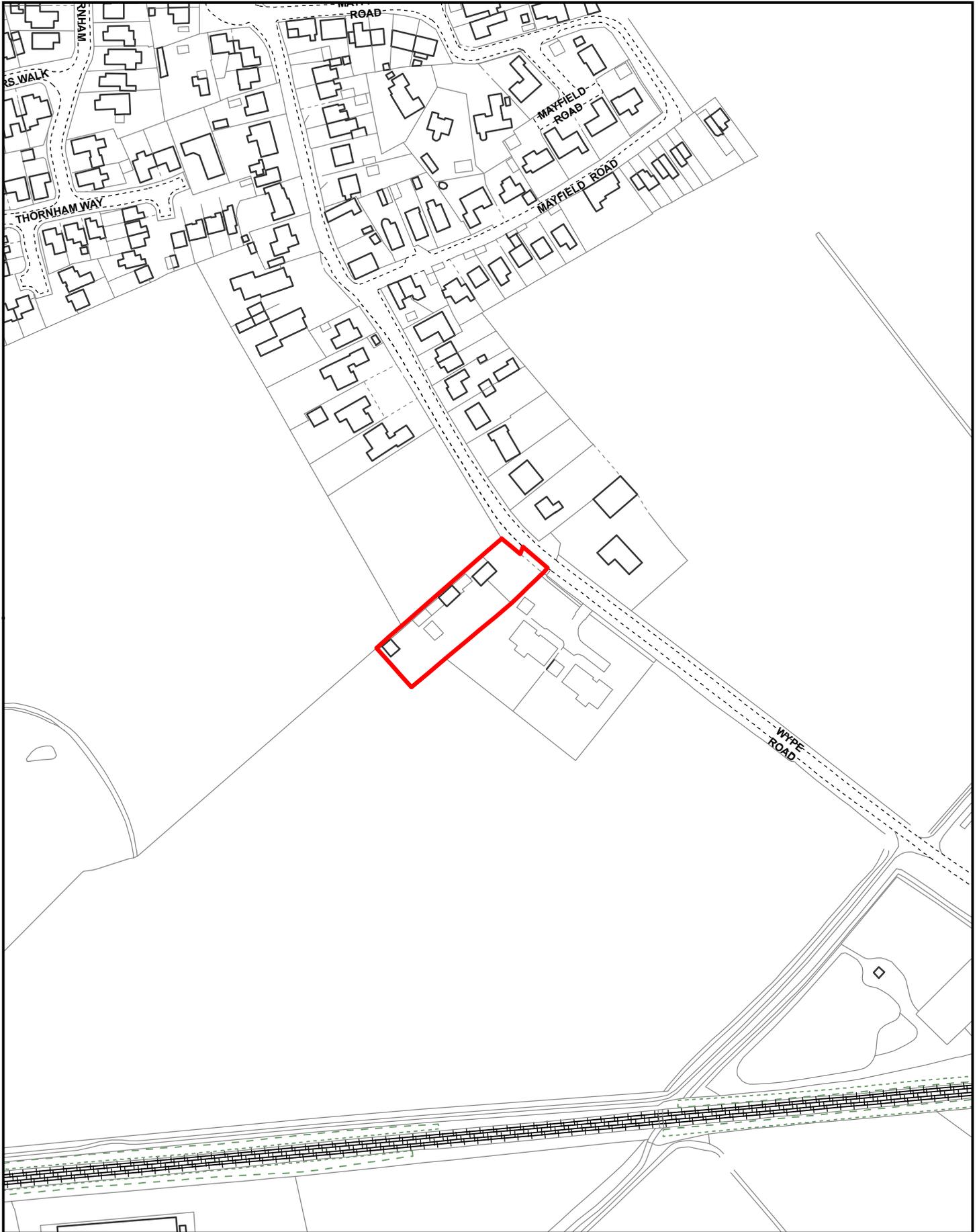
**Condition 2**

The development hereby approved shall be finished externally in materials specified on approved plan: Proposed floor plan and elevations JLANG/MAY21/PRP/WKSP/1.

Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.

**Condition 3**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents



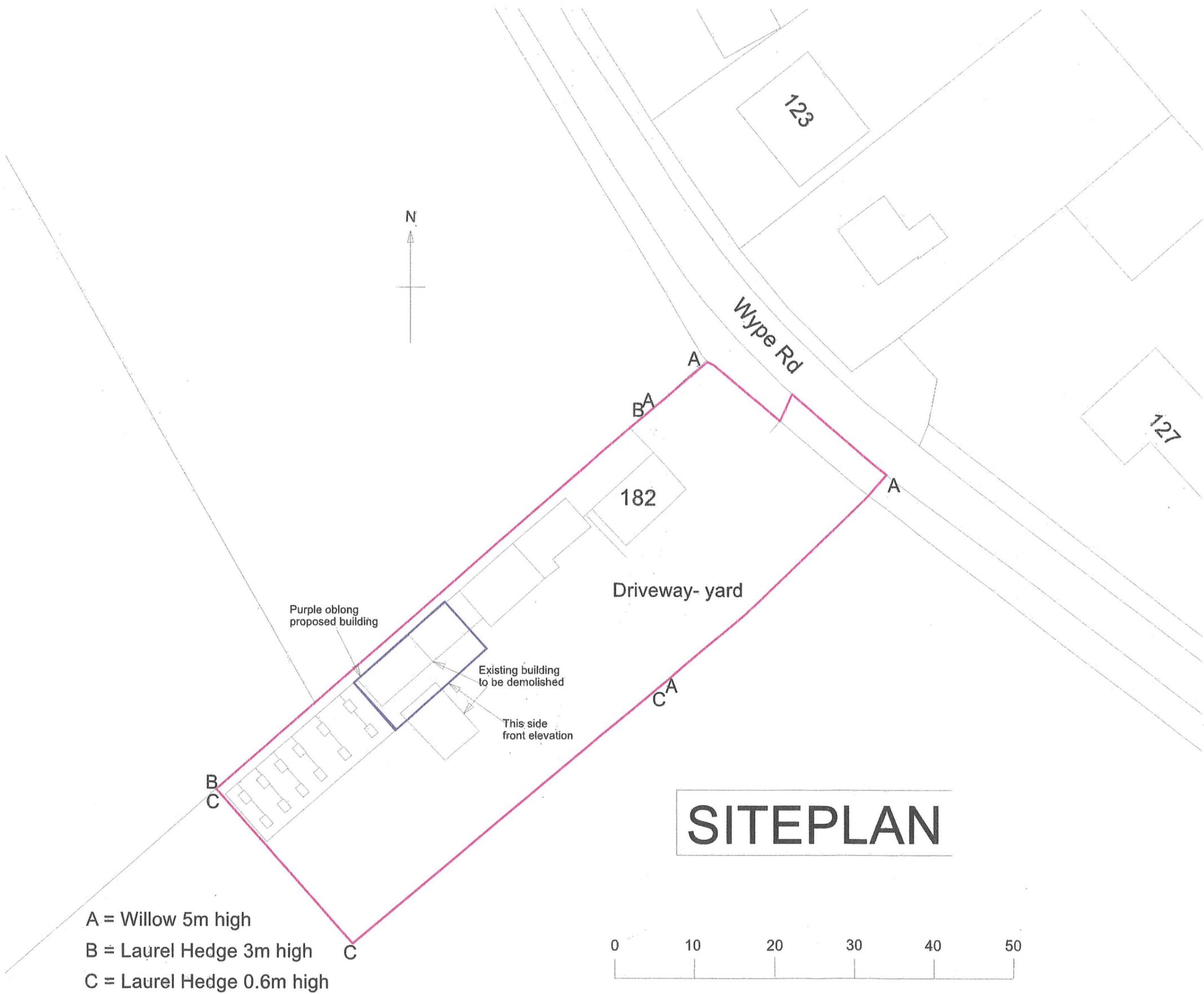
Created on: 20/08/2021

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**F/YR21/0872/F**

Scale = 1:2,500

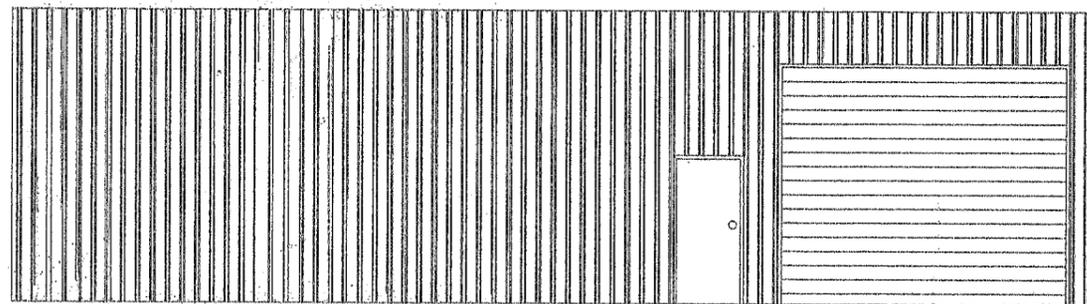




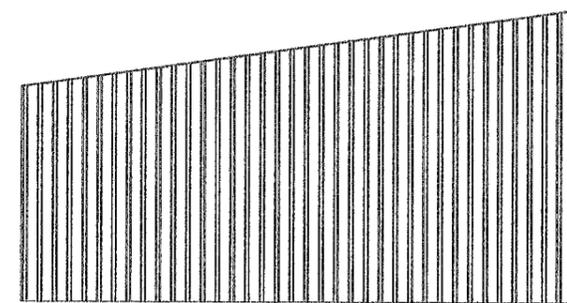
A = Willow 5m high  
 B = Laurel Hedge 3m high  
 C = Laurel Hedge 0.6m high

# SITEPLAN

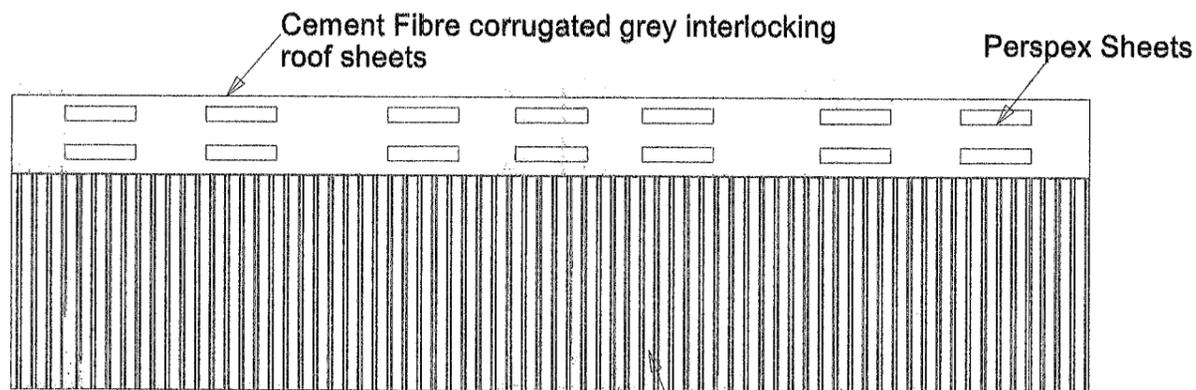
<p>Proposed Agricultural Building at          182 Wype Rd.,          Eastrea, Whittlesey,          PE7 2AZ</p>
<p>Scale 1:500</p>
<p>Plans by Anfoss Ltd.,          87 Leverington Common,          Leverington,          Wisbech, PE13 5BH          01945 466266          07836 246446          building55@live.co.uk</p>
<p>Ref Lang/East/stepIn/2021/1</p>



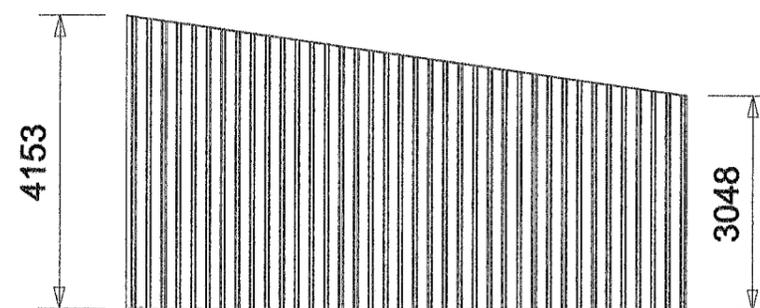
Front Elevation



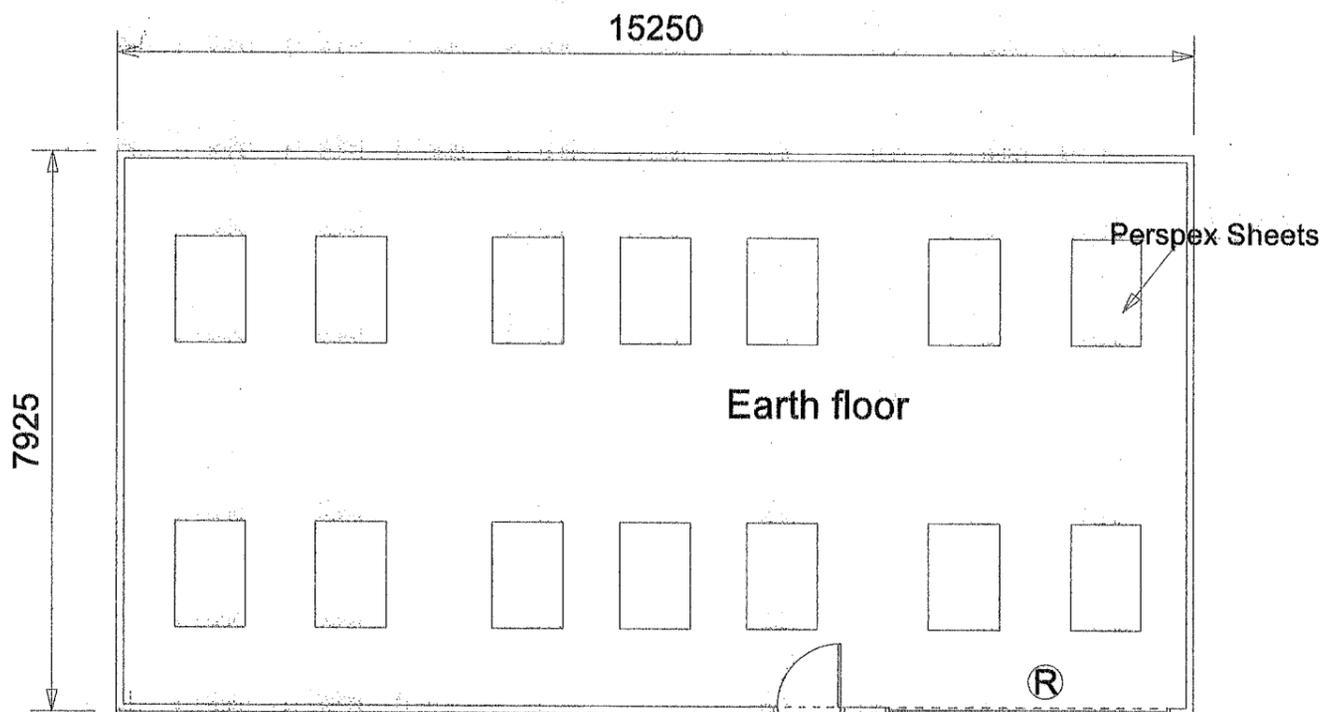
Side Elevation



Rear Elevation



Side Elevation



Ⓜ = roller shutter door

Proposed

Proposed Agricultural Building,  
for Mr J. Langley at,  
Eastrea Hill Farm  
182 Wype Rd.,  
Eastrea,  
Whittlesey,  
PE7 2AZ

Scale 1:100

Plans by  
Anfoss Ltd.,  
87 Leverington Common,  
Leverington,  
Wisbech, PE13 5BH  
Tel 01945 466266  
mob 07836 246446  
email building55@live.co.uk

Ref JLang/May21/prp/wksp/1

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F/YR21/1057/F

**Applicant: Mr D Upton**

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

**The Piggeries, Flaggrass Hill Road, March, Cambridgeshire**

**Erect 2 x 2-storey 4-bed dwellings with covered parking involving demolition of existing outbuildings**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The site comprises c.0.25ha of agricultural land situated north east of March but outside of the main built settlement. The area of Flaggrass Hill Road and Creek Road which encompass the site is characterised predominantly by relatively modest, single storey dwellings which front onto the highway.
- 1.2 The proposal seeks full planning permission for the erection of 2 large 2-storey 4-bed detached houses with attached double garages. The proposal would involve the demolition of the buildings at the site.
- 1.3 This application is effectively a resubmission of a proposal that was refused previously in March 2018 (F/YR17/1230/F) and December 2012 (F/YR16/0999/F), but includes an updated Design and Access Statement and initial biodiversity checklist.
- 1.4 The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside and is unsustainably linked, offering limited opportunities for non-car modes of travel contrary to LP15. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings. In addition, the development also includes insufficient information with regard to biodiversity matters.
- 1.5 No material considerations have been advanced by the applicant to indicate that an alternative view should be reached further to the two previous refusal of this scheme and the policies that guided the Council on both previous applications are still relevant and should be afforded full weight.
- 1.6 The recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises c.0.25ha of agricultural land situated north east of March but outside of the main built settlement. The site was last in use as a piggery and comprises several dilapidated single storey structures – many of which are

currently overgrown and inaccessible. The site is accessed via a single track from the eastern side of Flaggrasshill Road. Flaggrasshill road connects to Creek Road approximately 130m from the site access

- 2.2 The area of Flaggrasshill Road and Creek Road which encompass the site is characterised predominantly by relatively modest, single storey dwellings which front onto the highway.
- 2.3 The site lies in Flood Zone 1 having regard to the latest Environment Agency 'Flood Maps for Planning'

### 3 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 2 x 2-storey 4-bed detached houses with attached open-fronted double garages. The proposal would involve the demolition of the buildings at the site.
- 3.2 The dwellings measure approximately 8.9m to the ridge and incorporate modern design features e.g., a large 2-storey front window and also traditional features e.g., arched headers over the windows. Both dwellings incorporate parapet walls at the gable ends.
- 3.3 The dwellings are proposed to be finished externally in natural slate roofs, Hoskins farmhouse blend facing brick to the main dwelling and timber boarding to the single-storey garages, and family room serving Plot 1.
- 3.4 This application is effectively a resubmission of a proposal that was refused previously in March 2018 (F/YR17/1230/F) and December 2012 (F/YR16/0999/F) but includes an updated Design and Access Statement and initial biodiversity checklist.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

4.1

Reference	Description	Decision
F/YR17/1230/F	Erection of 2 x 2-storey 4-bed dwellings with attached double garages involving demolition of existing outbuildings	Refused 01.03.2018
F/YR16/0999/F	Erection of 2no x 2-storey, 4-bed dwellings with attached double garages involving demolition of existing outbuildings	Refused 21.12.2016

### 5 CONSULTATIONS

#### Parish/Town Council

- 5.1 Recommend approval subject to adequate flood risk assessment.

#### FDC Environmental Health

- 5.2 *I have reviewed the above application and note the proposed scheme is similar to an earlier submitted application by the same applicant.*

*As very little appears to have changed this service would agree the 'Unsuspected Contaminated Land' condition would remain relevant should consent be given due to the presence of structures to be demolished as part of this proposal.*

*I note from our earlier consultation under planning reference F/YR17/1230/F we advised the proposal was unlikely to have a detrimental effect on local air quality or the noise climate however it might be appropriate for construction hours to be imposed should permission be granted so as to protect the interests of existing residents and the local amenity. The hours should be in accordance with construction industry and pollution legislation guidelines.*

### **CCC Highways**

- 5.3 *Although there are other dwellings in the vicinity, the site is located in a rural area unlit area, remote from a village centre without footways. FDC to consider the sustainability of the site.*

*I have no objections to planning permission being granted subject to the following conditions:*

1. *Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.  
Reason: In the interests of highway safety and to ensure satisfactory access into the site.*
2. *The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.  
Reason: To prevent surface water discharging to the highway.*
3. *Prior to the first occupation of the development the proposed on-site parking 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 / manoeuvring area, in the interests of highway safety.*

### **Senior Archaeologist (CCC)**

- 5.4 *We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior (refused) applications F/YR16/0999/F and F/YR17/1230/F within the same bounds, that is:  
We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by MHCLG*

### **Middle Level Commissioners**

- 5.5 No comments received

### **Local Residents/Interested Parties**

#### **5.6 Objections**

15 letters of objection have been received from the following locations;  
March

- 3 at Flaggrasshill Road
- 11 at Creek Fen

#### Other

- 1 at Church Lane, Freckenham

Raising the following concerns;

- Design/Appearance
- Devaluing property
- Light Pollution
- Loss of view/Outlook
- Out of character/not in keeping with area
- Backfill
- Overlooking/loss of privacy
- Shadowing/loss of light
- Access
- Agricultural Land
- Policy conflict
- Flooding / Drainage
- Noise
- Environmental Concerns
- Proximity to property
- Residential Amenity
- Traffic or Highways
- Loss of Trees/ Hedgerow
- Loss of rural character
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent
- No detail on sustainability of build
- Has previously been refused twice
- Adverse impact on health and wellbeing, stress
- Lack of pedestrian infrastructure and transport options
- Local services/schools - unable to cope
- Asbestos present
- Potential damage to foundations
- Will detrimentally affect the adjacent Bed and Breakfast through noise

### 5.7 **Supporters**

24 letters of support from the following locations;

#### March

- 2 at Creek Fen
- 4 at Flaggrasshill Road
- 1 at Berryfield
- 1 at Norwood Road
- 2 at Norwood Avenue
- 1 at St John Road
- 1 at Grounds Avenue
- 1 at Westwood Avenue
- 1 at Upwell Road
- 1 at Elwyndene Road
- 2 at Ellingham Avenue

- 1 at Blue Ridge Gardens
- 1 at Wisbech Road
- 1 at Cavalry Drive

#### Other

- 1 at Burret Road, Wisbech
- 1 at Hook Road, Wimblington
- 1 at St. Pauls Road, South Walton Highway
- 1 at New Road, Upwell

Making the following comments;

- Would enhance the area
- Creates opportunities for home buyers/ frees up smaller properties
- Regeneration opportunity
- Will not set any precedent
- Highways and parking issues will be minimal
- Should not be a drainage issue
- No ecology issues
- No access issues
- Thoughtful layout – no amenity issues
- Construction hours could be controlled
- There is already a 2-storey dwelling opposite the site
- There is a need for this type of development
- Excellent transport links
- There is a shortage of executive style homes
- Will enhance property prices
- Will provide work for local tradespeople
- Precedent has already been set with the building opposite the entrance
- Good sized plots
- A piggery is not compatible with the existing houses
- Will reduce trespassers/ fly-tipping

#### **Representations**

5.8 The applicant, Mr Upton has written in support of their application and makes the following comments;

- Refers to having had an ecological report carried out that concludes that no wildlife that will be affected by the development. Advises that if the development does not get approved, the site will be returned to its previous use as a pig farm which would destroy flora and fauna.
- Advises he would accept controls over hours of construction operation to limit noise nuisance. Advises that if the site were reverted to a piggery once more, vehicle movements would be more frequent.
- Does not consider that pedestrian movements would increase significantly.
- Does not consider that the development would result in overlooking.
- Considers that the development would enhance the area and increase property values, when compared to the current structures.

## **6 STATUTORY DUTY**

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

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

## **7 POLICY FRAMEWORK**

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

Paragraph 79 to 80: Rural developments

Paragraph 120: Brownfield land

Chapter 8: Healthy and safe communities

Chapter 9: Sustainable Transport

Chapter 15: Natural Environment

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

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

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

### **7.4 Fenland Local Plan 2014 (FLP)**

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP5: Meeting Housing Need

LP12: Rural Areas Development Policy

LP14: Flood Risk and Drainage

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

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

### **7.5 March Neighbourhood Plan 2017**

H2 – Windfall Development - design

### **7.6 Supplementary Planning Documents/ Guidance**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

## **8 KEY ISSUES**

- Principle of Development
- Impact on the Character and Appearance of the area
- Residential Amenity
- Ecology/ Biodiversity
- Access and Highway Safety
- Flood Risk and Drainage
- Health and wellbeing
- Economic Growth
- Planning Balance
- Other considerations

## **9 BACKGROUND**

9.1 Two applications for this development have previously been refused (F/YR16/0999/F and F/YR17/1230/F), the former under Officer-delegated powers and the latter by the Planning Committee on 28 February 2018. Both applications were refused for the following reasons;

1. *The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policy LP3 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework.*
2. *In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites. The application has failed to submit an appropriate biodiversity study and as such the Local Planning Authority is unable to assess any impacts of the proposal in this regard. As a result, the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014.*
3. *Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore, it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment.*

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Policy LP3 of the Fenland Local Plan, 2014 sets out the settlement strategies for the district and is an important part of the delivery of sustainable development in the area. LP3 identifies March as one of the main areas for growth. However, as with the previous conclusions of the Council, the site is considered to fall outside of the main settlement of March and sits within a small outlier of development served by a section of single track, unlit road. By virtue of the site location and characteristics, it is considered to fall in the countryside where policy LP3 dictates that development should be strictly limited, primarily to land-based enterprises. As the proposal does not propose any kind of land-based enterprise, there is clear conflict with LP3.

- 10.2 Paragraphs 78 to 80 of the NPPF address rural housing, noting that where there is an identified need to support rural communities, Local Authorities should support opportunities to locate housing where it will enhance or maintain the vitality of rural communities (Para.79), whilst avoiding isolated development in the countryside unless special circumstances apply (para.80).
- 10.3 The site would not be considered as 'isolated' having regard to NPPF paragraph 80, given the 20 or so dwellings in the immediate vicinity. With regards to paragraph 79 of the NPPF however; whilst the future occupiers of the development would likely support the existing facilities and services of March and would add to the existing outlier community at Flaggrasshill Road and Creek Fen, March town's facilities and the local community do not appear to be under any kind of threat to justify an exception to policy LP3 in this case, notwithstanding that this benefit would be very modest through the introduction of just 2 dwellings.

*Brownfield Land*

- 10.4 The applicant opines that the site is brownfield land, being previously used as a piggery. It is acknowledged that the NPPF (para. 120 (c)) sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, supporting appropriate opportunities to remediate despoiled. Degraded, derelict, contaminated or unstable land.
- 10.5 In this regard, the NPPF defines Brownfield Land in its Annex 2: Glossary (p.65), setting out that this is defined as 'Previously Developed Land' (p.70) as ;

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

- 10.6 Given the last known use of the site was as a Piggery, which is an agricultural use, the site cannot be classed as brownfield land. Furthermore, and notwithstanding this, as the site sits outside of the settlement the substantial weight implied by NPPF para. 120 is not applicable, as its focus appears to be on sites within settlements. As such, the development cannot be given the substantial weight referred to under NPPF para.120.
- 10.7 As noted, the site comprises agricultural land and the development would result in the loss of this. However, given the overall scale of the development, the loss of agricultural and would not be so significant to warrant refusal on this ground.

*March Neighbourhood Plan (MNP)*

- 10.8 Policy H2 (Windfall Development) of the MNP sets out that proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan plus additional criteria a) to g) covering amenity, open space

retention, flood risk, highway safety, infrastructure, design and retention of community facilities.

- 10.9 Whilst the criteria are nonetheless considered through policies of the FLP, the principal element of H2 sets out that all windfall development should accord with FLP policies. As such the proposal also appears to conflict with the principle of policy H2 of the MNP, in view of its conflict with the FLP policy LP3.
- 10.10 In conclusion, there is neither local nor national support for the principle of the development in regard to the spatial location of the development.

#### *Five Year Housing Land Supply*

- 10.11 The previous application was determined having regard to the fact that the Council at that time were unable to demonstrate a 5 year supply of housing land. Nonetheless, the application was found to result in significant and demonstrable harm despite the 'tilted balance' being applied.
- 10.12 At present, the Council is able to demonstrate a 6.69 year supply of housing land and therefore the 'tilted balance' does not apply, as it is considered that the housing policies of the FLP are up to date and should take precedent over the determination of planning applications for housing proposals.

#### **Impact on the Character and Appearance of the area**

- 10.13 The area is characterised by single-storey, generally modest and traditional dwellings that align the highway along the eastern edge of Flaggrasshill Road and wrap around the northern part of Creek Road, forming a relatively tight-knit row of single-storey properties, extending to countryside (with sporadic, modest structures) to the rear, which is a distinct part of the area's character. This is also distinctly different to the single, large 2-storey dwelling and farmstead associated structures opposite on the western side of Flaggrasshill Road and the linear arrangement of 2-storey dwellings c.300m west along Creek Road. Whilst it is acknowledged that one comment refers to the adjacent dwelling, Wood Paddock incorporating a dormer in its roof space, its overall scale is still generally that of a single storey structure, in keeping with the distinctive character of the area and substantially lower than those proposed here.
- 10.14 The proposed dwellings would be located behind the single-storey dwellings, set back approximately 50m from the highway and would be highly visible in the street scene, both above and in between gaps of the existing bungalows. Consequently, the character of the area would distinctly alter, introducing an incongruous design and scale. Accordingly, the proposal would conflict with Policy LP16 (d) of the Local Plan and DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD in that it would fail to reinforce local identity or make a positive contribution to the local distinctiveness and character of the area. Consequently, as the development does not accord with FLP policies in respect of design and scale, the development would also conflict with policy H2 of the MNP.
- 10.15 Whilst it is noted that comments have been received concluding that the site would be tidied up if developed, given its rearward position the site is not actually overly noticeable from the street scene at present. This was also the conclusions of the Council's enforcement team in 2018 who investigated the site due to reports of untidy land. Notwithstanding this, the condition of a site due to neglect should not alone provide justification for development and as before, where

causing nuisance, can be resolved through enforcement action where in the public interest.

### **Residential Amenity**

- 10.16 As concluded with the previous application, the introduction of the dwellings whilst resulting in a change to the character and appearance of the area, would be unlikely to result in severe harm to existing residential amenity e.g., through overlooking, outlook, overshadowing, loss of light, light pollution or noise. This is due to the separation distances and windows positions of the dwellings relative to existing properties. Furthermore, and as agreed to by the applicant, the construction hours could be limited to reduce disturbance during the build.
- 10.17 Furthermore, the development would likely achieve good levels of amenity for future occupiers, with a good area for private amenity and adequate on-site parking and manoeuvring.
- 10.18 The applicant has noted that the site is currently Rat-infested and whilst this is not a material planning consideration, it has been reported to the Council's Environmental Protection team for investigation.
- 10.19 One resident has raised concerns over the impact of the construction of the development on the foundations of their property. This is not a material planning consideration and any damage to property or possessions would constitute a civil matter between the relevant parties.
- 10.20 One resident has also raised concerns over the removal of the existing buildings indicating that they contain asbestos. The removal of such material is controlled under license via the Health and Safety Executive and the developer would be expected to contract specialists in its remove. Given that this is regulated under separate legislation, this is not a matter that the planning system can control.
- 10.21 The operators of the adjacent Bed and Breakfast have also raised concerns over the impact of the development on their business, citing construction noise and overlooking issues. Both of these issues have been considered as set out above and apply equally to existing residents as they would to businesses. The disruption through the construction should be short term and low-scale given the quantum of development. Likewise, the occupancy of the dwellings is unlikely to result in significant disturbance and the position of the dwellings are not anticipated to cause any severe harm in respect of overlooking, overshadowing or loss of outlook.
- 10.22 As such the development has not identified any conflict with policies LP2 or LP16 of the FLP.

### **Ecology/ Biodiversity**

- 10.23 The Biodiversity Checklist completed by the applicant concludes that to the best of their knowledge, there are no protected species or suitable habitats for these within the site. Concerns are raised as to the reliability of this assessment.
- 10.24 The site is heavily overgrown with brambles and trees within and bordering the site as well as a number of dilapidated buildings. Question 5, as an example, asks; "*Does the proposal include modification, conversion, demolition or removal of any agricultural buildings (e.g., farmhouses and barns)?*" to which the applicant has responded "no".

- 10.25 The site plan clearly denotes that the current buildings will need to be removed to accommodate the proposal and therefore concerns are raised that the biodiversity checklist hasn't been completed by a competent person i.e. that a suitably qualified ecologist has surveyed the site. Therefore, the potential impact of the development cannot be properly assessed. Without detailed survey evidence the 'precautionary principle' should apply to safeguard the objectives of policies LP16 (b) and LP19 of the Local Plan.
- 10.26 The Council's Ecologist previously concurred with this view and objected to the proposal as it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted. Given there has been no substantial change to site conditions since this previous conclusion, Officers consider that the same policy conflicts apply.
- 10.27 Concerns have been raised regarding the lack of detail over the apparent loss of some hedgerow and trees and indeed the plans denote some loss along the northern and southern boundaries, despite the application form declaring there will be no loss. Again, in the absence of an ecology survey it is not possible to measure the impact of this or to establish what mitigation may be required.
- 10.28 The applicant has advised that they are waiting for an ecology survey report from their consultant but has chosen to submit an incomplete application in any case, despite the Council's previous refusals on grounds of lack of biodiversity impact assessment. The application was received on 2<sup>nd</sup> August and yet an ecology report has not been provided. Whilst the LPA seeks to work proactively with applicants to overcome issues arising through an application where warranted, it is expected that information is provided in a timely manner, particularly where the applicant is fully apprised of the issues in advance, as is the case with the third submission of this proposal.

#### **Access and Highway Safety**

- 10.29 The Highway Authority has not objected to the proposal but has requested conditions securing the access arrangement (with suitable drainage) and the provision of the parking prior to first occupation. Subject to these measures therefore, the development is not anticipated to result in any highway safety issues, in-line with Policy LP15 of the FLP and NPPF para. 11.
- 10.30 The proposed garaging dimensions fall slightly short of the required measurements set out in Appendix A of the Local Plan. and would be able to accommodate parked vehicles. In any case there is sufficient space within the driveways to cater for parking appropriate to the size of the proposed dwellings.
- 10.31 It is noted that there are no footpaths or street lighting available for around 300m from the site, until you reach the row of terraced dwellings along Creek Road to the west. This means that occupiers would have to navigate highway which does not prioritise pedestrian movements, taking safe refuge on the highway verge when vehicles pass and would have poor visibility during darker periods, due to the lack of streetlighting in conflict with the aims of NPPF para. 112 and LP15 of the FLP. This further reinforces the unsustainable location of the site for new housing and provides an example for the rationale for the Council's settlement strategies under LP3 – in terms of placing people and property in the most

sustainable location to safely access services and facilities and improves accessibility for everyone by all modes of travel.

- 10.32 Therefore, whilst the unsustainability of the site is highlighted through the limitations of the highway network which serves it, the development itself is unlikely to have a significant adverse impact on the highway network.

### **Flood Risk and Drainage**

- 10.33 The site lies in flood zone 1 and therefore at the lowest risk of flooding. Furthermore, the site is not identified as being at any risk from surface water flooding. The applicant proposes to treat surface water and foul drainage via soakaway and package treatment plant respectively. Given the scale of the development, it is not anticipated that it would lead to significant risk of flooding. Ultimately, the scheme would need to satisfy Building Regulations, demonstrating that the proposed drainage methods are suitable for the site. Likewise, through the Building Regulations process, the developer would need to demonstrate that the build would meet current sustainability criteria e.g., in terms of thermal, water and energy resource efficiency.

### **Health and wellbeing**

- 10.34 Comments have been received referring to the development having a detrimental impact on their health and wellbeing, citing specific health issues. Whilst these have been considered, it is not anticipated that the long term existence of 2 homes would result in significant detriment to health. Whilst the construction operations may result in some unavoidable disturbance, the construction of 2 dwellings is not anticipated to result in long-term harm in respect of noise, vibration, dust and odour, notwithstanding that some controls could be imposed to limit this.

### **Other considerations**

- 10.35 The following matters have been raised and are considered as follows;

#### *Devaluation/ increase value of property*

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

#### *Precedent*

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

#### *Waste/ Litter*

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

#### *Fly-tipping/ ASB/ Trespass*

- 10.39 Concerns have been raised over previous incidents of trespass and fly-tipping at the site. It is noted that access to the site is currently unencumbered, save for the overgrowth. The owner may wish to consider erecting fencing or employing other

security measures in order to deter future trespass and to appease any local concerns.

*Local services/schools - unable to cope*

- 10.40 The scheme is for 2 dwellings and whilst the occupiers would likely rely on existing services or facilities in the settlement of March, it is not considered that 2 dwellings would place an undue burden on these, particularly given the vision for growth of the main settlement of March.

*There is a shortage of executive style homes*

- 10.41 Neither the development plan, housing needs assessments or indeed national policy specifies what constitutes 'executive-style' homes. Therefore, it is not possible to consider the proposal as such or give any weight to any claims of a shortage, as it wouldn't be possible to measure.

*Will provide work for local tradespeople*

- 10.42 Whilst the development of the 2 dwellings may rely on local employment, there would be no reasonable mechanism to ensure that this would be the case and therefore this assumption cannot be reasonably reached. Therefore, little weight can be afforded to this.

*A piggery is not compatible with the existing houses*

- 10.43 It is understood that whilst the piggery has not been operational for a number of years, nonetheless it did exist simultaneously with surrounding residential uses and appears to have been a relatively small operation, based on historic aerial photos. Notwithstanding this, should the piggery become operational once again, there are Environmental Protection controls which exist to protect amenity – this is notwithstanding that any new buildings required to support the enterprise would likely require planning permission, whereupon the impacts of these would be considered.

## **11 CONCLUSIONS**

- 11.1 The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location and scale of the proposed dwellings and would be unsustainably linked to nearby services and facilities. In addition, the development also includes insufficient information with regard to biodiversity matters and therefore fails to demonstrate that the development would not result in unwarranted/ unmitigated harm to protected species.

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

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

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

- 11.3 The Council has refused planning permission for this development on two previous occasions, both under the current Local Plan – importantly the latter, at

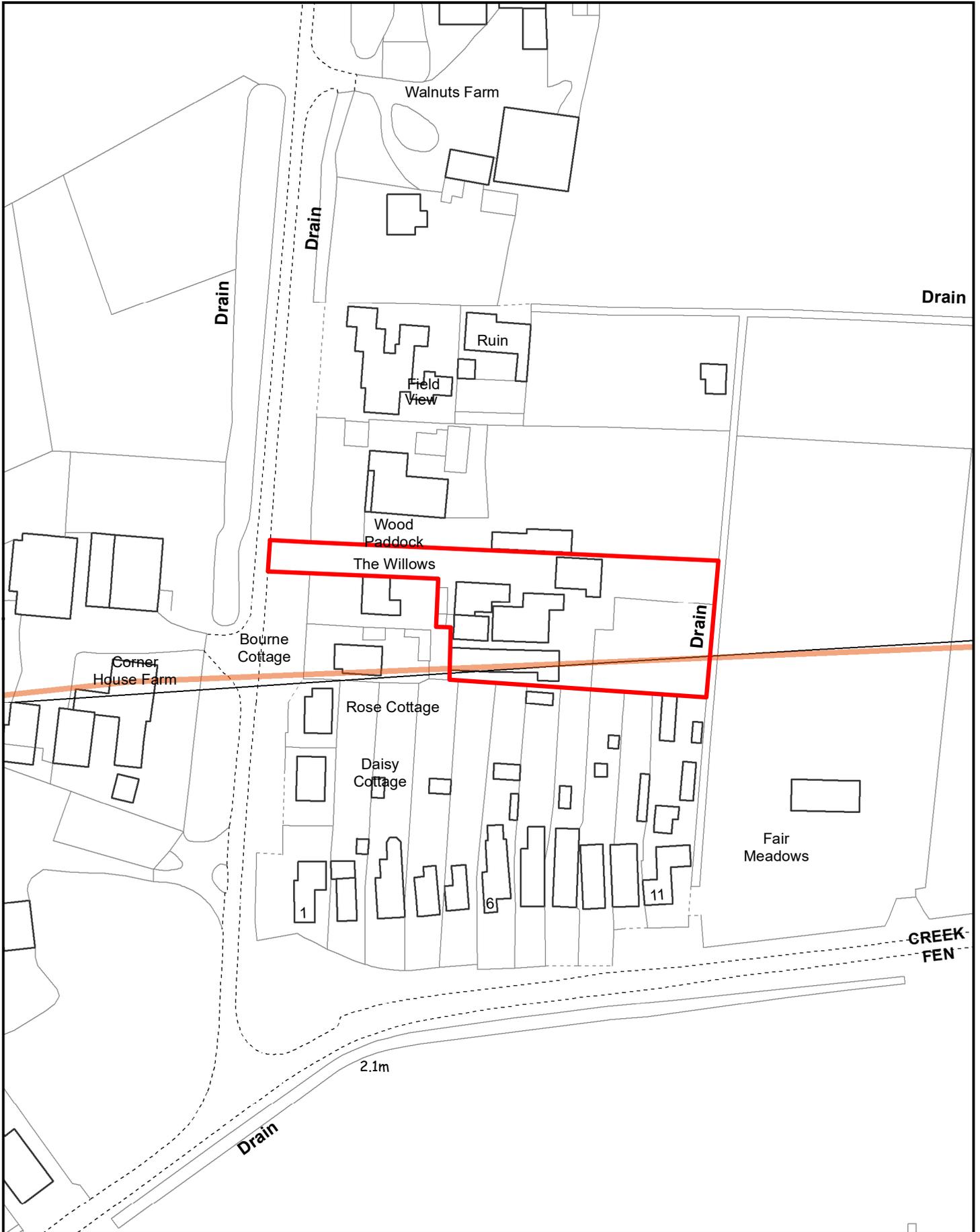
a time when the Council were unable to demonstrate a 5 year supply of housing, where the tilted balance applied but where the development was still found to amount to significant and demonstratable harm.

- 11.4 These are material considerations to which significant weight should be afforded. Furthermore, no appeal has been advanced for either of these previous refusals, to seek an alternative view. No material considerations have been put forward by the applicant to indicate that an alternative view should be reached on this occasion and the policies that guided the Council on both previous applications are still relevant and should be afforded full weight.

## 12 RECOMMENDATION

- 12.1 Refuse for the following reasons;

1.	The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. Furthermore, the site by virtue of the lack of illuminated footpaths and single-track road would limit opportunities for sustainable modes of travel. The proposal is therefore contrary to Local Plan Policy LP3 and LP15 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy Framework, in particular; Chapter 9.
2.	In accordance with Policy LP16 (b) and Policy LP19 of the Fenland Local Plan 2014 the proposed development should protect and enhance biodiversity on and surrounding the site. The application is not supported by an adequate biodiversity study and as such the Local Planning Authority is unable to assess the impacts of the proposal in this regard. As a result, the proposal is contrary to criteria (b) of Policy LP16 and Policy LP19 of the Fenland Local Plan 2014 and Chapter 15 of the NPPF.
3.	Policy LP16 (d) requires all new development to make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment. The proposed two-storey dwellings would be located in a detached position behind single-storey dwellings unrelated to existing road frontage development on Flaggrass Hill Road and as a result would appear incongruous when viewed in the context of the existing built form. Furthermore, it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 which states that development will only be permitted which would make a positive contribution to the local distinctiveness and character of the area and responds to and improves the character of the built environment, and Chapter 12 of the NPPF in respect of achieving well-designed places.



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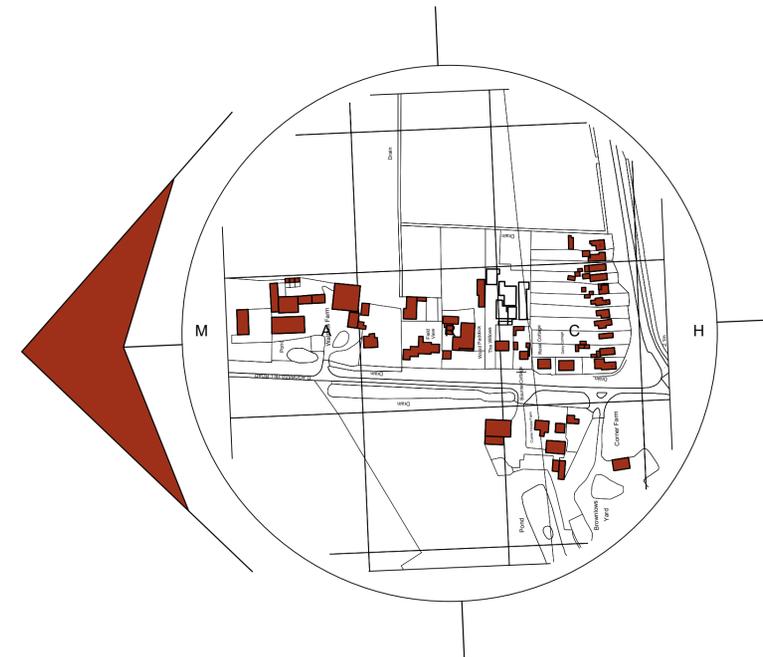
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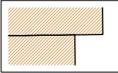
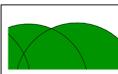
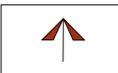


Site Plan  
Scale: 1:250



Location Plan  
Scale: 1:2500

SITE PLAN KEY

-  Indicates existing buildings surveyed on site
-  Indicates existing buildings un-surveyed on site
-  Indicates neighboring properties (from ordinance survey location plan)
-  Indicates existing drain
-  Indicates surveyed trees and hedging
-  Indicates un-surveyed trees and hedging (positions are approximate)
-  Indicates existing site access

- 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.

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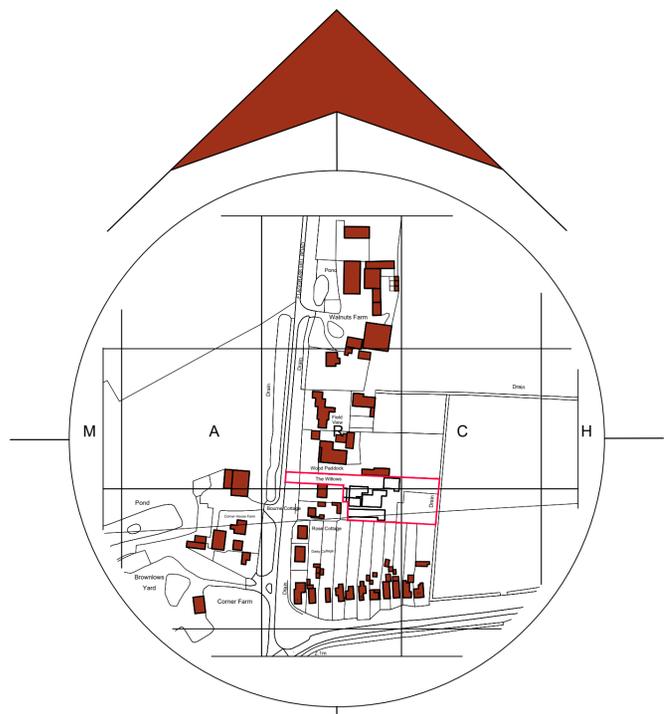
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Drawing Title Survey Drawing	Job No. SE-1644	Drawn by G.E.
	Dwg No. 100	Revision



- 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.
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  4. Any discrepancies are to be brought to the designers attention.

**SITE PLAN KEY**

	Indicates positions of proposed buildings
	Hatch indicates new tarmac driveway
	Hatch indicates new block paved parking areas
	Hatch indicates new grassed areas
	Indicates proposed specimen trees
	Indicates existing trees and hedges
	Indicates existing un-surveyed trees and hedges
	Indicates positions of existing buildings taken from OS map
	Hatch indicates new bound pea gravel driveway
	Hatch indicates new pea gravel driveway
	Indicates site access points
	Indicates positions of existing buildings, trees and hedges to be demolished
	Indicates site boundary line
	Indicates lockable gate
	Indicates bin collection point



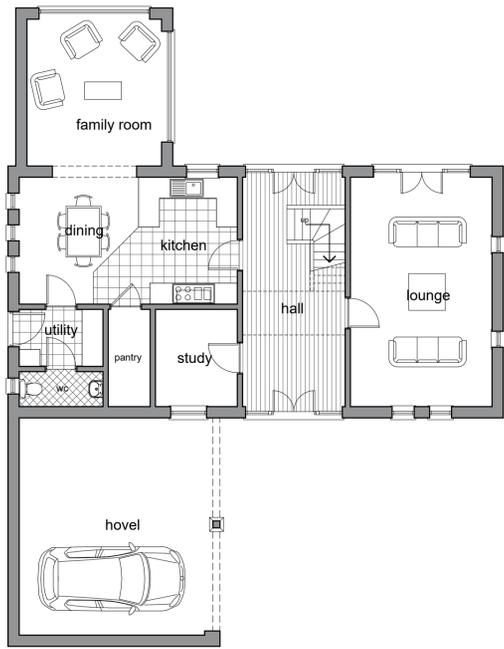
Site Plan  
Scale: 1:200  
0 2 4 6 8 metres

Location Plan  
Scale: 1:2500  
0 20 40 60 80 metres

Status  
**FOR APPROVAL**

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Proposed New Dwellings The Piggeries, Flagg Grass Hill Road, March For : Mr D Upton	Job Title Date July 2021	Scale Sheet Size Various A1
Planning Drawing Site and Location Plans	Job No. Dwg No. SE-1644 PP1000	Drawn by Revision G.E.



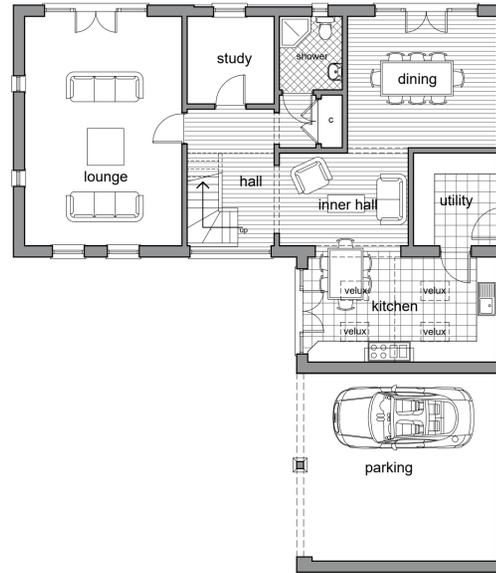
Ground Floor Plan 0 1 2 3 4  
Scale: 1:100 metres



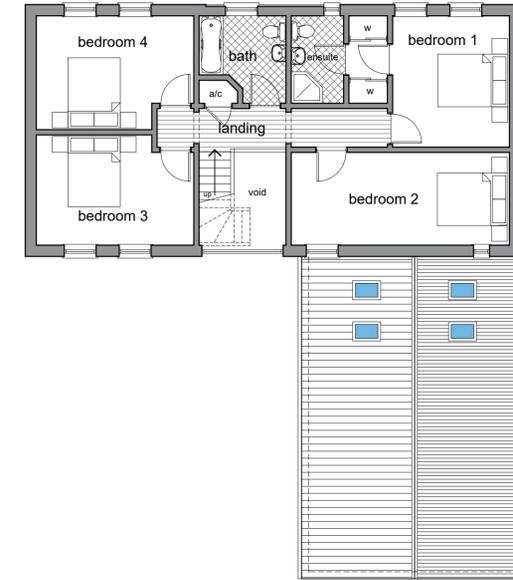
First Floor Plan 0 1 2 3 4  
Scale: 1:100 metres

PLOT 1

PLOT 2



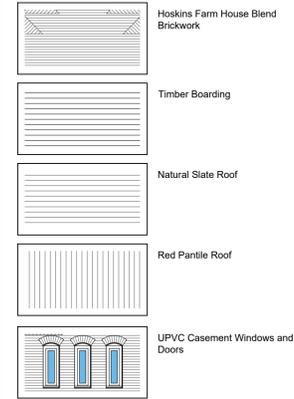
Ground Floor Plan 0 1 2 3 4  
Scale: 1:100 metres



First Floor Plan 0 1 2 3 4  
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.

ELEVATION KEY



Rainwater goods - black half round gutters and black round downpipes



Front (W) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Side (N) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Front (W) Elevation 0 1 2 3 4  
Scale: 1:100 metres



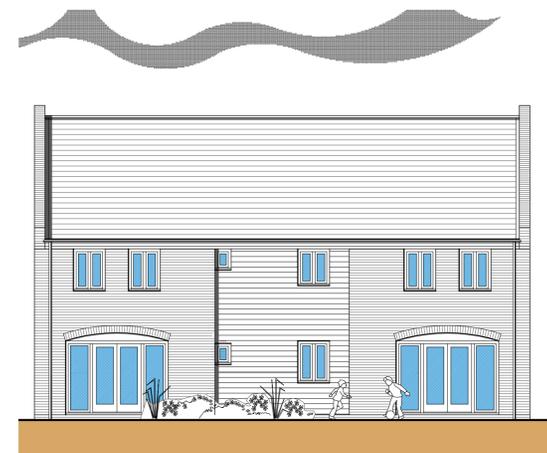
Side (N) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Rear (E) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Side (S) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Rear (E) Elevation 0 1 2 3 4  
Scale: 1:100 metres



Side (S) Elevation 0 1 2 3 4  
Scale: 1:100 metres

Status  
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Proposed New Dwellings The Piggeries, Flagg Grass Hill Road, March For : Mr D Upton	Job Title Date July 2021	Scale Various Sheet Size A1
Planning Drawing Floor Plans and Elevations	Job No. SE-1644	Drawn by G.E.
	Dwg No. PP-1100	Revision

## **PLANNING APPEAL DECISIONS**

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

**Planning Application Reference: F/YR21/0123/F**

**Site/Proposal:** Erect a 2-storey side and single-storey rear extension to existing dwelling

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated following advice of Committee Chairman	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Impact upon the amenity of neighbouring users**
- **Impact upon the character of the area**

**Summary of Decision:**

The site lies on the northern side of Newgate Street, within the settlement of Doddinton. The dwellings along Newgate Street are 2-storey and predominantly semi-detached. The proposed scheme was considered to increase the mass of the dwelling on site and infill an area of garden space, removing the spacing between the dwelling and the neighbour, which would appear out of character with the surrounding area. This impact would be exacerbated by the contrast in styles, materials and heights creating a prominent and jarring feature within the street scene. The inspector agreed that the development would remove the spacing between the dwellings and create a continuous block which would visually compare to a terraced row of properties, thus differing from the neighbouring dwellings and as such creating an incongruous addition. The inspector concluded that the development would be contrary to Policy LP16.

It was also considered that the single-storey extension would have no adverse impacts upon neighbouring users, however the 2-storey extension would have overbearing and overshadowing impacts given the location of the development on the boundary line of the site; effectively boxing in a section to the rear of the neighbouring property at No. 51. The inspector agreed with the Council regarding the impact of the single storey extension, but concluded however, that the 2-storey extension would not significantly enclose or have overbearing impacts on the neighbouring dwelling and garden and as such the development would be compliant with Policy LP2 and LP16 with regard to protecting the amenity of neighbouring users.

The appeal was therefore dismissed on the grounds of the adverse impact on the character and appearance of the area.

**Planning Application Reference: F/YR20/0635/F**

**Site/Proposal:** Land South West of 32 Eastwood End, Wimblington  
Erect 1 x dwelling (single-storey, 3-bed)

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Committee	<b>Appeal Decision:</b>	Allowed
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**Main Issues:**

- **Impact upon the character of the area**
- **Sustainability of location having regard to the spatial strategy**

**Summary of Decision:**

*Background:*

Proposals for residential development of the site had been refused on 5 previous occasions with 3 being dismissed at appeal. The site had previously been found to cause harm to the character of the area and on the grounds that the site was not sustainably linked to the settlement (of Wimblington). This latter point had been subject to differing opinions by Inspectors, with the last appeal in 2018 being the only appeal finding that Eastwood End was well linked.

Whilst the proposal in this latest application was for a single storey dwelling (rather than 2-storey as per previous applications), this was felt to cause harm to the character of the area in view of its location relative to existing dwellings and the semi-rural character of the site, adjacent to a public right of way, contrary to Local Plan policy LP16(d). Furthermore, the Council determined that the site was not sustainably linked to the settlement, in conflict with Local Plan policies LP3 and LP15.

*Character harm:*

The Inspector found that the reduced scale and design was sufficient to avoid harm to the character of the area and street scene and that the site (contrary to previous Inspectors' findings) was more closely related to the built settlement, than to the open countryside and would have little impact on public views.

*Sustainability of location:*

The Inspector concluded that the site was adequately linked to the settlement of Wimblington affording occupiers a choice of transport modes despite acknowledging the lack of lit footpaths would not be suitable for all possible users. The Inspector acknowledged that appeal Inspectors' opinions on this point differed but recognised the conclusions of the previous appeal and the current NPPF.

*Costs application*

The Council submitted an application for partial award of costs in view of the previous appeal decisions which identified character harm through the development of the site.

The Inspector refused the award of costs, in view of the change to the design and scale of the proposed dwelling which, in their opinion, were critical factors in determining the effects of the development on the character of the area in previous appeals.

**Planning Application Reference: F/YR20/1111/F**

**Site/Proposal:** 158 Leverington Common, Leverington, Wisbech, Cambs, PE13 5BP  
Erect a dwelling (single-storey 2-bed)

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

- **Impact upon the character of the area; and**
- **The Impact to neighbouring occupants with particular regard to outlook and light.**

**Summary of Decision:**

*Character harm:*

The inspector felt that the pattern of development, overall, contributed to a strong sense of uniformity in an area that has a pleasantly open and spacious semi-rural feel.

By reason of the proposed position of the dwelling beyond the rear build lines of No. 158 and 156, it would depart from the established build line and appear at odds with the prevailing character of the area.

The constrained width of the appeal site and consequent absence of spacing between the built form and an absence of a frontage to the highway, the appeal scheme would appear cramped within its plot and a strident, dominant and incongruous addition within the streetscene. The proposal would have a significant adverse effect that would erode the established pattern and character of development within the surrounding area.

It was concluded that the development would conflict with Policy LP12 and LP16 of the Fenland Local Plan (2014) insofar as these policies require development to respond to and improve the character of the built environment.

*Amenity impacts:*

The appeal property would be closely positioned to the common boundaries of neighbouring dwellings Nos 156 and 158. Both dwellings contained several windows including patio doors within their rear elevations. The inspector concluded that due to the unrelenting height, depth and mass and its proximity to the neighbouring dwellings, the appeal scheme would overwhelm and appear unacceptably dominant and overbearing to the occupiers of Nos. 156 and 158. This would be harmful to their outlook and materially compromise their living conditions, with regard to outlook and loss of light. Thus, the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan (2014).

*Conclusion:*

The appeal scheme was considered contrary to the development plan by the Inspector. The material considerations were of insufficient weight to justify the development proposed. Accordingly, the appeal was dismissed.