

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 30 JUNE 2021

1.00 PM

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

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

The YouTube link for today's meeting is: <https://youtu.be/H3kDcjTyCzA>

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 20)

To confirm and sign the minutes from the previous meeting of 9 June, 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/YR19/1001/O
Land South Of 63-77, Newgate Street, Doddington
Erect up to 9 dwellings (outline application with matters committed in respect of access) (Pages 21 - 38)

To determine the application

- 6 F/YR20/0707/O
Land Rear of 222 Lynn Road, Wisbech
Erect up to 14 dwellings (outline application with all matters reserved) involving the demolition of existing buildings (Pages 39 - 50)

To determine the application

- 7 F/YR21/0233/O
Land South Of, 12 - 24 Ingham Hall Gardens, Parson Drove
Erect up to 9 x dwellings (outline application with matters committed in respect of access) (Pages 51 - 64)

To determine the application

- 8 F/YR21/0337/O
Land West Of 207 To 215, Fridaybridge Road, Elm
Erect 2no dwellings (outline application with all matters reserved) (Pages 65 - 74)

To determine the application

- 9 F/YR21/0290/F
Land North East Of 347, Leverington Common, Leverington
Erect a single-storey 2-bed dwelling in association with existing business (Part Retrospective) (Pages 75 - 86)

To determine the application

- 10 F/YR21/0203/F
Land South Of 16 Church Lane Facing, Church Walk, Chatteris
Erect a 2-storey 3-bed dwelling with garage and 2.4 metre high (approx) brick wall (Pages 87 - 102)

To determine the application

- 11 F/YR21/0231/F
Land North East Of 81 - 87 High Street Accessed From, Slade Way, Chatteris,
Erect 9 dwellings comprising of 3 x 2-storey 3-bed; 2 x 2-storey 2-bed; 1 x single storey 2-bed and 3 x single-storey 3-bed with garages to Plots 4 and 5 only (Pages 103 - 124)

To determine the application

- 12 F/YR21/0265/O
Land South Of Field View, Mill Hill Lane, March
Erect up to 4 dwellings (outline application with matters committed in respect of access) (Pages 125 - 140)

To determine the application

13 Planning Appeals. (Pages 141 - 144)

To consider the appeals report

14 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, 9 JUNE 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood, Councillor D Divine (Substitute)

APOLOGIES: Councillor M Cornwell, Councillor C Marks and Councillor Mrs K Mayor,

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

P1/21 APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2021 -2022

It was proposed by Councillor Skoulding, seconded by Councillor Mrs French and resolved that Councillor Connor be elected as the Chairman of the Planning Committee for the Municipal Year.

P2/21 APPOINTMENT OF THE VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2021 -2022

It was proposed by Councillor Connor, seconded by Councillor Skoulding and resolved that Councillor Mrs Davis be elected as the Vice Chairman of the Planning Committee for the Municipal Year.

P3/21 PREVIOUS MINUTES

The minutes of the meetings of 31 March, 21 April and 5 May were confirmed and signed as an accurate record.

**P4/21 F/YR21/0078/RM
LAND NORTH OF THE GREEN AND NORTH OF 145-159, WISBECH ROAD,
MARCH.RESERVED MATTERS APPLICATION RELATING TO DETAILED
MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT & SCALE PURSUANT
TO OUTLINE PERMISSION F/YR17/1127/O TO ERECT 118 X DWELLINGS (2-
STOREY - 50 X 2-BED, 50 X 3-BED, 18 X 4-BED) INVOLVING DEMOLITION OF
147A WISBECH ROAD**

David Rowen presented the report to members.

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

Mr Wells stated that he welcomes the officer's recommendation for approval of the application, and thanked the officer for his professional and proactive approach to the proposal. He made the point

that the urgent need for affordable housing has been set out in both reports and the proposal sets out to deliver a significant contribution to meeting the requirements.

Mr Wells stated that the proposal also represents the delivery of houses which could potentially satisfy 20% of the 589 dwellings identified as being required in the March area and 62% of the 191 families identified as already being in March, but who are on the waiting list. He stated that the application is for the reserved matters approval for the detail concerning scale, layout, appearance, and landscape only and the officers report provides a clear explanation of the proposals and has concluded that they are acceptable.

Mr Wells stated that the principle of developing the site for 118 dwellings was agreed when outline planning permission was granted, and at that time other matters were considered. He added that detailed technical provisions such as drainage are subject to conditions on the outline planning permission and the applicant has submitted separate applications to discharge those conditions required to be agreed in tandem with the reserved matters application.

Mr Wells stated that the other details with regard to drainage, highways layout, biodiversity, archaeological information and trees and hedges have been worked on with the case officer and the statutory consultees and agreement has been reached on all matters and if approved today then all conditions can be discharged. He added that the developer is seeking to commence development at the earliest opportunity and the applicant is happy to work with the Council and the relevant bodies to ensure this can happen.

Mr Wells stated that members will be aware that viability is a key issue for delivery of development and he expressed the view that members will also recognise and acknowledge that affordable housing cannot always bear the infrastructure contributions which are often otherwise sought from market dwellings. He added that the comments of Cambridgeshire County Council are acknowledged, however, the delivery of affordable housing to significantly breach the supply of housing is a key Government requirement and weight should, therefore, be attributed to the proposal for its high quality development.

Members asked Mr Wells the following questions:

- Councillor Sutton referred to the officers report, where it makes reference to the access strips which are in place for maintenance of the ditches and it states that the Internal Drainage Board will be responsible for the upkeep and maintenance of the easement strips, however, he feels that the statement may not be correct. He added that, in his opinion, the area does not come under the March West and Whitemoor Internal Drainage Board (IDB) remit and he asked Mr Wells whether he has had any discussion or any agreement in writing with the Internal Drainage Board to clarify the maintenance arrangements. Mr Wells stated that there had been some uncertainty as to whether the maintenance would fall under the remit of the Lead Local Flood Authority (LLFA) of the IDB and the details of the drainage are to be agreed by the discharge conditions and the applicant has been in discussions with both agencies to discuss the design of the drainage and the requirement of the easement strip.
- Councillor Mrs French stated that she notes the proposal for 118 affordable homes which is welcomed, but she expressed concern over the lack of doctor surgery provision in the March area and she added that she is disappointed to read that the contribution of £42.435 to the Primary Care Trust is being removed. Mr Wells stated that the Council's policies for affordable housing do not include additional burdens and obligations on them for their delivery. He added that is the position the applicant is taking with regard to the Section 106 discussions currently taking place with the County Council and with officers.

Members asked officers the following questions.

- Councillor Murphy asked officers to confirm who will be responsible for the maintenance of the open amenity space going forward. David Rowen stated that it is the intention of the

developer to assume responsibility of the open space which is stated in the officers report as condition 7 which seeks to put in place the long term maintenance and management of the open space.

- Councillor Sutton asked officers to clarify the concerns over the easement strips? David Rowen stated that further research has been undertaken with regard to that issue and he added that the watercourse in question is not an IDB watercourse, it is an ordinary watercourse which leads into an IDB watercourse. He added that because of that it has been considered practical that as part of the design of the scheme, to include some form of a 3-metre maintenance strip. David Rowen stated that with regard to the maintenance of it, it is his understanding that as part of the details submitted with regard to the drainage scheme on the outline permission, that it would be maintained as part of the wider open space and, therefore, maintained by the future management company responsible for the site. Councillor Sutton stated that it is important that when conditions are added to the application it is imperative that the issue surrounding maintenance of the strip is stipulated within any conditions applied.
- Councillor Sutton asked whether the proposed upgrade and improvements to the Peas Hill roundabout are still due to go ahead? David Rowen stated that the improvements were secured as part of the outline planning permission under condition 14 and it still exists and is irrespective of what members conclude when determining the reserved matters proposal before them. Councillor Sutton stated that he is pleased to hear that and he asked what the timeframe is for those works to commence? David Rowen stated that the wording of the condition was prior to the first occupation of any dwelling on the site, the additional approach lane of the Peas Hill roundabout should be provided.
- Councillor Sutton asked for the position with regard to the provision of places at the local schools in the area? David Rowen stated that as part of the original outline planning approval on the site, Cambridgeshire County Council were consulted, and they required certain education provision to be made. They did not require any contribution to be made to the secondary schools at that point of time, which is stated in the current Section 106 Agreement, however, they did require a contribution of £700,000 towards the expansion of the Westwood Early Years facility and also a contribution towards the expansion of Westwood Community Primary School which was in the region of £800,000. David Rowen added that the County Council have made representations in respect of this proposal before members as in their opinion the contributions highlighted in the current Section 106 Agreement should still be secured.
- Councillor Connor asked for confirmation with regard to the start date of the construction of the attenuation pond? David Rowen stated that as part of the original outline permission condition number 10 stated that a timetable for a surface water drainage scheme was required and there is a separate submission for the surface water management scheme, which should include the timetable for implementation and will form part of that condition and he added that in a proposal for 118 dwellings officers would look to get some form of attenuation in place before the final dwellings are built. Councillor Connor stated that he would like it in place far sooner to alleviate any risks of flooding.
- Councillor Sutton stated that he notes that in the officers report there is a plan which shows the surface water area and the main ditch, there is a small structure and he asked for assurances that it is a small hydraulic limiter which only allows 3.8 litres of water a second. David Rowen stated that as part of the discharge of condition application in respect of surface water management scheme officers will be taking advice from the LLFA, with regard to surface water, run off and discharge rates and they will advise officers if, with regard to the run off rates into the wider watercourse, is appropriate. He added that the watercourse is a Middle Level Commissioners watercourse and, therefore, they will need to approve the discharge run into their watercourse separately.
- Councillor Mrs French stated that she has concerns over the possible risk of flooding and she referred to the three episodes of flooding that the Town of March had encountered over recent months. She added that some of the causes of flooding had been as a result of the drainage ditches being filled in without permission and she stated that as part of her work

with the County Council, it is the intention that any ditches or dykes that have been filled in without permission, will be re dug out and the charge will be passed back to the owner. Councillor Mrs French added that with regard to the Peas Hill roundabout works, it is the intention of March Area Transport Strategy to approach Central Government with regard to the Levelling Up Fund to see if any of the transport strategies can be completed sooner. She added that it is an expensive project and the developer will need to contribute towards it. Councillor Mrs French questioned whether the discharge of the surface water will be resolved before any dwellings are built, as she is very concerned over that issue.

- Councillor Sutton stated that he welcomes the development and the homes are much needed. He stated that it is disappointing that some of the Section 106 money is not coming forward, which was agreed in the outline permission, but as policies dictate there is no option but to move forward and he will support the application.

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

(Councillors Mrs French, Purser and Skoulding declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council, but take no part in planning matters)

**P5/21 F/YR20/1232/O
LAND NORTH EAST OF TUDOR LODGE AND SUNSET, STATION ROAD,
WISBECH ST MARY
ERECT A DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Alison Hoffman presented the report to members.

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

Mr Slater stated that in response to the officer's comprehensive report he wished to make only 4 brief points; with regard to policy, Wisbech St Mary is identified in the Local Plan as a growth village under LP3 and as such was expected to accommodate significant growth throughout the plan period. He stated that it is noted that LP3 enables new development within the existing urban area or as small village extensions to it and the policy, therefore, is specifically worded to enable peripheral development to the larger villages which acknowledges the lack of sites within the built form.

Mr Slater stated that it is clear that the majority of the growth in Wisbech St Mary since 2014 has been on the edge of the village and he stated that the Planning Officer has addressed LP3 but has concluded that notwithstanding this, the site is more related to the countryside than the village edge and he disagrees with that conclusion as he believes that the sites former use associated with the coal yard gives weight to the relationship to the village rather than agricultural uses beyond. He stated that with regard to overall sustainability, the purpose of the planning system is to secure sustainable development in both policy and determining planning applications and, in his opinion, the site is consistent with the settlement hierarchy and site criteria including the fact that the site is physically close to the centre of the village with the services and facilities and it is much closer to the village centre than the much of the eastern part of the built form of the village itself.

Mr Slater expressed the view that in sustainability and accessibility terms it is in a sustainable location for development contrary to the wording of reason for refusal 2. He added that with regard to flood risk, as is common with many Fenland villages, Wisbech St. Mary is constrained by flood risk issues, however, the application site is in Flood Zone 1 which is the area of lowest risk and as such is sequentially preferable to all sites in higher risk categories.

Mr Slater expressed the opinion that with regard to impact, it is considered that the impact in terms of appearance and residential amenity would be minimal and that the proposal would not cause material harm to the character of the area. He added that there are no technical objections to the proposal and the third reason for refusal in terms of access is not supported by an objection from highways and there are a number of letters of support.

Mr Slater concluded by stating that it is considered that the proposal is similar to the application at Wingfield that was granted by the Planning Committee at their November meeting, and it is consistent with LP3 and is in a sustainable and accessible location.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify where the refuse collection point would be for the dwelling as it is a long driveway? Mr Slater stated that the refuse collection point would have to be adjacent to Station Road, to fall in line with the Council's refuse collection policy. Councillor Benney asked whether the refuse bins will be stored in the vicinity of the proposed dwelling or whether a refuse collection point is being incorporated further along the driveway? Mr Slater stated that the refuse bins will be stored at the property and moved to the end of the driveway for collection.
- Councillor Mrs Bligh asked whether there will be a storage point for the bins to be placed when they are brought to the end of the driveway or whether they will be left on the pavement? She also questioned the driveway, which is very narrow and asked whether a passing place had been considered to enable two cars to pass? Mr Slater stated that as this is an outline application a bin storage point could be incorporated. He added that with regard to the width of the access, it is a very narrow driveway and potentially two cars could pass although it would be very tight. He added that as it is a narrow driveway, there is the opportunity for vehicles to see each other and give way to each other to access and egress. Councillor Mrs Bligh stated that the access does concern her, and she would not like to see any vehicles reversing out onto Station Road.
- Councillor Topgood asked whether the former coal yard is in a direct straight line from the driveway and Mr Slater confirmed that is correct.

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

- Councillor Murphy stated that the refuse from the dwellings will not be collected unless it is placed on the boundary where it meets Station Road due to the poor access.
- Councillor Murphy stated that the access is extremely poor, and he cannot understand why anybody would wish to develop down a track with such poor access and egress.
- Councillor Mrs Bligh stated that she agrees with the comments made by Councillor Murphy and she agrees with the officer's recommendation for refusal. She added that Wisbech St Mary is a growth village, however, it is over the threshold and has seen an increase in development over recent years. Councillor Mrs Bligh stated that the access is poor although the Highway Authority have not sited any issues. She expressed the view that it is back land development and is development into the open countryside and the officer has addressed the reasons in the report with regard to backfill development that has already taken place.
- Councillor Topgood queried what the refuse arrangements are for the dwelling which is already in place down the track.
- Councillor Sutton stated that he undertook a site visit and he would question whether there was enough room for two vehicles to pass as, in his opinion, he finds it doubtful. He added that, in his view, the officer's recommendation for refusal is correct.
- Councillor Purser stated that, in his opinion, the access is so poor any emergency vehicles would struggle to access the dwellings.
- Councillor Topgood asked officers to clarify the refuse arrangements for the dwelling already in place. David Rowen stated that he is unsure of the arrangements, but added that there are wider issues to consider, such as does the proposal conform with the settlement hierarchy that the relevant proposal detail with regard to development on the edge of

villages as well as the more practical issues such as access which conflicts with Council policies.

- Councillor Benney expressed the opinion that he recalls that the existing site was serviced by a private refuse collection company. David Rowen stated that he believes Councillor Benney may have been referring to a different site further along Station Road where there were 4 dwellings and added that in terms of viability, it may be easier to procure a refuse collection for 4 dwellings as opposed to a single dwelling. Councillor Benney asked whether it would be possible to arrange a private refuse collection for the dwelling? David Rowen stated that if members were minded to grant planning permission it may be possible to add a condition to the approval for a private refuse collection strategy to be submitted and agreed so it may be constituted, however, it is only to serve one dwelling and the access may not be deemed suitable to accommodate a reasonable sized vehicle on a regular basis.

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

(Councillor Mrs Bligh declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that she is the Parish Clerk of Wisbech of St Mary Parish Council and also the Ward Councillor for Wisbech St Mary, but takes no part in planning matters)

**P6/21 F/YR21/0229/F
LAND NORTH OF, 39 MARCH ROAD, RINGS END
ERECT A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF
OUTBUILDING**

Alison Hoffman presented the report to members.

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

Mrs Jackson stated that the application seeks full planning permission for the construction of a 2-storey 3-bed dwelling, involving the demolition of the existing outbuilding, at land north of 39 March Road, Rings End. She added that members will be familiar with this site as an application for a new dwelling on the land was considered by the Planning Committee last September and at that time it was resolved to refuse the application as it was considered that the design of the development was not appropriate to the adjoining terrace or to the street scene with particular reference to the prominent location of the site and due to there being insufficient garden space.

Mrs Jackson made the point that the message taken from the Committee debate was that members considered that the site was capable of accommodating a dwelling and advised the agent to liaise directly with officers to come up with a solution. She added that having taken note of the advice, she has worked very closely with officers prior to the submission to devise a scheme which is acceptable in visual design terms and added that this is acknowledged in the committee report.

Mrs Jackson stated that there are now concerns that the private amenity space serving both the existing dwelling at number 39 and the proposed dwelling falls below the standard set out in the Local Plan and the space is further compromised by the railway arches which will also overshadow the new dwelling. She expressed the view that the submitted drawings demonstrate that there is a reasonable and practical amount of private garden space around each property to facilitate the outside domestic needs of a dwelling house and the private fenced off garden area for each plot falls slightly below the one third requirement as set out in Policy LP16, however, if the front garden areas were to be taken into account, the garden area for each plot would exceed the policy requirements.

Mrs Jackson expressed the view that, as with all planning proposals, there is a balancing act to be had between the issues concerned and the benefits of providing a new dwelling which meets the design aspirations of the Council on an unsightly and vacant site, which, in her view, far outweighs the slight under provision of rear private garden space. She stated that the scheme is of particular benefit given that the site is in a prominent location and the concern with the potential for overshadowing from the railway arches is disproportionate to the asserted harm given that the arches are located due east of the proposal.

Mrs Jackson added that only the morning sun within the garden area will be affected and there is sufficient space around the dwelling that it will not be over dominated by the arches and the new dwelling is located no closer to the arches than the existing dwelling to the north of the arches at number 37C March Road. She added that the principle of the proposal is acceptable and there are no objections to the scheme from technical consultees including the Local Highway Authority, Highways England, the Environment Agency, and Environmental Health.

Mrs Jackson made the point that she has taken on board the advice given by the Planning Committee and has worked closely with officers to achieve a scheme which is the best solution for the site and is agreeable in design terms. She stated that the fenced off garden areas for both existing and proposed properties are slightly under the Local Plan requirements, however, the outdoor space afforded to each dwelling does comply with policy.

Mrs Jackson expressed the opinion that the benefits gained in terms of developing the prominent but unsightly parcel of land far outweigh the slight policy conflict and she asked members to appreciate the benefits of the scheme and grant planning permission accordingly.

Members asked Mrs Jackson the following questions:

- Councillor Benney asked Mrs Jackson to clarify the point that she had made that if the size of the front garden is included, the proposal is policy compliant. Mrs Jackson confirmed that is correct. Councillor Benney asked officers if they can add anything further? David Rowen stated that the relevant policy of the Fenland Local Plan is LP16 Part H where it states to provide sufficient private amenity space, suitable to the type and amount of development proposed, for dwellings other than flats, as a guide, depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space. David Rowen added that the issue is private amenity space, and if there is amenity space at the front that is not private it does not comply with the Policy LP16. Councillor Benney stated that it does comply with the policy if you include the front garden. Mrs Jackson stated that if the front garden was private it would meet the threshold and the although the policy states private amenity space it does state that it is a guide.

Members asked officers the following questions:

- Councillor Mrs Bligh asked officers to confirm where the letters of objection were from? Alison Hoffman confirmed that letters of objection were received from residents in the immediate vicinity of the site.
- Councillor Sutton expressed the opinion that the site is one which is undevelopable and there is an Inspectors decision which is material and needs to be taken into consideration. He referred members to the presentation scheme and added that, in his opinion, the proposal does not fit in with the three dwellings and, in his view, the only way to develop on the site is for a dwelling to be adjacent to the three and mimic the existing dwellings. He added that it is a box and could look so much better. Councillor Sutton agrees with the officers with regard to the amenity space, in his view it is not visually acceptable, and the design is way out of keeping with that row of dwellings.
- Councillor Sutton asked officers to explain how they feel the proposal fits with the three existing dwellings? Alison Hoffman stated that the earlier scheme had all the design

characteristics taken from the existing terrace and from that the evaluation took place in seeking to replicate those design features it created a pastiche that did not add to the character of the area. She added that the existing terrace was considered to be an attractive feature in the street scene and sometimes it is nicer to see a plainer element that does not compete and gives that existing feature the precedent. Alison Hoffman added that the key elements were discussed with architects for a simple design and, in her opinion, it is a site that can accommodate a plainer design and materials could enhance its plain design.

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

- Councillor Mrs Bligh stated that she agrees with the comments made in the officer's report by Elm Parish Council and she feels that the officer's recommendation is correct.
- Councillor Mrs French stated the Inspector did say that there is the possibility of having something built on the site. She added that the site is in a dreadful state and Highways England are currently investing £10.5 million pound at the Guyhirn roundabout including road improvements. Councillor Mrs French expressed the view that it would be nice to see the concrete garage replaced and, in her view, the proposal will enhance the area.
- Councillor Benney stated that the Inspectors report has stated that there is the opportunity for something to be built on the site. He added the proposal is being recommended for refusal on Policy LP16 and stated that if the garden amenity space is included that reason for refusal is overcome. Councillor Benney stated that with regard to LP2, Facilitating the Health and Wellbeing of Fenland Residents, there maybe residents who would welcome the opportunity to live in a dwelling regardless of its design and location. He made the point with the Inspectors report stating that the location is suitable for infill development he will be happy to support the application.
- Councillor Sutton stated that he is not aware of any policy that considers what something looks like. He added that, in his opinion, the design could look so much better and he will support the officer's recommendation.
- Councillor Murphy stated that, in his opinion, there could be a development on the site but this proposal is not the correct one for the site.
- Councillor Mrs French asked whether the application could be deferred for a better design to be submitted by the Agent. David Rowen stated that it is a course of action open to members if they wish to defer it. He added that it has happened before in a couple of instances where the advice from officers is not to defer an application and to determine the application as it gives the applicant the opportunity to appeal the decision and also firms up the committees view point of what is and what is not acceptable.
- Councillor Murphy stated that if the application is deferred, it would then become a new application and would have to be brought before the committee again.
- David Rowen reiterated the point that the unkept state of the site is not a material planning consideration. He added that if weight is given to the condition of a site then it may encourage applicants to disincentivise their site to gain planning permission. David Rowen stated that with reference to the appeal decision and the comments made by the Inspector concerning the site being an infill site, it is his interpretation that those comments were made in terms of whether the site in terms of policy complies with LP3, where Rings End is a small village within a settlement hierarchy where only infill plots will be considered. He added that in his view the Inspector was saying that the broad principle of developing the site complies with LP3, rather than saying it is a building plot where something should be built.

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

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

Members did not support the refusal of planning permission as they felt that the application meets the requirements of Policies LP2, LP3 and LP16 and will improve the appearance of the area.

P7/21

F/YR20/0885/F

**LAND SOUTH EAST OF SEAFIELD BARNES, GULL LANE, LEVERINGTON.
ERECT A 2-STOREY 4-BED DWELLING WITH GARAGE AND 1.4 METRE HIGH
(APPROX) POST AND RAIL FENCE AND GATES**

Alison Hoffman presented the report to members.

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

Mrs Jackson stated that the application is for the erection of a 2-storey 4-bed dwelling with garage, on land south east of Seafield Barns, Gull Lane, Leverington and members will be familiar with the site and the surroundings as it has already been accepted by both the Planning Inspector on the adjoining site and by officers that the location is one which is adjacent to the settlement. She added that in accordance with Policy LP3, the principle of the proposal is acceptable and throughout the application process she has worked closely with officers to ensure that the proposal is of a scale, design and character which is appropriate in its context.

Mrs Jackson stated that the committee report in front of members confirms that there are no concerns in this regard and that matters relating to residential amenity and highways are also acceptable. She stated that the only issue with the proposal is that concerns have been raised in respect of flood risk and added that the site lies in Flood Zones 1 and 3 and as such there is a requirement that the flood risk sequential and exception tests are passed.

Mrs Jackson stated that it has been confirmed in the committee report that the submission adequately addresses the exception test and that it is technically safe but the scheme fails on flood risk grounds as there is another site within the village which benefits from planning permission which could accommodate the proposal. She added that this other site, at Crowsons garage, is, therefore, deemed to be sequentially preferable, however, the owner of Crowsons garage is a client of Swann Edwards Architecture and he has confirmed that he has no intention of selling the site or developing out his planning permission and he has recently acquired an environmental permit to carry out his business on site and rents out part of the building.

Mrs Jackson stated that this demonstrates his investment is directed to his business and not on making the site available for housing, noting also that his permission is due to expire in November this year, with no efforts having been made to implement it, and it is, therefore, reasonable to conclude that the site is not available for residential development and could not reasonably accommodate the proposal before the committee. She explained that with this in mind it is submitted that the Sequential Test is passed and that the scheme is acceptable in flood risk terms and there are no technical issues with the development and it has been accepted by officers on the whole that the proposal is acceptable.

Mrs Jackson stated that the only concern is a dispute over whether an alternative site is available to accommodate the development and she added that having spoken to the other landowner and confirming that his site is not and will not be for sale, she would hope that the committee are able to agree that the proposal passes the Sequential Test and can, therefore, be granted planning permission.

Members asked Shanna Jackson the following questions:

- Councillor Benney made reference to the site being in Flood Zones 1 and 3 and he

questioned as to whether the actual site is going to be located in Flood Zone 1 and the amenity area in Flood Zone 3 and whether any mitigation measures have been put in place to make the area safe from flooding? Mrs Jackson stated that she is unsure as to where the flood zone lies and added that the Flood Risk Assessment has taken into account the actual risk of flooding and the recommendations will be incorporated into the build to ensure it is technically safe and there will be bedroom accommodation on the first floor, so there is a place of refuge.

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

- Councillor Sutton expressed the opinion that the officer has made the correct recommendation and he added that he congratulates the architects and builders, as the buildings look very well presented. He added that for the committee to remain consistent in their decision making, they have little option other than to go against the officer's recommendation. Councillor Sutton stated that there needs to be mitigation measures put in place to ensure the proposal is safe from Flood Zone 3.
- Councillor Mrs French stated that she is very impressed to see the site built to date. She added that the three dwellings in place at the bottom look to be excellent high-quality dwellings. Councillor Mrs French stated that the garage owner does not wish to sell their business and the landowner owns the piece of land beside it and this proposal will complement and complete a very nice development and she will support the application and go against the officer's recommendation.
- Councillor Benney stated that he agrees with Councillor Mrs French and Councillor Sutton and stated that the build quality of the development is excellent. He added that the landowner wants to develop his land and it is irrelevant whether the garage owner wishes to sell his business. The proposal will bring forward a very high-quality build here and the proposal should be approved.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against officer's recommendation. Reasonable conditions to be added to the application and for them to be agreed in conjunction with the Chairman, Proposer, and Secunder.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal is for a high-quality build which should be brought forward regardless of the sequential test and whether Crowsons Garage comes forward or not for development. Councillor Benney stated that under Policy LP14 (b), it refers to high levels of fuel poverty in some parts of the district and he added that he feels that is irrelevant as it is land usage that is being looked at. David Rowen clarified that under policy LP14(b), it refers to flood risk and drainage.

**P8/21 F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F
PHASES 2, 2A AND 3 OF THE BASSENHALLY FARM.
MODIFICATION OF PLANNING OBLIGATIONS ATTACHED TO PLANNING
PERMISSIONS F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F TO ENABLE
ADJUSTMENTS TO TRIGGERS AND CONTRIBUTION AMOUNTS RELATING TO
PRE-SCHOOL EDUCATION, PRIMARY EDUCATION AND SECONDARY
EDUCATION**

Alison Hoffman presented the report to members.

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

- Councillor Sutton stated that he is surprised that a viability assessment has not been brought forward and added that if the applicant can make these payments on this site, why are there viability assessments on other sites and made the point that perhaps further scrutiny needs to take place.

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

**P9/21 F/YR21/0032/F
LAND NORTH OF 34, WHITMORE STREET, WHITTLESEY
ERECT 4 X 3-BED 2-STOREY DWELLINGS**

This item was withdrawn from the agenda.

**P10/21 F/YR21/0015/F
LAND SOUTH OF 20, PRIMROSE HILL, DODDINGTON.
ERECT A DWELLING (SINGLE STOREY, 3-BED)**

Nick Thrower presented the report to members.

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

Mr Gowler referred members to the presentation screen and explained that the application is for an exception dwelling under NPPF Paragraph 79 home, Part e). He added that the design of the dwelling is unique within the Fen landscape and whilst the report mentions that this dwelling is not in an isolated location as ruled in the 'Braintree judgement', in his view, the court transcript is not particularly clear in clarifying what is or isn't classed as isolated.

Mr Gowler expressed the opinion that the 'Braintree Case' site as shown on the slide was for a site that was immediately outside the development boundary for a small village and, therefore, this was not deemed as an isolated case by either other dwellings, facilities and services within built up area. He stated that the court judgement indicated isolated could in circumstances mean isolated from services such as shops and facilities and this site is isolated in this respect and apart from the few dwellings along part of Primrose Hill, which has minimal properties around it, unlike the Braintree case which was based on the immediate edge of a village.

Mr Gowler stated that under the report it mentions that the site is in the open countryside under LP3 and, therefore, does not fulfil the requirements of LP3 for a new dwelling and this would also then seem to indicate that the dwelling is in an isolated location. He stated that the reason why it is unique and innovative is because the design is high thermal mass with large overhanging roof which all maximise solar gains and storage of heat in the winter or cooling in the summer, with the site being particularly suitable due to the open land in front to allow Winter, Spring and Autumn solar gains and along with the young trees that as they mature will give further shading to help prevent solar overheating in the summer but without leaves allow the low sun to give solargains in the winter.

Mr Gowler stated that from sustainable point of view the high insulation standards, car charging, heat pumps and battery storage with solar panels will be included. He stated that the innovative design and layout are to include sustainable elements and will include a green roof, with the surface water being partially absorbed by the green roof, the excess will be to a shallow soakaway and the foul drainage will be into a treatment plant with filterdrain, the nitrates from this will also be beneficial to the trees on the rest of the field.

Mr Gowler explained that the proposed costs are likely to be more expensive due to its design and are likely to be 30%-40% more than a normal dwelling, however, due to all of the proposed sustainable measures being introduced, payback of that will be in the region of 20 to 30 years costs and it is hoped that the dwelling would continue to be energy efficient for many decades after that.

Members asked officers the following questions:

- Councillor Mrs Davis asked for confirmation that if the proposal had been submitted as an ordinary application as opposed to a Paragraph 79 application, would it have still been considered as being in an elsewhere location and, therefore, in the open countryside? Nick Thrower stated that yes it would, and officers would have concluded it was an elsewhere location beyond the built-up part of the settlement and that is the justification on the reason for refusal.

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

- Councillor Benney expressed the opinion the proposal fits the exact description of a Section 79 application of the National Planning Policy Framework that the Agent has provided. He expressed the view that the design is an innovative way of bringing homes forward and he welcomes the proposal, which includes experimental technology. He added that if the Agent is willing to take a leap of faith, he should be supported. Councillor Benney stated that location of the proposal is ideal, and he will support the application and looks forward to the dwelling being delivered. He added that the design is innovative, the technology is still in an experimental form, but the nature of the proposal meets the requirements of the National Planning Policy Framework, which over rules the Local Plan.
- Councillor Mrs French stated that she agrees with Councillor Benney. She added that she would like to see the Building Design Awards re introduced which used to showcase exceptional designs. This is the type of proposal that she welcomes, it is something totally different and, in her opinion, the location is perfectly suited, and she will support the application.
- Councillor Murphy stated that he will support the proposal and he wishes the agent well.
- Councillor Mrs Davis stated that the design is to be commended and it is about as innovative as it can be for Fenland. She stated that officers have confirmed it is an elsewhere location and could also be classed as isolated with this proposal. Councillor Mrs Davis stated that she will be supporting the application.
- Councillor Connor stated that he applauds the application and stated that is one of the best proposals he has ever seen.
- Councillor Sutton expressed the view that he does not think that the proposal is exceptional, although he agrees it is different. He added that officers have had to act in accordance with the policies in place and he stated that if the proposal was just for a standard dwelling it would be determined as being in an elsewhere location, however, in his opinion as this is a Section 79 proposal, the policies somewhat contradict each other. He expressed the view that officers have made the correct recommendation as that is what the policies dictate, and, in his opinion, he would have preferred to see something to be more viewed to the public realm. Councillor Sutton stated that he will support the application due to the contradictory issue of the elsewhere location.
- Councillor Mrs Davis stated that she takes exception to the view of Councillor Sutton that he does not think that the proposal is of an exceptional design as it is very rare to see an application come forward of this type and design.
- Councillor Topgood stated that he agrees with Councillor Mrs Davis and added it is an exceptional design and the engineering techniques used are fantastic. He added that he will support the application.

Proposed by Councillor Skoulding, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation. It was agreed that the appropriate conditions imposed on the permission be decided in consultation with officers, the Chairman, Proposer, and Secunder.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application accords with a Paragraph 79 of the National Planning Policy Framework and it is going to be built in the right location.

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

P11/21 **F/YR21/0159/PIP**
LAND NORTH OF EAST VIEW, RINGERS LANE, LEVERINGTON
RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Lydia Pravin, the Agent.

Ms Pravin stated that there she has noted that there are no comments from residents or interested parties and Cambridgeshire County Council Highways Authority accept the principle of a 4-dwelling development in this location. She explained that the site adjoins the built-up part of the settlement of Leverington on the west side of Ringers Lane with housing to the north, south and east and added that it is important to note the housing to the north which forms part of the continuous developed footprint of the settlement stretches along Gorefield Road and due to the development of the houses along Popes Lane which forms a cul-de-sac arrangement this juts out to the north-west with some housing facing directly towards the open countryside.

Ms Pravin stated that the rest of the housing within Popes Lane has rear gardens facing out to the open countryside with hedgerow on the rear boundaries with the dwellings then continuing down along Gorefield Road and to the south of the site the dwelling of East View has hedgerow and fencing on the boundary and there are also dwellings directly opposite the site on the eastern side of Ringers Lane and the dwellings of Knights Close extend further south-east. She explained that the village comprises of a linear pattern of development punctured by infill development in a cul-de-sac style arrangement; the site is well located adjacent to the existing developed footprint of the village and will continue the linear pattern.

Ms Pravin stated that the houses in this location will be in keeping with the core shape and form of the settlement and form an infill development. She explained that the hedgerow could be planted within the site on the western boundary and enable the development to make a positive contribution to the character of the area which consists of housing with hedgerow boundaries.

Ms Pravin stated that Paragraph 8 of the National Planning Policy Framework 2019 confirms a presumption in favour of sustainable development and she added that the proposal will ensure a development that meets the three interdependent dimensions to sustainable development with an economic role, a social role, and an environmental role. In terms of the economic role the construction of the proposed development will generate employment and post completion the spending of the additional households will increase the spending power of the local economy which will also help support the services and facilities within the village, such as the village pubs.

Ms Pravin explained that in terms of the social role, the proposal will strengthen the village community and help assist the housing needs of the district through providing a windfall development which is invaluable in terms of providing diversity and flexibility to the supply of new properties across the district. She explained that in relation to the environmental role, the proposal will secure well related housing which is appropriate to the pattern and character of the village with hedgerow added on the western boundary within the site and enables the development to make a positive contribution to the character of the area which gives rise to an appropriate location and land use.

Ms Pravin expressed the view that the site is inherently sustainable and coupled with the numerous benefits of the development requested that members grant permission in principle for development of the site.

Members asked officers the following questions:

- Councillor Murphy asked whether a Permission in Principle (PIP) application is like an Outline Planning Permission? Nick Thrower stated that a PIP application establishes the principle of the proposed use and then a subsequent application would need to be submitted, entitled a technical detail consent which deals with layout and design of the proposed dwelling. Councillor Murphy questioned how the committee can decide without knowing any detail? David Rowen added that a PIP is a legitimate application route introduced by the Government in the last three years. He stated that no detail with application is submitted, which is similar to an old style outline application where all that is seen is a red line around a piece of land, and it is for members to decide whether they are happy or unhappy to see a piece of land developed in broad principle terms. He added that the officer's opinion is that they do not feel it is appropriate site for housing to go on from a character point of view.
- Councillor Murphy stated that if the application comes back to the committee with the further design and detail and the committee do not agree with the proposal what would happen in that scenario as outline permission has already been granted. David Rowen stated that essentially the committee are granting the principle, but if the committee are not happy with the technical detail, appearance, or layout then the application can be refused on those grounds.
- Councillor Sutton stated that is he correct in his understanding that under an Outline Permission you can commit aspects, such as access, but under a Permission in Principle (PIP) you cannot. David Rowen confirmed that is correct, certain details can be committed on an Outline Permission and the level of detail submitted in the proposal before members is the only information required to be submitted and it is only being looked at in very broad land use terms.
- Councillor Mrs French stated that in the officer's conclusion and statement for reasons for refusal, it states that the proposal would mean that there was a loss of significant views across the open countryside. She asked officers to confirm when did the subject of views become a material consideration. David Rowen stated that officers are trying to emphasise that the views involved in the proposal across the agricultural land, form a distinct part of the character of the settlement of Gorefield and to lose them would be of a detriment to the character.
- Councillor Sutton stated that nobody owns a personal view, but the view is going to change in the public realm is his understanding.

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

- Councillor Benney stated that it is the second PIP that has come before the committee. He added that the proposal may change the view and character of the village, but it will always change the view for somebody. He expressed the view that he does not see anything wrong with the proposal and added that there are new build properties in the vicinity. Councillor Benney stated that it is not building in the open countryside as it is in the built form of Ringers Lane.
- Councillor Sutton expressed the view that it is very similar to different applications that have been brought before the committee and for that reason to remain consistent, he will be going against the officer's recommendation.

Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be APPROVED as per the officer's recommendation. It was agreed that the conditions imposed on the permission be delegated to officers.

Members approved the application against officer's recommendation as they feel under Policies LP12 and LP16 it will add to the character and appearance of the area rather than detract.

4.18 pm

Chairman

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F/YR19/1001/O

Applicant: Mr A Mason

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

Land South Of 63-77, Newgate Street, Doddington, Cambridgeshire

Erect up to 9 dwellings (outline application with matters committed in respect of access)

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 9 dwellings with matters of access only committed at this time.
- 1.2 The site comprises agricultural land and lies adjacent to the main built form of Doddington whereby the principle of the proposal is acceptable under policy LP3.
- 1.3 The committed access and indicative layout and design of the development is considered acceptable having regard to the general character of the area. The proposal is not considered to have a significant detrimental impact on the surrounding properties, the local highway or drainage and a suitable package of mitigation has been agreed to make the development acceptable e.g. footpath extension and a traffic regulation order for speed reduction at the entrance to Doddington.
- 1.4 A S106 unilateral undertaking to secure a financial contribution toward open space has already been completed.
- 1.5 In summary, there are no overriding technical objections that indicate that permission should not be granted and the application is therefore recommended to be approved subject to relevant and necessary conditions and inclusion of the completed S106 agreement.

2 SITE DESCRIPTION

- 2.1 The site lies on the edge of Doddington and comprises c1.2ha of open agricultural land. Dwellings exist directly opposite and to the east leading into the main settlement. beyond the track which serves a commercial business to the south east. To the west is a single dwelling set in an agricultural setting with an array of barns.
- 2.2 An established hedgerow runs across the frontage of the site.

- 2.3 The site is mostly in Flood Zone 1 but with the eastern side partially lying in zone 3.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the erection of up to 9 dwellings and associated infrastructure. Only access is committed at this time with matters of layout, appearance, scale and landscaping reserved for future consideration.
- 3.2 The application is accompanied by an indicative layout plan (6000/02/F and 6000/01K). The plan has been amended through the application process, mainly following discussions with the Local Highways Authority and Lead Local Flood Authority to address concerns over access and surface water drainage respectively. The quantum of development has also been reduced from 10 dwellings to up to 9 dwellings.
- 3.3 The indicative layout denotes a continuation of the frontage, linear style of development predominantly found along Newgate Street and Primrose Hill with a single point of access which then runs parallel to the highway but set back from the verge. Detached dwellings front onto the private driveway but with a pair of semi-detached properties at the eastern end adjacent to a SuDS pond. The footprints of all dwellings sit within Flood Zone 1 land.
- 3.4 The application also proposes to incorporate a length of public footway adjacent to the highway which stretches across the entire frontage and links to the existing footway at Newgate Street. The 30mph highway sign is also proposed to be relocated further west as part of the development.
- 3.5 The existing agricultural access at the eastern end of the site is proposed to be closed off.
- 3.6 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

No relevant site history

5 CONSULTATIONS

5.1 Doddington Parish Council

“Members were pleased to note that the outline plan now shows that a number of the plots would now be used to provide smaller units. They would, however, like to suggest that as the proposed development is taking place adjacent to the Primrose Hill / Newgate Street bend that street lighting be erected along the development boundary.

This road takes a significant amount of traffic into and out of the village and with a single entrance from the main road servicing the development of 10 units there will be an increase of traffic at this entrance.

Members felt that additional street lighting along this bend will significantly improve road safety. Members were also very pleased to note that there was an email recorded on your website acknowledging that the landowner was prepared to provide land for allotments for the village.”

5.2 FDC Housing

Acknowledges that no affordable housing will be sought with this development due to the quantum of development not exceeding 9 dwellings

5.3 FDC Environmental Protection

Raises no objections subject to a planning condition addressing unsuspected contaminated land.

5.4 FDC Environmental Services (waste and refuse)

Raises no objections - Acknowledges that based on the indicative layout that 2 shared bin collection points for the 9 dwellings have been included which will be accessible from the public highway.

5.5 CCC Local Highways Authority (LHA)

Raises no objections subject to conditions securing [summarised];

1.) a 1.8m wide footway laid out and constructed along Newgate Street in accordance with submitted plan 6000/01K

2.) Prior to first occupation of the development, the vehicular access shall be laid and constructed in accordance with submitted plan 6000/01K.

3.) No development shall commence until the 30pmh speed limit Traffic Regulation Order has been amended along Newgate Street, in accordance with a scheme to have previously been submitted to and approved in writing by the Local Planning Authority.

4.) Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use. (unless this is to be committed at a later stage)

5.) Prior to first occupation of the development, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

5.6 CCC Lead Local Flood Authority (LLFA)

Initially objected to the SuDS feature being located in Flood Zone 3 [23.07.2020]. However, following a review advised they are able to remove their objection and reverts to their comments dated 29.05.2020 as follows;

“As part of the report infiltration testing has been undertaken. This demonstrates some limited infiltration potential but it is unlikely to be sufficient to provide the sole means of surface water disposal. An alternative strategy of discharging into the Internal Drainage Board (IDB) network at greenfield rates has been proposed. This will need to be consented by the IDB under the Land Drainage Act 1991.

“Whilst the application is outline, an indicative pond location has been shown. This is partially within flood zone 3. As outlined in the Flood and Water SPD, ‘the natural floodplain must be protected and considered in the design of SuDS. Where SuDS are proposed in a fluvial or tidal floodplain the features may fill during a flood event and would therefore not have capacity to hold the rainfall runoff from the site as originally intended’. At the detailed design stage, alternative locations for the basin should be considered or other features considered such as permeable paving of the access road which is in flood zone 1.

“The report also states that some flooding of the site is expected during the critical 1 in 100 year plus 40% climate change rainfall event. Whilst some short term above ground flooding is permissible, flood water should be managed to be safe and not enter any buildings or disrupt emergency access routes.”

Requests a pre-above ground works condition agreeing a surface water drainage scheme for the site, based on sustainable drainage principles.

5.7 CCC Education & Libraries

Acknowledges that the planning application (F/YR19/1001/O) has been reduced in number down to 9 dwellings and therefore below the threshold of 10 dwellings for seeking s106 contributions.

5.8 Environment Agency (EA)

[Comments received 20.12.2019] - Initially objected to the scheme due to capacity limitations under Anglian Water’s current network.

[Updated comments received 03.07.2020]

“Further to discussions with our Water Quality planners and consideration of the new Anglian Water permit and proposed works, we are able to withdraw our objection to the proposed development. We wish to make the following comments.

Flood Risk

National Planning Policy Framework Sequential Test

The site is partly located within Flood Zones 2 and 3 on our Flood Map for Planning. In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Internal Drainage Board

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only. We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Curf & Wimblington Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

Review of Flood Risk Assessment

We have no objection to the proposed development on flood risk grounds but recommend that the mitigation measures proposed in the submitted FRA are adhered to. In all circumstances where flood warning and

evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.”

[Also provides advice to the applicant in respect of flood resilience and warning measures.]

5.9 Middle Level Commissioners - Internal Drainage Board (IDB)

No comments received

5.10 Anglian Water (AW)

The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more. However, comments based on the 10 dwelling scheme (3 December 2019) set out;

“The foul drainage from this development is in the catchment of Doddington Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

“The sewerage system at present has available capacity for [used water] flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.”

AW also acknowledged the approach to disposal of surface water was by sustainable drainage system (SuDS) as required in the first instance under current Building Regulations and therefore does not relate to AW assets

5.11 Cambs Fire & Rescue

Requests that adequate provision for fire hydrants is secured.

5.12 Cambs Police (Designing out Crime)

“Happy to support and have no further comments other than to support comments made by the Parish Council in regard to additional street lighting. We would support any additional column lights in this area.”

5.13 Local Residents/Interested Parties

Objection

6x letters of objection received from the following locations;

5 at Newgate Street, Doddington,

1 at Primrose Hill, Doddington

Raising the following concerns;

- Access
- Anti social behaviour
- Backfill
- Density/Over development
- Devaluing property
- Drainage
- Flooding
- Light pollution/ nuisance

- Local services/schools - unable to cope
- Loss of view/Outlook
- Noise
- Overlooking/loss of privacy
- Parking arrangements
- Shadowing/ loss of light
- Smell
- Traffic or Highways
- Visual Impact
- Wildlife & Biodiversity – hedgerow retention
- Would set a precedent
- The village is expanding beyond its existing outline footprint
- Requests for traffic calming measures

Supporters

2 x Letters of support received for the following locations;

1 at Bridge Lane, Wimblington

1 at Cedar Avenue, Doddington

with the following comments;

- Doddington is a growth village.
- The homes would be ideal
- Continuation of the build line following recent approval of 3 dwellings opposite Cowslip Close
- Housing in the village is needed
- Could support local shops

Representations

Representations received from 3 people at 2 households in Primrose Hill with the following comments;

- Reducing the speed limit/ extending the 30mph zone is important
- Leaving the vegetation and hedgerow is important to protect wildlife
- Drainage is a concern
- Gaps between the properties would be welcome
- Construction at weekend should be kept to a minimum
- Would the local surgery cope?
- The village shouldn't be allowed to become overdeveloped

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

- Context
- Identity

- Built Form
- Movement
- Nature

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Supplementary Planning Documents/Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Loss of agricultural land**
- **Access & Highways**
- **Impact on the character and appearance of the area**
- **Drainage**
- **Biodiversity**
- **Infrastructure**
- **Residential amenity**
- **Other matters**

9 BACKGROUND

- 9.1 The application is before the Planning Committee due to 6 letters of objection having been received, contrary to Officer recommendation.
- 9.2 Prior to the receipt of the 6th objection (received January 2021) this application was determined under delegated powers to the Head of Planning in September 2020, whereby a recommendation of approval was made, subject to the completion of a S106 agreement.
- 9.3 This recommendation triggered the undertaking of the associated S106 legal agreement (by way of a unilateral undertaking) which has now been completed to the satisfaction of the applicant and Officers.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Doddington as a 'growth village' where development and new service provision either within the existing urban area or as a small extension will be appropriate.
- 10.2 The site lies adjacent to the main urban settlement of Doddington, separated by an access road which serves a commercial unit to the south east. Directly adjacent (west) is No.2 Primrose Hill which comprises a modest dwelling set within an established farmstead. Outline planning permission was recently granted for the erection of 3 dwellings in spacious plots within this farmstead whereby the Council at the Planning Committee of 9 October 2019 determined that the farmstead land fell within the built-up area of Doddington. In this regard, it must follow that the application site also falls within the urban framework of the settlement for which LP3 provides in-principle support.
- 10.3 In addition, regard is had to the NPPF whereby Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses in nearby settlements, whilst avoiding new isolated homes in the countryside. In this regard it is noted that the site benefits from existing links to the core of Doddington including a footpath immediately opposite where frontage development can be found and the proposal is to link up with the southern footpath to the east of the site thereby providing sustainable links.
- 10.4 Policy LP12 (Part A) supports development which contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside and satisfies all of criteria (a) to (k) covering matters such as; relationship and scale to the settlement and neighbouring settlements, retention and respect of; natural boundaries, heritage assets, ecology and biodiversity features, loss of agricultural land, exposure to identified risks and infrastructure provision. These are considered below in greater detail and form the general assessment of the policies. The site comprises open agricultural land and as such, any development of this land will result in some landscape harm. This level of harm needs to be balanced with the public benefits of the scheme. Notwithstanding this, the site is not recorded as being recognised as an important space in the village and there are no landscape assessments which indicate that development of this site would result in significant character harm in principle, particularly when considering the built form either side of the application site.

Indicative layout

- 10.5 Whilst the application is in outline with only access committed, the indicative layout plan indicates how the site could be laid out in order to achieve both the quantum of development and necessary supporting infrastructure e.g. roads, open space, drainage. Officers consider that the proposed quantum of development could likely be delivered within the site area along with adequate private curtilage and amenity greenspace and supporting infrastructure. Whilst the individual plots indicated and the footprint of the dwellings are generally larger than those found immediately north and east, regard is had to the aforementioned dwellings approved to the west which proposed similar plot and footprint sizes.

10.6 In conclusion, having regard to the location of the development, the existing settlement pattern (which includes the aforementioned 3-dwelling scheme at Primrose Hill) and the indicative layout provided, Officers consider that criteria (a), (b), (c), (d), (e) and (h) of policy LP12 (Part A) are satisfied.

Community Consultation

10.7 LP12 also requires demonstrable evidence of local support where the development threshold set at the time of adopting the FLP has been exceeded. This demonstration is required to be evidenced through a community consultation exercise proportionate to the scale of the development as directed by LP12. In effect this means that subject to demonstration of 'clear local community support' following a consultation exercise, policy LP3 enables sustainable development beyond the initial village threshold limits set under LP3.

10.8 Doddington is identified as having exceeded the 15% development threshold set, with 174 dwellings committed or built since April 2011 against a threshold of 127 (based on 844 dwellings in existence as at 2011). Therefore, the requirement to undertake the community consultation stages as detailed under LP12 and to demonstrate local support would apply to any proposed residential development in Doddington.

10.9 Whilst the application is accompanied by 6 letters of local support (undertaken prior to validation of the application), there is no evidence of any such consultation exercise having been carried out.

10.10 It is clear that the scheme fails to address the requirements of LP12 in so far as they relate to community engagement and this is disappointing. However, the LPA is mindful of the 2017 appeal decision (APP/D0515/W/17/3182366) where the Planning Inspector in considering an appeal which was solely based on the failure of a scheme to achieve support under LP12, found that the failure to achieve community support in accordance with Policy LP12 should not render an otherwise acceptable scheme unacceptable.

10.11 Against this backdrop it is not considered that the scheme could be refused purely on the grounds of LP12 threshold considerations.

10.12 In respect of establishing the principle of development therefore, it is considered that, subject to all of the criteria of LP12 (Part A) being met and overall compliance with other policies of the FLP as considered below, the principle of development can be supported having regard to policy LP3 and LP12 of the FLP.

Loss of agricultural land

10.13 Criteria (i) of Policy LP12 (Part A) seeks to resist the loss of high-grade agricultural land unless supporting evidence is provided to justify the loss.

10.14 The site comprises 1.2Ha of Grade 2/3 agricultural land (data taken from DEFRA 'magic' mapping, 2020).

10.15 The NPPF, Para.171(footnote 53) advises that the economic and other benefits of best and most versatile agricultural land (BMV land) should be taken into account and that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred

to those of a higher quality. Annex 2 of the NPPF defines BMV land to be land in Grades 1, 2 and 3a of the Agricultural Land Classification.

- 10.16 Therefore, the site is identified as comprising 'high grade' (BMV) agricultural land. Having regard to the wider DEFRA mapping site, it is notable that a significant majority of Fenland District falls within the BMV land with only the main Market towns, the Kings Delph and Morton's Leam areas and the north of March including the prison area falling within the lower grades (3b and below). As such, it is recognised that there are very few areas of poorer quality agricultural land and it would not be possible therefore for Fenland to achieve its housing targets without developing areas of BMV land. It is also important to note that the Council's housing target is not a ceiling and opportunities to deliver housing in places outside of those allocated through the development plan should be favourably considered where they comply with the development plan when taken as a whole.
- 10.17 Notwithstanding this, the site area is not considered to be 'significant' having regard to para 171 of the NPPF and the extent of BMV land which would remain were the site developed. In this regard, it is considered that there is no conflict with criteria (i) of LP12.

Access & Highways

- 10.18 The LHA has raised no objection to the proposal following amendments to the scheme which now includes the provision of the footpath linking to the existing path to the east, and a Traffic Regulation Order (TRO) to move the 30pmh zone further west along the approach road into Primrose Hill which is considered necessary given the gradual growth of residential development along Primrose Hill.
- 10.19 Despite some residents' concerns over the location of the access, the LHA has concluded that the access arrangement provides safe and effective access to the development and would not pose a risk to the highway which accords with the requirements of policy LP15, subject to compliance with the relevant planning conditions as set out by the LHA. In this regard, whilst a condition has been requested regarding the parking layout, matters of layout are not committed at this stage and it would therefore be prudent to secure this condition at reserved matters stage once the final layout has been agreed.
- 10.20 In summary, given that only the access is committed at this time, with matters of layout to be determined through reserved matters, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts, subject to conditions securing timing of access and visibility splay delivery, the footway and the TRO.

Drainage

- 10.21 Policies LP12(k) LP14 and LP16 of the FLP seek to ensure that development can be served by adequate surface and wastewater infrastructure, avoids identified risk e.g. flooding, and uses sustainable drainage systems which should be designed to contribute to improvement in water quality in the receiving water course.
- 10.22 The site mainly lies in Flood Zone 1 and therefore at the lowest risk of flooding. Given the scale of the development with a site area of over 1Ha, a site specific flood risk assessment (FRA) and drainage strategy has been provided which indicates that Sustainable Drainage Systems (SuDS) can be used.

Surface water

- 10.23 The County Council, as Lead Local Flood Authority, has considered the FRA and is supportive of the scheme subject to conditions securing a detailed surface water drainage scheme for the site, based on sustainable drainage principles and using infiltration where ground conditions are conducive to this and/or attenuation. They have raised concerns over the location of the SuDS feature within an area identified at Flood Zone 3 and has suggested that this is reviewed at detailed design stages (reserved matters) to explore options and alternatives e.g. the use of permeable surfacing to accommodate surface water discharge. In principle however, no objections are raised at this time. Furthermore, whilst the EA has raised the matter of the necessity for undertaking the sequential test to flood risk due to part of the site lying in flood zone 3, the indicative plan denotes that none of the buildings would need to be sited within flood zone 2 or 3 land and could be easily accommodated within zone 1 land. In this respect, the application of the sequential test is not required, but would need to be revisited should the layout submitted at reserved matters stage indicate dwellings in flood zones 2 or 3.

Foul & Wastewater

- 10.24 The applicant proposes to discharge foul water into the existing mains sewer. Anglian Water has reviewed the application and advises that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Therefore, the future site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.
- 10.25 Anglian Water advises that the foul drainage from this development is in the catchment of Doddington Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Local Planning Authority grant planning permission.
- 10.26 The EA has confirmed that the new permit and future proposals by Anglian Water are sufficient to overcome their initial concerns over capacity issues, indicating that the development would not result in problems to the existing foul drainage network.
- 10.27 In conclusion, the development (in respect of the indicatively placed building footprints) lies in an area at lowest risk of flooding and could be served by sustainable surface water and waste water drainage systems which would avoid any potential increase in flood and pollution risk from the development in accordance with policies LP14 and LP16 of the FLP.

Biodiversity

- 10.28 The proposal raises no significant concerns on biodiversity grounds subject to biodiversity enhancement opportunities being incorporated into the scheme at design stage (reserved matters) which would be expected to include the retention of the frontage hedgerow (as required by LP12 (f and g)) and demonstration that where this is necessary to be lost in order to provide access points, that this loss is offset elsewhere within the development.

10.29 It is considered that biodiversity impacts and opportunities for enhancement could be secured and assessed through future reserved matters and could meet the aims of policies LP16 (b) and LP19 in this regard.

Infrastructure

10.30 Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district. LP16(g) seeks to ensure that development provides publicly accessible open space and access to nature.

10.31 In accordance with Developer Contributions SPD 2015 the development would trigger the requirement for open spaces obligations which can be broken down as follows: (site area is 1.2Ha hectares)

- Neighbourhood Park – £ 5,200 off site contribution
- Natural greenspace – £ 6,500 off site contribution

10.32 These above contributions/ obligations are all considered to meet the statutory tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as they are required to mitigate the impacts of this development i.e. to make the development acceptable.

10.33 The applicant has submitted a S106 agreement by way of a unilateral undertaking. The Council's legal officers have confirmed that this is legally sound, and Officers are satisfied that it would adequately mitigate the impacts of the development.

Residential amenity

10.34 Only matters of access are committed at this time and therefore matters of scale, layout and appearance would be considered at a future time. In respect of the access, this is located a considerable distance from the nearest properties and on the opposite side of the road, with the associated dwellings likely to be forced further back by the grass verge and hedgerow (as denoted on the indicative layout plan). Whilst concerns regarding light nuisance from the headlights of cars emerging from the access are noted, it is not anticipated that these would result in any severe or frequent harm. The Council's Environmental Protection team has raised no concerns in this regard.

10.35 Matters of light pollution arising from the development would be considered at detailed matters stages; likewise matters of overshadowing, loss of light, overlooking or overbearing impacts. Again, having regard to the distance separation between the application site and existing properties, these issues are not anticipated to be difficult to mitigate or avoid.

10.36 Concerns have also been raised in respect of a loss of view or outlook. The planning system operates in the public interest and there is no right to a private view within planning legislation. Matters of outlook are however material considerations but not considered in this instance to be severely compromised as a result of the development given the separation distances from existing properties, the maximum quantum of development proposed and the size of the site. This matter however would need to be revisited at detailed matters stage.

10.37 The residential use of the site for up to 9 dwellings is unlikely to yield significant adverse impacts through noise or odour. Notwithstanding this, the Council's

Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

- 10.38 The Parish Council and Cambs Police have both expressed an interest in street lighting. Whilst it is anticipated that street lighting along the highway as part of the new footway would be considered under S278 arrangements with the LHA, the final details of reserved matters should include for lighting of the new properties within the unadopted private drives in the interests of community safety as per FLP policy LP17. The impacts on this lighting on existing residents would be considered at that stage.
- 10.39 It is considered that based on the detail submitted for consideration, that the development could achieve high level of residential amenity for future occupiers and would not severely compromise the amenity of existing residents in accordance with LP16 of the FLP.

Other matters – resident comments

Anti-Social behaviour (ASB)

- 10.40 It is not anticipated that the design and location of the development would in itself result or encourage any ASB issues. Nonetheless, this matter would need to be revisited at detailed matters stage.

Devaluing property

- 10.41 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.

Would set a precedent

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

Local services/schools - unable to cope

- 10.43 Cambridgeshire County Council as the Local Education Authority has been consulted on this application and have acknowledged that they would not be seeking contributions on the development due to the scale of the development not being a major development. They have not raised any sustainability issues as a result and therefore there is no evidence to suggest that existing education services would be under any undue strain resulting from this proposal.

- 10.45 NHS England have not been consulted due to the minor nature of the development which is below their threshold for consultation.

- 10.44 Notwithstanding this, as noted above, Doddington is identified as a growth village (rather than a limited or small village - which are generally restricted in development scale due to their limited services) and therefore some expansion of the settlement is envisaged through the Local Plan. As such, it would be unreasonable to refuse an application on these grounds, particularly without any supporting evidence.

11 CONCLUSIONS

- 11.1 The development would be located in a settlement identified for growth and can be served by safe and effective access and would provide suitable transport and open space infrastructure to mitigate the impact of the development.
- 11.2 In terms of sustainability, the proposal would contribute towards economic growth, including job creation both during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/ facilities. Environmentally, the proposal could likely secure additional planting and habitat enhancement albeit the final layout will dictate the extent of these opportunities. Furthermore, the visual impacts of the development are considered to be acceptable, given the mainly residential surroundings.
- 11.3 Finally, it would moderately increase the supply of housing, assisting to address the District's housing targets, which has social benefits.
- 11.4 Having assessed all three dimensions of sustainable development and in applying the planning balance it is concluded that the benefits of the proposal outweigh the identified harm/ disbenefits. This is predicated on a satisfactory scheme coming forward in the future at reserved matters stage.
- 11.5 In summary, there are no overriding technical objections that indicate that permission should not be granted and the application should therefore be approved subject to the relevant conditions and inclusion of the completed S106 agreement

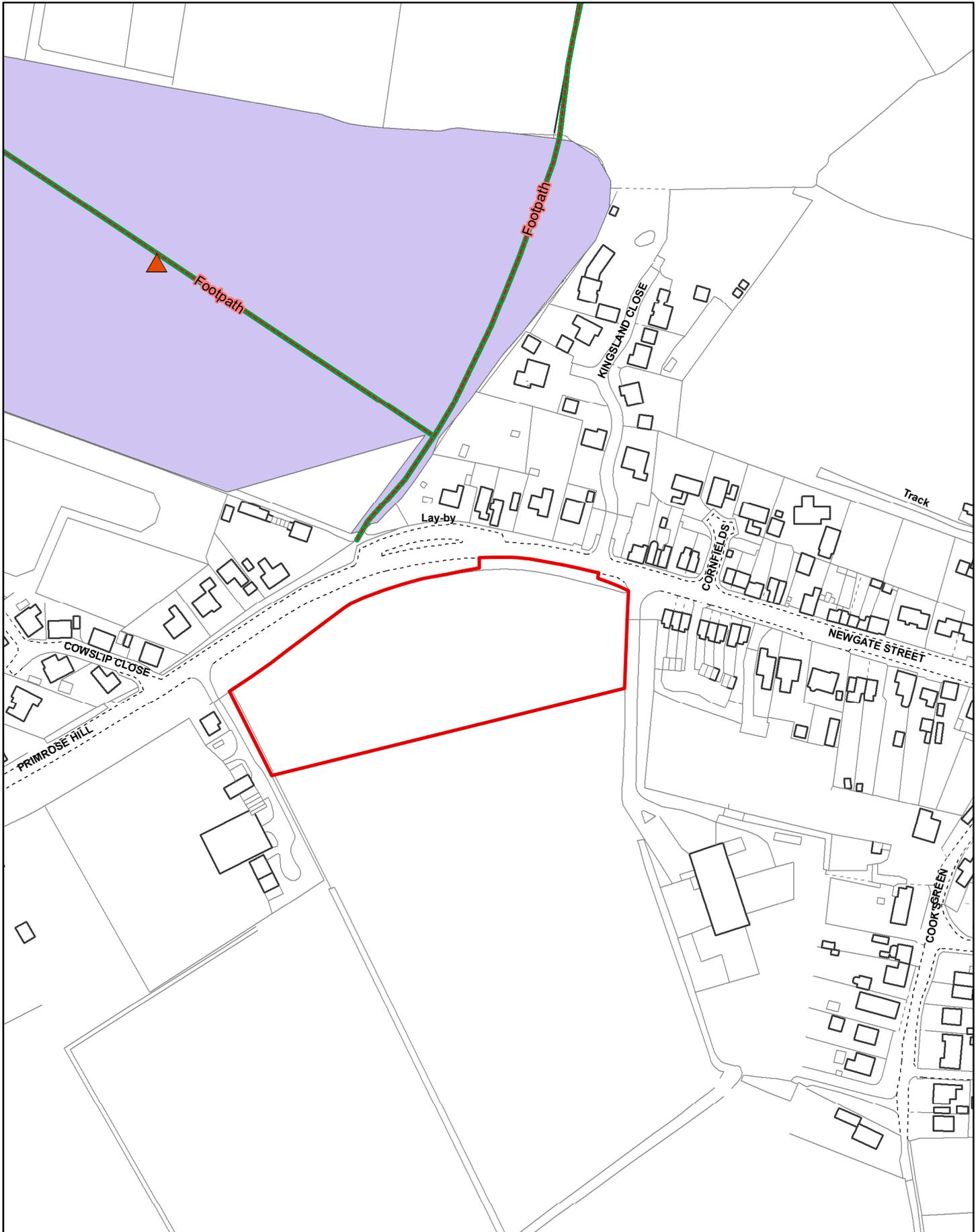
12 RECOMMENDATION

Grant subject to the inclusion of the completed S106 agreement and the following conditions;

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> i. the layout of the site ii. the scale of the building(s); iii. the external appearance of the building(s); iv. the landscaping <p>(hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority prior to the commencement of development.</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>

4	<p>The residential elements of the development shall not exceed 9 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>The reserved matters submission shall also include details of the finished floor level of all buildings and associated external ground levels relative to an adjacent, fixed datum point.</p> <p>The development shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of visual and residential amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
6	<p>The reserved matters submission shall also include a surface water drainage scheme for the site, based on sustainable drainage principles which has been agreed by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by Ellingham Consulting Ltd dated July 2020 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers; d) Full details of the proposed attenuation and flow control measures; e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; f) Full details of the maintenance/adoption of the surface water drainage system; g) Measures taken to prevent pollution of the receiving groundwater and/or surface water <p>The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with LP14 of the Fenland Local Plan 2014.</p>
7	<p>The access to the development as detailed on plan ref: 6000/001 Revision K shall be provided and completed to Cambridgeshire County Council Highways construction specification prior to the first occupation of the development.</p> <p>Reason: In the interests of highway safety in accordance with policy LP13 and LP15 of the Fenland Local Plan 2014.</p>
8	<p>Prior to first occupation of the development, a 1.8m wide footway shall be laid out and constructed along Newgate Street in accordance with plan ref: 6000/01</p>

	<p>revision K</p> <p>Reason - In the interests of highway and pedestrian safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
9	<p>No development shall commence until a scheme (including a timetable for implementation) has been submitted to and approved in writing by the Local Planning Authority detailing a speed limit Traffic Regulation Order, which amends the location of the 30mph limit along Newgate Street, beyond the western boundary of the site.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
10	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
11	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
12	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <ul style="list-style-type: none"> (i) it shall be reported to the Local Planning Authority within 1 working day; (ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with; (iii) the remediation strategy shall be implemented as approved; (iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until: <ul style="list-style-type: none"> a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority; b. if required by the Local Planning Authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the Local Planning Authority. (v) the long-term monitoring and maintenance plan shall be implemented as approved. <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.</p>
13	<p>Approved plans and documents insofar as they relate to access.</p>



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F/YR19/1001/O

Scale = 1:2,500



F/YR20/0707/O

Applicant: Mr P Day

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

Land Rear of 222 Lynn Road, Wisbech, Cambridgeshire

Erect up to 14 dwellings (outline application with all matters reserved) involving the demolition of existing buildings

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 14 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 indicative plans submitted alongside the application show a form of development that appears cramped on the site, and which is dominated by off street parking provision to the detriment of the appearance of the development.
- 1.4. The road layout indicated is not satisfactory in respect of the requirements of the Local Highways Authority, and would see all the existing features of biodiversity value removed from the site, including a tree protected by a tree preservation order (TPO).
- 1.5. The site is located within Flood Zone 2 and the Flood Risk Assessment submitted alongside the application fails to satisfy the requirements of the Environment Agency with regard to demonstrating that the development would be safe from flooding for its lifetime.
- 1.6. The latest calculations in respect of the storm water flows from the site have resulted in an objection from the Lead Local Flood Authority on the grounds of the discharge rate from the site being ten times higher than previously indicated.
- 1.7. 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 14 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=QDRGL9HE0D800>

4. SITE PLANNING HISTORY

F/YR04/0004/O	Erection of 16 flats together with parking and landscaping	Granted	31/3/2004
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5. CONSULTATIONS

Wisbech Town Council

- 5.1. That the application be supported, subject to the proposal according with the requirements of the Local Highway Authority in terms of: width of the access road; footway provision; kerb sweep; the provision of a suitable turning head; visibility splays

Cambridgeshire County Council Highways Authority

- 5.2. The details shown on the submitted indicative layout would not be acceptable.
Access road is not wide enough
The curve in front of plots 5 & 6 is too tight
A turning head should be provided, suitable from an 11.5m refuse vehicle
Pedestrian priority along Lynn Road should be maintained and visibility splays provided.
- 5.3. The Local Highways Authority accepts that the application reserves all matters for later consideration but has provided the above comments to ensure that a realistic layout can be provided on the site.

Cambridgeshire County Council Lead Local Flood Authority

- 5.4. Objection. The applicant has amended the discharge from the site to 5l/s, which is significantly higher than the previously proposed 0.5l/s. Until it is demonstrated that the rate cannot be reduced as previously agreed, unable to support the application.

Environment Agency

- 5.5. Objection. FRA should set finished floor levels at a minimum of 1m above the existing ground level, with flood resilient construction to a height of 300mm above the predicted flood depth and demountable defences to 600mm above the finished floor level.

FDC Environmental Health

- 5.6. Recommend a condition requiring contamination, and one in respect of construction practices on the site.

FDC Environmental Services

- 5.7. Indemnity required if road is not to be adopted.
Swept path plan required to demonstrate a refuse vehicle could access the site, turn and leave in a forward direction.
Refuse and recycling bins required to be provided.

FDC Housing Strategy

- 5.8. Expect a contribution of 4 affordable dwellings (3 affordable rented and 1 shared ownership)

Anglian Water

- 5.9. No objections but request informative text is included on the decision notice if the application is approved.

Cambridgeshire Constabulary

- 5.10. No objection at this stage but would be happy to discuss measures to reduce vulnerability to crime prior to the detailed matters being submitted.

Cambridgeshire Fire Authority

- 5.11. Request provision is made for fire hydrants

Local Residents/Interested Parties

- 5.12. Four responses have been received in relation to the proposal from Lerowe Road and Fenland Road, raising the following matters.
- Impact on wildlife, particularly the bird population, and hedgehogs
 - Loss of significant trees – layout does not respect them
 - Concerned the local infrastructure cannot support more houses
 - Impact from the indicated parking areas on adjoining properties

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 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**
- **S106 Developer Contributions (Affordable Housing)**

9. **BACKGROUND**

9.1. There is no relevant background in relation to the application

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.

- 10.2. The application site is located within Flood Zone 2, and detailed matters regarding flood risk are to be considered later, however the principle of the development of a site within Flood Zone 2 needs to be addressed.
- 10.3. From a principle point of view the LPA approaches development within Wisbech on the basis that for sites within the existing built up urban area of the town that fall within use classes A, B, C or D and the proposal is for redevelopment, the LPA accepts that the sequential test is considered to have been passed.
- 10.4. The final point in respect of the principal of development of the site is the consideration of the amount of development proposed, namely the construction of up to 14 dwellings on the land. Consideration is given to this on the basis that the proposal is for the construction of 14 dwellings, and not some reduced number below that figure.
- 10.5. The site extends to 0.35 hectares, and therefore the proposed development density is 40 dwellings per hectare (dph). Such a figure is higher than would normally be expected (approximately 30dph) for an urban location such as this, and considerably in excess of that typical of the development surrounding the site (approximately 20-25dph). The indicative plan submitted alongside the application shows a form of development that appears cramped on the site, with poor amenity provision for several of the dwellings indicated. It also appears to result in the complete removal of all the existing trees from the site, in particular the significant mature specimens along the northern boundary, one of which is the subject of a tree preservation order.
- 10.6. The Local Highway Authority comments in relation to the indicative layout also indicate that they would not be acceptable in that regard, and the layout fails to demonstrate how a refuse collection vehicle could enter, turn and leave the site in a forward gear.
- 10.7. Overall therefore, whilst the principle of the residential redevelopment of the site may be acceptable, the application fails to demonstrate how the proposal for 14 dwellings can be satisfactorily accommodated on the site without resulting in unacceptable harm to the site and its surroundings.

Highway safety

- 10.8. Notwithstanding the above matters of principle, further consideration is given to the comments of the highways authority in respect of the requirements on site.
- 10.9. The indicative plan shows an access road that is 4.5m in width. The Local Highways Authority states that the access road should be a minimum of 5m wide, and ideally 5.5 to allow for adoption and two-way traffic flow.
- 10.10. Whilst it may be possible to accommodate the LHA requirements, an amended plan has not been requested to determine if this is possible due to other 'in principle' issues regarding this application.
- 10.11. Therefore the application has failed to demonstrate that the highway requirements can be achieved to facilitate the quantum of development that is being applied for.

Biodiversity Impact

- 10.12. 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.
- 10.13. 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, 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. The lack of a formal ecological appraisal of the site should therefore form a reason for refusal at this stage.
- 10.14. 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 arboricultural assessment accompanies the planning application to identify and assess the health and contribution of the existing trees on the site. Such an assessment should normally be undertaken at the outset of the planning process 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.
- 10.15. The lack of any such assessment, combined with the indicative plans showing the complete removal of the existing trees from the site is sufficient to conclude 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

- 10.16. The principle issues relating to flooding are addressed above, however the matter remains for consideration in respect of the specific impacts of the potential for flooding of the site. In that regard, the application is accompanied by a Flood Risk Assessment, which has been revised during the consideration of the process, and information has also been submitted in respect of the proposed surface water drainage strategy, initially amended to satisfy the comments of the Lead Local Flood Authority, and subsequently amended again following discussions with Anglian Water, resulting in an objection from the LLFA.
- 10.17. The Flood Risk Assessment proposes mitigation in respect of flood risk at the site consisting of floor levels raised 0.6m above the existing ground floor levels with a further 0.6m of flood resilient construction above the finished floor levels, and on this basis concludes that the development passes the second part of the exception test in respect of demonstrating that the development will be safe from flooding for its lifetime.
- 10.18. The comments of the Environment Agency however present a different conclusion in this respect, noting that the hazard mapping for the site indicates a potential breach depth of 1.2m, concluding that finished floor levels should be set a minimum of 1m above existing ground levels, with a further 300mm of

flood resilient construction above this level and 0.6m of demountable defences above the finished floor level.

- 10.19. It is evident therefore that the mitigation proposed under the flood risk assessment would fall short of the measures required to see the objection of the Environment Agency removed. As it stands therefore the Flood Risk Assessment fails to satisfy the requirements of the Environment Agency in respect of the development of the site and the proposal fails to accord with the requirements of policy LP14 of the Fenland Local Plan (2014).
- 10.20. It should be noted that accommodating the mitigation required by the Environment Agency would have resultant impacts on the detailed development proposals for the site, in particular the overall height of any development proposed, and therefore consideration of this matter goes beyond simply amending the Flood Risk Assessment at this stage to accommodate the increased floor level.
- 10.21. With regard to the second matter in relation to drainage on the site, the Lead Local Flood Authority initially registered an objection to the proposal, which they subsequently withdrew following revised details provided by the agent. These details showed a discharge rate from the site of 0.5l/s.
- 10.22. The applicant has subsequently further revised these details and the calculations supporting them, stating that the revised flow rates had been accepted by Anglian Water. These revised details were reconsulted on with the Lead Local Flood Authority and this has resulted in a return to their original stance of objection to the proposal. This is stated as being on the basis that the proposals do not demonstrate that the previously agreed discharge rates are not achievable.

S106 Developer Contributions (Affordable Housing)

- 10.23. The proposal is for the construction of up to 14 dwellings on the site, which would trigger the provision of affordable dwellings as part of the scheme on the basis that the proposal is for more than 10 dwellings.
- 10.24. No indication of an agreement in principle to such provision has been submitted alongside the proposal, nor has any indication been made that the provision of such a contribution would make the development unviable.
- 10.25. Given the other matters surrounding the development of the site that are sufficient to result in a recommendation of refusal for the scheme, the matter of Developer Contributions has not been pursued further.

11. CONCLUSIONS

- 11.1. The application proposes a level of development that goes beyond that which could be reasonably accommodated on the site without causing harm to the site, its existing features and those of its surroundings. The indicative plan submitted alongside the proposal shows a layout that results in the total loss of all biodiversity features of the site, including a mature walnut tree protected by a tree preservation order. 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 (14 dwellings) could be delivered alongside an acceptable highway layout to serve the development.
- 11.4. The flood risk assessment submitted alongside the application proposes a level of mitigation that fails to satisfy the requirements of the Environment Agency in respect of the safety of the site from a flood risk perspective. The latest information provided with regard to the proposed discharge rates of surface water from the site result in a high rate of discharge, but fail to demonstrate that lower rates are not achievable. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014)

12. RECOMMENDATION

Refuse

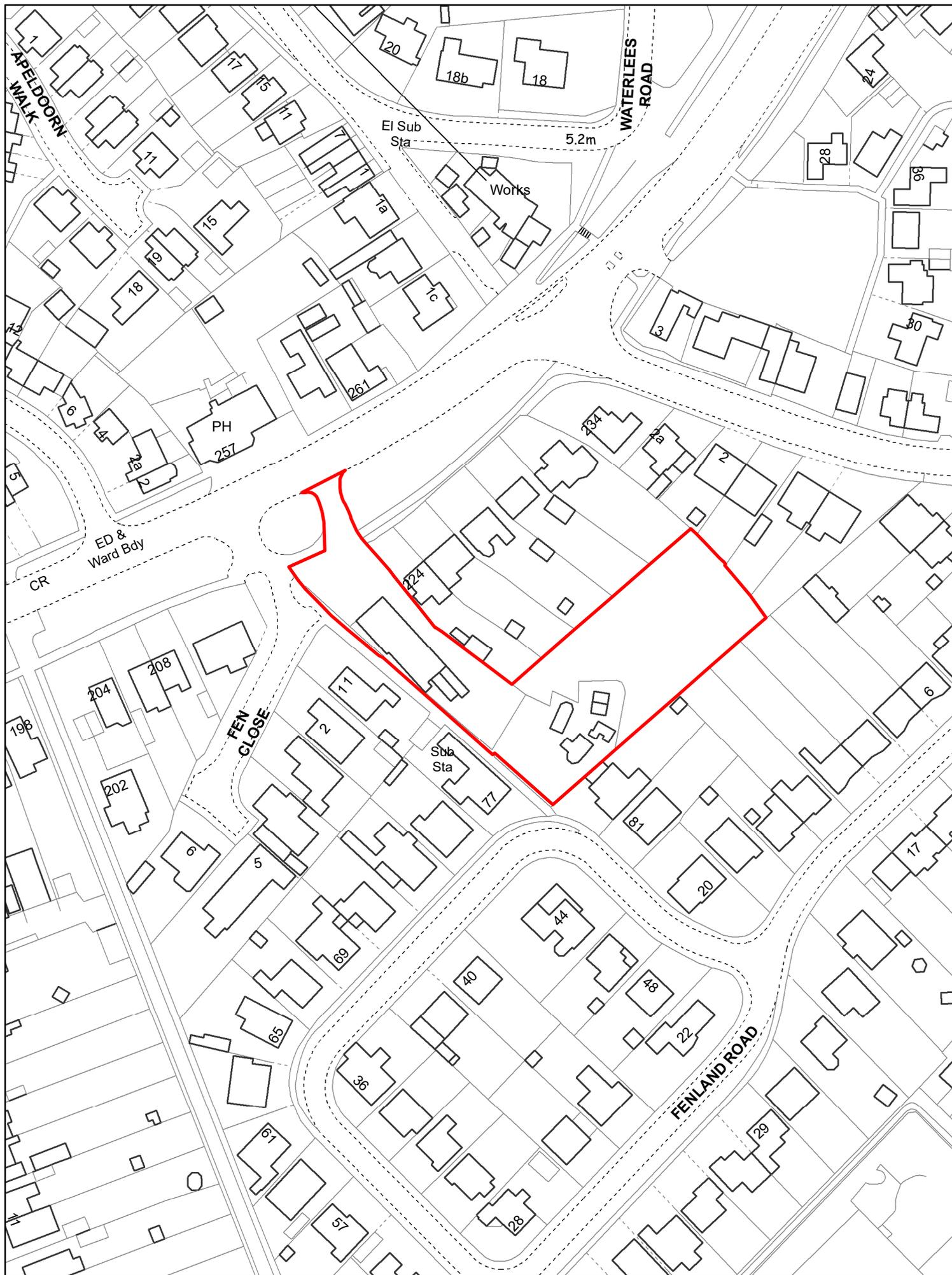
Policies LP2 and LP16 of the Fenland Local Plan require development proposals to create high quality environments within the district that enhance the character and appearance of their surroundings. The proposal indicates a level of development that results in a high-density scheme that is at odds with its surroundings and fails to provide a high quality environment, both in terms of its cramped nature in order to accommodate the number of dwellings proposed and the removal of all biodiversity features of value from the site that could make a significant contribution to the character of the development and its amenity value to prospective residents. This high density scheme also results in an unacceptable layout of development from a highways perspective and the indicative layout proposed fails to demonstrate how an acceptable layout could be accommodated within the site. The proposal is therefore contrary to the requirements of policies LP2, LP15 and LP16.

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 proposal is not accompanied by an ecological survey of the land, which incorporates features that may provide suitable habitat for protected species. The scheme 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 demonstrable harm to protected habitat or species, and no mitigation is identified to ensure that there is no net biodiversity loss as a result of the development of the proposal. The scheme is therefore contrary to policy LP19 of the Fenland Local Plan (2014).

Policy LP14 of the Fenland Local Plan requires development through the submission of a site specific flood risk assessment to demonstrate that appropriate flood risk management procedures and safety measures are in place. The Flood Risk Assessment submitted alongside the application has resulted in an objection from the Environment Agency to the proposed mitigation measures to make the development safe. The proposed surface water drainage proposals have also

resulted in an objection from the Lead Local Flood Authority as they have failed to demonstrate that lower discharge rates are not achievable on the site. The proposal is therefore contrary to the requirements of policy LP14 of the Fenland Local Plan (2014).

A Section 106 Agreement or Heads of Terms have not been submitted to secure the financial and infrastructure contributions generated by the proposed development. The proposed development would therefore be contrary to the requirements of the NPPF, policies LP5 and LP 13 of the Fenland Local Plan (2014), the Developer Contributions SPD, and the Infrastructure Delivery Plan (IDP).



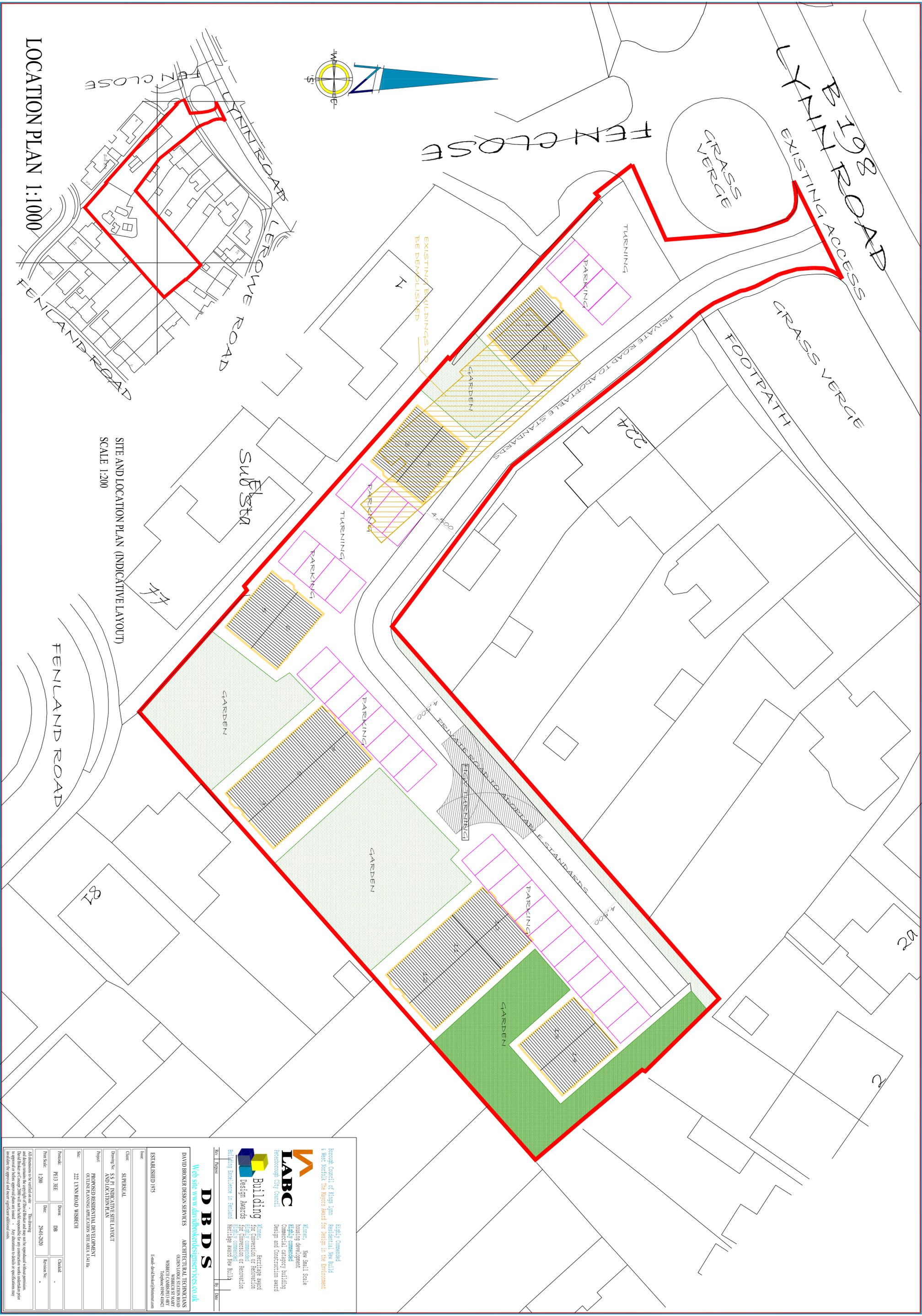
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F/YR20/0707/O

Scale = 1:1,250





LOCATION PLAN 1:1000

SITE AND LOCATION PLAN (INDICATIVE LAYOUT)
SCALE 1:200

LABC
LABC
Peterborough City Council

Building
for Conversion or Renovation
Design Awards
Heritage award for Build

LABC
LABC
Peterborough City Council

Building
for Conversion or Renovation
Design Awards
Heritage award for Build

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Client:	SUPERSEAL
Drawing No.:	S/S 01 INDICATIVE SITE LAYOUT AND LOCATION PLAN
Project:	PROMISED RESIDENTIAL DEVELOPMENT (OUTLINE PLANNING APPLICATION SITE AREA 04/10)
Site:	222 LYNN ROAD, WISBECH
Proposed:	PE13 SEE
Date:	DB
Checked:	
Print Scale:	1:200
Date:	29/01/2020
Revision No.:	

All dimensions to be verified on site. This drawing and any other drawings created by DBDS are the property of DBDS and shall remain confidential. David Broker or company shall not be held responsible for any construction works undertaken prior to approval or before approved plans are issued. Any alterations to details or specifications may invalidate the approval and have a significant additional cost.

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F/YR21/0233/O

Applicant: Mr & Mrs Bellamy

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

Land South Of, 12 - 24 Ingham Hall Gardens, Parson Drove, Cambridgeshire

Erect up to 9 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of a 9-dwelling development to the south of the existing southernmost extent of the village of Parson Drove.
- 1.2. The scheme represents a re-submission of a previously refused application, with the addition of an ecological appraisal of the site and a proposal to replace an existing sewage treatment plant.
- 1.3. The fundamental impacts of the proposal have not altered since its original submission in 2020 and subsequent refusal under F/YR20/0233/O in May 2020.
- 1.4. The scheme is considered to extend the village out into the countryside in a non-linear fashion that is at odds with the distinctive character of the existing settlement, with the result being that the proposal would result in harm to that character contrary to the relevant policies of the development plan.
- 1.5. The Parson Drove Neighbourhood Plan requires that for developments of over five dwellings, the application is accompanied by evidence of local support, or the support of the Parish Council in the absence of such support. The application is not accompanied by any evidence demonstrating local support, and the public consultation undertaken as part of the planning process has indicated that there is no consensus of public opinion in relation to the scheme. The Parish Council have confirmed their opposition to the proposal.
- 1.6. The ecological appraisal of the site confirms that the impacts of the development could be mitigated by an appropriate scheme of works.
- 1.7. The scheme is not accompanied by evidence of an agreement facilitating access for waste collection vehicles, and the proposal would still result in an adverse impact on the residential amenity levels of existing dwellings on Ingham Hall Gardens due to the levels of traffic associated with the scheme.
- 1.8. The proposal is therefore recommended for refusal for three of the four previous reasons. The reason based on ecological impact is satisfied by the appraisal accompanying this application.

2. SITE DESCRIPTION

- 2.1. The application site is a combination of open grassland and agricultural land to the south of the residential dwellings located off Ingham Hall Gardens and Brewery Close, Parson Drove. The land is separated from those dwellings by 1.8m closeboard fencing typical of modern residential developments. Some elements of the existing fencing have been replaced by more open trellis panels granting views over the land to the south. The dwellings on Ingham Hall Gardens and Brewery Close to the north are single-storey in height.
- 2.2. The application site is mainly located within Flood Zone 1, although the south east corner of the site contains land in both Flood Zones 2 and 3.
- 2.3. There are no defined settlement boundaries within the Fenland Local Plan 2014 however with the exception of the residential properties to the north boundary the application site is surrounded by open agricultural land that is most appropriately defined as countryside. The proposal is therefore considered to be adjacent to the existing built up part of the settlement.

3. PROPOSAL

- 3.1. The proposal is in outline for the construction of up to 9 dwellings with access to the site via the existing road, Ingham Hall Gardens, which is privately owned along the final section leading to the application site.
- 3.2. The Design and Access Statement accompanying the application indicates that the proposal would be for the construction of bungalows adjacent to the existing development to the north, with chalet style dwellings along the southern boundary of the site.
- 3.3. The application also proposes the replacement of the existing sewage treatment plant to the east of the site with a new treatment plant as a benefit to the existing residents in the area.
- 3.4. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QPEIPWHE01U00>

4. SITE PLANNING HISTORY

F/0797/87/O	Erection of a dwellinghouse and garage	Refused 8/10/87
F/92/0152/F	Single-storey rear extension	Withdrawn
F/YR20/0292/O	Erect up to 9 x dwellings (outline application with matters committed in respect of access)	Refused 27/5/2020

5. CONSULTATIONS

Parson Drove Parish Council

- 5.1. Recommend refusal. Do not consider the scheme has obtained the community support required by the Neighbourhood Plan.
- 5.2. Extends development into the open countryside beyond the established building line on this side of Main Road.

- 5.3. Note that the Parish Council opposed the previous application, and also that the Parish Council has not been approached formally by the agent, nor have they given any indication of support for the scheme.

North Level Internal Drainage Board

- 5.4. No objection in principle. Capacity of the riparian drain to the east of the site should be ascertained however as the proposal will increase run-off from the site.

Environment Agency

- 5.5. No comment

FDC Environmental Health

- 5.6. No objections. Request conditions are included regarding a construction management plan and unsuspected contamination on the site.

Cambridgeshire County Council Highways Authority

- 5.7. The development is remote from the adopted highway and will therefore remain private. A footway should be secured to connect the development to the adopted footway network.

No highway objections.

Cambridgeshire Fire Authority

- 5.8. Request provision is made for fire hydrants.

Local Residents/Interested Parties

- 5.9. 22 responses have been received from members of the public noting objections to the proposal. These responses are all from residents of Parson Drove, with the majority received from residents of Ingham Hall Gardens, the residential development immediately adjacent to the site and through which access to it would be gained.

The issues raised by these responses are:

- Understand that the sewerage plant is overloaded.
- Road is showing signs of wear and tear.
- Detrimental to the character of the area.
- No attempt to comply with policy 2 of the Neighbourhood Plan.
- The proposal does not have an existing road frontage.
- Proposal is not an infill development and extends out into the countryside.
- Road can't cope with the increasing amounts of traffic.
- Previous reasons for refusal still apply.
- Call for sites submission indicates this proposal would only be the start of development.
- Outside the existing development boundary.
- Not in keeping with the existing form of the settlement.
- Planning History section of the D&A Statement excludes all recent development around Ingham Hall Gardens and Brewery Close.
- There is no public transport serving Parson Drove.
- Access is via an unadopted road, ownership of it is unclear as is any right of way over it, and maintenance is understood to be the financial responsibility of existing residents.
- The proposal will block views over the countryside for existing residents.

- Inconsistencies in the documentation submitted alongside the application and the proposals themselves.
 - Development would infringe human rights of neighbouring occupiers.
 - The existing sewage treatment plant is not approaching the end of its lifespan, and the cost of replacement is less than was indicated to residents by the applicant.
 - Impact of construction traffic
 - Layout plan is incorrect.
 - Light pollution as a result of the proposal.
 - Development of the site will impact on feeding habits of species that use the land at present.
 - Will blend in naturally.
 - Have been advised that the development will not be able to connect to an existing or replacement treatment plant.
 - If the proposal was so acceptable, why did the applicant not appeal the previous refusal.
 - No evidence to demonstrate emergency service vehicles can enter and turn around within the site.
 - Hydrant availability has not been addressed.
- 5.10. 26 responses have been received in support of the scheme. Most of these responses are from residents of Parson Drove with the majority being from residents of Brewery Close and Springfield Road, and a small number from Ingham Hall Gardens.
- 5.11. The reasons given for their support are as follows:
- The applicant has addressed the previous reasons for refusal and made a financial commitment to the replacement of the existing treatment plant.
 - Natural extension to Ingham Hall Gardens.
 - Consider the site is in the centre of the village within flood zone 1 and is suitable for development.
 - Ecological report indicates no detrimental effect on wildlife.
 - FDC previously granted consent for a dwelling and garage on the site in 1991.
 - Location is central to the village amenities and allows children to walk safely to and from school.

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
 Para 8: 3 strands of sustainability
 Para 11: Presumption in favour of sustainable development
 Para 14: Conflicts with the neighbourhood plan where adverse impact outweighs benefits

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

Determining a planning application

7.3. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.4. **Parson Drove Neighbourhood Plan**

Policy 1 – Housing Growth

Policy 2 – Scale of Housing Development

Policy 5 – Road and Pedestrian Safety

8. **KEY ISSUES**

- **Principle of Development**
- **Flood Risk & Flooding**
- **Highway Safety**
- **Visual Impact and Character**
- **Residential Amenity**
- **Natural Environment**
- **Other matters**

9. **BACKGROUND**

- 9.1. The application is made following a previous delegated refusal of permission in 2020 on the site, and an earlier informal email indicating that some development on the land may be acceptable. In this regard, the recent delegated refusal supersedes any informal indication previously given in relation to the development of the land in question.
- 9.2. Four reasons were previously given for refusing the application, which can be summarised as being the impact in relation to the character and appearance of the settlement, the lack of support for the scheme in line with the policies of the Neighbourhood Plan, the impact of the scheme and its provision in relation to residential amenity, and the lack of information to demonstrate an acceptable impact on biodiversity.

10. **ASSESSMENT**

Principle of Development

- 10.1. The application site is located beyond the existing built up extent of the settlement of Parson Drove on the south side of Main Road, beyond the development access from Ingham Hall Gardens, which was itself a backland development scheme.
- 10.2. Parson Drove is identified within the Fenland Local Plan as a Limited Growth Village, and policy LP3 notes that for such settlements, “a small amount of

development and new service provision will be encouraged and permitted in order to support their continued sustainability, but less than would be appropriate in a Growth Village. Such development may be appropriate as a small village extension”.

- 10.3. The application site is also located on Grade 2 agricultural land. Policy LP12 (i) of the Fenland Local Plan requires development to not result in the loss of high grade agricultural land. The National Planning Policy Framework notes at footnote 53 of paragraph 171 that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The NPPF defines the “Best and most versatile agricultural land” as land in grades 1, 2 and 3a of the Agricultural Land Classification. Having regard to the wider classification of land across the District, it is noted that the significant majority of land within Fenland falls within classification as ‘Best and Most Versatile’ and it would therefore not be possible for Fenland to achieve its housing targets without development on such areas. Notwithstanding that, the application site is not considered to comprise an area of such size as to be considered ‘significant’ with regard to paragraph 171 of the National Planning Policy Framework.
- 10.4. Paragraph 14 of the National Planning Policy Framework (2019) makes it clear that the adverse impact of allowing a development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh its benefits, provided that neighbourhood plan is up to date, contains policies to allow the settlement to meet its identified housing requirement, has a 3-year supply of deliverable sites and housing delivery is at least 45% of that required over a 3-year period.
- 10.5. With regard to the scale of development noted above, the Parson Drove Neighbourhood Plan (2019) states at Policy 2: Scale of Housing Development, that *“sites proposing 5 or more dwellings may be considered appropriate where: the proposal is accompanied by clear demonstrable evidence of positive community support for the scheme generated via a thorough and proportionate pre-application community consultation exercise; and it is supported by the Parish Council”*
- 10.6. The application is not accompanied by such clear demonstrable evidence of positive community support, nor has the application been supported by the Parish Council. The public consultation undertaken as part of the application process indicates that public opinion on the proposal is divided, with those most directly affected by the proposals being the most opposed to the scheme.
- 10.7. On the basis of the above, the principle of the proposal is not opposed by the relevant policies of the Development Plan, and consideration must be given to the specific impacts as detailed below.

Flood Risk & Flooding

- 10.8. The majority of the application site is located within Flood Zone 1. A small portion of the site is located within flood zones 2 and 3 however none it would not be necessary to locate any of the built development within these parts of the site. On that basis, and subject to compliance with the recommendations made within section 6 of the accompanying Flood Risk Assessment, it is considered that the scheme is acceptable from a flooding and flood risk perspective.

Highway Safety

- 10.9. 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. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.10. The proposal is for the dwellings to be accessed via the existing highway known as Ingham Hall Gardens, with the new road joining the existing surface where it terminates at the entrance to a treatment plant to the east of the site. It is noted however that the road in this location however is currently not publicly adopted. The application site does extend out to meet the edge of the adopted highway, however ownership certificate A is signed as part of the application forms, indicating that the entire site is within the applicant's ownership. This matter would need to be clarified should the application be recommended for permission.
- 10.11. The proposed plans show a carriageway 5.5m wide allowing for two-way vehicle flow, with a 1.8m footpath to either side of the new carriageway. The comments of the highways authority note however that the existing estate road is not to an adoptable standard, and should the application be recommended for approval in its current format then the road would remain in private ownership and consideration should be given to on-site turning provision, bin collection arrangements and street lighting, maintenance etc.
- 10.12. The Highways Authority however confirm that there are no highway safety objections to the proposal if the road is to remain in private ownership.
- 10.13. Consideration must therefore be given to the impact of granting consent for up to nine dwellings from a private access and whether or not that is acceptable in planning terms. This is discussed further in the section below titled Residential Amenity.

Visual Impact and Character

- 10.14. Policy LP12 of the Fenland Local Plan (2014) addresses the matter of development within or adjacent to villages under Part A of that policy, noting that development will be supported where it does not harm the wide open character of the countryside, alongside a set of other criteria. These include (as relevant to matters of visual impact and character) the proposal not having an adverse impact on the character and appearance of the surrounding countryside and farmland, being of a scale and in a location that is in keeping with the core shape and form of the settlement, not harming its character and appearance, not extending linear features of the settlement, and retaining natural boundaries of the site.
- 10.15. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.

- 10.16. The Design and Access statement with regard to the matter of visual impact indicates that the applicant would be willing to accept a condition requiring a landscaping scheme around the perimeter of the site to soften its appearance.
- 10.17. Parson Drove is identified in the settlement hierarchy of the Fenland Local Plan (2014) as a Limited Growth Village and is of a distinctive linear character. There are only limited exceptions to this character, with Ingham Hall Gardens being a backland development itself that took place on former garden land (as the name suggests).
- 10.18. The southern boundary of the existing properties located along Brewery Close and Ingham Hall Gardens creates a strong boundary with the countryside for the present extent of the village, with these properties also being the most southerly projection of the village along the Main Road. There is an informal access to the rear of 22 Ingham Hall Gardens however with this exception, the land that is the subject of the planning application is distinctive in its own right due to its openness. This character is notably visible not only from the immediate vicinity of the site, but also on the approach to Parson Drove from the south west along Murrow Bank, with the existing single-storey dwellings on Brewery Close being visible from some distance across the open agricultural land in that direction.
- 10.19. Notwithstanding the potential for the inclusion of a landscaping scheme surrounding the proposed site, the encroachment of the built form of the village into the agricultural landscape to the south of the settlement in this location would have a detrimental impact on the appearance and character of the settlement in this regard, introducing a domestic appearance and features into what is currently a comparatively open aspect dominated by agricultural land. Landscaping may mitigate this to an extent, however it would take a significant amount of time to establish and would still result in an obvious visual intrusion of the built form into the countryside surrounding the village.
- 10.20. In character terms, the proposal is located on a backland site, which is located beyond an existing development that was itself in a backland location. Whilst the policies of the Local Plan do not preclude backland development per-se, Parson Drove is particularly distinctive within the immediate vicinity and within the wider setting of the district as a settlement with extremely limited backland development and a very strong character of linear, frontage development along Main Road. The nature of the proposed site is therefore considered to be contrary to that established character and would result in harm to the character of the settlement and the surrounding area contrary to policies LP12 and LP16 of the Fenland Local Plan (2014).

Residential Amenity

- 10.21. 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.
- 10.22. There are several elements to the impact of the proposal on the residential amenity of both the proposed dwellings and the existing properties in the area. In respect of these matters, it is noted that the application is made in outline with

only access committed for approval at this time and therefore specific impacts regarding overlooking etc are not considered in detail at this stage. The indicative layout plan submitted alongside the application is relevant however in establishing whether or not it is possible for the proposal to meet the required standards in respect of amenity impacts prior to submission of reserved matters.

- 10.23. The scheme indicates that up to nine dwellings are proposed to be located on the land. Whilst this figure is a maximum for consideration at this stage, it must be assessed on the basis that nine properties will be constructed on the land, unless a condition is imposed on any permission granted restricting it to fewer than that figure. All matters relating to residential amenity must therefore be considered on the basis of an additional nine dwellings at this point.
- 10.24. Sewage Treatment Plant/Drainage Issues
The proposal to replace the existing sewage treatment plant as part of the development is noted, however this is not considered material to the proposed application for the following reasons.
- The application if approved would be required to make appropriate provision for foul sewage treatment for the new dwellings. If the existing system is incapable of accommodating the flow from the proposed dwellings then it would be required to be upgraded.
 - The existing dwellings already have foul sewage treatment provision. The residents association has confirmed the existing system is not nearing the end of its lifetime and that accommodation is being made for its replacement when necessary.
 - The proposal cannot therefore be considered to be a benefit to the existing dwellings that would mitigate harm caused by the development
- 10.25. Traffic Increases
The first of the matters relevant to consideration in respect of residential amenity relates to the impacts of the use of the site as a matter of principle, and the increased impacts arising as a result of a further nine dwellings being accessed along Ingham Hall Gardens. This results in greater impacts on all the properties currently accessed on the existing development through an increase in traffic using the access road. In particular, this will impact most significantly on those properties located directly opposite the access roads, specifically 14 and 37 Ingham Hall Gardens due to headlights of vehicles accessing the site, and those properties flanking the access road, with 28 and 30 Main Road experiencing the greatest impact due to their rear gardens being located directly adjacent to the access road. The increase in traffic along these parts of Ingham Hall Gardens will result in a loss of amenity levels within the identified properties in particular, and a likely loss of amenity to a lesser extent in other dwellings along Ingham Hall Gardens for the same reason.
- 10.26. Privacy and amenity levels within adjoining gardens
The properties along the southern side of Ingham Hall Gardens will also now experience a loss of amenity levels due to the southern boundary of their properties adjoining the rear gardens of the plots identified as 1-5 on the indicative site plan. The control available over the scale of the proposed dwellings on the land mean that it is unlikely that they would experience a loss of privacy as a result of the proposals. The noise impacts of residential dwellings being located adjacent to their gardens would not be sufficient to justify refusal on the grounds of amenity impact, in particular since the affected gardens are

already flanked by other residential gardens due to the layout of the Ingham Hall Gardens estate.

- 10.27. Several of the comments received in relation to the proposal raise concern on the grounds of the loss of light resulting from boundary tree planting along the north boundary of the proposed site shown on the indicative plan. Landscaping is a reserved matter that is not submitted for approval at this stage and as a result, it is within the control of the later reserved matters to ensure that any boundary planting in this location is acceptable in regards to impact on neighbouring amenity, specifically that the planting proposals do not result in the use of species that are not appropriate for use within residential gardens due to their mature height.
- 10.28. Bin collection
Finally, and as noted earlier, the limitation of the access road to the properties being of a private nature as the road is not adoptable will result in several amenity impacts. Private driveways are normally limited to serving no more than five dwellings, not least of which is due to the requirement for bin collections from the properties to take place adjacent to an adopted highway. This would result in a potential requirement for the dwellings at plots 5 and 6 a distance in the region of 150m for collection. This would not constitute the high levels of residential amenity required by policy LP2 and would be in contravention of the RECAP Waste Management Design Guide (2012).
- 10.29. The D&A Statement accompanying the application indicates that the intention is to provide an indemnity to allow waste collection vehicles to enter the application site for the purposes of waste collection, which may overcome that aspect of the consideration of the proposal in residential amenity terms, however no such agreement is put forward for consideration at this time. This would therefore need to be secured by planning condition if the application is recommended for approval, or should form part of a reason for refusal if the application is not supported, to ensure that it is considered appropriate during the course of any appeal that may be made on the site.

Natural Environment

- 10.30. Policy LP19 of the Fenland Local Plan (2014) states that the Council will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland, protecting designated sites, refusing permission for developments that cause demonstrable harm to a protected habitat or species, and ensure opportunities are taken to incorporate beneficial features into new developments.
- 10.31. The application is accompanied by an ecological appraisal of the site undertaken by Philip Parker Associates Ltd. This report includes a preliminary assessment of the site including a habitat survey, an assessment of the proposed works on species present on the site and a mitigation strategy in relation to the impacts of the proposals on protected species.
- 10.32. None of the information included in the report indicates that the scheme would be unacceptable from an ecological perspective.

Other matters

- 10.33. Human Right to peaceful enjoyment of property.

This is noted, however as addressed within the section on Residential Amenity above, the location of residential development adjacent to existing properties does not result in an automatic loss of residential amenity, particularly in view of those properties already being flanked by residential development. There would be an element of disruption during the construction period however such disruption would be of a temporary nature during the construction period only and would not justify the refusal of the application on those grounds.

10.34. Lack of Public Transport.

Concern is raised by local residents regarding the lack of public transport. This may be the case, however the village is classified as a Limited Growth village where an amount of development is considered acceptable. The settlement has not exceeded its growth figures set out in policy LP12 and therefore the lack of public transport is not considered acceptable grounds for the refusal of the application.

10.35. Impact on views.

The loss of a view is not a material consideration in relation to the determination of a planning application.

11. CONCLUSIONS

- 11.1. The application proposals have seen no significant amendment in relation to the previous consideration of an application for residential development on the site. The current proposal is accompanied by a formal ecological appraisal of the site, which overcomes the previous reason for refusal in this regard, however the impact of the proposal on the character and appearance of the area remain unchanged, as does its lack of local support as required by the Parson Drove Neighbourhood Plan.
- 11.2. The submission alongside the application of a stated intention to upgrade the existing sewage treatment plant in this part of the village is noted, but does not constitute a material factor in favour of the development as appropriate management of the existing system is in place and the additional load as a result of the proposed development would need to be accommodated regardless of the state of the existing system. The amenity impacts in relation to the proposal remain the same as previously considered therefore.

12. RECOMMENDATION

Refuse

The proposed reasons for refusal are as follows;

- 1 Policy LP12 of the Fenland Local Plan 2014 seeks to ensure that development does not result in an adverse impact on the character and appearance of the surrounding countryside and policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area whilst enhancing its setting and responding to the character of the local built form, and not adversely impacting on the street scene.

The development proposal for 9 dwellings is considered out of character with the prevailing linear form of development in Parson Drove and will

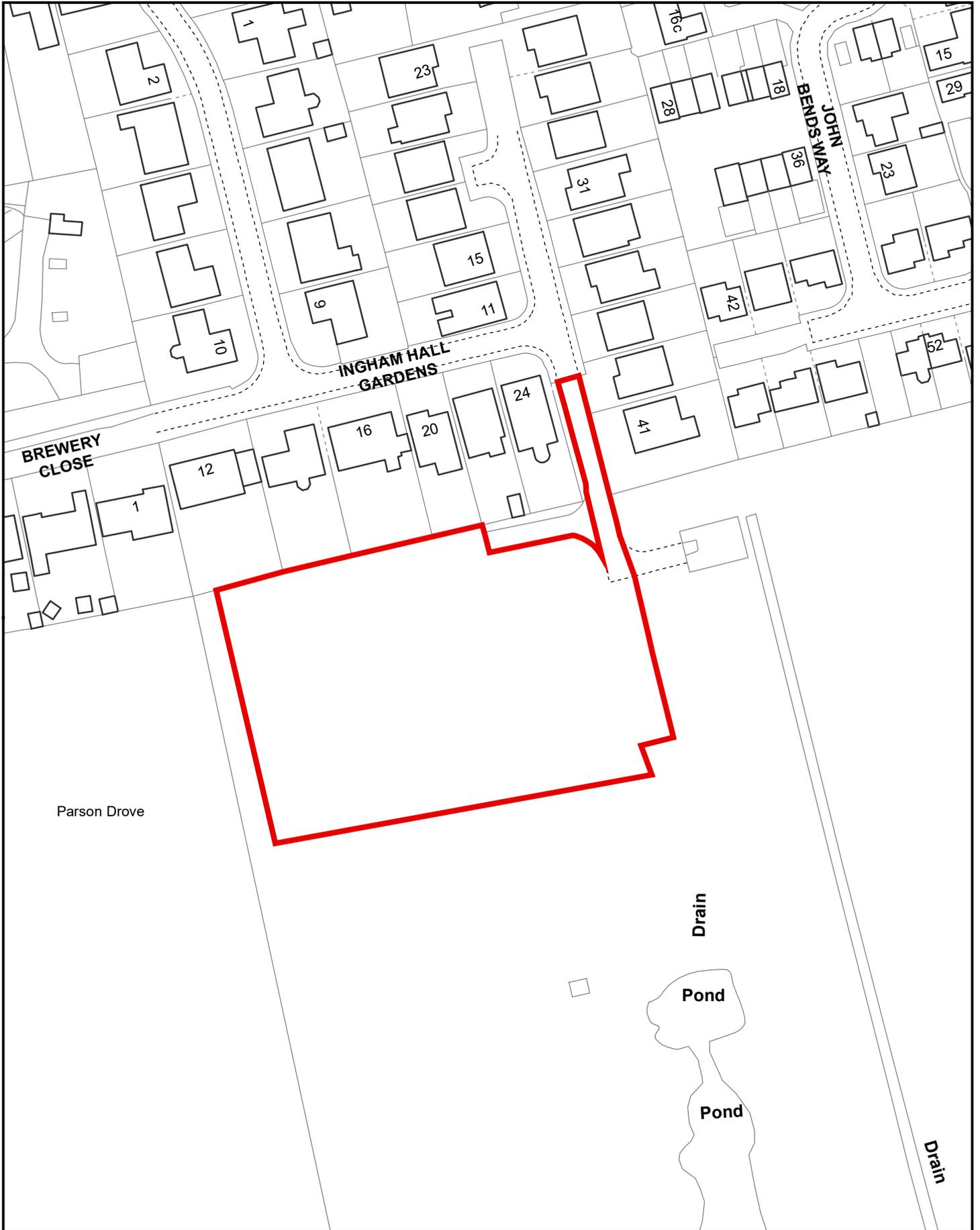
result in an incursion into the open countryside that will have a detrimental impact on the character and appearance of the settlement by extending the non-linear development in a position that is notable on the approach into the village. Landscaping of the site would be insufficient to overcome this harm.

The development is therefore considered contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.

- 2 Policy 2 of the Parson Drove Neighbourhood Plan (adopted 2020) considers that development of more than 5 dwellings should have the support of the local community and also the Parson Drove Parish Council.

The development has generated a significant number of objections together with an objection from the Parish Council and it is therefore considered that the proposal fails to comply with Policy 2 of the Parson Drove Neighbourhood Plan (adopted 2020).

- 3 Policy LP2 of the Fenland Local Plan 2014 requires proposals to promote high levels of residential amenity while policy LP16 requires the proposal to not have an unacceptable impact on neighbouring amenity. The proposal would result in a significant increase in the amount of traffic using Ingham Hall Gardens, and the additional traffic would result in adverse impact on the residential amenity of several properties on Ingham Hall Gardens/Main Road. The proposed properties would also fail to meet the requirement in policy LP2 of providing high levels of residential amenity due to the distance they are located from the nearest Waste/Recycling point on Ingham Hall Gardens and the requirement for residents to move their waste/recycling bins to that point. The proposal would therefore be contrary to policies LP2 and LP16 of the Fenland Local Plan.



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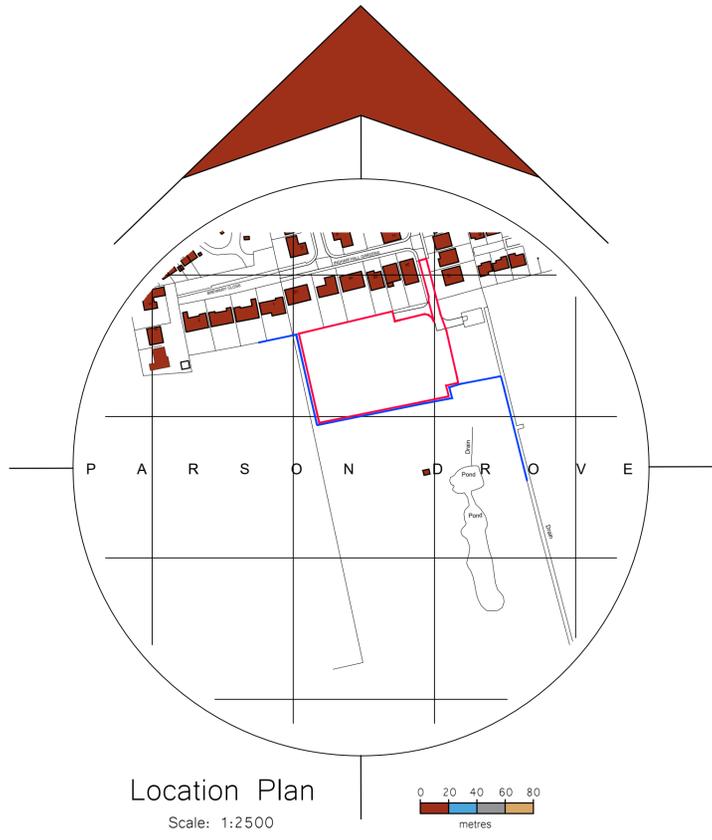
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- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with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



Indicative Site Plan
Scale: 1:500



SITE PLAN KEY

- Indicates proposed dwellings
- Indicates parking spaces and access
- Indicates existing neighbouring dwellings
- Indicates proposed trees
- Indicates proposed site boundary
- Indicates line of flood zone 2
- Indicates grassed areas
- Indicates adoptable standard road with service strip

Revisions

C	March 2021	Revised for new turning head
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Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development Ingham Hall Gardens Parson Drove, Wisbech, Cambs for: Clients of Swann Edwards	February 2020	Various Sheet Size A1
Drawing Title	Job No.	Drawn by
Outline Planning Drawing Site & Location Plans	SE-537	G.E.
	Dwg No. PP-1000	Revision C

F/YR21/0337/O

Applicant: Mr S Wadsley

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

Land West Of 207 To 215, Fridaybridge Road, Elm

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

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1. EXECUTIVE SUMMARY

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

2. SITE DESCRIPTION

- 2.1. The application site is an open piece of land at the rear of the frontage development along Fridaybridge Road, Elm. The site itself is more closely related to the settlement of Fridaybridge however and constitutes part of the open countryside located immediately to the rear of the frontage development along Fridaybridge Road.
- 2.2. The site is open grassland, with regular silver birch planting alongside the access track serving the agricultural premises beyond the site.

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

3. PROPOSAL

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

4. SITE PLANNING HISTORY

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

5. CONSULTATIONS

Parish/Town Council

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

Cambridgeshire County Council Highways Authority

- 5.2. No objections

FDC Environmental Health

- 5.3. The applicant has advised they have ceased farming related activity since 2002 but have retained the paddock and barn mainly for the storage of agricultural machinery. They further advise there has been no storage of crops or chemicals and future use of the barn remains the same as it is at this present time.
- 5.4. Our remaining observation is the proposed shared use of the access road and the storage of agricultural machinery adjacent to that of the application site.
- 5.5. On the understanding that use or movement of heavy or large agricultural equipment, that may give rise to a noise or other environmental nuisance, shall not be undertaken on site, then we would have no further concerns to this proposal.

Environment Agency

- 5.6. Follow standing advice with regard to:
Surface Water Management
Access and Evacuation

Floor Levels

Local Residents/Interested Parties

- 5.7. 25 responses have been received in relation to the scheme, 9 containing objections, 14 indicating support and 2 neither objecting nor supporting the proposal (one of which is from the applicant).
- 5.8. The objections have been received from Main Road, Fridaybridge and Fridaybridge Road, Elm. They raise the following points in respect of the scheme
- Impact on wildlife
 - Increase in road traffic
 - Impact on natural light to adjacent dwellings
 - Danger to highway safety at junction
 - Concerned by the size of the site for only two proposed dwellings
 - The site is open countryside
 - The site is outside the developed footprint of the settlement
 - The proposal fails to respect the linear pattern of development in the area
 - Loss of open character, urbanisation causes unwarranted harm to the character and appearance of the area
 - Not convinced the stated visibility splays can be achieved
 - Note that 3 of the letters of support range from 1.5 to 58 miles from the application site
 - Scale of the plots is out of proportion to other local properties
 - The application site floods and is located in a flood risk zone
 - Loss of privacy
 - Noise & light pollution
 - Approval would set a precedent for backland development
 - Disconcerting to see the support for the proposal is from those who do not adjoin the site
 - Impact on views and property value
- 5.9. The letters of support have been received from Fridaybridge, Elm, Leverington, Walpole St Andrew, Outwell and Norwich. They raise the following points in respect of the scheme
- Proposals will bring more work to local tradespeople
 - Scheme allows individual flair and design in relation to the plots
 - Occupants will be able to make use of existing transport links
 - Lack of premium plots in the area
 - Would support existing facilities and amenities
 - Low density
 - The land has not been used for farming for many years
 - Backland precedent has already been set
- 5.10. The neutral letters are both from Fridaybridge Road, one of which is from the applicant. Their letter states that there is no intention to build more than two dwellings on the land.
- 5.11. The other neutral letter confirms that the author does not object to the proposal provided only two dwellings are built and no more.

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

Para 117: Promote effective use of land

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

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

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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8. KEY ISSUES

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

9. BACKGROUND

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

10. ASSESSMENT

Principle of Development

- 10.1. The proposal is for the construction of two dwellings on an existing piece of undeveloped land to the west of Fridaybridge Road.

- 10.2. Fridaybridge Road itself is identified as a Limited Growth Village within the development plan, with such villages capable of accommodating a small amount of growth.
- 10.3. Policy LP12 of the Fenland Local Plan most appropriately addresses the consideration of the application site in this instance and requires development to not harm the wide open character of the countryside alongside meeting a set of 11 criteria. In considering those criteria, it is noted that the site is located adjacent to the existing developed edge of the settlement and would not result in coalescence with any neighbouring village. It would not extend any linear features of the village and would respect the existing natural boundaries of the land. The site exhibits no features of particular interest from an ecological or biodiversity point of view and does not result in the loss of any designated important open space. There are no identified dangers that would put people or property at risk.
- 10.4. The proposed application site does result in conflict with several aspects of policy LP12 however, namely:
- 10.5. (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland
- 10.6. and
- 10.7. (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance
- 10.8. Friday Bridge is particularly distinctive within the district due to the prominence of frontage development extending outwards from its core in a linear fashion. In that respect it is at odds with the majority of villages where such linear development has been restricted. This results in an almost unique relationship with the surrounding countryside due to its proximity to the vast majority of development forming part of the village, with backland development schemes being very rare within the built-up part of the settlement. Where non-frontage development has taken place it has generally been of a larger-scale than the current proposal providing a comprehensive development over several Hectares of site area.
- 10.9. On that basis, the proposed development of the application site as a backland location would be at odds with the distinctive character of the settlement and would result in harm to its character and appearance as a result. The development would result in the loss of connection between the settlement in this location and the countryside beyond contrary to policy LP12.
- (i) It would not result in the loss of high-grade agricultural land
- 10.10. It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds

Vehicular Access

- 10.11. Concerns have been raised by members of the public during the application process with regard to the proposed access to the site and the use of that

access for vehicular traffic given the nature of the road onto which access is gained and the visibility available at the access point where it joins Fridaybridge Road.

- 10.12. Detailed consideration of access geometry is reserved at this point in the application process, but would need to be considered at the reserved matters stage if outline permission is granted.
- 10.13. The proposed vehicular access into the site from Fridaybridge Road is an existing one, currently serving the agricultural building to the south west of the application site. Consequently the principle of allowing a vehicular access at this location is not material to the proposal, and instead it is the increase in intensity of the use of that access that requires consideration. It is noted that in this regard, the Local Highways Authority has not raised any objection to the scheme on the basis of the numbers of dwellings proposed.

Flood Risk

- 10.14. The application is located on land largely within flood zone 2, the zone of medium flood risk. As such, the proposal is required to undertake and pass sequential and exceptions tests in order for the development to be justified in flood risk terms.
- 10.15. The sequential test is intended to direct development to areas of the lowest flood risk in the first instance, and only develop those areas at higher risk if no preferable sites can be developed.
- 10.16. The sequential test should be taken independent of land ownership and should consider only the potential for the amount of development proposed to be undertaken elsewhere. It is not sufficient to state that the applicant owns no other developable land and therefore the site is sequentially acceptable. Similarly the sequential test should be undertaken on the basis of the total number of dwellings for which permission is sought, and sites should not be discounted from the test simply because they fulfil only part of the requirement.
- 10.17. Planning applications subject to a sequential test should be accompanied by a document detailing all the alternative sites considered, their flood risk status and their availability for development purposes. Just because a site is not actively marketed does not mean that it is not available for development and does not exclude it from consideration as part of a sequential test. To this end, the Local Planning Authority maintains a database of permissions granted within the various settlements within Fenland District to identify available sites relevant to a sequential test.
- 10.18. The application is accompanied by a Flood Risk Assessment document, which includes a section on the Sequential and Exceptions tests. It states that a search for available land was carried out but no such areas were located. The information provided however does not appear to consider any land on which planning permission has been granted, as the search in question relates to an online search for land for sale. On that basis, the proposal is considered to fail the sequential test.
- 10.19. The exception test requires that the application demonstrates that the site provides wider sustainability benefits to the community that outweigh any flood risk, and that the development will be safe from flooding for its anticipated lifetime without increasing flood risk elsewhere.

- 10.20. No indication is made within the application as to what the sustainability benefits of the proposal are and therefore the proposal fails the exception test.

Other Matters

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

11. CONCLUSIONS

- 11.1. The application site is a backland location in relation to the settlement of Friday Bridge, which is distinctive within the Fenland Landscape due to its particular characteristic of being dominated by frontage development along its roads. The proposal would therefore be out of character with the settlement, causing harm to its local distinctiveness and the character and setting of the countryside in this location. It is therefore contrary to policies LP12 and LP16 of the Fenland Local Plan.
- 11.2. The scheme has failed to provide an adequate sequential test justifying the site location in flood zone 2. The application is also not accompanied by any detail indicating how the scheme is to bring wider sustainability benefits to the settlement and therefore fails the exception test. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.
- 11.3. The proposal to use the existing access to the site to serve the proposed development is confirmed as being acceptable to the Local Highways Authority in principle, and therefore subject to an acceptable design at the reserved matters stage, does not justify refusal of the scheme.

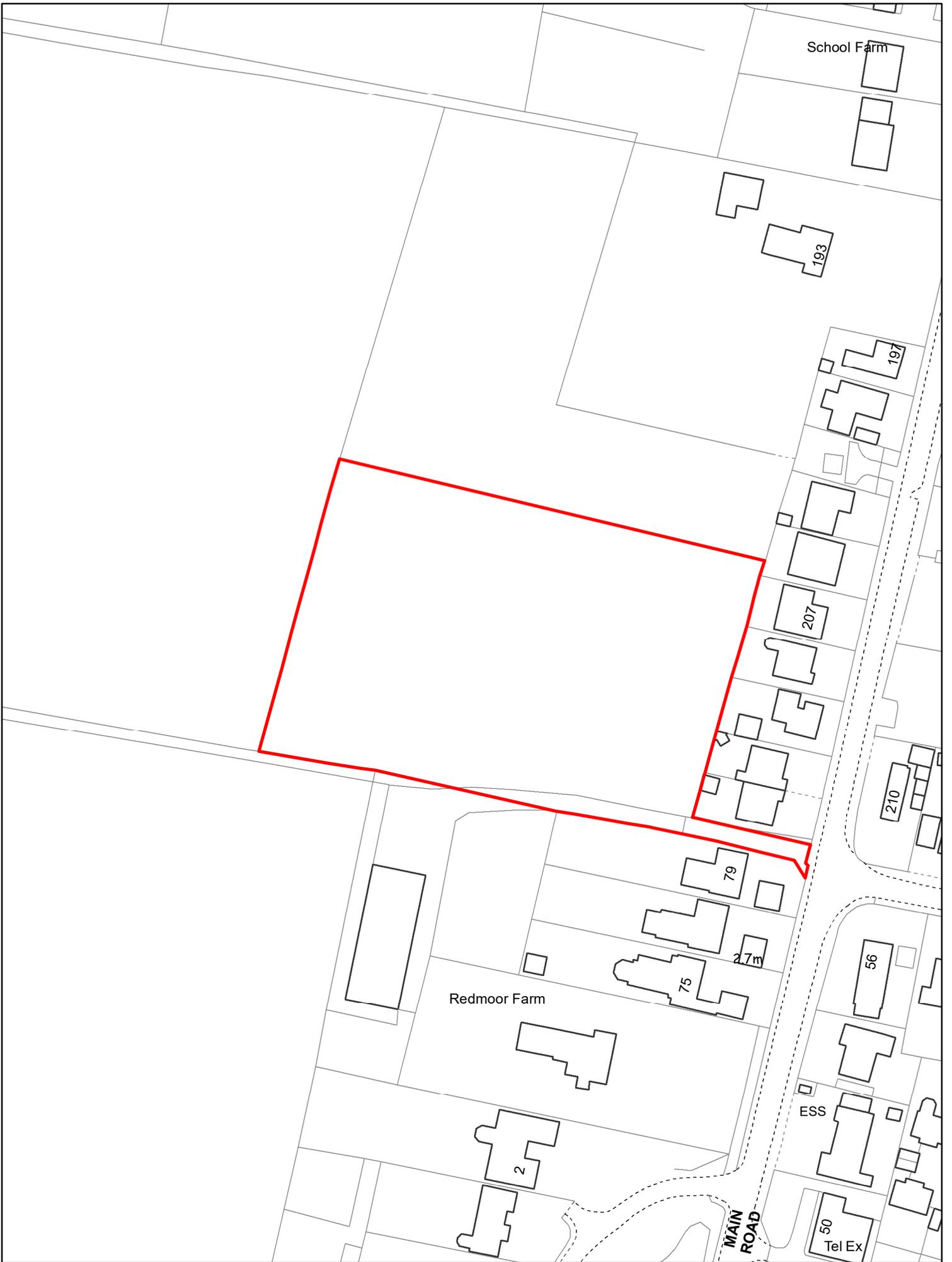
12. RECOMMENDATION

Refuse

The proposed reasons for refusal are as follows;

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

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



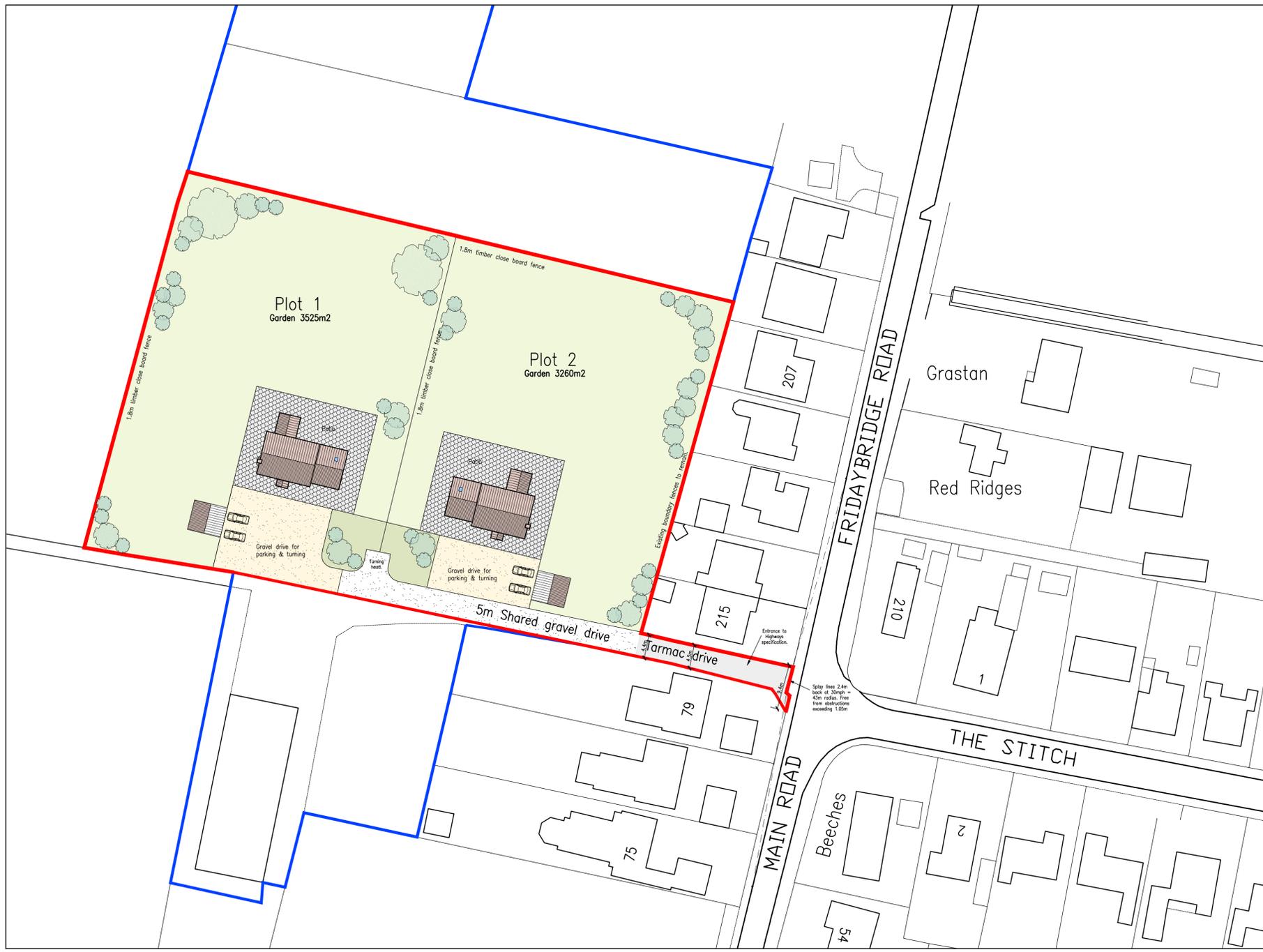
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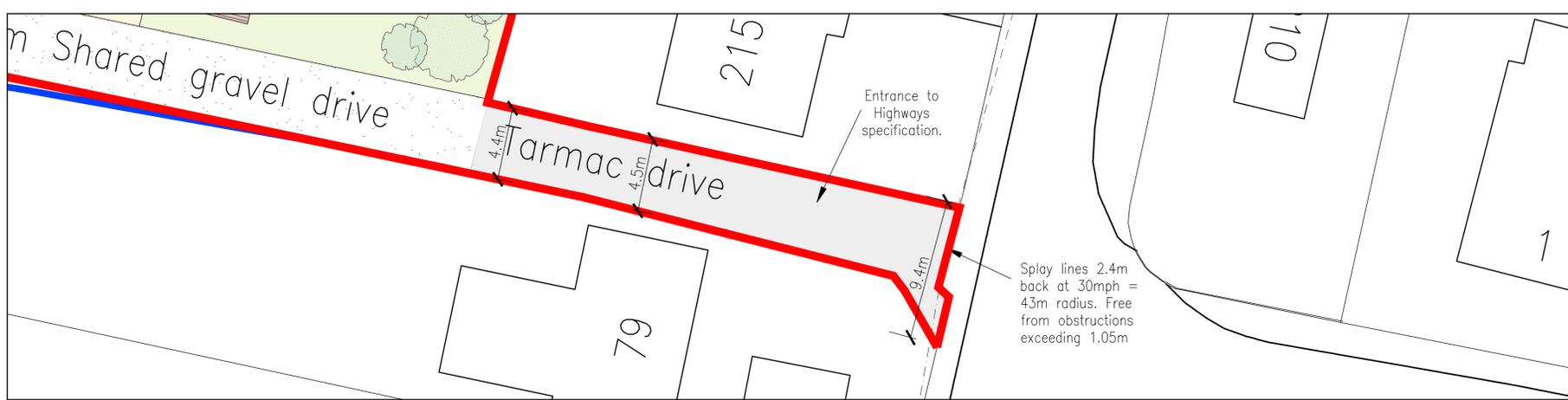
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Location Plan 1:1000

Indicative Site Plan 1:500



Indicative Site access 1:200

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

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

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

DRAWING
SITE PLAN AND LOCATION PLAN.

CLIENT
Mr S WADSLEY

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

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31 OLD MARKET WISBECH CAMBS PE15 1NS

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

F/YR21/0290/F

**Applicant: Mr Roy Hardiman
Barretts Leisure**

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

Land North East Of 347, Leverington Common, Leverington, Cambridgeshire

Erect a single-storey 2-bed dwelling in association with existing business (Part Retrospective)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks full planning permission to erect a single storey 2-bedroom dwelling in association with the existing business. The dwelling comprises a log cabin structure with a footprint of 17.3 metres long x 6.5 metres deep and an eaves height of 2.7 metres with a ridge height of 4.4 metres, it will be orientated in such a way that its front aspect looks out onto the commercial yard. It is intended that the dwelling will serve two functions; the first to provide security through an on-site presence and the second to act as an example of the product range on offer.
- 1.2 Whilst the existence of other dwellings in the vicinity results in the site not being 'physically' isolated the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Para. 78 of the NPPF and the tests established by the Braintree judgement would not be relevant and as such would not outweigh Policy LP12 in this instance.
- 1.3 Policy LP3 identifies that 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. It is contended that the site does not fall under any of these specified uses and as such the presumption must be against development.
- 1.4 Furthermore, the proposed use is not one which is allowed for under this policy when considering 'elsewhere' locations. Even if it was accepted that the use could be deemed appropriate within such an elsewhere location that scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need there can be no other response but to recommend refusal.

2 SITE DESCRIPTION

- 2.1 The site forms part of the Barretts Leisure complex with an area of circa 1544 square metres (including access) [circa 900 square metres (excluding shared

access)] being detailed within the application site boundary to the northern section of the site fronting Panswell Lane, which includes the location of the proposed dwelling and the access thereto, which is existing. At present the site forms part of the open yard associated with the Barretts Leisure use and at the time of the original site inspection works were underway to construct the log cabin which is the subject of this application; a supplementary site visit was undertaken in mid-June and it was noted that construction of the log cabin was significantly advanced with the walls and roof in situ.

- 2.2 Close boarded fencing forms the site boundary to the front of the site, bounding Panswell Lane and to the northern side of this road is Croft Cottage an attractive detached dwelling which occupies a large landscaped plot. Immediately to the south-west, south and south-east of the proposed dwelling is the open yard associated with Barretts Leisure which features a range of buildings. To the south-east of the site is a two-bay two-storey building constructed of corrugated sheeting, along the northern section of the site appear to be greenhouse units on display, with ad hoc sectional buildings also apparent. The location plan that accompanies the application identifies a wider holding of 18683 square metres (1.868 Ha) and this includes large greenhouse buildings and a bungalow to the south-western section of the site which is no 347.
- 2.3 Access to the site is derived from a wide hard-surfaced area which also provides access to glass house buildings in the central section of the site. The bungalow known as 347 benefits from independent access to its north-western frontage.
- 2.4 The site is located in an area which is both Flood Zone 1 and Flood Zone 2, however the flood zone 2 area extends into only a small section of the western part of the site, including the access, and does not include the area on which the proposed dwelling would be located.
- 2.5 In terms of general characteristics of the wider area this commercial operation sits within an open countryside location which features largely sporadic development along Panswell Lane, with a similar pattern of development along both Garden Lane and Leverington Common.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect a single storey 2-bedroom dwelling in association with the existing business. The dwelling comprises a log cabin structure with a footprint of 17.3 metres long x 6.5 metres deep and an eaves height of 2.7 metres with a ridge height of 4.4 metres, it will be orientated in such a way that its front aspect looks out onto the commercial yard. The drawings indicate that the external walls will be constructed of logs finished in a mid-grey tone, over a timber boarded plinth in a mid-grey finish with the roof being formed by pre-pressed clay pantiles with a navy finish. The roof will have a 600mm overhang to each end.
- 3.2 Drainage is detailed as being to soakaways and septic tank.
- 3.3 The submission is silent in respect of boundary treatment and how the application site would be laid out in terms of parking and amenity space.

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

4 SITE PLANNING HISTORY

14/0093/PREAPP	Show building with residential use.	Response not favourable
F/YR05/0301/F	Siting of log park home for display purposes	Granted 18.04.2005
F/0704/87/O	Erection of one dwelling in connection with nursery business	Permitted 12.11.1987

5 CONSULTATIONS

5.1 **Parish Council:** *'At the meeting of Wisbech St. Mary Parish Council on 12th April 2021, the Council recommended APPROVAL'*

5.2 **Environment & Health Services (FDC):** *'There are no concerns that this proposal will adversely impact upon the local air quality climate. This development will not cause any concerns for the occupiers of local residential properties.'*

There no known contaminants on site and no known former contaminative uses. However, I recommend the attachment of the attached standard unsuspected ground contamination condition be attached to any consent.

Consequently, there are no objections to this proposal, subject to the [unsuspected ground contamination] condition [being imposed]'

5.3 **North Level Internal Drainage Board:** *'North Level District IDB has no comment to make with regard to this application'*

5.4 **Environment Agency:** *'We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make'*

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

Para. 10 - Presumption in favour of sustainable development

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

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

Para. 78 - Introduction of housing where it will 'enhance or maintain the vitality of rural communities'

Para. 79 - Planning [...] should avoid the development of isolated homes in the countryside unless [...] there is an essential need of a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Para. 83 - Planning policies should enable sustainable growth and extension of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings; [...]

Chapter 9 - Promoting sustainable transport

Para. 127 - achieving well designed places

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

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context C1 - Relationship with local and wider context

Uses U1 A mix of 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

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 - Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- Principle of Development
- Justification of need
- Character and visual amenity of the area
- Residential amenity
- Highways and access
- Flood risk

9 BACKGROUND

- 9.1 A pre-application enquiry was submitted in 2014 for a show building with residential use; in response to this enquiry the then agent (not the current agent) for the scheme was advised that:

'A log house for domestic accommodation would be classified as 'highly vulnerable' development and as the site lies in Flood Zone 2/ 3 there is a strong steer against such development. Indeed, the Technical Guidance which accompanies the NPPF states that development of this type should not be permitted in Flood Zone 3 and should only be allowed in Flood Zone 2 if the exception test is passed. In order for the exception test to be satisfied it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment will

also be necessary to demonstrate that the development will be safe for its lifetime, without increasing flood risk. From the information provided it would not appear that the proposal provides any sustainability benefits to the community and as such it is considered that the scheme would attract an 'in principle' refusal in accordance with policy.

Whilst I note that you intend to provide a business plan/appraisal to support any subsequent application, this is considered essential and should cover all the criteria outlined in Part D of LP12. I must highlight that the onus rests with the applicant to provide sufficient justification as to why it is essential for someone to live on the site, it is not considered that security alone should be relied upon to form the basis for such justification as there are other mechanisms which could be employed to act as a deterrent to criminal activity. It would also be of benefit to understand how the proposal would operate in practice when it comes to promoting the product range offered on site.

I am unable to comment on scale and design given that only an illustrative footprint has been shown, however careful consideration will need to be given to this aspect and any such proposal should also incorporate landscaping and clearly indicate any associated domestic curtilage if this is envisaged. I would also note that the earlier grant of permission for the stationing of a log cabin for display purposes, which does not appear to have been implemented, is not considered material to the consideration of the revised proposal highlighted.'

- 9.2 It is further noted that the wider site, which formally operated as garden centre, had an associated dwelling approved in 1987; however again this consent was not implemented.
- 9.3 In addition to the above it should be acknowledged that the wider site 'blue land' includes a bungalow with the postal address 'The Romes', Garden Lane.

10 ASSESSMENT

Principle of Development

- 10.1 This is an 'elsewhere' location when applying the criteria outlined in Policy LP12; given that it is clearly outside the built-up settlement of the nearest villages of Leverington and Wisbech St Mary. Whilst the existence of other dwellings in the vicinity results in the site not being 'physically' isolated the lack of nearby services and facilities would render the location 'functionally' isolated as such the provisions of Para. 78 of the NPPF and the tests established by the Braintree judgement would not be relevant and as such would not outweigh Policy LP12 in this instance.
- 10.2 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. It is contended that the site does not fall under any of these specified uses and as such the presumption must be against development.
- 10.3 Even in the case of a dwelling to serve one of the specified uses, there would be a need to meet the tests laid down in Part D of Policy LP12 which would require the application to demonstrate:
- (a) An existing functional need
 - (b) The number of part time and full-time worker(s) to live in the dwelling

- (c) The length of time the activity has been established
- (d) The financial viability of the enterprise
- (e) The availability of other suitable accommodation on site or in the area
- (f) How the proposed size of the dwelling would relate to the viability of the enterprise

10.4 Notwithstanding the above 'principle' matters it is also necessary to consider the acceptability of the proposal in terms of visual impact, residential amenity, highway safety and flood risk as required by Local Plan Policies LP2, LP12, LP14, LP15 and LP16.

Justification of need

10.5 The submission comes forward with only cursory reference to 'need', with only the following statement in the submitted design and access statement addressing this aspect:

'This application is seeking approval for the erection of a new 2-bed dwelling for residential use.

However, the dwelling serves purposes in relation to an existing business. First, in association with the business, for continuous site security over the business property and its assets. Second, it acts as an advertisement for the business, this is due to the business selling buildings of this nature, thus, to show one currently in use offers greater perspective towards the building for customers.

The applicant is agreeable to a condition that redistricts [stet: restricts] the dwelling to only be used in association with the existing business'.

10.6 Accordingly the submission largely fails to address the requirements of Policy LP12 – Part D, not only in terms of providing details of the operation of the business and its viability (albeit it is stated that the business has been on site for in excess of 15 years) but also in terms of a functional need for the dwelling; noting that case law indicates that security alone will seldom be sufficient justification in this regard. With regard to security, no justification or evidence regarding this has been submitted with the application, and a view has been sought from the Crime and Design team regarding the prevalence of crime within the vicinity, and any specific issues arising in this location, and this will be reported to the committee. It is further noted that no clarification is provided as to the occupation of the existing dwelling, situated within the blue land, and why this is not able to perform a security function.

10.7 Furthermore the 'added value' to the business derived from the log cabin being occupied, over and above that secured by virtue of the 2015 consent (which it is noted was never implemented) is not clear. It is also questionable as to how the property would co-exist with the existing operation as a 'show-home' if it was occupied as a permanent residence.

Character and visual amenity of the area

10.8 In accepting the earlier 2015 submission, which was a smaller unit sited at the western end of the site currently under consideration, no issues were raised regarding character and visual amenity, albeit at the time of this submission it was acknowledged in the officer report that the site boundary was well screened by conifers and poplar trees. Although this landscaping no longer appears as a

feature of the locality with the northern boundary being formed by close boarded fencing it is considered that against the backdrop of the wider site that no issues may be raised with regard to visual amenity or character with no matters to reconcile with regard to Policies LP12 and LP16.

Residential amenity

10.9 Whilst the placement of the log cabin in this location is unlikely to have any adverse impact on the residential amenity of existing residents given the single storey nature of the proposal, the existing characteristics of the site and separation distances involved it has not been clearly established as to the level of residential amenity that will be derived from the proposal in terms of its intended occupants. That said the intended resident may have a lesser expectation with regard to the amenity available to them when 'traded-off' against business benefits. Given that there are fundamental 'principle' issues arising from the proposal details of the private amenity space allocation within the site and the intended boundary treatments have not been sought. It is not considered that there would be grounds to withhold consent on the grounds of residential amenity.

Highways and access

10.10 There are no matters of highway safety arising from the proposal given that it will utilise an existing/established access and sufficient land is included within the application site to provide parking commensurate with the use; accordingly there are no matters to reconcile with regard to Policy LP15. Notwithstanding this the submitted site layout fails to detail the precise areas to be made available for parking. However, considering the fundamental 'principle' issues relating to the scheme it was considered unwarranted to secure further details in this regard.

Flood risk

10.11 Since the earlier pre-application advice was given the flood risk classification of the site has changed, as such there are no longer matters of flood risk to reconcile as part of the evaluation of the scheme. The dwelling will be positioned solely within a flood zone 1 area and as such compliance with Policy LP14 is achieved.

11 CONCLUSION

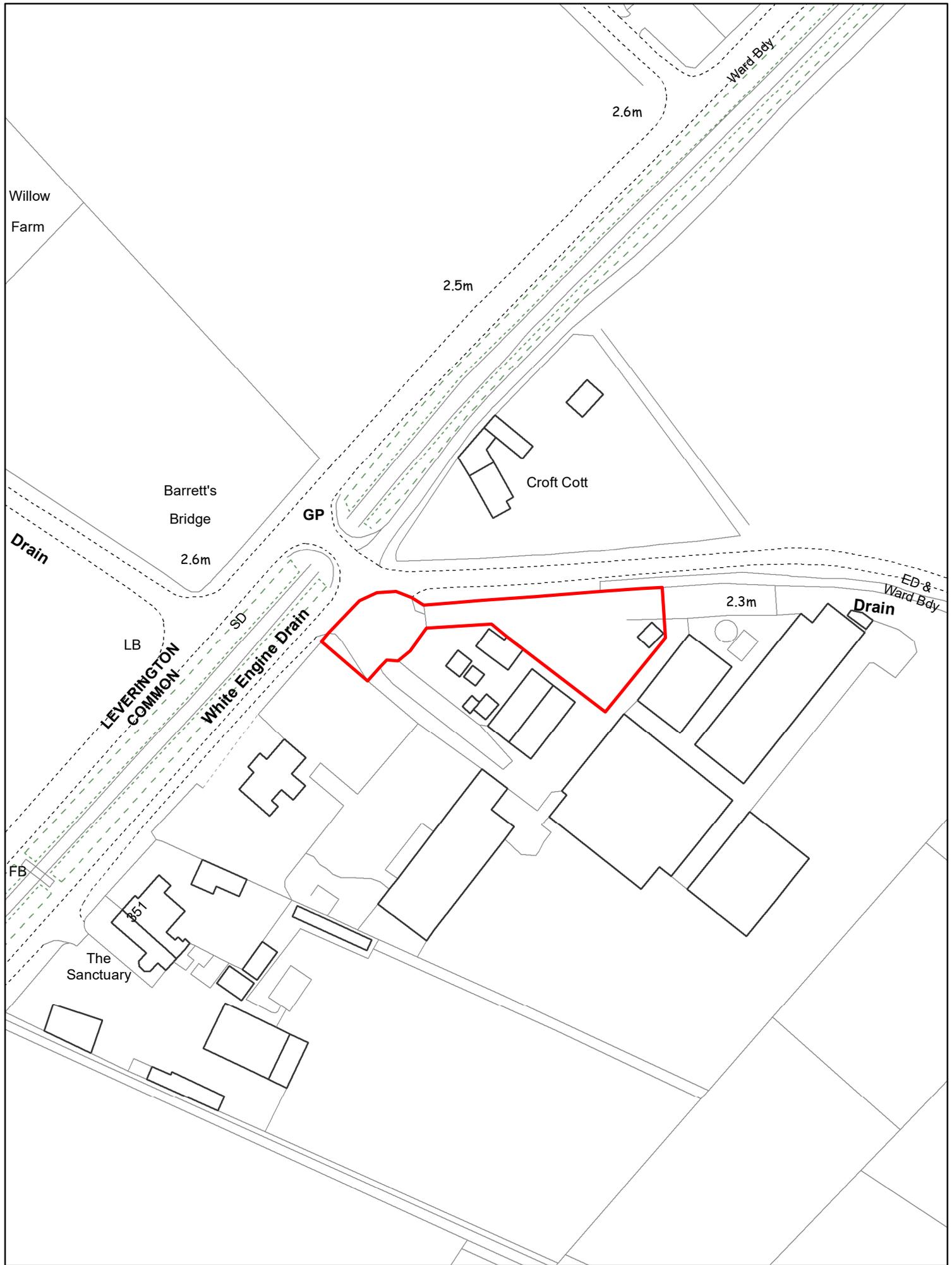
11.1 The site lies within an 'elsewhere' location and as such the erection of a dwelling is contrary to the settlement policies outlined in Policy LP3 of the FLP. Furthermore, the proposed use is not one which is allowed for under this policy when considering 'elsewhere' locations. Even if it was accepted that the use could be deemed appropriate within such an elsewhere location that scheme fails to evidence the 'need' for the property in this location as required by Policy LP12 – Part D. Given that the scheme fails to demonstrate that the development is justified in terms of a functional need there can be no other response but to recommend refusal.

12 RECOMMENDATION: Refuse

Reason for refusal

1	Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework (NPPF) steer new development to sustainable areas that offer the
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best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in otherwise unsustainable locations. The proposed dwelling would be located in the open countryside and whilst it is asserted that it is essential for business reasons, therefore consistent with LP3, the justification given does not meet the requirements of LP12(D) in terms of evidencing a clear functional need or that no other suitable accommodation is available . Whilst the NPPF seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located outside any settlement limits and the justification given in terms of site security and display purposes is not sufficient to warrant the development being considered as an exception. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan (adopted May 2014).



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F/YR21/0290/F

Scale = 1:1,250





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Scale = 1:1,250





Proposed Front Elevation (South) 1:100



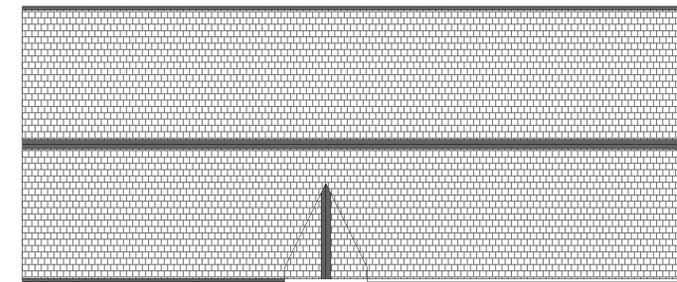
Proposed Side Elevation (West) 1:100



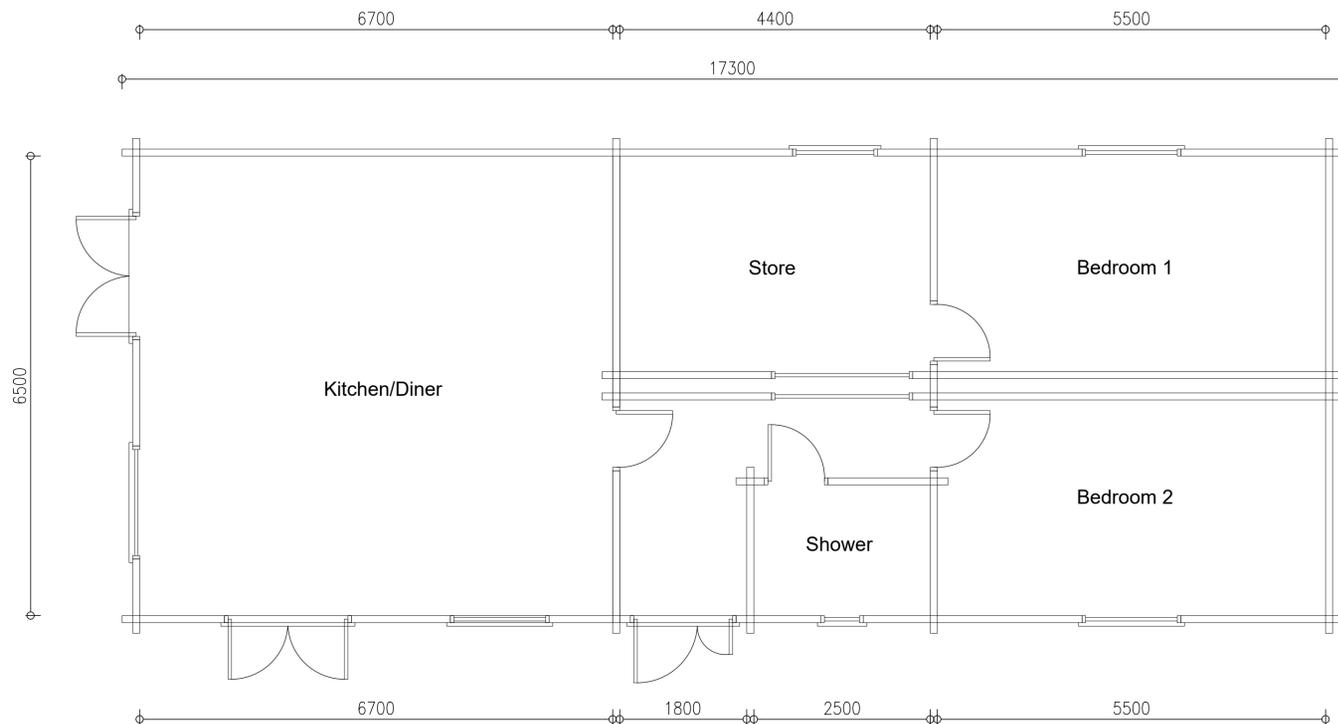
Proposed Rear Elevation (North) 1:100



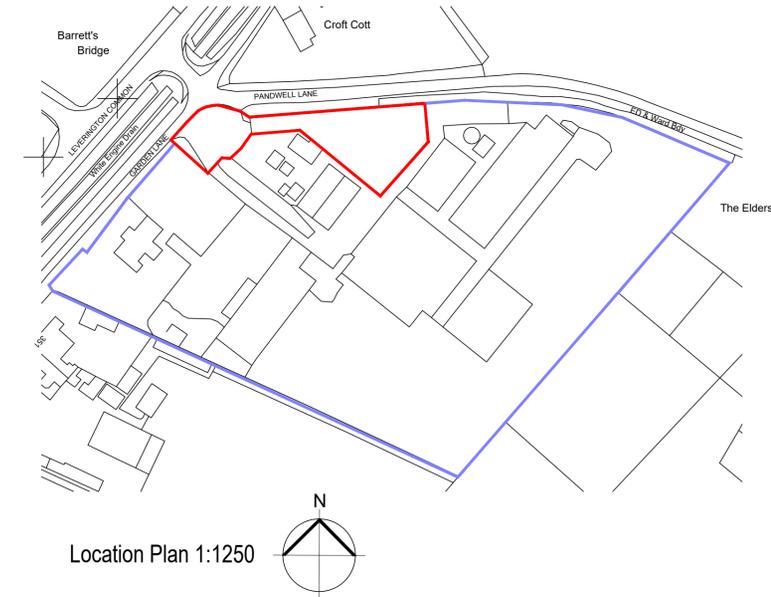
Proposed Side Elevation (East) 1:100



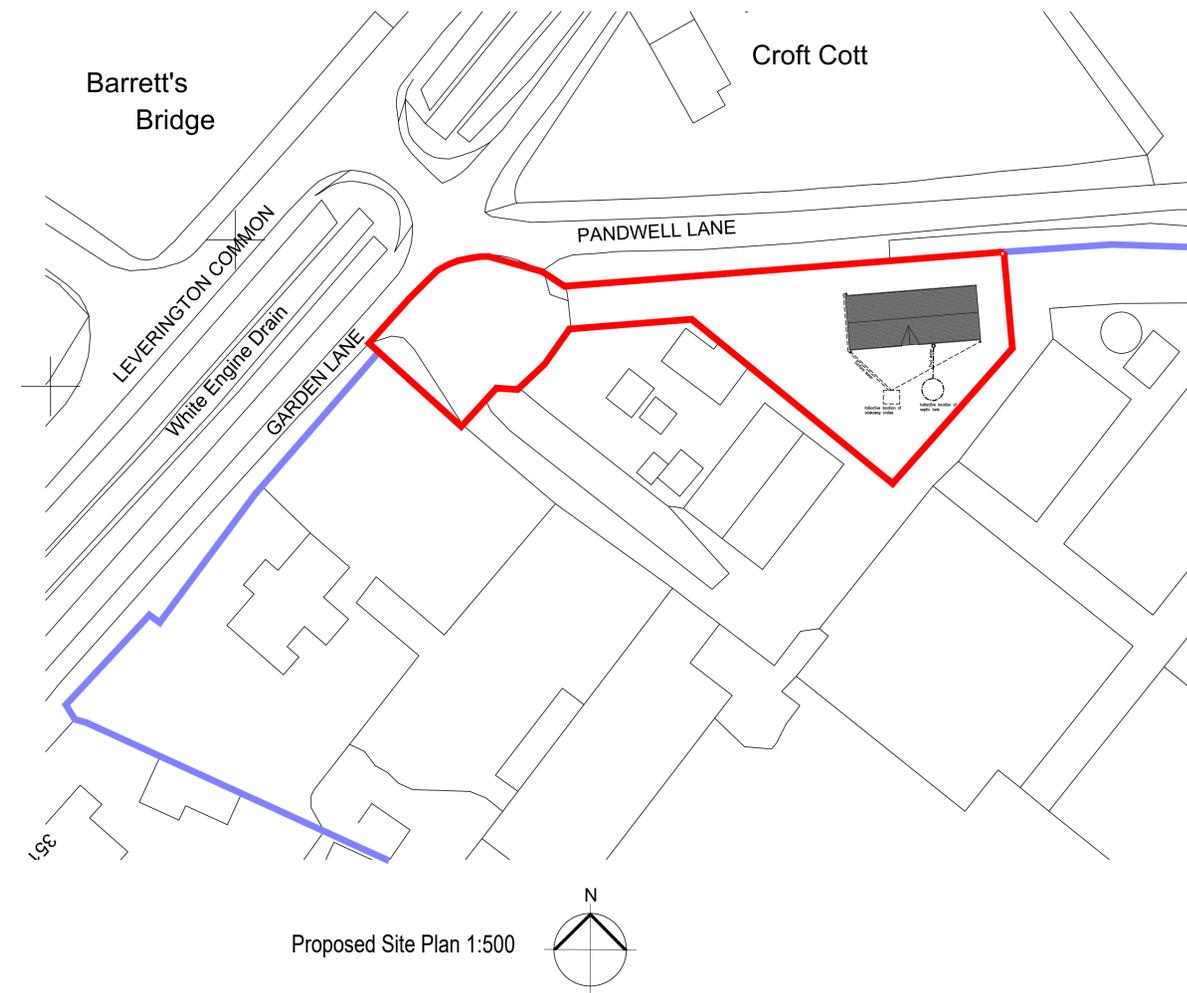
Roof Plan 1:100



Floor Plan 1:50



Location Plan 1:1250



Proposed Site Plan 1:500

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F/YR21/0203/F

Applicant: Ms N Scott

**Agent : Mr R Papworth
Morton & Hall Consulting Ltd**

Land South Of 16 Church Lane Facing, Church Walk, Chatteris, Cambridgeshire

Erect a 2-storey 3-bed dwelling with garage and 2.4 metre high (approx) brick wall

Officer recommendation: Refusal

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for a detached, 2-storey, 3 bed dwelling with attached single garage and porch to the front and a 2.4m high boundary wall.
- 1.2 The principle of development is considered to be acceptable in this location and there are no issues to address regarding flood risk, parking/highways or the residential amenity of surrounding dwellings, however:
- 1.3 The application would result in the subdivision of the garden serving 16 Church Lane, eroding both the setting and the curtilage, and thereby the significance of the listed building and the character of the conservation area. It is not considered that the public benefit of a single dwelling would outweigh the harm created to these heritage assets.
- 1.4 The proposed dwelling would be at odds with the prevailing character of this area, by introducing a prominent structure on the eastern side of Church Walk which would interrupt its open character. Furthermore, it is considered to be cramped and an overdevelopment of this modest plot, providing inadequate private amenity space and resulting in the loss of a number of trees which collectively contribute to the character of the area, with insufficient space to provide mitigation
- 1.5 The proposal is therefore considered unacceptable due to its failure to accord with Policies LP2, LP16 (a, d and h) and LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 127, 189, 193 and 196 of the NPPF 2019 and chapters C1, C2 and I1 of the NDG 2019.

2 SITE DESCRIPTION

The application site is garden land and parking serving 16 Church Lane, Chatteris, a Grade II listed building; the site is also adjoining Chatteris Conservation Area. The site features an area of hardstanding used for parking, garden area with landscaping and a number of trees, a paved path leading to the dwelling and a timber outbuilding. Access is via Church Walk to the west and has limited visibility due to the presence of high boundary treatments. There is a high Beech hedge to the western boundary and wall to the eastern boundary which is also listed.

3 PROPOSAL

- 3.1 The application seeks full planning permission for a detached, 2-storey, 3 bed dwelling with attached single garage and porch to the front. This measures a maximum of 15m x 11.8m (excluding porch) and 7m in height. Accommodation comprises lounge, kitchen/diner, study, utility/WC and garage at ground floor and 3 bedrooms (1 with en-suite) and bathroom at first-floor level.
- 3.2 There is a 2.4m high boundary wall proposed to separate the gardens of the host and proposed dwelling, this is standalone and will not be attached the listed boundary wall.
- 3.3 The existing access is being retained for the proposed dwelling and a new access and parking area is proposed for 16 Church Lane.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR21/0203/F | Erect a dwelling \(2-storey 3-bed\) with garage and 2.4 metre high \(approx\) brick wall | Land South Of 16 Church Lane Facing Church Walk Chatteris Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/planning-applications/F/YR21/0203/F)

4 SITE PLANNING HISTORY

F/YR16/0542/LBCERT	Certificate of Lawful Use (Proposed) to Listed Building: replacement guttering to North/South side of dwelling	Certificate Issued 16/8/2016
F/YR11/0465/LB	Internal and external alterations including insertion of 4 rooflights and fan light above door to single-storey and erection of a single-storey rear extension to existing dwelling	Granted 29/12/2011
F/YR11/3038/COND	Discharge of conditions 02, 03, 04 and 05 relating to Listed Building Consent F/YR10/0679/LB (Internal and external alterations including insertion of 4 rooflights and fan light above door to single-storey and erection of a single-storey rear extension to existing dwelling)	Approved 18/11/2011

F/YR11/3006/COND	Details reserved by Condition 2 of planning permission F/YR10/0678/F (Erection of a single-storey rear extension to existing dwelling and erection of a 1.8 metre high wall/railings to front boundary)	Approved 18/11/2011
F/YR10/0679/LB	Internal and external alterations including insertion of 4 rooflights and fan light above door to single-storey and erection of a single-storey rear extension to existing dwelling	Granted 29/10/2010
F/YR10/0678/F	Erection of a single-storey rear extension to existing dwelling and erection of a 1.8 metre high wall/railings to front boundary	Granted 29/10/2010

5 CONSULTATIONS

5.1 Arboricultural Officer (FDC)

I have visited the site and confirm that the trees present, Lime, Sumach, Purple plum and Silver Birch collectively contribute to the character of the area but do not merit a TPO (the silver birch is of poor form). However, their loss will impact on the character of the area and therefore the proposed development should include replacement planting to mitigate the loss.

The construction of the garage adjacent to a neighbouring tree may impact on the roots and a method statement will be required to ensure the tree is protected during construction. This may require a specialised foundation construction if the root protection area is breached by the development.

5.2 Town Council

Support, please ensure the offer to cut back the hedge along Church Walk is carried through.

5.3 Environmental Health (FDC)

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

Given the previous use and type of proposal, contamination is not considered an issue at this application site.

5.4 Cambridgeshire County Council Archaeology

Our records indicate that this site lies in an area of archaeological potential, situated only 100m south of an area in which multi-period settlement remains dating from the Bronze Age through to the medieval period were identified during two phases of archaeological investigations in advance of development of Boadicea Court immediately north of the Church of St Peter and St Paul (Cambridgeshire Historic Environment Record references ECB123, ECB3219).

Despite the relative proximity to these important remains, it is not thought that an additional archaeological investigation of this very spatially constrained plot would be likely to yield sufficient material new evidence to advance public benefit in terms of our understanding of former settlement and land use in this location,

when weighed against the potential impacts on the viability of the development. Consequently we do not believe that the inclusion of an archaeological condition on any permission that Fenland District Council may be minded to grant for this scheme could be justified in this instance, although we would request to be consulted again if the scale of development proposed in this location changes.

5.5 Conservation Officer (FDC)

This application seeks to gain approval for the erection of a one and half storey dwelling with associated garage within the garden of 16 Church Lane, Chatteris, which is a grade II listed building (22 March, 1983) and the garden forms its curtilage and is therefore protected by the designation. This curtilage also forms the immediate setting of the listed building. The site is immediately adjacent to the conservation area, the boundary having been drawn to exclude Church Walk, indicating that it was not felt to be an area which contributed to the character and appearance of the conservation area.

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

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

There is a single storey extension to the rear of the property granted under F/YR10/0678/F, and F/YR10/0679/LB but there is no other planning history on the site, but the immediate surrounding houses are of late 20th century construction. Historic maps show that No. 16 Church Lane had a long rear, undeveloped garden, which it retains the majority of.

A Design and Access and Heritage statement has been submitted as part of the application but beyond noting that the host building is listed, makes no assessment of the impact of the proposal on its significance, understanding of setting, or impact on of the character and appearance of the adjacent conservation area. As such it does not comply with LP18 or paragraph 189 of the NPPF.

The application is objected to. The following comments are made:

Number 16 Church Lane is an early 19th century two storey house, built of gault brick with a modern concrete tile roof. It sits within a generous long garden plot, which is bounded by the east by a high brick wall. The rear of the property presents an impressive and symmetrical façade to the garden, with a more formal façade than that which faces Church Lane. The garden provides a proportionate curtilage to this house, enhancing its status. The garden curtilage also forms the immediate setting of the listed building, which due to its long, undeveloped character, links back to its historic setting and so enhances its special interest. The wider setting is now a mix of residential dwellings from late 19th and late 20th century. A high brick wall to the east boundary, high hedge to the west and mature trees to the end, give it a sense of enclosure and privacy, which in addition to the space afforded by the length of the garden adds gives a feeling of

wealth and status, which adds to its special historic and architectural interest. Collectively these assets seek to enhance the character of the space, and the property as a prominent building within a rural market town. Parking is currently at the far southern end of the garden and therefore has little impact. It is within this context that this proposal is considered.

The proposal seeks to subdivide the garden in order to provide space for a new residential dwelling. Whilst the proposed dwelling appears to be of a reasonable scale and design, in keeping with the surrounding houses, it erodes both the setting and the curtilage, and thereby the significance of the listed building. Though the proposal seeks to erect a high brick wall in order to form a new south boundary wall to the principal dwelling, which would in theory be in keeping of the character of the property (a walled garden), the reality of the impact sees the garden essentially halved and a further portion of the garden given over to parking and turning areas. The result is a much-reduced curtilage, the character of which is eroded to a token area of lawn with hard landscaping in order to provide parking, which would be highly visible from the within the garden and the house. The setting is therefore altered from one which retains a proportionate garden and enhances the status and interest of the property as one of prominent standing and spacious amenity in a rural market town, to one of standard quality with minimal and functional space, in a more densely populated urban environment, with modern interventions for parking. The effect of this is to impact on the significance of the listed building by altering aspects of its special architectural and historic interest from one of a building of status with a proportionate garden to one with a much reduced and eroded setting.

The proposal also includes the loss of several mature trees which contribute to the setting of the listed building, by enhancing that formal character of the garden, as well as contributing to the character and appearance of the conservation area, though they fall outside its boundary. The loss of these would be to the detriment of both these assets.

This therefore amounts to less than substantial harm, and paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is questioned whether the time-limited and restricted benefits and of the construction of one single dwelling, outweighs the harm to the significance of the listed building, caused by its reduction and loss of both curtilage and setting.

RECCOMENDATION: *Refuse*

5.6 Cambridgeshire County Council Highways

The existing access arrangement clearly operates safely so there is no reason to suggest the new access will work any differently. The new access includes a turning head so vehicles are able to enter and leave in a forward gear. The proposed access width also provides some inter-visibility between pedestrians and vehicles emerging from the access.

I have no highway objections subject to the following conditions;

1.) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.

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

2.) *The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.*

Reason: To prevent surface water discharging to the highway.

3.) *The building shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.*

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

Advisories

1.) *This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.*

2.) *The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.*

5.7 Local Residents/Interested Parties

Eight supporting comments have been received (3 from Church Lane, 1 from St Pauls Drive, 1 from Southampton Place, 1 from Birch Avenue, 2 from Green Park, all Chatteris), in relation to:

- A residential house in a residential area
- Good use of long garden
- Enough room for parking and creative use of space
- Good addition and ideal development, in keeping with the area
- Ideal design

Four objections have been received (all from Church Walk, Chatteris) in relation to:

- Church Walk is very narrow, not enough room to pass
- No space for on street parking, visitors park in Church Lane or partially on the path in Church Walk obstructing pedestrians and emergency services
- Delivery vehicles have to reverse down the road as they are too big to turn
- Vehicles park in the turning head
- Concerns regarding on-site parking provision and whether the garage would be used, visibility and relationship with pedestrian link to Church Lane, issues with construction traffic
- Yellow lines are required to prevent on street parking
- Out of character with the rest of the street
- Loss of privacy

One representation has been received from Church Lane, Chatteris with queries in relation to the trees and existing and proposed brick boundary walls.

- 5.8 Comments where they relate to planning matters will be considered in the sections below. It should be noted that inconsiderate or illegal parking are not planning considerations.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1, C2

Identity – I1

Built Form – B2

Homes and Buildings – H2

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

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

8 KEY ISSUES

- **Principle of Development**
- **Heritage**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways/Parking**
- **Flood Risk**

9 ASSESSMENT

Principle of Development

- 9.1 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways and flood risk.

Heritage

- 9.2 Grade II listed 16 Church Lane is an early C19th 2-storey house, which sits within a generous long garden and is bounded to the east by a high brick wall, which is also listed and forms the boundary to Chatteris Conservation Area. The rear of the property presents a more formal façade than the elevation facing Church Lane, which has more of an appearance of a row of cottages. The garden provides a proportionate curtilage to this house, enhancing its status; historical maps show a long undeveloped rear garden the majority of which is retained today. The garden also forms the immediate setting of the listed building, which links back to its historic setting and so enhances its special interest.
- 9.3 Policy LP18 of the Fenland Local Plan 2014 and para 189 of the NPPF 2019 require proposals which affect heritage assets to describe and assess the significance of the asset, identify the impact of the proposed works on the special character of the asset and provide a clear justification of the works, to enable any harm created to be weighed against any public benefits of the proposal. The application is accompanied by a Design and Access and Heritage Statement, however this makes no assessment of the impact of the proposal on the significance of the listed building, understanding of its setting, or impact on of the character and appearance of the adjacent conservation area, and as such is contrary to the aforementioned policies.
- 9.4 The application would result in the subdivision of the garden, eroding both the setting and the curtilage, and thereby the significance of the listed building and the character of the conservation area. The garden is essentially halved, and a further portion of the garden given over to hardstanding for parking and turning areas. The setting is therefore altered from a proportionate garden which enhances the status and interest of the property, to one with minimal and functional space, in a more densely populated urban environment, with modern interventions for parking. As such the proposal is considered to cause harm to both the listed building and adjoining conservation area.
- 9.5 The impact of the proposal is considered to amount to less than substantial harm; paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is not considered that the public benefit of a single dwelling would outweigh the harm created to these heritage assets. The proposal is therefore considered contrary to Policies LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019.
- 9.6 Cambridgeshire County Council Archaeology advises that the site is in an area of high archaeological potential. However, it is not thought that an investigation on

this constrained plot would yield sufficient new evidence to be of public benefit when considered against the viability of the development. As such an archaeological condition could not be justified in this case.

Design considerations and visual amenity of area

- 9.7 Church Walk is characterised by 2-storey semi-detached houses located on the western side of the road, on well-spaced plots, set back from the road. There are views of Chatteris Museum (located on Church Lane) to the north. There is no development fronting the eastern side of the road, this is bounded by the gardens of 7 Church Walk which fronts St Martins Road and the host property of 16 Church Lane, there is a timber outbuilding in the garden of No.16 and a detached garage serving No.7 which appear subservient and are not prominent in the streetscene.
- 9.8 The proposed dwelling would be at odds with the prevailing character of this area, by introducing a prominent structure on the eastern side of Church Walk which would interrupt its open character. Furthermore, it is considered to be cramped and an overdevelopment of this modest plot and would result in the loss of a number of trees which collectively contribute to the character of the area. The Council's Arboricultural Officer considers that the loss of these trees should be mitigated by replacement planting, however the scale of the proposed dwelling is such that this would not be possible. As such, the proposal would create an incongruous feature in an otherwise open and spacious setting, to the significant detriment of visual amenity and contrary to Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019.
- 9.9 In addition to the loss of the trees on site, there is also potential for the proposal to impact on a neighbouring tree which is in close proximity to the garage. No details have been forthcoming in relation this tree or the potential impact of the development, hence if minded to grant this application a condition would be required in this respect.
- 9.10 Full details of materials have not been provided; however these could be secured by way of a condition if minded to grant the application.

Residential Amenity/Health and wellbeing

- 9.11 To the north of the site is the host dwelling of 16 Church Lane; this property would still retain in excess of a third of the plot for private amenity space, however Policy LP16 (h) states that this is a minimum and dependant on the character of the area, the plots to the east of Church Walk are located on much more spacious plots. A 2.4m high wall is proposed to separate the existing and proposed dwellings and there are no windows in the side elevation of the proposal which would face towards No.16. There would be some loss of outlook and increased overshadowing, however this is not considered to be significantly detrimental as the area most impacted would be the parking/turning and the host dwelling is located some 19m distant.
- 9.12 To the east of the site are the 2-storey chalet style dwellings of 18a and 20 Church Lane, the proposal is located approximately 6m from the rear boundary of these dwellings and approximately 13m from the dwellings themselves, this is not ideal due to the narrowness of the rear gardens and a distance of around 20m between dwellings to the rear is expected. However, there are no first-floor windows in the rear of No.20 which would result in overlooking of the proposal;

there are dormer windows in the rear of No.18a, however these would most affect the northern most section of the garden and as such this is not considered to be significantly adverse. There are 3 rooflights in the rear of the proposed dwelling, these appear to be in excess of 1.7m above floor level, and can be conditioned to ensure that this is the case or that up to that point they are obscure glazed and fixed shut to prevent unacceptable levels of overlooking.

- 9.13 To the south of the site is the 2-storey chalet style dwelling of 7 Church Walk, there are no windows in the side elevation of the proposal which could result in overlooking. The main element of No.7 is located some 20m from the boundary, hence the proposal is not considered to result in a significant adverse impact on No.7 and likewise whilst there is a dormer window in the rear of the existing dwelling this is a sufficient enough distance to not significantly affect the proposal.
- 9.14 To the west of the site are the 2-storey dwellings of 3-6 Church Walk, whilst there will be some overlooking as a result of the proposal there is at least 14m between dwellings which is considered acceptable and expected in a residential setting such as this.
- 9.15 The proposed dwelling has less than a third of the plot available for private amenity space, and some of that area, such as the narrow space behind the garage is unlikely to be adequately useable. This further supports the fact that the scheme results in overdevelopment and is contrary to Policy LP16 (h).

Highways/parking

- 9.16 The scheme retains the existing access for use by the proposed dwelling, as such there are no issues to address in this respect. Policy LP15 and Appendix A require the provision of 2 parking spaces for a 3-bed such as this, a parking space can include a garage providing that the internal measurements are 7m x 3m. The proposed drawings detail a garage of the required dimensions and a parking space in front of this with a length of 6m and width of 3.3m, this enables the garage to be opened with a car parked on the drive and meets the parking requirements for the proposal.
- 9.17 As the proposed dwelling would displace the access and parking serving No.16; a new access, parking and turning are proposed for the host dwelling. Concerns have been raised by residents in relation to visibility and manoeuvrability due to the proximity of the pedestrian link to Church Lane and existing driveways. Advice has been sought from Cambridgeshire County Council Highways in this regard and they consider the arrangements to be acceptable, subject to conditions. The host dwelling is 4-bed, Policy LP15 and Appendix A therefore require the provision of 3 parking spaces, however a lesser number may be acceptable in sustainable town centre locations. The scheme proposes 2 parking spaces and a turning space, whilst there is space for a third space this would either hinder or remove the turning area. Whilst there is no on street parking available on Church Walk there is a public car park on Church Lane and the site is in a central location, hence the potential shortfall of 1 space is considered acceptable. The proposed parking and turning arrangement can be conditioned to ensure it is provided as this is located within the blue line (applicant's ownership).
- 9.18 Neighbouring residents consider that yellow lines should be provided to Church Walk; Highways have not indicated that this is necessary and are content with the

arrangement proposed. Residents should contact Cambridgeshire County Council separately regarding this matter.

- 9.19 Concerns have been raised regarding construction traffic should the application be granted; it is not usual practice to condition construction management plans on schemes of 1 dwelling and there is not scope to accommodate facilities within the site. Any potential adverse impact would be temporary in nature, particularly for such a minor development.

Flood Risk

- 9.20 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations

10 CONCLUSIONS

The principle of development is considered to be acceptable in this location and there are no issues to address regarding flood risk, parking/highways or the residential amenity of surrounding dwellings. However, the proposal would result in the subdivision of the garden of 16 Church Lane, eroding both the setting and the curtilage, and thereby the significance of the listed building and the character of the conservation area; this harm is not considered to be outweighed by the public benefit of a single dwelling. Furthermore, the proposed dwelling would be at odds with the prevailing character of this area, by introducing a prominent structure on the eastern side of Church Walk which would interrupt its open character. It is considered to be cramped and an overdevelopment of this modest plot, providing inadequate private amenity space and resulting in the loss of a number of trees which collectively contribute to the character of the area with insufficient space to provide mitigation.

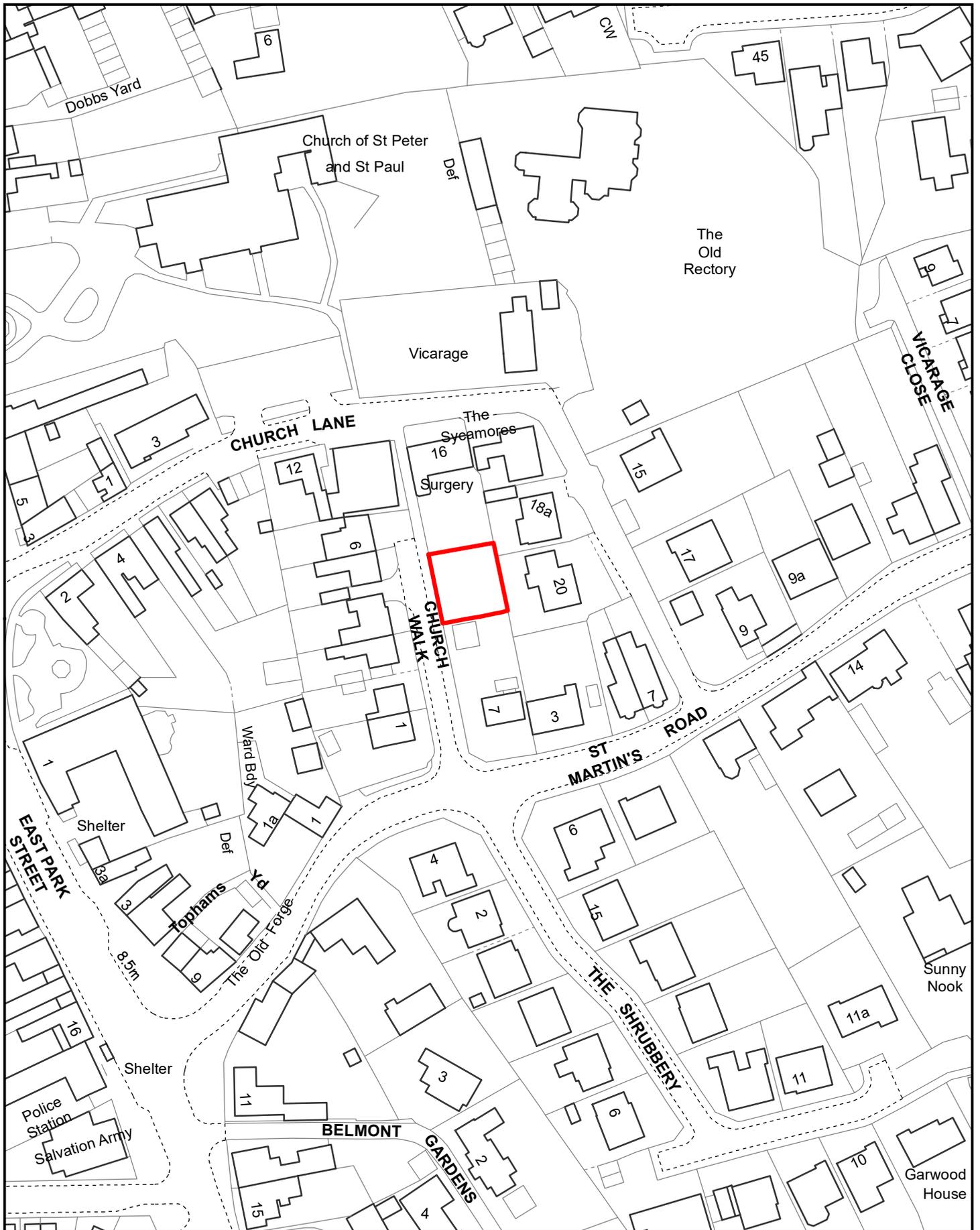
11 RECOMMENDATION

Refuse for the following reasons:

1	<p>Policies LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019 seek to protect and enhance affected heritage assets and their settings, ensure that the potential impact on the significance of any heritage asset is assessed and weighed against the public benefit of a proposal, whilst giving great weight to an assets conservation.</p> <p>The Design and Access and Heritage Statement submitted makes no assessment of the impact of the proposal on the significance of the listed building, understanding of its setting, or impact on the character and appearance of the adjacent conservation area. The application would result in the subdivision of the garden serving 16 Church Lane, eroding both the setting and the curtilage, and thereby the significance of the listed building and the character of the conservation area. It is not considered that the public benefit of a single dwelling would outweigh the harm created to these heritage assets. As such, the proposal is considered contrary to the aforementioned policies.</p>
2	<p>Policies LP2 and LP16 (d and h) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019 seek</p>

to ensure that developments avoid adverse impacts, provide sufficient private amenity space reflective of the character of the area, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and settlement pattern inform proposed development.

The proposed dwelling would be at odds with the prevailing character of this area, by introducing a prominent structure on the eastern side of Church Walk which would interrupt its open character. Furthermore, it is considered to be cramped and an overdevelopment of this modest plot, providing inadequate private amenity space and resulting in the loss of a number of trees which collectively contribute to the character of the area, with insufficient space to provide mitigation. As such, the proposal is considered contrary to the aforementioned policies.



Created on: 09/03/2021

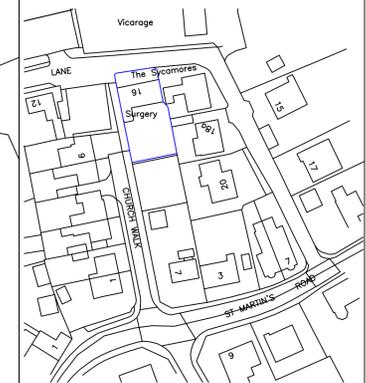
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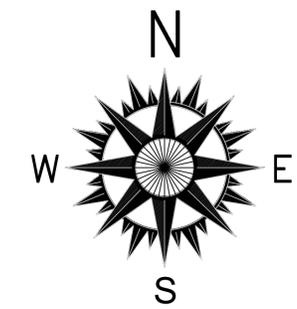
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 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LOCATION PLAN
 (1:1250)
 LICENCE NUMBER 100022432



B	PLANNERS COMMENTS	MAY 21
A	PLANNERS COMMENTS	FEB 21
	REVISIONS	DATE

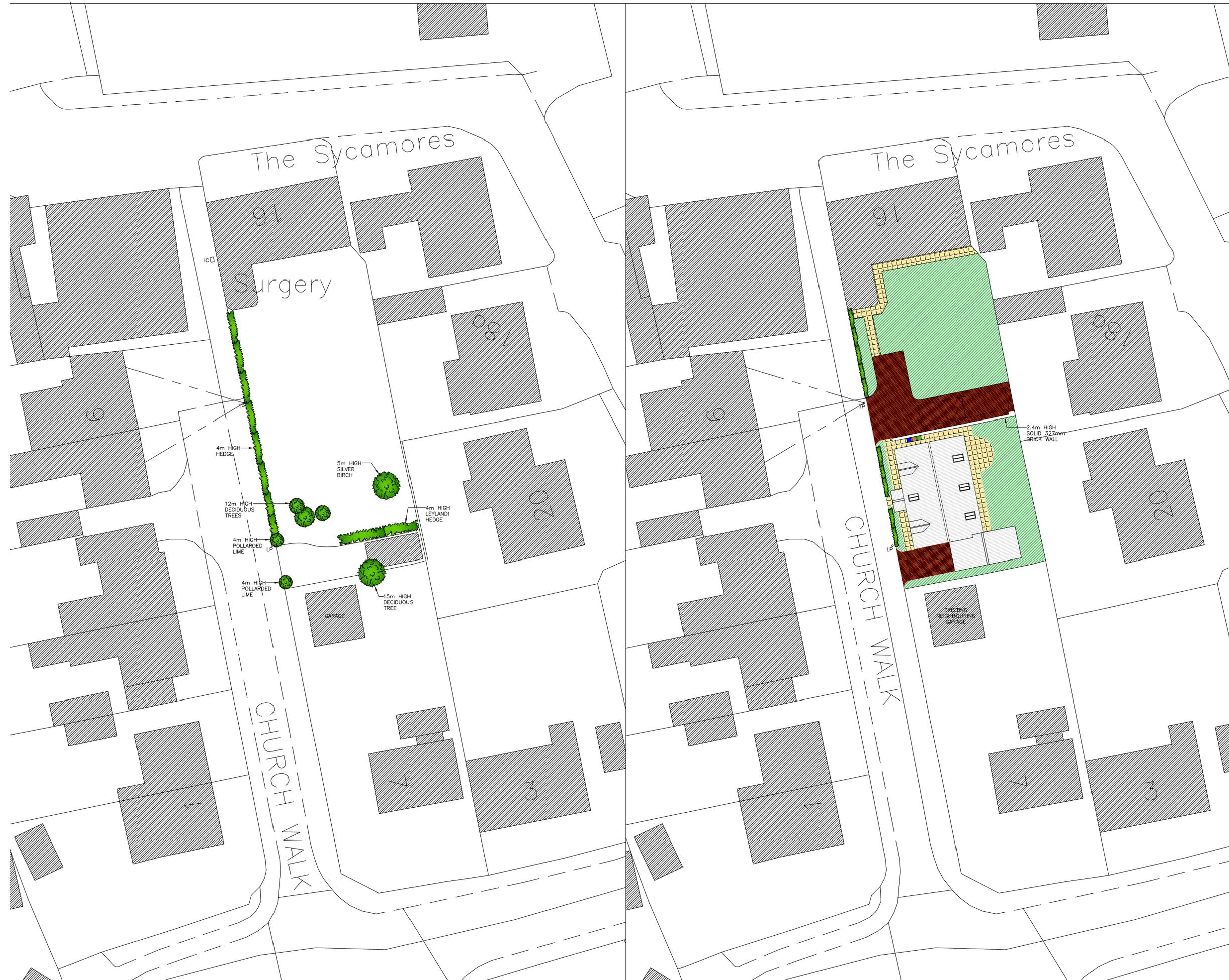
MORTON & HALL CONSULTING LIMITED
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 Tel: 01354 655454
 Fax: 01354 660467
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonandhall.co.uk

CLIENT
 Mrs Scott

PROJECT
 Walk House
 16 Church Lane
 Chatteris
 Cambs

TITLE
 Existing and Proposed Site Plan

DRAWN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Jan 2021	DRAWING NUMBER
SCALE	1:200	H7266/01b



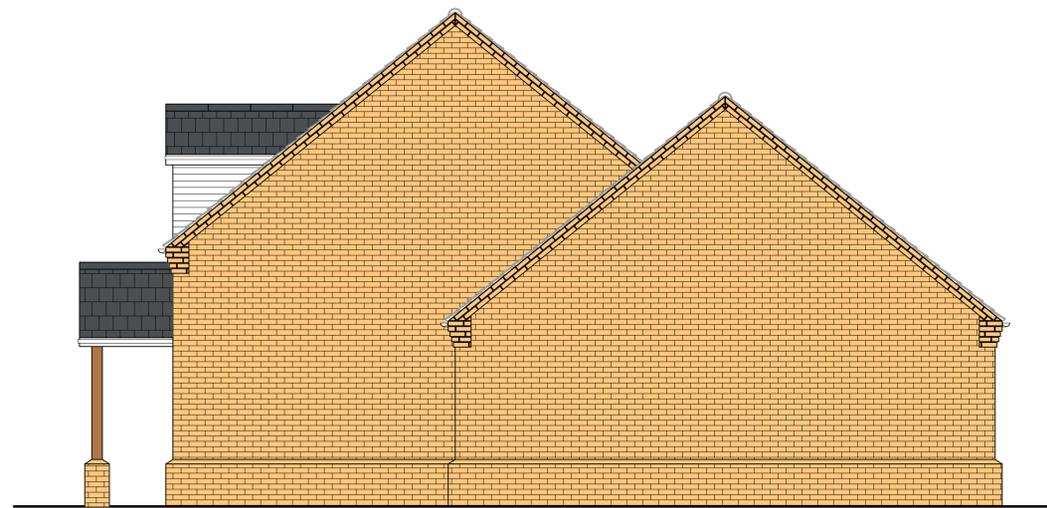
EXISTING SITE PLAN
 (1:200)

PROPOSED SITE PLAN
 (1:200)

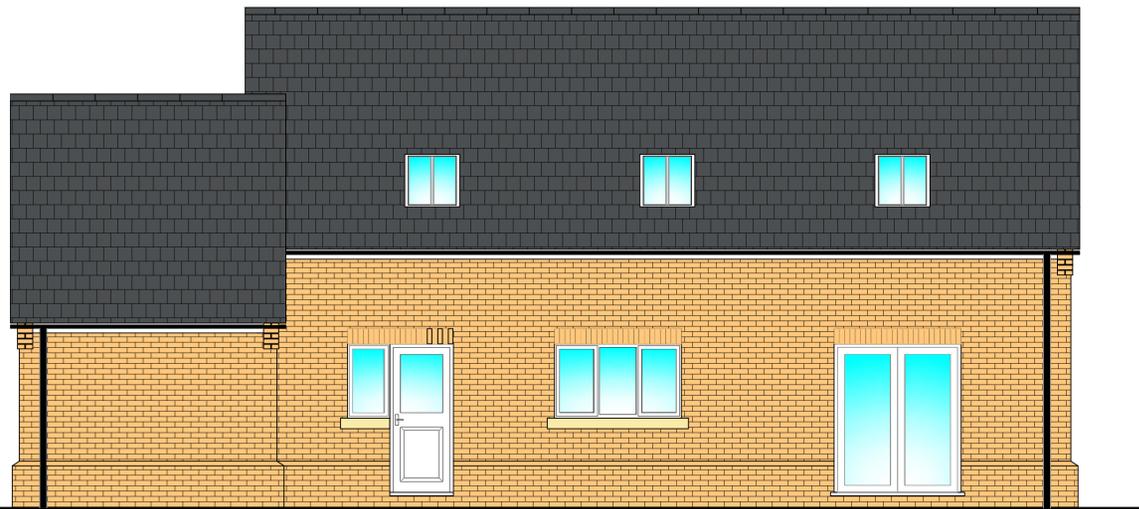
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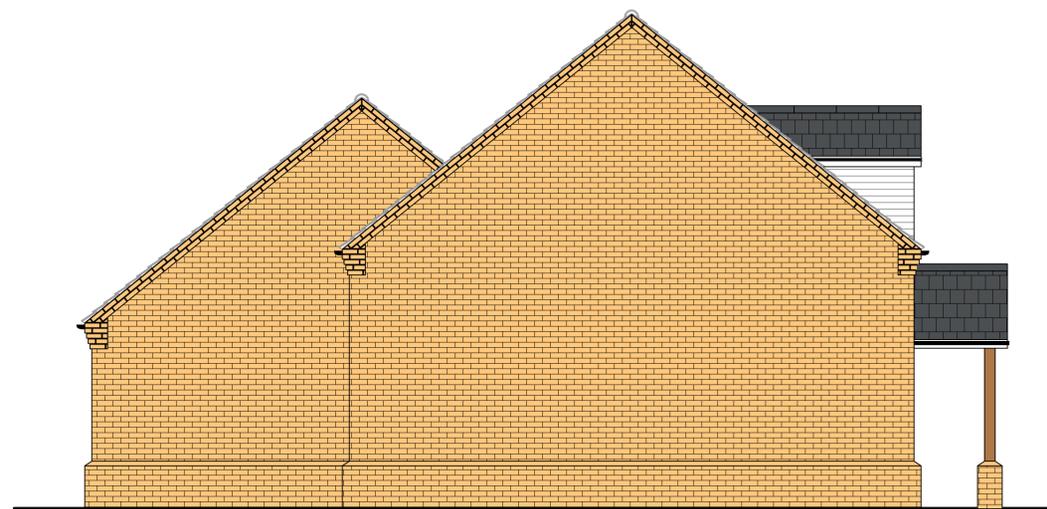
PROPOSED FRONT ELEVATION
(1:50)



PROPOSED RHS ELEVATION
(1:50)



PROPOSED REAR ELEVATION
(1:50)



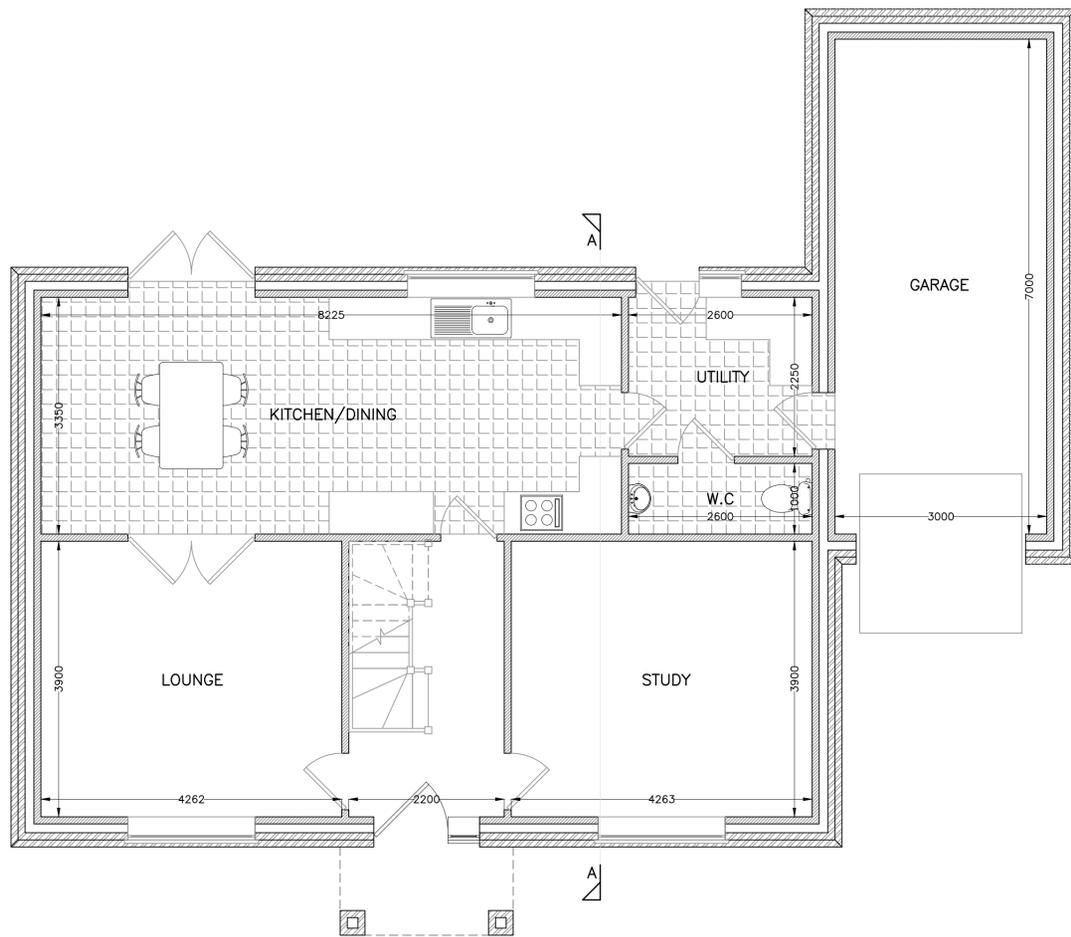
PROPOSED LHS ELEVATION
(1:50)



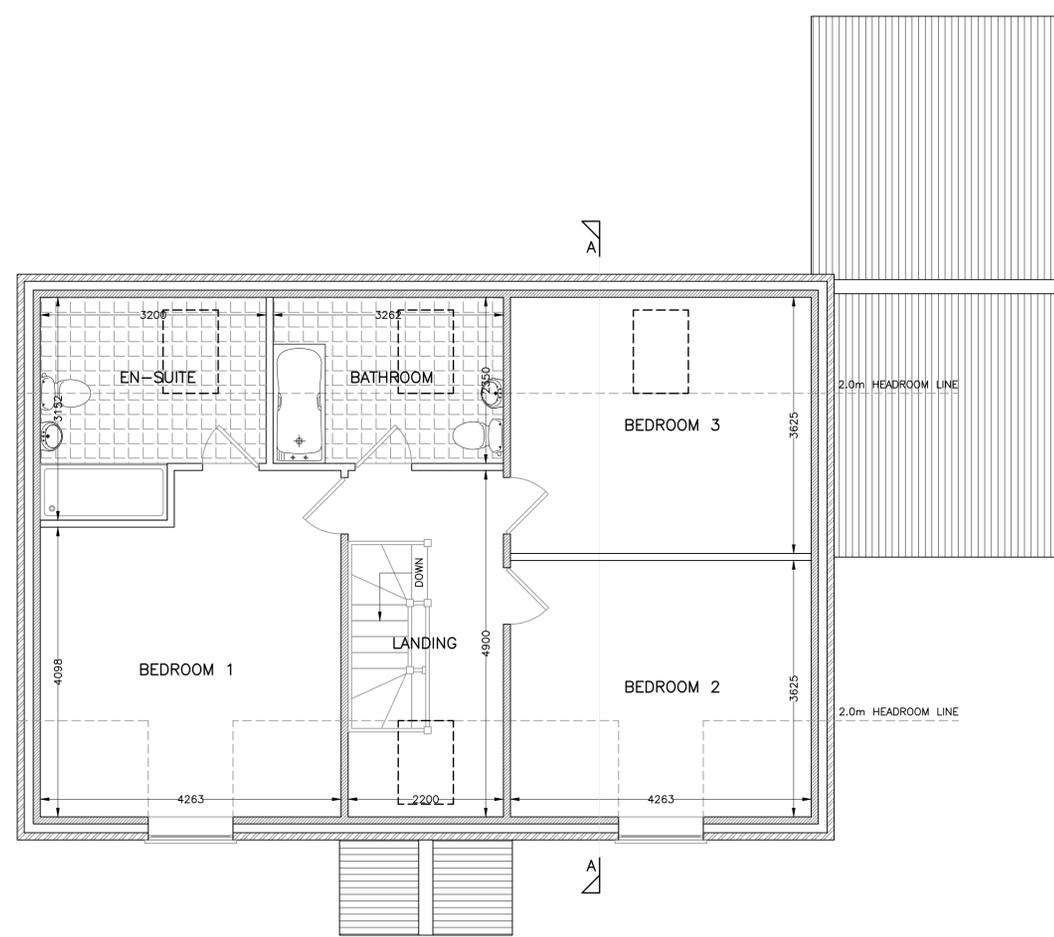
PROPOSED STREET SCENE
(1:100)

B	PLANNERS COMMENTS	FEB 21
A	PLANNERS COMMENTS	FEB 21
	REVISIONS	DATE
MORTON & HALL CONSULTING LIMITED <small>CONSULTING STRUCTURAL ENGINEERS</small>		
<small>1 Gordon Avenue, Tel: 01354 655454 March, Fax: 01354 660467 Cambridgeshire, E-mail: info@mortonandhall.co.uk PE15 8AJ Website: www.mortonandhall.co.uk</small>		
CLIENT		
Mrs Scott		
PROJECT		
Walk House 16 Church Lane Chatteris Cambs		
TITLE		
Proposed Elevations		
DRAWN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Jan 2021	DRAWING NUMBER
SCALE	1:50	H7266/03B

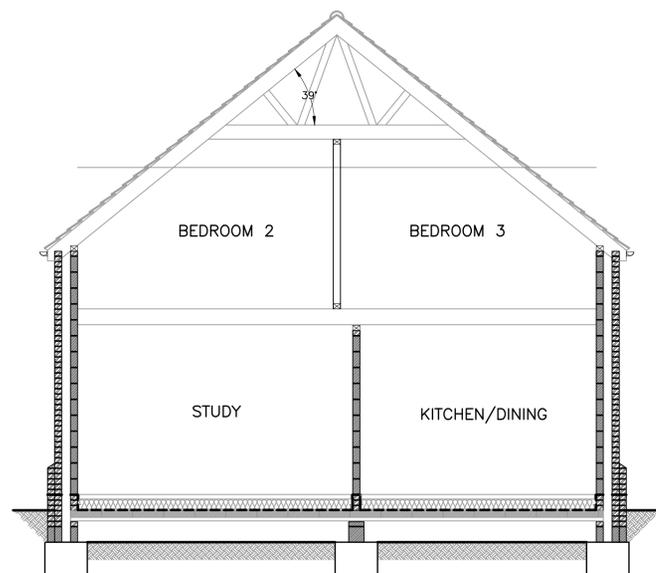
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 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



PROPOSED GROUND FLOOR PLAN
(1:50)



PROPOSED FIRST FLOOR PLAN
(1:50)



SECTION A-A
(1:50)

B	PLANNERS COMMENTS	FEB 21
A	DRAWING UPDATED	JAN 21
	REVISIONS	DATE
MORTON & HALL CONSULTING LIMITED CONSULTING STRUCTURAL ENGINEERS		
1 Gordon Avenue, Tel: 01354 655454 March, Fax: 01354 660467 Cambridgeshire, E-mail: info@mortonandhall.co.uk PE15 8AJ Website: www.mortonconsultingengineers.co.uk		
CLIENT Mrs Scott		
PROJECT Walk House 16 Church Lane Chatteris Cambs		
TITLE Proposed Plans and Section		
DRAWN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Jan 2021	DRAWING NUMBER
SCALE	1:50	H7266/02B

F/YR21/0231/F

Applicant: Mr Mannion

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

Land North East Of 81 - 87 High Street Accessed From, Slade Way, Chatteris, Cambridgeshire

Erect 9 dwellings comprising of 3 x 2-storey 3-bed; 2 x 2-storey 2-bed; 1 x single storey 2-bed and 3 x single-storey 3-bed with garages to Plots 4 and 5 only

Officer recommendation: Refusal

Reason for Committee: Town Council comments contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 9 dwellings comprising of 3 x 2-storey 3-bed, 2 x 2-storey 2-bed, 1 x single storey 2-bed and 3 x single-storey 3-bed.
- 1.2 The site is a surviving medieval burgage plot, located within Chatteris Conservation Area, within the setting of the Grade II Listed buildings of 81-83 High Street and adjoining the non-designated heritage asset of 87 High Street. The scheme is considered to be of poor design and scale and does not consider its historic context to the detriment of the heritage assets.
- 1.3 The site is severely constrained by its location, narrowness and existing trees which dictate the level of development which is achievable. The proposal is considered to constitute an overdevelopment of the site, resulting in a poor and convoluted layout and design.
- 1.4 The convoluted layout and number of dwellings results in poor residential amenity in relation to usability of gardens, the scheme is considered to result in an unacceptable residential amenity provision for future occupiers and an unacceptable impact on the residential amenity of surrounding dwellings. In addition, parking provision and usability is considered inadequate.
- 1.5 The north eastern part of the site is considered at a high and medium risk of surface water flooding. The application is not accompanied by a flood risk assessment and the sequential test has not been undertaken.
- 1.6 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and what mitigation measures may be required.

2 SITE DESCRIPTION

The application site is a narrow strip of land surrounded by the existing built form of High Street, Slade Way, Furrowfields Road, Gull Way and Tern Gardens, enclosed by various forms of boundary treatment. To the immediate west of the site are one and a half storey cottages which appear nearing completion. The site itself is overgrown and there are a large number of trees, some of which are substantial. It is located within Chatteris Conservation Area, within the setting of listed buildings 81-83 High Street and adjoining the non-designated heritage asset of 87 High Street.

3 PROPOSAL

3.1 The application seeks full planning permission for 9 dwellings comprising of:

- 3 x 2-storey 3-bed (plots 1, 4 and 5)
- 2 x 2-storey 2-bed (plots 2 and 3)
- 1 x single storey 2-bed (plot 6)
- 3 x single-storey 3-bed (plots 7-9)

3.2 Detached single garages are proposed to plots 4 and 5.

3.3 Access is via Slade Way and a 5.5m wide sharded surface is provided leading to a private drive.

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

[F/YR21/0231/F | Erect 9 dwellings comprising of 3 x 2-storey 3-bed; 2 x 2-storey 2-bed; 1 x single storey 2-bed and 3 x single-storey 3-bed with garages to Plots 4 and 5 only | Land North East Of 81 - 87 High Street Accessed From Slade Way Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR21/0231/F | Erect 9 dwellings comprising of 3 x 2-storey 3-bed; 2 x 2-storey 2-bed; 1 x single storey 2-bed and 3 x single-storey 3-bed with garages to Plots 4 and 5 only | Land North East Of 81 - 87 High Street Accessed From Slade Way Chatteris Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY

20/0018/PREAPP	Erection of 8no dwellings	
F/YR17/1157/F	Erection of 10 x 2-storey 3-bed dwellings including 1 x with detached single garage, 2 x with detached double carport	Withdrawn
F/YR11/0712/TRCA	Works to Hawthorn, Elder, Ash and Sycamore Trees within a conservation area	Granted 20/10/2011
F/YR04/4383/O	Erection of 11 dwellings comprising 4 x 3-bed and 4 x 2-bed houses and 3 x 2-bed bungalows	Refused 15/9/2006

5 CONSULTATIONS

5.1 Cambridgeshire County Council Highways (23/3/2021)

If the development is intended to remain private then the access should be changed from a bell mouth to a dropped kerb crossover.

Defer for amended plan or re-consult for highway conditions.

5.2 Cambridgeshire County Council Highways (21/6/2021)

The road layout and access arrangement is acceptable so long as the access road and site infrastructure remain private.

I have no highway objections subject to the following condition recommendations;

1.) The buildings shall not be occupied until the means of vehicular access has been laid out and constructed in accordance with the approved plans.

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

2.) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.

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

3.) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway.

Advisories

1.) This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

2.) The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.

3.) The development proposes a greater number than 5 dwellings served by a private drive. Your Authority must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.

5.3 Cambridgeshire Fire and Rescue

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

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchbrook Cottage
Brampton Road*

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

5.4 Town Council

Support, request swift nesting places be incorporated into the buildings

5.5 Environmental Health (FDC)

Initial comments received required clarification, comments below were received as a result:

The Environmental Health Team note and accept the submitted information and have ‘No Objections’ to the proposed development as it is unlikely to be affected by the local air quality or noise climate.

The proposal seeks to develop the site by erecting 9 dwellings. Maps show the application site is surrounded by existing dwellings who may be adversely affected during the construction phase given the close proximity.

Due to the size of the development being in close proximity to sensitive receptors, this service recommends the applicant submits a construction management plan to show how the potential for environmental nuisance such as noise and dust, will be controlled during the development process. Ideally this should be submitted during the determination period but could be imposed as a pre-commencement condition should planning permission be granted.

Records indicate previous structures may have once stood on the application site. It remains unclear what previous activity has been undertaken on site but given the age and therefore likely historical use, this services recommends the ‘Unsuspected Contaminated Land’ condition be applied to any planning permission granted to ensure the development complies with approved details in the interests of both human health and the environment.

5.6 Conservation Officer (FDC)

This application concerns the erection of 9 dwellings, comprising a mix of 3 and 2 bed two storey dwellings and 3 and 2 bed single storey dwellings and garages on land to the rear of the high street, and within the conservation area. No.s 81-83

are grade II listed and date to the late 17th century. No. 87 is a double fronted Victorian dwelling of some scale and presence, formerly the Spade and Bucket public house, with outbuildings. It is now residential, with the outbuilding also converted to residential. The land to the rear, is a surviving undeveloped medieval burgage plot and would have been associated with those properties facing the high street.

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

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

Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2019, specifically, paragraphs 190, 192 – 194, and 196. The following comments are made:

Due regard is given to relevant planning history. An application for residential development to the rear was submitted under F/91/0265/O at land north east of 81-89 High Street was refused; F/94/0806/O was granted; F/YR04/4383/O, for the erection of 11 dwellings was refused; F/YR17/1157/F was withdrawn. None of the previous applications had consulted the conservation officer.

A heritage statement has been submitted with the application. The information is sufficient to comply with paragraph 189 of the NPPF and policy LP18 of the 2014 local plan, though it does not seem to recognise or understand the character or appearance of the conservation area, though it is accepted that the character appraisal is currently out of date and not available for public viewing. However, other resources could have been consulted, such as historic mapping, photos, or local websites.

This application is objected to. The following comments are made:

i. The character of Chatteris derives from its layout, originating from ancient routes and junctions, developing gradually over centuries with a rich mixture of mainly domestic buildings in local materials. A defining characteristic of Chatteris is its linear street layout, with narrow allies that run off these, and evidence of medieval burgage plots still apparent in the street plans and plots sizes, particularly, off High Street. Most plots are now foreshortened and infilled with modern development to the rear. The odd site survives, including the plot which is the subject of this application. This history, evident in many of its buildings and street layouts, is nonetheless affected by an accelerating pace of change, especially during the last half of the 20th century, and increasingly into the 21st century, affecting this fragile authenticity.

ii. Two other plots of open land to the rear of the High Street, which currently also reflect the rural, agricultural, and medieval character of Chatteris conservation area are both subject to planning applications. Land to the rear of grade II listed No. 133 High Street, Chatteris has been granted permission for the development

of 9 dwellings under application F/YR20/0365/F, and so this surviving element of the conservation will be lost; land to the rear of Bridge Street, and within the setting of grade II listed Kent House, has been the subject of a pre-application enquiry for development of nine dwellings and so may also be lost to development. However, an application (F/YR18/0805/F) for the erection of a new dwelling to the rear of No. 107 High Street was refused on grounds that the impact on the character and appearance of the conservation area and on the setting of the listed building would be to further erode the significance of both. The previously approved developments in the surrounding area have already eroded the character of the burgage plots and obscured the traditional grain of development. There was an appeal against the decision, but the inspector upheld, and expanded on this decision and dismissed the appeal (REF: APP/D0515/W/19/3221692). New development continues to encroach and serves to infill the remainder of the undeveloped backland plots.

iii. The surviving burgage plot which is the subject of this application and what it represents in terms of the character and appearance of the conservation area is now almost a uniquely surviving element of the conservation area and as such it also contributes to the wider setting of the grade II listed cottage at No. 81-81 High Street. The land now effectively forms a buffer between the historic core of the conservation area and the modern development beyond. It is within this context that this proposal is considered.

The scheme seeks to create an access of Slade Way, with plot 1 facing Slate Way, sited adjacent to two new dwellings to the rear of listed building No. 81-83 High Street, permitted under F/YR10/0104/F, which are of a style and scale to compliment the adjacent listed building. Plot 1 of the current scheme is a three bay two storey dwelling of considerable scale. The remaining plots are situated along the access road, with the end plots (2,3 and 5) orientated east-west and the remainder orientated north-south. Plots 2 and 3, those closest to the rear of the listed building are also of two storey. No clear indication as to materials, or details of any of the plots have been submitted.

The scheme would result in the loss of a rare surviving element of historic undeveloped back land and medieval burgage plot to the detriment of the character and appearance of the conservation area, and subsequently, though to a lesser extent given the recent development, the setting of the listed buildings. The design of the buildings is poor and the scale does not consider their setting or reflect the historic characteristics of the immediate location or wider area, contrary to LP16 d, and para 192 of the NPPF.

The overall impact must be considered as less than substantial harm, both to the character and appearance of the conservation area and the setting of the listed building, though it must be noted that further loss of these increasingly rare undeveloped linear plots is resulting in significant cumulative harm to the character and appearance of the conservation area. Where an application results in less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal. It is acknowledged that there is public benefit arising from the positive economics during the period of construction, but that thereafter, it is unclear how the extent of public benefit of private dwellings can be measured.

Suggested amendments would be to reduce the scale to 1 and half storey dwellings, certainly the first four plots, and to use materials that respect and compliment the historic, local palette. It would further respect the historic linear

grain of the plot if the development were in the form of a terrace, such as that at Porters Yard, Pecks Yard and Dobbs Yard – and indeed those single storey outbuildings to the rear of No. 89 High Street, which illustrate the linear characteristic of outbuildings to the rear of dwellings facing the high street.

CONDITIONS

i. This application is recommended for refusal, but should it be approved, notwithstanding the approved plans and prior to the commencement of development, samples of all materials to be used in the construction of external surfaces of the house, proposed extensions, and new boundary walls, and garage shall be required to be submitted to and approved in writing by the LPA.

RECCOMENDATION: REFUSE

5.7 Arboricultural Officer (FDC)

I believe there was a previous application at this site and it was noted at the time that a number of the trees (group G3 on the latest application) were in poor condition with significant structural defects requiring work irrespective of any development.

Whilst this group cannot be considered a constraint to the development, they do not merit a TPO, collectively they provide amenity and screening and likely contribute to wildlife value. The loss of this group would also remove screening between existing properties and the proposed development and I therefore object to the current layout.

The loss of the proposed unit adjacent to G3 would allow replanting of the area to create a communal open space and retain screening between properties following tree establishment.

5.8 Refuse Team (FDC) (4/5/2021)

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

- To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations.*
- A swept path plan would be required to demonstrate that an 11.5m refuse vehicle could access the site turn and leave the site in a forward direction.*
- The shared bin collection point for plots 6-9 appears of sufficient size.*
- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.9 Refuse Team (FDC) (15/6/2021)

Happy with the response in the comments.

Would just need the tracking to cover vehicle movement along the private road using vehicle dimensions. These can be found on the attached, the vehicle we use is the OL-23W 6x2RS (right hand column), overall length with bin lifting equipment on the rear is 11.5m. I cannot see with the dimensions and layout of the road this would be an issue, tracking would however demonstrate this.

5.10 Refuse Team (FDC) (21/6/2021)

Thank you for sending through updated plan with tracking indicating that we will be able to access. No concerns.

5.11 Local Residents/Interested Parties

Two representations have been received (1 from Fen Ditton and 1 from Gull Way, Chatteris) in relation to:

- Address of the application doesn't refer to 11 and 15 Gull Way which border the site.
- Concerns regarding safety measures when felling trees

Six objections have been received (5 from Tern Gardens, 1 from Slade Way, all Chatteris) in relation to:

- One of the last areas of genuine wildlife left in Chatteris/only green space in town centre
- Extra strain on infrastructure (doctors etc)
- Extra cars
- Devaluation of surrounding properties/issues selling house
- Conservatory is only 12ft (3.36m) from the site
- Loss of privacy/outlook
- Loss of light
- Light pollution from streetlights
- Surface water flooding
- No benefit to the people of Chatteris
- Noise and pollution
- Impact on High Street (congestion/parking)
- Loss of habitat for ecology
- Development cramped and congested
- Loss of trees
- Slade Way is narrow and proposed access dangerous
- Overshadowing
- Tree in garden of 49 Tern Gardens not indicated, development would impact
- Plot 9 would be better orientated as plots 7 and 8

Comments where they relate to planning matters will be considered in the sections below. It should be noted that devaluation of property is not a planning consideration.

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N3

Homes and Buildings – H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- Principle of Development
- Heritage
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways/Parking
- Flood Risk and Drainage
- Ecology

9 BACKGROUND

This site has been the subject of repeat attempts for development, most recently F/YR17/1157/F for 10 dwellings which was withdrawn. It has since been the subject of pre-application discussions for 8 and 10 dwellings, concerns were raised regarding the impact on the historic environment, access, number of dwellings, relationships with existing dwellings, parking and amenity of proposed dwellings. It was advised that the schemes were unlikely to be supported.

10 ASSESSMENT

Principle of Development

- 10.1 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways, flood risk and ecology.

Heritage

- 10.2 The site is a surviving medieval burgage plot, located within Chatteris Conservation Area, within the setting of the Grade II Listed buildings of 81-83 High Street and adjoining the non-designated heritage asset of 87 High Street. It is an almost uniquely surviving element within the Conservation Area with other examples having been redeveloped or have permission to redevelop, eroding the character of the burgage plots. The scheme would result in the loss of the surviving undeveloped back land and medieval burgage plot to the detriment of the conservation area and to a lesser extent the setting of the listed buildings, however this is not considered in principle to necessarily prevent or justify the non-development of the site given its context. Notwithstanding this, any development of the site would need to reflect the historic characteristics of the immediate location and wider area and be sympathetic to these. The current scheme is considered to be of poor design and scale and does not consider its historic context to the detriment of the heritage assets.
- 10.3 Para 193 of the NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm. The proposed development is considered to have less than substantial harm on the significance of the conservation area and setting of the listed buildings. Para 196 of the NPPF states that where a development would have less than substantial harm this harm should be weighed against the public benefits of the proposal. It is not considered that the provision of nine private market dwellings on this site would outweigh the harm created.

- 10.4 The proposal is therefore considered contrary to Policies LP16 (a & d) and LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and para 192, 192 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019 which seek to ensure that heritage assets are protected and enhanced and that developments make a positive contribution and are reflective of the local character and distinctiveness.
- 10.5 Cambridgeshire County Council Archaeology have been consulted on this application, however, to date no comments have been received. Comments were provided on F/YR17/1157/F which advised that the site is in an area of high archaeological potential and requested (as they did on F/YR04/4383/O) the standard archaeological condition be imposed to secure an archaeological investigation of the site. Hence, if minded to grant this application a pre-commencement condition will be required in this regard.

Design considerations and visual amenity of area

- 10.6 Notwithstanding the detrimental impact on heritage assets detailed above, the site is severely constrained by its location, narrowness and existing trees which dictate the level of development which is achievable.
- 10.7 The proposal put forward is considered to constitute an overdevelopment of the site, resulting in a poor and convoluted layout and design, which is dominated by the access and parking arrangements and would result in high level boundary treatments appearing prominent in the streetscene, effectively enclosing the access road due to the location of private gardens. The entrance to the site is met with views of the side of plot 2 and a substantial parking area and plot 6 is orientated side on to the main access without a street presence and would be prominently visible along the length of the access, neither of which are conducive to a high-quality visual environment.
- 10.8 Furthermore, the design of the dwellings has failed to consider their surroundings, for example plot 1 is located to the east of and in close proximity to the newly constructed one and a half storey cottages which have traditional design features and are modest in scale, this has not been reflected in the proposed scheme or detailed on the submitted streetscene.
- 10.9 The application has been accompanied by a Tree Survey, however there are discrepancies within this and between this and the submitted drawings, hence it is unclear which trees are to be retained or felled and therefore the precise impact and mitigation measures which may be required. In addition, there are a number of large off site trees in close proximity (for example in the rear of 49 Tern Gardens and 87 High Street) which have not been surveyed and as such the impact of the development on these third party trees is unknown. The proposal results in the loss of substantial trees which provide visual amenity to the area; the Council's Arboricultural Officer objects to the scheme in its current form due to the loss of G3 in the north eastern section of the site and the impact of this.
- 10.10 The proposal is considered contrary to Policy LP2 and LP16 (c & d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019, which seek to ensure that developments avoid adverse impacts, achieve a high design quality, retain and incorporate natural features, make a positive contribution to the local distinctiveness and that are informed by the local built environment and character.

10.11 Full details of landscaping and materials have not been provided; however, these could be secured by way of a condition if minded to grant the scheme.

Residential Amenity/Health and wellbeing

10.12 The convoluted layout and number of proposed dwellings results in poor residential amenity in relation to usability of gardens, Plot 6 would be dominated by the existing tree and significantly overshadowed. The gardens are narrow, Plot 9 is located only 2.5m from the boundary and as such outlook from the lounge in particular is poor. Plots 4 and 5 are overlooked by the 2-storey dwellings on Tern Gardens and Plot 6 overlooked by the external first-floor balcony of the block of flats to the south (17-24 Slade Way). Parking is located directly in front of Plots 2, 3 and 6 and the private access directly abuts Plot 9 and its bedroom window resulting in a lack of privacy and disturbance.

10.13 In relation to the residential amenity of surrounding dwellings, plot 1 is separated from the new cottages by the access and parking. Nos. 61 and 63 Tern Gardens are directly overlooked by the first-floor bedroom windows of Plots 4 and 5 within 6-7m of the boundary. Plots 6-8 are single-storey and located approximately 6.5m from the boundary of the rear gardens of 53-57 Tern Gardens, this relationship is not considered to result in a high-quality environment. Plot 9, whilst single-storey, is located less than 1m from the rear boundary of 49 Tern Gardens and 2.5m from the rear boundary of 15 Gull Way, this relationship in respect of overshadowing and loss of outlook is considered unacceptable.

10.14 Overall, the scheme is considered to result in an unacceptable residential amenity provision for future occupiers and an unacceptable impact on the residential amenity of surrounding dwellings. As such, the scheme is considered contrary to Policy LP2 and LP16 (e) of the Fenland Local Plan 2014 and para 127 of the NPPF 2019 which seek to ensure that developments avoid adverse impacts, create high quality environments, promote health and well-being and provide a high standard of amenity for existing and future users.

10.15 With regards to bin storage and collection a bin collection area is shown alongside the turning head of the shared surface road to serve Plots 6-9, this results in excess of the of 30m drag distance recommended by DM4 and RECAP guidance for Plots 8 and 9. No details of bin storage areas for individual houses have been shown on the submitted plans. The submitted site plan indicates tracking to evidence that a refuse truck would be able to access the shared surface road.

10.16 If minded to grant this application a condition will be required to ensure adequate provision of fire hydrants as requested by Cambridgeshire Fire and Rescue; a Construction Management Plan due to the location and nature of the site and full details of external lighting as no information has been submitted in this regard.

Highways/Parking

10.17 The access to the site is via Slade Way; details of the junction with Slade Way have been amended during the course of the application following advice from Highways, they are now content that this is acceptable providing that the access remains private.

10.18 Whilst 2 parking spaces have been provided for each dwelling in accordance with the provisions of Policy LP15 and Appendix A, these are inadequate in relation to their size, these should be a minimum of 2.5 x 5m where there are no obstructions, 2.7m when there is an obstruction one side and 2.9m where there is an obstruction both sides. Banks of parking spaces, such as that near the entrance to the site are

not good practice and dominate the streetscene. A minimum of 6m is required in front of the garages serving plots 4 and 5 to enable a vehicle to clear the access road while the garage door is opened, the current space is inadequate. In order to successfully exit a parking space 6m is required behind the space; plots 6-8 have only 4m to exit which is considered unacceptable.

10.19 The parking for plot 9 has been amended and located to the south of the private drive, this removes the turning head and as such would require vehicles to either turn with difficulty or reverse the length of the private drive.

10.20 The proposal is considered contrary to Policy LP2 and LP15 of the Fenland Local Plan and para 108 of the NPPF 2019 which seek to achieve safe and suitable access for all users and well-designed car parking.

Flood Risk and Drainage

10.21 The application site falls within Flood Zone 1 (low risk) however the north eastern part of the site is considered at a high and medium risk of surface water flooding, as detailed the flood warning information services maps. The previous application on this site (F/YR17/1157/F) was not supported by the Lead Local Flood Authority on the basis that the site plan did not reflect the indicative drainage strategy and as such the scheme did not have a surface water strategy and therefore the risk of flooding would be increased as a result of the development.

10.22 The Flood Risk Assessment submitted with the previous application (F/YR17/1157/F) advised that the site falls in a north easterly direction and that surface water flows towards the site from the higher land to the south and could come on to the site, it would tend to follow across the site in a north easterly direction then off the site towards the network of drains to the north east. The Environment Agency surface water flood mapping indicates ponding of a maximum depth of 300mm may occur in the eastern section of the site and it was proposed to have finished floor levels 300mm above ground level with external levels designed to ensure that existing flow paths are maintained.

10.23 Para 158 of the NPPF 2019 and Policy LP14 of the Fenland Local Plan 2014 state that all development proposals should adopt a sequential approach to all forms of flooding. Footnote 50 of the NPPF states that a site specific flood risk assessment is required for land which has been identified by the Environment Agency as having critical drainage problems or land that may be subject to other forms of flooding, where its development would introduce a more vulnerable use (such as dwellings).

10.24 The application is not accompanied by a Flood Risk Assessment, nor a sequential test and it is likely that there would be other land available at a lesser risk of flooding within the settlement of Chatteris. As such the proposal is contrary to Policies LP2 and LP14B of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD 2016 and Chapter 14 of the NPPF 2019

Ecology

10.25 Public Authorities have a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to conserving biodiversity in policy and decision making.

10.26 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 177 advises that the presumption in favour of sustainable development does not

apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.

10.27 The previously submitted application (F/YR17/1157/F) was accompanied by an ecology report which revealed bat roosting features, the possibility that reptiles and common amphibians may utilise areas of the site and considered that trees and shrubs on site were likely to support nesting birds. This report is now out of date and no such report has been submitted with the current application. The site is now overgrown, and it is considered there is potential for this to provide habitat or provide support for protected species, as was previously revealed. A biodiversity checklist has been submitted for which all answers are no, clearly conflicting with the findings of the previous report.

10.28 Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species and what if any mitigation measures may be required, as such it is considered contrary to the aforementioned policies.

11 CONCLUSIONS

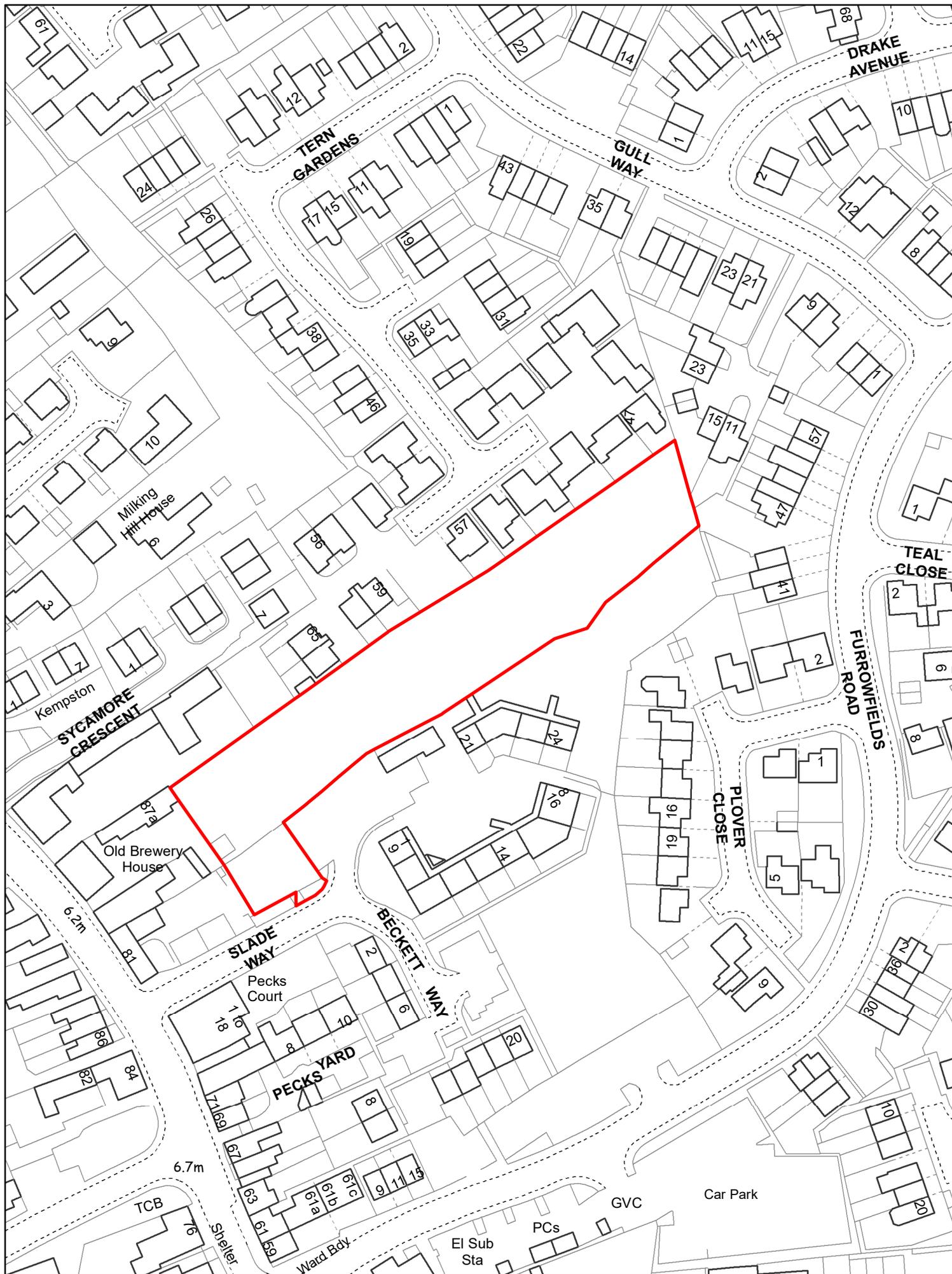
Whilst the principle of development on this site is broadly accepted, the proposed scheme is considered an overdevelopment of the site with a poor design resulting in an unacceptable impact on heritage assets which is not outweighed by public benefit, a significant detrimental impact on the character and visual amenity of the area, inadequate residential amenity and parking provision and insufficient information and consideration of surface water flooding and ecology.

12 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policies LP2, LP15, LP16 (a, c, d and e) and LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and paras 108, 127, 192, 192 and 196 of the NPPF 2019 and chapters C1, C2 and I1 of the NDG 2019 seek to avoid adverse impacts, protect and enhance heritage assets, achieve a high design quality which promotes health and well-being and provides a high standard of amenity for existing and future users, make a positive contribution to local distinctiveness, informed by the local built environment and character, achieve safe and suitable access for all users and well-designed car parking.</p> <p>The proposal put forward is considered to constitute an overdevelopment of the site, resulting in a poor and convoluted layout and design, which does not consider its historic context to the significant detriment of the character of the area and impact on heritage assets. Furthermore, it provides inadequate residential amenity for future occupiers, an unacceptable impact on the residential amenity of surrounding dwellings and inadequate parking and turning provision. As such it is considered contrary to the aforementioned policies.</p>
2.	<p>Polices LP2 and LP14B of the Fenland Local Plan 2014, the Cambridgeshire Flood and Water SPD 2016 and Chapter 14 of the NPPF 2019 require development proposals to adopt a sequential approach to flood risk from all forms of flooding, seek to steer development to areas at the lowest risk of flooding and ensure developments are safe from all sources of flooding and</p>

	<p>will not increase the flood risk elsewhere.</p> <p>The north eastern section of the site is at high and medium risk of surface water flooding, the application is not accompanied by a site-specific Flood Risk Assessment, nor a sequential test. Hence the scheme has not evidenced that it would be safe from surface water flooding or increase the risk of flooding to surrounding land and dwellings, furthermore the sequential test to establish if there are any sequentially preferable sites has not been undertaken. As such, the proposal is considered contrary to the aforementioned policies.</p>
3.	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity and Paragraph 177 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>The application site is considered to have potential to provide habitat for or support protected species. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species. As such the proposal is considered contrary to the aforementioned policies.</p>



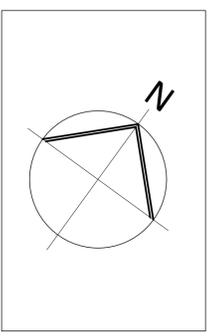
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F/YR21/0231/F

Scale = 1:1,250





Peter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT

SITE
 LAND OFF SLADE WAY
 CHATTERIS
 CAMBS

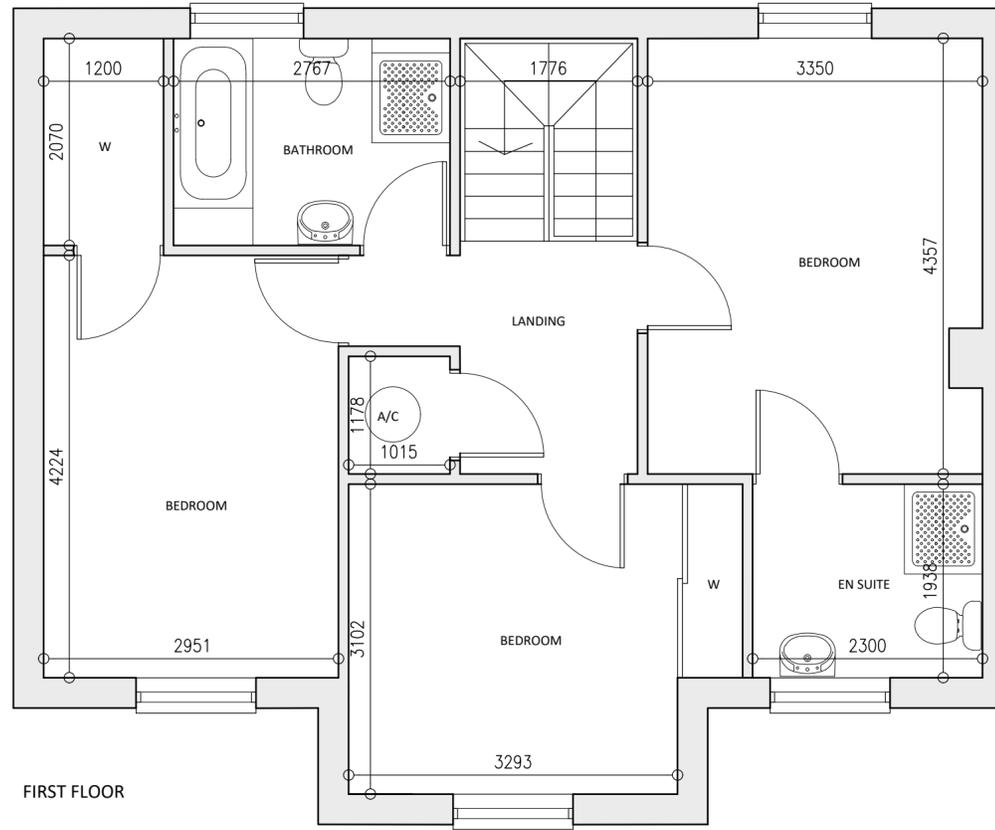
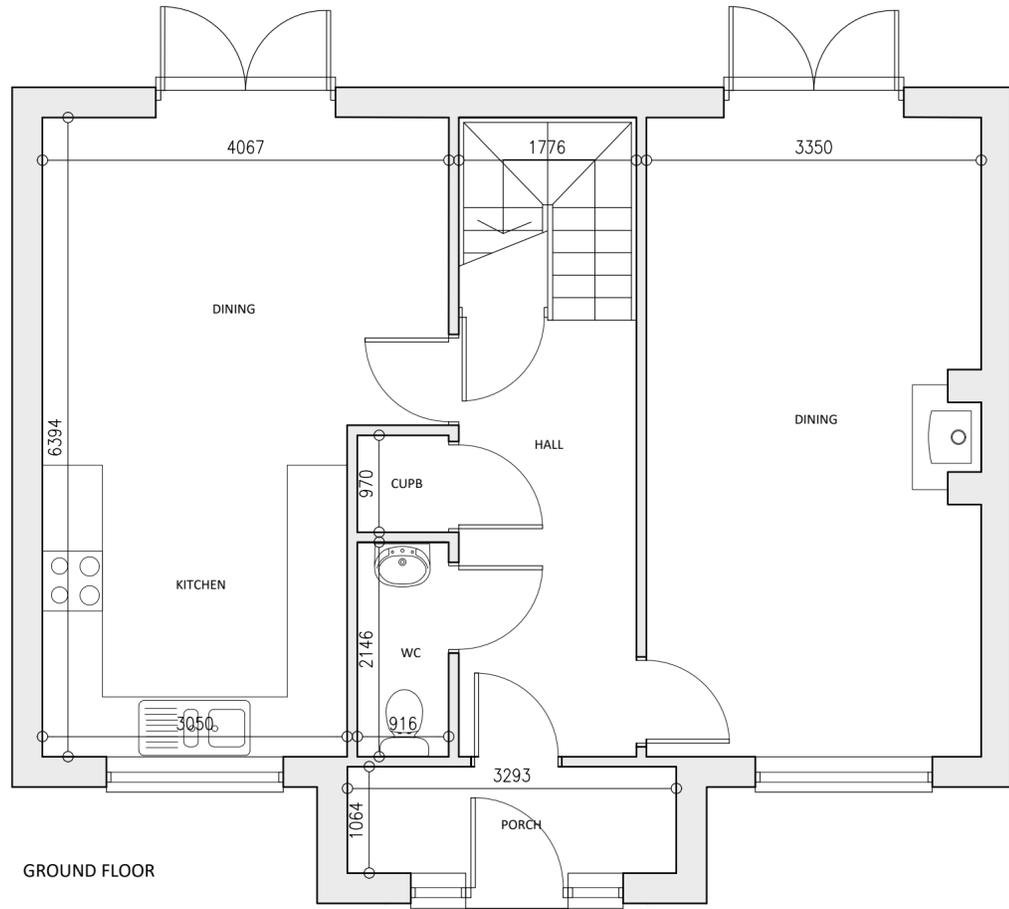
DRAWING
 PROPOSED SITE PLAN

CLIENT
 MR T MANNION

DATE NOV 2020 SCALE 1:200 JOB No. 5706 - PL00C

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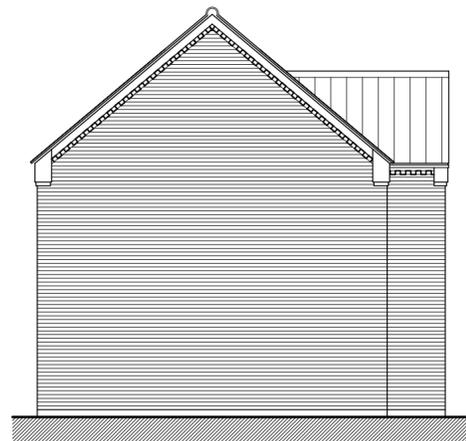
Peter Humphrey Associates
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 TELEPHONE: 01945 466 966
 E-MAIL: info@peterhumphrey.co.uk
 31 OLD MARKET WISBECH CAMBS PE23 1NB
 Fenland District Council
 Building Design Award
 Building Excellence in Fenland
 Category Winner 08.09.10
 Overall Winner 2010



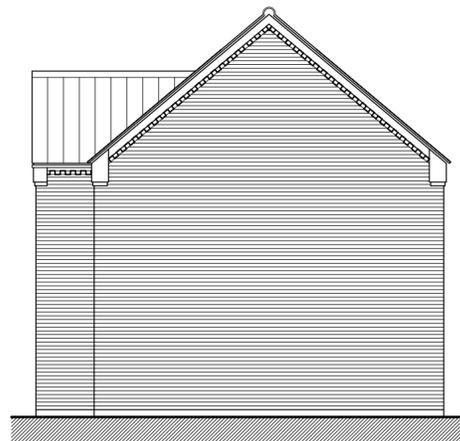
PLANS 1:50



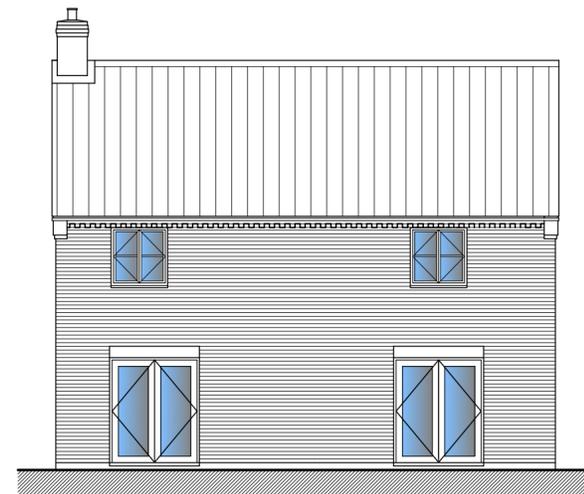
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

ELEVATIONS 1:100

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND OFF SLADE WAY
CHATTERIS
CAMBS

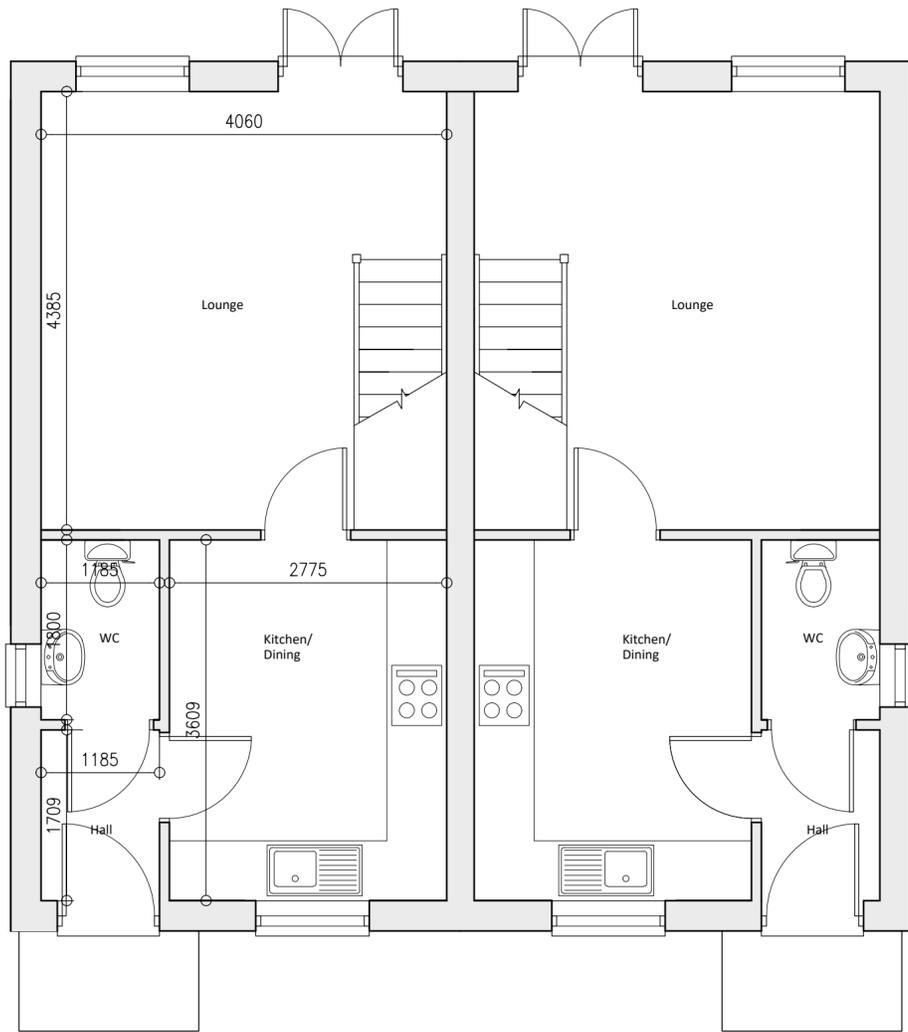
DRAWING
TYPE 1 PLANS & ELEVATIONS

CLIENT
MR T MANNION

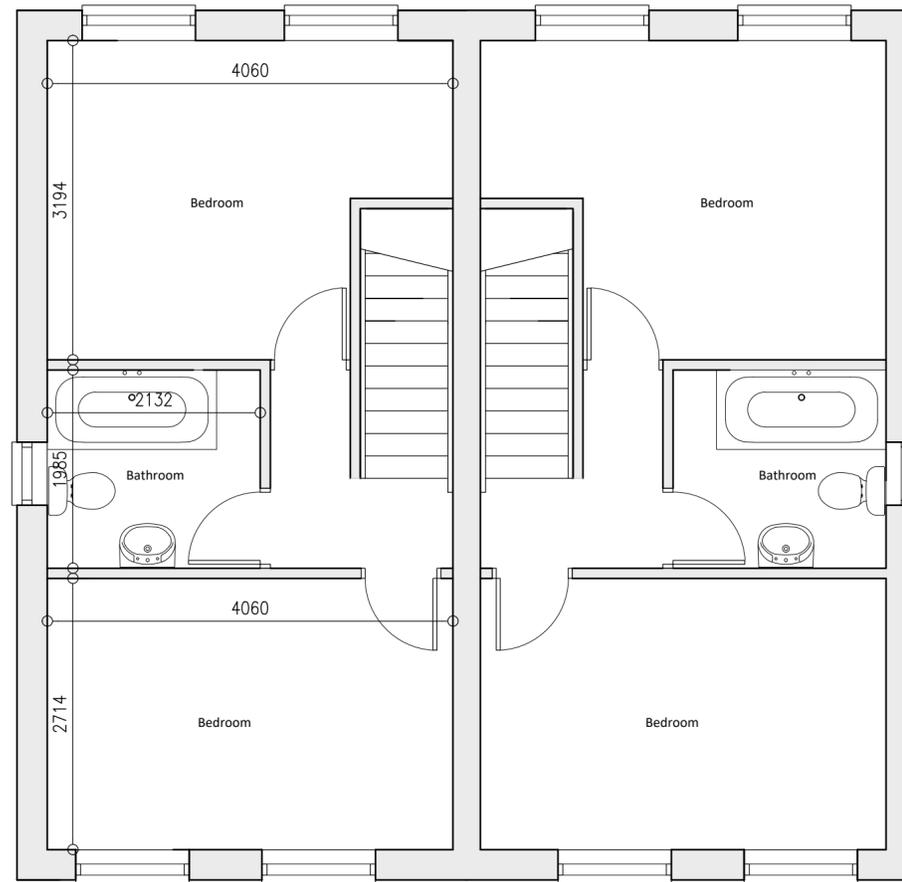
DATE NOV 2020 SCALE AS SHOWN JOB No 5706 - PL01A

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Fenland District Council
Building Design Awards
Building Excellence in Fenland
Category Winner 08/09/10
Overall Winner 2010



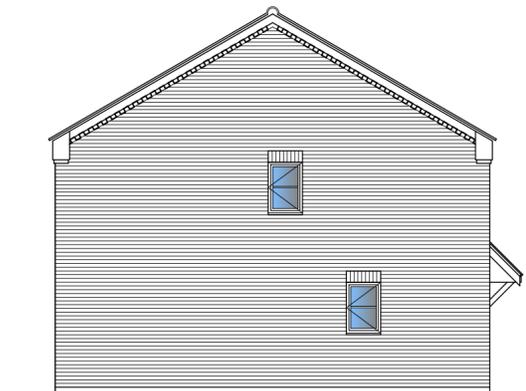
PLANS 1:50
GROUND FLOOR



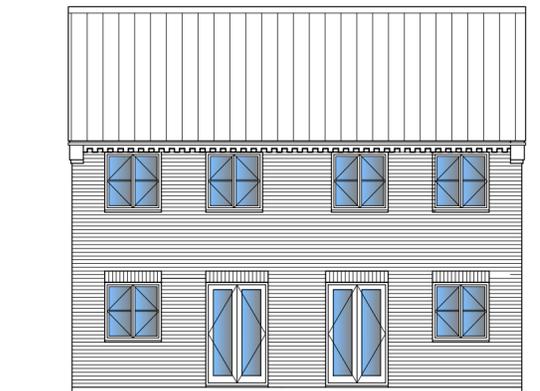
FIRST FLOOR



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

ELEVATIONS 1:100

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PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND OFF SLADE WAY
CHATTERIS
CAMBS

DRAWING
TYPE 2 PLANS & ELEVATIONS

CLIENT
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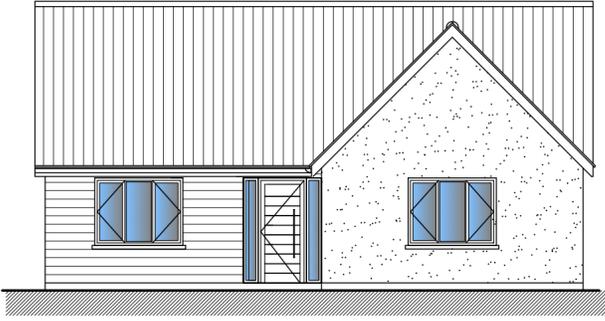
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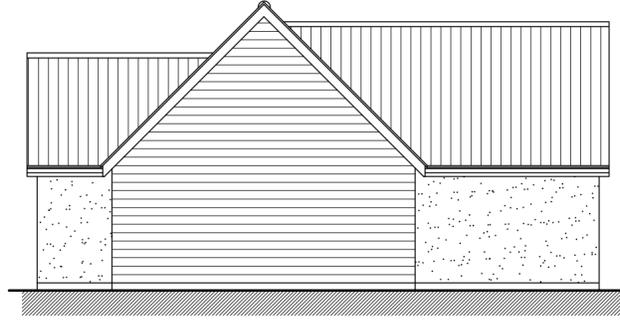


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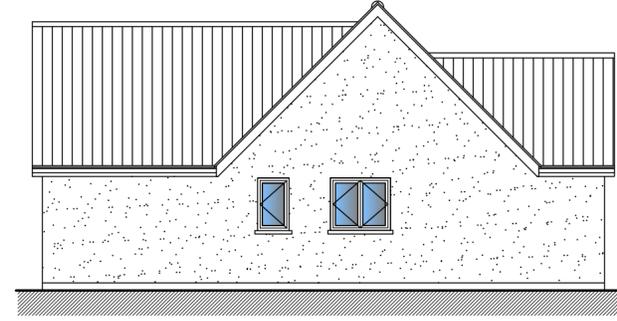
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Building Excellence in Fenland
Category Winner: 08/09/10
Overall Winner 2010



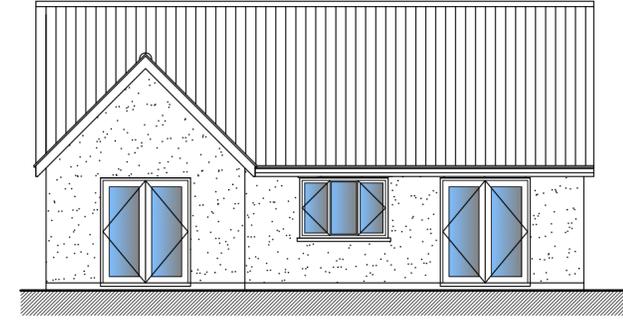
FRONT ELEVATION



SIDE ELEVATION

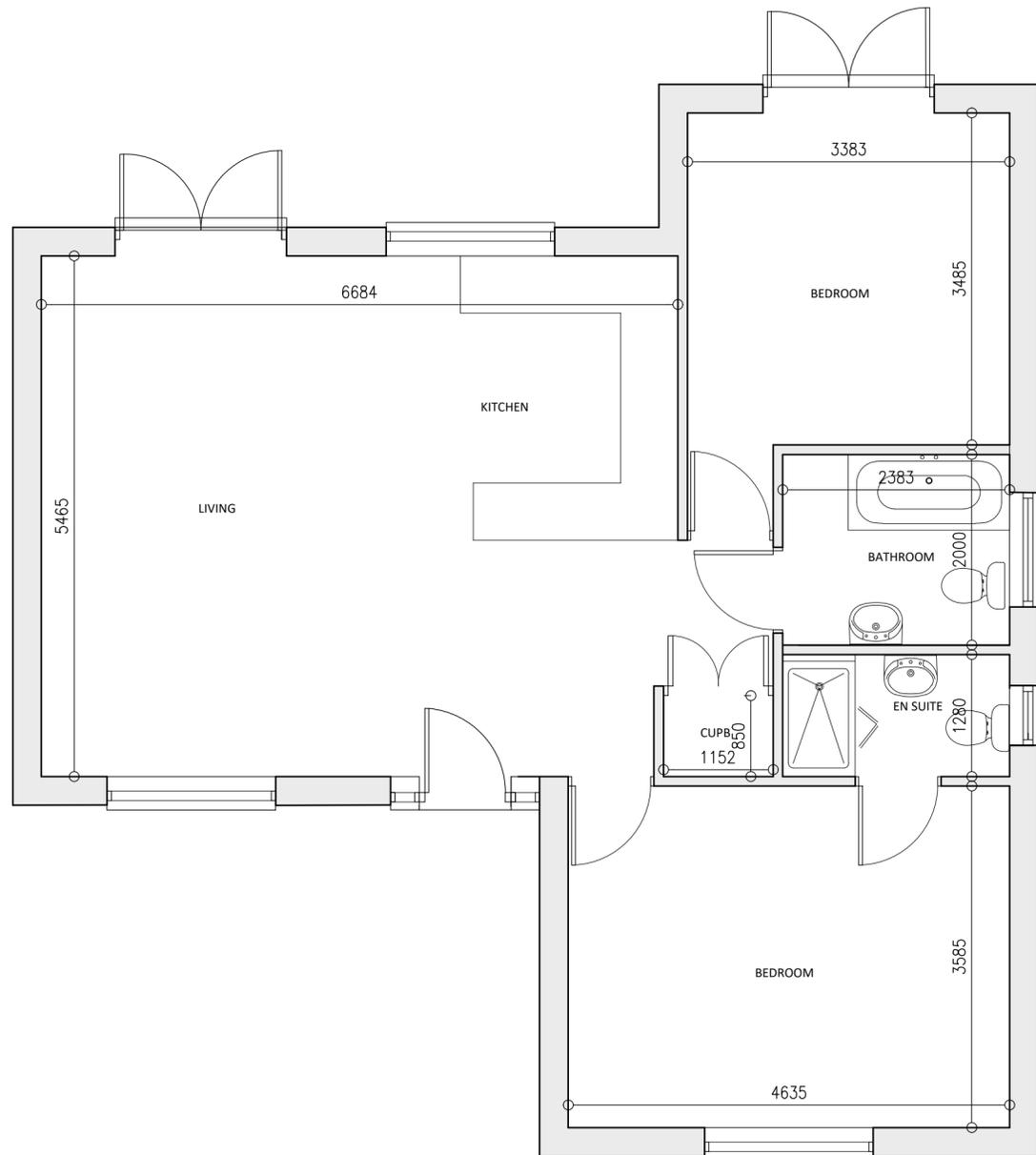


SIDE ELEVATION



REAR ELEVATION

ELEVATIONS 1:100



PLANS 1:50



PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND OFF SLADE WAY
CHATTERIS
CAMBS

DRAWING
TYPE 3 PLANS & ELEVATIONS

CLIENT
MR T MANNION

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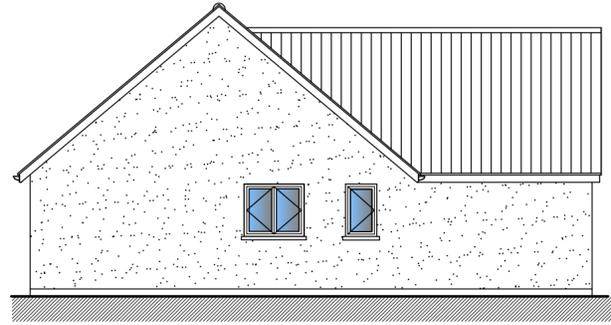


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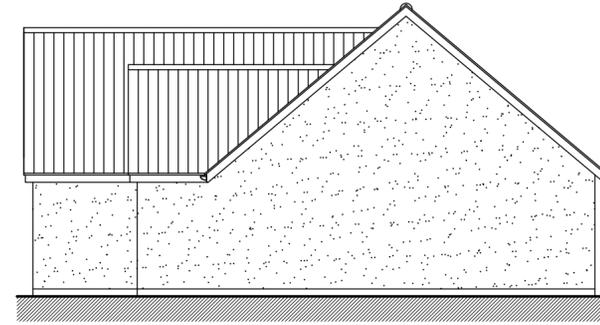
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Building Excellence in Fenland
Category Winner: 08/09/10
Overall Winner 2010



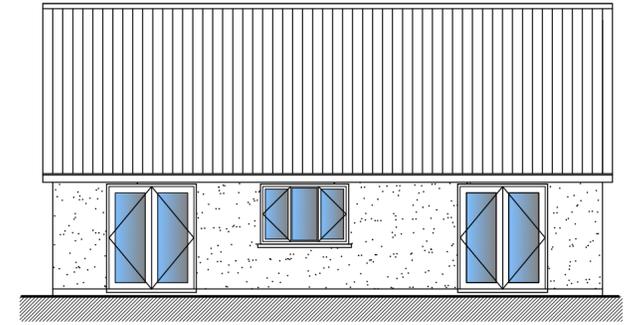
FRONT ELEVATION



SIDE ELEVATION

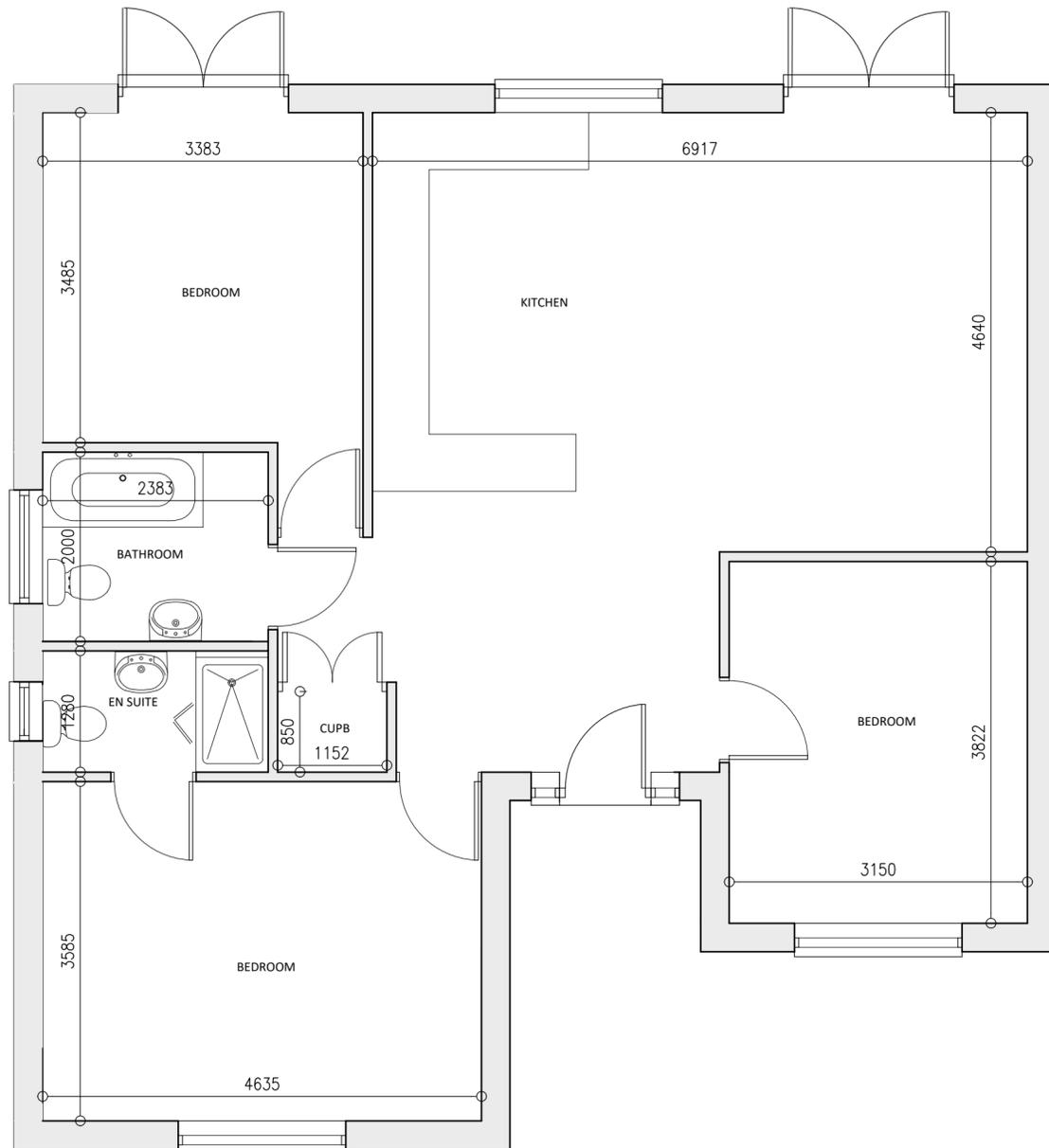


SIDE ELEVATION



REAR ELEVATION

ELEVATIONS 1:100



PLANS 1:50



PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND OFF SLADE WAY
CHATTERIS
CAMBS

DRAWING
TYPE 4 PLANS & ELEVATIONS

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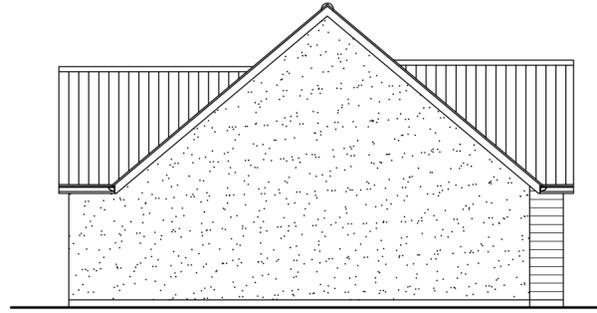


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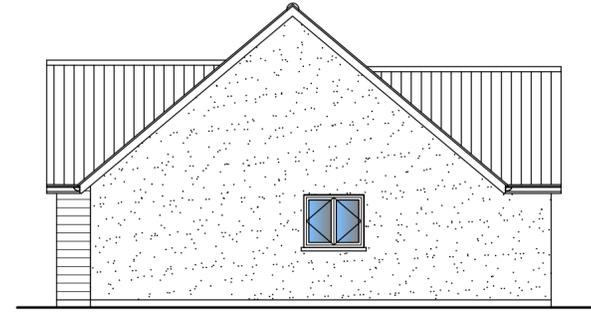
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Overall Winner 2010



FRONT ELEVATION



SIDE ELEVATION

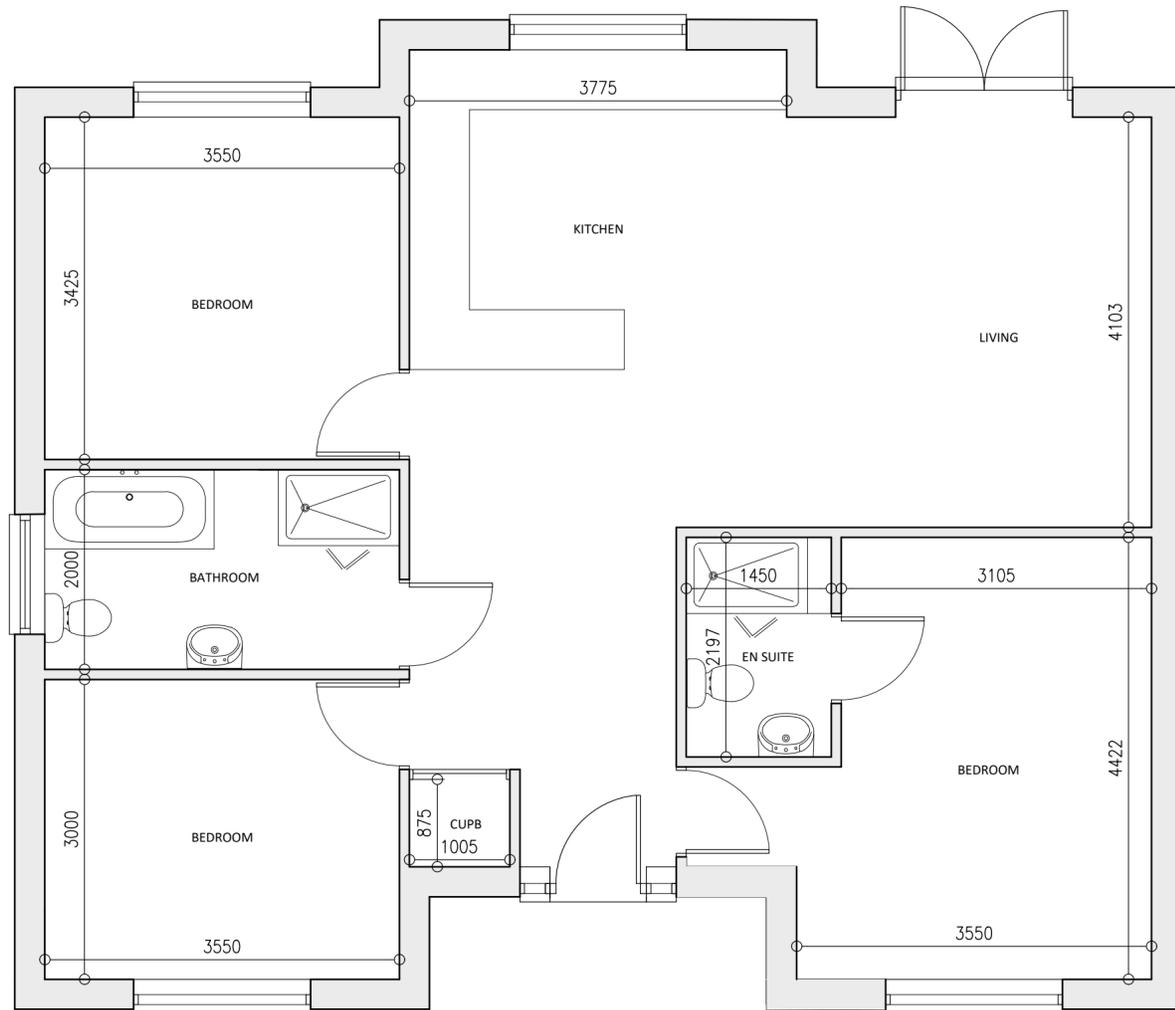


SIDE ELEVATION



REAR ELEVATION

ELEVATIONS 1:100



PLANS 1:50



PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND OFF SLADE WAY
CHATTERIS
CAMBS

DRAWING
TYPE 5 PLANS & ELEVATIONS

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F/YR21/0265/O

Applicant: Miss C Marshall

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

Land South Of Field View, Mill Hill Lane, March, Cambridgeshire

Erect up to 4 dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refusal

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in relation to access only.
- 1.2 The application site is adjacent to and within the setting of Grade II Listed Owl Barn Lodge. It is not considered that the provision of four additional dwellings on this site would outweigh the harm created to the significance of the listed barn, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge.
- 1.3 The proposed development is set back from the road due to the retention of the existing field access and as such does not retain a frontage presence to Mill Hill Lane at odds with the predominant character of the area. It is considered to erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm.
- 1.4 The application is in outline form with only, nevertheless it is considered due to the scale of the site a policy compliant scheme could be put forward which would not have a significant detrimental impact in relation to residential amenity.
- 1.5 Mill Hill Lane is a narrow single track with no separate footpath, in a poor state of repair, with a poor surface and large potholes devoid of passing places, turning, it is also a public byway. The Mill Hill Lane infrastructure is not considered suitable for further development in its current form due to increased likelihood of conflict.
- 1.6 The proposal is therefore considered unacceptable due to its failure to accord with Policies LP2, LP9, LP15, LP16 (a and d) and LP18 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 108, 127, 189, 193 and 196 of the NPPF 2019 and chapters C1, C2 and I1 of the NDG 2019.

2 SITE DESCRIPTION

The application site is located to the south east of the existing development on Mill Hill Lane, on what appears to be grassed paddock land, there is an existing gated access and hedges/trees to the boundaries. When the site was visited the new properties to the north west were nearing completion, however the private access road was still unmade. Mill Hill Lane itself is a single track in a poor state of repair, with a poor surface and large potholes, it is also a public byway. A public footpath runs alongside the private access road and the boundary of the site, leading north east passed the adjacent grade II listed building of Owl Barn Lodge.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for up to 4 dwellings with matters committed in relation to access only. Details in relation to appearance, landscaping, layout and scale are reserved for future consideration.
- 3.2 Whilst drawings have been provided these have been supplied for illustrative purposes and do not form part of the consideration of the scheme.
- 3.3 Full plans and associated documents for this application can be found at:

[F/YR21/0265/O | Erect up to 4 dwellings \(outline application with matters committed in respect of access\) | Land South Of Field View Mill Hill Lane March Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/Planning/Details/F/YR21/0265/O)

4 SITE PLANNING HISTORY

F/YR19/3119/COND	Details reserved by condition 4 of planning permission F/YR18/0210/O (Erection of up to 2no dwellings (outline application with matters committed in respect of access))	Approved 2/12/2019
F/YR19/0563/RM	Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR18/0210/O to erect 2 dwellings (2-storey, 4no beds) (outline application with matters committed in respect of access)	Approved 24/10/2019
F/YR18/0996/F	Construction of a shared access (in relation to F/YR18/0210/O)	Granted 21/1/2019
F/YR18/0210/O	Erection of up to 2no dwellings (outline application with matters committed in respect of access)	Granted 22/6/2018
F/YR17/0819/O	Erection of up to 2no dwellings (outline application with all matters reserved)	Granted 18/12/2017

History above relates to the shared access, there is no planning history on the application site itself.

5 CONSULTATIONS

5.1 Town Council

Recommend refusal: Over-development of this particular area.

5.2 Conservation Officer (FDC)

This application seeks Outline consent for the erection of 4 2-storey houses to land to the south of 'Field View' which currently marks the furthest extent of residential development along Mill Hill Lane. The site lies to the south west of a grade II listed barn, listed as 'Barn, Rear of Numbers 29 and 31' off Knights End Road. Dating from the 1700s with early 19th century additions, the barn was listed on 22nd February 1985. To the immediate north of the redline, a footpath cuts across between Mill Hill Lane and Knights End Road. Long glimpse views of St Wendreda's church spire are visible from along Mill Hill Drove and the footpath.

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

Due regard is given to relevant planning history. There has been recent incremental development of detached executive style homes along Mill Hill Lane, however consultation from a conservation officer has not been sought for these developments. This current application stretches the residential boundary and pushes the development further into the setting of the nearby listed building.

The following comments are made.

'Owl Barn' 33 Knights End Road, listed as 'Barn, Rear of Numbers 29 and 31' currently sits within a large triangle of undeveloped, agricultural land. It is bounded to the north to Knights End Road, to the east by Wimblington Road and to the south and west by the Isle of Ely Way. This area is segmented by Mill Hill Lane, which merges with Mill Hill Drove, along which there are residential dwellings for a short distance, giving way to a sparse scattering of agricultural yards and low-level buildings. Broadly, the wider setting is unchanged since the 19th century (as illustrated by historic OS maps). The listed barn once sat in a wide and open rural landscape, presumably associated with a nearby farmstead, but appearing to be isolated in its landscape. That sense of isolation has just about been retained with development encroaching along those roads mentioned above and creeping along Mill Hill Lane, but with the land to the south and west remaining undeveloped. This survival of historic agricultural and rural landscape setting contributes to the special interest of the barn in that it serves to illustrate a relationship between a building and the surrounding farmland thereby enhancing an understanding of rural society in the post-mediaeval/ early modern periods. It is within this context that this proposal is considered.

The proposed development will see an extension of the current residential boundary, with houses beginning to encroach into agricultural land, rather than following the predominant building line which currently faces directly on to Mill Hill Lane. This encroachment begins to erode the open character of that land to the south and west of the listed barn. It is acknowledged that immediately to the rear of the barn there are modern sheds and barns which largely obscure the rear elevation and in addition to this, there are mature trees and hedging that offer further screening. However, it must not be assumed that either of these will have any permanent presence and must not be relied upon as buffering or screening of the listed building from the proposed development. The impact of the development is therefore one which will further encroach upon and erode the setting of the listed building, in addition to the impact of the new builds now adjacent to the site, thereby impacting on its significance.

The proposed plots will enclose the existing footpath and block potential views to the rear of the barn as well as potentially, long glimpse views of St Wendreda's church spire, further impacting on the setting in which both listed assets can be experienced.

There is a concern that if this development is granted approval the existing clear boundary for development and the linear development pattern will be eroded, setting an uncomfortable precedent for future development. This would have the result of enclosing the setting of the listed barn to within that section of land bounded by Mill Hill Drove and Wimblington Road, divorcing it from its wider setting which currently stretches to the Isle of Ely Way.

It is felt that the heritage statement submitted with this outline application fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance, and therefore how the development will impact upon that significance. It therefore fails to comply with policy LP18 or paragraph 189 of the NPPF.

The approval of four new two storey four bedroomed houses, will amount to less than substantial harm to the significance of the listed barn, but no assessment has been made of how that harm may be outweighed by the public benefit of new dwellings. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation....irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). It is felt that in order to avoid harm and preserve the setting of the listed building, no development ought to be granted beyond that which has been permitted under F/YR17/0819/O.

5.3 Environmental Health (FDC)

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

Given limited previous use contamination is unlikely to be an issue at this application site.

5.4 Cambridgeshire County Council Definitive Maps Team

Public Footpath No. 18, March runs along the access road to the site and continues along the northern boundary of the site. The legal width of the public footpath in this location is 2 metres. The footpath must remain open and unobstructed at all times. Building materials must not be stored on the Public Right

of Way and contractors' vehicles must not obstruct it. Should the applicant need to temporarily close it for safe works, you should apply to the Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/cambridgeshire-permit-scheme-for-street-works>.

The Definitive Map service has no objection to the proposals. Should you be minded to grant planning permission then we would also be grateful that the following informatives are included:

- Public Footpath No. 18, March must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them*
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the public footpath is damaged as a result of increased usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

5.5 Cambridgeshire County Council Highways

Mill Hill Lane is a narrow laneway with no formal turning head. It is also devoid of separate footways. FDC need to consider the impact of allowing incremental development to take place along Mill Hill Road. Allowing more development without widening Mill Hill Lane is likely to promote verge overrun, and in the absence of any segregated pedestrian provision there is likely to be more pedestrian and vehicle conflicts.

Whilst I am unable to raise any highway objections (based on genuine safety concerns), I would question the suitability of the Mill Hill Lane infrastructure to support further development.

If you are minded to grant permission, please re-consult for highway conditions.

5.6 Local Residents/Interested Parties

Nine supporting comments have been received (2 from Linwood Lane, 3 from Mill Hill Lane, 1 from Burrowmoor Road, 2 from High School Close and 1 from Percheron Drive, all in March) in relation to:

- Good quality family/executive homes
- Good use of existing roadway
- Sufficient parking/amenity and in keeping with the area
- Continuation of existing development
- Enhance the area
- Building land in short supply and most only available to large developers, more land of this kind needed

Two objections have been received from Mill Hill Lane in relation to:

- Outside area prioritised for development
- Overdevelopment
- Highway is narrow without footpaths and kerbs or turning and insufficient width for cars to pass
- Road surface poor and not constructed to take the current level of vehicular movement from recent developments/will not support additional traffic
- High risk of surface water flooding/concerns with method of surface water disposal/increase risk of flooding elsewhere
- Overlooking/loss of privacy

5.7 Matters where they relate to material planning considerations will be addressed in the sections below.

6 STATUTORY DUTY

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) 2019

Context – C1, C2

Identity – I1

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

LP7 – Urban Extensions

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

DM4 – Waste and Recycling Facilities

March Neighbourhood Plan 2017

H1 – Large Development Sites

Cambridgeshire Flood Risk Management Partnership, March Surface Water Management Plan 2012

8 KEY ISSUES

- **Principle of Development**
- **Heritage**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways**
- **Flood Risk and Drainage**

9 BACKGROUND

Whilst not material to the determination of the application it should be noted that the applicant is, and is also related to, a Fenland District Council employee.

10 ASSESSMENT

Principle of Development

10.1 The application site is located on the edge of the settlement of March which is identified within the Settlement Hierarchy as a Primary Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways and flood risk.

10.2 The site is located within the South-West March broad location for growth. Policy LP7 advises that urban extensions such as this must be planned and implemented in a co-ordinated way through an agreed overarching broad concept plan (BCP). A preliminary BCP was put forward as part of application FYR15/0961/F, however this fell short of the requirements of LP7 and as such was not endorsed.

Heritage

10.3 Policy LP9 indicates that any comprehensive development of the area is expected to be predominately residential (around 500 dwellings) with some business development towards the south of the area. The policy states, "Important archaeological features should be retained" and become uses which preserve their integrity, and "The setting and character of Owl Barn Lodge should be retained. Views of St Wendreda's Church should be preserved".

10.4 Policy LP18 of the Fenland Local Plan 2014 and para 189 of the NPPF 2019 require proposals which affect heritage assets to describe and assess the significance of the asset, identify the impact of the proposed works on the special character of the asset and provide a clear justification of the works, to enable any harm created to be weighed against any public benefits of the proposal. The Heritage Statement submitted fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance.

10.5 Para 193 of the NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm. The proposed development is considered to have less than substantial

harm on the significance of the listed barn. Para 196 of the NPPF states that where a development would have less than substantial harm this harm should be weighed against the public benefits of the proposal. It is not considered that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. The proposal is therefore considered contrary to Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019.

- 10.6 Planning application F/YR18/0210/O to the north of the site, and which it is proposed to share an access advised the following in relation to archaeological implications:

No formal response has been received in relation to the application with regard to archaeological matters, however advice was given during the consideration of the adjacent outline application that due to its proximity to existing features of archaeological interest, including a Roman settlement and a Roman coin hoard, that a programme of archaeological work should be secured by condition. Given the location of this site closer to those features of interest, it would be reasonable to provide a similar condition in relation to the current proposal.

- 10.7 Given the above if it is minded to grant this application advice would need to be sought from, Cambridgeshire County Council Archaeology in relation to the necessity of such a condition being imposed.

Design considerations and visual amenity of area

- 10.8 Mill Hill Lane is characterised in the main by large detached dwellings on plots of varying sizes, development is largely linear facing Mill Hill Lane, though there is some in depth development either built or granted at Mulberry Close and to the rear of Field View and No.s 4-5 Mill Hill Lane. These developments were located within established residential gardens (such as the development to the north of the application site) or on land which is surrounded by gardens and which does not extend any further south than the existing built form and would therefore not have a significant impact on the character of the area.
- 10.9 The developments furthest south on Mill Hill Lane are separated from the wider countryside by boundaries of hedges, trees and/or ditches, there is a clear character change beyond this as the byway narrows further, enclosed by high hedges and the area is characterised by open fields with sporadic development, indicating where the settlement ends and open countryside begins. The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment. It is acknowledged that the site is located in a broad location for growth, however that would come forward as a planned, comprehensive development and not piecemeal erosion which would set a precedent for further encroachment and therefore harm. Furthermore, notwithstanding the fact that design matters are reserved, the proposed development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane at odds with the predominant character of the area. As such the proposal is considered contrary to Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019.

Residential Amenity/Health and wellbeing

- 10.10 The application is in outline form with only matters committed in respect of access, illustrative drawings have been provided in relation to the site layout and proposed dwellings, however these have not been assessed due to their illustrative nature. Nevertheless, it is considered due to the scale of the site a policy compliant scheme could be put forward which would not have a significant detrimental impact in relation to residential amenity.
- 10.11 A scheme for bin storage and collection would be required, and could be secured by way of a condition, it is acknowledged that drag distances recommended in DM4 and RECAP guidance are unlikely to be achievable. It has verbally been confirmed that the refuse team currently collect from Mill Hill Lane using a small 7.5 tonne refuse truck due to the narrowness of the road, and that a further 4 dwellings would not compromise their ability to provide this service.

Highways

- 10.12 Mill Hill Lane is a single track in a poor state of repair, with a poor surface and large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no passing places and a lack of turning areas, consequently there is potential for vehicle to vehicle conflict and pedestrians, cyclists and horse riders to conflict with vehicles. Mill Hill Lane currently serves 19 dwellings at the top of the road with a further 2 mobile homes, a farm and associated bungalow further south. There is also outline planning permission for 2 dwellings west of 4-5 Mill Hill Lane (F/YR20/0335/O) and a plot south Field View for which outline permission has expired (F/YR17/0819/O) but the principle is established. Hence the potential for this to be used by up to 25 dwellings and a farm (there may be other uses for which there are no postal address records). Highways have raised concerns regarding the impact of further incremental development increasing the likelihood of conflict and questions the suitability of the existing infrastructure to support further development. It is considered that in its current form Mill Hill Lane has reached its limit in terms of development, it would not be reasonable to request upgrade works for 4 additional dwellings and any works are likely to compromise the rural character of the area and would therefore not be considered favourably. As such the proposal is considered contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 108 of the NPPF 2019 which seek to achieve a safe and suitable access for all users.
- 10.13 The development proposes to share the access road constructed under F/YR18/0996/F in relation to F/YR18/0210/O. This access is 5m wide for the first 10m allowing for cars to pass one another at the junction, narrowing to 4.3m for the remainder and a turning head is provided. The access is also a public footpath, hence any number of pedestrians may use this in addition to residents. If permitted this private drive would serve 6 dwellings with potential for a 7th should the plot to the south of Field View come forward. Whilst this situation is not ideal, there is space for cars to pass/wait at the junction and turn and sufficient width for vehicles and pedestrians to pass safely, it would also be possible to view vehicles/pedestrians using the private road and wait accordingly if necessary.
- 10.14 Cambridgeshire County Council Definitive Map Team have advised that the legal right of way along the private drive is 2m wide and this should not be obstructed. Hence, if minded to grant permission a condition will be required to ensure that adequate temporary facilities are provided during construction to prevent this occurring.

Flood Risk and Drainage

- 10.15 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.
- 10.16 Concerns have been raised regarding surface water flooding at this site. Whilst the March Surface Water Management Plan 2012 indicates the area to be at risk of flooding the most recent data from the flood warning information services confirms the area to be at low risk of surface water flooding ([Learn more about this area's flood risk - GOV.UK \(flood-warning-information.service.gov.uk\)](https://www.gov.uk/government/organisations/flood-warnings)) some surrounding areas are indeed at high risk. Ultimately issues of surface water will be considered under Building Regulations, as such there are no issues to be address in relation to Policy LP14.

11 CONCLUSIONS

The principle of development on the edge of the settlement of March is considered acceptable and there are no issues to address regarding flood risk. However, it is not considered that the public benefit of four additional dwellings on this site would outweigh the harm created to the setting of the heritage asset of Owl Barn Lodge. The proposal is located outside the defined edge of the built form and is considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm. The development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane, at odds with the predominant character of the area. Furthermore, the Mill Hill Lane infrastructure is not considered suitable for further development in its current form.

12 RECOMMENDATION

Refuse for the following reasons:

1.	<p>Policies LP9, LP16 (a) and LP18 of the Fenland Local Plan 2014, paras 189, 193 and 196 of the NPPF 2019 and chapter C2 of the NDG 2019 seek to retain the setting and character of Owl Barn Lodge, protect and enhance affected heritage assets and their settings, ensure that the potential impact on the significance of any heritage asset is assessed and weighed against the public benefit of a proposal whilst giving great weight to an assets conservation.</p> <p>The Heritage Statement submitted fails to fully appreciate the setting of the barn and how this setting contributes to its special interest and significance and is not considered that the provision of four additional dwellings on this site would outweigh the harm created, particularly when this site is allocated for a new urban extension which specifically refers to retaining the setting and character of Owl Barn Lodge. As such, the proposal is considered contrary to the aforementioned policies.</p>
2.	<p>Policy LP2 and LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 127 of the NPPF 2019 and chapters C1 and I1 of the NDG 2019 seek to ensure that developments avoid adverse impacts, make a positive contribution to the local distinctiveness and character of the area and that the local built environment and landscape setting inform proposed development.</p> <p>The proposal is located outside the defined edge of the built form and is</p>

	<p>considered an incursion into the open countryside, which would erode the open character and rural nature of the area to its significant detriment, with potential to set a precedent for further incremental encroachment and therefore harm. Furthermore, the development is set back from the road due to the retention of the existing field access and as such it is not possible to retain a frontage presence to Mill Hill Lane, at odds with the predominant character of the area. As such, the proposal is considered contrary to the aforementioned policies.</p>
3.	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 108 of the NPPF 2019 which seek to achieve a safe and suitable access for all users.</p> <p>Mill Hill Lane is a single track in a poor state of repair, with a poor surface and large potholes, it is also a public byway. There is no separate pedestrian/cycle path, hence the access is shared and narrow, there are no passing places and a lack of turning areas. The existing infrastructure is not considered suitable for further development in its current form and as such the proposal is considered contrary to the aforementioned policies.</p>



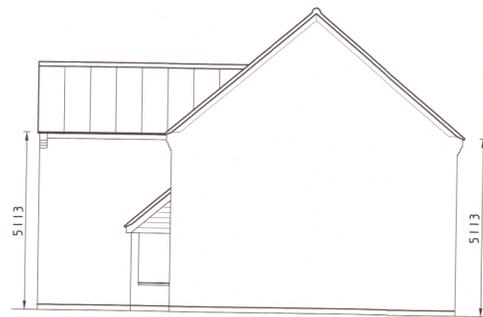
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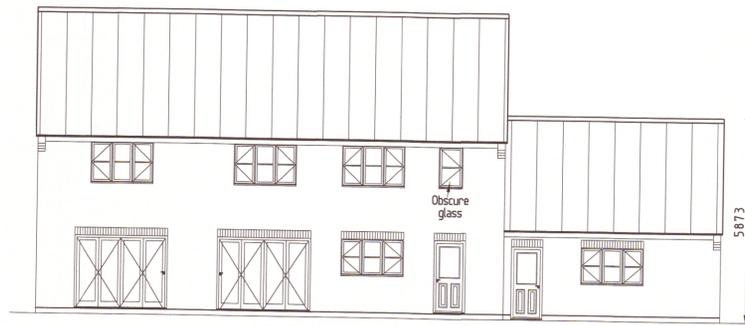
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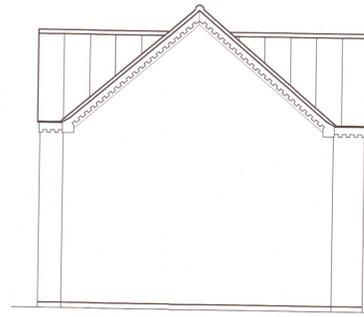




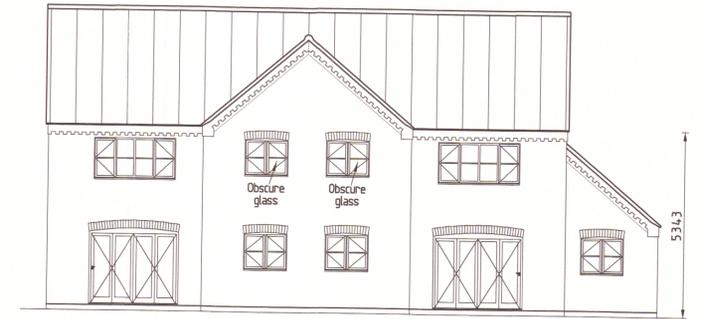
SOUTH-WEST ELEVATION



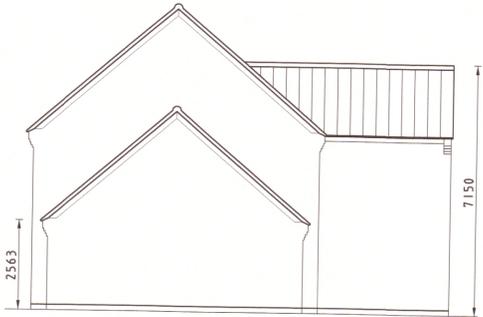
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SOUTH-WEST ELEVATION



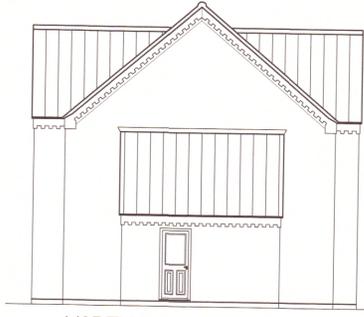
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NORTH-EAST ELEVATION



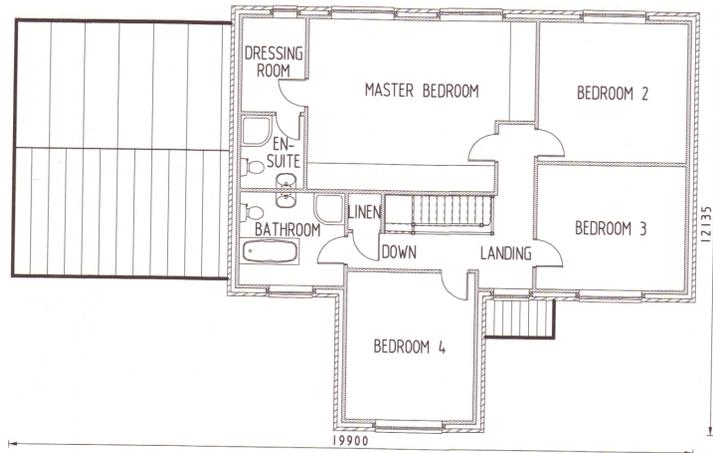
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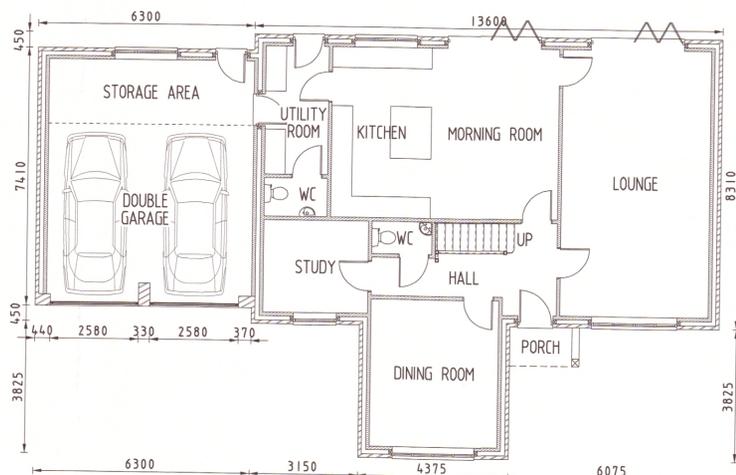
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NORTH-WEST ELEVATION

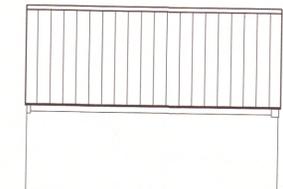


FIRST FLOOR LAYOUT PLAN



GROUND FLOOR LAYOUT PLAN

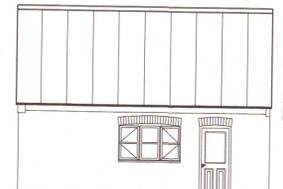
PLOT 2 ILLUSTRATIVE HOUSE WITH ATTACHED GARAGE DESIGN



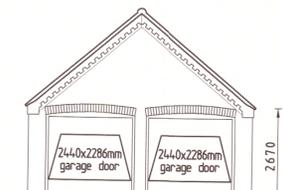
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NORTH-EAST ELEVATION

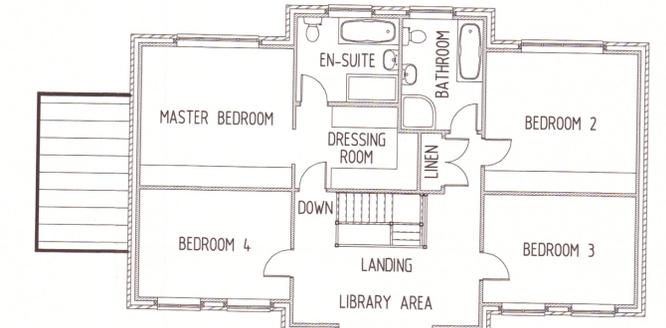


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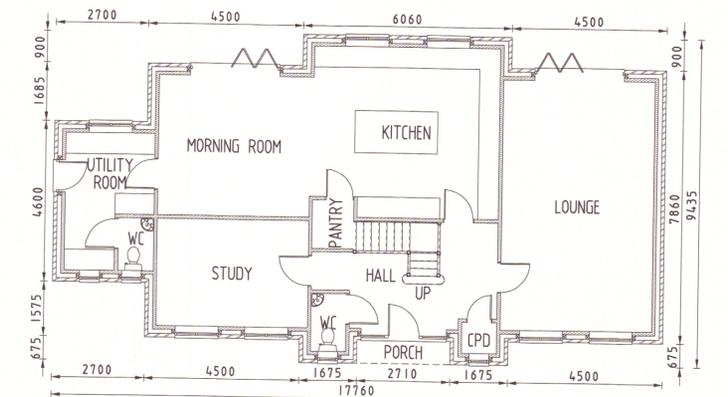


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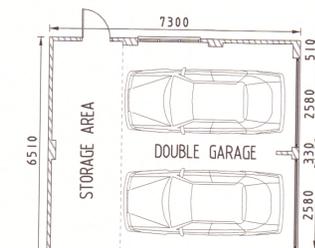
PLOT 1 ILLUSTRATIVE HOUSE AND GARAGE DESIGNS



FIRST FLOOR LAYOUT PLAN



GROUND FLOOR LAYOUT PLAN



FLOOR LAYOUT PLAN

Drawing Title:-
 OUTLINE PLANNING PERMISSION FOR RESIDENTIAL
 DEVELOPMENT (MAXIMUM 4No 2-STOREY DWELLINGS)
 LAND OFF MILL HILL LANE, MARCH,
 ILLUSTRATIVE DWELLING DESIGNS PLOTS 1 AND 2

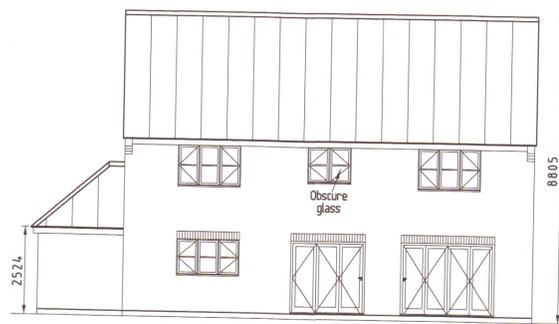
Client:-
 Miss C. MARSHALL,
 22 SUFFOLK WAY, MARCH, PE15 9EZ.

Scales:-
 1:100 Date:-
 DECEMBER 2020 Drawing No:-
 CAD 526 / 2 Rev:-

Craig Brand Architectural & Highway Design.
 9 Cricketers Close,
 MARCH, PE15 9RU.
 Tel: (01354) 656977.



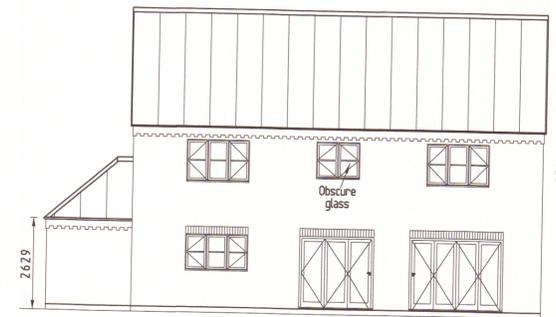
SOUTH-EAST ELEVATION



NORTH-EAST ELEVATION



SOUTH ELEVATION



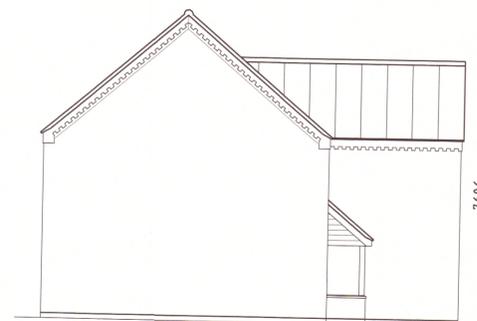
EAST ELEVATION



NORTH-WEST ELEVATION



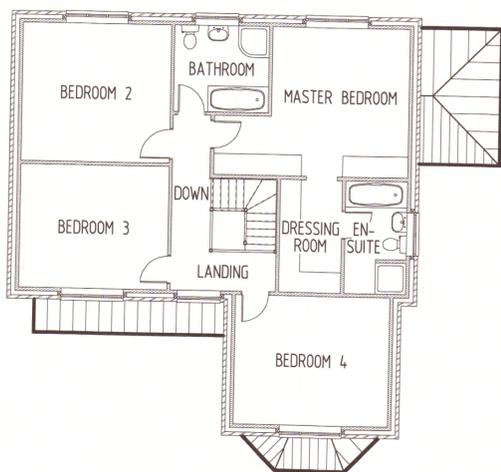
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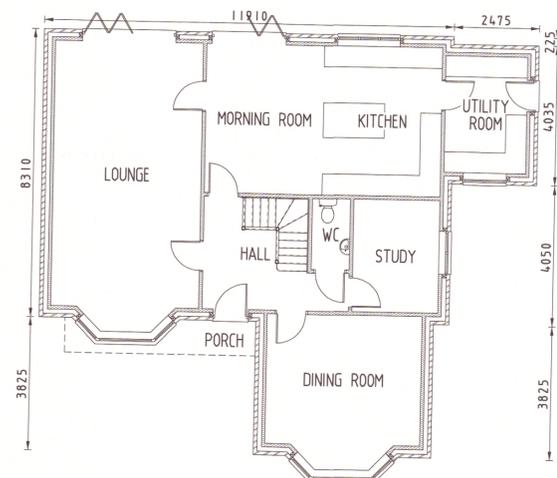
NORTH ELEVATION



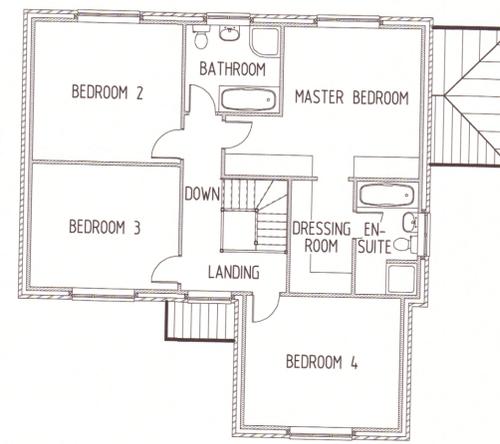
WEST ELEVATION



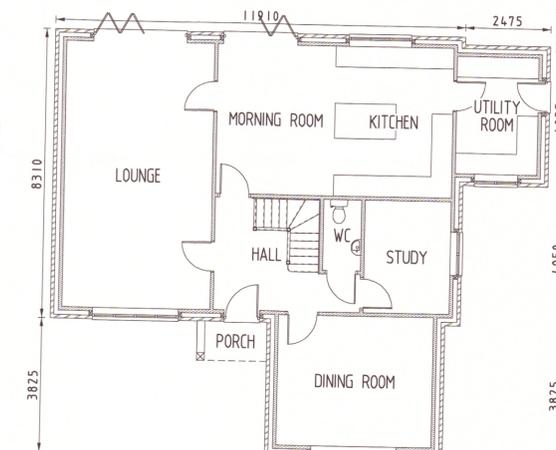
FIRST FLOOR LAYOUT PLAN



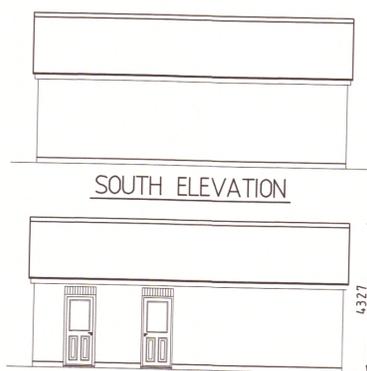
GROUND FLOOR LAYOUT PLAN



FIRST FLOOR LAYOUT PLAN



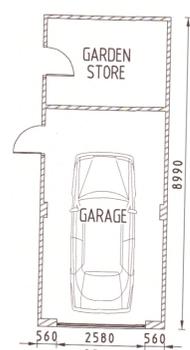
GROUND FLOOR LAYOUT PLAN



SOUTH ELEVATION



EAST ELEVATION

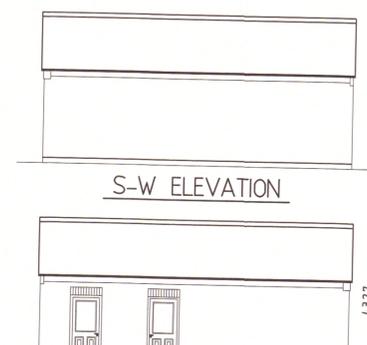


FLOOR LAYOUT

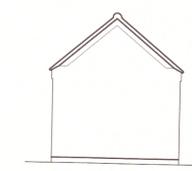


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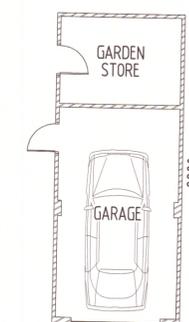
PLOT 4 ILLUSTRATIVE HOUSE WITH ATTACHED GARAGE DESIGN



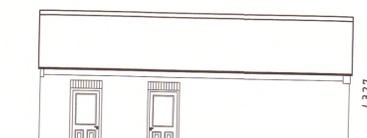
S-W ELEVATION



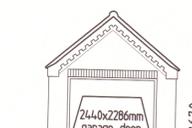
S-E ELEVATION



FLOOR LAYOUT



N-E ELEVATION



N-W ELEVATION

PLOT 3 ILLUSTRATIVE HOUSE AND GARAGE DESIGNS

Drawing Title:-
 OUTLINE PLANNING PERMISSION FOR RESIDENTIAL
 DEVELOPMENT (MAXIMUM 4No 2-STOREY DWELLINGS)
 LAND OFF MILL HILL LANE, MARCH,
 ILLUSTRATIVE DWELLING DESIGNS PLOTS 3 AND 4

Client:- Miss C. MARSHALL,
 22 SUFFOLK WAY, MARCH, PE15 9EZ.

Scales:- 1:100 Date:- DECEMBER 2020 Drawing No:- CAD 526 / 3 Rev:-

Craig Brand Architectural & Highway Design.
 9 Cricketers Close,
 MARCH, PE15 9RU.
 Tel: (01354) 656977.

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PLANNING APPEAL DECISIONS

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

Planning Application Reference: F/YR20/0728/O

Site/Proposal: Erect 1 dwelling (outline application with all matters reserved), Land North Of 25A Newgate Street, Doddington

Officer Recommendation:	Refuse	Decision Level:	Delegated following advice of Committee Chairman	Appeal Decision:	Dismissed
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Main Issues:

- **The character and appearance of the area**

Summary of Decision:

The site comprises garden land to the rear of a 25A which fronts onto Newgate Street and forms a continuous built frontage of dwellings along Newgate Street. The application sought outline planning permission for the erection of a single dwelling within the rear garden of the host dwelling, No.25A.

The application was refused due to the conflict of the development with the settlement pattern and character of the area, therefore contrary to LP12 (Part A) and LP16 of the FLP.

The Inspector noted that in the immediate vicinity of No 25A, there are no other examples of dwellings which have been constructed in the rear garden of frontage properties and accessed via a shared drive from Newgate Street. Furthermore, he considered that the additional movements on the drive associated with two dwellings would make the site more conspicuous in the street scene to the detriment of its character, notwithstanding that the development would be visible from the streetscene despite its secondary position.

The Inspector had regard to examples provided by the Appellant of other backland developments in the area, but did not find any of these directly comparable to the appeal site.

In summary, the Inspector found that the relevant policies of the development plan, namely LP12 (Part A) (d) and LP16(d) were consistent with the NPPF which expects at Paragraph 127, amongst other things, developments to be sympathetic to local character, and establish or maintain a strong sense of place. The Inspector therefore found that the appeal proposal conflicted with the Local Plan and that the other material considerations advanced by the appellant were not sufficient to indicate that the appeal should be allowed.

Planning Application Reference: F/YR20/0661/O

Site/Proposal: Erect 3 x dwellings (outline application with all matters reserved), Land East Of 17 Burnthouse Sidings, Turves

Officer Recommendation:	Refuse	Decision Level:	Delegated following advice of Committee Chairman	Appeal Decision:	Dismissed
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Main Issues:

- **Suitability of location**
- **Flood risk**

Summary of Decision:

The Inspector concluded that the site lay in the open countryside away from established settlements. There were sporadic dwellings in the vicinity, and while the site was not isolated, it was within an elsewhere location under LP3 of the Local Plan and would require future occupiers to access services and facilities by car. The development was therefore in conflict with this policy.

The site was within Flood Zone 3 and no sequential test had been carried out as required by the NPPF. The appellant argued he did not own any other land, which the Inspector disregarded due to advice in the Planning Practice Guidance regarding land ownership not being a sequential constraint, and consequently the Inspector found conflict with Policy LP14 of the Local Plan as sites at a lower risk of flooding would be available.

The Inspector considered the impact on the vitality of nearby settlements, concluding that the remote location of the site was unlikely to result in the use of the limited services in nearby settlements. He also considered the contribution to the District's housing supply, concluding that the small number of dwellings involved would not outweigh the harm created by the proposal.

The appeal was therefore dismissed on the grounds of conflict with the settlement hierarchy and being sequentially unacceptable in flood risk terms.

Planning Application Reference: F/YR19/10

Site/Proposal: Erect 1no dwelling (single-storey, 2-bed) and boundary close boarded fence approx 1.8m high at Land South Of 1 Otago Road Whittlesey

Officer Recommendation:	Refuse	Decision Level: Committee		Appeal Decision:	Dismissed Costs awarded to the Council
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Main Issues:

- **Effect of the proposed development on the character and appearance of the area**

Summary of Decision:

The site lies to the front of the recently constructed dwellings of 27 and 27A Drybread Road. Dwellings along this area of Drybread Road are single-storey, on large plots, which follow an established building line set back from the road. This arrangement is considered to contribute to the open and spacious character of the area. The Inspector agreed that the plot had a closer relationship with the dwellings on Drybread Road than the more dense development on Otago Road and that the proposal would result in tandem development that would appear at odds with the prevailing pattern of linear development. Given the prominent position of the site the development would result in a dominant and incongruous addition in the streetscene.

The Inspector concluded that the proposal would have a significant adverse effect on the established pattern of development and the character and appearance of the surrounding area. Therefore, the proposal would conflict with Policy LP16 of the Fenland Local Plan and DM3 of the Delivering and Protecting High Quality Environments SPD, which seek to ensure high quality development that responds to the character of the local built environment and settlement pattern. Furthermore, it would conflict with the aims of the NPPF and the principles of the NDG which require developments to be well designed, appropriate in building type and sympathetic, well related and respond to local character. The absence of harm in respect of other material considerations is a neutral matter that weighs neither for nor against a proposal.

A costs claim was submitted by the Council on the basis that the appeal followed previous appeal decisions, including a recent decision in respect of a very similar proposal, where an Inspector decided the proposal was unacceptable and that the circumstances have not materially changed in the interim. The Inspector concluded that the Council had been put to the expense of defending their position when the appeal had effectively no chance of succeeding and as such the appellant had acted unreasonably. A full award of costs to the Council was given.