

## AGENDA

### **PLANNING COMMITTEE**

**WEDNESDAY, 1 DECEMBER 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.

You Tube Link:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 20)  
  
To confirm and sign the minutes from the previous meeting of 27 October 2021.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR21/0597/F  
8 The Water Gardens, Wisbech  
Erection of a part 2-storey, part single-storey rear extension; installation of air source heat pumps and PV panels to existing building and formation of a footpath access to school field involving piping of dyke (Pages 21 - 34)

To determine the application.

6 F/YR21/0644/RM

Land East of 20 Station Street, Chatteris

Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR20/0081/O to erect 2-storey 3-bed dwelling (Pages 35 - 48)

To determine the application.

7 F/YR21/0734/O

Land Rear of 222 Lynn Road, Wisbech

Erect up to 9 x dwellings involving the demolition of existing buildings (outline application with all matters reserved) (Pages 49 - 60)

To determine the application.

8 F/YR21/0833/O

Land South of 19 Blackmill Road, Chatteris

Erect up to 6 x dwellings (outline application with matters committed in respect of access) (Pages 61 - 76)

To determine the application.

9 F/YR21/1035/O

Land North East Of Horseshoe Lodge, Main Road, Tydd Gote

Erect 1 dwelling (outline application with all matters reserved) (Pages 77 - 88)

To determine the application.

10 F/YR21/1164/F

17 Thornham Way, Eastrea

Erect a 2.0m (approx) high boundary fence to existing dwelling involving the demolition of existing boundary wall (Pages 89 - 96)

To determine the application.

11 F/YR21/1154/PIP

Land North of Telephone Exchange, Main Road, Tydd Gote

Permission in Principle (1no dwelling max) (Pages 97 - 104)

To determine the application.

12 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor

C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood,

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## PLANNING COMMITTEE



**WEDNESDAY, 27 OCTOBER 2021 - 1.00 PM**

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

**APOLOGIES:** Councillor Mrs J French, Councillor R Skoulding and Councillor D Topgood,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager) and Vanessa Blane (Legal Officer)

### **P53/21      PREVIOUS MINUTES**

The minutes of the meeting of the 22 September 2021 were confirmed and signed as an accurate record.

### **P54/21      F/YR21/0337/O LAND WEST OF 207 TO 215, FRIDAYBRIDGE ROAD, ELM ERECT 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

Members received a presentation in accordance with the Public Participation Procedure from Ben Hornigold, the Drainage Consultant, associated with the application.

Mr Hornigold stated that it is his understanding that the committee had decided at its meeting of 30 June to agree the proposal in principle and defer the application for further detail with regard to the Flood Risk Assessment. He explained that he had prepared the Flood Risk Assessment for the site and consulted the Environment Agency (EA), Middle Level Commissioners and the Hundred of Wisbech Internal Drainage Board, with the exercise confirming that the proposed development was appropriate and would remain safe for the 100-year period as required by the National Planning Policy Framework (NPPF).

Mr Hornigold stated that the site falls within Flood Zones 1 and 2 and in line with the NPPF and associated technical document does not require the exception test to be applied. He explained that the title has mapping provided by the EA and it indicates that the site is not at risk of flooding in the case of a breach in tidal defences and the one in a thousand-year event was applied to that element.

Mr Hornigold stated that the EA and Hundred of Wisbech IDB do not object to the development, with the EA recommending that its advice is followed which it has been, and added that the finished floor levels have been required to be raised by 500mm above the adjacent land level. He made the point that the online Government flood risk data indicates that a small portion of the site may suffer from localised surface water flooding, but expressed the opinion that the standing surface water, which was illustrated, is a consequence of a topographical low in the area and as the development site has been down to grass for the past 17 years, due to the traffic on it, the

compaction of the soil has taken place which has prevented the infiltration of the surface water into the ground.

Mr Hornigold added that the photograph was taken after an extreme rainfall event in December 2020, and this is not the area within the villages that suffered from flooding and the Hundred of Wisbech IDB have indicated that they will look to find a resolution to that problem by revising the way in which they operate. He explained that he undertook the sequential test review, and, in his opinion, there is no other site in the settlement of the same character or equitable to this site, where two properties can be housed on 2.71 acres of land, which offer the same placement of those properties and he asked the committee to support and approve the application because there are no grounds on flood risk to refuse the application.

Members asked Mr Hornigold the following questions:

- Councillor Miscandlon asked Mr Hornigold to elaborate on what advice and mitigation works the Internal Drainage Board have proposed to address further flooding episodes. Mr Hornigold provided detail from a letter received from the IDB confirming that they are undertaking a massive improvement programme including works to the drainage ditches.
- Councillor Sutton asked for clarity for the benefit of other members with regard to the terminology of the word 'free board'. Mr Hornigold explained that free board is the difference in level, between the water level retained in a ditch and the land level it serves.

Members asked officer's the following questions:

- Councillor Murphy referred to Mr Hornigold stating that the site was in Flood Zone 1 and 2 and asked officers to confirm that this is correct. David Rowen stated that he has consulted the EA flood mapping system earlier that day and stated that two thirds of the site is in Flood Zone 2 and the remaining third is in Flood Zone 1.
- Councillor Sutton referred to the exit on to Fridaybridge Road and stated that whilst the hedge on the adjoining dwelling is currently only 900mm high what would happen when it reaches 2 metres high. David Rowen stated that it is a valid issue, which has also been raised by residents in their representations, and added that the Highway Authority have raised no concerns with regards to vehicular access.
- Councillor Cornwell asked for clarity with regards to the application and confirmation that the committee are only considering the issues surrounding flooding and no other aspects of the application which had been discussed at the previous meeting. Councillor Connor stated that it was his understanding that there was another matter to be considered and he asked officers to confirm. David Rowen stated that when the application was reported to members, there were two reasons for refusal, one was due to flood risk, which members requested further information on and the other related to character and appearance. He added that the debate at the meeting on the 30 June concluded that the character and appearance was not deemed an appropriate reason for refusal by committee, however, the officer's professional opinion is that the issue remains and, therefore, there are the two reasons for refusal sited in the officer's recommendation. Councillor Cornwell stated that the committee are, therefore, only looking at the flooding matter of the application and he did not agree with the decision taken by members of the committee at the meeting of 30 June and for that reason he confirmed he would take no further part in the discussion or voting on this item.
- Councillor Sutton stated that he notes that the officer's report references the application as being in Friday Bridge, but, in his opinion, the application site is in Elm.

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

- Councillor Miscandlon made the point that the Drainage Consultant has stated that the IDB are apparently going to carry out large improvement works, however, there were no timescales given to back that information up and the properties will be vulnerable to surface water flooding. He added that even though the properties will be raised by 500mm, it will alleviate some of the problems but will not cure it. Councillor Miscandlon expressed the view that more information regarding the improvement works should be provided and questioned

whether the developer can contribute towards the works to expedite them.

- Councillor Sutton stated that he can answer the question raised by Councillor Miscandlon as he sits on the board of the Hundred of Wisbech IDB and on its working group. He stated that at a recent meeting, two consultants attended to map out the IDB area and the work has already started, with in the region of £1,000,000 having been spent improving the outflow into the Walderley pump and a further £1,000,000 has been spent to line the old arcon pipework with further investment still to be spent.
- Councillor Benney stated that if the application is passed in its outline form, when it is brought back at the reserved matters stage, it will contain a drainage scheme which will either be deemed acceptable or not. In his opinion the application should be passed, and the drainage issues can be reviewed at the reserved matters stage.
- Councillor Mrs Bligh referred to climate change and expressed the opinion that moving forward she expects that there will be further flooding events.
- Councillor Marks stated that the photographs shown were taken following the flooding event in December and there have been two further flooding events since that time and he asked whether Councillor Sutton could advise when the works he alluded to being carried out by the IDB commenced and has it benefitted the area suffering from further flooding episodes. Councillor Sutton stated that the works carried out to date would not resolve the surface water flooding at the site and going forward, in his opinion, there will be no IDB who to date could undertake works to be able to deal with torrential downpours.
- Councillor Sutton referred to the sequential test and stated that there is nowhere in Friday Bridge or Elm with planning permission that would be able to accommodate two dwellings of that size on that size of plot.
- Councillor Murphy stated that Councillor Sutton had stated that there will never be another two dwellings built in Friday Bridge or Elm, as there are no available plots to do it and he questioned his comment as, in his opinion, there will be further development. Councillor Sutton stated that he referring to the size of the plot as most developers will want to build dwellings close together but, in this case, they are nice sized dwellings on big plots.
- Councillor Benney stated that there has been numerous dwelling developments between Elm and Friday Bridge over the last few years which, in his opinion, is a good thing as it maintains the sustainability of the villages. He added that if the reserved matters application is approved, it will bring forward two nice dwellings on a spacious plot which is hard to find.
- Councillor Lynn expressed the view that he will support the application if there are only two dwellings built on the site.
- David Rowen clarified to members that the reason for refusal in respect of flooding is not one concerning the issue of surface water or whether the site can be adequately drained and can be made safe from flooding, it is whether it is an appropriate use of land in a flood risk area. He reiterated that the site is in Flood Zone 2 and local and National policy makes it quite clear that local planning authorities should direct development to area of lowest flood risk. He added that there are sites in Elm and Friday Bridge which would be available for the purposes of the sequential test as set out in the policy and stated that although members have made comments with regard to the IDB and drainage concerns, the recommended reason for refusal is about the sequential approach to flooding and directing development to the lowest risks of flooding.
- Councillor Lynn asked whether the developer already owns the land or has it been purchased specifically for development? David Rowen stated that the applicant is the owner of the land. Councillor Lynn stated that if the applicant already owns the land, he has no reason to look elsewhere for land to develop on. He expressed the view that the sequential test appears to have been written for developers coming into an area looking to buy land and develop. David Rowen stated that the purposes of the sequential test is to put development in areas at lowest risk of flooding to enable planning authorities to make strategic decisions as to where housing development should be located and, therefore, land ownership does not form part of the considerations when applying the sequential test.
- Vanessa Blane, Legal Officer, stated that land ownership is irrelevant, and the sequential test is set out to aid and guide planning committees and local authorities on flood risk.

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

Members did not support the officer's recommendation of refusal as they feel that flooding mitigation measures will be brought forward in the reserved matters application and there is not an abundance of land in the area that can provide this developments potential, with the benefits of approving the application outweighing the non-adherence to the sequential test.

*(Councillor Sutton declared that he knows the applicant for this application, but this will make no difference to any decision made on the application)*

*(Councillor Purser declared in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters that he had been lobbied on this application)*

*(Councillors Cornwell and Sutton both abstained from voting on this item)*

**P55/21**      **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**

David Rowen presented the report to members.

Members asked officers' the following questions:

- Councillor Miscandlon expressed concerns in relation to the term manager's flat as this is very often not the case, with the dwelling ending up being rented out and asked officers to advise what safeguards can be put in place to make sure that this is solely associated with the business. David Rowen stated that if members are minded to grant the application there is the potential to add a condition to limit the occupancy and tie the flat to the existing restaurant use.
- Councillor Cornwell stated he agrees it is an important issue to consider and from the presentation it shows the outside area, which is a service area and could have an adverse impact on the residential amenity space of the conversion. He feels if it is a conversion with the possibility of doing more with it then the lack of residential amenity needs to be considered and he would support a condition as suggested by officers.
- Councillor Marks stated that if a condition was added could it stipulate numbers of persons permitted to reside in the flat to negate any possible issues with overcrowding. David Rowen stated that it would be difficult to add a condition which limits numbers and whilst he accepts the point raised by Councillor Marks in relation the type of housing being occupied intensely, these issues would fall under Housing and Environmental legislation.
- Councillor Connor reminded members that the application being determined is for a manager's flat.
- Councillor Murphy stated that if the Council cannot dictate the numbers that the dwelling can accommodate then, in his opinion, it should be refused. David Rowen stated that to impose a planning condition on a manager's flat to stipulate that it can only house a specified number of people would be unreasonable and any potential breach would have to be addressed by planning enforcement, environmental health, or the private sector housing team.
- The Legal Officer reiterated to members that they must consider the application on the information before them and they cannot work on suppositions or assumptions.



- Councillor Cornwell stated that if there are any associated risks with regards to the occupation of the dwelling then weight should be given to the officer's recommendation with regard to amenity space.
- Councillor Sutton referred to the drawing at page 43 of the agenda pack where it shows 2 vehicles parked on the driveway and stated that, in his opinion, the drawing is either wrong or the vehicles are very small as the amount of space there is limited. David Rowen stated that the issue of car parking and vehicles manoeuvring has not formed the main consideration of the application and he expressed the view that the survey drawings for the living accommodation would be accurate.
- Councillor Murphy stated that when the flat at this premises was previously occupied cars were also parked on the hardstanding area and wheelie bins were then left in Station Road on the road itself. He expressed the view that if cars remain parked there this situation will reoccur. David Rowen stated that there is commercial operation taking place currently on the site and the application is for accommodation associated with that business and the access and level of car parking associated with the business has not formed part of the consideration of the scheme.

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

- Councillor Cornwell expressed the view that if members have concerns about an application then there is the tendency to review the officer's recommendation in finer detail and the actual issue of the environmental aspect with regard to residential amenities has been highlighted by officers and they have recommended refusal on that basis and, in his view, that needs to be considered.
- Councillor Mrs Bligh reiterated the point made by Councillor Cornwell and added that if members have any concerns then the officer's reasons for refusal should be considered as they have considered the application to be detrimental to health and wellbeing.
- Councillor Benney stated that he is familiar with the premises and has eaten in the restaurant a few times and, in his opinion, the owner of the business is operating it in an exceptional way and it is an asset to Chatteris. He added that the owner of the business does not live in the locality and has invested a significant amount of money into the business. Councillor Benney expressed the view they need somebody to live on site to receive early morning deliveries and they will have staff who work late into the evening. He expressed the opinion that he does agree with Councillor Murphy's comment concerning the previous issues with wheelie bins left on the road, but that issue to the best of his knowledge has been resolved. Councillor Benney stated that as the owners live away they want somebody to live on site for security reasons and that as the business is also a licensed premises, it is a good deterrent against crime to have somebody living on site. He stated that the application is for a manager's flat and it needs to be taken at face value and, in his opinion, it is a good thing for the town and for the business and everything should be done to support the owner. Councillor Benney stated that the premise will be subject to regular inspections from Environmental Health due to the nature of the business and if the owner breaches any legislation then the Council has the powers to take any necessary action. He expressed the view that the address of the premises is in Market Hill, which is a town centre location and, therefore, the application site does not need any car parking and the comments surrounding parking facilities is irrelevant. Councillor Benney stated that the 6 wheelie bins are for the business and the waste arising from the manager's flat can be disposed of in the commercial bins. He feels there will be no issues of overlooking as the premises next door is a solicitors and he cannot see any issues at all with the application and will be voting to go against the officer's recommendation and support the application.
- The Legal Officer drew members attention to the officer's reasons for refusal, which are that it is contrary to the National Planning Policy Framework and Local Planning policies.
- Councillor Purser expressed the view that local businesses should be supported, and he agrees with the views of Councillor Benney.
- Councillor Miscandlon stated that he agrees with some of the comments made by Councillor

Benney, but, in his opinion, the application does not address the good amenities that the occupation of the premises would require and the amenities in place are substandard and would affect the health and wellbeing of any occupant living there.

- Councillor Mrs Bligh referred to a recent application in Wisbech St Mary, which was also a site where the applicant wished to reside on the site of his business and was also approved against the officer's recommendation due to the fear of opportunistic crime in Fenland. She added that businesses should be encouraged and if the owner does not live locally and it leaves the premises insecure, she does not see any reason as to why the proposal should not be supported.
- Councillor Cornwell made the point that much of what has been debated already are not planning matters and, in his view, the application must be looked at as it stands, and consideration should be given to the comments made by the Planning Officer.
- Councillor Sutton expressed the view that every attempt should be made to support and assist local businesses. He questioned the fact that if the application site was a flat a few years ago and is considered to be detrimental to health and wellbeing now that must also have been the case previously. Councillor Sutton stated that he has reservations in several areas of the application and consideration should be given to what can be done to improve those areas to make the application acceptable in planning terms. He stated that lots of flats do not have amenity space and questioned whether conditions could be added to the application if it was approved against the officer's recommendation.
- Councillor Lynn referred to 1.4 of the executive summary of the officer's report where it states that owing to the limited natural light ingress to the proposed flat, the scheme will result in poor residential amenity for the occupant and, in his opinion, adding an additional window may help provide a solution, if not cure the problem totally. He added that it also makes reference to the refuse bins and the delivery point for the restaurant outside the proposed access to the flat where it states that it would cause rise to the potential of noise, odour, and pests, resulting in substandard living conditions for the occupants of the flat but, in his opinion, these issues would be down to the operating practices of the manager of the restaurant as to how it effects the living standards of the occupants of the flat.
- Councillor Connor stated that the application has to be considered as a manager's flat and if there are any issues pertaining to the running of the business these can be dealt with by the appropriate departments at the Council.
- David Rowen highlighted to members the officer's recommendation for refusal which are based on the standard of accommodation and amenity which would be afforded to the resident of the flat. He added that members have highlighted other issues concerning what the flat may or may not be used for, but that does not form part of the officer's reasons for recommending refusal, which include the poor quality of light, outlook, adjacent commercial activities and nature of those and the poor quality of living accommodation.
- David Rowen referred to the point raised by Councillor Sutton as to why the application was deemed acceptable in 2012 and he added that at that time policies were slightly different and greater weight was given to facilitating bringing back of the building into wider use. He added that over the last few years the advice from Central Government has significantly increased with regard to quality of living environment, including good levels of accommodation and natural light and the permitted development regime has changed and natural light calculations now have to be provided to ensure schemes have a higher quality of living accommodation provided. David Rowen explained that it is for those reasons that the officer's recommendation has been made, assessing all of the amenity issues which are apparent to officers, notwithstanding the benefits that there may be to the business and there may be other units in the town centre that have accommodation associated with them. He added that the application has been looked at in isolation and in making an assessment whether the proposal affords a good quality living accommodation for future residents.

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

**Members did not support the officer's recommendation of refusal as they feel that the proposal provides a purpose for the business and will improve the health and wellbeing of the occupants of the flat, with the benefits of the scheme to the business outweighing the poor quality of residential environment for the occupier.**

*(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Planning Committee but was not present when the item was discussed.)*

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

**P56/21      F/YR21/0804/F  
LAND WEST OF 256 RAMSEY ROAD ACCESSED VIA, MILK AND WATER  
DROVE, PONDERSBIDGE  
ERECT 1 X DWELLING (SINGLE-STOREY, 4-BED) INVOLVING THE FORMATION  
OF A NEW ACCESS**

David Rowen presented the report to members.

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

- Councillor Benney stated that the application site did have a previously approved planning permission, which was also without a sequential test and, in his view, members need to be consistent in their decision making. He acknowledged that the application is in Flood Zone 3, but for consistency he will be approving the application against the officer's recommendation.
- Councillor Sutton stated that he is struggling to see why this application should not be approved as the site did have planning permission previously which has since expired and, in his view, it would therefore be unfair for the proposal before members not to be granted.
- Councillor Cornwell stated that he was surprised that the site has not been built on before as it is in a very good location. He expressed the opinion that the current Local Plan does not cater for small hamlets and there is no possibly that development can take place in Pondersbridge without being in Flood Zone 3. Councillor Cornwell expressed the view that the proposal will add value to the hamlet, and he does not see any issues with the application and will support it.
- Councillor Connor stated that if the floor levels are raised then he cannot see any issue with the proposal.
- Councillor Bligh stated that she cannot see any reason why the application should not be supported.
- Councillor Marks stated that he can recall that the field opposite the bus stop used to flood regularly, however, the application site to the best of his knowledge has never been known to flood.
- Councillor Murphy stated that he agrees with the comments made by other members and he can see no reason why the site should not be built on.

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

**Members did not support the refusal of planning permission as they felt that the application site was the only available land in Pondersbridge, apart from one other site which was not in Flood Zone 3, due to the site previously having approved planning permission members should be consistent in decision making and with adequate mitigation measures against flooding being put in place the site has less chance of flooding than the surrounding**

properties.

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and took no part in the discussion and voting thereon)*

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

**P57/21**

**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**

David Rowen presented the report to members.

Members received a presentation in accordance with the Public Participation Procedure, from Mr Ian Lockhart, in objection to the application.

Mr Lockhart stated that he is currently building dwellings to the north of the applicants' business premises. He expressed the view that he has no objections to the running of the current business and respects that it has been in the village for a long time but stated that if approved any new planning application needs to take into consideration the health and safety regulations and respect the neighbouring properties and surrounding area.

Mr Lockhart stated that the applicant has objected to every planning application for the houses to the north and the bungalows to the south and that the future homeowners will complain to the Council about the noise created from his business. He stated that as the application is for a new engineering workshop much closer to the houses to the north of the original buildings, if the application is approved, in his opinion, it is the perfect opportunity for the Council and the applicant to install sound reducing cladding to the new building to negate noise complaints in the future.

Mr Lockhart added that he is also concerned about the chemicals which he believes could be stored on the site due to the type of business in operation and expressed the view as to whether a concrete floor should be stipulated, rather than an earth floor, to mitigate any spillages or leaks omitting from the spraying machinery stored to ensure that any issues can be cleaned and cleared appropriately and there needs to be consideration given to the local children and grandchildren that reside locally in this instance. He expressed the view that according to the current application and the previous application that was approved in 2020, both are more than 60% bigger than the replacement buildings and questioned that if this increase is required for business expansion, will it also mean an increase in agricultural traffic and employees working on site?

Mr Lockhart stated that Wype Road has a weight limit and road width concerns have been raised previously by the Highway Authority with regard to other planning applications. He expressed the opinion that misinformation has been presented to Whittlesey Town Council, the Planning Department at the Council, and the Planning Committee with regard to information provided concerning the electricity power lines and the electricity transformer, which is situated between his site and the applicant's business premises.

Mr Lockhart explained that the transformer pole is on the southern side of an existing boundary fence and within a laurel hedge which he assumes belong to the applicant. He referred to the presentation screen which showed the hedge and electricity pole and added that it has been suggested as part of the planning process that the laurel hedge is part of his land but on the

planning application it details the hedge as being on the applicant's land forming the north west boundary of the site.

Members asked Mr Lockhart the following questions:

- Councillor Marks advised Mr Lockhart that chemicals stored on site can be kept in a bunded facility that can be in a metal frame and still leak regardless of the type of surface that they are stood on. Mr Lockhart stated that he has seen the open tanks and between the sprayers and the open tanks there can be spillages and that the Environmental Protection Team at the Council have also seen them. Councillor Marks asked Mr Lockhart whether he believes that the chemicals are being stored illegally and he responded that he did not know. Councillor Marks advised Mr Lockhart that it is a matter for the Environmental Health Team to consider and it is not a material planning consideration.
- Councillor Lynn stated that under 10.5 of the report it explains that a local farmer also uses the premises for maintenance to his equipment and it states that the business owner requires all chemicals to be emptied from the equipment before it is allowed on the premises. Mr Lockhart expressed the view that he does not know if that is the case and added that he has spoken to the farmers who have advised that they have taken sprayers there which still contain chemicals and if there are any mitigation measures which can be put in place to alleviate any issues.
- Councillor Connor stated that there is a great deal of supposition and advised Mr Lockhart that any concerns that he may have need to be raised with the Environmental Health Team for investigation.

Members received a presentation in accordance with the Public Participation Procedure, from Martin Williams, the Agent.

Mr Williams stated that the proposal is to replace the existing workshop with one which is 4% smaller than the existing building. He explained that there are six letters of objection to the proposal and 17 letters of support, with the objections centred on environmental, traffic and noise issues and a transformer on the application site.

Mr Williams added that there have never been any complaints in the 22 years that the owner has occupied the site and the only liquid used in the agricultural business to calibrate the sprayers is water. He stated that Highways have no objection and Whittlesey Town Council have withdrawn their objection regarding the transformer as they have concluded that it is not on the applicant's land.

Mr Williams explained that the design and appearance of the proposal are accepted by the Planning Officer and the design is no higher than a single storey ground floor domestic extension. He explained that the letters of support have included comments such as the site will be of benefit to the local community, it is essential service to farmers and stated the importance of continuation of a family business.

Mr Williams explained that all sprayers are purged of all hazardous chemicals prior to arrival on site and all maintenance and repairs are conducted with clean water. He added that the business is a main certified agent for a number of international companies, with the business undergoing rigorous yearly audits to ensure it remains compliant and concluded by stating that no hazardous chemicals are stored on site.

Members asked Mr Williams the following questions:

- Councillor Sutton referred to page 46 of the officer's report where it refers to composite cladding to the exterior walls and asked for clarity that it is double skinned which is a sound deadening material. Mr Williams confirmed that is correct and they have also undertaken a test to ensure everything is in order.
- Councillor Sutton asked for clarification that on the extant planning permission size and

stated that the length is 21336 metres by 7925 metres and the current application is 15.250 by 7925, which is over 6.86 metres shorter. David Rowen stated that if the applications are reviewed accumulatively, the application which was granted in 2020 which is now built on site did propose an increase in floor space over and above the buildings that it replaced of approximately 35%, whereas the current application proposes a slight reduction of 4% and, therefore, overall taking the two developments together there would be a 30% increase in floor space, with the buildings also being higher.

- Councillor Cornwell asked for an explanation as to why an earth floor is used as opposed to a different surface. Mr Williams stated that in his opinion a concrete floor is not needed as it is only water that is sprayed in the building. Councillor Marks stated that if a soil floor is used then the spray pattern can be seen more easily.

Members asked officers the following questions:

- Councillor Mrs Davis asked David Rowen to confirm whether the Environment Agency have been consulted regarding the concerns over the soil surface being used as flooring. David Rowen stated that the Council's Environmental Health Team have commented on the application and they do not have any concerns. He added that they were also consulted on the 2020 application and no representations were made from any technical bodies concerning that application.

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

- Councillor Benney stated that, in his opinion, officers have made the correct recommendation on the application. He added that there are no technical reasons in objection to the application and, in his view, there are no planning reasons for this application to be refused. Councillor Benney stated it will be nice to see the business grow and thrive and he wishes the applicant well.
- Councillor Sutton stated that he understands the concerns of the residents and there has also been a lot of misconception surrounding chemicals and agriculture, however, chemicals have changed farming over the years beyond recognition. He expressed the opinion that earth flooring is the better option, when testing the spray facility, as the water will be absorbed far better than a concrete floor. Councillor Sutton expressed the view that he agrees with the officer's recommendation and he will support the application.
- Councillor Cornwell expressed the view that officers have made the correct recommendation and it is a well-established business which has been on site for a considerable amount of time. He added that everybody who resides in the locality is aware that the facility is in operation 24 hours a day 7 days a week.

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

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and took no part in the discussion and voting thereon)*

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

**P58/21**

**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**

David Rowen presented the report to members

Members received a presentation, in accordance with the Public Participation Procedure, from Gina Taylor, an objector to the application.

Ms Taylor stated that she is representing the objecting bungalow residents along Creek Fen and added that these are not solely her personal views and concerns. She added that the residents of just one of the bungalows knows Mr Upton, the applicant, and she clarified that none of the objections are directed personally towards him.

Ms Taylor expressed the view that they strongly feel that the application is completely detrimental and out of character with the surrounding bungalows and she added that the proposed properties are approximately 8.9 m in height and the current UK average height for a two-storey property is between 4.7 m and 5.8 m. She added that the plans clearly show windows in the roof and a large void area on the first floor indicating the true intention is for 2 times 3 storey properties.

Ms Taylor stated that the proposal does not make a positive contribution to the local distinctiveness and character as required by new development under Policy LP16 of the Local Plan. She stated that the site is not Brownfield, so it is in clear conflict with LP3, and as such to be used for land-based purposes.

Ms Taylor explained that most of the surrounding neighbours were present when the land was used for pigs with no concerns other than pigs escaping into the gardens. She stated that with the current buildings being in a derelict state there could be a case for abandonment before they could be used for housing livestock again and, in her view, the site is a haven for wildlife enjoyed by the residents and a late submission ecology report states the presence of Pipistrelle bat droppings.

Ms Taylor added that when considering the sightings of bats in the resident's gardens they all request that the site be fully and independently surveyed before any clearing of the land or buildings works are undertaken and with special attention to the genuine and real potential for Protected Species on site especially bats and newts, as these creatures are most likely to inhabit the most undisturbed and inaccessible areas. She explained that flooding around the residents' properties is already an issue, with surface water in their gardens a regular occurrence following heavy rainfall and referred to the presentation screen which showed instances of historic flooding.

Ms Taylor explained that there is concern regarding the dimensions and general access to the site and she requested that this should be properly and independently measured with the relevant neighbours present as well as the applicant. She made the point that the Fenland Local Plan addresses facilitating the health and well-being of Fenland residents, however, in her opinion, the types of residents occupying such huge properties will undoubtedly be families, totally different to the current homeowners.

Ms Taylor stated that all immediate neighbours on all 4 sides joining the site have objected and the application has been refused twice before and, in her opinion, the Agents are still presenting the Council with aerial site photographs from over 10 years ago. She stated that the road infrastructure has not improved during this time and the applicant has not updated the plans to be more sustainable with no consideration for climate change.

Ms Taylor concluded by stating that she trusts that the committee will come to a thought out and fair conclusion to the application in an unsustainable location for development.

Members asked Ms Taylor the following questions:

- Councillor Marks asked when the site ceased being a piggery and Ms Taylor stated that it was approximately 10 years ago.

Members received a presentation, in accordance with the Public Participation Procedure, from Gareth Edwards, the Agent.

Mr Edwards explained that the application is for 2 executive agricultural styled dwellings at land at the Piggeries, Flaggrass Hill Road, March, which has the support of March Town Council and all other standard consultees. He stated that the site is within Flood Zone 1 of the Environment Agency maps, which further supports residential development on the site and added that March is a market town under Policy LP3 where the majority of the new housing should take place.

Mr Edwards explained that the site is in a cluster of dwellings all within a close distance to the facilities in March, especially the railway station, which, in his opinion, make the site ideal for the use of public transport for both work and leisure and the site also mirrors a number of recently approved dwellings within the district and surrounding area. He stated that the dwellings have been designed so as not to have a detrimental impact on neighbouring properties and will utilise the existing access on to the site and upgrade it as required by the Highway Authority.

Mr Edwards explained that comment has been made on the gable features, which are traditional brick detailing not windows as there is no space in the roof as part of the proposal and the choice of agricultural styled dwellings fits in with the existing use on the site which was the applicant's fathers' piggeries that have been left unused for a number of years. He stated that the land has not been farmed either so there is no loss of food producing land by this development, and due to the size of the holding and access to it, it is not suitable for the large farm vehicles that are seen on the surrounding roads.

Mr Edwards explained that a full ecology survey and report has been carried out by Philip Parker Associates, which shows that the proposal will have minimal impact on the ecology on the site and he is prepared to accept the findings in his report and provide ecological enhancement on the site. He stated that the existing boundary treatments are to remain and be reinforced where required to maintain privacy to existing and proposed dwellings and additional landscaping is proposed, being happy to accept a condition for the retention of existing boundary treatment.

Mr Edwards expressed the view that the proposal makes the best use of the land and will finish off this part of the town and remove any conflict between the existing residents and any future non-residential use on the site. He expressed the view that the proposed site has ample size to accommodate both surface water and foul water from treatment plants and will be subject to a soakage test carried out in accordance with BRE365, with consideration also to be given to the use of rainwater harvesting and all soakaways will be positioned so as not to have any detrimental effect on neighbouring properties and building regulation compliant.

Mr Edwards expressed the opinion that it has been stated at previous planning committees that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like these will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contribute to other businesses in the district. He added that support for this type of development can be seen in the 24 letters of support from neighbouring properties and local developers with many showing an interest in purchasing the site to build out what is proposed, and he asked the committee to support the proposal and approve the application with the conditions members deem appropriate.

Members asked M Edwards the following questions:

- Councillor Cornwell asked for clarification as to how long it has been since the site was an actual operational piggery and Mr Edwards responded that the previous speaker had mentioned that it was 10 years, however, he did not think that information was correct. Councillor Cornwell stated that he also agrees that ten years is incorrect due to the



condition the area is in and he added that the owner has already stated that that if planning permission is refused, he will revert the building into pig farm usage.

- Councillor Mrs Bligh questioned whether bat boxes could be introduced on the site should planning permission be approved? Mr Edwards stated that this is something that can be included, and the surveyors had advised there was an area which could not be surveyed at the time but further investigation under a licence would be carried out.

Members asked officer's the following questions:

- Councillor Cornwell stated that he has noted that at the back of the site there is a drain and he questioned whether there has been any response as part of the consultation process from Middle Level Commissioners? David Rowen confirmed that there had been no response received from the Middle Level Commissioners.
- Councillor Mrs Bligh asked, as she notes that there are flooding issues, whether the Environment Agency maps are out of date? David Rowen stated that the source of flooding appears to be a surface water issue, or a drainage problem rather than a more strategic flood issue and added that Flood Zone 3 does come close to the area, but the majority of the dwellings are situated in Flood Zone 1.
- Councillor Murphy asked why Cambridgeshire County Council are insistent on an archaeological investigation on the land, as it will mean an additional expense for the applicant? David Rowen stated that the line of the Fen Causeway, which is a substantial piece of archaeology in Fenland, runs through the middle of the site, and over a number of years, the Fen Causeway has been subject to a number of archaeological finds. Councillor Murphy questioned what the process will be if something is found on the site? David Rowen stated that the officer recommendation encompasses three significant reasons for refusal and if members decide to go against the recommendation, there is also a recommendation for an archaeological condition to be added and if there is something found then that would need to be addressed at that time dependent on its significance.
- Councillor Marks questioned whether there is the requirement for piggeries to be phased out due to their impact on the environment? David Rowen stated that Planning Officers and the Committee are looking at the usage of the site for residential development and members need to decide whether the proposal is a suitable usage of that land taking into consideration the relevant planning policies, with the historic use of the site not being a material planning consideration.

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

- Councillor Cornwell stated that the Fen Causeway is a Roman causeway which goes through the area and he can understand why the County Council Archaeology Team have an interest in the site as our heritage needs to be protected. He added that the area is not adjacent to March and it is a small area which, in his opinion, should be left as a small area. Councillor Cornwell expressed the view that that the proposal is for substantial buildings, which are out of keeping, apart from one recently developed dwelling as most of the surrounding dwellings are all low level and the proposal would not be in keeping with the area.
- Councillor Mrs Bligh stated that she is concerned that the proposal is for two storeys which will overlook bungalows.
- Councillor Sutton stated that the proposal does not align with the true specification of brownfield although it does have the built form and, in his view, he would expect all the pig sty areas to be bound by concrete drives and paths. He added that in terms of permeable area, in his opinion, the proposed dwellings will be less than what is

already on site, which will improve the flood risk issues. Councillor Sutton stated that if the proposal had been for four single storey dwellings he may have been in support of the application, but the site is an awful mess and already has built form on it. He expressed the opinion that as long as the distances are within the permitted parameters of 21 metres there is no difference for a 2-storey dwelling being built there or in another location. Councillor Sutton stated that he could consider supporting the proposal and supporting the application, against the officer's recommendation.

- Councillor Miscandlon expressed the opinion that he is always surprised that redundant piggeries can be allowed to deteriorate into a dilapidated condition and the Planning Officers are presented with a proposal to build two exceptionally large dwellings. He made reference to a previous planning application at the same location, which was also refused, and, in his opinion, nothing has changed with the current proposal, with these proposed dwellings being exceptionally high, and, in his view, that should be reflected in the decision.
- Councillor Benney expressed the view that the plans show that the dwellings are high but are also a fair distance from the other dwellings and the layout shows that most of the gable wall have no windows which would, therefore, not cause any overlooking. He added that the build form of the old piggery is no different to the proposal for the dwellings and, in his opinion, they would not be built any further into the open countryside than the existing dilapidated buildings on the site. Councillor Benney stated that the proposal would smarten the area up, and it is a fair distance from the existing dwellings and, in his view, it would provide good homes for people as long as there is no overlooking.
- David Rowen clarified that the relationship between the proposed dwellings and the existing dwellings is not the recommended reason for refusal. He stated that the reason for refusal is the incongruous visual impact of two substantial detached dwellings being located at the back of existing single storey dwellings and the visual conflict that would arise from that which would be detrimental to the character and appearance of the area. David Rowen stated that with regard to the sustainability of the proposal, the application site is physically detached from the main settlement of March and does not comply with the definition of LP12 of the Local Plan which was the previous reason for refusal made by the committee in 2018. He added that the decision was made in the context that the Council did not have a five-year housing land supply at the time and greater weight should have been given to the delivery of housing than needs to be given currently due to the fact that there is a 6.69 year housing land supply. David Rowen referred to the comment made by Councillor Sutton with regards to whether the site is brownfield land or not and he added that the definition of brownfield is contained in the glossary within the National Planning Policy Framework document, which excludes agriculture and land previously used for agriculture purposes and, therefore, from a planning policy aspect the land is not previously developed and cannot be considered as such, which is consistent with the view that the planning committee took in 2018. He added that at that time issues surrounding tidying the site up were also considered and the committee decided that the state of the land and the condition of the land was not a justification to go against planning policy.
- Councillor Benney stated that there has been flooding in the area and building can resolve flooding issues. He added that the agent has advised that the site can deal with surface water in terms of permeable surfaces. David Rowen stated that if there is a development site with issues of surface water flooding potentially putting an engineered solution into that may resolve the issue. He stated that the information provided to members does not show the application site being affected by flooding, it is only Brownlows Yard which is 50 yards away and adjacent gardens in the vicinity

which have been subjected to flooding and there is no information to show what the source is which is causing the flooding and there is no information to determine whether the application site suffers from surface water flooding and whether developing the site would provide an engineered solution.

- Councillor Cornwell stated that there has been no response from the Middle Level Commissioners, however, he is aware that there have been drainage issues nearby and he is not convinced that there would not be drainage issues on site. He added that if permission was granted would drainage be a consideration at the detailed stages of the application? David Rowen stated that it is a detailed application and if members granted planning permission, given the uncertainty around the drainage situation with the site and surrounding area, a condition with regard to surface water drainage could be applied. Councillor Cornwell expressed the view that is something that would definitely need to be included should approval be given.
- Councillor Sutton stated that the Middle Level Commissioners do not have the manpower to respond in detail to every single planning application and they are not statutory consultees.
- The Legal Officer addressed the committee and stated that the application has been before the Council twice, once as a delegated decision in 2016 and once before the committee in 2018, and those decisions were very clear. She added that the officer has given the committee three very sound reasons for refusal and if the committee are minded to go against the officer's recommendation for refusal then they Council may be subject to a complaint to the Ombudsman and/or be subject to a Judicial Review, which may result in a cost award against the Council.

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

*(Councillor Connor registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application and therefore took no part in the discussion and voting on this item)*

*(Councillor Mrs Davis assumed the position of Chairman for this item)*

*(Councillor Lynn left the meeting during the discussion on this item)*

## **P59/21      PLANNING APPEALS.**

David Rowen presented the appeals report to members.

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

- Councillor Sutton referred to the Eastwood End appeal and stated that over the years officers have cited the recommendation for refusal as Eastwood End is in an elsewhere location and, therefore, unsustainable. He asked that now an Appeal Inspector has made his decision, which is different to all other decisions made by Inspectors previously, would that now mean that officers will look at that settlement differently? David Rowen stated that the point could have been raised that the decision made was an inconsistent decision taken by this Inspector. He added that the issue which has changed the thinking in respect of Eastwood End is the granting of planning permission in August 2021, where the Planning Committee decided that it was a sustainable location connected to Wimblington. David Rowen stated that the Inspector's decision followed by the decision made by the Planning Committee for the purposes of consistency may now change the way Eastwood End is viewed going forward. Councillor Sutton asked will that view be held by officers going forward? David Rowen stated that

officers need to be mindful of decisions made by the Council and the last decision made by the committee in respect of Eastwood End is that it is an appropriate location for residential development and, therefore, the in principle issues that surrounded Eastwood End in the past have now been eroded by the decision of the Inspector and that of the committee.

- Councillor Mrs Davis stated that it is unfortunate that the Inspector did not take into consideration that this particular application was a lot further out of the settlement than the applications that the committee had deemed acceptable. She added that this application had to cross a public byway and she fails to understand how the Inspector reached his decision.
- Councillor Murphy questioned that if another application is brought forward then it would need to still be considered as a standalone development. David Rowen stated that although the broad principle would be accepted, it would not mean that the assessment of the individual character and appearance issues would not still be required.

**Members agreed to note the appeals report.**

4.26 pm

Chairman

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**F/YR21/0597/F**

**Applicant: Mr Chris Staley  
Wisbech Grammar School**

**Agent: Mr Andrew Dighton  
Wisbech Grammar School**

**8 The Water Gardens, Wisbech, Cambridgeshire, PE13 1LD**

**Erection of a part 2-storey, part single-storey rear extension; installation of air source heat pumps and PV panels to existing building and formation of a footpath access to school field involving piping of dyke**

**Officer recommendation: Grant**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks planning permission to erect a part 2-storey, part single-storey rear extension; installation of air source heat pumps and PV panels to the existing building and formation of a pedestrian access to the school field involving part piping of a dyke at an existing boarding house adjacent to the Wisbech Grammar School site at 8 Water Gardens, Wisbech.
- 1.2 The proposal is acceptable in design, amenity space, parking and flood risk terms, and whilst there are no issues of overlooking, overbearing or overshadowing to reconcile, there are limited impacts to residential amenity with regard to possible noise implications.
- 1.3 Concerns from local residents were raised with regard to character, highway safety, drainage, and the future use of the development. These matters are addressed in more detail below, and it is suggested that necessary conditions are imposed to mitigate any impacts.
- 1.4 The below assessment deems the proposal to be compliant with the relevant policies within the Fenland Local Plan (subject to necessary conditions) and as such the recommendation is to grant the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated within the settlement of Wisbech and lies to the north of Barton Road as part of the residential development in The Water Gardens. The dwelling is a two-storey, chalet-style dwelling constructed of buff brick with concrete interlocking tile roof and white uPVC fenestration. Immediately to the east of the site lies the school grounds and sports field of Wisbech Grammar School.

### **3 PROPOSAL**

3.1 This application seeks planning permission to erect a part 2-storey, part single-storey rear extension; install air source heat pumps and PV panels to the existing building and form a footpath access to the neighbouring school field involving culverting of part of a dyke. The works are proposed as an enlargement to an existing boarding house at the site to add additional pupil and staff bedrooms along with associated common spaces and tutor rooms with pedestrian access to the school to the rear of the site.

#### **3.2 Extension**

The proposal encompasses a part 2-storey, part single storey rear extension that will project approximately 22m to the rear of the host dwelling by a width of approximately 13.7m. The single storey element will be positioned to the western side, and the 2-storey element to the eastern side. The single storey element will include a flat roof and will reach a maximum height of approximately 2.8m. The 2-storey element, of approximately 7.3m wide, will include a cross gable roof and will reach a maximum ridge height of approximately 6.6m and an eaves height of approximately 2.8m, both to match the existing dwelling.

3.3 The 2-storey element will include a flat roof dormer projection to the eastern and western roof slopes. The western facing dormer will project approximately 2.4m from the roof slope at a height of approximately 5.4m. The eastern dormer will be smaller, with a projection of 1.5m from the roof slope at a height of 5.4m.

3.4 The extension is proposed to be constructed of materials to match the existing dwelling.

#### **3.5 Infrastructure**

The proposal also seeks to include an air source heat pump system, topped up with power generated from PV panels positioned on the south facing roof of the existing house. There will be no power returned to the grid, but instead will provide battery storage for unused energy that will contribute to the overnight energy use.

#### **3.6 Pedestrian Access**

As the site is adjacent the school playing fields the proposals include the creation of a pedestrian access onto the school site via a gate from the back garden of the house. This will be achieved by culverting a 30m (approx.) section of the drainage ditch that runs to the east of the site, completed in accordance with the North Level Drainage Boards requirements. This will also see an enlargement of part of the rear garden of the dwelling.

3.7 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

F/YR20/1099/F	Change of use from 7-bed dwelling (C3) to 5-bed boarding house (C2) for Wisbech Grammar School including external alterations	Granted 11.01.2021
F/YR03/0886/F	Erection of a 2-storey side extension to existing dwelling	Granted 01.09.2003
F/YR03/0450/F	Erection of 2-storey rear extension to existing dwelling	Refused 23.05.2003

#### 5 CONSULTATIONS

##### 5.1 Wisbech Town Council

*That the application be supported.*

##### 5.2 PCC Wildlife Officer

**Recommendation:**

*No objection subject to conditions.*

**Recommended condition(s):**

**Compliance conditions –**

- *No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

*Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Peterborough City Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.*

- *The development hereby permitted shall not be occupied until at least 1 bird box 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 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.*

**Comment:**

*This proposal presents very little in the way of ecological damage with only the removal of a tree significantly reducing available habitat. With that in mind all the recommendations within the ecological report are appropriate and reasonable. They have been conditioned here.*

### 5.3 North Level Internal Drainage Board

*My Board has no objections in principle to the above application, however, I would make the following observations:-*

*1. I note that the application refers to an intent to pipe the Boards Still Drain Extension to the east of the property to create a footpath link for direct access to the school. An application will be required to request consent from the Board to pipe this section of the drain.*

*2. Disposal of additional surface water is to the existing watercourse. The applicant will need to complete an application to discharge and a development levy in accordance with the enclosed will be payable to deal with the increase in run-off from the site.*

### 5.4 Environment Agency – original comments received 23.06.2021

*We have **no objection** to the proposed development provided that your Authority considers that the application meets the Wisbech Flood Toolkit guidance. We have reviewed the submitted FRA (Ellingham Consulting LTD. ECL0445/Shield Wilson dated March 2021) and list the key points below to help the LPA access whether the application is appropriate:*

*The extension includes a ground floor bedroom for staff.*

*The hazard mapping shows where the extension is proposed there could be 1m depths for the 0.5% (1 in 200) and 0.1% (1 in 1000) with climate change scenarios. The submitted FRA states that the extension is proposed on land with typical level of 2.2mAOD.*

*To mitigate the residual hazard depth the finished floor level of the extension would ideally be set at 3.2m AOD.*

*However the FRA proposes a finished floor level is the same as the existing boarding house which is 2.75mAOD, approximately 0.55m above existing site levels in the area of the proposed extension 0.45m below the predicted flood depths.*

*The FRA recommends that there is "0.5m of flood resistant construction and 0.5m of flood resilient construction above finished floor level. The existing boarding house does not have flood resistant construction and therefore appropriate measures should be put in place to ensure that the development does not flood from the existing boarding house".*

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

- Adding a first floor;*
- The addition of a mezzanine floor;*
- Altering a bungalow to become a chalet bungalow; or*



- *Providing room within an easily accessible loft space with velux windows added”.*

*The existing ground floor of the boarding house has ground floor sleeping accommodation for students. The boarding house has floors that are above the flood depths.*

#### 5.5 **Environment Agency – additional comments received 06.09.2021**

*Our previous response is still valid but the LPA should consider these additional points: The larger extension proposed has increased the number of bedrooms on the ground floor by 3 (1 staff and 2 pupils). The LPA needs to consider the impact on the emergency plan and whether the development will be safe and in accordance with the Wisbech Flood Toolkit guidance.*

*The extension may also now extended into an area at greater risk from a breach in the flood defences. The staff bedroom suite may now be risk of depths of 1m to 1.6m in the 0.1% (1 in 1000) hazard mapping. The FRA has not been updated so assume the previous flood risk mitigation is still proposed which could mean much greater depths in this part of the building.*

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

The LPA received 13 letters of objection from eight address points, seven from The Water Gardens and one from Pickards Way. The reasons for objection are noted as impacts to character, scale, and amenity, highways safety, flooding and drainage and concerns over precedent. In addition, queries were raised relating to the future use of the development should its proposed use as residential boarding house cease. The relevant material planning considerations as outlined within the comments received are assessed in more detail below.

There were further comments received within several objections relating to the existing covenant on the property and that the proposed development would be in breach of said covenant. This, however, is a civil matter that does not form part of the material planning considerations of the proposal.

### **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 11 – Presumption in favour of sustainable development  
 Para 47 – Decisions should accord with the development plan  
 Para 130 – Good design
- 7.2 **National Planning Practice Guidance (NPPG)**
- 7.3 **National Design Guide 2019**

#### **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

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

Cambridgeshire Flood and Water SPD (2016)

### **8 KEY ISSUES**

- **Principle of Development**
- **Design and Character**
- **Residential Amenity**
- **Flooding and Drainage**
- **Parking**
- **Other Considerations**

### **9 BACKGROUND**

- 9.1 This extension element of this application was originally proposed as a part single-storey part 3-storey rear extension. In considering the original proposals it was considered that the proposed extension was incongruous to the original style of the host dwelling with regard to scale, design and materials. In addition, the 3-storey proposal was considered to form an incongruous and dominant feature that jarred with the host dwelling and would appear out of character.
- 9.2 It was therefore recommended that the overall scale, layout, massing and design of the extension be reconsidered, and a revised design submitted for consideration. The current scheme has been amended to reflect this advice.
- 9.3 The site was granted change of use from a dwelling (C3) to a boarding house (C2) in January 2021 under F/YR20/1099/F. As such the proposal does not require a further change of use, and instead seeks to increase the level of accommodation at the site under C2 use.

### **10 ASSESSMENT**

#### **Principle of Development**

- 10.1 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. The principle of the development is therefore acceptable subject to the policy considerations set out below.

### **Design and Character**

- 10.2 The proposed extension will be set entirely to the rear of the existing building and will match the height of this. Thus direct views of the extension within the streetscene on approach to the site from the south will be limited. Views of the proposal will be visible from the west along Water Gardens, where the overall expanse of the entire development may be apparent. However, given the proposed height of the development being no higher than the existing dwelling and with screening provided by mature vegetation to the west of the site the impact overall will be minimal. The proposal will not appear unduly dominant given its proposed height, single storey elements, and available vegetation screening.
- 10.3 Whilst it is acknowledged that the proposed extension is substantial, the overall plot is ample to accommodate the development. As such, the proposal will not constitute overdevelopment of the site.
- 10.4 The proposed extension is intended to be constructed of materials to match the existing and as such will not appear incongruous.
- 10.5 Given the above, it is considered that the proposed scheme is considered compliant with Policy LP16 (d) with regard to design and character.

### **Residential Amenity**

- 10.6 Information submitted with the application states that the proposal is purely for overnight accommodation for pupils, with staff supervision at all times. Pupils and staff will generally be off the site at school from 0800 to 1800 and will take all their main meals in the School refectory, pupils will not be allowed back into the house during the day, unless they are unwell.
- 10.7 Whilst it is noted that the proposal will see an increase in occupants within the boarding house, it is considered that the level of noise generated would not be so significant to cause continued noise nuisance. However, it is pertinent to note that if planning consent is granted, this would not indemnify the applicant against statutory nuisance action being taken in the event that noise complaints are received by adjacent neighbours under the relevant environmental health legislation. Further consideration to conditions limiting the use of the site are considered below.
- 10.8 The application site lies within a small estate consisting of a total of 8 dwellings (including the application property). The nearest dwellings to the proposed extension are No.7 to the southwest at a distance of approximately 14.7m, No.3 to the west at a distance of approximately 64m, and No.2 to the west at a distance of approximately 68m, from the nearest opposing point of each dwelling to the nearest point of the extension. 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.
- 10.9 As such, the proposed development is considered to comply with Policies LP2 and LP16 (e) of the Fenland Local Plan in this regard.

### **Flooding and Drainage**

- 10.10 The site is located in Flood Zone 3. The proposals will not see a change to the flood risk vulnerability at the site.
- 10.11 Consultations with the Environment Agency returned no objection to the scheme, but offered recommendations regarding flood risk resilience measures and considerations for the emergency plan.
- 10.12 The application was supported by a flood risk assessment that included appropriate flood mitigation measures, including flood resilient construction methods and registration of the site on the Environment Agency's Flood warning service.
- 10.13 Whilst it is acknowledged that the site is at risk of flooding, given its location within Flood Zone 3, and the proposed extension not increasing flood risk vulnerability at the site, it is considered unreasonable to refuse the scheme on flood risk grounds.
- 10.14 However, should permission be granted, it will be necessary to include robust conditions to ensure that the occupants at the site are safe from flooding and that the proposal will not increase flooding elsewhere.
- 10.15 The proposal involves culverting part of the dyke along the eastern boundary to enable the creation of pedestrian access to the school site. Consultations with North Level Internal Drainage Board returned no objection to the scheme, providing the necessary applications to undertake works to the dyke under separate legislation are completed and approved by them.
- 10.16 Issues of surface water disposal will be considered under Building Regulations.
- 10.17 Therefore, given the above, it is considered that the proposed development complies with Policy LP14 of the FLP.

### **Parking**

- 10.18 The Design and Access Statement states that the proposal will unlikely see an increased parking requirement at the site will have a parking space for the House Master and an additional space for staff. There may also be small minibus parked on the site for short periods of time. There may be an additional requirement for parking for cleaners at the site, although these will be required when rest of the staff are away from site which means they can use the existing parking spaces on site.
- 10.19 During inspection, the Case Officer observed ample parking at the site, with space for at least four vehicles on the driveway. Owing that the site will be primarily occupied by pupils with no vehicular requirements and only one additional staff member, the proposal does not appear to increase the need for parking over and above the existing situation. As such, the proposed development is considered to comply with Policy LP15 of the FLP.

## **Other Considerations**

- 10.20 The proposal sees no change to the C2 Use Class (Residential Institution) at the site, which, owing to the changes of the Use Classes Order (1987) in September 2020, could see the building change into a hospital, nursing home, etc (within the C2 Use Class) without planning permission. However, given that the property is located within an existing residential development, further consideration would need to be given to the other types of developments that fall within the Use Class of C2 in regard to highway safety, access, parking and residential amenity. Therefore, in the event that permission is granted a condition should be imposed to limit the scope of the use to purely a boarding house associated with Wisbech Grammar School and limit future further, possibly inappropriate, development at the site.
- 10.21 The proposal also seeks to include an air source heat pump system, topped up with power generated from PV panels positioned on the south facing roof of the existing house. These elements were not clearly depicted on the provided plans. Whilst these proposals are unlikely to cause detrimental impacts with regard to residential amenity, flooding or parking as considered above, the lack of confirmation of their placement, scale, and design may impact on the character and appearance of the dwelling. Thus, it is considered that if permission is granted, these details should be submitted and approved by the LPA to ensure no detrimental impacts to character and appearance occur as a result, secured by condition.

## **11 CONCLUSIONS**

- 11.1 The proposal is considered acceptable and accords with the necessary policies of the Fenland Local Plan. It represents minimal issues in terms of visual and residential amenity and is acceptable in design, amenity space, parking and flood risk terms. Accordingly, a favourable recommendation is forthcoming.

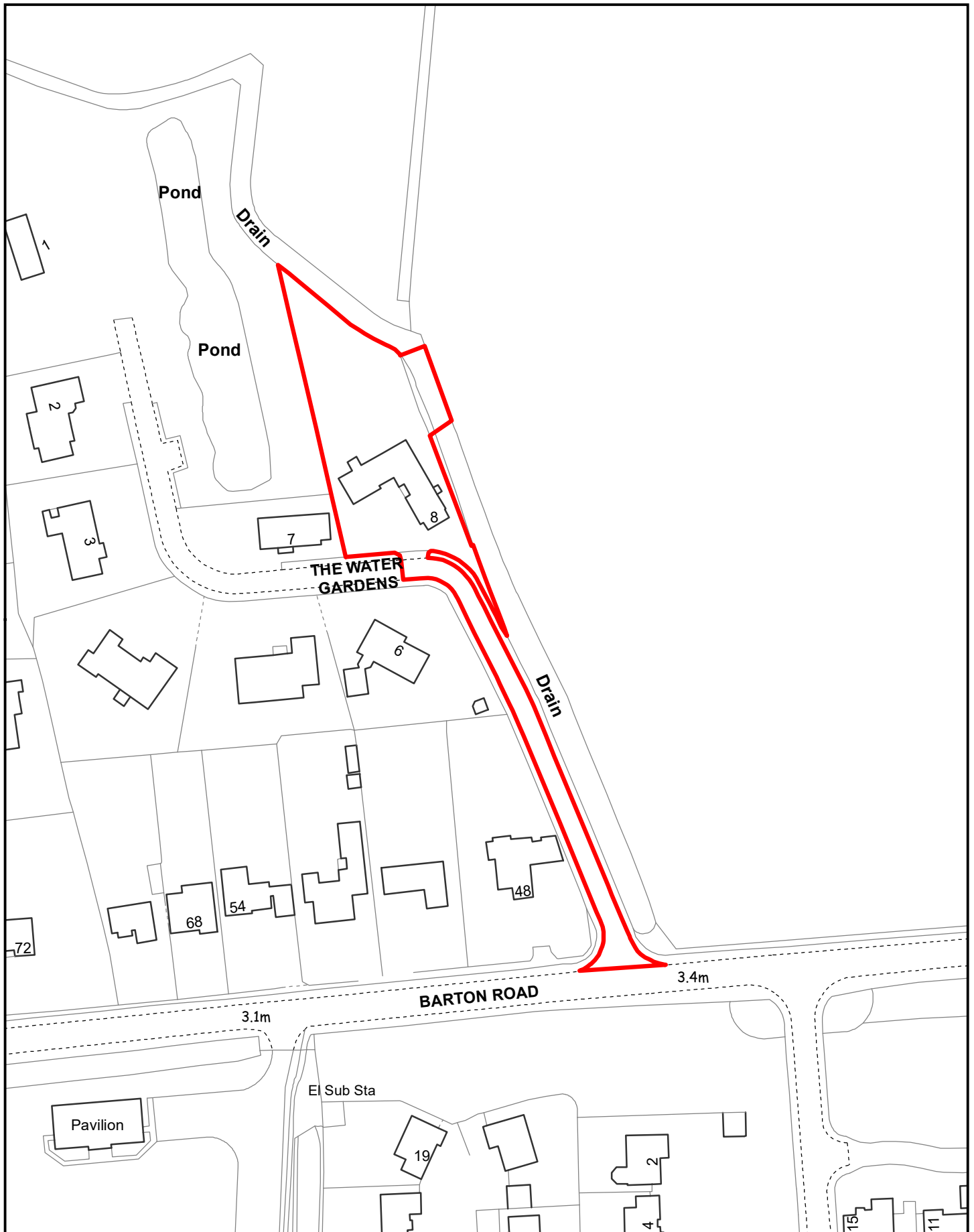
## **12 RECOMMENDATION Grant**

The proposed conditions are as follows;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
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2	<p>No removal of hedgerows, trees or scrub shall be carried out between 1 March and 31 August inclusive in any year. If this is not possible, a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority within 7 days.</p> <p>Reason: To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to protect features of nature conservation importance in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
3	<p>Prior to the first occupation of the development hereby approved, details of at least 1no. bat and 1no. bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity. The details shall include design, location and number of bat &amp; bird boxes to be installed.</p> <p>Reason - To secure the long-term protection of the birds and bats at the site in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
4	<p>The premises shall be used for a boarding house in association with Wisbech Grammar School; and for no other purpose (including any other purpose in the Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p>Reason - In granting this permission the Council has had regard to the special circumstances of this case and considers that unrestricted use within Class C2; would be unacceptable in view of highway safety, access, parking and residential amenity.</p>
5	<p>No development other than groundworks and foundations shall take place until full details of the renewable energy infrastructure to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be executed in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason - To demonstrate compliance with Policy LP14 (Part A) of the Fenland Local Plan (2014) and to safeguard the visual amenities of the area and ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>The development hereby approved shall be finished externally in materials to match the existing building.</p> <p>Reason: To safeguard the visual amenities of the area and ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>

7	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ECL0445/Shield Wilson March 2021) and in particular the following mitigation measures:</p> <ul style="list-style-type: none"> <li>- Finished floor levels for the proposed dwelling shall be set no lower than the existing development;</li> <li>- Flood resilient construction measures be incorporated throughout the development to a height of at least 500mm above finished floor level;</li> <li>- Registration to the Environment Agency's Flood Warning System.</li> </ul> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in line with Policy LP14.</p>
8	Approved Plans



Created on: 08/06/2021

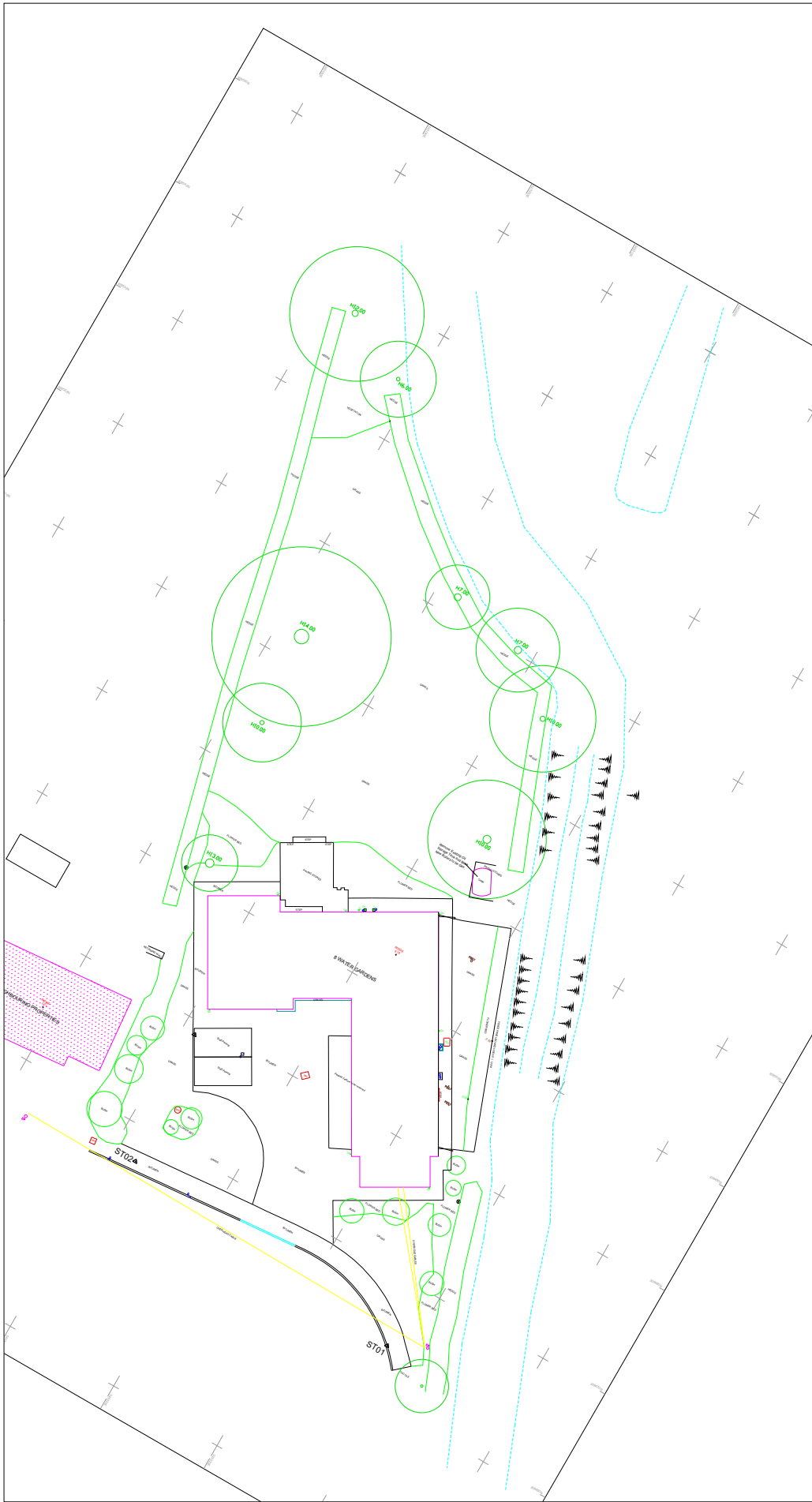
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**F/YR21/0597/F**

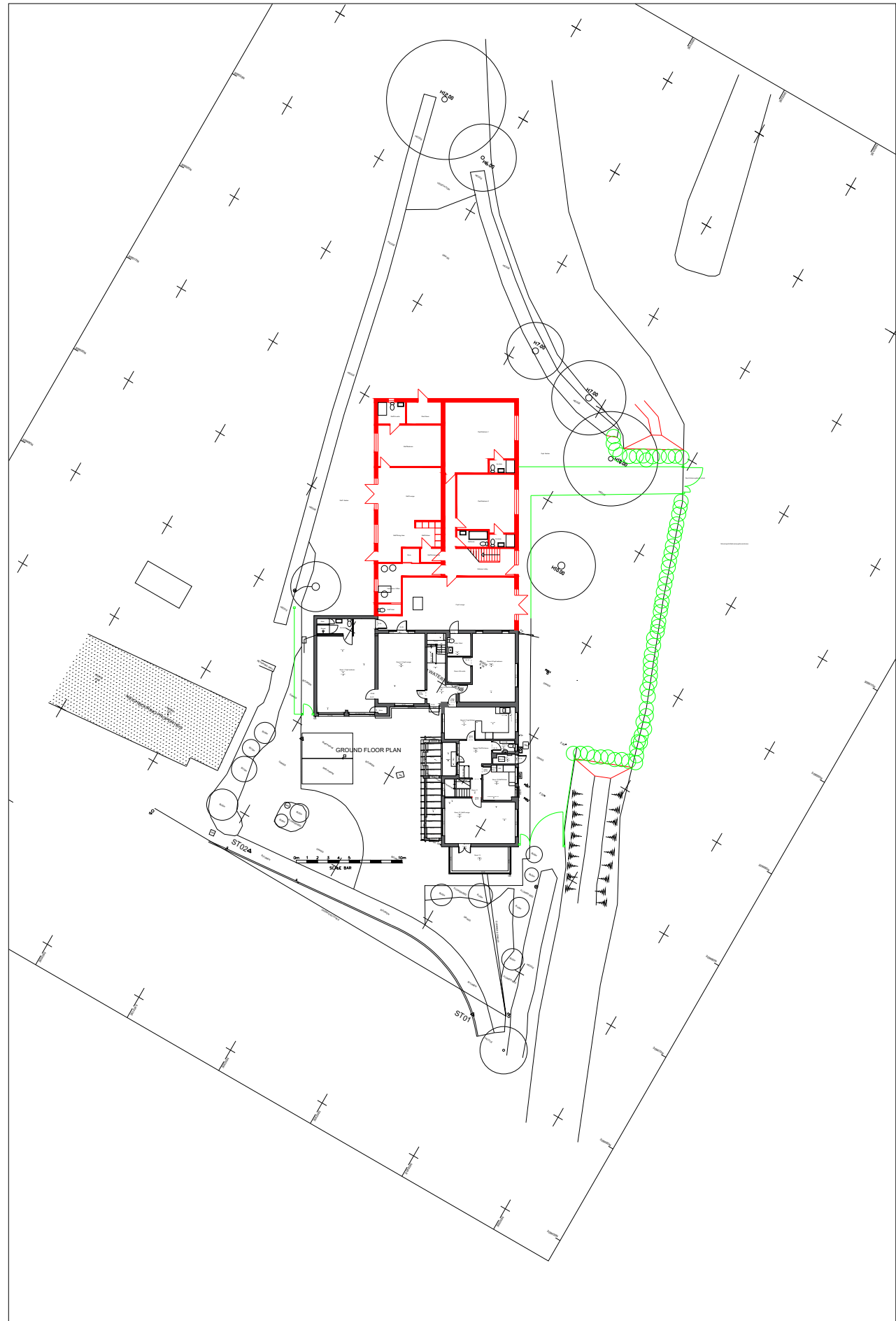
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Existing site Plan



Proposed Dyke filling with anticipated extension

**Note:**  
We have moved the entrance from the sports field further up the site towards the back of the warren house garden. This is because of the Rugby pitch position so that pupils can walk by the side of the rugby pitch to the boarding house, and not want to cut across the corner.  
There will be a pedestrian gate with a digi lock on it and a larger gate so we can get the mower through from the sports field.

By extending the length of the dyke filling we can create a better garden space, and also give better access for the contractors when they are building the extension.  
As part of the next Phase we will extend the footpaths to link up and put block paving to the field gate, but for September we just want a hard core surface with gravel topping so that it provides a safe surface.  
The school grounds department will plant the hedging when the next Phase is completed.  
For September we are also looking to have the front gates in place.

Wisbech Grammar School  
Facilities Department  
47 North Brink  
Wisbech  
PE13 1JX  
Tel: 01945-583631

Project:  
Warren House

Drawing Title:  
Proposed larger Dyke filling

Drawn by: ARD

Date: 12/7/2021

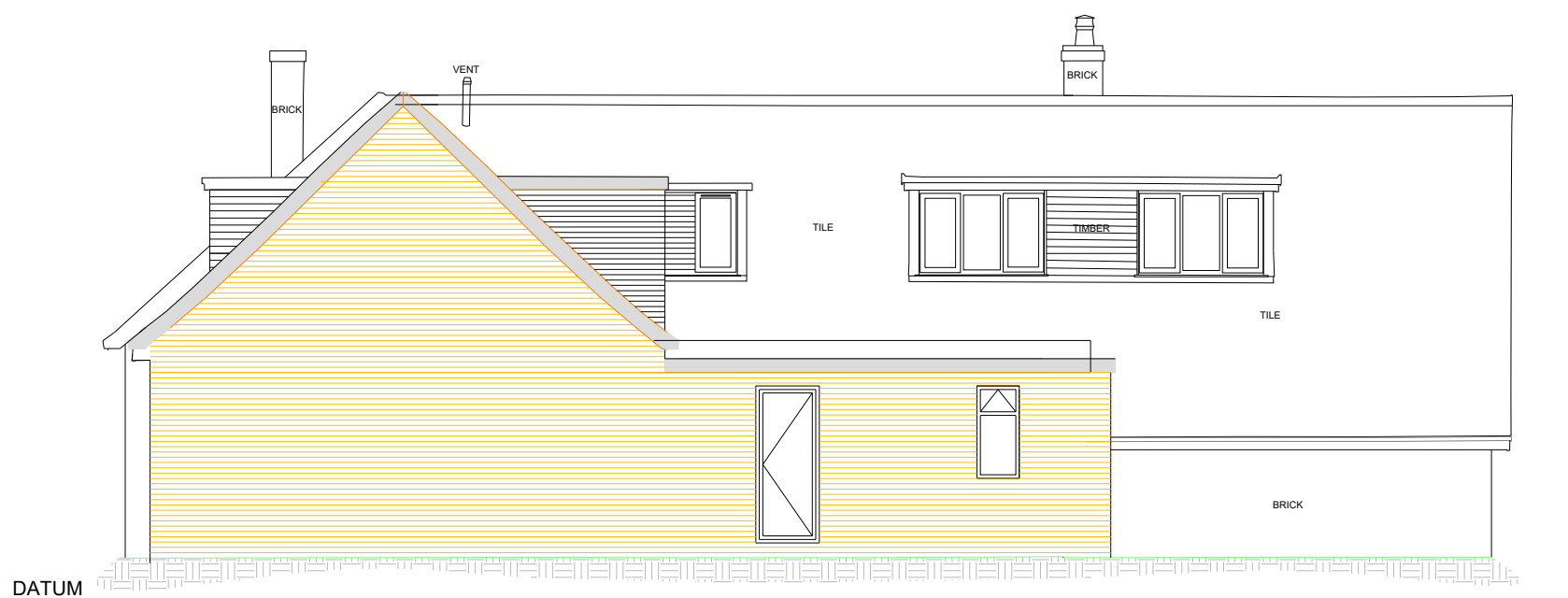
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Drg No: WH -010

Rev: A



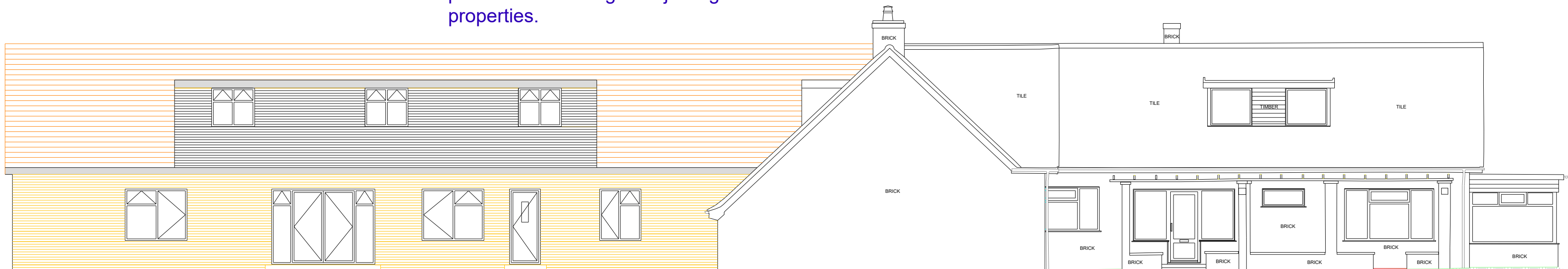
The North West Elevation will be in Brickwork to match the existing house  
The pitched roof will match the existng roof. The single storey flat roof extension will be in matching materials.



NORTH WEST ELEVATION

0m 1 2 3 4 5 10m  
SCALE BAR

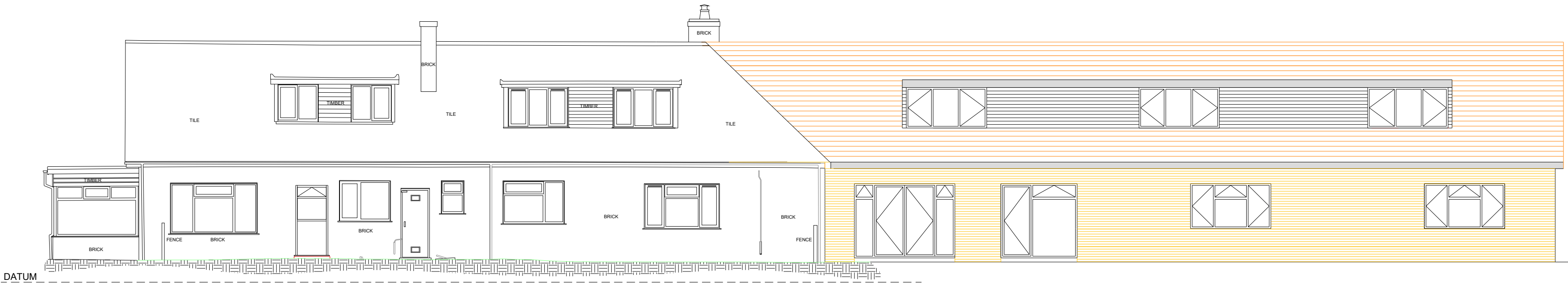
The dormer on this elevation will be in line with the Ground floor brickwork, to create enough headroom to walk from the stairwell to the bedrooms.  
The materials will be the same as all other dormers on the property.  
The windows in the dormers on this elevation will be in Frosted Glass to prevent overlooking of adjoining properties.



SOUTH WEST ELEVATION

0m 1 2 3 4 5 10m  
SCALE BAR

Proposed North West Elevation



NORTH EAST ELEVATION

0m 1 2 3 4 5 10m  
SCALE BAR

Proposed Elevations:  
The extension is now proposed to be at the same height as the existing Building.  
The NE elevation  
This will follow the scale of the existing Building but step the extension back 350mm from the line of the existing building, to create a break in the elevation so that the new and old materials only meet at a junction with the existing building.  
The roof materials will be the same as existing concrete tiles.  
the Windows will be UPVC in white to match the existing house. The new dormer will be clad in a white shi lap boarding material in UPVC but of the same style as the existing.  
The Brickwork at ground floor level will match the existing house.

Revisions:  
A New Elevations produced

Wisbech Grammar School  
Facilities Department  
47 North Brink  
Wisbech  
PE13 1JX  
Tel: 01945-583631

Project:  
Proposed Extension to Boarding House  
8 The Water Gardens, Wisbech

Drawing Title:  
Proposed Elevations

Drawn by: ARD

Date: 12 August 2021

Scale: 1:100 at A1

Drg No: WH - 29

Rev : A



**WISBECH**  
GRAMMAR SCHOOL

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**F/YR21/0644/RM**

**Applicant: Bassmore developments Ltd    Agent:    Mr Adam Sutton  
A L S Design Services**

**Land East Of 20, Station Street, Chatteris, Cambridgeshire**

**Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR20/0081/O to erect 2-storey 3-bed dwelling**

**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 is a reserved matters application following an outline planning permission with matters committed in respect of access to erect a dwelling, granted in March 2020. The site forms part of the side garden, parking and turning areas of the host dwelling, No.20 Station Street, Chatteris.
- 1.2. The proposal is considered to be compliant with Policies LP16 and LP18 with regard to design, character and the impact on heritage. Notwithstanding, consideration should be paid to the impact of the proposal to neighbouring residential amenity.
- 1.3. The proposal will see a significant overbearing and overshadowing to dwellings 2 & 2A Wimpole Street to the east, and No.20 Station Street to the west. With an expanse of black wall causing enclosure of the rear of Nos. 2 & 2A and a poor outlook and a sense of overbearing from the upper floor windows of No.20 that direct face the site. In addition, the proposal will see neighbouring dwellings to the east and west overshadowed for significant portions of the day.
- 1.4. Whilst some of the Reserved Matters are therefore considered acceptable, it is concluded that the proposed dwelling will result in unacceptable impacts in relation to the residential amenity of neighbouring residents due to the resultant overbearing and overshadowing created by the scheme. There are no material considerations that justify the approval of the scheme contrary to Policies LP2 and LP16 (e) of the Fenland Local Plan (2014), and as such is recommended for refusal.

## **2        SITE DESCRIPTION**

- 2.1. The site forms part of the side garden, parking and turning areas of the host dwelling, No.20 Station Street. The host dwelling is a large, detached house set back from the road with a forward flat-roof double garage. Other properties along Station Street tend to be smaller and older terraced style

abutting or close to the footpath. The character of the area is predominately residential two-storey development. The site is located within the Chatteris Conservation Area and falls within Flood Zone 1.

### **3 PROPOSAL**

- 3.1. This application is a reserved matters application following an outline application with matters committed in respect of access to erect 1 dwelling, granted in March 2020. Further matters relating to appearance, landscaping, layout and scale were reserved and are for consideration within this application.
- 3.2. The submitted details include: A 2-storey, 3-bedroom dwelling with a hallway, lounge, utility, WC, kitchen/dining room on the ground floor, with three bedrooms (one en-suite) and a shared bathroom and landing space on the first floor.
- 3.3. The overall site would measure approximately 342m<sup>2</sup> and will be enclosed with 1.8m close boarded timber fence to the sides and a mature hedge to the rear. The site frontage would include a driveway/parking area with small areas of planting.
- 3.4. The dwelling will include a gable roof with a maximum ridge height of approximately 7m and the eaves 4.4m approx. with a front gable projection reaching a maximum height of 5.9m to the ridge and 4.4m to the eaves. A small, covered porch will be set to the front with a lean-to roof reaching approximately 3.4m to the ridge and 2.4m to the eaves.
- 3.5. The site frontage will include a block paved driveway (as existing) and car parking for at least two vehicles.
- 3.6. Windows and doors at the property will be predominately to the front and rear elevations, save for a kitchen window and rear utility door to the west side elevation on the ground floor. First floor openings will be limited to the front and rear elevations only, with blank east and west elevations. Roof lights are proposed to the western roof slope.
- 3.7. Materials for the dwelling include:
- Wienerberger harvest brick, buff external brickwork;
  - Redland 49 concrete interlocking roof tiles;
  - White uPVC joinery; and
  - White uPVC rainwater goods.
- 3.8. Hard and soft landscaping at the site includes a driveway, patio and front and rear lawn areas with planting set out in a submitted landscaping schedule. Two existing Silver Birch trees to the rear are proposed to be retained.

### **4 SITE PLANNING HISTORY**

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F/YR20/0081/O	Erect 1 dwelling (outline application with matters committed in respect of access)	Granted 24.03.2020
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F/YR08/1016/F	Erection of a first-floor side extension and attached single garage to existing dwelling; and erection of 1.5m high brick wall with railings 20 Station Street	Granted 22.12.2008
F/YR06/1011/F	Erection of a part 2-storey, part first-floor side and front extension and 1.5 metre high wall	Refused 11.10.2006
F/YR05/1465/F	Erection of a part 2-storey, part first-floor side and front extension and 2.2 metre high wall	Refused 09.02.2006
F/YR05/1232/F	Erection of a part 2-storey, part first-floor side and front extension and 1.1 metre high wall	Refused 20.12.2005

## 5 CONSULTATIONS

### 5.1. 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.*

### 5.2. Chatteris Town Council – Support

### 5.3. 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.*

### 5.4. Local Residents/Interested Parties

One letter of objection received to the scheme from a resident of Wimpole Street, citing the following as reasons for objection:

- Design/Appearance
- Loss of view/Outlook
- Shadowing/loss of light
- Visual Impact

Concerns were raised regarding the expanse of the proposed dwelling adjacent to the rear boundaries of Nos 2 & 2A Wimpole Street, and the overbearing and overshadowing impact that this may cause owing to the two storey height of the proposed dwelling.

## 6 STATUTORY DUTY

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

6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

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

Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;  
Para 126 – Good design is a key aspect of sustainable development;  
Para 130 – Planning policies and decision should ensure developments 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  
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  
LP18 – The Historic Environment

## **8 KEY ISSUES**

- **Principle of development**
- **Appearance and Impact on Heritage**
- **Landscaping**
- **Layout and Scale**
- **Residential Amenity**

## **9 ASSESSMENT**

### **Principle of development**

- 9.1. The principle of development has been established through the outline planning permission for the site F/YR20/0081/O, granted in March 2020. This application therefore relates to the approval of appearance, landscaping, layout and scale details.

### **Appearance and Impact on Heritage**

- 9.2. The proposed dwelling is intended to utilise materials that are reflective of many of the other dwelling within the vicinity. Furthermore the overall design of the dwelling will be similar to that of the host dwelling at No.20. As such, it is considered that the overall appearance of the dwelling is acceptable, as it will not out of character with the surrounding existing development within the streetscene of Station Road.
- 9.3. The site is located within Chatteris Conservation Area. There are several examples of similar dwellings to the proposed within the Conservation Area

surrounding the site and as such is it considered that the proposal will offer congruent development that will not cause undue harm to the heritage asset.

- 9.4. Thus, the proposal is considered to be compliant with Policies LP16 and LP18 with regard to design, character and the impact on heritage. Notwithstanding the acceptability of the proposal in terms of appearance and character within the streetscene, consideration should be paid to the impact of the proposal to neighbouring residential amenity, discussed in more detail below.

### **Landscaping**

- 9.5. Hard landscaping around the majority of the perimeter of the dwellings is proposed in the form of block paving and paving slabs. Generally these materials are considered an appropriate hard landscaping option at the site and are reflective of the materials used within neighbouring development.
- 9.6. Soft landscaping at the site will include some areas of shrub planting to the front with the rear garden predominately laid to lawn, with the existing rear boundary hedge and two Silver Birch trees retained.
- 9.7. Details within the submitted landscape schedule regarding the proposed shrub planting will include species such as *Lonicera Pileatea*, *Rose Rugosa*, and *Syringa Vulgaris*. In addition, it is stated that the landscape scheme will be implemented during the first planting season after completion of the development with a caveat included if any planting is removed, destroyed, dies, or becomes damaged or defective, it shall be replaced by planting as originally approved.
- 9.8. Overall, it is considered that the hard and soft landscaping proposals at the site are acceptable.

### **Layout and Scale**

- 9.9. At Outline stage, the scheme included a similar footprint and design to that submitted within this Reserved Matters stage, but the ground floor included an integral garage, which has now been reconfigured to be utilised as internal living space.
- 9.10. The dwelling will have an approximate footprint of 92m<sup>2</sup> within the total 342m<sup>2</sup> (approx.) plot, equating to approximately 27% of the overall plot area, with approximately 125m<sup>2</sup> (37%) retained as private amenity space. Thus the dwelling will not constitute an overdevelopment of the relative plot area.
- 9.11. At Outline stage, the indicative elevations suggested that the main part of the dwelling would reach an approximate maximum height of 7.7m to the ridge and 5.2m to the eaves. Owing to the Officers' comments with regard to the Outline application, the initial Reserved Matters submission offered a reduction in overall heights to approximately 7.1m to the ridge and 4.9m to the eaves. However, owing to concerns raised by the Case Officer in relation to residential amenity (discussed in more detail below) this was further reduced to the submission considered herein, (approximately 7m to the ridge and 4.4m to the eaves).

- 9.12. This application included a depiction of the likely street scene elevations, which confirms that the overall height of the dwelling will be set approximately 0.6m lower than the ridge than the host dwelling to the west, No.20, and approximately 0.2m higher than the adjacent dwelling to the east, No.16. Thus, the proposed dwelling will assimilate itself between its adjacent neighbours in terms of height and will not result in the proposal appearing dominating within the street scene.

### **Residential Amenity**

- 9.13. The site is situated in a built-up area of Chatteris, with residential properties surrounding it to all sides.

9.14. North

The dwelling is proposed to be set back from the highway edge, approximately 19m from the dwellings opposite to the northern side of Station Street. As such, this distance is considered sufficient to mitigate any potential overlooking or overshadowing to dwellings to the north as a result of the development proposed on the south side of Station Road.

9.15. North-east

The dwelling will be set approximately 9m from the nearest corner of the dwelling to the north-east, No.16, a two storey dwelling set at the back edge of the public footpath on the south side of Station Road. Between the proposed dwelling and No.16 is a detached single garage with pitched roof, belonging to No.16. Owing to the set back of the proposed dwelling from the highways edge, and hence the screening provided by the garage between the dwellings, there will be limited impact from overlooking or overshadowing of the neighbouring dwelling or its private amenity space at No.16 to reconcile as a result of the scheme.

9.16. East

Immediately east of the site, the nearest dwellings are Nos.2 & 2A Wimpole Street, whose rear boundaries form the eastern boundary of the development site. The dwellings at Nos.2 & 2A are situated approximately 12.8m and 12.6m, respectively, away from the eastern flank wall of the proposed dwelling. Whilst a 12m separation distance is usually considered acceptable, the dwelling proposed is unusually deep, at approximately 13.5m (max), and will therefore entirely encompass the rear boundaries of Nos 2 & 2A (totalling 11.3m approx.) with a two storey blank elevation wall. The boundary treatment to the east of the development site comprises 1.8m close board timber fencing, that is due to remain. There are some instances of vegetation to the rear boundaries of Nos 2 & 2A that have grown higher than the fencing.

- 9.17. Owing to the lack of fenestration proposed to the eastern elevation of the dwelling, there will be no issues of direct overlooking to reconcile. However, due to the same, the outlook from Nos 2 & 2A will result in the blank eastern elevation wall of the proposed dwelling forming the entirety of the rear boundaries for both dwellings to a height of approximately 2.6m (above the fence line) to its eaves. Despite the limited screening provided by the vegetation to the boundaries, this will encompass a significant enclosure to the rear of the dwellings at 2 & 2A and will result in a significant overbearing



impact to the dwellings and, in particular, their private amenity spaces, that does not currently exist.

- 9.18. Furthermore, a desk top study relating to the potential overshadowing impact of the proposal concluded that the intended 7m height of the dwelling would result in considerable overshadowing of a significant portion of the private amenity spaces of Nos 2 & 2A during the afternoon hours for several months of the year, with shadows cast by the proposal likely reaching the rear elevations of Nos 2 & 2A in the late afternoon and early evening, particularly during the winter months when the sun is lower in the sky.
- 9.19. South-east  
The dwelling will be set in the region of 12m from the nearest dwelling to the south-east, No.4 Wimpole Street, a single-storey bungalow. The orientations of the two dwellings will result in the proposed dwelling's private amenity space being positioned perpendicular to that of No.4. As such, the angles of visibility between the two, coupled with the screening provided by the 1.8m close boarded fence, will limit any minor impacts of overlooking, overbearing or overshadowing as a result of the scheme to this dwelling.
- 9.20. South and South-west  
The proposed dwelling will be set sufficiently distanced from dwellings to the south and south-west (Nos.10 & 12 Wimpole Street, respectively) so as not to cause undue overlooking, overbearing or overshadowing to these dwellings.
- 9.21. West  
The further concern relating to the scheme is the relationship between the proposed dwelling and No.20, particularly with regard to overbearing and overshadowing. No.20 Station Street, to the west of the application site, is a two-storey dwelling, with forward single-storey attached garages.
- 9.22. On the eastern elevation at No.20, facing the development site, fenestration includes a central window appearing to serve a utility room and rear door to the kitchen on ground floor, with three further windows to the first floor. From desk top investigation by the Case Officer the first floor windows appear to serve (from front to back) a bedroom/study, a bathroom, and bedroom two. The bedroom to the back of the house includes a secondary window positioned on the rear elevation of No.20.
- 9.23. The proposed dwelling is due to be set approximately 2.7m east of No.20. The western flank wall, facing No.20, is proposed to include no first-floor fenestration, with roof lights installed to its western roof slope. Whilst it is acknowledged that the first-floor windows in particular serve secondary habitable rooms and that the rear bedroom offers a secondary window to the rear, the proximity of the proposed dwelling, coupled with its expanse of blank flank wall and roof will result in poor outlook and a sense of overbearing from the upper floor windows to occupants of the adjacent No.20.
- 9.24. Furthermore, this proximity would result in significant overshadowing to all the openings on the opposing elevation of No.20, reducing light ingress into

several rooms within No.20 to sub-standard levels for a significant portion of the day.

- 9.25. As such, these impacts of overbearing and overshadowing owing to the close proximity and height of the proposed dwelling are unacceptable.
- 9.26. Amenity conclusion  
These above concerns were intimated with the Officer Report of the Outline application (F/YR20/0081/O) for the erection of 1 dwelling, which stated:
- 9.27. *The full details of window layouts will need to be carefully considered at Reserved Matters stage, particularly in respect of those dwellings at 2 and 2A Wimpole Street. Similarly, the eaves and ridge height of the proposed dwelling will need to be carefully considered, as the illustrative height shown in relation to those properties is likely to cause overshadowing of the amenity areas and a poor outlook for the existing occupiers. It is likely that the eaves and ridge heights will need to be reduced from that indicatively shown.*
- 9.28. The initial Reserved Matters submission following approval of the Outline scheme did offer a minor reduction in roof ridge and eaves heights (from 7.7m to the ridge and 5.2m to the eaves at Outline stage to 7.1m to the ridge and 4.9m to the eaves at initial Reserve Matter stage). However, it was not considered that these reductions were significant enough to resolve the subsequent concerns relating to the outlook and light, issues of overbearing and overshadowing.
- 9.29. These concerns were further raised with the applicant with regard to the initial scheme proposed within the Reserved Matters application, with recommendations to alter the design to perhaps a single storey, or at least consider more closely the relationships and impacts from the two-storey dwelling to adjacent properties.
- 9.30. Within the resultant scheme, considered herein, the applicant resolved to reduce the ridge height by a further 0.1m approx. and amend the roof angle to enable the eaves height to be reduced by 0.5m approx. to 7m to the ridge and 4.4m to the eaves. The LPA sought to get the scheme further reduced in height, but the applicant did not wish to alter the scheme further, offering the following justification:
- 9.31. *The reduction in eaves height means that the level of the eaves will now be approximately halfway up the corresponding windows of number 20 Station Street, thus providing a horizontal break from brickwork wall to roof tile. The roof sloping away from the existing dwelling also helps reduce the impact on the neighbouring property. The introduction of 3 number Velux style roof windows provides further breaks within the roof which again reduced the impact on the outlook for the existing dwelling by nature of breaking up the flanking wall.*
- 9.32. Whilst the above justification is acknowledged and may go some way to mitigate the impacts to No.20 to the west, the resultant outlook from the windows within No.20 will still be poor. As such, it is considered that the proposed changes were not substantial enough to overcome the resultant

amenity issues. Furthermore, this justification does not consider the impacts of the proposal to any other dwellings, including 2 & 2A Wimpole Street to the east.

- 9.33. Owing to the proximity of the site to dwellings to the east and west, the lack of fenestration proposed to these sides, the significant shadowing that will occur as a result of the proposed two-storey dwelling, and the poor outlook afforded to neighbouring dwellings, it is considered that the overbearing and overshadowing impacts and loss of light from the development will result in unacceptable levels of residential amenity to neighbouring dwellings. As such, the proposal is deemed to be in contravention of Policies LP2 and LP16 in this regard.

## **10 CONCLUSIONS**

- 10.1. This reserved matters application follows the outline planning permission for developing the site considering the matters of appearance, layout, scale and landscaping. Access was agreed at outline stage.
- 10.2. Whilst some of the Reserved Matters are considered acceptable, it is concluded that the proposed dwelling will result in unacceptable impacts in relation to the residential amenity of neighbouring residents due to the resultant overbearing and overshadowing created by the scheme along with loss of light. There are no material considerations that justify the approval of the scheme contrary to Policies LP2 and LP16; as such a negative .

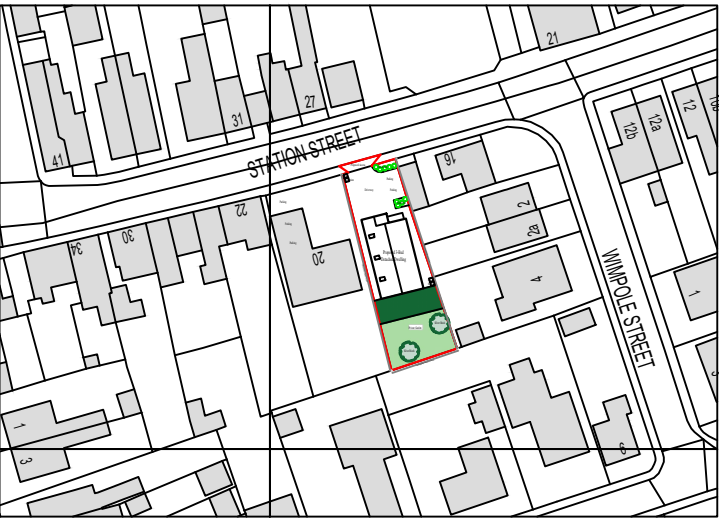
## **11 RECOMMENDATION**

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

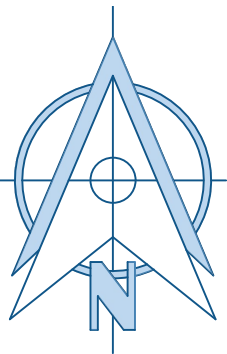
### **Reason**

1	Policies LP2 & LP16 (e) of the Fenland Local Plan seeks to ensure that development does not harm residential amenity, for example through overlooking or overshadowing, loss of light or noise and disturbance. The scale and positioning of the proposed development will cause considerable overbearing and overshadowing impacts to adjacent dwellings as well as a loss of outlook and light, resulting in harm to the existing amenity levels. The application is therefore contrary to Policies LP2 and LP16 (e) of the Fenland Local Plan (adopted May 2014).
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Location Plan  
Scale 1:2500



Revision	Description	Date	Revised By

**A.L.S Design Services**

E-Mail : alsdesignservices@outlook.com      Phone : 07707921632

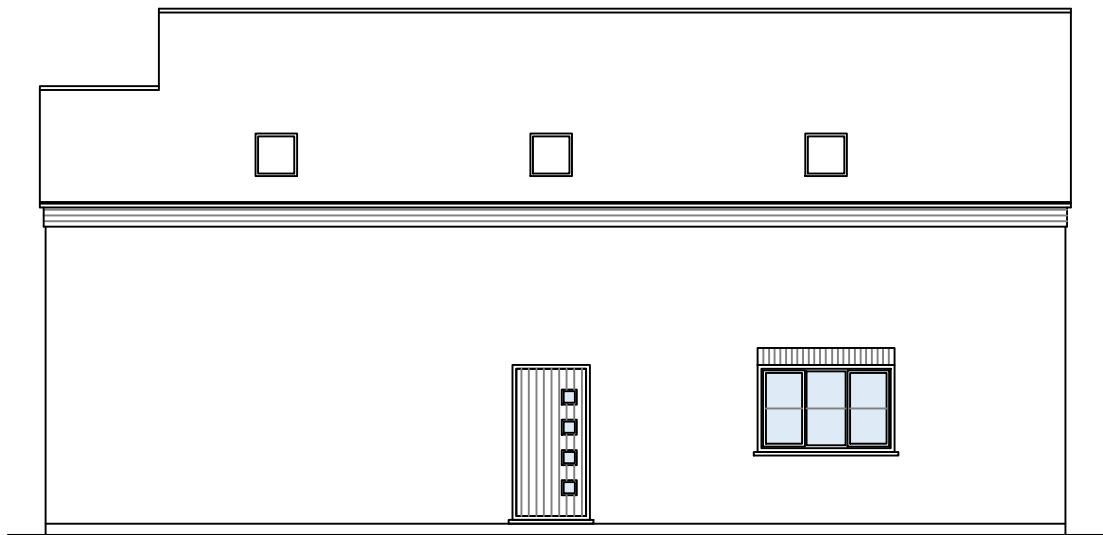
Project	Proposed Dwelling		
Drawing Title	Proposed Site and Location Plan		
Address	Land Adjacent 20 Station Street, Chatteris		
Drawn By A. L. Sutton	Paper Size A3	Date April 2021	
Project Name 021	Drawing Number 001	Revision -	



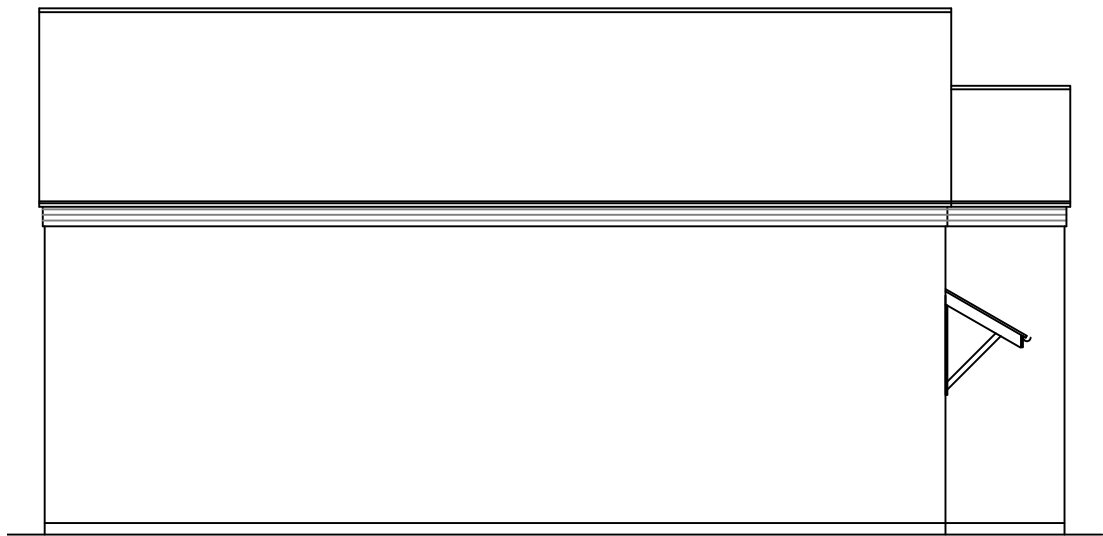
Proposed Street Scene  
Scale 1:200



Proposed Front Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



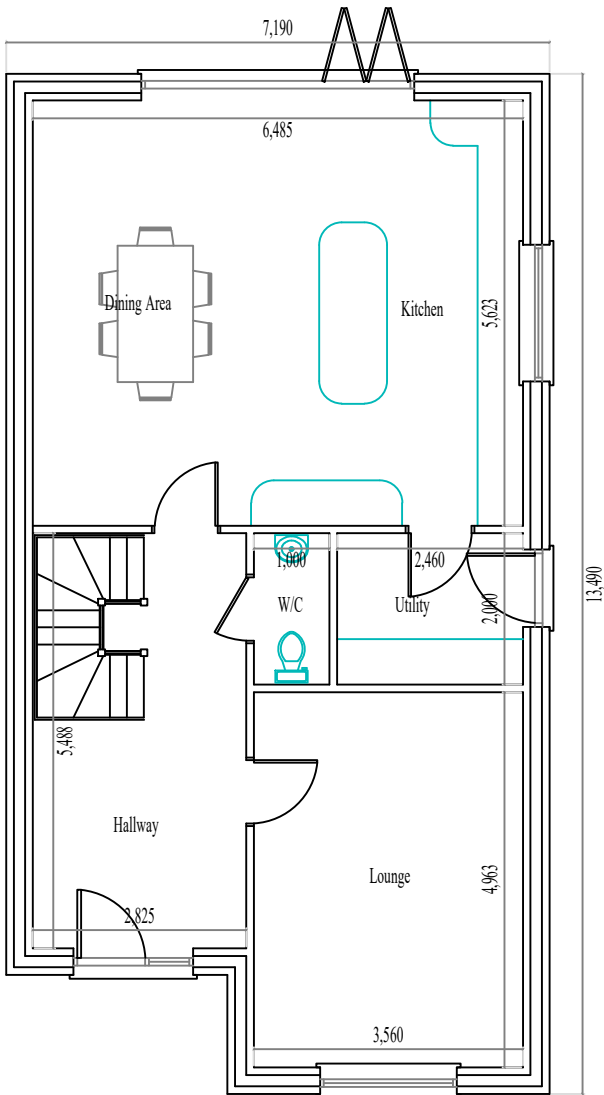
Proposed Rear Elevation  
Scale 1:100

Revision	Description	Date	Revised By

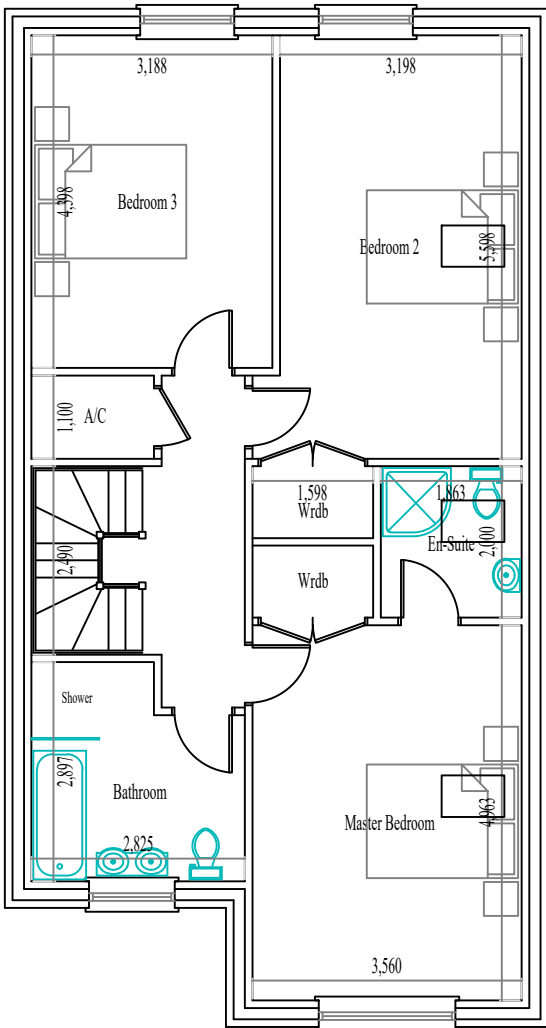
A.L.S Design Services

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Project	Proposed Dwelling		
Drawing Title	Proposed Elevations		
Address	Land Adjacent 20 Station Street, Chatteris		
Drawn By A. L. Sutton	Paper Size A3	Date April 2021	
Project Name 021	Drawing Number 003	Revision -	



Proposed Ground Floor Plan  
Scale 1:100



Proposed First Floor Plan  
Scale 1:100

Revision	Description	Date	Revised By



# A.L.S Design Services

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Project Proposed Dwelling		
Drawing Title Proposed Floor Plans		
Address Land Adjacent 20 Station Street, Chatteris		
Drawn By A. L. Sutton	Paper Size A3	Date April 2021
Project Name 021	Drawing Number 002	Revision -

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**F/YR21/0734/O**

**Applicant: Mr P Day**

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

**Land Rear Of, 222 Lynn Road, Wisbech, Cambridgeshire**

**Erect up to 9 x dwellings involving the demolition of existing buildings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the construction of up to 9 dwellings on the land, with all details of the proposed scheme reserved for later approval.
- 1.2. The application site is located within the built-up part of the town of Wisbech, on land currently used for commercial purposes.
- 1.3. The application is not accompanied by formal arboricultural or ecological surveys and therefore fails to adequately identify the constraints relevant to the site.
- 1.4. The indicative plans showing the layout proposals fail to accord with the requirements of the Highways Authority, and would require amendment in order to be considered acceptable. On that basis the scheme has failed to demonstrate it is capable of accommodating the level of development proposed and is contrary to policy LP15.
- 1.5. The indicative layout provided along with the application indicates a relationship that would fail to accord with the high standards of residential amenity required by policies LP2 and LP16 of the Fenland Local Plan (2014)
- 1.6. The application is therefore recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is located within the town of Wisbech, to the east of the town centre. It is an existing commercial premises and consists of three distinct parts – the first of these parts is the existing Superseal sales building and workshop. These are located to the front of the site and along the western boundary.

- 2.2. The central section of the site consists of a 'showpark' with several conservatory type buildings constructed on the land as examples of the products offered by Superseal.
- 2.3. The final section is the land in the eastern part of the site, which is currently undeveloped.
- 2.4. There are several mature trees set around the boundaries of the site, including a Walnut tree located on its northern boundary that is the subject of a Tree Preservation Order.
- 2.5. The site is surrounded by residential development on all sides. The application site is classed as being within flood zone 2.

### 3. PROPOSAL

- 3.1. The proposal is an outline application for the development of up to 9 dwellings on the land. All matters are reserved for later approval, although the application indicates access is to be gained from Lynn Road.
- 3.2. Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QVGIXLHE06P00>

### 4. SITE PLANNING HISTORY

F/YR20/0707/O	Erect up to 14 dwellings (outline application with all matters reserved) involving the demolition of existing buildings	Withdrawn	
F/YR04/0004/O	Erection of 16 flats together with parking and landscaping	Granted	31/3/2004

### 5. CONSULTATIONS

#### 5.1. Wisbech Town Council

That the application be supported, subject to the Local Highway Authority being satisfied that access to the proposal is via the B198.

#### 5.2. Cambridgeshire County Council Lead Local Flood Authority

*At present we **object** to the grant of planning permission for the following reasons:*

##### **1. Discharge Rate**

*The applicant is proposing to discharge at a rate of 5.0 l/s, which is significantly greater than the greenfield equivalent. It is acknowledged that the system is discharging to an Anglian Water sewer, however with the introduction of the Design and Construction Guidance document, the rates at which surface water can discharge from a site are accepted to be lower. This is due to the treatment on sites reducing the total suspended solids, meaning there less sediment entering the downstream systems, reducing the risk of accumulation within the pipe network. Until it is demonstrated that the rate cannot be reduced to the greenfield equivalents, or as feasibly close to this as possible, we are unable to support this application.*

## **2. Surface Water Treatment**

*The applicant is proposing to use permeable paving over the parking areas of the site, which is supported by the LLFA as this provides interception source control and a level of treatment. However the access road is not receiving a suitable level of pollution control, as there does not appear to be a means of treating surface water from this surface. It should be noted that discharge from low trafficked road should receive two levels of treatment, in line with the CIRIA SuDS Manual (C753). Until the applicant has provided a suitable level of treatment in line with Chapter 26 of the CIRIA SuDS Manual, we are unable to support this application.*

## **3. Rainfall Data**

*The submitted calculations are using FSR rainfall data. However, FSR rainfall data is now outdated and there are more accurate data sets in FEH 1999 and 2013 models. This due to recording of rainfall over a longer period of time, as well as updated calculations behind the model. Therefore, FEH rainfall data is now required on all applications to ensure the hydraulic modelling is an accurate representation of the proposed network.*

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

No objections in principle.

Changes to details will be required if the road is to be constructed to an adoptable standard. These changes may have a fundamental effect on the layout of the development.

- Access road should have a footway along its full length
- A turning head should be provided suitable for a refuse/emergency vehicle to turn
- If the road is to be offered for adoption, then full horizontal alignment will require auto-tracking and tracking plans to be provided.
- Footpath should continue along the site frontage and align better with the existing path to the east and west.

### **5.4. FDC Environmental Health**

Recommend conditions regarding unsuspected contamination and construction management.

### **5.5. Environment Agency**

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

### **5.6. PCC Wildlife Officer**

Recommend refusal on the grounds that the application is accompanied by insufficient information to confirm that the impacts of the proposal on biodiversity features are acceptable.

### **5.7. Cambs Fire & Rescue**

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

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

Three objections have been received (from residents of Lerowe Road and Fenland Road) citing the following points as being relevant to the scheme.

- Impact on wildlife
- Development not in keeping with surrounding properties
- Potential privacy impacts
- Amenity impacts from vehicular movements
- Works undertaken to the trees as a result

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

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

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

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

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 157: Need to apply the sequential and exceptions tests.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

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

Determining a planning application

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

Context

Identity

Built Form

### **7.4. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

## **8. KEY ISSUES**

- **Principle of Development**

- **Highway Safety**
- **Biodiversity Impact**
- **Flooding and Flood Risk**
- **Amenity**

## **9. BACKGROUND**

- 9.1. A previous outline application was submitted on the land for the erection of up to fourteen dwellings. This application was scheduled to be considered by the Planning Committee but was withdrawn prior to the meeting. No pre-application contact was made following the withdrawal of the previous application and the submission of the current scheme.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. The application site is located within the built-up part of the settlement of Wisbech. Wisbech is identified as one of only two Primary Market Towns within the district under the terms of policy LP3 of the Fenland Local Plan, and as such is considered one of the main locations for new development. New residential development within the town of Wisbech is therefore supported as a matter of principle, and more site-specific considerations must be assessed.

### **Highway Safety**

- 10.2. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.3. The comments of the Highway Officer indicate that the principle of development of the site is acceptable.
- 10.4. The application is made in outline, with all matters reserved and the agent has confirmed that any detailed construction or layout plans would be the subject of a reserved matters application. Notwithstanding this, the requirement of the outline planning application is to demonstrate that the amount of development proposed can be accommodated within the application site and the comments of the Local Highways Authority indicate that the indicative layout provided would require alteration in order to be considered acceptable, for instance the provision of a formal turning head.
- 10.5. On that basis, the proposal is considered to have failed to demonstrate that the amount of development proposed is acceptable, as the road layout shown is not suitable for the site and would require amendments. There is no evidence to demonstrate that an amended layout would be able to address the identified concerns whilst allowing the number of dwellings proposed to be accommodated on the site.

### **Biodiversity Impact and Trees**

- 10.6. The biodiversity impact in relation to the site is considered in two parts – the impact on protected species that may make use of the site itself, and the impact on the existing biodiversity features of the site, in particular the mature trees present on the land.
- 10.7. In this regard, the application is accompanied by an initial biodiversity checklist completed by the applicant/agent. This checklist has been completed in the

negative in relation to all species and features of the site. Comments received in relation to the proposals have stated that the land is used by a range of species including hedgehogs and a range of birds including Owls, Sparrows, Song Thrushes, Starlings and Dunnocks, Kestrel, and a Sparrow Hawk. The trees on the site have the potential to support protected species, and other features of the site (rough grassland, hedgerows and scrub) would also form a suitable habitat for a range of protected species.

- 10.8. The comments of the Wildlife Officer in respect of the proposal identify a lack of information provided alongside the application in order to fully assess the impacts of the proposal on the biodiversity value and contribution of the site. Biodiversity and net gain in relation to planning applications on the site is a matter of rising significance in relation to the national planning agenda, and the lack of a formal ecological appraisal of the site should form a reason for refusal at this stage.
- 10.9. The second aspect relates to the existing trees on the land, in particular the mature Walnut on the north boundary that is the subject of a tree preservation order. No formal arboricultural assessment accompanies the planning application to identify and assess the health and contribution of the existing trees on the site, their retention category, root protection areas and so on. Such an assessment should be undertaken at the outset of the planning process in order to inform potential layouts as retained trees can significantly affect the resulting land available for development and allows features that can contribute to the quality of the scheme to be identified, protected and enhanced. Without such an assessment and with the indicative plans showing a likely requirement for significant levels of tree removal from the site it is concluded that the application has failed to demonstrate that the development proposed can be accommodated on the site without unacceptable impacts on biodiversity within the site.

#### **Flooding and Flood Risk**

- 10.10. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.11. FDC's approach to the sequential test for flooding within Wisbech states that where a proposal is for redevelopment of a site last used for Use Classes A, B, C or D (classes defined prior to the September 2020 change to the Use Classes Order) then the council accepts that the Sequential Test will normally be passed.
- 10.12. In this instance therefore, the sequential test is considered to have been passed due to the existing use of the site and its location within Wisbech.
- 10.13. Consideration of the specific flood risks associated with the site however have resulted in an objection to the proposals being identified by the Lead Local Flood Authority. This objection is made on three grounds. First, that the drainage calculations provided in association with the application show a

discharge rate significantly in excess of greenfield rates, with no justification provided to demonstrate that a lower rate is acceptable.

- 10.14. Second, that the details provided with the application do not demonstrate a satisfactory level of surface water treatment prior to discharge from the site, and thirdly, that the rainfall data used in the submitted calculations is outdated and less accurate than other currently available data sets.
- 10.15. Overall therefore, although the application site is acceptable from a sequential perspective due to the approach to the sequential test taken within the Wisbech area, the detail provided along with the application fails to demonstrate that the surface water drainage proposals will not result in an increased flood risk within the site and the surrounding area.

### **Amenity**

- 10.16. The proposal is for the construction of nine dwellings on the land, although specific details of the dwellings themselves have not been provided. The layout submitted along with the application is indicative, and therefore could be amended at the reserved matters stage but is submitted in order to demonstrate how nine dwellings could be accommodated on the land.
- 10.17. As has already been noted, there are several elements of the proposal that fail to provide sufficient clarity to ensure an acceptable scheme can be achieved in respect of other matters. It is therefore the case that if those matters are to be satisfactorily addressed then the layout proposals for the application will also be subject to significant change.
- 10.18. Notwithstanding that point however, the indicative layout submitted alongside the application demonstrates a scheme that provides poor amenity levels for a number of the properties proposed.
- 10.19. Plots 1 & 2 are located in very close proximity to the proposed driveway serving the development, and the site is sufficiently narrow at this point to require their private amenity space to be located to the sides of the properties. This leaves the proposed dwellings being location in very close proximity to the boundary of the site and the neighbouring properties and would also result in a significantly detrimental visual feature within the street scene (the garden boundary treatment) of the proposed development in order to protect the privacy of those amenity spaces.
- 10.20. Plots 3 and 4 are located in the southern corner of the site, in close proximity to the sycamore trees located at this point. The plans note these trees are to be pollarded however no indication is given as to why this is required for the health of the trees in question, and would still result in the total overshadowing of the garden of plot 3 once foliage begins to grow back following the pollarding. The proposed parking arrangements or plots 3 & 4 are also located in such a way due to the constraints of the site as to result in likely impact on the amenity of plot 4 from plot 3's use of its driveway.
- 10.21. Plots 7, 8 and 9 are located with more amenity space however the parking provision is shown as being located where there are existing trees, which would result in both harm to the trees themselves (considered earlier) and poor quality parking provision from an amenity perspective due to dropping foliage and nesting birds.

## 11. CONCLUSIONS

- 11.1. The application fails to demonstrate that the level of development proposed could be reasonably accommodated without causing harm to the existing features of the site and those of its surroundings. The indicative layout is not informed by an arboricultural assessment or ecological survey and the developable area of land may therefore be significantly constrained and below that indicated within the application. The proposal would therefore be contrary to policy LP19 of the Fenland Local Plan (2014).
- 11.2. The level of development proposed on the site combined with its constrained nature have a significant detrimental effect on the environmental quality of the development such that it is considered the proposal would fail to accord with the requirements of policies LP2 and LP16 of the Fenland Local Plan (2014).
- 11.3. The residential development of the site could be acceptable in principle, however the information presented at this time fails to demonstrate that the amount of development proposed (9 dwellings) could be delivered alongside an acceptable highway layout to serve the development, and as such the scheme is contrary to policy LP15 of the Fenland Local Plan (2014).
- 11.4. The drainage details accompanying the application fail to demonstrate that an acceptable strategy is in place to deal with surface water drainage from the site. The scheme is therefore contrary to the requirements of policy LP14 of the Fenland Local Plan (2014).

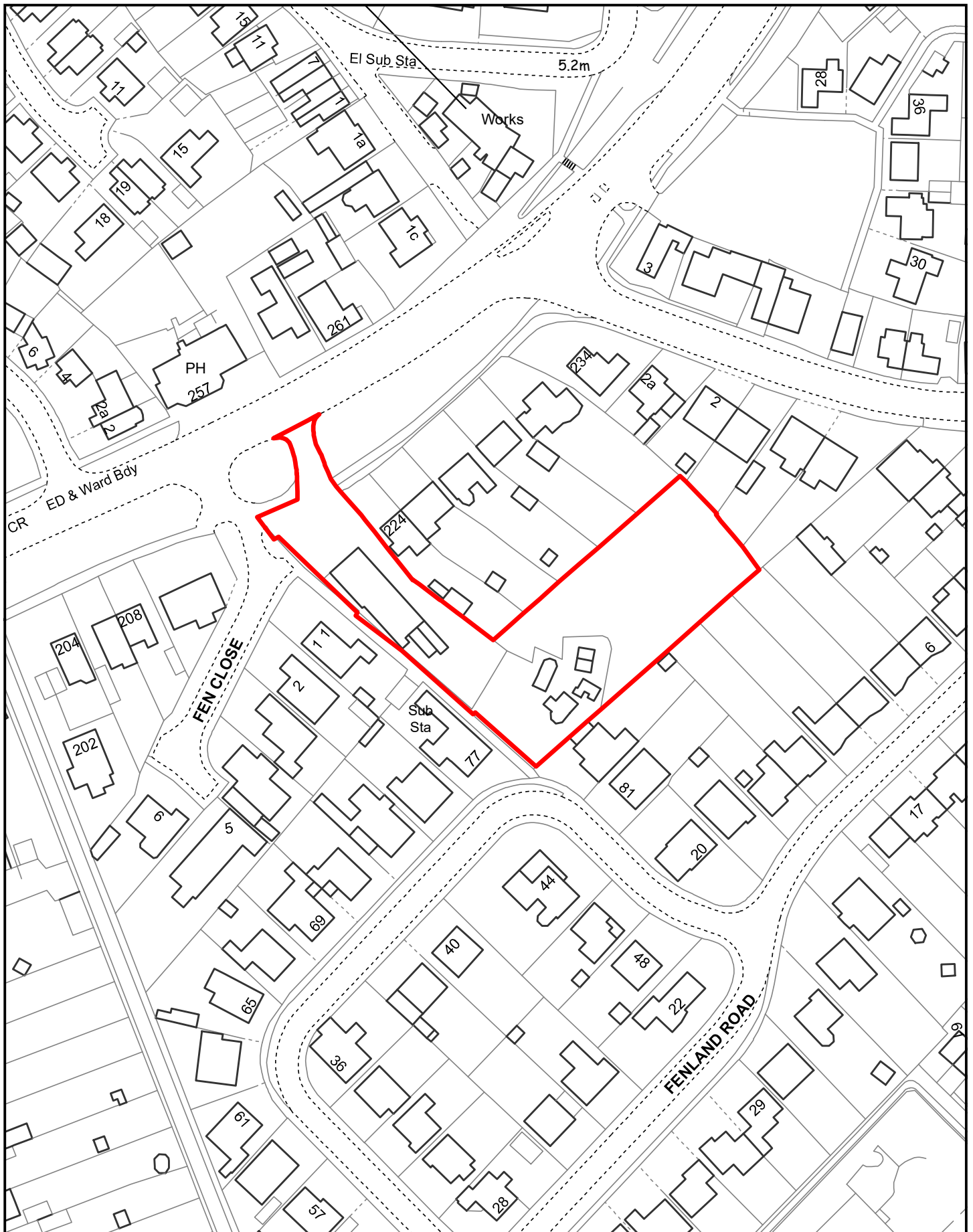
## 12. RECOMMENDATION

REFUSAL, for the following reasons.

1	Policies LP2 and LP16 of the Fenland Local Plan require development proposals to create high quality environments within the district that enhance the character and appearance of their surroundings. The proposal indicates a level of development that results in a scheme that fails to provide a high-quality environment. The indicative layout shows a scheme that results in the removal of a substantial amount of landscaping from the site and has a cramped relationship with the street scene, particularly around indicated plots 1-4. The indicative layout would also require amendment in order to provide satisfactory vehicular access to the properties proposed. The proposal is therefore contrary to the requirements of policies LP2, LP15 and LP16.
2	Policy LP19 of the Fenland Local Plan (2014) states that the Council will refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation measures can be secured to offset the harm and achieve a net gain for biodiversity. The application is not accompanied by an ecological survey of the land, which incorporates features that provide suitable habitat for protected species. The application also fails to provide an arboricultural assessment to identify how a scheme could be designed to accommodate the existing mature trees on the site that provide a positive benefit to the biodiversity contribution of the site. On that basis, the application is unable to demonstrate that it would not cause harm to protected habitat or species, and no mitigation is identified to ensure that there would be no net



	biodiversity loss as a result of the development. The application is therefore contrary to policy LP19 of the Fenland Local Plan (2014).
3	Policy LP14 of the fenland Local Plan seeks to minimise the risk of flooding of development proposals. The application is accompanied by surface water drainage details that have resulted in an objection from the Lead Local Flood Authority on the grounds that the submitted information fails to adequately demonstrate how surface water drainage from the site is to be handled, and as such the application is contrary to policy LP14 of the Fenland Local Plan (2014).



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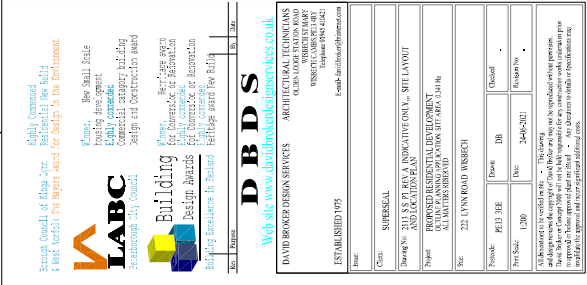
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Fenland District Council



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**F/YR21/0833/O**

**Applicant: Mr V Salisbury**

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

**Land South Of 19, Blackmill Road, Chatteris, Cambridgeshire**

**Erect up to 6 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site comprises 0.59Ha of agricultural land located at the southern end of Chatteris, south of Blackmill Road in an area of open countryside.
- 1.2 The application seeks Outline planning permission for the residential development of the site for up to 6 dwellings, with access committed
- 1.3 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, therefore also contrary to LP15.
- 1.4 The proposal would also unacceptably impact the character and appearance of the area owing to the rural and open character of the site contrary to LP16 of the Fenland Local Plan.
- 1.5 The recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises 0.59Ha of agricultural land located at the southern end of Chatteris, south of Blackmill Road. The site is open on its southern and eastern boundaries but generally screened to the north and west by a dense belt of trees.
- 2.2 The site is accessed off Blackmill Road, the southern part of which is a Public Byway Open to All Traffic, No. 22 ('BOAT') which connects at the north to the metalled part of Blackmill Road and west via an unmade track to open countryside. The BOAT varies in width but is generally single-track and is unmetalled, with drainage channels running along either side. Some properties along Millfield Close and Fairview Gardens have vehicular accesses leading onto this track, achieved through culverting.
- 2.3 Immediately north and northwest of the site are the outlier properties 19 Blackmill Road and Salisbury House respectively which lie in the countryside, effectively separated from the continuous built settlement by the BOAT.

2.4 The site lies in flood zone 1.

### **3 PROPOSAL**

3.1 The application seeks Outline planning permission for the residential development of the site for up to 6 dwellings. The application was originally submitted with all matters reserved, however concerns raised in respect of access prompted Officers to request committed access details.

3.2 As such, this application now commits access, with matters of layout, scale, appearance and landscaping reserved for future consideration. Notwithstanding this, the applicant has submitted an indicative layout plan showing how the 6 dwellings could be arranged.

#### *Access*

3.3 The access leads directly off the BOAT and comprises a 5m wide tarmac road, the first 10m of which is designed to CCC Highways specification. The access road is then shown to run along the northern boundary as a shared surface drive, serving each property

#### *Indicative layout*

3.4 The dwellings are arranged in a linear fashion, arranged to the south of the shared driveway and incorporate individual gravel driveways, with rear gardens backing onto the agricultural fields to the south. A bin collection point is shown at the north east corner of the site, adjacent to the main access.

3.5 A range of soft landscaping and a fence is shown along the northern perimeter of the site, with fencing denoted along the remaining boundaries.

3.6 Following discussion with the applicant, whereby concerns were raised over the adequacy of the BOAT to serve the development, the applicant has requested that this application is assessed on the basis that no upgrade work to the BOAT is proposed.

3.7 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/YR16/1000/F	Erection of a 2-storey 4-bed workplace home and storage shed for office/horticultural use	Refused 25.05.2017 Appeal Dismissed 06.12.2017 (APP/D0515/W/17/3180740)
F/YR16/0469/F	Erection of a 2-storey 4-bed dwelling and a workshop with B1, B2 or B8 use	Refused 03.08.2016

### OTHER RELEVANT HISTORY

### 4.2

Reference	Description	Decision
F/YR19/0152/O	Erection of up to 50no dwellings (outline application with all matters reserved)	Granted 26.08.2020

## 5 CONSULTATIONS

### 5.1 Chatteris Town Council

28.07.2021

*Need clarification about the access to the site, in particular how the width of the existing drove is to be extended to 5m wide as proposed in the plans.*

16.09.2021

*The Council remains concerned about the access and does not believe the access road from Blackmill Road is of adequate width to support this development.*

### 5.2 Ward Cllr – Mrs Anne Hay

*As this is in my ward and I know that some Town Councillors were concerned that this might be overdevelopment together with the unsuitable access, on 2 previous occasions planning has been rejected and also rejected on appeal, I realise that on those 2 occasions the rejection was not based on access but there is a difference between the number of vehicles generated by 6 extra houses rather than 1, and I consider this area to be in open countryside. It is also worth mentioning that the vehicles which currently use this drove do not always drive slowly out on to Blackmill Drove as they do not recognise that cars exiting from Millfield Close have right of way and I myself have on occasions had to brake sharply to avoid colliding with vehicles exiting this Drove. I therefore request that this application be brought before the planning committee to determine [should the application receive favourable recommendation from Officers].*

### 5.3 Cambs County Council Highways

*It is my opinion that due to reasons of width, construction and lack of street lighting that the access road to the site is unsuitable to serve 6 dwellings. There is evidence of verge damage and this is likely to increase if the development is permitted.*

*While I note that there is planning history on the site and a highway reason for refusal did not form part of it, this was for a lower level of development.*

*It might be possible to improve Blackmill Road to an acceptable standard, however the comments from the Asset Information Definitive Map Officer are important, who states that there is no legally defined and recorded width for the byway. As such any proposals put forward at the present time cannot be guaranteed that they would be implementable.*

*It is my view that it would not be possible to attach conditions to improve the road due to this uncertainty of deliverability and this would therefore fail to meet the tests of use of planning conditions.*

*For the reasons stated above I object to the planning application.*

#### **5.4 Cambs County Council – Definitive Mapping Team (Public Rights of Way)**

*The access road to the development is recorded as a Byway Open to all Traffic (Public Byway Open to All Traffic No. 22, Chatteris). As a Public Byway, the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles. The byway is only maintained to the standard of a soft surface suitable for the majority of public users (pedestrians and equestrians) rather than for private vehicular use.*

*The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highway Authority. The County Council does not know who the owner of the subsoil is. The applicant will need to satisfy themselves on this.*

*There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve and widen the byway to secure a standard that may be required by the Local Planning Authority. The applicant therefore would proceed with any development that might affect the highway at their own risk.*

*The Definitive Map Service, who deal with the legal record of public rights of way, do not support the application as we are concerned that the increased traffic associated with the development, combined with the narrowness of the byway, may cause a safety issue and lead to significant erosion of the byways surface.*

*Should planning permission be granted however the County Council would request informatives. [list of informatives provided in their response]*

#### **5.5 FDC Environmental Health**

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

*I acknowledge comments from this service relating to previous applications for the site and note that the existing use is define as agricultural land/paddock. Therefore, due to the aforementioned I believe it would again be prudent to request that the following condition is attached to any planning consent granted:*

**UNSUSPECTED CONTAMINATION**



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

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

## **Local Residents/Interested Parties**

### **5.6 Objectors**

10 letters of objection received from 12 Chatteris residents at the following;

- Blackmill Road x 1
- Fairview Gardens x 4
- Millfield Close x 4
- The Green, Fairway x 1

Raising the following concerns (summarised);

- Access
- Agricultural land
- Anti Social behaviour/ security issues
- Devaluing property
- Drainage
- Environmental Concerns e.g., pollution, odour, noise
- Flooding
- Loss of view/Outlook
- Overlooking/loss of privacy
- Traffic or Highways issues
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Insufficient width of Byway
- Pedestrian, cycle and equestrian to vehicle conflict would increase
- Proximity to property
- Parking arrangements
- Lack of street lighting
- Local services/schools - unable to cope
- Loss of view/Outlook
- Overlooking/loss of privacy
- Will affect foundations of existing properties
- Waste / litter

### **5.7 Supporters**

6 letters of support received from 9 Chatteris residents at the following addresses;

- Millfield Close x 1
- Fairview Drive x 3
- Fairview Gardens x 1
- London Road x 1

Making the following comments (summarised);

- There is a need for high quality housing
- Will provide much needed homes
- Will not interfere with existing residents
- Will add character to the area
- Chatteris needs big houses

## **6 STATUTORY DUTY**

- 7.1 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 comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan, (2021).

## **7 POLICY FRAMEWORK**

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

Chapter 9: Promoting sustainable transport  
Chapter 12: Achieving well-designed places

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

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

Context  
Identity  
Built Form  
Movement  
Nature  
Uses  
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  
LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16: Delivering and Protecting High Quality Environments across the District  
LP17: Community Safety  
LP19: The Natural Environment

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

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

## **8 KEY ISSUES**

- Principle of Development
- Access and Highways
- Impact on the Character and Appearance of the area

- Residential Amenity
- Biodiversity and Ecology
- Drainage and Flood Risk
- Other matters

## 9 ASSESSMENT

### **Principle of Development**

- 10.1 Local Plan Policy LP3, which sets out the spatial strategy for the District's growth, defines Chatteris as a Market Town where (along with the other market towns) the majority of the District's new housing growth should take place.
- 10.2 Having regard to the Council's previous assessment of the site under F/YR16/1000/F and the subsequent appeal which supported the Council's assessment, the site is considered to lie in the open countryside, bearing a stronger relationship to the open countryside than to the built settlement, separated from the urban area by the BOAT, the aforementioned outlier dwellings and then a dense belt of trees. In this regard, policy LP3 identifies the site as an 'Elsewhere' location and seeks to restrict development to that which is essential, generally for rural-based enterprise. In this regard there is policy conflict with the spatial principles of development, as the development is proposed to deliver market housing.
- 10.3 It is acknowledged that an Outline application for an urban extension of up to 50 dwellings was granted in 2020 (F/YR19/0152/O) which abuts the eastern boundary of the site, occupying what is currently open countryside and comprises an extension to the Fairbairn Way estate. In this regard, the Outline site directly abuts the continuous urban form of the settlement, distinctly different to the application site in spatial and visual terms, notwithstanding the social, environmental and economic benefits that a major development would have in comparison to this minor development scheme.
- 10.4 Development of the site would lead to a loss of agricultural land, albeit the site doesn't appear to have been actively farmed for some time, instead being used as paddock land. However, given the overall size of the site, this is not considered to be a significant loss of productive land.
- 10.5 Having regard to the above, it is concluded that principle of the development is not supported by the spatial strategy policies of the Local Plan.

### **Access and Highways**

- 10.6 The site is proposed to be served by a 5m wide private access road which in itself poses no concerns, particularly given the relatively low quantum of development. Furthermore, it is noted that the Council's Environmental Services team already serve the 2 outlier properties with a small refuse vehicle and they have confirmed that they would also be able to serve this development without adversely impacting on their service efficiencies.
- 10.7 However, the development is proposed to be accessed in the first instance by the BOAT – an unmade track which narrows in places and is generally devoid of passing places and street-lighting. In this regard, the unmade surface would not accommodate those with mobility issues or cyclists, the narrowness would

increase the risk of 'pedestrian/ cyclist/ equestrian to vehicle' and 'vehicle to vehicle' conflict.

- 10.8 Furthermore, the lack of street-lighting would not reduce the fear of crime and may in fact have the opposite effect. Cumulatively the BOAT in its current condition would not achieve a safe and effective access site and would not support or encourage non-car modes of travel, thereby rendering the development unsustainable in transport terms. This is in direct conflict with the aims of Policy LP15 – in particular criterion B) and C) which seeks to prioritise pedestrian other non-car modes of travel and maximises accessibility and Chapter 9 of the NPPF – in particular paragraph 110.
- 10.9 Policy LP15 sets out that any development that has transport implications (having regard to the wider sustainability aims of LP15) will not be granted permission unless deliverable mitigation measures have been identified and arrangements secured for their implementation which will make the development acceptable in transport terms.
- 10.10 The applicant has been encouraged to engage with the County Council to scope out the potential for delivering improvements to the BOAT. However, they have declined to undertake this and has requested that the LPA determine the scheme on the basis of maintaining the BOAT in its current condition. As such, no mitigation has been identified or scoped and the scheme is considered to conflict with the sustainable transport policies of both local and national policy.

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

- 10.11 As noted above, the site was previously found by the Council and Planning Inspector to sit in the open countryside, visually detached from the built settlement and separated even from the 2 outlier dwellings by mature planting. Due to the lack of any changes to the landscape character of the area and its surroundings, this remains the current status.
- 10.12 In this regard, development of the site, based on the indicative layout would inevitably result in a highly visible intrusion into the generally flat landscape of the countryside, with the visual intrusion being exacerbated by its evident detachment from the development to the north. It is concluded that development of the site as proposed would result in significant harm to the countryside, contrary to Policy LP16 of the FLP. This conclusion is drawn on the basis of the indicative layout and whilst scale and appearance has not been committed, it is considered that development of any scale, along with the inevitable domestic paraphernalia and boundary treatments would erode the open character of the area and would not enhance its distinctiveness.
- 10.13 Again, whilst it is noted that Outline permission for 50 homes has been granted on the adjacent land, which may mitigate aspects of this harm, this permission has not been progressed i.e., through a submission of reserved matters, in order for Officers to be able to assess whether sufficient mitigation could be achieved.

#### **Residential Amenity**

- 10.14 With matters of scale, layout and appearance not committed, it is not possible to assess whether the scheme would likely cause harm to residential amenity e.g., through overlooking, loss of outlook or overbearing impacts. Nonetheless its physical detachment and distance from existing properties would likely limit such impacts.

- 10.15 It is noted that a majority of concerns in respect of adverse impacts of existing residents stems from the likely intensified use of the BOAT resulting from the development.

*Noise and other pollution*

- 10.16 It is likely that some noise and other pollution emanating from the loose gravelled surface of the BOAT would increase through the increased vehicle trips undertaken by new occupiers of the development. However, given the small number of dwellings proposed, it is unlikely to result in significant harm in these respects. Likewise, any potential adverse impacts to foundations of existing properties through increased traffic is likely to be low.

*ASB/ Crime*

- 10.17 Concerns have also been raised in respect of an increase in ASB, although equally it could be argued that with more frequent use of the BOAT by vehicles, this could increase surveillance of the area which may, in turn, reduce the risk of ASB and other crime. It is recognised however that the BOAT is unlit and locating further dwellings at the end an unlit road may increase the risk of crime, or certainly the fear of it. Nonetheless, Officers consider at this time that there are insufficient grounds to refuse the proposal on this basis.

**Biodiversity and Ecology**

- 10.18 The site itself comprises solely agricultural land, set on the fringe of a large field. Within the site, there are few features which would indicate the presence of protected habitats. There are however mature trees and hedgerow along the northern boundary and the indicative layout indicates that new shrubs are proposed, behind a 1.8m high fence. It is assumed that a number of trees and shrubs along this northern boundary will need to be removed to accommodate the development and the impacts on biodiversity of doing so are unknown.
- 10.19 As such, it would be necessary to understand the biodiversity implications of the finalised layout which could be secured via planning condition and required under future reserved matters, the findings of which may inform a different layout – but it does appear as though there may be options to retain the existing trees and hedgerow through a slight realignment of the access road and boundary treatment and opportunities to introduce biodiversity enhancements.
- 10.20 In this regard, at this stage it would be unreasonable to refuse the application on grounds of biodiversity harm, although a better understanding of constraints and opportunities would need to be addressed through future reserved matters submission in accordance with FLP policies LP16(b) and LP19, should the Outline application be approved.

**Drainage and Flood Risk**

- 10.21 Concerns have been raised over potential flooding as a result of the development. The site and existing properties in the vicinity lie in flood zone 1, but the current EA surface water flood map indicates that some properties in the region of Blackmill Road and Millfield Close may be at a low to medium risk of surface water flooding.
- 10.22 This appears to be an existing issue and some residents have raised concerns over the existing drainage channels along Blackmill Road. Indeed, the drainage channels either side of the BOAT appear to be overgrown in places, and as

previously noted some culverting has occurred to provide access to the rear of some properties. Whilst it is unknown whether this is the cause of surface water flood issues, the development itself appears to lie in an area of low surface water flood risk and it would be expected that a suitable drainage scheme could be secured, to prevent flood issues at the site and not to exacerbate existing issues.

- 10.23 Given that the application does not propose to alter the BOAT, it is unlikely that the development would compromise the existing drainage of this road. The site itself appears to lie at a slightly lower level than that of Blackmill Road and indeed the mapping supports this, with areas of medium to high flood risk south and south-west of the site indicating lower-lying land. As such, it is likely that a scheme could be designed to avoid adverse flooding impacts on existing properties and those subject to this proposal.
- 10.24 Whilst no specific detail has been provided at this stage, matters of drainage method could be appropriately secured via planning condition. In respect of drainage, the development would also fall under Building Regulations control, whereby a satisfactory means of foul and surface water drainage (following the sustainable drainage hierarchy) would need to be demonstrated and delivered before the development could be occupied.
- 10.25 As such, the proposal does not raise any immediate conflict with the aims of FLP policies LP14 and LP16(m)

#### **Other matters**

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

#### *Would set a precedent*

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

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

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

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

#### *Devaluing of property*

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

*Waste/Litter*

- 10.31 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.

*Local services/schools - unable to cope*

- 10.32 Given the scale of the development and the expectation that Chatteris will accommodate a substantial amount of the District's growth in the plan period, the development is not anticipated to place any strain on existing services.

*There is a need for high quality housing*

- 10.33 The proposal comes forward with only access committed and therefore the 'quality' of the development is not available for assessment at this time. Notwithstanding this, the policies of the Local Plan and national policy seek to achieve high quality developments through all proposals. As such, there is nothing to indicate that this site would achieve anything over and above what the policies would require, notwithstanding that Officers have identified that the development would result in visual harm, with unsustainable access.

*Will provide much needed homes*

- 10.34 All LPAs are charged with significantly boosting housing supply and the strategies within the Local Plan, along with its housing allocations demonstrates how it will achieve this.
- 10.35 At present, the Council is able to demonstrate a 6.69 year supply of housing land and scored 98% in its latest Housing Delivery Test indicating that it is both able to identify sufficient land for housing and that delivery is occurring. As such, whilst it is recognised that homes are much needed, the data indicates that sub policy-compliant land is not required to achieve this.

*Chatteris needs big houses*

- 10.36 The precise detail of the scale of the dwellings is not committed at this time and it is not possible therefore to establish whether the properties proposed would be 'big', notwithstanding that what constitutes a 'big house' is not defined in any planning policy or guidance document.
- 10.37 The latest Strategic Housing Monitoring Assessment addendum 'Housing Needs of Specific Groups' (GL Hearn, October 2021) publication provides an assessment of likely demand for future property mix across the district. It does not set out the anticipated scale or mass of individual housing, only the number of bedrooms likely to be required in order to meet housing need for the next plan period. It indicates that there is greatest demand for 3 bedroom dwellings, than of any other property type.
- 10.38 It is not unreasonable to assume, on an approximate level, that the larger the house, the greater the likely number of bedrooms. In this case the latest SHMA would indicate that there no identified greater need for larger 4+ bedroom dwellings over and above the need for 3-bedroom homes, notwithstanding that the report does not specify housing needs on a settlement by settlement basis.

- 10.39 There is no evidence to indicate that Chatteris would be an exception to the findings of the SHMA and as such, there is no evidence to suggest that Chatteris specifically needs big houses.

## **10 CONCLUSIONS**

- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g., local services/ facilities, thereby helping to sustain the town of Chatteris and the wider district and would make a modest contribution towards the district's housing stock. This also has social benefits.
- 11.2 Weighing against the proposal however is the introduction of development which would not be in-keeping with spatial strategies of the development plan and would fail positively respond to the pattern of the settlement, resulting in a visually disrupting form of development which would have a significant, adverse impact on the spacious rural character and openness of the area, constituting environmental harm.
- 11.3 The proposal would also be unsustainably linked to the main settlement by reason of the unmade BOAT, forcing occupiers to rely primarily on private motor car to access the town's services and would not encourage non-car modes of travel or accommodate those less mobile, amounting to social harm.
- 11.4 It is considered that the harm substantially outweighs the benefits of the development.
- 11.5 The Council can demonstrate a 5-year supply of deliverable housing and therefore the policies within the development plan are considered up to date and robust enough to determine this proposal.
- 11.6 The proposal fails to accord with relevant policies of the development plan and is considered to comprise unsustainable development. The Local Planning Authority is required in law to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that an approval of the application would be justified in this instance.
- 11.7 Therefore, Officers recommend that the application is refused for the reasons set out in section 12 below;

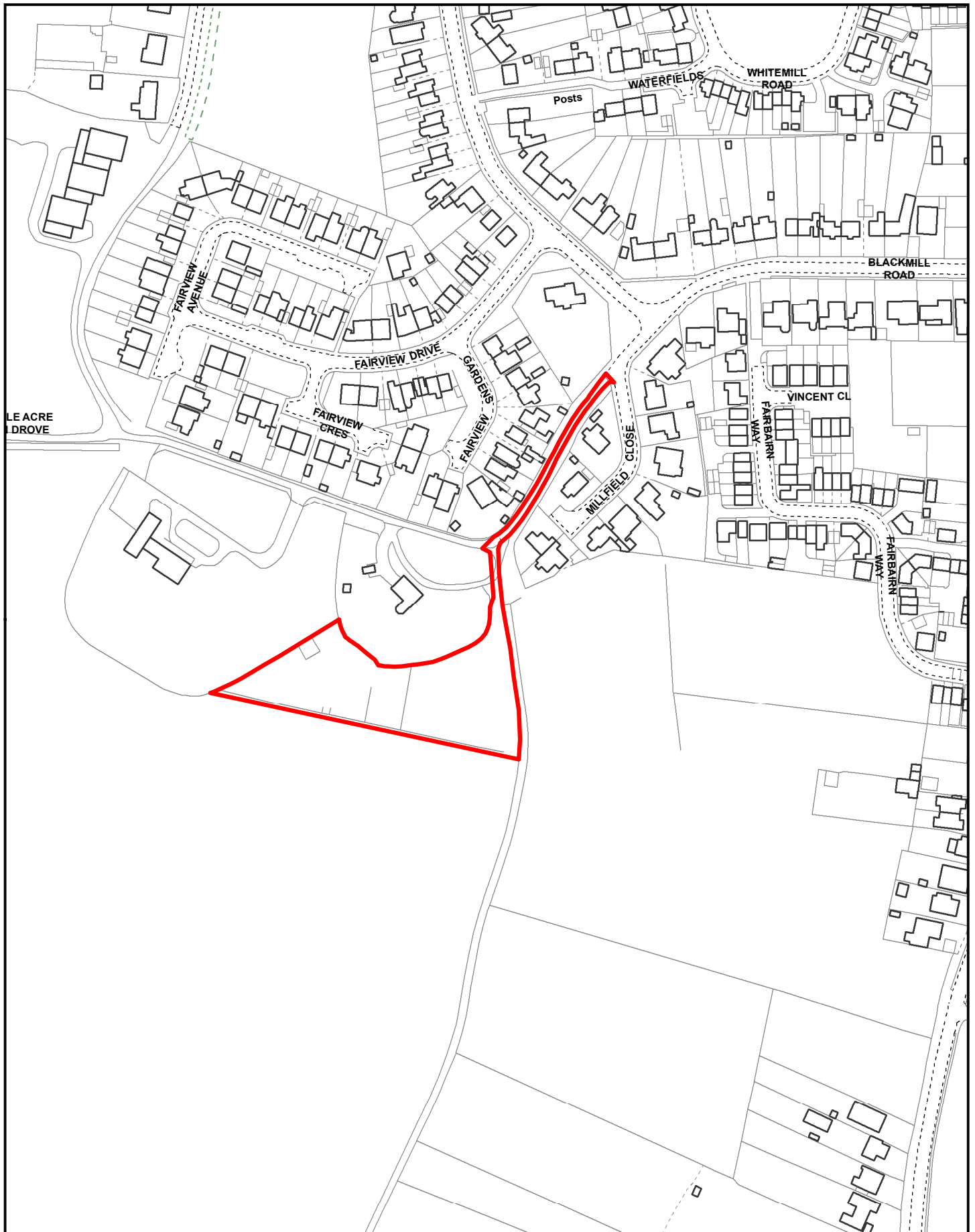
## **11 RECOMMENDATION**

- 12.1 Refuse for the following reasons;

1	The application site would rely on access via a Public Byway Open to All Traffic, No. 22 ('BOAT') which is unmetalled, unlit and restricted in width. The development would therefore result in an increase in unmitigated conflicts between vehicles and pedestrians, cyclists and equestrian users. Furthermore, due to the nature of the road, this would restrict the occupancy of the development to those more mobile and/ or would place a greater
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	<p>reliance on private motor vehicle to access the most basic services of the settlement.</p> <p>The proposal therefore conflicts with policy LP15 of the Fenland Local Plan and paragraphs 108 and 110 of the NPPF which seeks to achieve safe and effective access and encourage sustainable modes of travel.</p>
2	<p>The application site constitutes an area of open countryside and the development would result in a small pocket of piecemeal development which extends incongruously into the open countryside, resulting in the loss of open character and the urbanisation of the area, thereby causing unwarranted harm to the character and appearance of the area.</p> <p>The proposal is therefore considered to be contrary to Policies LP3 and LP16(d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 130 of the NPPF.</p>



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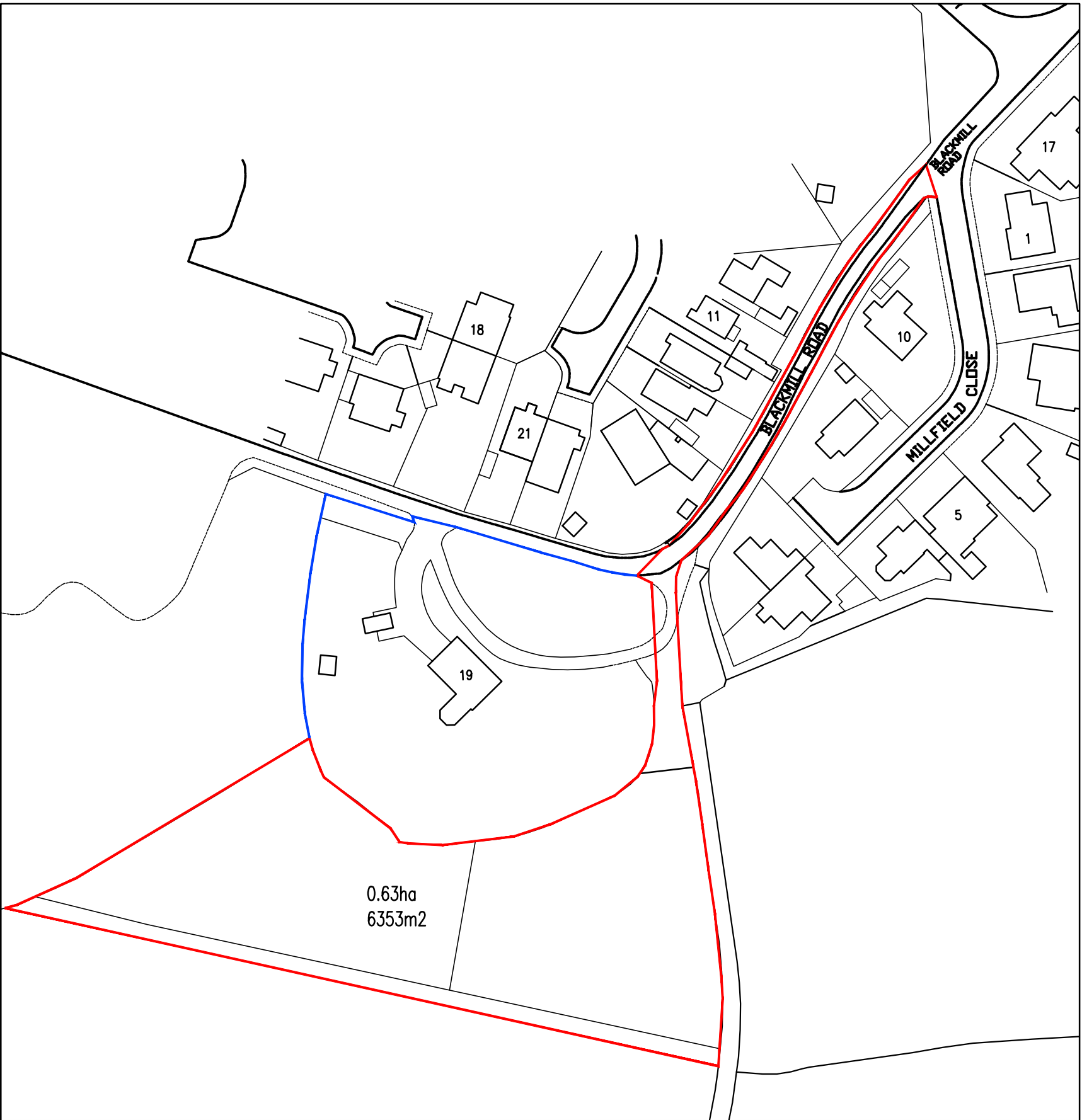
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**F/YR21/0833/O**

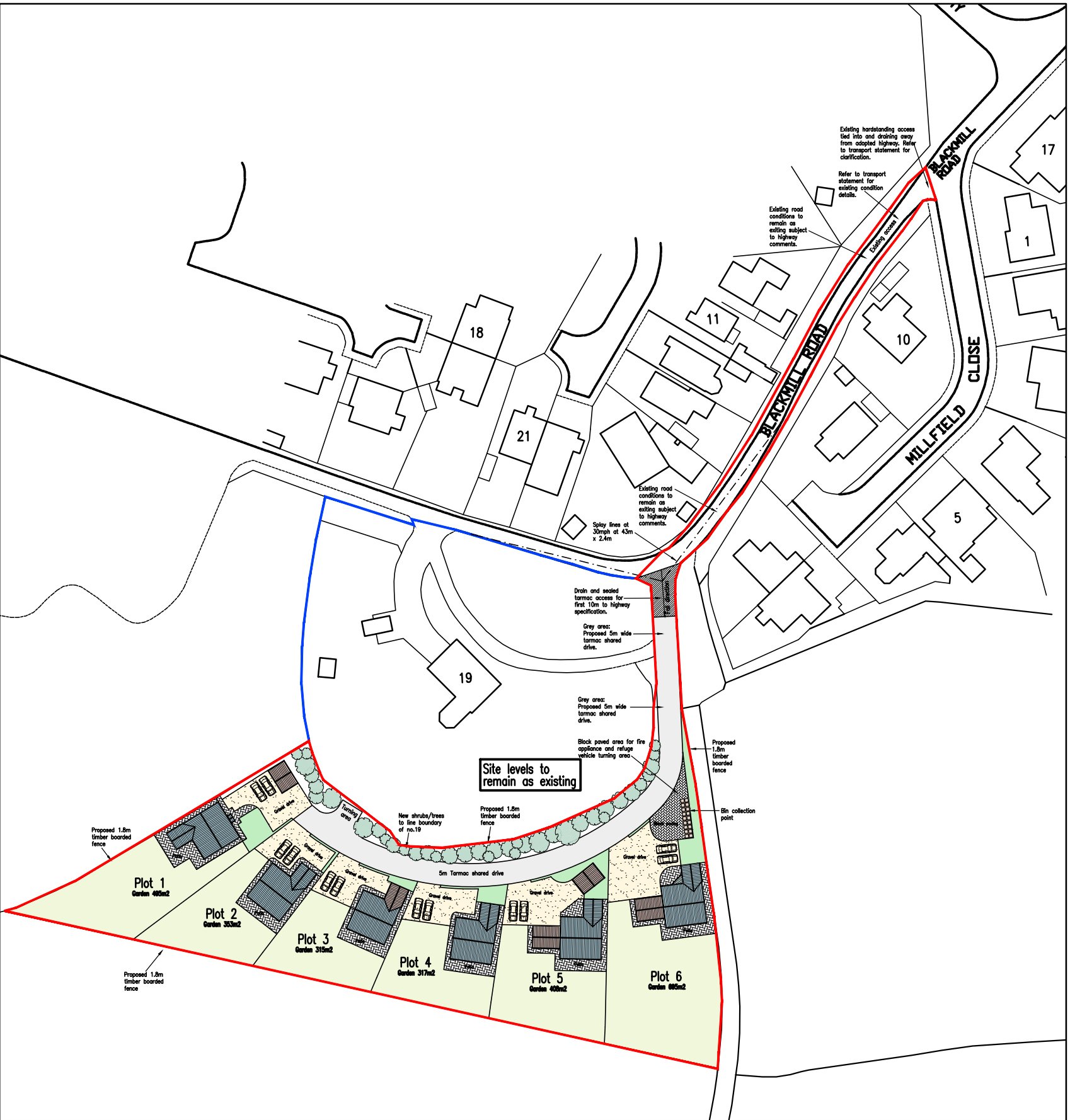
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EXISTING LOCATION PLAN 1:1000



INDICATIVE LOCATION PLAN 1:1000

E - Additional information for access  
D - Additional information for access  
C - Revision to red line

REVISIONS

JOB NO.	PAPER SIZE	DATE
6196/PL01E	A1	AUGUST

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CLIENT  
MR V SALISBURY

PROJECT  
OUTLINE FOR 6NO DWELLINGS

SITE  
LAND SOUTH OF NO. 19  
BLACKMILL ROAD  
CHATTERIS  
PE16 6SR

DRAWING  
SITE & LOCATION PLANS

**PHA**

**PETER HUMPHREY ASSOCIATES**

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A - Original Issue

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JOB NO.	PAPER SIZE	DATE
6196/PL02A	A1	AUGUST

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CLIENT

MR V SALISBURY

PROJECT

OUTLINE FOR 6NO DWELLINGS

SITE

LAND SOUTH OF NO. 19  
BLACKMILL ROAD  
CHATTERIS  
PE16 6SR

DRAWING

ACCESS SITE PLAN



PETER HUMPHREY  
ASSOCIATES

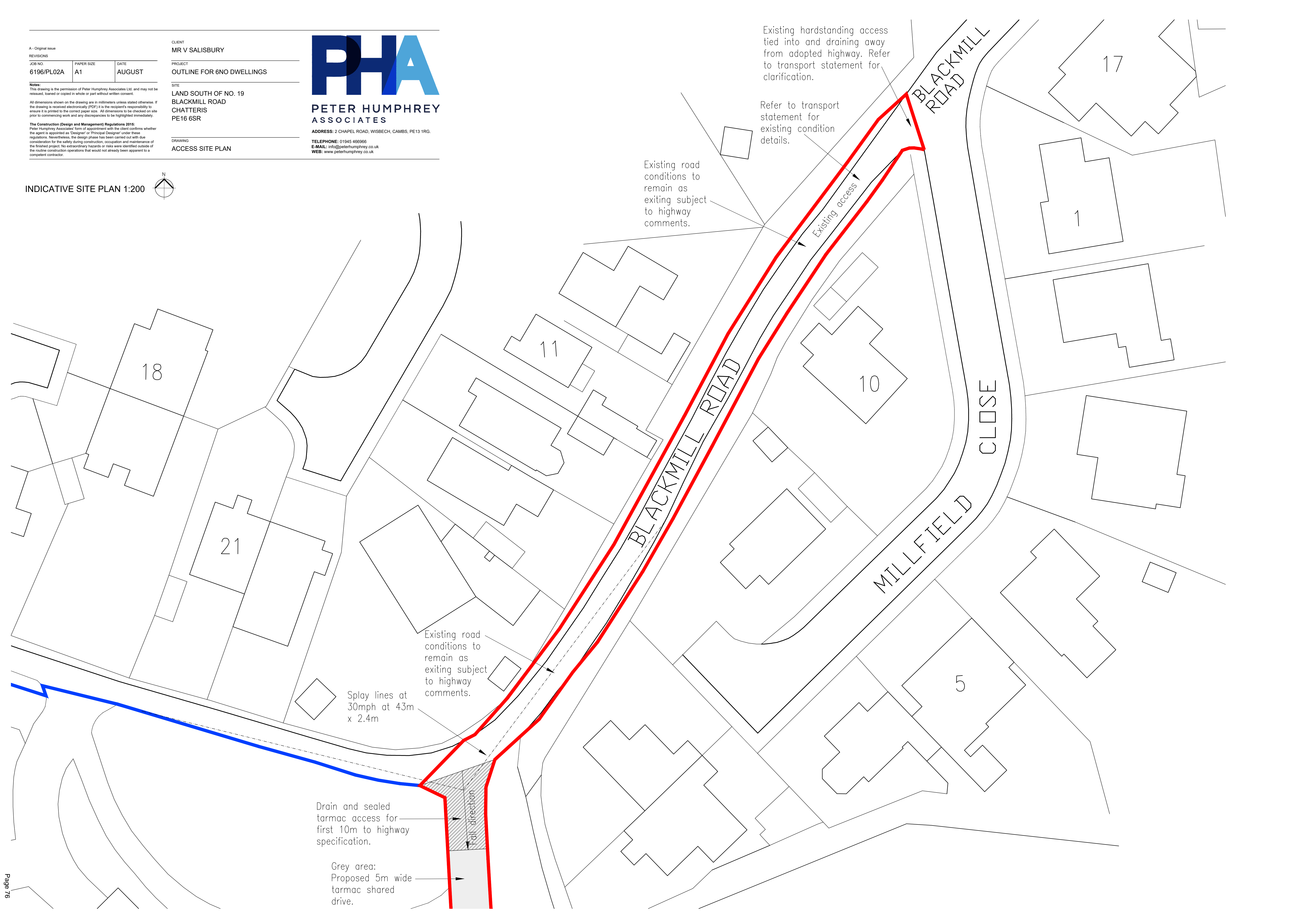
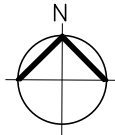
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WEB: www.peterhumphrey.co.uk

INDICATIVE SITE PLAN 1:200



Existing hardstanding access tied into and draining away from adopted highway. Refer to transport statement for clarification.

Refer to transport statement for existing condition details.

Existing road conditions to remain as exiting subject to highway comments.

Existing road conditions to remain as exiting subject to highway comments.

Splay lines at 30mph at 43m x 2.4m

Drain and sealed tarmac access for first 10m to highway specification.

Grey area: Proposed 5m wide tarmac shared drive.

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**F/YR21/1035/O**

**Applicant: Mr N Baines**

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

**Land North East Of Horseshoe Lodge, Main Road, Tydd Gote, Cambridgeshire**

**Erect 1 dwelling (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- |  |
|--|
| <p>1.1. This application seeks outline planning permission for the erection of one dwelling on disused agricultural land in Flood Zones 2 &amp; 3, approximately 40m east of a group of barns converted for residential use outside the settlement of Tydd Gote. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.</p> <p>1.2. The development site falls within an 'elsewhere' location. As identified under Policy LP3 development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. Furthermore, owing to the elsewhere location, it is necessary to apply the criteria outlined in Policy LP12. The application includes no justification regarding functional need for the dwelling being essential to rural enterprises such as those listed above. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p> <p>1.3. The submitted Flood Risk Assessment argues that no other land is at lower risk of flooding than Flood Zones 2 &amp; 3 within Tydd Gote and as such there are no sequentially preferential sites available. However, owing to the location of the development outside the settlement of Tydd Gote, the area of search required for the Sequential Test is district wide. Thus as set out in the SPD, the sequential test is considered to be failed.</p> <p>1.4. The proposals will see development encroach into currently undeveloped land that was previously likely part of the agricultural fields to the east and south. Development encroaching into this land would be to the detriment of the character and appearance of the area contrary to Policies LP12 and LP16 (d)</p> <p>1.5. Thus, the proposal is considered unacceptable with regard to Policies LP3, LP12, LP14, and LP16(d) and hence is recommended for refusal.</p> |
|--|

## 2 SITE DESCRIPTION

- 2.1. The site is located in a rural area, approximately 40m east of a group of barns converted for residential use. The North Level Main Drain is located approximately 60m to the north of the site and essentially separates the site from the main settlement. To the west is an existing access track that culminates in a grassed footpath turning north of the site and the east and south of the site adjoin agricultural fields. The site is not visible from a public viewpoint, enclosed by hedging on all boundaries and is currently overgrown agricultural land. The site also includes a disused single-storey brick-built barn with a dual pitched roof set approximately 72m west of the proposed dwelling's position. The land is within flood zones 2 and 3.

## 3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of a single dwelling on the land, with all matters reserved for later approval. The access to the site is indicated to utilise the existing access track which serves the existing residential development to the west and currently allows access to the site. The submitted illustrative drawing submitted shows a detached dwelling in proximity to the western boundary with separate detached garage, a parking and turning area the southwest of the dwelling and large garden to east.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

F/YR14/0914/F	Conversion of existing barn and erection of part single-storey, part 2-storey side extensions to form a 2-storey 4-bed dwelling with attached garage	Refused 12.01.2015
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## 5 CONSULTATIONS

### 5.1. Environment Agency

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

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

*Our hazard mapping shows flood depths of 0.5m -1m in the event of a breach or overtopping of the flood defences, therefore we would usually advise that finished floor levels (FFL) must be set above the maximum flood depth (1m) however the FRA states this is not achievable, and has proposed sufficient flood resistant construction.*

*We therefore have no objection to this application, but strongly recommend that the development be carried out in accordance with the Flood Risk Assessment (FRA) prepared by Geoff Beel Consultancy dated October 2021, Ref: GCB/SWANNEDWARDS and the following mitigation measures:*

- FFL must be set 400mm above ground level, with flood resistant construction to a height of 600mm above the FFL*

- Flood resistant and resilient measures to be incorporated into the proposed development as stated, including flood doors on all ground floor openings
- No ground floor sleeping accommodation

### **Advice to the LPA**

#### **Sequential test**

#### **What is the sequential test and does it apply to this application?**

*In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.*

*Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.*

*The only developments exempt from the sequential test in flood risk areas are:*

- *Householder developments such as residential extensions, conservatories or loft conversions*
- *Small non-residential extensions with a footprint of less than 250sqm*
- *Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)*
- *Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.*

*Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.*

#### **5.2. Tydd St Giles Parish Council**

*The members of the Parish Council's Planning Committee considered this application at their recent meeting. They consider this application to be an unwarranted incursion into open countryside, contrary to policy LP3. The applicant has not provided any evidence of need to mitigate this. They note that the site offers the potential for several further properties in the future and believe that, if granted, this application would set a precedent. Members were also mindful of the concerns expressed by the residents of the adjoining properties.*

#### **5.3. North Level Internal Drainage Board**

*I would like to advise that North Level District IDB has no comment to make with regard to the above application.*

**5.4. Cambridgeshire County Council Highways Authority**

*The proposals are on a site that is remote from the village centre without pedestrian access off a rural, unlit road. FDC to consider the general sustainability of the site.*

*I have concerns regarding the width and layout of the access but improvements to this can be submitted as part of a future reserved matters application.*

*I have no objections to the planning application.*

**5.5. Local Residents/Interested Parties**

**Objectors**

The LPA received 10 objections to the scheme (six from residents of Main Road, Tydd Gote, one from a resident of Hannath Road, Tydd Gote and one from residents of Wisbech and Downham Market). Several concerns were raised with regard to the suitability of the access to serve an additional dwelling in terms of highway safety. In addition, residents were concerned with the precedent that would be set by an approval of the scheme that would potentially see further residential development at or around the site that could encroach into the countryside. Furthermore, concerns were raised with regard to the loss of agricultural land, impacts to residential amenity and character.

**Supporters**

Contrastingly, the LPA also received 18 letters of support for the scheme (four from residents of Tydd Gote, three from Elm, three from Leverington and from residents of Murrow, Spalding, Peterborough, Eye, Sutton Bridge, Clenchwarton, West Walton and Warboys). Reasons for support included a lack of quality housing in Fenland, and an improvement to an unsightly area of land.

The relevant material planning considerations as outlined within the comments received are assessed 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).

**7 POLICY FRAMEWORK**

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

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

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

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

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



- 7.2. **National Planning Practice Guidance (NPPG)**  
Determining planning applications
- 7.3. **National Design Guide 2019**  
Context  
Identity  
Built Form  
Homes and Buildings
- 7.4. **Fenland Local Plan 2014**  
LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP12 – Rural Areas Development Policy  
LP14 – Responding to Climate Change and Managing the Risk of Flooding  
LP15 – Facilitating the Creation of a More Sustainable Transport Network  
LP16 – Delivering and Protecting High Quality Environments
- 7.5. **Supplementary Planning Documents/Guidance**  
Cambridgeshire Flood and Water SPD (2016)

## **8 KEY ISSUES**

- **Principle of Development**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 9.2. The site falls outside the continuous built form of Tydd Gote, which excludes the small collection of dwellings to the west as defined within footnote (a) of Policy LP12. Thus, the development site falls within an 'elsewhere' location. As identified under Policy LP3 development in such areas should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. Furthermore, owing to the elsewhere location, it is necessary to apply the criteria outlined in Policy LP12. Considering the proposal is to erect a new dwelling at the site, it must meet the tests set out in Part D of Policy LP12 which would require the application to demonstrate an existing functional need (amongst other criteria). This functional need would normally only be supported where is required owing to an adjacent enterprise falling within the categories outlined within Policy LP3, and any approval would likely include a restrictive occupancy condition to the same.
- 9.3. Whilst there are other dwellings in the vicinity, these generally pre-date planning or are barn conversions. The existence of these dwellings would result in the site not being 'physically' isolated, however the lack of nearby services and facilities would render the location 'functionally' isolated as such

the provisions of Para. 79 of the NPPF and the tests established by the Braintree judgement would not be relevant and would not outweigh Policy LP12 in this instance.

- 9.4. Details submitted with the application includes no justification regarding functional need for the dwelling being essential to rural enterprises such as agriculture, horticulture, forestry, outdoor recreation, transport or utility services, etc. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014 and thus the principle of development such as the proposed cannot be supported.

#### **Character and appearance**

- 9.5. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage.
- 9.6. Notwithstanding, the development proposed would encroach into predominately undeveloped land (save for the existing barn to the east) that was previously likely part of the agricultural fields to the east and south. This area of land coupled with the access track set to the west forms a distinct and natural demarcation between the cluster of residential properties to the east and the countryside beyond. Development encroaching into this land would be to the detriment of the character and appearance of the area and would arguably create a precedent for further development within the countryside. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

#### **Residential amenity**

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

#### **Flooding**

- 9.9. 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 predominately located within Flood Zone 2, with a small area to the northeast corner within Flood Zone 3.

#### ***Sequential Test***

- 9.10. 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). However, as the development is located

outside of the settlement of Tydd Gote, and there is not considered to be any justification for a dwelling in connection with an existing use, the area of search in this case is district wide.

- 9.11. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment argues that no other land is at a lower risk of flooding than Flood Zones 2 & 3 within Tydd Gote and as such there are no sequentially preferential sites available. However, owing to the location of the development outside the settlement of Tydd Gote, the area of search required for the Sequential Test is district wide. Thus as set out in the SPD, the sequential test is considered to be failed.
- 9.12. Upon re-consultation with the Environment Agency regarding the revised Flood Risk Assessment, they were able to remove their objection owing to the mitigation measures outlined within the report. Notwithstanding, the EA's comments of no objection should not be taken to mean that they consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test is considered failed.

#### *Exception Test*

- 9.14. 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 wider sustainability benefits that outweigh flood risk, and that the development will be safe from flood risk without increasing flood risk elsewhere. No details pertaining to the Exception Test were submitted at this stage, however these measures could be considered and included at Reserved Matters stage and may result in the satisfactory compliance with the Exception Test in this regard.
- 9.15. *Flooding and Flood Risk - Conclusion*  
The evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has failed the Sequential Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

#### **Highway Safety**

- 9.18. Access to the site will be via an existing access from the A1101 and along a shared access road leading from the existing residential development to the west. There is ample room within the site for parking and turning. The Highway Authority have no objection to the scheme at this stage, as adequate details for access, parking, and turning could be detailed and secured at Reserved Matters Stage.
- 9.19. However, the Highways Authority have outlined that the site is *remote from the village centre without pedestrian access off a rural, unlit road*, and recommended consideration of the suitability of the site for residential development. These comments support the considered position that the site is 'functionally' isolated (para 9.3) and the lack of services and infrastructure to support the site should be a material consideration.

## **Other issues**

### *Brownfield Land*

9.20. The applicant in the submitted Design and Access Statement opines that the site is brownfield land, owing to the existence of outbuildings on the site. 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.

9.21. 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.*

9.22. The application form submitted for this application states that the current use of the site is agricultural, which would therefore exclude the site from the above definition. Furthermore, and notwithstanding this, as the site sits outside of the settlement the substantial weight given by NPPF para. 120 is not applicable in any event. As such, the argument put forward regarding the use of previously developed land is not considered to have any merit.

9.23. 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 land would not be so significant to warrant refusal on this ground.

### *Untidy land*

9.24. It is noted that comments have been received concluding that the site would be tidied up if developed due to its current overgrown nature. Given its position, the site is not noticeable from the street scene at present and is not considered to have a harmful impact on the amenity of the area. Notwithstanding this, the condition of a site due to neglect should not alone provide justification for development. Furthermore, where an 'untidy' site was deemed to be causing nuisance, this can be resolved through appropriate enforcement action where in the public interest.

## **10 CONCLUSIONS**

10.1. On the basis of the consideration of the issues contributing to the principle of the development of the site listed above, there would be conflict with adopted

planning policy in two of those areas. Such conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3 and LP12.

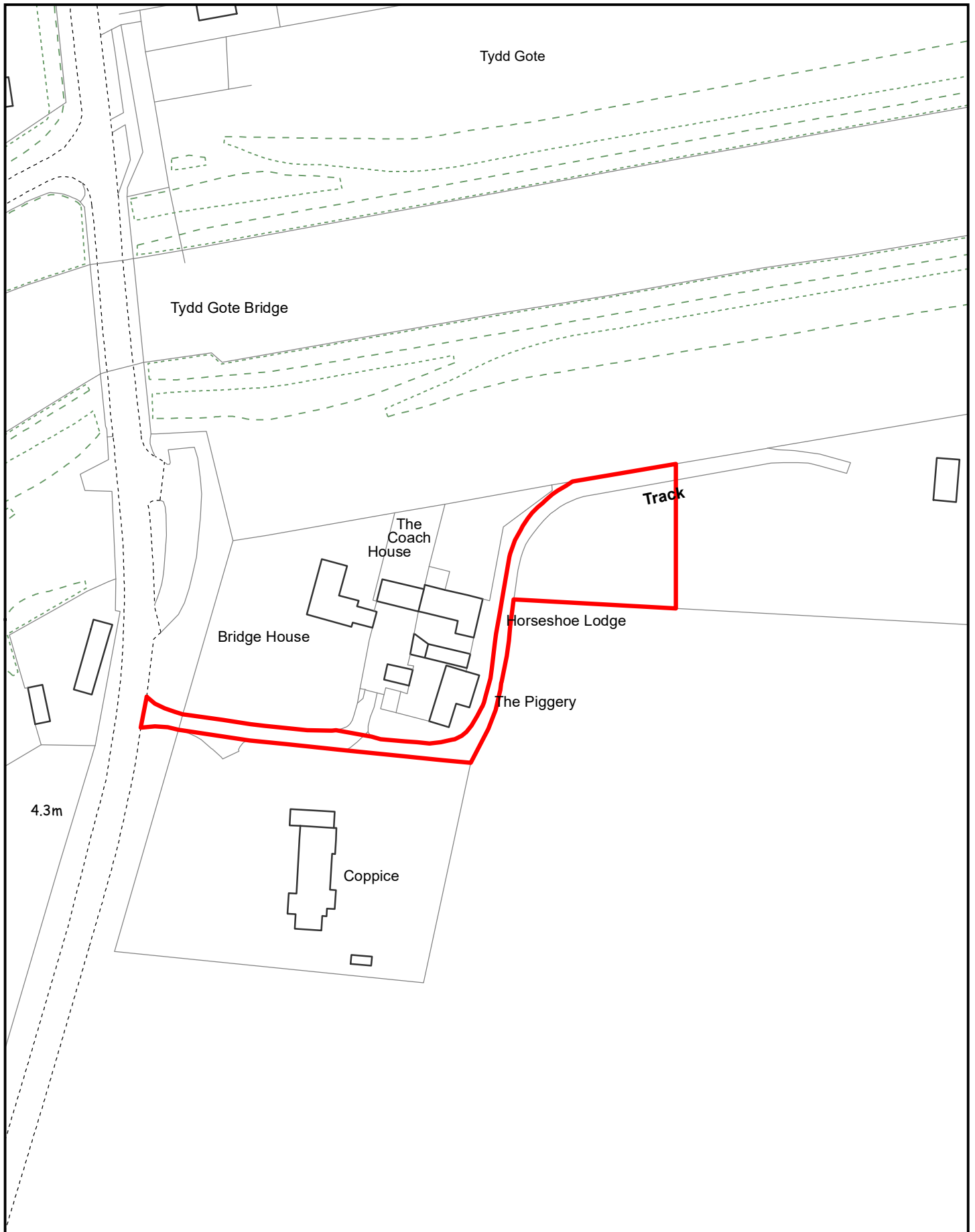
- 10.2. Furthermore, no justification was provided within the Sequential Test to establish that the quantum of development could be accommodated within and area of lesser flood risk, in contravention of Policy LP14.
- 10.3. As such the proposed development is contrary to local planning policy and should be refused.

## 11 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. The site is considered an 'elsewhere' location where development should be restricted to that which is essential for agriculture, horticulture, forestry, outdoor recreation, transport or utility services and to minerals or waste development. The proposed development is located in an unsustainable location outside the settlement limits of Tydd Gote, where residential development is not normally supported unless justified. The proposal will introduce development into an area that currently has a strong relationship with the adjoining countryside, with no evidence to a clear link to rural enterprise and hence does not demonstrate an essential need for the dwelling in this location. Furthermore, the site by virtue of its 'functional' isolation limits the scope for sustainable development given the lack of pedestrian connectivity to the settlement. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.
2	Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2019) 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. Owing to the 'elsewhere' location and the lack of specific need for development at the application site relating to an existing use, the Sequential Test must be considered across the whole District. The Sequential Test fails to fully identify land available within the whole of the District that is available to accommodate the proposed quantum of development, and the test is therefore considered to be failed; contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).
3	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments

	<p>through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The development proposed would encroach into currently undeveloped land which coupled with the access track set to the west forms a distinct and natural demarcation between the cluster of properties to the east and the countryside beyond. Development encroaching into this land would therefore be to the detriment of the character and appearance of the area. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>
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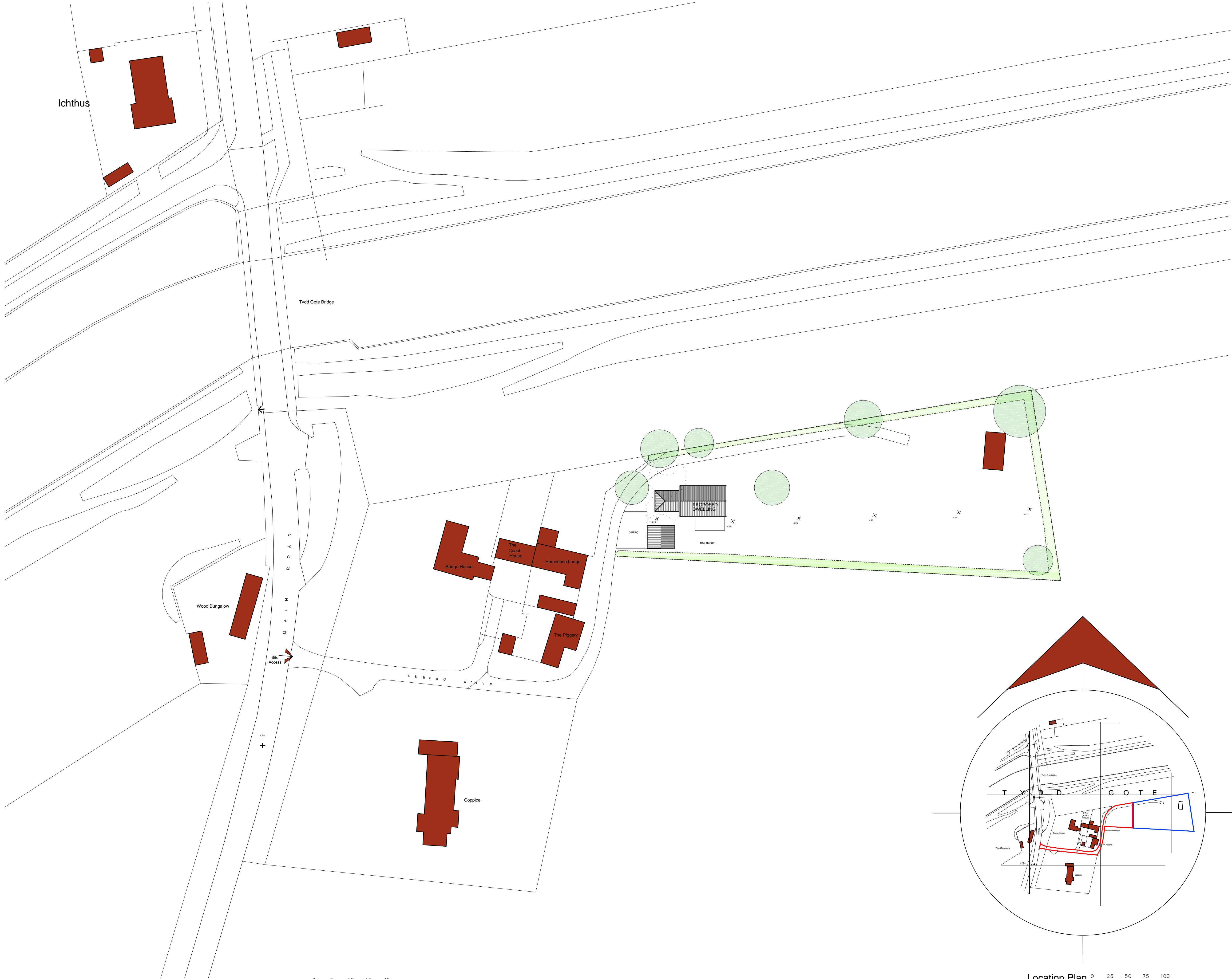
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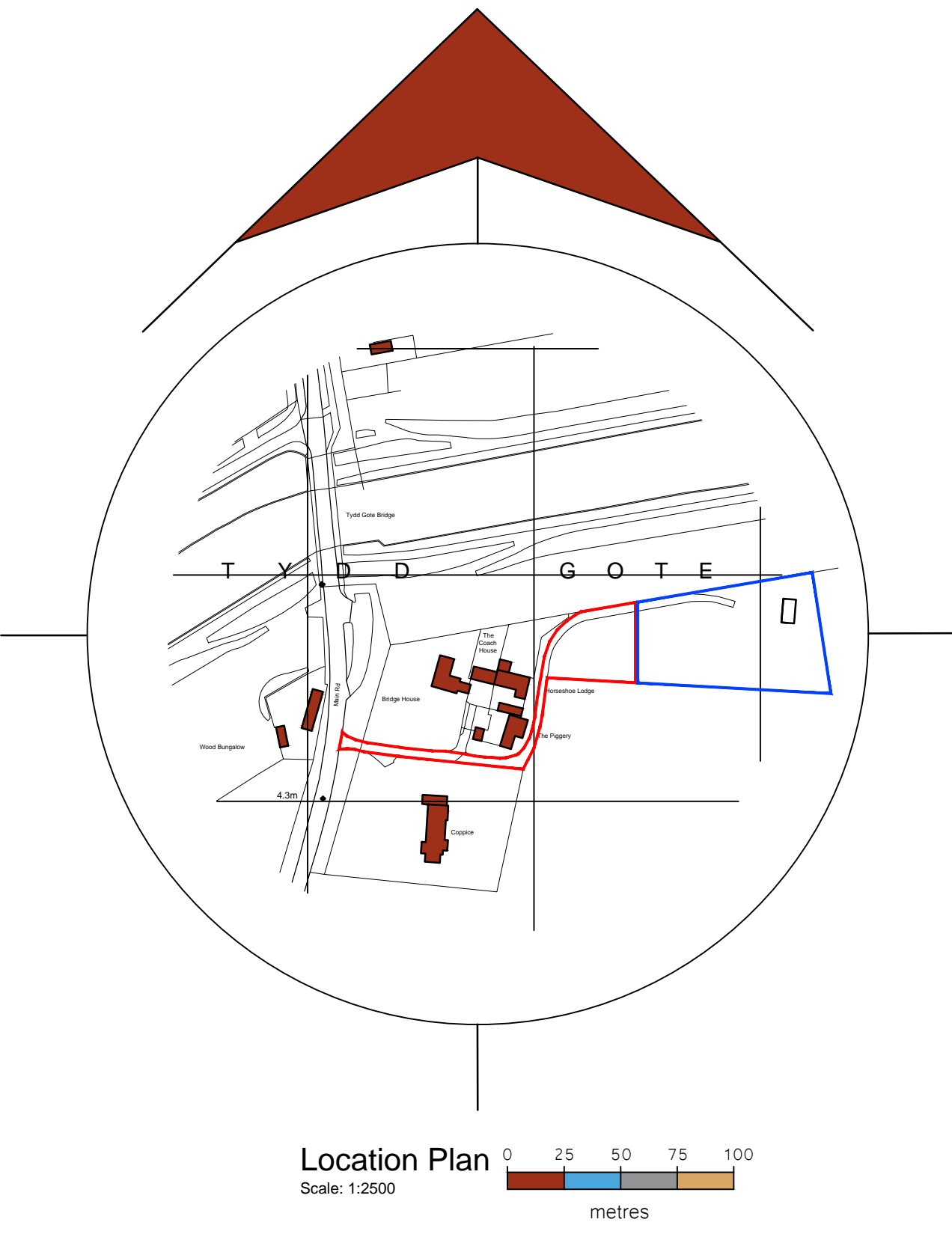
**F/YR21/1035/O**

Scale = 1:1,250





Indicative Site Plan  
Scale: 1:500



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

AREA SCHEDULE

APPLICATION SITE AREA = 1637m<sup>2</sup>

SITE PLAN KEY

Un-surveyed buildings taken from OS map

Proposed development

Existing vegetation

Revisions			Planning Validation
A	Sept 2021		

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450654 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title		Date	Drawn by
Proposed Dwelling		June 2021	JB
Land East of Horseshoe Lodge		Main Road, Tydd Gate, PE13 5RG	Checked by
Main Road, Tydd Gate, PE13 5RG			RS
Drawing Title		Job No.	Sheet Size
Planning Drawing		SE-1629	A1
		Dwg No.	Revision
		PP1000	A



F/YR21/1164/F

**Applicant: Mr & Mrs Gray-Esson**

**Agent :**

**17 Thornham Way, Eastrea, Peterborough, Cambridgeshire PE7 2AS**

**Erect a 2.0m (approx) high boundary fence to existing dwelling involving the demolition of existing boundary wall**

**Officer recommendation: Grant**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site is located within the settlement of Eastrea on a corner plot within Thornham Way.
- 1.2 The application seeks full planning permission for the erection of a 2.0m high (approx) boundary fence to the existing dwelling involving the demolition of the existing side wall to the rear garden.
- 1.3 Thornham Way is characterised by open frontages adjacent to the public highway. The proposed fence would move the side wall of the rear garden towards the public highway by at most one metre at the eastern end of the garden and envelop a small amount of the current landscaped area into the rear garden.
- 1.4 The proposed fence would not cause significant demonstrable harm to the character of the area, residential amenity or highway safety due to its location and materials, and therefore the recommendation is to grant planning permission.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within the settlement of Eastrea on a corner plot within Thornham Way. The host property is a single storey detached bungalow with a shallow wrap around front garden and rear garden enclosed to the south and east by approximately 1.8 metre high wall. The property has a detached garage located behind the rear wall of the property. The area is characterised by single storey and 2-storey detached and semi-detached properties, with generally open frontages.

## **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of a 2.0m (approx) high close boarded fence to the side of the rear garden, involving the demolition of the existing wall. The fence would be positioned with the eastern most point 1 metre closer to the highway than the existing wall and the western most point butting up against the south east corner of the host property.

## 4 SITE PLANNING HISTORY

Pertinent planning history for the site is listed below:

Application	Description	Decision	Date
F/YR21/0543/F	Erect a 2.0m (approx) high boundary fence to existing dwelling involving the demolition of existing boundary wall	Refused	27 Jul 2021

## 5 CONSULTATIONS

### 5.1 CCC Highways

*The proposals include a reposition of the boundary to number 17 making it slightly closer to the highway boundary.*

*I have looked through the plans and adequate visibility splays are still achievable for both pedestrians and vehicles. As such the repositioned fence will not have a detrimental impact on road safety and I have no objections to planning permission being granted.*

### 5.2 Local Residents/Interested Parties

#### Objectors

**7 Objections received**, 5 from residents of Eastrea (4 from Thornham Way) and 2 from residents of Whittlesey. Objecting to the following:

- Design and Appearance
- Out of Character/not in keeping with the area
- Residential Amenity
- Noise
- Light pollution
- Shadowing loss of light
- Traffic and Highways
- Visual Impact
- View and outlook
- Would set a precedent
- Does not comply with policy

#### Representations

**1 representation** received neither objecting or supporting the application from a resident of Thornham Way Eastrea.

## 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

#### 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 127 Achieving well-designed places  
Paragraph 158 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

## **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP15 – Sustainable transport

LP16 – Delivering and Protecting High Quality Environments across the District

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Highways**

## **9 BACKGROUND**

9.1 Advice was sought prior to the original application being submitted (F/YR21/0543/F). Informal advice was given that the replacement of the wall with a fence, whilst not being ideal, was not against policy but that the replacement fence should be installed as close to the position of the existing wall as possible. The advice was not heeded, and the fence was proposed to be moved closer to the footpath and highway by approximately 2 metres at the eastern end of the boundary and 1.5 metres projecting out from the existing southern wall of the host dwelling. The original application was refused owing to the significant demonstrable harm on the character and visual amenity of the area. It was also considered to pose a danger to pedestrian and vehicular safety contrary to policy LP15 of the Fenland Local Plan 2014.

9.2 After the refusal was issued the applicant came back for further advice regarding what might be acceptable, and the same advice was given that the fence should be installed as close to the position of the existing wall as possible. This application is the result.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.

- 10.2 The proposal is to move the rear garden southern boundary towards the footpath and public highway therefore Highways and policy LP15 of the Fenland Local Plan will be considered below.
- 10.3 The principle of the development is therefore acceptable subject to these policy considerations considered below.

#### **Character and Street Scene**

- 10.4 The estate is characterised by open frontages adjacent to the public highway. The revised proposal would move the rear garden south wall towards the public highway by approximately 1 metre at the eastern end of the garden and meet the host property at the south east corner. Therefore, enveloping a small amount of the current open land into the rear garden. This approach has been taken to allow the fence to be erected and then the wall to be demolished whilst keeping the privacy and security of the residents. The proposal would mean a significant amount (approximately 2 metres by 16 metres) of landscaped area would remain to the side of the dwelling maintaining the generally open character of the area.
- 10.5 Objections received stated that a fence would be out of character. The area is mainly characterised by brick walls marking the boundary of a property next to the highway. However, some fences are visible on the estate. Therefore, a 2-metre-high close boarded fence, whilst not ideal, is not considered significantly out of character in the area.
- 10.6 Therefore, no significant harm to the character of the area is anticipated and the proposal is considered acceptable under Policy LP16 of the Fenland Local Plan 2014.

#### **Residential Amenity**

- 10.7 A number of objections were received some stating they were objecting due to harm to residential amenity and overshadowing loss of light, noise, light pollution. The closest neighbour to the proposed fence would be the property to the east No. 19 and that property is located more than 10 metres away with existing garages in between. The site has an existing high wall along its southern boundary and the replacement of the wall with a fence is not considered to result in significant harm to neighbouring amenity and therefore is acceptable under policy LP16 of the Fenland Local Plan 2014.

#### **Highways**

- 10.8 Several of the objections received raised concern about the impact on road safety. The Highways Authority have considered the application and are of the view that the proposal allows adequate visibility splays for both pedestrians and vehicles. As such the fence would not be considered to have a detrimental impact on road safety. Therefore, the proposal is considered acceptable under policy LP15 of the Fenland Local Plan 2014.

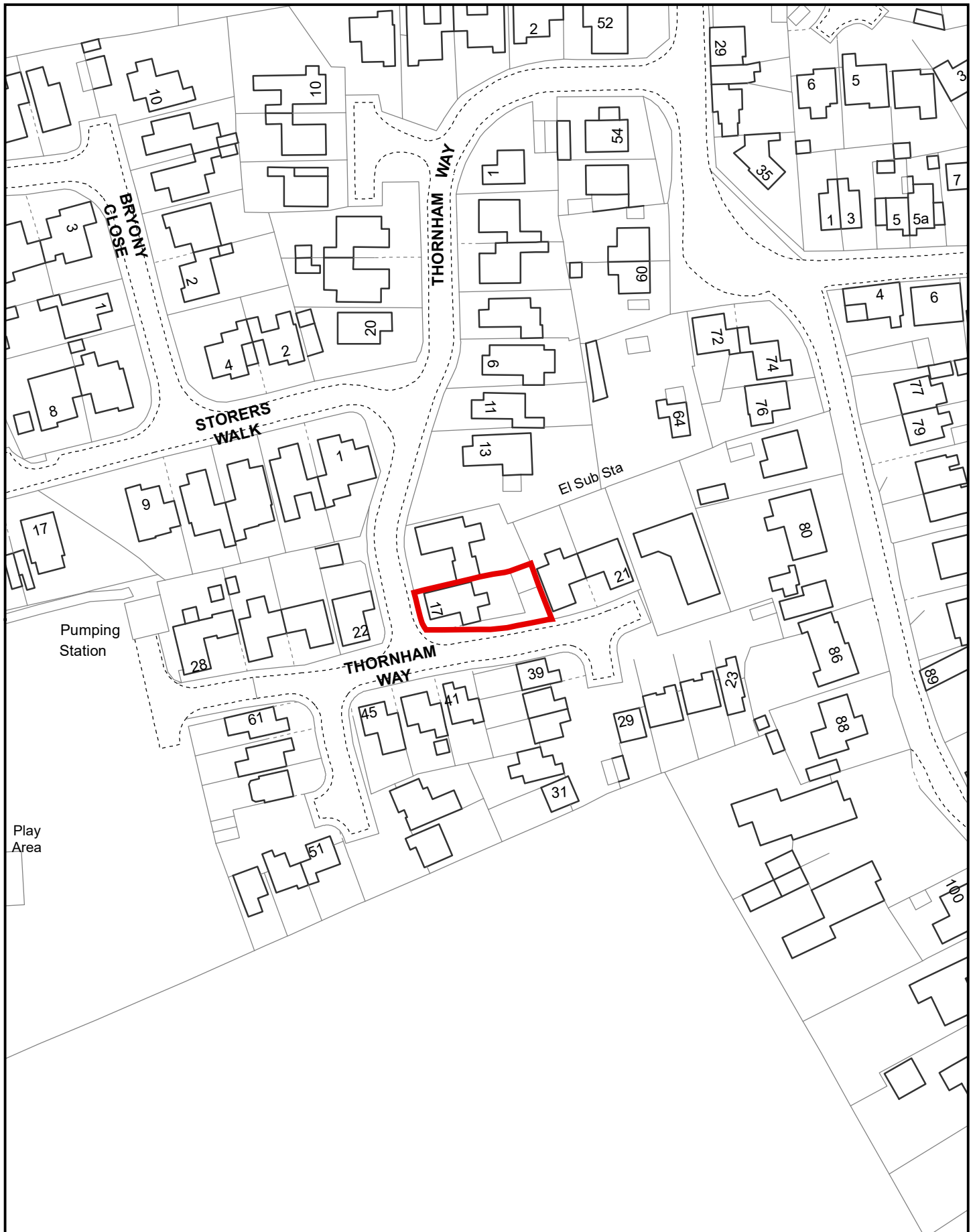
### **11 CONCLUSIONS**

- 11.1 The proposed development is considered acceptable as it would not cause significant harm in respect of the character of the area and street scene, residential amenity or highway safety, overcoming the reasons for refusal of the previous application. As such, the application complies with Policies LP15 and LP16 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION

GRANT subject to the following conditions:

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development shall be carried out in accordance with the following approved plans and documents.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>



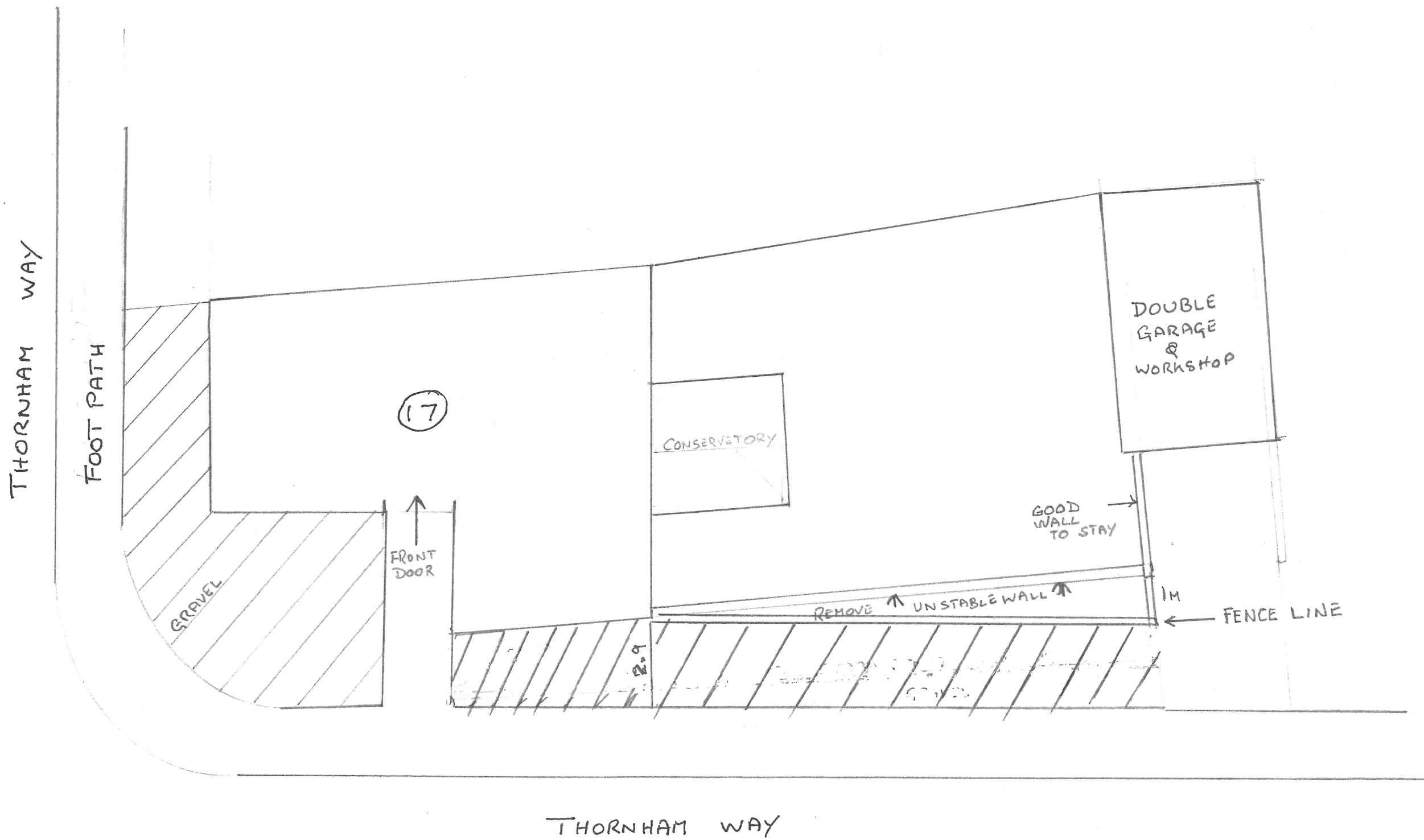
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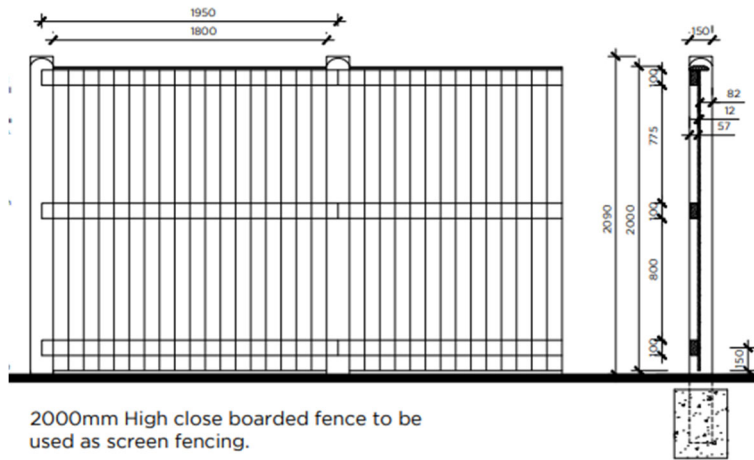
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**F/YR21/1164/F**

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Scale 1:50



**F/YR21/1154/PIP**

**Applicant: Mrs Rehka Karavadara**

**Agent: Mr Matt Sparrow  
Peter Humphrey Associates Ltd**

**Land North of Telephone Exchange, Main Road, Tydd Gote, Cambridgeshire**

**Permission in Principle (1no dwelling max)**

**Officer recommendation: Refuse**

**Reason for Committee: Referred by the Head of planning on advice of Committee Chairman.**

## **1. EXECUTIVE SUMMARY**

- 1.1. The application is for Permission in Principle to develop the site for a dwelling. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the principle issues namely: (1) location, (2) use and (3) amount of development proposed and the second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 1.2. The application site is considered to be located within the settlement of Tydd Gote but does not comply with the scale of development set out within that policy given that it is not an infill site.
- 1.3. It would be possible to design a dwelling that resulted in acceptable visual and residential amenity impacts however this would not overcome the issues of principle that would result from the granting of consent in this location and the resulting spread of the developed part of the settlement southwards along the A1101.
- 1.4. The application is therefore recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is a section of car park fronting the A1101 associated with the Pub/Restaurant premises to the north of the site, which is located approximately 70m from the site. It is separated from agricultural land to the east by a post and rail fence and supplemented by a low hedgerow, whilst a picket fence forms the western boundary. To the immediate south of the site is an existing single-storey telephone exchange building.
- 2.2. The site lies within Flood Zone 1, the zone of lowest flood risk.

## **3. PROPOSAL**

- 3.1. The 'Planning in Principle' (PiP) application is for residential development of one dwelling at the site. The current proposal is the first part of the permission in principle application; which only assesses the principle issues namely:  
(1) location,  
(2) use; and  
(3) amount of development proposed,  
and establishes whether a site is suitable in principle. Should this application be successful, the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of PiP alone does not constitute the grant of planning permission.

- 3.2. Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=R05DPIHE01U00>

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

- 4.1. No relevant history

#### **5. CONSULTATIONS**

5.1. **South Holland District Council**

No comments or objections

5.2. **Tydd St Giles Parish Council**

No objection

5.3. **Cambridgeshire County Council Highways Authority**

*The proposals state they are using an existing access. Looking on street view, while there appears to be a tarmac area across the verge and a gap in the fence the kerb does not appear to be dropped. I cannot find a planning application that approved this access onto a classified road.*

*It appears that the dwelling will rest within part of the site which is an overflow car park for the restaurant, although the design and access statement did not mention this, so this is my assumption. Consideration is needed as to whether this loss of part of the parking area will impact on the highway but it's a large area overall so an impact seems unlikely or perhaps negligible.*

*The size and layout of the driveway would need to be able to accommodate vehicles so that they can turn and exit in a forward gear.*

*Pedestrian footway connection to the wider network will be required.*

*I have no objections to the application.*

5.4. **FDC Environmental Health**

No objections.

Recommend the unsuspected contamination condition is added to any permission granted.

5.5. **Local Residents/Interested Parties**

None received

## **6. STATUTORY DUTY**

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

## **7. POLICY FRAMEWORK**

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

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

Para 119: Promote effective use of land

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

Determining a Planning Application

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

Context

Uses

### **7.4. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

## **8. KEY ISSUES**

- **Principle of Development**
- **Character Impact**
- **Residential Amenity**
- **Highways and Access**

## **9. BACKGROUND**

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

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. The application is considered to be located in or adjacent to the existing developed footprint of the settlement of Tydd Gote, as per the definition within policy LP12. This conclusion is made on the basis that the scheme is located on a developed piece of land (the car park) most closely associated with the built-up part of the village rather than the countryside. On that basis, the scheme falls for consideration under the 'Other Village' section of policy LP3 rather than an 'Elsewhere' location.

- 10.2. The principle of development on the site runs contrary to the settlement hierarchy however, with development in 'Other Villages' indicated as being restricted to single dwelling infill sites within an otherwise built-up frontage.
- 10.3. The Planning Portal defines infill development as 'The development of a relatively small gap between buildings', whilst in an appeal in Gorefield the Planning Inspector had the following to say about infill development.
- "Infilling is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or at the very least, consolidation of a largely built-up area."
- 10.4. In this case, the proposal is does not represent the development of a relatively small gap nor does it result in the completion of an otherwise substantial built-up frontage and as such is not considered to be an infill site.
- 10.5. The scheme is therefore contrary to policy LP3.

#### **Character Impact**

- 10.6. The proposal is for the construction of a single dwelling on the land, no indication is given as to the overall height of the property or the number of storeys proposed due to the nature of the application.
- 10.7. Policy LP12 requires new developments to satisfy a range of criteria in order to be considered acceptable, including not having an adverse impact on the character and appearance of the surrounding countryside, being of a scale and location in keeping with the core shape and form of the settlement, not extending linear features of the settlement, whilst respecting natural boundaries, ecological, heritage and biodiversity features of the site.
- 10.8. Policy LP16 of the Fenland Local Plan (2014) requires that the proposal makes a positive contribution to the character and distinctiveness of the area, which in this location is characterised by a range of distinctly different buildings and materials of construction, with little consistent character. The main part of the settlement lies to the north along Station Road, and is typical of many villages of its size, with modest dwellings located in close proximity to the main street forming the historic core of the settlement, surrounded by lower density development at the outskirts.
- 10.9. The application site is detached from the remainder of the built-up part of the village, and has a close relationship with the countryside beyond. As such, it would fail to respect the existing form and shape of the settlement and would result in the residential provision extending out of the village to the south in a ribbon style, contrary to the requirements of LP12. Its development for the purposes proposed would result in harm to that character contrary to the provisions of policy LP12 and LP16 of the Fenland Local Plan (2014).

#### **Residential Amenity**

- 10.10. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area.

- 10.11. As the application is made for Permission in Principle, no details are available of the final design of the scheme on the site, however given the scale of the application site, it is considered that it would be possible to design a proposal that would make adequate provision for amenity of the occupiers without resulting in harm to the amenities of the neighbouring properties.
- 10.12. There is therefore no current conflict with policies LP2 and LP16 with regard to the amenity provision of the proposed dwelling.

### **Highways and Access**

- 10.13. The proposal is made on the basis that it will utilise the existing access at the southern end of the car park.
- 10.14. Although this access appears to have been created informally, it is located on an existing stretch of straight road alongside the access serving the adjacent telephone exchange and the Highways Authority have confirmed they have no objection in principle to the site being accessed from this location, subject to detailed design matters.

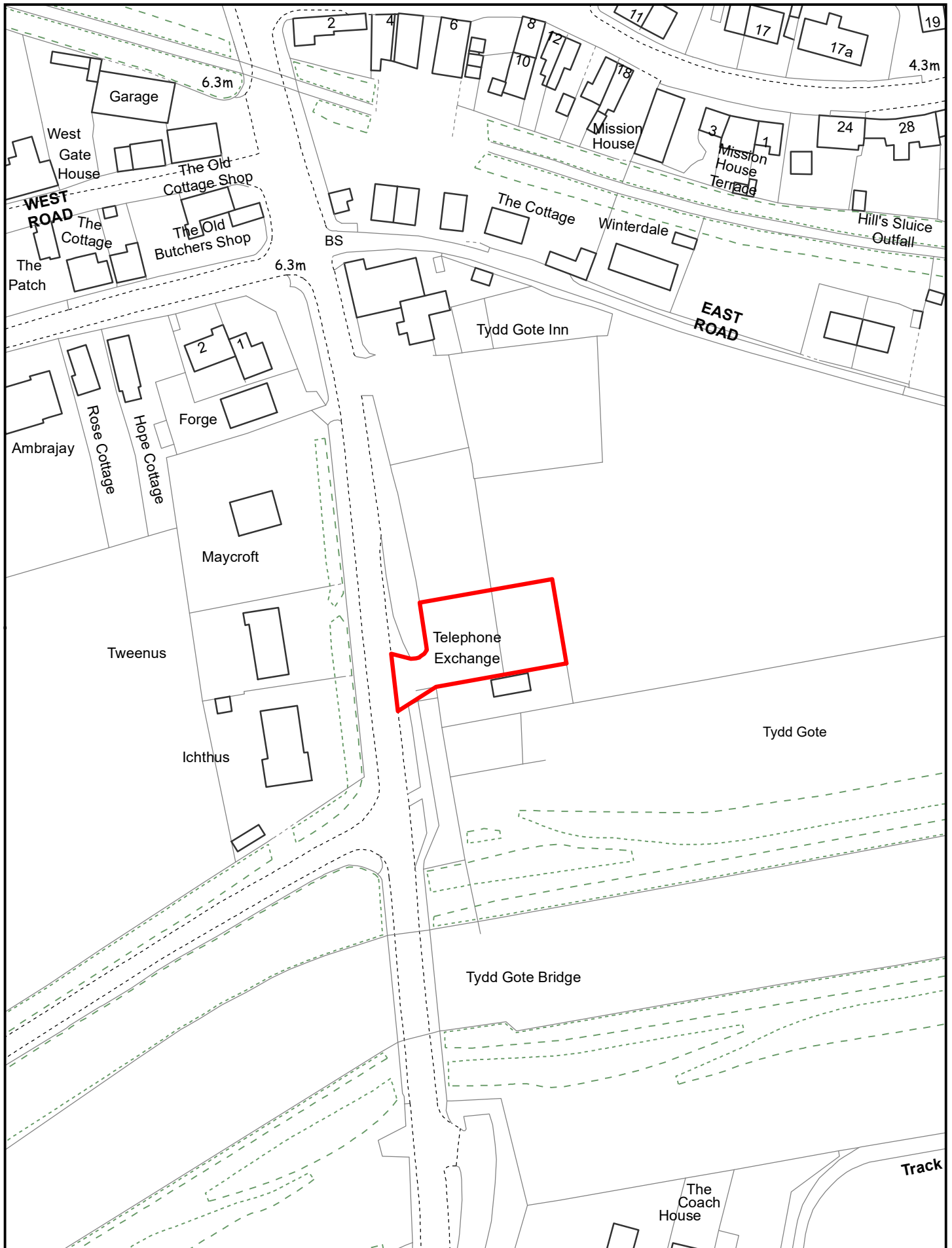
## **11. CONCLUSIONS**

- 11.1. The principle of the construction of a dwelling in this location runs contrary to the settlement hierarchy policies of the development plan, and whilst specific impacts are or can be made acceptable, there are no material considerations that indicate that the scheme should be approved in this location as a matter of principle.

## **12. RECOMMENDATION**

### **Refuse**

1	The proposal is located within the settlement of Tydd Gote, which is identified within the settlement hierarchy of the Fenland Local Plan as an 'Other Village' where development will be limited to single dwelling infill sites within an otherwise built-up frontage. The proposal is a permission in principle application for the construction of a single dwelling on land that is detached from the built-up frontage of the settlement. Although it is adjoined by an existing structure to the south, the scheme does not constitute infill development as it does not propose the filling of a small gap within a continuous built frontage. On that basis the proposal is contrary to the provisions of policy LP3 and there are no material considerations that justify its approval contrary to those policies.
2	The proposal is located in a detached position in relation to the adjacent settlement, on a site with a visual relationship with the countryside beyond. The construction of a dwelling on the site would result in a harmful impact to the character of the site, which is a transitional location between the built-up part of the settlement and the open countryside beyond. This impact would be contrary to the provisions of policy LP12 of the Fenland Local Plan (2014).



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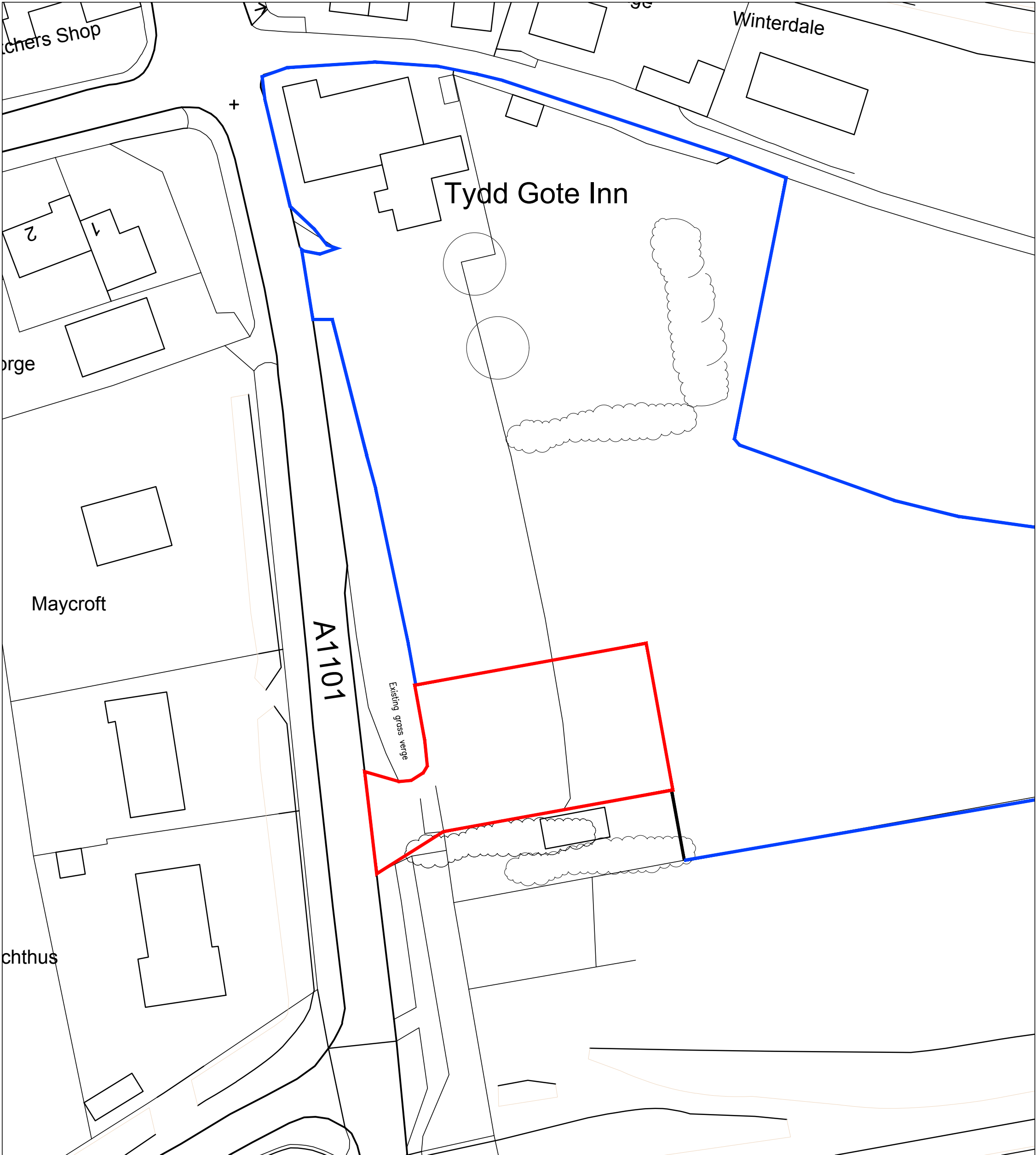
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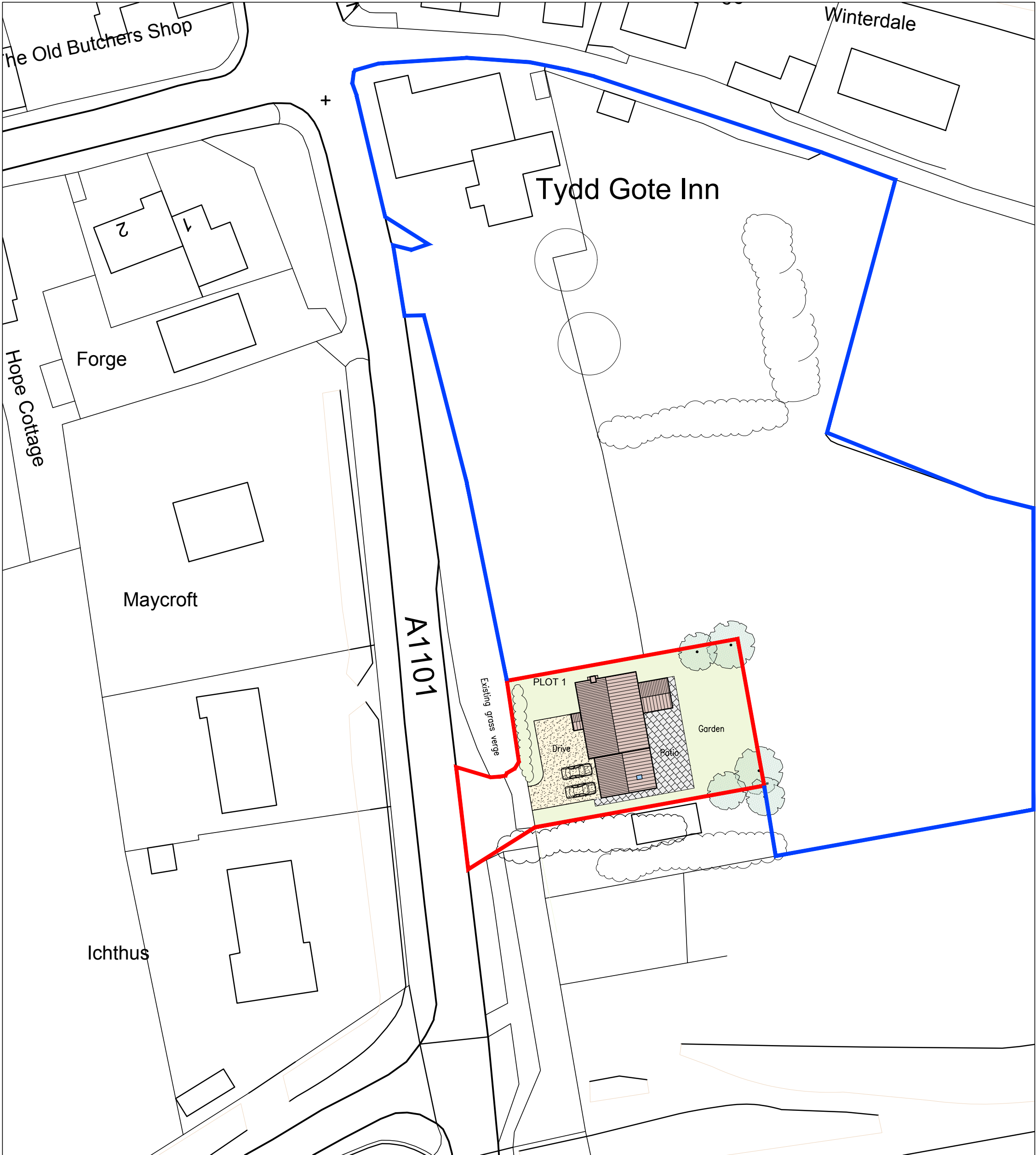
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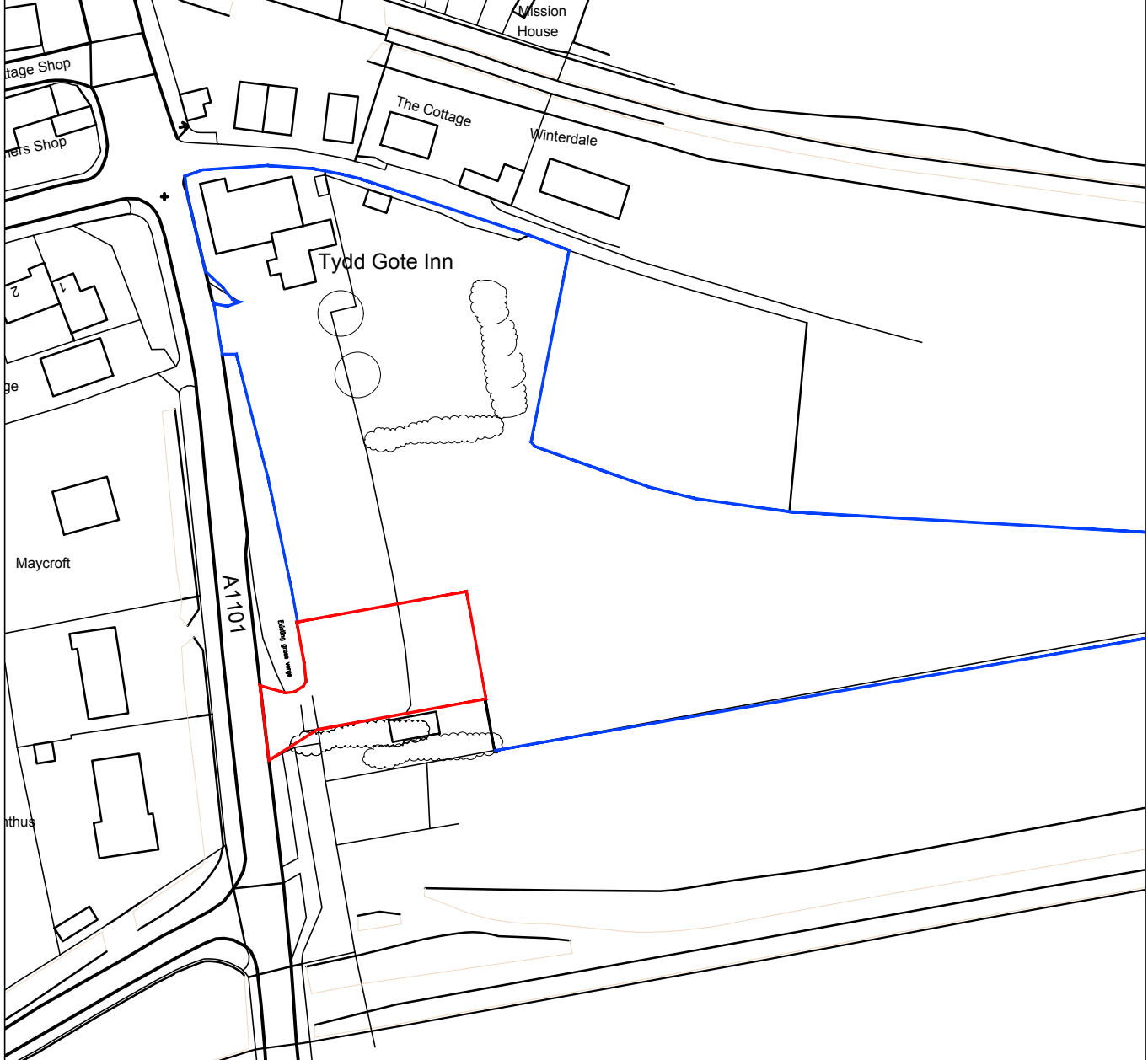




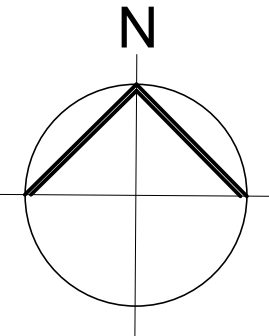
Existing Site Plan 1:500



Proposed Site Plan 1:500 (Indicative layout shown)



Location Plan 1:1250



A -  
REVISIONS



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**CLIENT**  
**JOYESH KARAVADARA**

**PROJECT**  
**PROPOSED DWELLING/PLOT**

**SITE**  
**LAND SOUTH OF TYDD GOTE INN**  
**SUTTON ROAD A1101**  
**TYDD GOTE**  
**WISBECH**  
**PE13 5QD**

**DRAWING**  
**PIP DRAWING**

JOB NO.	PAPER SIZE	DATE
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