

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 12 JANUARY 2022**

**1.00 PM**

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

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

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

You Tube Link:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 18)  
  
To confirm and sign the minutes from the previous meeting of 1 December 2021.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR21/0597/F  
8 The Water Gardens, Wisbech  
Erection of a part 2-storey, part single-storey rear extension; installation of air source heat pumps and PV panels to existing building and formation of a footpath access to school field involving piping of dyke (Pages 19 - 32)

To determine the application.

- 6 F/YR21/0811/O  
Land South of 107 Upwell Road, March  
Erect up to 8no. dwellings (outline application with all matters reserved) (Pages 33 - 48)

To determine the application.

- 7 F/YR21/0819/FDL  
Land South Of Gillingham Lodge, The Chase, Gaul Road, March  
Erect 1 x dwelling involving the demolition of existing outbuildings (outline application with matters committed in respect of access) (Pages 49 - 66)

To determine the application.

- 8 F/YR21/0908/F  
Land South and West of 12 High Road, Guyhirn  
Erect 1 x dwelling (2-storey, 4-bed) involving formation of a new access (Pages 67 - 76)

To determine the application.

- 9 F/YR21/1033/F/  
Eldernell Farm, Eldernell Lane, Coates  
Conversion of agricultural buildings to 1 x 2-bed and 2 x 3-bed dwellings involving erection single-storey link for barn 2, and associated wildlife tower including demolition of 4no buildings (Pages 77 - 92)

To determine the application.

- 10 F/YR19/1106/F  
Land East of St Marys Church Hall, Wisbech Road, Westry  
Erect 4 dwellings (4 x 2-storey 2-bed) and associated works (Pages 93 - 132)

To determine the application.

- 11 F/YR21/1165/F  
Land East of 24-26 Mill Close, Wisbech  
Erect 6no dwellings (1-bed, single-storey) (Pages 133 - 144)

To determine the application.

- 12 F/YR21/1306/F  
Golden View, North Brink, Wisbech  
Erect 1 x dwelling (2-storey 3-bed) involving the removal of the existing mobile home (Pages 145 - 158)

To determine the application.

13 Appeal Decisions Report (Pages 159 - 162)

To consider the appeal decisions 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,

This page is intentionally left blank

## PLANNING COMMITTEE



**WEDNESDAY, 1 DECEMBER 2021 - 1.00 PM**

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

**APOLOGIES:** Councillor Mrs S Bligh, Councillor Mrs K Mayor and Councillor D Topgood,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Nick Thrower (Senior Development Officer) and Richard Barlow (Legal Officer)

**P60/21      PREVIOUS MINUTES**

The minutes of the meeting of 27 October were confirmed and signed as an accurate record.

**P61/21      F/YR21/0597/F  
8 THE WATER GARDENS, WISBECH  
ERECTION OF A PART 2-STOREY, PART SINGLE-STOREY REAR EXTENSION;  
INSTALLATION OF AIR SOURCE HEAT PUMPS AND PV PANELS TO EXISTING  
BUILDING AND FORMATION OF A FOOTPATH ACCESS TO SCHOOL FIELD  
INVOLVING PIPING OF DYKE**

This item was withdrawn from the agenda.

**P62/21      F/YR21/0644/RM  
LAND EAST OF 20 STATION STREET, CHATTERIS  
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF  
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE  
PERMISSION F/YR20/0081/O TO ERECT 2-STOREY 3-BED DWELLING**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Miscandlon asked officers to clarify how much taller the proposed dwelling is, compared to the existing properties, for officers to conclude that the proposal is overbearing. David Rowen stated that the street scene drawing illustrates the height is consistent with the adjacent properties and the overbearing impact is more one of visual dominance over the properties on Wimpole Street in terms of the mass of building which would be at the bottom of their gardens. He added that with regard to number 20, which is the property closest to the proposal site, the concern is the dominance of the windows which are 2.5 metres away from the new dwelling when looking out of the first-floor windows.
- Councillor Sutton stated that at the outline stage of the planning application, the applicant and the agent were advised that they needed to reduce the indicative layout to ensure it would comply with policy LP16 of the Local Plan. He added that they appear to have taken heed of that advice and now the current application still does not accord with a positive

officer recommendation. David Rowen stated that at the outline stage of the application, issues were highlighted that would need to be addressed and whilst the applicant and agent have made attempts to do that officers are still of the view that there are still issues that should be addressed. Councillor Sutton expressed the view that he finds it confusing in the officer's report that a suggestion has been made that a single-storey dwelling should be on the site and, in his opinion, he cannot see how a single storey dwelling would fit into the street scene.

- Councillor Mrs French questioned how much more should the size and scale of the proposed dwelling be reduced before officers deem it acceptable.
- Nick Harding stated that members need to be aware of the decision notice that accompanied the outline planning application and be mindful that it was an outline application with only access being approved in detail and everything else was a reserved matter and, therefore, officers did not and could not have given detailed pre-application advice effectively on the how exactly the indicative plan should be altered in order to make it acceptable to officers. He added that members need to decide whether the impacts on the adjacent properties are or are not acceptable and whether or not members agree or disagree with the officer's recommendation.

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

- Councillor Benney stated that he is familiar with the property and it is a large site although it looks a small plot because everything around it is big. He expressed the view that the proposal fits on the plot and it already has outline planning permission and it is not a 2-storey building it is a 1 and a half storey building and a bungalow on the site would not be suitable and would look out of character. Councillor Benney stated that, in his opinion, the proposal is a compromise which will fit very well in the street scene and added that a house on the site would look out of place and the proposal will enhance the area and tidy it up.
- Councillor Murphy stated that there appears to be no objections to the proposal from Station Street or Chatteris Town Council and added that from the comments in the officer's report it appears that the proposal seems to be welcomed and it states will cause no undue harm to the heritage asset. He stated that he cannot understand why the proposal is recommended for refusal and it should be approved, and the proposal would not be out of character.
- Nick Harding stated that there is an objection to the proposal from a neighbour and he added that the recommended reason for refusal relates to the impact that the development would have on the amenity of the neighbouring dwellings. Councillor Murphy stated that he had referred to their being no objections from the occupiers of Station Street.
- Councillor Cornwell stated that it is a tightly developed area, in his opinion, and he cannot see that the proposed development will make it any worse. He expressed the view that there is not a lot of overlooking even though the area is tightly developed and, in his view, the proposal will not have an impact on the area.
- Councillor Miscandlon referred to 5.4 of the officer's report where local residents and interested parties were consulted and added that design and appearance are a personal perception as to whether you like or do not like something. He added with regard to loss and outlook, the view is either a building site or a house next door and, in his view, that point has no credibility. Councillor Miscandlon expressed the view that loss of light is not a reason for refusing an application as, in his opinion, nobody has the right to light unless they live in a historic building. He added that with regard to the visual impact, any new building is going to have an impact on the local area as that is what new houses do. Councillor Miscandlon expressed the opinion that the house is not overbearing in its size and he cannot see anything which will have an impact on the local residents. He added that he will be voting against the officer's recommendation to approve the application.
- Councillor Connor stated that you are entitled to light, but you are not entitled to a view.
- Councillor Sutton stated that on Wimpole Street there are several houses who have large trees in the rear of their properties, and he added that he does not see that the loss of light would cause demonstrable harm, agreeing that the application should be approved as the area around the proposal site is already built up.

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

**Members did not support the officer's recommendation of refusal as they feel that it will not have a detrimental effect on the local amenities as outlined in the letters of objection.**

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

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

**P63/21      F/YR21/0734/O  
LAND REAR OF 222 LYNN ROAD, WISBECH  
ERECT UP TO 9 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING  
BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

This item was withdrawn from the agenda.

**P64/21      F/YR21/0833/O  
LAND SOUTH OF 19 BLACKMILL ROAD, CHATTERIS  
ERECT UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS)**

David Rowen 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 terms of the principle of development, Policy LP1 of the Local Plan confirms that there is an overriding presumption in favour of sustainable development, and it is contended that the proposal is both in a sustainable location and is a sustainable form of development. He highlighted that LP3 of the Local Plan identifies the settlement hierarchy, which confirms that Chatteris is an 'other' market town and consequently the majority of the district's new housing should be directed to this and other market towns.

Mr Slater added that LP3 states that the focus for the majority of the growth is in, and around the four market towns and stated that the market towns do not have development boundaries and development on the edge of the market towns is still consistent with LP3 and LP4. He said that officers have taken a different approach to the proposal than to the site immediately opposite which was granted permission for 50 dwellings in August 2020 and, in his opinion, the site is very similar to the application site in terms of its spatial relationship to the town.

Mr Slater expressed the view that the committee report for the 50 dwellings confirms the fact the site is on the edge of the market town of Chatteris and is considered to be a sustainable location where new growth can be accommodated. He expressed the opinion that in spatial terms the application site is not materially different to the application for the 50 dwellings and, therefore, should be considered as a sustainable location.

Mr Slater added that with regard to loss of agricultural land it is understood that the application site has not been in active agricultural use for in excess of ten years. He stated that in terms of character and appearance as the application is only in outline form, matters of scale and

appearance, design and landscaping, do not form part of the current submission, but feels that an appropriate design with landscaping could provide a visually appropriate form of development in this location that would mitigate impacts when viewing from the south.

Mr Slater stated that in terms of access, the application is supported by a transport assessment which concludes that the site can be adequately accessed from the existing road and byway without causing unacceptable harm to local highway safety or amenity and the applicants disagree with the comments made by the Highway Authority which are detailed in the officer's report. He requested that planning permission be granted as the applicants feel that the application is sustainable and in a sustainable location.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify whether his client would be prepared to undertake any improvement works on the access to the site which is 7 metres at its narrowest width? Mr Slater stated that there is some uncertainty about the dimensions and ownership of the area and highways have been unable to assist with details of the ownership. He added that his client would be prepared to undertake works on the highway, which could be conditioned, but had intended to wait until the planning permission had been sought.
- Councillor Mrs French made the point that there are two dykes on site, and asked whether there are plans to pipe either one? Mr Slater stated that he did not know the answer and it would be something that would be looked into at the reserved matters stage.

Members asked officers the following questions:

- Councillor Benney asked officers to clarify the issue concerning the highway and that if planning permission was agreed could a condition be added to resolve the issue of the public byway? David Rowen stated the application is for an outline application with matters committed in respect of access and as part of the application you would expect to see any improvements in access to serve the development committed as part of the application. He added that Mr Slater has already acknowledged that there are no improvements proposed and Councillor Mrs French has highlighted that there are dykes on both sides and no details have been submitted either as part of the application. David Rowen stated that with regard to resolving the rights of way situation, the officer's report sets out the legal complexity around the widths of the byways and the land ownership issues which requires a great deal of work to resolve and there are a number of issues that need to be resolved before the Council would have the confidence to approve what could be delivered on site. He expressed the view that the issues should be resolved before a planning application is submitted so that there is an element of certainty in terms of what is submitted to the Planning Authority.
- Councillor Mrs French stated that she likes the application, but she is not content with the access issues and she would like to see the application deferred.
- Councillor Cornwell stated that the access element of the application seems to be unresolved and, in his opinion, the committee have no option other than to take a certain course of action.
- Councillor Sutton asked officers to highlight on the presentation screen where the fifty dwellings are located? David Rowen referred members to the site location plan and stated that the urban extension that is referred to is an extension of Fairbairn Way and the access road would come off the bend in Fairbairn Way and run into the site. He added that the application site further south site comes across the back of Millfield Close albeit not coming any further south than the east west drain. David Rowen advised members that the outline application for the 50 dwellings was granted permission 18 months ago and to date there has been no reserved matters and no pre application approaches for a detailed layout submitted. He added that members need to consider that if a detailed layout is submitted there is the possibility that the western end of the scheme could be the open space or the attenuation features and there is no guarantee that the dwellings will be sited up to the



western boundary adjacent to the boundary of the current proposal site members are considering.

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

- Councillor Miscandlon expressed the view that the officer's recommendation is correct, and that this application has been submitted incomplete and for that reason it should be refused and possibly resubmitted when all of the relevant and required information is in place.
- Councillor Mrs Davis stated that she agrees with Councillor Miscandlon and she added that it is a byway which is open to all traffic. She added that the byway is used by walkers and horse riders and also used by vehicles to access the properties on Millfield Close and Fairview Gardens. She stated that the application is going to increase the number of vehicular movements already taking place.
- Councillor Cornwell expressed the view that the byway is used and needs protecting. He added that the application is incomplete and the description of the proposal states that it is for matters committed in respect of access which it is clearly not.
- Councillor Benney stated that the application site for the 50 houses does join the land for this proposed application. He agrees that the access needs to be solved, but he would also like to see the application deferred.
- Nick Harding advised members that he would not recommend that the application should be deferred as the application needs to be determined in its current form and whilst members can defer for clarification, not for an amended plan. He added that there are no proposals to improve the access apart from the minor works that David Rowen had referred to in his presentation.
- Councillor Mrs Davis stated that the agent and applicant have had plenty of opportunity to discuss the access prior to submission of the application and, in her view, it does not warrant a deferral.
- David Rowen stated that Mr Slater had asked members during his presentation to determine the application on the basis of what had been submitted and he added that the County Council Definitive Mapping Team have advised that there is very little certainty that an acceptable scheme can be achieved from a legal perspective and for that reason he would agree that a deferment should not be an option.
- Councillor Mrs French stated that she is concerned with regard to the access issues which needs to be addressed.

**Proposed by Councillor Miscandlon seconded by Councillor Cornwell that the application be REFUSED as per the officer's recommendation. This proposal was not supported by a majority vote by members.**

As the proposal to refuse the application as per the officer's recommendation had failed clarification was sought on what options were now available to members and the Legal Officer advised members that the application is in outline form with highways matters to be determined, the proposal made has fallen and therefore a further proposal was required.

Councillor Miscandlon made the point that it is his understanding that the application is for the access only, not for the buildings. Nick Harding confirmed that the Legal Officer has outlined the position clearly that the proposal to refuse the application as per officer's recommendation has not been supported and another proposal is required from members, which could be to approve the development granting to officers the ability to apply appropriate conditions or alternatively the proposal could be refused on access reasons only.

Councillor Mrs French asked for clarification that if members recommended the application for approval could a condition be added in respect of the access. Nick Harding responded that if the application was approved and members wanted to place a condition on the permission to say how the access is going to be improved then his concern is that you should only be putting this condition on if there is a good degree of certainty that the access can be improved and there is

doubt that the access can be improved in the degree envisaged by the Highways Officers and due to the element of uncertainty a condition should not be applied.

Councillor Benney asked that if the application was refused solely on the access issue and then the applicant resubmitted the proposal with details of access, then the only aspect requiring determination would be that of access to that site. Nick Harding stated that could be an option.

**Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be refused on access grounds only.**

Members do not support officers' recommendation of refusal reason 2 as they feel the site is acceptable for development and it is only the access that is of concern.

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

*(Councillor Benney stated that the applicant for this item is known to him in a professional capacity but it would not make any difference to his decision making and voting on the application)*

*(Councillor Murphy stated that due to personal reasons he it would not be appropriate for him to take part in this application and he left the Council Chamber for the duration of the discussion and voting thereon)*

**P65/21      F/YR21/1035/O  
LAND NORTH EAST OF HORSESHOE LODGE, MAIN ROAD, TYDD GOTE  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

Nicholas Thrower presented the report to members.

Members received a written representation from Samantha Tilney read out by Member Services.

Ms Tilney stated as the resident who will arguably be impacted the most by the proposed development, she felt she needed once more to register her opposition to this application and is supported in her objection by the residents of 4 of the 5 properties in this locale who have expressed multiple reasons for opposing the development. She made the point that the one neighbour who did not oppose the application has an informal arrangement for access to the plot with the applicant.

Ms Tilney expressed the view of the homes already built here the 3 most recent were conversions of existing agricultural buildings, unlike the building proposed which will be a completely new dwelling in a previously undeveloped position. She feels the rural nature of this area is a very important factor in its desirability and anything which affects this could also affect the value of her property and those of her neighbours.

Ms Tilney stated that a main concern for herself and others is that allowing the construction of this property would set a precedent for further dwellings being built in the future, with the position of the proposed residence on the plot suggesting that additional buildings could be built further down the plot later on with no objection from their nearest neighbour which would be the occupant of the proposed dwelling. She expressed the view that access to the plot remains a major issue and the applicant has mentioned tarmacking the entire lane which would change the character of this area, with the lane currently being conservatively managed by the residents.

Ms Tilney expressed the opinion that any building work would increase traffic and the degradation

of the surface, with the left-hand bend at the bottom of the track also being an issue and extremely difficult for any long wheel-based vehicle including construction vehicles during any building and for maintenance, delivery, and emergency vehicles to negotiate. In her view, a fire engine would not be able to attend the proposed development without damage to the existing track and fauna or damage to the vehicle.

Ms Tilney stated that access from the main road would need to be considered as any increase in vehicular activity would increase the risk incurred in turning from a main road into a single-track lane, from which emerging vehicles cannot be seen easily. She made the point that whilst the A1101 road is limited to 40mph, many passing vehicles do not comply with this as those that live in the area witness.

Ms Tilney believes that any benefit or improvement of the local community would be negligible and the rural feeling and outlook of the present settlement would be changed forever, with the privacy of her garden in particular being potentially reduced. She made the point that the exact nature of the proposed building is not clear from the present plans and to what extent her garden would be overlooked, with the construction of this property not contributing in any significant way to the economy of the local villages or amenities.

Ms Tilney expressed the view that the destruction of long-established flora and fauna would be distressing to see, and although surveys have not shown any rare or endangered species would be affected, there is a wide range of wildlife which enhances the area and which would be dislodged by the development. She feels that anyone in her position would be understandably apprehensive at the prospect of development and the traffic this would cause passing so close to her property, but in this case the possibility that this could be the first of several episodes of disruption if additional permissions were sought in the future makes her opposition even stronger.

Ms Tilney referred to at least one committee member having visited the site and feels they could corroborate the narrowness of the access into the plot and the proximity to the boundary of her house any large vehicle would need when passing. She feels it was underhand of the applicant to approach members of the golf course to support his application and a quick look at the locations of those who have submitted supporting documents shows that many who have expressed an opinion will be in no way affected by this development except that they hope that there will be more "quality housing in Fenland"., but she cannot help but wonder if they would want this quality housing built on their own doorstep?

Ms Tilney reiterated that she strongly objects to this application and hope that the effect it will have upon this community will be taken into consideration when a decision is made.

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

Mr Edwards stated that the site is within Flood Zones 2 and 3 and it is no different to many other developments within the district, with the submitted Flood Risk Assessment demonstrating that the scheme can be made technically safe from flooding and comes with the support of the Environment Agency (EA). He advised that the Flood Risk Assessment, which has been approved by the EA, confirms there are no other suitable sites within the village of Tydd Gote and this was further confirmed earlier that day as he had carried out a Right Move search which shows no plots of land for sale in Tydd Gote.

Mr Edwards stated that he would be happy to accept the improved construction of the dwelling, as previously conditioned on similar sites, to achieve the exception test and he added that he would argue that the site is within Tydd Gote and consistent with other developments approved in the district, and particularly similar to the plots that were approved at Mouth Lane, Guyhirn. He stated that the site is located in a cluster of dwellings off the existing access road which serves the site,

and he would argue that the proposal would finish off this part of Tydd Gote and close off any future development of the site and would not create a precedent for further development in this area.

Mr Edwards explained that the proposed dwelling is indicative at present, but as the plot is of an executive size, it could accommodate a good-sized family dwelling which will add to Fenland's diverse housing stock. He added that should there be a preference for an agricultural styled dwelling he would be more than happy to accept this.

Mr Edwards expressed the view that the plot has a fantastic outlook at the end of the cluster of dwellings, which would be very sought after and the site is served via an existing access on to Main Road. Whilst the site is agricultural at present, in his view, it is of a size that is no longer commercially viable to farm and with the built form around it lends itself to a residential site, with there already being a built form on the land and should it be used for livestock the traffic generation to the site would be increased.

Mr Edwards explained that the existing structure on the land has the potential for conversion under a Class Q application, and he would be happy to accept a condition to remove the permitted development rights, which would stop it being converted and limit encroachment. He stated that it has been said on many occasions at Planning Committee that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like these will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contributes to other businesses in the district.

Mr Edwards expressed the view that support for this type of development can be seen in the 18 letters of support from local properties and local developers who many have shown an interest in purchasing the site to build out what is proposed. He stated that the proposal makes the best use of the land and will finish off this part of the village and the lane as a whole and asked the committee to support the proposal and approve the application with the conditions deemed appropriate.

Members asked officers the following questions:

- Councillor Mrs French stated that she has noted from the report that there are letters of support and objection, including letters of support which are from individuals who reside in excess of 50 miles away, which she does not agree with. David Rowen stated that the representations that are counted in terms of the scheme of delegation which is what triggers what applications come before the Planning Committee are based on representations received from the ward and the adjacent ward. He added that the representations that are listed in the planning application report all have to be included regardless of the location the representation comes from.

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

- Councillor Cornwell expressed the view that it is important to note the comments of the Parish Council who state that they find the proposal to be an unwarranted incursion into the open countryside contrary to LP3. He added that he will always give great weight to the views of the considerations of the Parish Council. Councillor Cornwell stated that it is open countryside, with that part being split from Tydd Gote by the North Level Main Drain, and expressed the view that if there was flooding issue with the plot then the rest of East Anglia would be in a disastrous position. He expressed the view that officers have made the correct recommendation.
- Councillor Mrs French expressed the view that officers have made the correct recommendation for the application.

**Proposed by Councillor Mrs French, seconded by Councillor Cornwell and decided that the**

**application be REFUSED as per the officer's recommendation.**

**P66/21**

**F/YR21/1164/F**

**17 THORNHAM WAY, EASTREA**

**ERECT A 2.0M (APPROX) HIGH BOUNDARY FENCE TO EXISTING DWELLING INVOLVING THE DEMOLITION OF EXISTING BOUNDARY WALL**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Cornwell asked officers to clarify why the advice is to set the fence back from the actual boundary as the rest of the area is open, with officers appearing to be happy from a planning perspective to erect a tall fence but set back from the boundary, and if there is going to be a change why can't the applicant make full use of their plot? David Rowen stated that the concerns officers have is that by coming out the new fence line is almost to the back edge of the footway, visually encroaches into open frontage and the open character, whereas the proposal now brings the fence out where the wall currently is, but not by a significant degree and not encroaching into the general openness.
- Councillor Cornwell expressed the view that officers are happy with a complete change of street scene, but do not want the whole plot enclosed and he questioned why only a partial change is being proposed instead of a complete change. David Rowen stated that the officer's recommendation sets out that this is a compromise by allowing the householder to erect a new fence and to demolish the boundary wall, safeguarding the general open character and not making an unduly significant or harmful incursion into the street scene. Councillor Cornwell stated that it is not a boundary wall, it is an enclosing wall, and the fence appears to be creating a boundary. David Rowen stated that the existing wall is described as a boundary wall, which is technically incorrect, and it also allows a slight expansion of the garden by 1 metre at the maximum. He added that there is a reposition of the screen to the rear garden of the property coming out by 1 metre at the most at one end which officers are happy with.
- Councillor Sutton stated that the previous application was refused partly on the grounds of visibility both for the road, coming into the drive, and for the pavement visibility splay. He added that the applicant was advised on that issue and they went ahead with the application as it was, which was turned down and now the applicant has come back and taken heed of officer's advice. David Rowen stated that within the officer's report it states the reason why the previous application was refused which as well as character there was also encroachment into the visibility splays. He added that there are comments in the report from the Highway Authority raising no issues with regard to that.

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

- Councillor Mrs French stated that the application is for a fence and she cannot understand why the objections relate to noise, light pollution, and traffic.
- Councillor Sutton stated that although the application is small in real terms, this particular application highlights the value of site visits. He added that other properties near to the application site also have the similar type of fence and he will support the officer's recommendation.
- Councillor Skoulding stated that a fence is far safer than a brick wall and he will support the officer's recommendation.

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

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

*(Councillor Connor declared that the applicant is known to him and left the Council Chamber for the duration of the discussion and voting thereon. Councillor Mrs Davis chaired this item)*

**P67/21**

**F/YR21/1154/PIP**

**LAND NORTH OF TELEPHONE EXCHANGE, MAIN ROAD, TYDD GOTE**  
**PERMISSION IN PRINCIPLE (1NO DWELLING MAX)**

Nicholas Thrower 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 the site provides a conundrum in terms of the purpose of policy and how it could and should be interpreted as it is accepted that the site is identified within Tydd Gote, which is in LP3 as another village, which limits new housing to single dwellings as infill, but questioned the planning balance of what difference does infill make to sustainability? He stated that LP3 is predicated on achieving sustainable growth and the first line of the policy states this and also confirms that development should make the best use of predeveloped land.

Mr Slater added that Policy LP14, which relates to flood risk, emphasises the need to direct new development to areas of lower flood risk and the site is accepted by the officer in the report as being within the development footprint of the village, which he agrees with, and it is, therefore, in his view, deemed within the scope of LP3 as a sustainable location for limited new development. He stated that as to whether it is infill or otherwise does not impact on the sustainability of the settlement, however, clearly infill is largely a visual consideration.

Mr Slater advised the committee that the site is in Flood Zone 1 and located on previously developed land and both factors are significant plus points having regard to both the development plan and National Planning Policy Framework. He stated that with regards to appearance and character and given the nature of the application for permission in principle, no detail of the final design has been submitted as part of the application and it is contended that a design for the building could be submitted that would be appropriate for the location and not be harmful to character or appearance of the immediate area and for that reason he expressed the opinion that he disagrees with the conclusion in the second reason for refusal.

Mr Slater expressed the view that an attractive property on this site would provide a visual gateway to the village enhancing the entrance from the south and there are no technical or neighbour objections and, therefore, the only substantive policy issue with the proposal lies in relation to LP3 and infill and whilst it is not infill as defined in the plan, it is noted that there is a building to the south and a row of homes to the west and as such the site is visually not isolated. He expressed the opinion that in terms of the planning balance, it is contended that the brownfield nature of the site, the fact that it is in Flood Zone 1 and that it is clearly visually related to the village form is sufficient to outweigh LP3's reference to infill as that does not materially affect the sustainability of the site or the village.

Mr Slater added that matters of design will be subject to a further application and consideration by the Council, which will address the second reason for refusal.

Members asked Mr Slater the following questions:

- Councillor Cornwell stated that the plot appears to be located on the existing car park of the restaurant and he asked for confirmation that the application means that the second exit for the car park will be closed as it will form part of the plot as opposed to the existing exit which will have a bearing on vision out onto the A1101. Mr Slater stated that the southern access for the car park would be shut to the car park and the use of the car park would be

transferred to the north.

Members asked officers the following questions.

- Councillor Cornwell stated that within the officer's report it states that the site is not part of the character of the village, however, the site is part of the existing car park of a very long-established public house and is the only part of the village on that stretch of road and, therefore, in his view, it is part of Tydd Gote village. David Rowen referred members to 10.1 of the officer's report where it states that the application is considered to be located in or adjacent to the existing developed footprint of the settlement of Tydd Gote, as per the definition within Policy LP12. He added that 10.9 of the report refers to the detachment of the proposal from any other built form, which is in essence the gap between the public house and the application site submitted, and the officer view is that the application site is in the open transition and the open countryside as you head out of the village. Councillor Cornwell stated that part of the village is in Lincolnshire and, in his view, it is part of the village as it part of an existing public house car park.
- Nick Harding stated that officers are not saying that it does not form part of the village they are saying that the character of that parcel of land is quite different due to the fact that it does not have any above ground physical development on it. Councillor Cornwell expressed the view that the car park is part of the pub and, therefore, in his opinion, it is part of the village.
- David Rowen stated there are two issues for members to consider, firstly the principle of development is a determination of whether the proposal is within the village or outside the village and whether it is considered in LP3 and LP12 terms in the village or in an elsewhere location and the conclusion has been reached that it is within the village and should be determined under Policy LP3 as within the village and not elsewhere. He added that the second issue is the nature of the character of the site which is clearly an open site and the officers have concluded that the open character of the area and the transition between the built form to the north albeit in Lincolnshire, and the open countryside to the south, where there is that transition between the built form and the countryside.
- Councillor Cornwell stated that, regardless to the points made by officers, it is next door to an existing building.
- Councillor Connor expressed the opinion that he agrees with the comments made by Councillor Cornwell.
- Councillor Miscandlon referred to 10.14 of the officer's report in relation to an informal access which has been created and he is aware of the informal access point and the proposal will mean that this access will be removed causing issues for patrons of the existing business on site and for visitors to the Main Drain, however, the Highway Authority have indicated that they have no issues with the proposal.

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

- Councillor Sutton made reference to 10.3 of the officer's report where it states that the Planning Portal defines infill development as 'The development of a relatively small gap between buildings' and it makes reference to an appeal in Gorefield where the Planning Inspector stated that infill development which is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or, at the very least, consolidation of a largely built-up area. Councillor Sutton added that it fails to say that the Inspector had also stated that it is not a question of how small or large a gap measures per se. He added that officers normally look at infill as a single dwelling whereas, in his opinion, it clearly indicates that it is not the case and it could be more than one dwelling. He added that he can see the merits of a dwelling there as there are two dwellings on the opposite site of the road and taking the village as a whole it is not that far out of keeping.
- Councillor Cornwell stated that the proposal site is part of the village and the plot is situated in the car park of a very old established business within the village and next door to a telephone exchange. He expressed the view that statements within the officer report are not quite clear and, in his opinion, the interpretation is quite simple that it is part of the village

and it has never been able to have more development as it is right on the county boundary. Councillor Cornwell stated that there cannot be any more development other than that which is related to the area covered by the car park and if the proposal is in the car park of an existing business then, in his view, it must form part of the village.

- Councillor Mrs Davis stated that it is part of the village but if there is an open space and a property is placed on the open space then the character and landscape are being changed which is what the officers are saying. She added that officers have to follow policies and the policy states that if you have an open space and you are putting a property on it then the character and appearance is altered.
- Councillor Sutton stated that the proposal is going to change the character, but whether it is going to cause demonstrable harm to the open space needs to be decided by members.
- Councillor Benney referred to a previous application in Gorefield for four homes which was similar to the proposal before members today. He added that he does not see the application as being out in the open countryside and, in his opinion, the car park is brownfield site. He expressed the view that the proposal is policy compliant only to have one infill house and he would expect more dwellings to follow on the site. Councillor Benney stated that when he visited the site there was litter strewn on the car park and, in his view, the area is being used for antisocial behaviour. He expressed the view that it is an infill development as there is a telephone exchange on one side and a public house on the other side and it is within the built form of the area. He added that whatever you build changes the character of the area and once a dwelling has settled down and has landscaping, they look fine, with the proposal bringing a much-needed home for somebody, which he will support.
- Councillor Connor stated that he agrees with the comments of Councillors Cornwell and Benney. He added that comments are often made with regard to taking notice of Parish and Town Council views and in this case the Parish Council do not object to this proposal and, therefore, their view needs to be taken into consideration.
- Councillor Miscandlon stated that this proposal is only for planning in principle and, in his opinion, he does not have an issue with the bottom part of the car park being used for a dwelling, however, he is concerned with regard to the design of the dwelling when it comes back before the committee at the next stage of the application.
- Councillor Sutton stated that, whilst he appreciates the views of members with regard to taking notice of the thoughts and views of the Parish and Town Councils, in his opinion members must only take notice where their objection or support is a material planning consideration.
- David Rowen stated that the first recommended reason for refusal is that the proposal is located within the settlement of Tydd Gote, and consequently the application has been assessed against Policy LP3 of the Local Plan which identified Tydd Gote as an 'Other Village' where residential development will be limited to single dwelling infill sites within an otherwise built-up frontage. He added that the proposal is not considered as an otherwise built-up frontage as it is one part of a gap formed by the car park between the Public House and the telephone exchange and if the proposal is approved there will still be a gap of 120 metres between the development and the nearest building to the north. David Rowen made reference to the point raised by Councillor Sutton with regard to the appeal decision on the Gorefield application and stated that infill is defined by the planning portal and the definition is set out at 10.3 of the officer's report where it states that infill development is the development of a relatively small gap between buildings. He added that the Gorefield appeal is the one appeal that has elaborated on that point and was for an application for two dwellings in effectively a gap between the last dwelling of the village and a pumping station and the Inspector had concluded that infilling is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or at the very least consolidation of a largely built-up area. The Inspector stated that given the fact that the building immediately adjacent to the north east boundary of the appeal site is a water pumping station he did not consider that the proposed development would constitute infill residential development and in that context the gap was being filled entirely by residential development. David Rowen stated that the basis for the reason for refusal with regard to the



proposal before members is that the policy in the Local Plan allows for residential infill with single dwellings in other villages such as Tydd Gote and the development proposed is contrary to LP3 of the Local Plan with the secondary element that the loss of the gap is detrimental to the character of the area in the officer's view.

**Proposed by Councillor Cornwell, seconded by Councillor Benney and decided that the application should be APPROVED against the officer's recommendation.**

**Members do not support the officer's recommendation of refusal of planning permission as they consider that the proposal does meet the requirements of LP12 and would make a positive contribution to the settlement.**

3.22 pm

Chairman

This page is intentionally left blank

---

**F/YR21/0597/F**

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

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

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

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

**Officer recommendation: Grant**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application was withdrawn from the Planning Committee agenda of 1<sup>st</sup> December 2021 owing to the submission incorrect Ownership Certificate, which has now been amended.
- 1.2 This application seeks planning permission to erect a part 2-storey, part single-storey rear extension; installation of air source heat pumps and PV panels to the existing building and formation of a pedestrian access to the school field involving part piping of a dyke at an existing boarding house adjacent to the Wisbech Grammar School site at 8 Water Gardens, Wisbech.
- 1.3 The proposal is acceptable in design, amenity space, parking and flood risk terms, and whilst there are no issues of overlooking, overbearing or overshadowing to reconcile, there are limited impacts to residential amenity with regard to possible noise implications.
- 1.4 Concerns from local residents have been raised with regard to character, highway safety, drainage, and the future use of the development. These matters are addressed in more detail below, and it is suggested that necessary conditions are imposed to mitigate any impacts.
- 1.5 The below assessment deems the proposal to be compliant with the relevant policies within the Fenland Local Plan (subject to necessary conditions) and as such the recommendation is to grant the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated within the settlement of Wisbech and lies to the north of Barton Road as part of the residential development in The Water Gardens. The dwelling is a two-storey, chalet-style dwelling constructed of

buff brick with concrete interlocking tile roof and white uPVC fenestration. Immediately to the east of the site lies the school grounds and sports field of Wisbech Grammar School.

### **3 PROPOSAL**

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

#### **3.2 Extension**

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

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

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

#### **3.5 Infrastructure**

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

#### **3.6 Pedestrian Access**

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

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

#### 4 SITE PLANNING HISTORY

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

#### 5 CONSULTATIONS

##### 5.1 Wisbech Town Council

*That the application be supported.*

##### 5.2 PCC Wildlife Officer

**Recommendation:**

*No objection subject to conditions.*

**Recommended condition(s):**

**Compliance conditions –**

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

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

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

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

**Comment:**

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

### 5.3 North Level Internal Drainage Board

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

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

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

### 5.4 Environment Agency – original comments received 23.06.2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

- 7.1 **National Planning Policy Framework (NPPF) July 2021**  
 Para 11 – Presumption in favour of sustainable development  
 Para 47 – Decisions should accord with the development plan  
 Para 130 – Good design
- 7.2 **National Planning Practice Guidance (NPPG)**
- 7.3 **National Design Guide 2019**

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

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP14 – Responding to Climate Change and Managing the Risk of Flooding
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments

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

Cambridgeshire Flood and Water SPD (2016)

### **8 KEY ISSUES**

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

### **9 BACKGROUND**

- 9.1 This application was previously scheduled to be heard at the recent Planning Committee Meeting on 1<sup>st</sup> December 2021, however subsequent to publication of the agenda it was brought to the Council's attention that an incorrect Ownership Certificate had been submitted with the application and the relevant Notice had not been served on the landowner. Subsequently, the item was removed from the agenda and a new Ownership Certificate sought, and which has now been submitted correctly.
- 9.2 This extension element of this application was originally proposed as a part single-storey part 3-storey rear extension. In considering the original proposals it was considered that the proposed extension was incongruous to the original style of the host dwelling with regard to scale, design and materials. In addition, the 3-storey proposal was considered to form an incongruous and dominant feature that jarred with the host dwelling and would appear out of character.
- 9.3 It was therefore recommended that the overall scale, layout, massing and design of the extension be reconsidered, and a revised design submitted for consideration. The current scheme has been amended to reflect this advice.
- 9.4 The site was granted change of use from a dwelling (C3) to a boarding house (C2) in January 2021 under F/YR20/1099/F. This permission has been implemented and as such the proposal does not require a further change of use, and instead seeks to increase the level of accommodation at the site under the existing C2 use.



## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance. Policy LP2 seeks to ensure that development does not result in harm to the amenity of the area or the environment in general. The principle of the development is therefore acceptable subject to the policy considerations set out below.

### **Design and Character**

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

### **Residential Amenity**

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

each dwelling to the nearest point of the extension. Given these separation distances, it is considered there are no issues to reconcile with regard to overbearing, overshadowing or overlooking in relation to the proposed scheme.

- 10.9 As such, the proposed development is considered to comply with Policies LP2 and LP16 (e) of the Fenland Local Plan in this regard.

### **Flooding and Drainage**

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

### **Parking**

- 10.18 The Design and Access Statement states that the proposal will unlikely see an increased parking requirement at the site will have a parking space for the House Master and an additional space for staff. There may also be small minibus parked on the site for short periods of time. There may be an additional requirement for parking for cleaners at the site, although these will be required when rest of the staff are away from site which means they can use the existing parking spaces on site.

10.19 During inspection, the Case Officer observed ample parking at the site, with space for at least four vehicles on the driveway. Owing that the site will be primarily occupied by pupils with no vehicular requirements and only one additional staff member, the proposal does not appear to increase the need for parking over and above the existing situation. As such, the proposed development is considered to comply with Policy LP15 of the FLP.

### **Other Considerations**

10.20 The proposal sees no change to the C2 Use Class (Residential Institution) at the site, which, owing to the changes of the Use Classes Order (1987) in September 2020, could see the building change into a hospital, nursing home, etc (within the C2 Use Class) without planning permission. However, given that the property is located within an existing residential development, further consideration would need to be given to the other types of developments that fall within the Use Class of C2 in regard to highway safety, access, parking and residential amenity. Therefore, in the event that permission is granted a condition should be imposed to limit the scope of the use to purely a boarding house associated with Wisbech Grammar School and limit future further, possibly inappropriate, development at the site.

10.21 The proposal also seeks to include an air source heat pump system, topped up with power generated from PV panels positioned on the south facing roof of the existing house. These elements were not clearly depicted on the provided plans. Whilst these proposals are unlikely to cause detrimental impacts with regard to residential amenity, flooding or parking as considered above, the lack of confirmation of their placement, scale, and design may impact on the character and appearance of the dwelling. Thus, it is considered that if permission is granted, these details should be submitted and approved by the LPA to ensure no detrimental impacts to character and appearance occur as a result, secured by condition.

## **11 CONCLUSIONS**

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

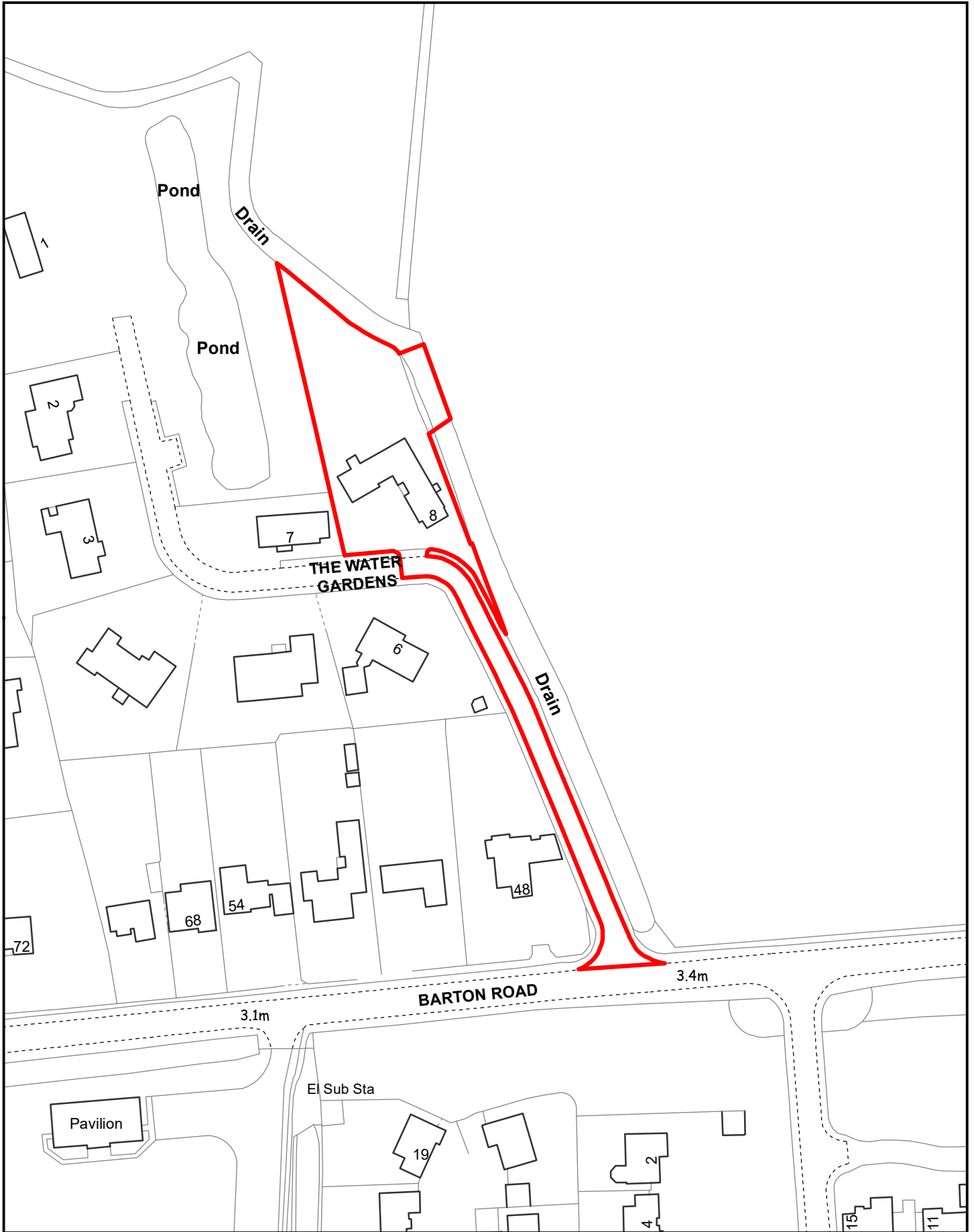
## **12 RECOMMENDATION**

**Grant;** subject to the following conditions:

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.  Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
---	---

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

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



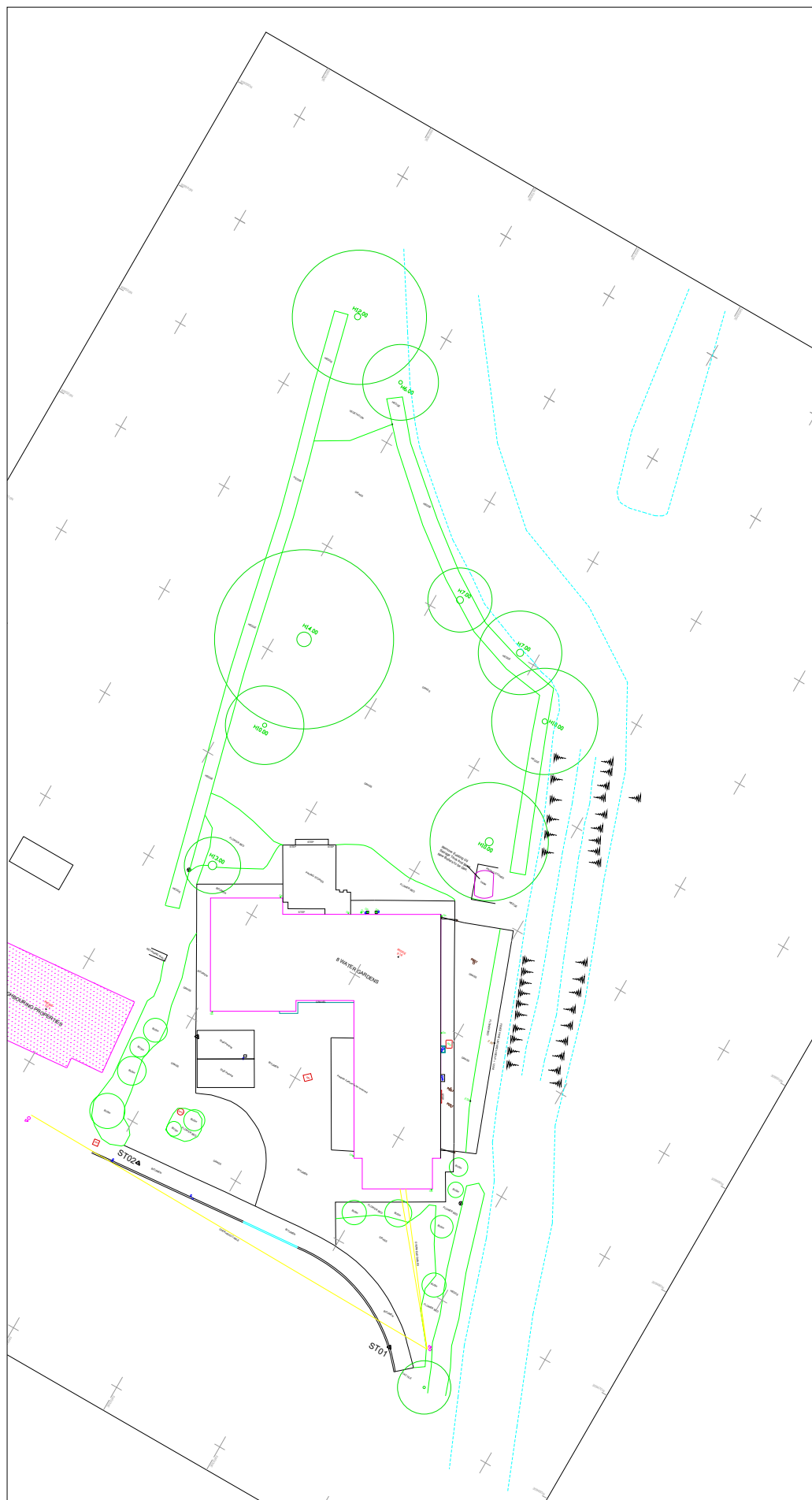
Created on: 08/06/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

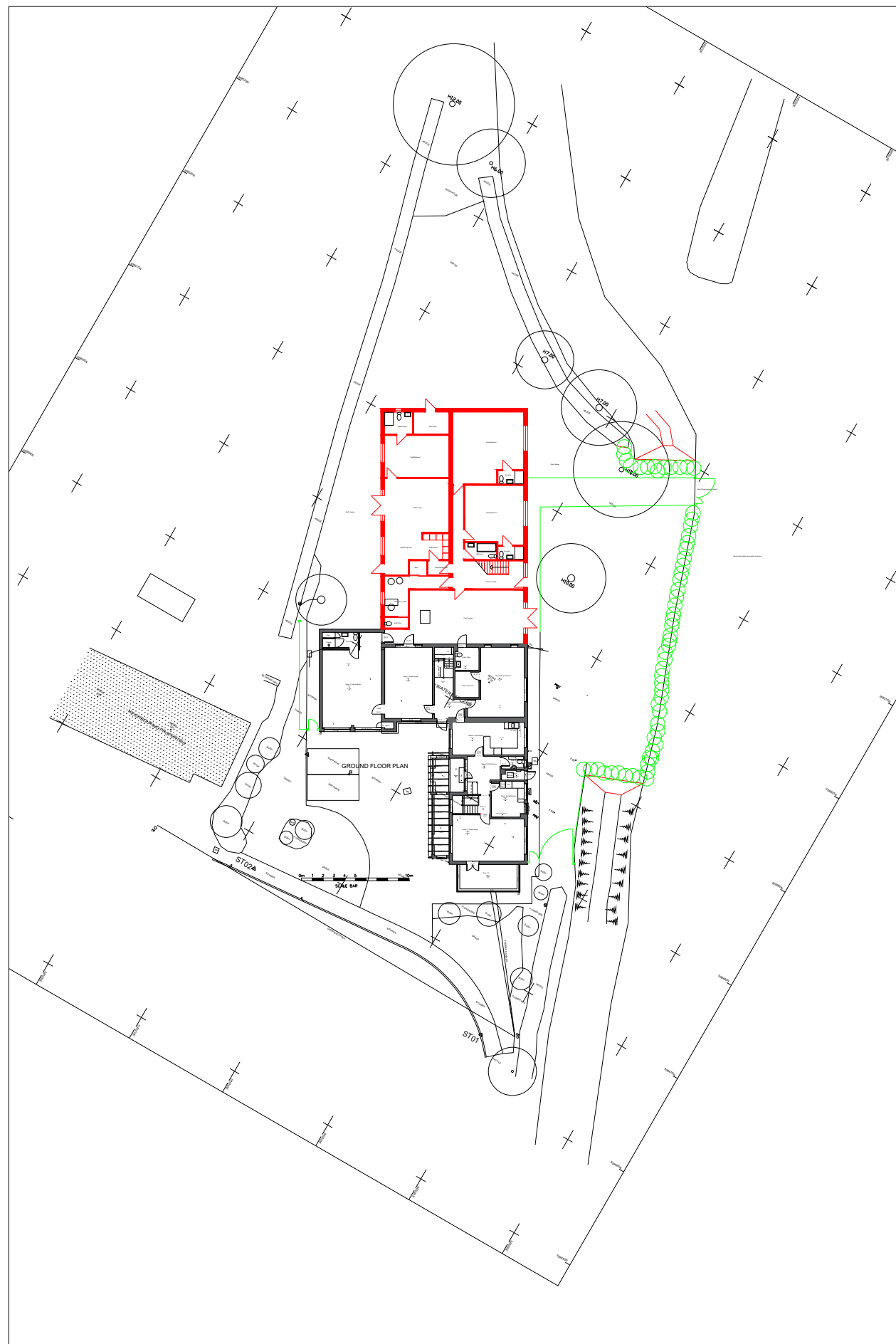
**F/YR21/0597/F**

Scale = 1:1,250





Existing site Plan



Proposed Dyke filling with anticipated extension

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

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

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

Project:  
 Warren House

Drawing Title:  
 Proposed larger Dyke filling

Drawn by: ARD

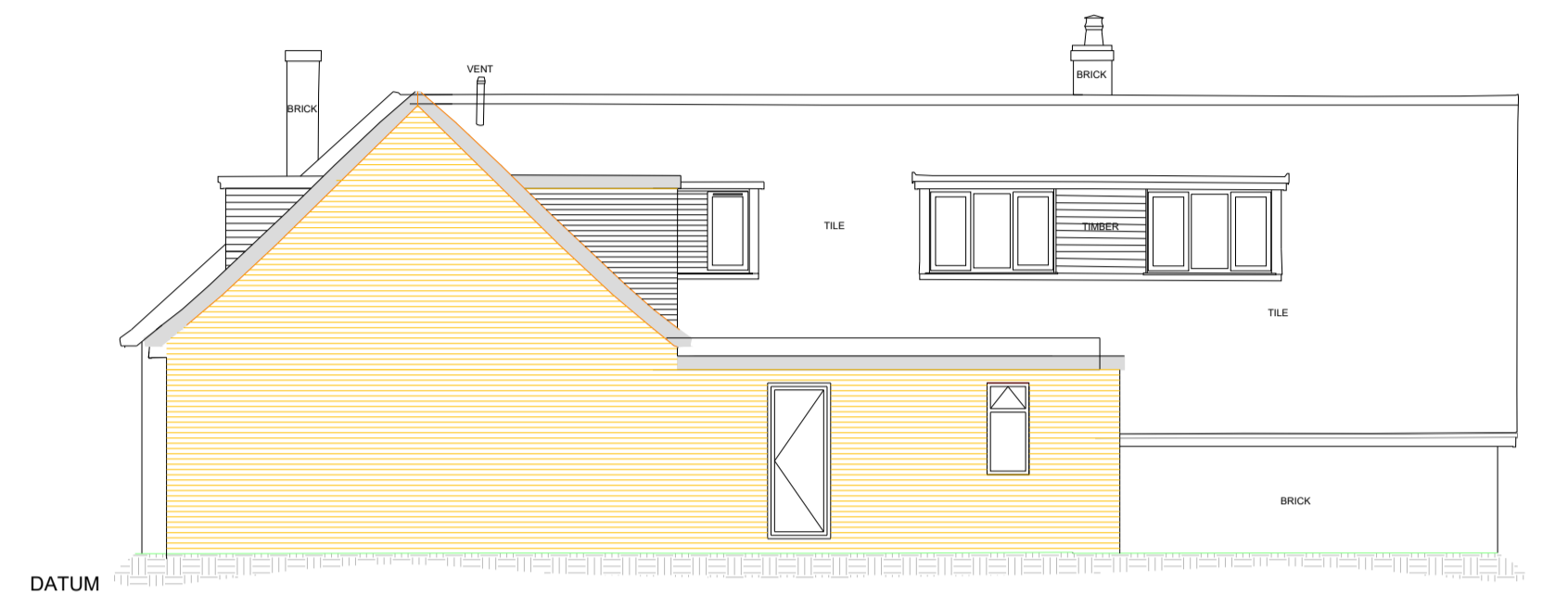
Date: 12/7/2021

Scale: 1:500

Drg No: WH -010 Rev: A



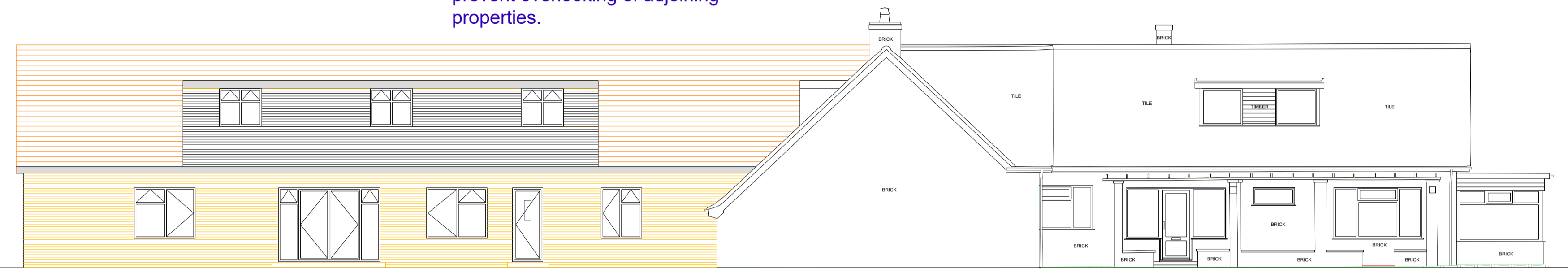
The North West Elevation will be in Brickwork to match the existing house  
 The pitched roof will match the existing roof. The single storey flat roof extension will be in matching materials.



NORTH WEST ELEVATION



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



SOUTH WEST ELEVATION



Proposed North West Elevation

**Proposed Elevations:**

The extension is now proposed to be at the same height as the existing Building.

The NE elevation

This will follow the scale of the existing Building but step the extension back 350mm from the line of the existing building, to create a break in the elevation so that the new and old materials only meet at a junction with the existing building.

The roof materials will be the same as existing concrete tiles.

the Windows will be UPVC in white to match the existing house. The new dormer will be clad in a white shiplap boarding material in UPVC but of the same style as the existing.

The Brickwork at ground floor level will match the existing house.

**Revisions:**

A New Elevations produced

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

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

Drawing Title:  
 Proposed Elevations

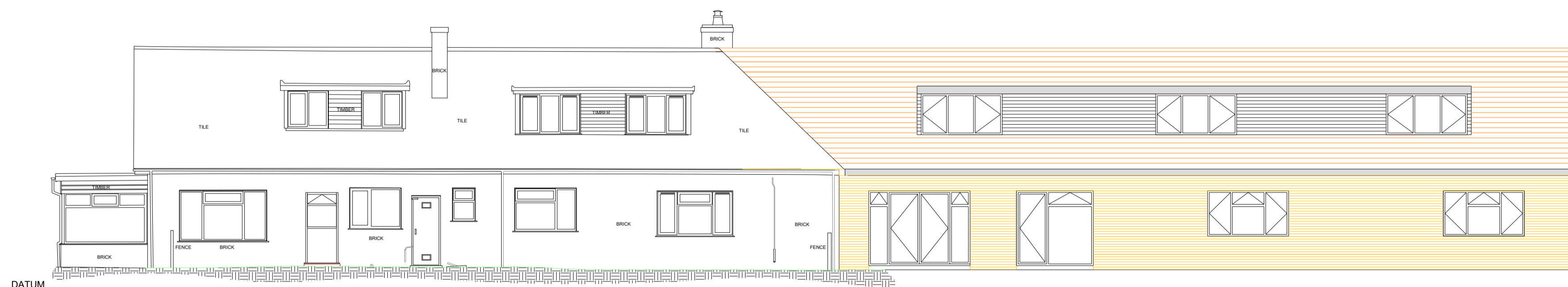
Drawn by: ARD

Date: 12 August 2021

Scale: 1:100 at A1

Drg No: WH - 29

Rev : A



NORTH EAST ELEVATION





F/YR21/0811/O

**Applicant: Mr Andy Hauptert**

**Agent: Mr Ian Gowler  
Gowler Architectural**

**Land South Of, 107 Upwell Road, March, Cambridgeshire**

**Erect up to 8no. dwellings (outline application with all matters reserved)**

**Officer recommendation: Grant**

**Reason for Committee: Town Council comments and number of representations contrary to Officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- |     |  |
|-----|--|
| 1.1 | The application seeks Outline planning permission (with all matters reserved) for up to 6 dwellings.   |
| 1.2 | The site lies adjacent to the built form of March comprising an area of enclosed agricultural land   |
| 1.3 | The principle of developing this site is supported by Policy LP3 and LP4 which seeks to direct growth to the main Market Towns in the district.  |
| 1.4 | The indicative access and layout of the development is considered acceptable having regard to the general character of the area.   |
| 1.5 | The proposal is not considered to have a significant detrimental impact on the surrounding properties and raises no technical issues, albeit most technical matters would need to be considered at future reserved matters stages. |
| 1.5 | The application is recommended for approval subject to conditions.   |

## **2 SITE DESCRIPTION**

- 2.1 The site comprises of 0.8Ha of enclosed agricultural land located to the rear of existing dwellings fronting Upwell Road, and adjacent (west) to an in-depth development of single storey dwellings known as Upwell Park. The site and hosts 2 agricultural-style buildings and is generally rural in character, extending into open countryside, other than at the access which is sandwiched between 2 dwellings.
- 2.2 The site lies in Flood Zone 1.

## **3 PROPOSAL**

- 3.1 The application seeks Outline planning permission for the residential development of the site for up to 8 dwellings. All matters (access, layout, scale, appearance and landscaping) are reserved for future consideration,

but the applicant has provided an indicative scheme to show how the dwellings might be arranged within the site.

- 3.2 The plan denotes a central point of access (5m in width) from Upwell Road with a turning head at the far southern end of the private drive serving all 8 dwellings. A SuDS feature is proposed further south, but the main urban element of the development is indicated to sit almost level with the extent of development at Upwell Park.
- 3.3 Full plans, associated documents and consultee comments for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR09/0249/F	Erection of a 3-bed chalet bungalow with detached single garage and change of use of agricultural land to residential Land South Of 107 Upwell Road March	Granted 11.09.2009
F/YR01/0585/F	Continued use of hardstanding for storage of plant 107 Upwell Road March	Granted 08.08.2001
F/YR07/1030/RM (visibility splay only)	Erection of a 4-bed detached bungalow and detached single garage involving demolition of existing garage Land South Of 111 Upwell Road March	Approved 21.11.2007

#### 5 CONSULTATIONS

##### **March Town Council**

- 5.1 *Recommend refusal unless all access/egress and flooding issues within the immediate vicinity are resolved*

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

- 5.2 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality.*

*Due to the close proximity of the proposal site to established residential properties I would recommend that a Construction Management Plan is submitted and approved before any work in connection with this proposal is commenced. I would also recommend that the unsuspected ground contamination condition is imposed in the event planning consent is granted.*

*Consequently, there are no objections to the approval of consent to this proposal, but I would request the following conditions are included in any consent (summarised): -*

1. Construction management plan
2. Unsuspected ground contamination

[Following consideration of neighbour objection regarding proximity of access road to their property]

*I have reviewed the application again and I acknowledge the concerns raised regarding the access road. Although we would not object, subject to the conditions already recommend, we would also recommend no gravel is used on the access road. We would welcome at the reserved matters stage that the access road is a tarmac/concrete type surface to reduce noise disturbance.*

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

*I refer to revised plan 470-PO1 E.*

*Although this is a reserved matters application there have been a number of discussions on the position and alignment of this access. The submitted plan represents a suitable access in terms of layout and position which would be appropriate for approval at a future reserved matters application.*

*The proposals will involve the removal of a street tree and I note the comments from FDC's Tree Officer. Please note that CCC policy on street trees is for two to be replaced for every one removed. I am not responsible for trees at CCC and am just passing this on to you for information and to be aware of it for the reserved matters application and for a possible planning condition to cover this.*

*I have no objections to planning permission being granted. I recommend standard conditions are attached to include provision of access and a scheme for parking and turning.*

### **CCC Archaeology**

- 5.3 *Our records indicate that the site lies in an area of archaeological potential, situated on the fen edge. Fen-edge locations such as these were frequently the focus of Prehistoric and Roman activity. This is evident from linear features visible as cropmarks to the south of the application area (Cambridgeshire Historic Environment Record reference 08982) and similar features (10998, 10999) to the north and north-west. To the south west of the application area is the March Sconce: a Civil War fieldwork, 250m south west of Eastwood Burial Ground, designated of national importance as a scheduled monument (National Heritage List for England reference 1015200). The Civil War-era earthworks are overlying earlier earthworks of an area of late medieval or early post-medieval settlement in this location. Archaeological investigations to the north west along Upwell Road have also identified evidence of post-medieval occupation (MCB18453).*

*We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by MHCLG (example condition wording provided)*

### **FDC Tree Officer**

- 5.4 *[With reference to the proposal to remove the street tree]  
The tree is an early-mature Lime part of a linear group on both sides of the road.*

*The trees are maintained by Cambridgeshire CC as pollards probably on a 2–3-year cycle. Whilst the trees as a group represent some amenity value it would not be practical to place a TPO as the trees require regular maintenance due to their management.*

*It is unlikely that County would object to their removal, but I consider that we should request replacement trees as part of the development proposal to at least maintain tree cover along the road by planting adjacent to the front boundary of the proposed dwelling.*

## **Local Residents/Interested Parties**

### **Objections**

5.5 Objections received from 8 individuals at the following locations;

#### *March*

- 1 at Mills Gardens, March
- 2 at Darthill Road, March
- 4 at Upwell Road, March

#### *Other*

- 1 at Orton Goldhay, Peterborough

Raising the following concerns (summarised);

- Access
- Agricultural land
- Density/Over development
- Does not comply with policy
- Backfill
- Devaluing property
- Local services/schools - unable to cope
- Drainage – foul and surface water
- Flooding – also with particular reference to adjacent land flooding
- Environmental Concerns
- Outside DAB
- Proximity to property
- Impact on Trees (and vice versa)
- Wildlife Concerns
- Inaccurate reporting of watercourse proximity
- Access width should be widened (relying on demolition of existing dwelling) as per other developments
- Traffic or Highways
- Noise and vibration
- Loss of view/ outlook
- Light Pollution
- Overlooking/ Loss of privacy
- Odour nuisance/ air pollution
- Lack of accuracy with the drawings e.g., scale
- Alternative, more suitable sites are already available
- Council has a 5-year housing land supply
- Adverse impact on adjacent rear gardens
- Out of character/not in keep with area
- Loss of street tree to accommodate access

### **Support**

5.6 29 letters of support received from 20 properties at the following locations;

### *March*

Upwell Road x 13  
Elm Road x 2  
Knights End Road x 1  
Percheron Drive x 2  
Burrowmoor Road x 1  
Orchard Close x 2  
Horsemoor Road x 2  
Creek Road x 2  
The Causeway x 2  
Foxglove Way 1

### *Other*

Lochaline Street, London x 1

Raising the following matters (summarised);

- Will fit in well with the local area
- Similar developments on Upwell Road
- Will offer a variety of homes
- Located close to schools and the town centre
- Good design and layout
- Minimal impact to surroundings
- Would provide housing in need
- Would provide employment
- Would help the local economy
- Would provide extra security (to adjacent residents)
- The bottom part of the land left undeveloped is good for wildlife
- It is infill development
- Would be good if the developer could contribute toward repair of paths and roads and speed reduction measures in the area
- The site is of no commercial use for agriculture
- Will enable growth for the town
- No known flooding issues
- Shouldn't result in noise issues
- Good use of land

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

7.3 **National Design Guide 2019**

Context

Identity

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

LP1: A Presumption in Favour of Sustainable Development

- LP2: Facilitating Health and Wellbeing of Fenland Residents
- LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4: Housing
- LP5: Meeting Housing Need
- LP13: Infrastructure
- LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16: Delivering and Protecting High Quality Environments across the District
- LP19: The Natural Environment

## 7.5 **March Neighbourhood Plan 2017 (MNP)**

H2 – Windfall Development

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

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

## 8 **KEY ISSUES**

- **Principle of Development**
- **Indicative Access**
- **Indicative Layout**
- **Flood Risk & Drainage**
- **Ecology & Biodiversity**
- **Residential Amenity**
- **Other Considerations**

## 9 **ASSESSMENT**

### **Principle of Development**

- 9.1 Local Plan Policy LP3 defines March as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. The site sits within the garden land of residential properties on the edge of March. Policy LP4 of the FLP accepts small-scale housing development such as this on the edge of market towns – subject to considerations under policy LP16. LP16 seeks to secure high quality environments having regard to impacts on matters such as visual amenity, local identity and character and residential amenity. These are considered separately below.
- 9.2 The March Neighbourhood Plan policy H2 allows for windfall development subject to meeting the provisions of the FLP as well as criteria summarised as;
- a) *Not resulting in unacceptable residential amenity impacts*
  - b) *No net loss of open space*
  - c) *The site being at low risk of flooding*
  - d) *Safe vehicular access*
  - e) *It delivers off-site infrastructure required to make it acceptable*
  - f) *It is of a high standard of design; and*

*g) No loss of community facilities unless justified as per requirements of FLP policy LP6.*

9.3 In respect of H2; Matters relating to amenity harm, safe access and design would be considered at reserved matters stage. It is considered that the development in all other respects complies with the aims of MNP policy H2.

9.4 Having regard to the above, it is concluded that the development is acceptable in principle.

#### **Indicative Access**

9.5 The development is proposed to be served via a new access formed from Upwell Road, with a 5m wide private drive shown to run between No's 105 and 107 to the main core of the development.

9.6 Whilst access is not committed at this time, the LHA (Local Highways Authority) has sought some amendments to the indicative access arrangement on order to be satisfied that a suitable access could be achieved to serve the development. Those amendments generally focussed on the alignment of the main access road and geometry of the splays. The current plan shows that a street tree will need to be removed in order to achieve an appropriate access. Whilst the LHA has not objected to this in principle, their current policies do require that where a tree is removed, this is replaced with 2 trees in the vicinity, by way of mitigation and biodiversity enhancement. This matter would ultimately be determined and agreed through any future S278 process directly with the LHA, given that any re-planting would need to occur with the public highway.

9.7 Notwithstanding the above, it is concluded that it is likely that a satisfactory means of access to serve the development could be secured which could accord with policy LP15 of the FLP and H2(d) of the MNP.

9.8 It is noted some comments have referred to the possibility of road improvements being delivered or contributed to by the developer, or that the existing dwelling should be demolished to enable a wider access, as has been secured on other backland schemes. However, these requirements have not been identified/ requested by the LHA to make the development acceptable, notwithstanding that each case is to be determined on its own merits. As such, it would not be necessary or reasonable to secure contributions or requirements of this kind, should approval be forthcoming.

#### **Indicative Layout**

9.9 The indicative layout denotes 8 dwellings set around a private access road, with a drainage pond positioned further south. The extent of built form is denoted to finish approximately in-line with the Upwell Park development. The primary character of the area is of linear development fronting Upwell road, comprising a mixture of styles and generally, but not exclusively 1 or 1½ storeys.

9.10 Notwithstanding Upwell Park, other recent proposals for backland development have been approved in close proximity to the site, on the southern side of Upwell Road - F/YR19/0931/O and F/YR20/1138/O. In this regard, in the context of the site and surroundings, a further scheme of in-depth development, would not be out of character with the area, subject to final design.

- 9.11 Several contributors have expressed support for the proposal as they believe it will comprise bungalows. It is important to note that whilst the description in the application form states single-storey dwellings, matters of scale are not committed at this time, the details of which would be considered at future reserved matters stage.
- 9.12 Nonetheless, the indicative layout demonstrates that the site could adequately achieve the quantum of development proposed without significant harm to the character of the area.

### **Flood Risk & Drainage**

- 9.13 The site lies in flood zone 1, comprises minor development and is not identified as having critical drainage issues – in which case, it is not necessary for the applicant to support the application with a flood risk assessment. However, whilst the application site itself does not identify any issues with flooding, the rear gardens of adjacent dwellings are identified as having potential risk for surface water flooding, according to the EA's latest surface water flood maps. Indeed, the adjacent neighbour (No.105) has provided evidence of their rear garden having been flooded in recent years, stating that ground levels here are lower than that of the application site, which has been verified by the case officer during their site visit. It is assumed therefore, that the application site currently drains, in part, to adjacent properties. Surface water flood risk concerns have therefore been raised by the residents of No.105, regarding the impact of the development on existing flood issues.
- 9.14 The application is in outline only, with detailed matters of layout to be considered at reserved matters stage. Nonetheless, the indicative layout denotes a SuDS feature at the far south of the site which is intended to drain into the drain along the southern boundary of the site, to carry away surface water from the development.
- 9.15 It is clear that surface water flooding already occurs to properties along Upwell Road and it is unlikely that the development would overcome these existing issues, neither is it incumbent on the developer to remedy this.
- 9.16 Section 4.3.15 of the adopted Cambridgeshire Flood and Water SPD sets out;

*If an outline application is to be submitted for a major development, then an outline surface water drainage strategy should be submitted outlining initial proposals and quantifying the conceptual surface water management for the site as a whole. This should detail any strategic features, including their size and location. A detailed surface water drainage strategy should subsequently be submitted with each reserved matters application that comes forward and demonstrate how it complies with the outline surface water drainage strategy.*

- 9.17 As the scheme is only minor development (less than 10 dwellings/ less than 1Ha in site area) it is not necessary to submit an outline drainage strategy in this instance. Nonetheless, it would be prudent to secure a drainage scheme at future reserved matters stages – to ensure that existing drainage issues are considered. Subject to a suitable surface water drainage strategy coming forward, it is likely that surface water arising from the development could be



managed in a sustainable way without exacerbating existing flooding issues. In some cases, structured drainage systems delivered through development can alleviate existing surface water flooding, for example by directing overland flows to attenuation areas, where greenfield does not.

- 9.18 In respect of foul drainage; it is assumed that the development will follow the drainage hierarchy under Part H of the Building Regulations and seek opportunities in the first instance to discharge to mains drain. Notwithstanding this, it is prudent to secure details of foul drainage management at reserved matters, to ensure if alternative means are required, that this is fully considered.

### **Ecology & Biodiversity**

- 9.19 The site comprises an area of grassland that appears to have been carefully managed, evident by the lack of overgrowth and the perimeter fencing employed around the site. Surrounding the site, particularly along its western and southern boundaries, is dense vegetation and scrubland and regard is had to the findings of the ecology report submitted in support of the adjacent permission F/YR20/1138/O whereby the unmanaged perimeters of the site were found to have potential for biodiversity habitat and opportunities to enhance existing biodiversity – in particular bird and bat foraging as well as ground mammals and invertebrates, but fundamentally that development of the site would not result in significant loss to biodiversity.
- 9.20 Given the development does not propose to develop within the unmanaged areas and only within the managed grassland area – in particular the northern part other than for the SuDS feature, it is considered disproportionate to require a full ecological habitats assessment – with the findings of the adjacent ecology survey a reliable source of information at this stage. Furthermore, based on the construction of the existing barns on site, they are unlikely to support habitat for protected species e.g., sheet steel roof and lack of open voids.
- 9.21 As such, it is considered reasonable to require a scheme for Biodiversity protection, mitigation and enhancement (including timeframes for implementation) supported by an ecological assessment at future reserved matters stages, rather than at this time. This would ensure that any future detailed scheme would have full regard to the latest ecological appraisal of the site and incorporates appropriate measures to protect and enhance known biodiversity in and around the site which would accord with the aims of Policy LP16(b) and LP19 of the FLP.
- 9.22 Concerns have also been raised regarding the potential impact of the access road on existing trees along the boundary. In this regard, a tree impact assessment and method statement could be secured at reserved matters, to identify any trees which could be affected by the layout of the development and how they will be safeguarded during construction.
- 9.23 It is also noted that concerns have been raised regarding the loss of the street tree through the development – with concerns over loss to biodiversity, the loss the tree will make to combating pollution and the visual impact to the streetscene. As noted above, the County Council's policy is to replace any tree removed through development with 2 trees elsewhere, to mitigate the biodiversity loss, which in turn would also assist with any carbon sequestering otherwise lost through the existing tree. In respect of

streetscape value, the Council's tree Officer has considered the proposal and raises no objection, subject to a replacement tree in the street. Again, this would be secured through agreement with the LHA, in respect of the specific positioning and type of tree.

### **Residential amenity**

- 9.24 Whilst no detail of the specific arrangement of dwellings, their orientation or window positions are committed at this time, due to their in-depth position, it is likely that a scheme could come forward which would not result in any severe overlooking, overshadowing or with overbearing impacts on neighbouring properties, albeit that the impact of the development on the amenity of the host dwelling No.107 and No.105 adjacent would require careful consideration at reserved matters stage, given that the access runs immediately between them. The Council's Environmental Health team have been consulted on this specific point and has advised that road surfacing would be a key consideration in this regard, to ensure that road noise is kept to a minimum. This would be a matter to be considered at reserved matters, but at this stage the Council's EH team has no objection in principle to the proposed arrangement.
- 9.25 Due to the low number of units, it is unlikely that the LHA would adopt the access road and indeed the indicative plan denotes the driveway being a private road. In this regard, future occupiers would be expected to present their wheeled bins for collection at the edge of the public highway unless an agreement is secured to construct the road to accommodate the Council's refuse vehicles - with an indemnity agreement against any damage caused to the road by the Council's refuse lorries.
- 9.26 The indicative layout denotes that occupiers could be required to wheel their bins as far as 115m (Plot 4) which far exceeds the recommended 30m carrying distance as set out in the RECAP guidance and supported by LP16(f) and Policy DM4 of the associated design SPD. This has implications in respect of securing 'lifetime' homes that reflect changing lifestyles or circumstances (see LP2 (bullet 3), LP5 (Part C) and LP16(k), with some future occupants finding themselves being unable to present their bins for collection over time due to personal circumstances and unreasonable carrying distances.
- 9.27 Therefore, in order for the scheme to be acceptable in this regard, the aforementioned construction and indemnity agreement would be required. This could be reasonably secured through planning conditions and through the submission of satisfactory reserved matters detail relating to access and layout which could accommodate a refuse vehicle.
- 9.28 Concerns have also been raised regarding noise, odour and pollution from the development. In this respect, the Council's Environmental Health (EH) team has recommended a Construction Management Plan (CMP) is secured, to ensure that construction activities have regard to local amenity, through various control measures e.g., dust suppression, hours of operations etc. Officers have had regard to the proposals put forward by the EH team and have set out a list of reasonable requirements for the CMP as set out in conditions below.
- 9.29 It is considered that the operational phase of the development (the occupancy) would not result in significant pollution issues given its relatively

low-level residential nature. Likewise, with light pollution, any streetlighting would be a matter to be secured at reserved matters or through subsequent planning conditions and would be considered at that time.

- 9.30 Concerns have also been raised regarding the potential impact of the access road on existing trees along the boundary. In this regard, a tree impact assessment and method statement could be secured at reserved matters, to identify any trees which could be affected by the layout of the development and how they will be safeguarded during construction.

#### **Other Considerations**

- 9.31 Residents and contributors have raised a number of observations and concerns, most of which have been addressed above. The following however also require attention;

##### *Loss of Agricultural Land*

- 9.32 Development of the site would lead to a loss of agricultural land. However, given the overall size of the site, this is not considered to be a significant loss of productive land and therefore is not a matter that could be sustained if refused on this basis.

##### *Devaluing property*

- 9.33 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.

##### *Local services/schools - unable to cope*

- 9.34 Given the scale of the development and the expectation that March will accommodate substantial growth in the future, the development is not anticipated to place any strain on existing services.

##### *Inaccurate reporting of watercourse proximity/ scaled drawings*

- 9.35 Whilst the plans submitted are only indicative, the plans are nonetheless considered to be to scale based on latest Ordnance Survey mapping and are sufficient to enable an accurate assessment of the proposal.

##### *Council has a 5-year housing land supply/ Alternative, more suitable sites are already available*

- 9.36 The district has an identified need to deliver housing through the plan period up to 2031 which is achieved through larger allocated sites and unallocated (windfall) sites and as set out through Spatial Strategy policy of the Fenland Local Plan. The proposal accords with the spatial strategy which allows for windfall sites. As such, the application site cannot be discounted.

##### *It is infill development*

- 9.37 The development would not comprise infill development when considered against the definition as set out in the Glossary to the FLP or the definition as set out in the Planning Portal.

## **10 CONCLUSIONS**

- 10.1 The development would provide up to 8 dwellings in a sustainable location, with good access to services, facilities, employment and sustainable modes of transport. Whilst the scheme is recognised as backland development, given approval of recent similar schemes in the vicinity, the proposal would not result in the introduction of an uncharacteristic form of development.

10.2 The scheme raises no technical issues and is not anticipated to result in any severe harm to residential amenity or in highways terms, subject to an appropriate scheme coming forward at reserved matters stages.

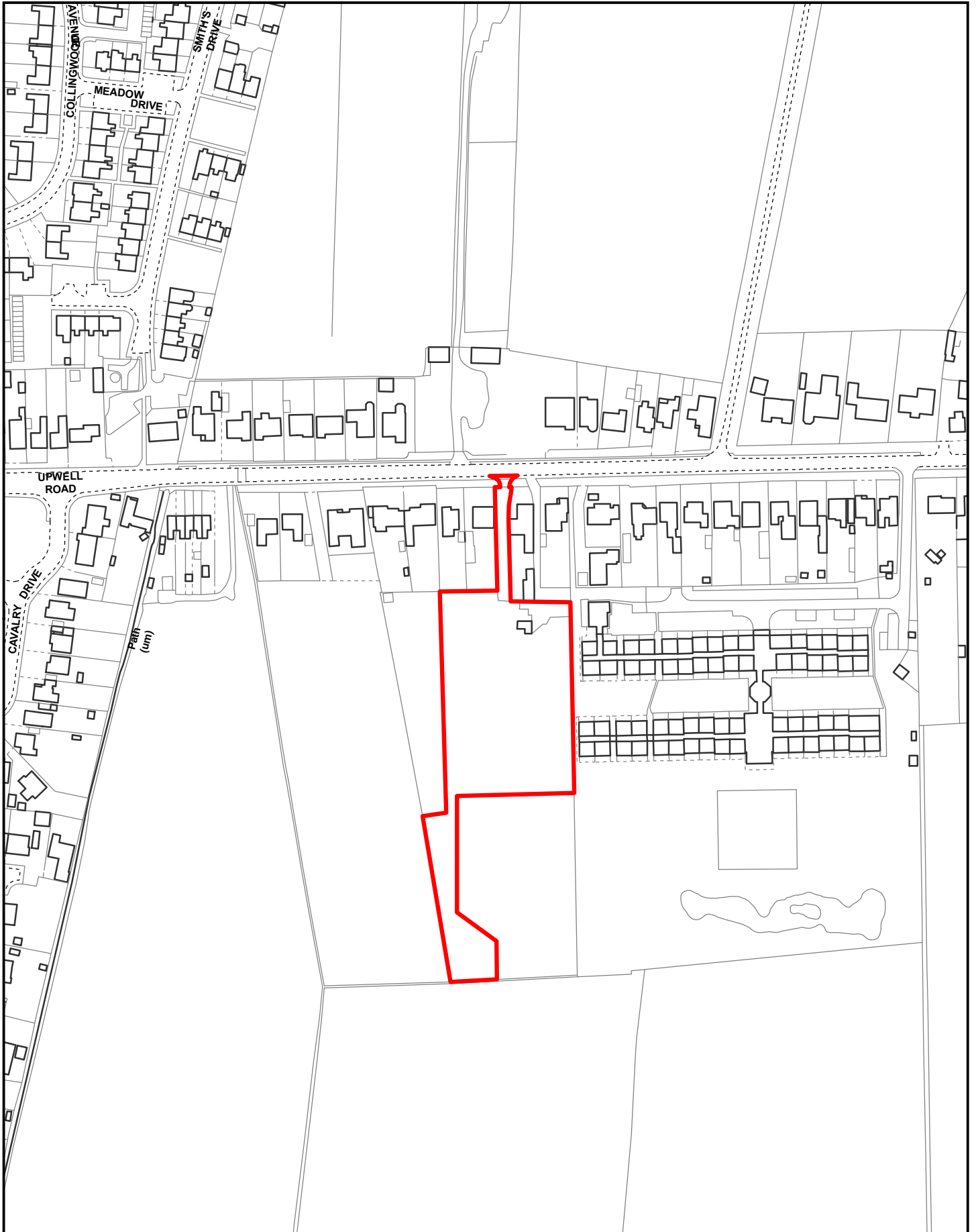
## 11 RECOMMENDATION

### 11.1 Grant subject to the following conditions;

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the means of access thereto;</li> <li>v. the landscaping</li> </ul> <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 8 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 as a minimum, a Phase 1 Habitat survey for the site and an ecology report including a proposed scheme of biodiversity protection, mitigation and enhancement measures, including a timeframe for implementation.</p> <p>The approved mitigation measures shall be implemented fully in accordance with the details approved.</p> <p>Reason - In the interests of protecting and enhancing biodiversity in and around the site in accordance with policy LP16(b) and LP19 of the Fenland Local Plan, 2014.</p>
6	<p>Notwithstanding condition 5, the details required as part of condition 1 shall also include;</p> <ul style="list-style-type: none"> <li>i) Details of the finished floor level of all buildings and associated external</li> </ul>

	<p>ground levels taken from an adjacent datum point,</p> <ul style="list-style-type: none"> <li>ii) A surface water drainage scheme and its future management and maintenance arrangements, which follows the principles as set out in the adopted Cambridgeshire Flood and Water SPD (2016).</li> <li>iii) A foul water drainage scheme and its future management and maintenance arrangements</li> <li>iv) Street lighting details and its future management and maintenance arrangements</li> <li>v) Future management and maintenance arrangements for all roads serving the development</li> <li>vi) A Refuse Collection Strategy having regard to the RECAP guidance as detailed within the Cambridgeshire and Peterborough Waste and Minerals Local Plan, 2017.</li> </ul> <p>The development shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of protecting visual and residential amenity and in order to secure appropriate drainage means and refuse arrangements in accordance with Policies LP14, LP16 and LP17 of the Fenland Local Plan, 2014.</p>
7	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <ul style="list-style-type: none"> <li>a) The statement of significance and research objectives;</li> <li>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</li> <li>c) The timetable for the field investigation as part of the development programme;</li> <li>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material</li> </ul> <p>Reason: To ensure that the significance of historic environment assets is conserved in line with NPPF section 16 and Policy LP18 of the Fenland Local Plan, 2014.</p>
8	<p>Prior to the commencement of development including any demolition, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following detail;</p> <ul style="list-style-type: none"> <li>i) Measures to control dust, particularly, during dry or windy weather conditions.</li> <li>ii) Measures to prevent the egress of mud and detritus onto the highway</li> <li>iii) Times when work will take place</li> <li>iv) Locations of any construction compounds, staff parking and construction hoarding</li> </ul> <p>The development shall be carried out in accordance with the approved CMP.</p> <p>Reason: In the interests of residential amenity protection and highway safety in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.</p>

9	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply and access arrangements for the fire and rescue service shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be; implemented, made available for use and the Local Planning Authority notified in writing of its completion, all prior to the occupation of the first dwelling.</p> <p>Reason: In the interests of the safety of the occupiers in accordance with policy LP2 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>
10	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <ul style="list-style-type: none"> <li>(i) it shall be reported to the Local Planning Authority within 1 working day;</li> <li>(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;</li> <li>(iii) the remediation strategy shall be implemented as approved;</li> <li>(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"> <li>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;</li> <li>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.</li> </ul> </li> <li>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</li> </ul> <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>
11	Approved plans and documents.



Created on: 28/07/2021

© Crown Copyright and database  
rights 2021 Ordnance Survey 10023778

**F/YR21/0811/O**

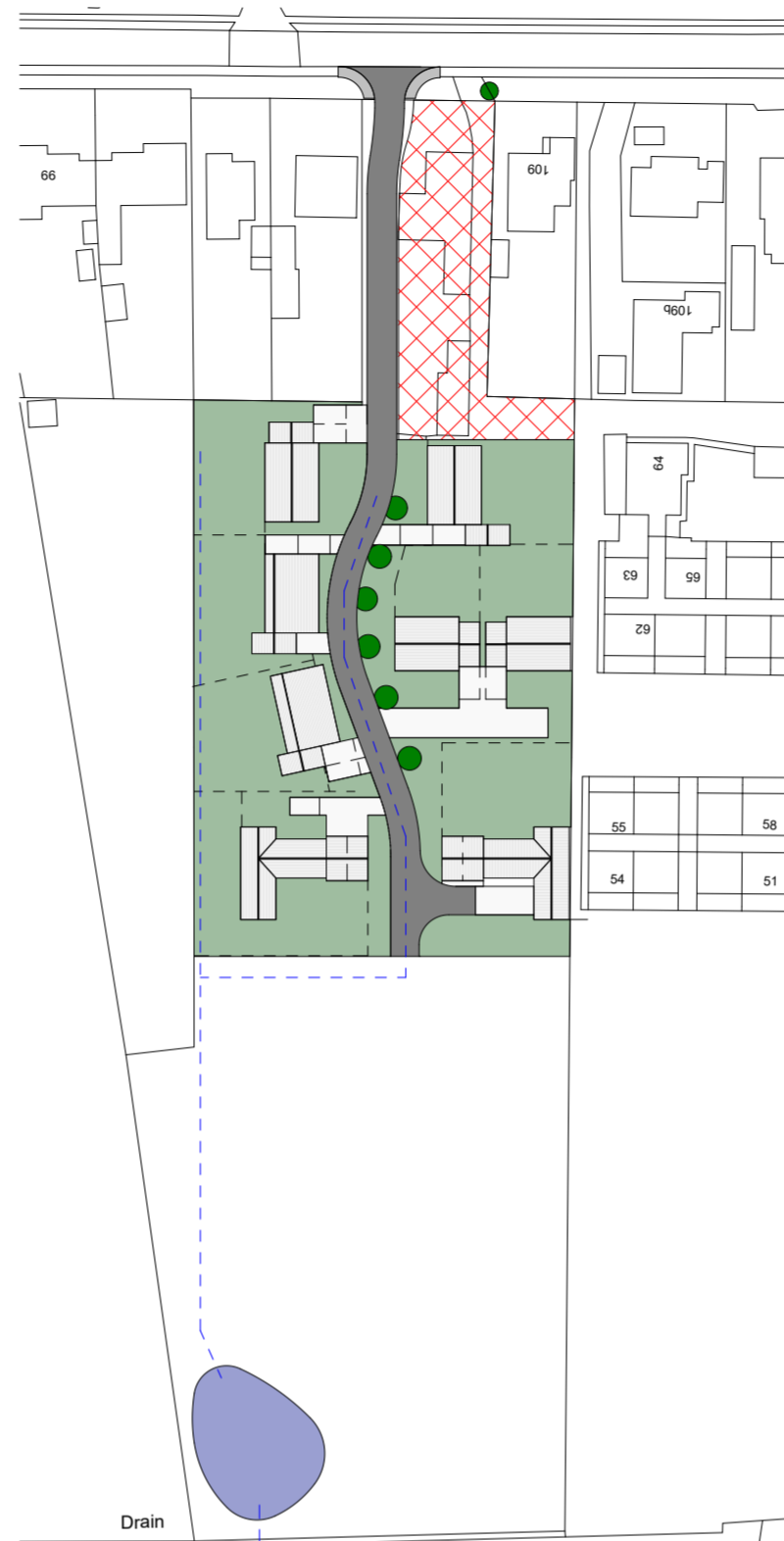
Scale = 1:2,500



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

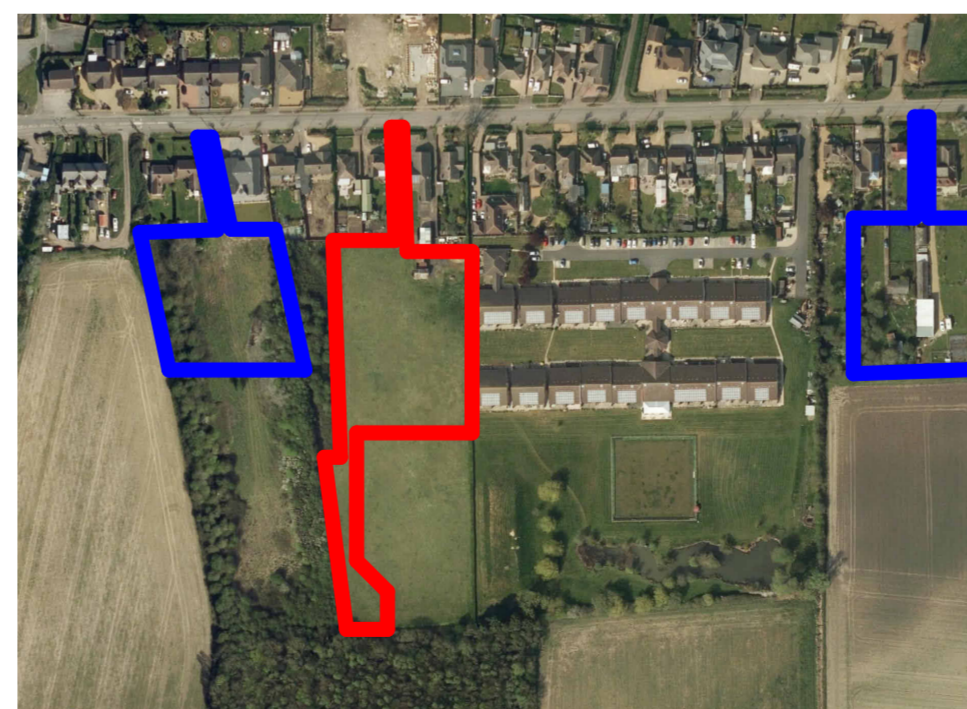


**Indicative Site Plan**  
 1 : 500



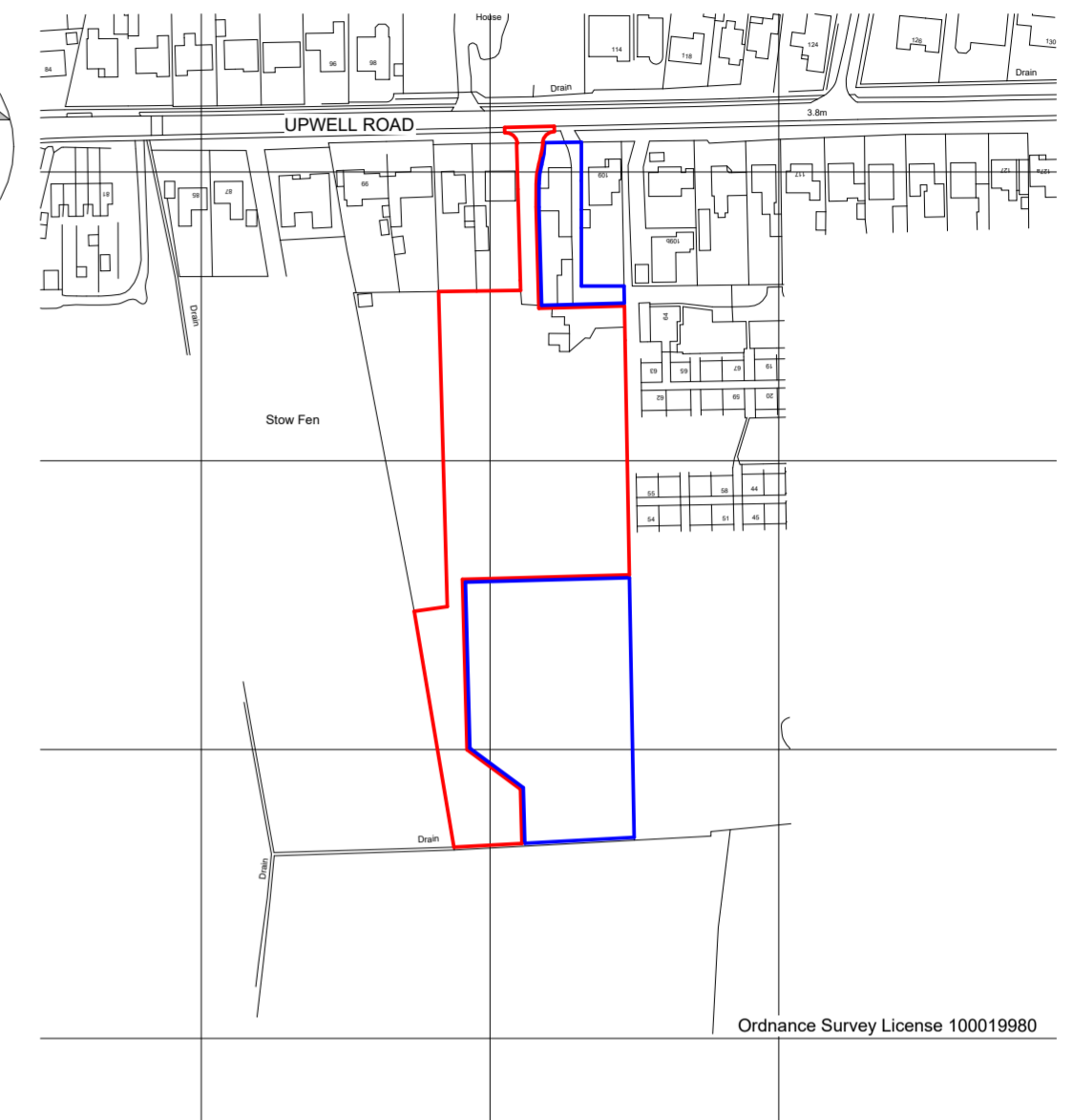
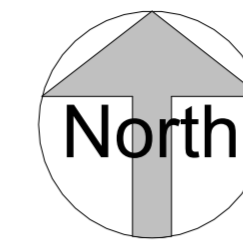
**Indicative Surfacewater**  
 1 : 1250

**SURFACEWATER DRAINAGE STRATEGY**  
 Above shows indicative drainage layout subject to detailed design and Middle Level Approval.  
 Drainage to West of site to allow for drainage of land if required.  
 Attenuation pond provide to North West (lowest) part of site and flow restricted outfall to the existing ditch



Blue indicates developments recently approved  
 Red indicates proposed development

**Aerial View of Existing Development**



**Location Plan**  
 1 : 2500

E	Access amended	26-10-21
D	Entrance Amended	05-10-21
C	Tree removed footpath entrance	23-09-21
B	Entrance radius amended, road width amended	27-08-21
A	Indicative Site Plan Wording	13-07-21

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

Proposed Development to Rear of 107 Upwell Road, March for Mr Andy Haupert

Planning Drawing

date	scale	drawing no.	rev
17-06-21	As indicated @ A2	470 - P01	E



F/YR21/0819/FDL

**Applicant: Mrs W Carver**

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

**Land South Of Gillingham Lodge The Chase, Gaul Road, March, Cambridgeshire**

**Erect 1 x dwelling involving the demolition of existing outbuildings (outline application with matters committed in respect of access)**

**Officer Recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for one dwelling, with matters committed in relation to access only. Access is via The Chase and it is proposed to widen the shared surface by 1.5m, demolish a section of the boundary wall near the junction, replace this with a 1.2m high wall and re-align the bell mouth.
- 1.2 It is acknowledged that the widening of the existing track and rebuilding and re-location of the western boundary wall may potentially not appear as visually attractive as is currently the case and to some extent the character would be altered. However, the site is an edge of town centre location, within the built up area and not within the conservation area, as such this impact is not considered to be significantly adverse. There are also not considered to be any significant detrimental impacts in relation to residential amenity, subject to detailed design.
- 1.3 The previous applications for a dwelling on this site have been refused as the width of The Chase was considered inadequate and due to issues of highway safety in relation to the junction with Gaul Road. The latter application was also dismissed on appeal. The submitted details evidence that the required visibility splays can be achieved and the LHA, whilst sharing some of the concerns raised by residents, does not object to the scheme, considering that the width and visibility issues referred to by the Inspector are overcome by the scheme put forward. The addition of one additional dwelling, which would be limited in scale due to the constraints of the site, in conjunction with the widening of The Chase and improvements to the junction with Gaul Road is not considered to create an unacceptable impact on highway safety nor a severe cumulative impact.
- 1.4 Hence, on balance the proposal is considered acceptable, and a positive recommendation is put forward.

## 2 SITE DESCRIPTION

The application site is located on the eastern side of The Chase, a narrow single track off Gaul Road, owned by Fenland District Council which leads to West End Park. The track is tarmac, there is a grass verge of varying width along the western side against a high-level brick wall leading from the junction with Gaul Road. The Chase currently serves three properties (one of which is in a dilapidated state and not currently occupied). The site itself currently consists of a number of outbuildings fenced off from The Chase and a large tree to the north of the site.

## 3 PROPOSAL

- 3.1 The application seeks outline planning permission for one dwelling, with matters committed in relation to access only.
- 3.2 Access is via The Chase and it is proposed to widen the shared surface by 1.5m, demolish a section of the boundary wall near the junction to achieve greater visibility, replacing this with a 1.2m high wall, and re-alignment of the bell mouth junction arrangement.
- 3.3 Full plans and associated documents for this application can be found at:

[F/YR21/0819/FDL | Erect 1 x dwelling involving the demolition of existing outbuildings \(outline application with matters committed in respect of access\) | Land South Of Gillingham Lodge The Chase Gaul Road March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR21/0819/FDL | Erect 1 x dwelling involving the demolition of existing outbuildings (outline application with matters committed in respect of access) | Land South Of Gillingham Lodge The Chase Gaul Road March Cambridgeshire (fenland.gov.uk))

## 4 SITE PLANNING HISTORY

F/YR02/0830/O	Erection of a dwelling	Refused 3/9/2002
		Dismissed on appeal 30/6/2003
F/97/0503/O	Erection of a bungalow	Refused 22/10/1997

## 5 CONSULTATIONS

### 5.1 Town Council

*Recommend approval.*

### 5.2 Cambridgeshire County Council Highways (29/10/2021)

*Drawing: H6887/03 rev E*

*I refer to the revised plan which is acceptable. I have no objections to planning permission being granted subject to the following condition:*

*1. Development shall not be occupied until the widening of the Chase and alterations of the junction of the Chase and Gaul Road shown on plan H6887/03 rev E have been sited and constructed in accordance with details to be submitted and approved in writing by the local planning authority.*

*Reason: for the safety and convenience of users of the Chase and Highway users. Informative: the developer will be required to enter a s278 agreement for works within the highway.*

The applicant should contact Cambridgeshire County Council Highways team [highways@cambridgeshire.gov.uk](mailto:highways@cambridgeshire.gov.uk) for the information required to be submitted in order to complete this process and comply with the condition. Information is also available from:

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highways-development>

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.

I would recommend that a construction management plan condition is also attached because the construction traffic will need to be carefully managed given their impact on pedestrians and cyclists.

### 5.3 Cambridgeshire County Council Highways (11/11/2021)

Comments following further neighbour objections:

I refer to your email yesterday. Both responses make strong arguments on refusing the planning application and I share many of these concerns. It is certainly the case that even with the alterations to the Chase and the access you could argue that no development is acceptable.

As you know the Inspector's decision is relevant in this case:

2. The Chase is a narrow drive providing vehicular access to two existing dwellings, one approved dwelling yet to be built and the storage yard to the rear of 33 Gaul Road. Importantly the access is also a public footpath leading to West End Park and through to the town centre. The width was agreed at the site visit to be only 3 metres, which is clearly inadequate for two vehicles to pass. Given the intensive use by pedestrians, I consider any increase in vehicular use would be detrimental to the safety of users of The Chase. Visibility for vehicles exiting The Chase onto Gaul Road is very poor, restricted by a high wall on the right and a similarly high hedge on the left. Pedestrians using the northern footway of Gaul Road would be put under increasing risk by any additional vehicular use of The Chase.

The paragraph above is all wrapped together, and this makes it confusing as to whether there are separate issues or whether they are all linked.

1. Existing width of 3m is inadequate for two vehicles to pass. Agree the point that two vehicles cannot pass as existing. The proposals are widening to 4.5m which can allow two vehicles to pass (two cars can pass, albeit at low speeds, on straight sections with a width of 4.1m).
2. "Given the intensive use by pedestrians, I consider and increase in vehicular use would be detrimental to the safety of users of the Chase" – the question is, is this point saying never any development or is it linked to the previous point (overcome), a stand-alone point or linked to the next point (overcome).
3. "Visibility for vehicles exiting the Chase onto Gaul Road is very poor, restricted by a high wall on the right and similarly high hedge on the left. Pedestrians using the northern footway of Gaul Road would be put under increasing risk by any additional vehicular use of the Chase" – the first part of this I do not agree at all, if it refers to vehicles from the chase having

*visibility of vehicles on Gaul Road approaching the Chase in both directions.*

*I have visited the site and viewed the site from 2.4m along the centre line (standard view / measuring point) and this was the view which is not restricted and acceptable.*

- 4. Pedestrian visibility is restricted due to the high wall and mentioned in the final part of the Inspector's decision. The proposals that include reposition of the wall to create visibility splays overcome that comment, in my opinion.*

*Therefore, it is my opinion that the width and visibility aspects of the Inspector's report are overcome. What remains the key point is whether even with these aspects overcome is the development still unacceptable and whether the Inspector was specifically making the point that no development is acceptable? I have visited the site and done so on two occasions. On one occasion there was very little pedestrian activity and on another it was much higher. It is clear from my observations, those of residents and the inspector that this is a well-used route but activity no doubt varies at times, days and weather conditions.*

*I certainly share concerns of residents and there will be some impact through the increase in vehicular traffic. Deliveries will also be awkward possibly being made from Gaul Road, with worse case being vehicles entering the Chase and then reversing. Taking these into account there is an argument, of course for refusal.*

*Although, I have not objected this is very finely balanced. My reasoning for not objecting is combining the improvements to width and visibility, the addition of just a single dwelling is perhaps not severe.*

*If you or members decide to refuse planning permission, then arguments could certainly be made on safety grounds and therefore refusal would not be an unreasonable conclusion.*

*I hope this helps and please feel free to use any of this in your report or as an update for members.*

#### **5.4 Environmental Health (FDC) (11/8/2021)**

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

*As the proposal involves demolition of an existing structures, we ask for the following condition to be imposed in the event planning consent is granted.*

#### **UNSUSPECTED CONTAMINATION**

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

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

### **5.5 Environmental Health (FDC) (2/11/2021)**

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

*The Environmental Health team note the submitted additional information that has prompted the re-consultation and having studied these documents, they do not affect the recommendations in previous responses.*

*Consequently, there are still no objections to this proposal subject to the previous recommendations.*

### **5.6 March Society**

*The March Society has been approached by residents concerned by the above application.*

*Firstly, it appears that it is in fact 3 applications: 1. The erection of a new dwelling, 2: The installation of a footway 3. The partial demolition of a boundary wall.*

*It is surprising that the applicant can make an application to alter a registered footpath (The Chase) that does not cross land that she owns.*

*In the application form "7. Pedestrian and Vehicle Access, Roads and Rights of Way" all questions concerning change of access receive an answer: "No".*

*The question of the boundary wall also raises concern in that it was deemed perfectly sound as a boundary when Magnolia Close was recently completed.*

*As far as the dwelling the application gives little indication of what it will look like. There are no drawings of elevations, no floorplans. We are told that it will be one and a half storeys in height and given that all visible buildings in the vicinity are bungalows it would be an anomaly.*

*We are told that there will be an increase in parking provision from 2 to 3 cars.*

*Furthermore, we suggest that the plans of the site should use names that are current for the properties. Not everyone would be aware that Holly Cottage on the plans is in fact Willow View Clarity and openness are to be encouraged when dealing with plans that may affect the lives of neighbours and residents for years to come.*

### **5.7 Arboricultural Officer (FDC)**

*The tree is of amenity value and is visible to the general public. Therefore, I see no justification for its removal when it is making a contribution to the street scene particularly given that the tree provides year-round interest as an evergreen.*

### **5.8 Economic Growth and Assets (FDC)**

*Estates in their capacity as landowners of the footpath are supportive of the Planning Application as it will improve the path both visually and in terms of safety*

### **5.9 Refuse Team (FDC)**

*This is a historic custom and practice arrangement; we access and collect using one of our small 7.5t vehicles. Any properties built on The Chase would be the same with bins collected from boundary.*

### **5.10 Wildlife Officer (30/9/2021)**

*I think all of the ecological concerns can be answered with conditions that ensure certain demolition and construction practices.*

*By the looks of it the sheds are relatively well used. With disturbance and the well-kept nature of the sheds unlikely to be used by bats. birds and reptiles are a possibility but can be sorted with the appropriate conditions.*

### **5.11 Wildlife Officer (25/11/2021)**

*Please see below the standard text in relation to considering nesting birds as a material concern.*

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

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

*I can also confirm I have attended site on the 22nd of November and can confirm the trees to be removed have no potential to harbour roosting bats.*

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

Six objections have been received (two from The Chase, two from Cousins Close, one each from West End and Chestnut Crescent all in March), in relation to the following:

- The Chase is used as a pedestrian thoroughfare to access West End Park and the town centre
- Concerns regarding vehicle/pedestrian conflict/ increased motor traffic
- Applications have previously been refused and dismissed on appeal
- Would set a precedent
- Two cars cannot pass
- Pedestrians would have to follow a more prescribed route and less pleasant
- Statement that the boundary wall for demolition being in poor condition is questionable
- Demolition of wall would be contrary to LP16 which is designed to protect historic structures and the wall is subject to a condition on the planning permission for the development at Magnolia Close
- Limited visibility and potential conflict at the junction with Gaul Road
- Not a solution for the dereliction
- The Chase is already a community asset and does not need rearranging
- The application is for a 1 and a half storey house and should be a bungalow to be in keeping

- The Chase is a pleasant stroll with a unique atmosphere and a great asset to this part of town
- Traffic and parking on Gaul Road is an issue
- Loss of view
- Out of character
- Overlooking
- If only 1 dwelling is proposed why is there a need for The Chase to be altered
- No turning is available, vehicles would need to reverse out
- How will general parking be avoided
- The Chase is a registered public footpath
- Very few of the people that use The Chase have been consulted
- Area of town prone to flooding

Nine supporting comments have been received (two each from Waveney Drive and Ravenhill Drive, one each from Burrowmoor Road, Gaul Road, Oxbow Crescent, Badgeney Road and Yardy Close all in March), in relation to the following:

- The area looks neglected and vandalism, anti-social behaviour and fear of is an issue, new development would improve
- site ideal for a dwelling, though unsure of footpath due to anti-social behaviour
- Footpath great community benefit
- Would tidy up the site

Two representations have been received (one each from Waveney Drive and Magnolia Close, March) in relation to the following:

- providing some historic context to the site.
- Requiring further information regarding the type of dwelling proposed

Comments where they relate to planning matters will be addressed in the sections below, it should be noted that loss of a view is not a planning consideration and all applications are dealt with on their own merits.

The Chase is not recorded on the Definitive Map and Statement as a public footpath and the local street gazetteer indicates it is a private road, though the land may be accessed by the public as it has been in use for at least 20 years without restriction. The Chase is owned by Fenland District Council and it would be for landowners to grant rights for vehicular access if they wish; this is a civil matter outside the planning process.

With regards to consultation, this has been undertaken in accordance with the Council's Statement of Community Involvement 2018.

## **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 2021**

Context – C1

Identity – I1, I2

Built Form – B2

Movement – M1, M2, M3

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

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

#### **Delivering and Protecting High Quality Environments in Fenland SPD**

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

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

H2 – Windfall Development

## **8 KEY ISSUES**

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

## **9 BACKGROUND**

9.1 The site has been the subject of two previous applications which have been refused (the latter of which also dismissed on appeal) for the following reasons:

### **9.2 F/97/0503/O**

- 1 *The proposed access to the site is inadequate and below the standard required by reason of width to The Chase.*
- 2 *The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of both vehicular traffic and pedestrian safety on the adjoining public highway.*



### 9.3 F/YR02/0830/O

- 1 *The proposed access to the site is inadequate and below the standard required by reason of width to The Chase.*
- 2 *The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.*

This application was also dismissed on appeal for the following reasons:

*The Chase is a narrow drive providing vehicular access to two existing dwellings, one approved dwelling yet to be built and the storage yard to the rear of 33 Gaul Road. Importantly the access is also a public footpath leading to West End Park and through to the town centre. The width was agreed at the site visit to be only 3 metres, which is clearly inadequate for two vehicles to pass. Given the intensive use by pedestrians, I consider any increase in vehicular use would be detrimental to the safety of users of The Chase. Visibility for vehicles exiting The Chase onto Gaul Road is very poor, restricted by a high wall on the right and similarly high hedge on the left. Pedestrians using the northern footway of Gaul Road would be put under increasing risk by any additional vehicular use of The Chase.*

*The recent planning permission granted for a dwelling at the rear of 29 Gaul Road requires a replacement access for the host property onto the main road. Consequently, no increase in vehicular use of The Chase would arise from that development. I recognise that there is presently a garage and additional parking provided on the appeal site. However, this is associated with the adjoining property, Gillingham Lodge and the development of the appeal site would not remove the need for those vehicles to use The Chase. A new dwelling on the appeal site would inevitably lead to an increase in vehicular use of The Chase and I consider this would be detrimental to highway safety.*

#### **Other relevant applications surrounding:**

### 9.4 F/YR01/0392/O - Land North Of 29 Gaul Road March

This application for a dwelling was granted on the basis that the access to the rear of 29 Gaul Road via The Chase was replaced with access and parking from Gaul Road (condition 6) and as such no additional access/traffic was created on The Chase.

Application F/YR04/0200/F for a dwelling was subsequently submitted and granted.

### 9.5 F/YR03/1181/O – Land South of Holly Cottage, The Chase

This application for a dwelling was refused for the following reasons:

- 1 *The proposed access to the site is inadequate and below the standard required by reason of width to The Chase.*
- 2 *The manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of both vehicular traffic and pedestrian safety on the adjoining public highway.*

An appeal of this refusal was dismissed

## 9.6 F/YR18/0947/F – 33 Gaul Road, March

This application was granted for 7 dwellings accessed via Gaul Road, condition 14 relates to the boundary wall subject to this application:

*Prior to the demolition of the outbuildings which make up part of the eastern boundary, details of the repair, future maintenance and any proposed alterations to the eastern boundary wall following demolition of the outbuildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.*

*No other demolition should take place of any part of the eastern boundary wall unless permission is obtained in writing from the local planning authority prior to any demolition taking place.*

*Reason: To ensure the environment of the development is improved and enhanced in accordance with Policy LP16 of the Fenland Local Plan 2014.*

The officer report referred to the boundary walls providing a character reference to the history of the site which contained a home of character within a large walled garden and associated orchards. The above condition prevents demolition of the eastern boundary wall unless permission is obtained in writing from the LPA, it is considered this can be dealt with as part of this current application.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The application site is located within 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, flood risk and ecology.

### Design considerations and visual amenity

- 10.2 This is an outline application with matters committed in respect of access only, hence details of the proposed design, appearance and scale have not been submitted and will be dealt with as reserved matters where these issues will be considered.
- 10.3 Development on The Chase is of linear form and restricted to the eastern side of the road, where the site is located. Dwellings in the immediate vicinity on The Chase, Ravenhill Drive, Oxbow Crescent and Magnolia Drive are single-storey and as such it is considered only a single-storey dwelling would be suitable on this site.
- 10.4 There are trees on the site, in particular a large Norwegian Spruce tree to the north of the site in close proximity to The Chase which is considered to be of amenity value and provides year-round interest as an evergreen. There are also trees surrounding and in close proximity to the site which could be impacted by and/or influence the development of this site. As such it is considered that an Arboricultural Impact Assessment would be required and could be conditioned to form part of the Reserved Matters should this application be successful.

10.5 The Chase does have a quiet, almost rural feel with its wide grass verge and an affinity with the open space of West End Park to which it leads. Historically this area of Gaul Road formed the edge of the settlement with a wide-open character, it has since had a number of estate type developments and is clearly part of the built-up area, close to the town centre. The last reference to the historic context was 33 Gaul Road with its substantial grounds; since the previous application for this site No.33 has been redeveloped and now consists of estate type housing. Hence, whilst it is acknowledged that the widening of the existing track will result in the loss of an extent of grass verge and will therefore not be as visually attractive, the site is an edge of town centre location, within the built-up area and not within the conservation area, as such this impact is not considered to be significantly adverse. Similarly, the reduction in height, rebuilding and re-location of the western boundary wall may potentially not appear as visually attractive as is currently the case, however this impact is not considered harmful enough to warrant a refusal in this regard, and as such it is considered acceptable in visual amenity terms subject to full details (full elevational drawings and materials, ideally reuse of the existing bricks) being secured by way of a condition.

### **Residential Amenity/Health and wellbeing**

10.6 The site was former garden land serving Gillingham Lodge, which was sold in 2015 without this land and has been separately registered with Land Registry, as such the loss of amenity space to this existing dwelling is not a consideration.

10.7 This is an outline application with matters committed in respect of access only, hence details of the proposed design, appearance and scale have not been submitted and would be dealt with as reserved matters to be considered in the future. The site plan submitted provides an indicative layout to establish that a dwelling could be adequately accommodated on this site. It is considered that only a single-storey dwelling would be acceptable on this site and as such issues in relation to overlooking and loss of outlook or light are likely to be minimised.

10.8 The lowered western boundary wall would result in the area to the side of 31 Gaul Road being more open alongside The Chase, as it would be possible to see over the proposed 1.2m high wall. However, this area is visible from Gaul Road due to the low-level boundary treatment to the front, there are no ground floor windows in the side elevation of the dwelling facing towards The Chase and the approved site plan for the development details a boundary treatment with gate extending from the dwelling to the boundary wall in question where this remains full height, thereby securing the privacy of the rear garden. As such this element of the scheme is not considered to result in significant detrimental impacts on the residential amenity of No.31.

### **Highways**

10.9 The previous applications for a dwelling on this site have been refused as the width of The Chase was considered inadequate and due to issues of highway safety in relation to the junction with Gaul Road. The latter application was also dismissed on appeal with the inspector concluding that given the limited width and intensive use by pedestrians the increased vehicular use would be detrimental to the safety of users of The Chase and that visibility on to Gaul Road was very poor.

10.10 It is acknowledged that The Chase is very well used as a pedestrian/cycle link to West End Park, the town centre and surrounding schools. The scheme put forward proposes widening of The Chase by 1.5m to form a wider shared surface, full details have not been provided due to the nature of the application but can be secured by way of a condition to ensure that these are acceptable. There are

only 3 existing dwellings on The Chase and as such vehicular movements are likely to be low, the widened shared surface would enable cars to pass one another if necessary and sufficient width for a car and pedestrian or cyclist to pass safely; the widened section can be demarcated to steer pedestrians and cyclists to utilise this area. The previous appeal decision referred to there being vehicular access to the yard to the rear of 33 Gaul Road, this use has since ceased and the land re-developed for housing accessed by alternative routes.

- 10.11 A section of the high-level boundary wall on the western side of The Chase is proposed to be partially demolished, relocated and re-constructed at the lower height of 1.2m. The submitted details evidence that the required visibility splays can be achieved and the LHA, whilst sharing some of the concerns raised by residents, does not object to the scheme, considering that the width and visibility issues referred to by the Inspector are overcome by the scheme put forward.
- 10.12 The provision of one additional dwelling, which would be limited in scale due to the constraints of the site, in conjunction with the widening of The Chase and improvements to the junction with Gaul Road is not considered to create an unacceptable impact on highway safety nor a severe cumulative impact.
- 10.13 The Chase is not recorded on the Definitive Map and Statement as a public footpath and the local street gazetteer indicates it is a private road, though the land may be accessed by the public as it has been in use for at least 20 years without restriction. The Chase is owned by Fenland District Council and it would be for the landowners to grant rights for vehicular access if they wish; this is a civil matter outside the planning process.

#### **Flood Risk**

- 10.14 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.
- 10.15 There is a very low risk of surface water flooding and issues of surface water will be considered under Building Regulations; accordingly, there are no issues to address in respect of Policy LP14.

#### **Ecology**

- 10.16 The Council's Wildlife Officer has visited the site and considers that ecological concerns can be dealt with by way of a condition/informative regarding vegetation clearance outside birds nesting season and the applicant will be reminded of their duty under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000.

## **11 CONCLUSIONS**

The principle of development is considered acceptable in this location subject to compliance with all other relevant policies. There are no significant issues in relation to residential amenity (subject to detailed design), flood risk or ecology. It is acknowledged that there will be some detrimental impact on the character of the area, however this is not considered significant enough to warrant refusal given the edge of centre location. The LHA, whilst sharing some of the concerns raised by residents, does not object to the scheme, considering that the width and visibility issues referred to by the Inspector are overcome by the scheme put forward. The addition of one dwelling, in conjunction with the widening of The Chase and improvements to the junction with Gaul Road is not considered to create an

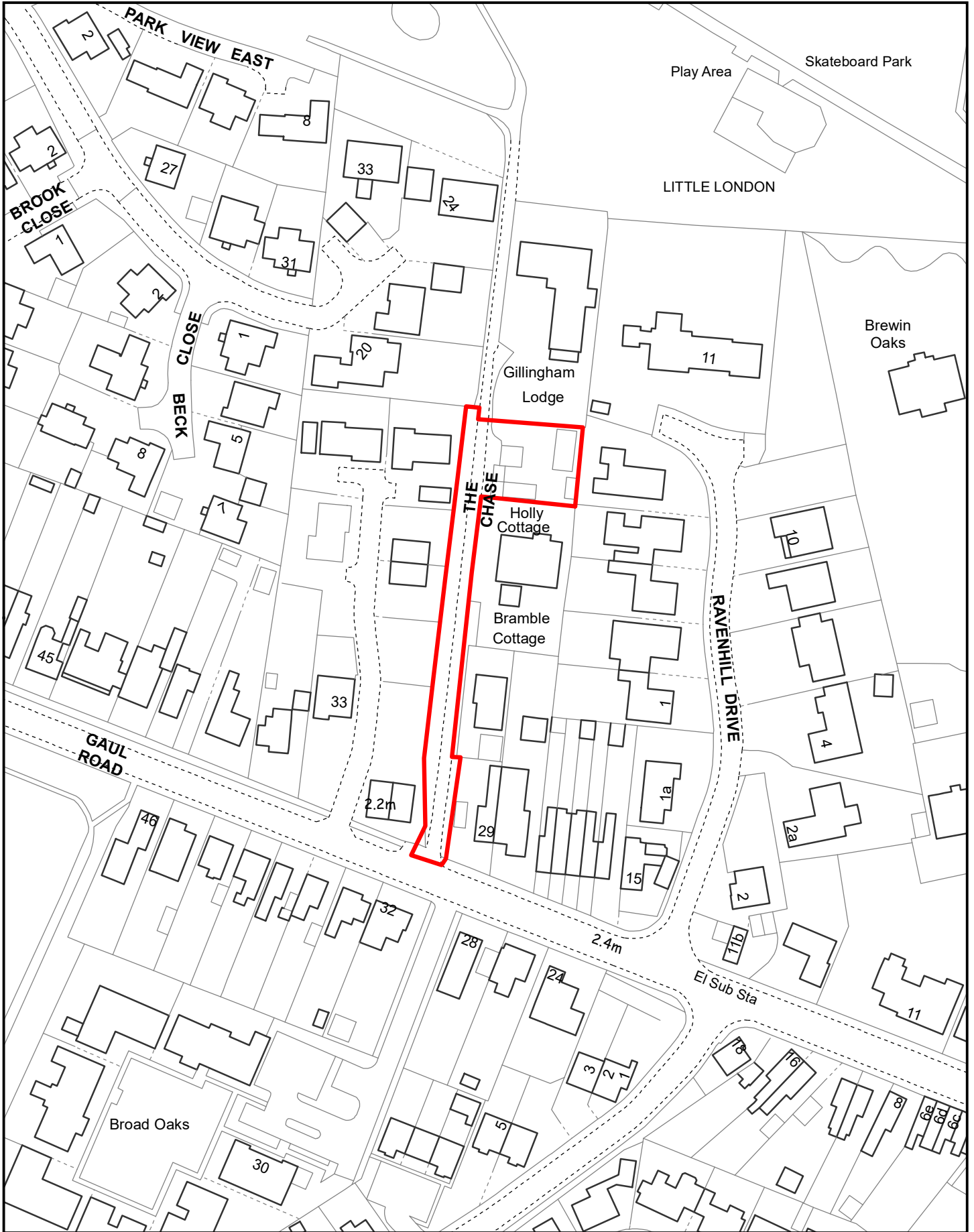
unacceptable impact on highway safety nor a severe cumulative impact. Hence, on balance, a favourable recommendation is put forward.

## 12 RECOMMENDATION

### Grant, subject to the following conditions:

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the landscaping</li> </ul> <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 element of the development shall not exceed 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>The details submitted in accordance with Condition 01 of this permission shall include:</p> <ul style="list-style-type: none"> <li>i. an accurate survey including levels of the site, such survey to indicate precisely the positions and species of all trees and the extent of their canopies, including those on adjoining land that could be impacted by the development</li> <li>ii. a plan and schedule of all trees, indicating which are to be retained, felled, lopped or topped.</li> <li>iii. a plan and schedule for the planting of trees and shrubs, their types and distribution on the site, hard landscaping, and the areas to be seeded or turfed.</li> </ul>

	<p>iv. a programme of the timing of the landscape work having regard to the timing of the commencement of any part of the development hereby permitted.</p> <p>v. an indication of the measures to be taken during the course of development operations to protect those trees which it is intended to retain.</p> <p>vi. proposed finished site and floor levels</p> <p>vii. means of enclosure</p> <p>viii. hard surfacing, other hard landscape features and materials</p> <p>Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and residential amenity of surrounding dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>The dwelling hereby permitted shall not be occupied until the widening of The Chase and alterations of the junction of The Chase and Gaul Road shown on plan H6887/03 rev E have been sited and constructed in accordance with a detailed scheme to be submitted and approved in writing by the local planning authority, such a scheme shall include full details of the wall to be altered, details of any demarcation and all materials to be used. The development shall then be undertaken in accordance with the approved details and retained as such in perpetuity.</p> <p>Reason - for the safety and convenience of users of The Chase and Highway users, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>



Created on: 02/08/2021

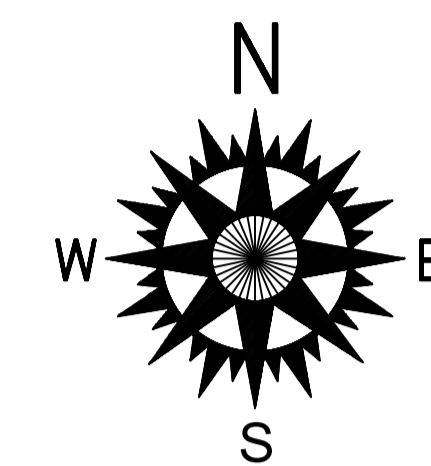
© Crown Copyright and database rights 2021 Ordnance Survey 10023778

**F/YR21/0819/FDL**

Scale = 1:1,250



Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.  
 Please read, if in doubt ask. Change nothing without consulting the Engineers.  
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 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.



**LEGEND**

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- APPLICATION SITE
- LAND OWNED BY APPLICANT
- HOUSEHOLDER BIN LOCATIONS

REVISIONS	DATE
E HIGHWAYS COMMENTS	OCT 2021
D HIGHWAYS COMMENTS	OCT 2021
C HIGHWAYS COMMENTS	SEP 2021
B DRAWING UPDATED	MAR 2021
A DRAWING UPDATED	AUG 2020

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ  
 Tel: 01354 655454 Fax: 01354 660467  
 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk

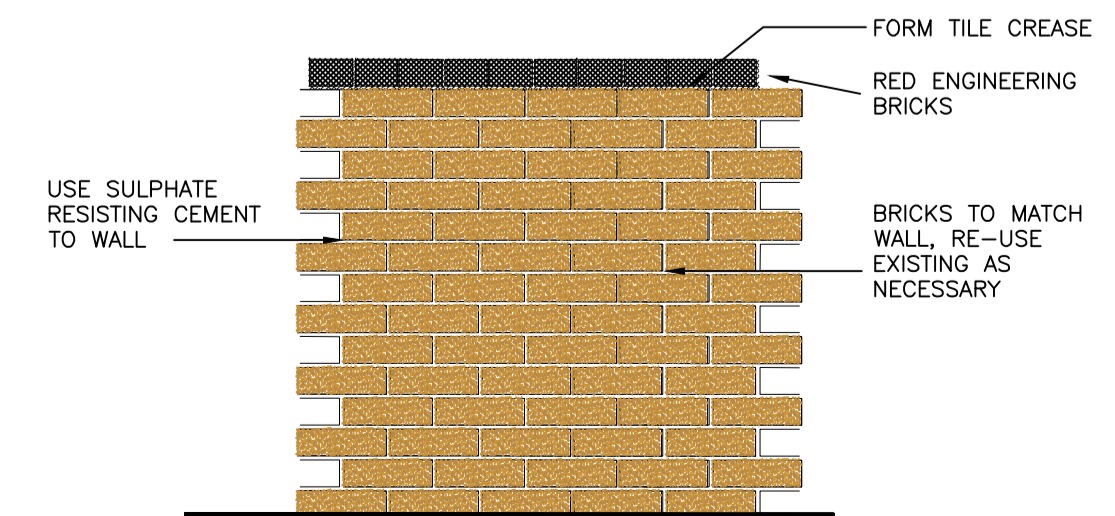
Fenland District Council  
**Building Design Awards**  
 Winner

CLIENT  
 Mrs W Carver

PROJECT  
 Land South of Gillingham Lodge  
 The Chase  
 March  
 Cambridgeshire

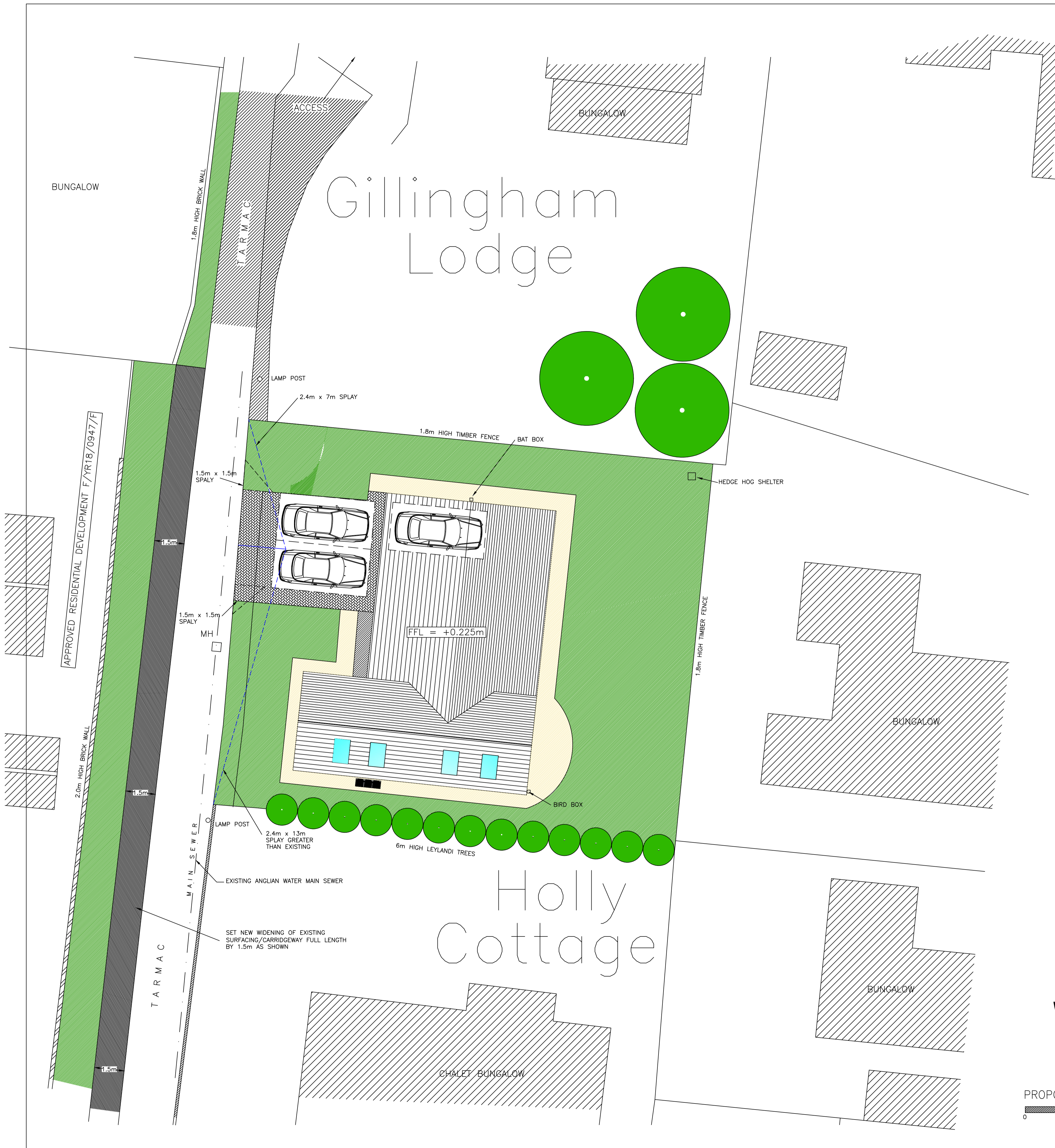
TITLE  
 Proposed Overall Plan

DRAWN MH	DATE OF ISSUE
CHECKED	
DATE May 2020	DRAWING NUMBER H6887/03
SCALE AS SHOWN	E



PROPOSED OVERALL ACCESS PLAN 1:200





PROPOSED BAT BOX



PROPOSED BIRD BOX



PROPOSED HEDGEHOG SHELTER

Copyright on all drawings prepared by Morton & Hall Consulting Limited is their property. Drawings and designs may not be reproduced in part or in whole without their written permission.  
 Please read, if in doubt ask. Change nothing without consulting the Engineers.  
 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 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

**LEGEND**

- GRAVEL (PERMEABLE COVERING)
- TARMAC
- GRASS
- BLOCK PAVING
- PATHS/PATIO AREA
- APPLICATION SITE
- LAND OWNED BY APPLICANT
- HOUSEHOLDER BIN LOCATIONS

C	SURFACE AMENDED	OCT 2021
B	SPLAYS ADDED	SEP 2021
A	DRAWING UPDATED	MAR 2021
REVISIONS		DATE

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ  
 Tel: 01354 655454  
 Fax: 01354 660467  
 E-mail: info@mortonandhall.co.uk  
 Website: www.mortonconsultingengineers.co.uk

Fenland District Council  
 Building Design Awards  
 Building Excellence in Fenland

CLIENT	Mrs W Carver		
PROJECT	Land South of Gillingham Lodge The Chase March Cambridgeshire		
TITLE	Indicative Proposed Site Plan		
DRAWN	MH	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H6887/02
DATE	May 2020	SCALE	AS SHOWN

This page is intentionally left blank

**F/YR21/0908/F**

**Applicant: Mr Goodhew**

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

**Land South and West Of 12, High Road, Guyhirn, Cambridgeshire**

**Erect 1 x dwelling (2-storey, 4-bed) involving formation of a new access**

**Officer recommendation: Refuse**

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

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The application seeks full planning permission for the construction of a single dwelling on the land, accessed from High Road, Guyhirn.
- 1.2. Guyhirn is identified as a Small Village within the settlement hierarchy where development is limited to being small scale residential infilling.
- 1.3. The application site is located in flood zone 3, and the flood risk assessment accompanying the application fails to adequately address the matter of the sequential test.
- 1.4. The proposed dwelling is notably taller and wider than the properties to either side of it, within the context of which the site is viewed. The property would be conspicuous within the street scene and would result in a detrimental impact on the character of the area.
- 1.5. The proposal is therefore recommended for refusal.

## **2. SITE DESCRIPTION**

- 2.1. The application site is an open piece of land between existing residential dwellings along High Road, Guyhirn. To the north it is flanked by a pair of semi-detached two-storey dwellings with hipped roofs and a central chimney stack.
- 2.2. To the south is a detached two-storey dwelling with gabled side elevations and a chimney to its southern elevation.
- 2.3. The dwellings are distinctive due to their set back from the main highway, the group of properties on this side of the road all being sited approximately 25m back from the edge of the highway.
- 2.4. The application site is located in flood zone 3.

### 3. PROPOSAL

- 3.1. The proposal is for the construction of a 2-storey dwelling, with an attached double garage/master bedroom located forward of the main building. The proposal would also involve the creation of a new access for the adjacent dwelling to the north and widening of the existing vehicular access on the site to serve the new property.

### 4. SITE PLANNING HISTORY

F/YR20/1126/O	Erect 1 x dwelling (2-storey, 4-bed) involving formation of a new access	Refuse 19/3/2021
F/YR16/0284/O	Erection of 2 dwellings (outline application with all matters reserved)	Refuse 15/6/2016

### 5. CONSULTATIONS

#### **Wisbech St Mary Parish Council**

Recommend approval

#### **Environment Agency**

No objection. Recommendation of the Flood Risk Assessment should be followed.

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

No objection subject to the imposition of conditions

#### **FDC Environmental Health**

No objection. Request condition regarding unsuspected contamination

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

Objections were received from three properties on High Road, Guyhirn. The letters of objection raised the following issues:

- Design/Appearance
- Out of Character (in particular due to height)
- Visual Impact
- Precedent
- Land has been artificially divided so as to propose the development
- Access would lead to flooding of the adjacent land
- Impact on amenity of neighbours due to vehicle headlights and driveway surfacing
- Mains water pipe/stop valve located at the access
- Proposed access will be located at the existing point of the bus stop
- Proposed access will be out of character to others
- Dwelling is not in line with the rest of the neighbouring dwellings and does not resemble other nearby properties
- No indication of where soak away is to be located
- Fence heights don't match
- Surprised by the committee decision in disregarding the absence of sequential test previously – application should have been refused on these grounds as the 2016 application was.
- Simply stating no alternative sites are available is not entirely accurate

- Ownership of the land should be irrelevant – the aim of flood prevention policy would not be well served if land ownership was to be accepted as a reason to set aside the sequential test
- Further information on renewable energy should be provided as this can affect the external appearance
- Location of possible oil tank
- Applicant doesn't use roadside waste collection service
- Further details of foul drainage required

Two letters of support were received (one from a resident of High Road, Guyhirn, one from a resident of Wisbech St Mary) giving the following reasons:

- Believe it will be a great family home
- Won't affect the local area as it is infill
- Won't be immediately visible when driving along High Road

## 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)**

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

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

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 158: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 159-161: Need for the exception test.

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

Determining a planning application

### **National Design Guide 2019**

Context

Identity

Built Form

Uses

Homes and Buildings

Resources

Lifespan

### **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

## 8. KEY ISSUES

- **Principle of development**
- **Flooding and Flood Risk**
- **Highway Safety**
- **Character and Appearance**
- **Residential Amenity**

## 9. BACKGROUND

- 9.1. There have been two previous planning applications on the site for the construction of dwellings. The first proposed up to 2 dwellings with that application being made in outline with all matters reserved. That application was refused on the basis that the application site was located within flood zone 3 and the information submitted alongside the application failed to satisfy the sequential test.
- 9.2. Pre-application advice was subsequently sought on the site regarding its development for either 2 or 3 dwellings. The advice given supported the previous planning application decision on the land, indicating that development would not be supported unless the sequential test could be satisfied.
- 9.3. A second planning application was then submitted for the construction for a single dwelling on the land. This application was recommended for refusal on the basis of an inadequate sequential test and the impact of the dwelling on the character of the area. The committee chose to refuse the application but only on the basis of the second reason for refusal (character).

## 10. ASSESSMENT

### **Principle of Development**

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy.
- 10.2. Guyhirn is a Small Village, one of nine such settlements within that level of the hierarchy where development is to be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling.
- 10.3. The scale of the proposed development for a single dwelling is appropriate to the scale considered acceptable under policy LP3 for a settlement in this level of the hierarchy, and the site would also be considered to be a residential infill scheme. In principle therefore, a single dwelling would not be contrary to the provisions of policy LP3. Consideration must therefore be given to site specific matters.

### **Character and Appearance**

- 10.4. 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.
- 10.5. The application site forms part of a distinctive group of dwellings located on the western side of High Road. In particular this group of dwellings has the following distinctive features.
- 10.6. Building Line – The properties exhibit a strong adherence to a building line running north-south parallel to High Road. This building line is eroded approximately 80m to the north of the site, however the site itself is located at the centre of the feature.
- 10.7. Separation from High Road – Similar to the above, the site is located in the centre of a group of properties that all benefit from ample front gardens – approximately 25m in depth when measured from High Road.
- 10.8. Scale – the dwellings in this group are exclusively 2-storey in scale.
- 10.9. Linear – the dwellings in this area would most appropriately be described as ribbon development, running parallel with High Road and with little to no development at depth behind the frontage properties. The properties are also without exception designed with their roof ridges parallel to High Road.
- 10.10. The proposal is for the construction of a two-storey dwelling on the land, which is comprised of a main section of building running north-south across the application site, and a secondary element comprising a detached double garage projecting forward of the main dwelling. The double garage also contains the master bedroom of the proposed dwelling at first floor level and is constructed with a gable elevation facing the road.
- 10.11. The application is accompanied by a street scene drawing showing the proposed dwelling in context with the surrounding properties. This drawing demonstrates that the proposed dwelling is of notably greater scale than the properties to either side, its ridge height being 1.5m+ above the ridges of the dwellings to either side and the property being approximately twice the width of the individual dwellings to either side. It is clearly demonstrated therefore that the proposed development is not of an appropriate scale within its context.
- 10.12. In response to the previous refusal of planning permission on the site, the whole dwelling has been relocated further back into the site so that the front wall of the garage/master bedroom section of the building is in line with the dwellings to either side. This means that the forwardmost part of the building is now in line with the dwellings on either side. The design of the dwelling is such that the garage/master bedroom projects forward of the main part of the building by approximately 11 metres with the main mass of the building located further back into the site. This results in the building appearing as set back from that building line.

- 10.13. The overall impact therefore whilst less proximal to the highway is equally as out of character with the development as the previous scheme, and the scheme would require actual design/layout changes to the dwelling itself to overcome this matter rather than simple relocation within the plot. Unfortunately, the applicant did not engage with the Local Planning Authority prior to resubmitting the application in order to address this point. As such, the proposal is contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

#### **Residential Amenity**

- 10.14. 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.
- 10.15. The main aspects from the dwelling face west/east, with the design of the property avoiding any windows facing the neighbouring properties to the north and south at the first-floor level. The only exception to this is the main bedroom and dressing room windows, which face north however these windows face the side elevation of the neighbouring house to the north due to the manner in which the master bedroom projects forward of the main house. The ground floor side windows are screened by an existing 1.8m timber fence and there are no upper floor side windows in that dwelling. As such, these windows do not result in material harm to residential amenity.
- 10.16. There will be some element of overlooking of the neighbouring garden as is normal from any property with rearward facing windows however this overlooking is limited and does not result in unacceptable impacts on neighbouring privacy.
- 10.17. However, the relocation of the dwelling on the site does result in additional impacts not arising under the previous location of the building within the plot. By re-siting the proposed dwelling back within the plot, the side gables (9.2m high to the ridge) of the property are now proposed to be located adjacent to the gardens immediately to the rear of the neighbouring dwellings. Whilst the gables are not located directly on the boundaries of the plot, they would have a substantial detrimental impact through overbearing on the amenity of both the flanking dwellings, with an additional overshadowing effect to the dwelling to the north of the site, on the part of the garden most intimately connected with the enjoyment of the property.
- 10.18. This impact would be significant and would be contrary to the requirements of policy LP16 of the Fenland Local Plan sufficient to justify refusal of the scheme.

#### **Highway Safety**

- 10.19. Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 10.20. The application proposes the widening of an existing access and the creation of a new access serving the host property. Given the lack of objection from the Highway Authority it is considered that the proposal complies with the relevant policy of the Fenland Local Plan, and should the application be recommended



for approval then appropriate conditions could be imposed to control the access to the site

### **Flooding and Flood Risk**

- 10.21. Policy LP14 of the Fenland Local Plan and paragraphs 155-165 of the National Planning Policy Framework set out the approach to developing land in relation to flood risk, with both documents steering development in the first instance towards land at a lower risk of flooding. This is achieved by means of requiring development proposals to undertake a sequential test to determine if there is land available for development at a lower risk of flooding than the application site, and only resorting to development in those higher flood risk areas if it can be demonstrated that there are no reasonably available sites at a lower risk of flooding.
- 10.22. The application is accompanied by a flood risk assessment and a separate sequential test document is provided. The agent states that that document identifies two permissions that could “*perhaps*” accommodate the proposal but that neither is available for sale.
- 10.23. An appeal decision dated 9<sup>th</sup> December 2021 (appeal reference APP/D0515/W/21/3273824) for a site in Murrow details the sequential test process and in particular has the following to say with regard to the use of online sales portals in relation to the sequential test and confirming if permissions are ‘reasonably available’. It should be noted in this regard that the Planning Inspector is also a qualified Solicitor.
- 10.24. *“I have had regard to the Rightmove document provided in support of this matter. However, rather than providing justification for the appeal scheme, this simply points to there being no active marketing of any sites (within Murrow) upon one selling portal. In my view, it does not clearly demonstrate that there are no alternative sites available to accommodate the development.*
- 10.25. The Inspector goes on to say that *“the reasons presented...do not justify discounting available sites that could accommodate the proposed development with a lower risk of flooding. Indeed, if I were minded to accept these arguments it would fundamentally undermine the sequential risk-based approach, as it would be extremely difficult or impossible to identify an alternative site on this basis”*.
- 10.26. In essence, the Inspector is stating that simply because a site is not being actively marketed for sale does not mean it is not reasonably available to accept development, and that to accept that argument would be contrary to the purpose of the sequential test, which is enshrined in the National Planning Policy Framework.
- 10.27. However, whilst the application does not demonstrate that the development would be sequentially acceptable, weight must be given to the previous decision of the Council regarding the development of this site when no reason for refusal was included within the decision concerning this issue. To introduce such a reason again could be seen as inconsistent and unreasonable behaviour

## **11. CONCLUSIONS**

- 11.1. The proposal for the construction of an infill dwelling within the village of Guyhirn is acceptable in principle given the status of the village within the settlement

hierarchy, however the site is located within flood zone 3 and the application is not accompanied by a satisfactory sequential test, however this issue was not used as a reason for refusal previously.

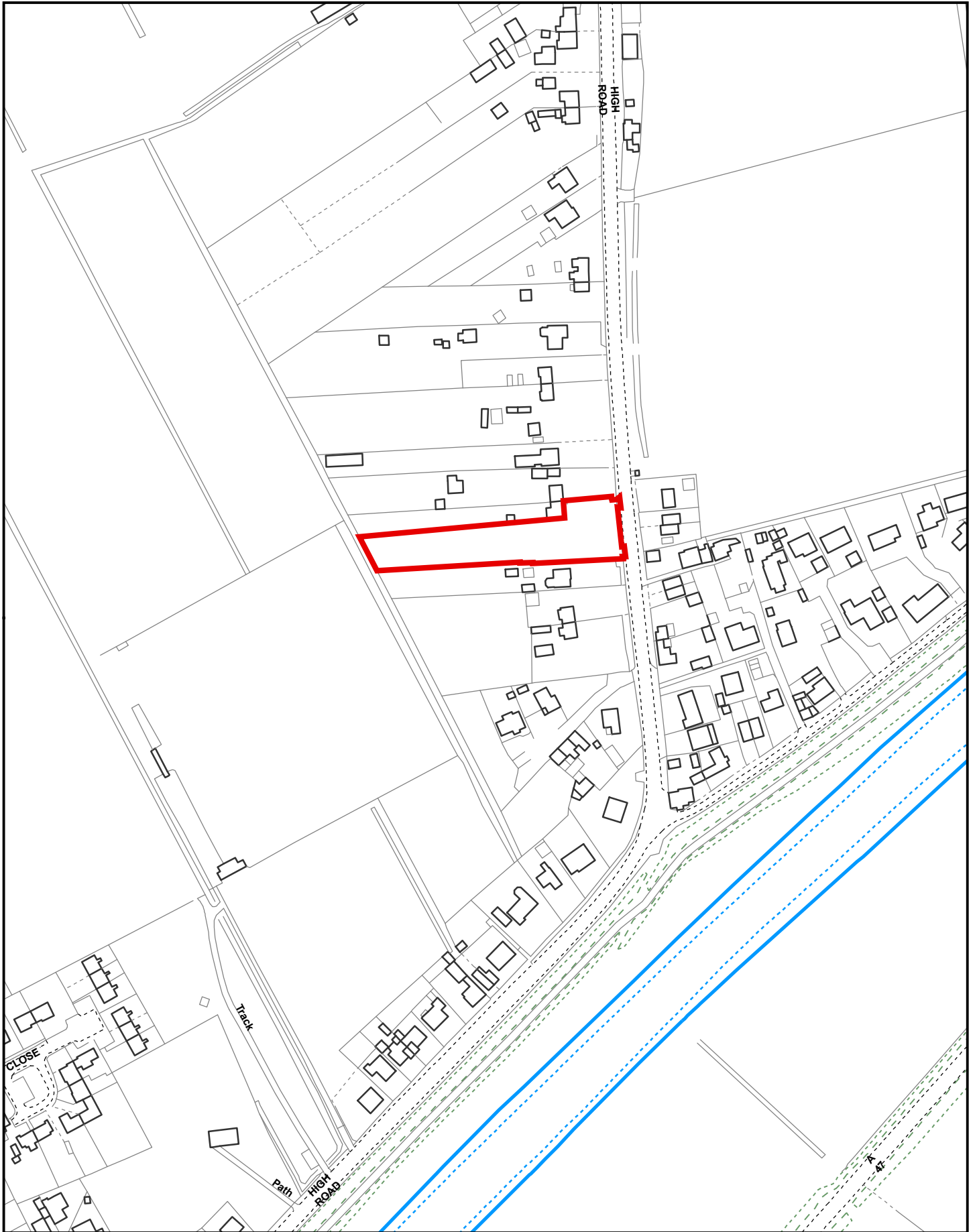
- 11.2. The dwelling fails to respect the distinctive character and appearance of the residential development in its immediate vicinity, and results in a disharmonious feature within the street scene. In addition, it would have an adverse impact upon the residential amenity of neighbouring residents. It is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014).

## 12. RECOMMENDATION

REFUSE, for the following reasons

### Reasons

1	Policy LP16 of the Fenland Local Plan (2014) requires development proposals to demonstrate that they will not adversely impact on the amenity of neighbouring users, citing several examples of such impacts. The proposal would result in the presence of the dwelling in close proximity to the boundaries of the plot and an associated overbearing impact on the amenity value of the rear of those properties. This would apply to the dwellings to both sides of the site but in particular to that to the north due to the additional impact of overshadowing as a result of the proposal. The scheme would therefore be contrary to policy LP16 of the Fenland Local Plan (2014).
2	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. The proposals submitted fail to identify or take into account the particular features of the surroundings of the application site that result in its distinctive character, and the dwelling proposed would be of a design, scale and position that would result in a detrimental impact on the street scene contrary to the provisions of policy LP16 of the Fenland Local Plan (2014).



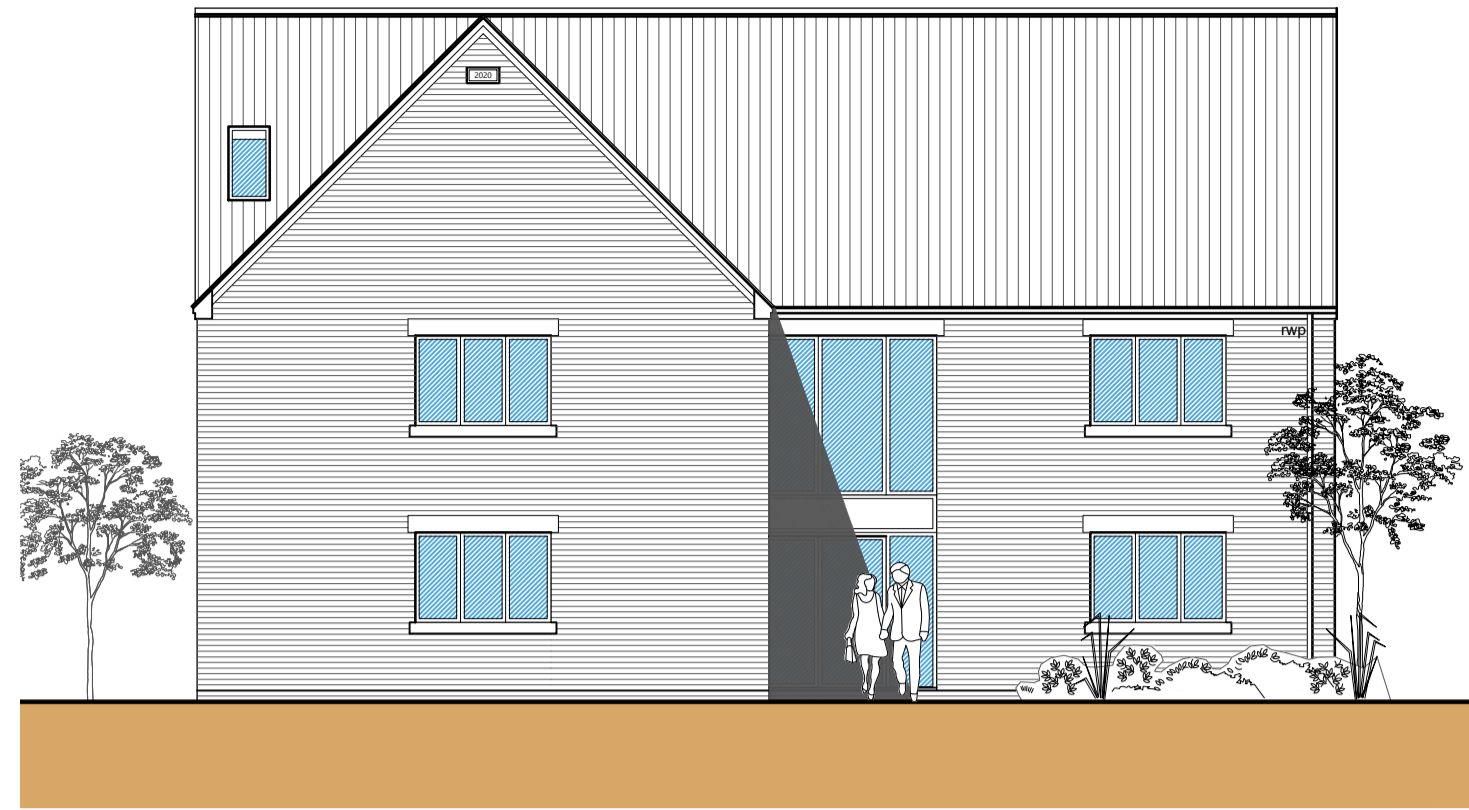
Created on: 16/08/2021

© Crown Copyright and database  
rights 2021 Ordnance Survey 10023778

**F/YR21/0908/F**

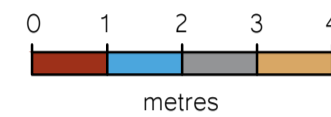
Scale = 1:2,500





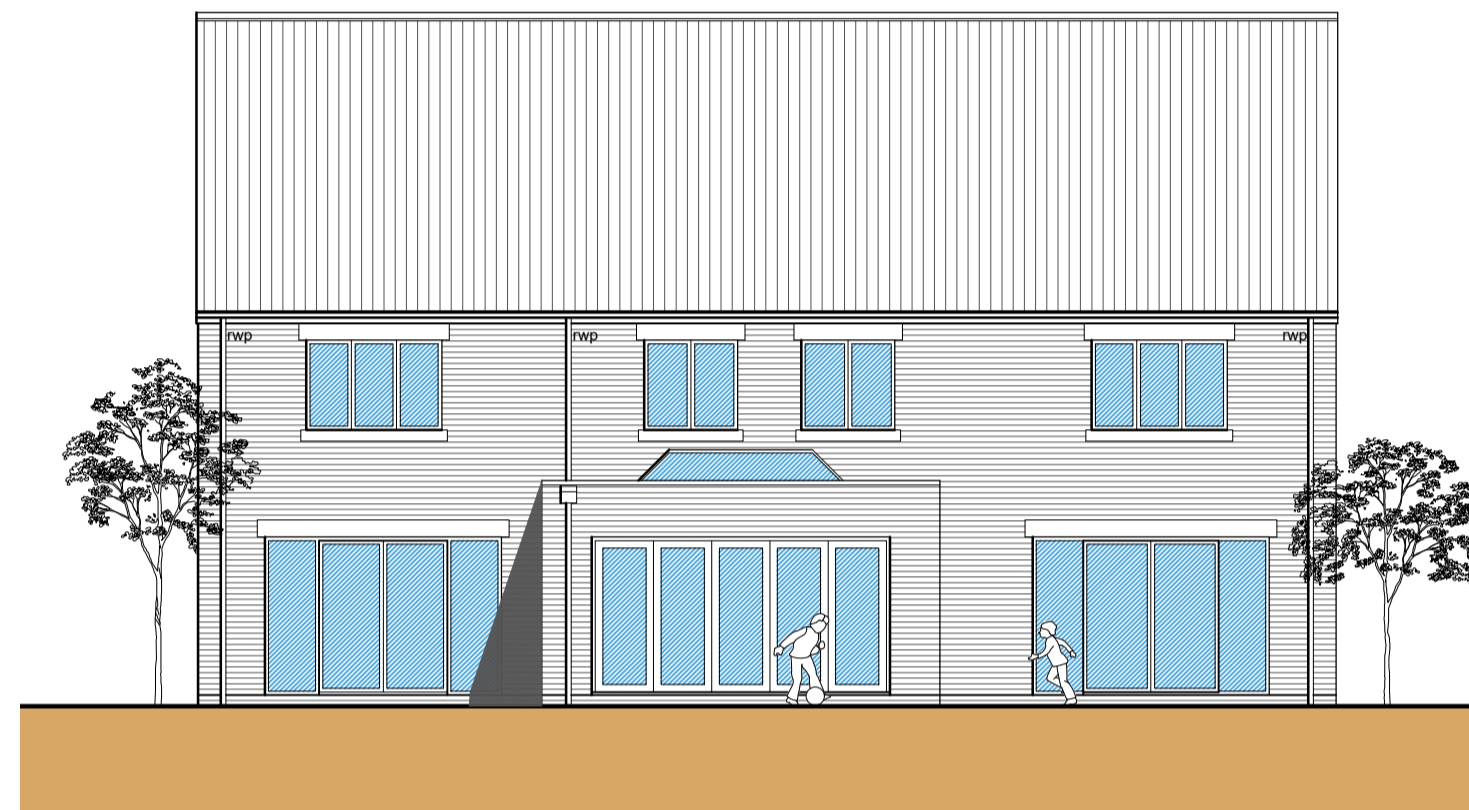
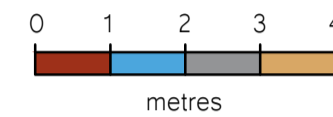
Front Elevation (E)

Scale: 1:100



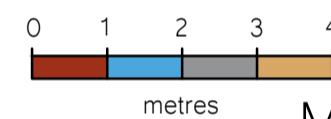
Side Elevation (N)

Scale: 1:100



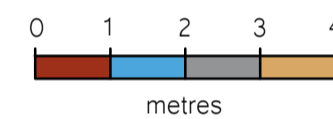
Rear Elevation (W)

Scale: 1:100

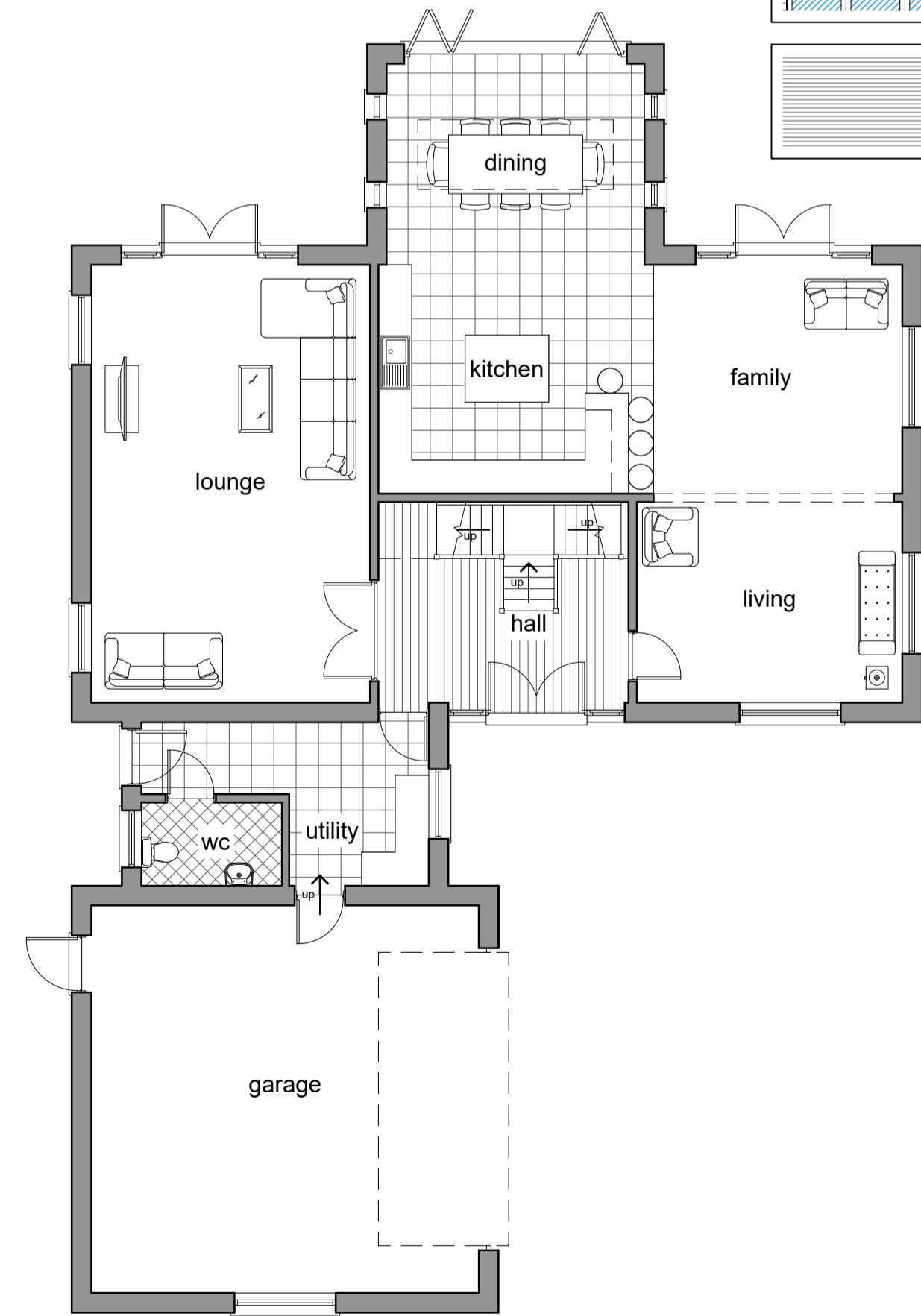
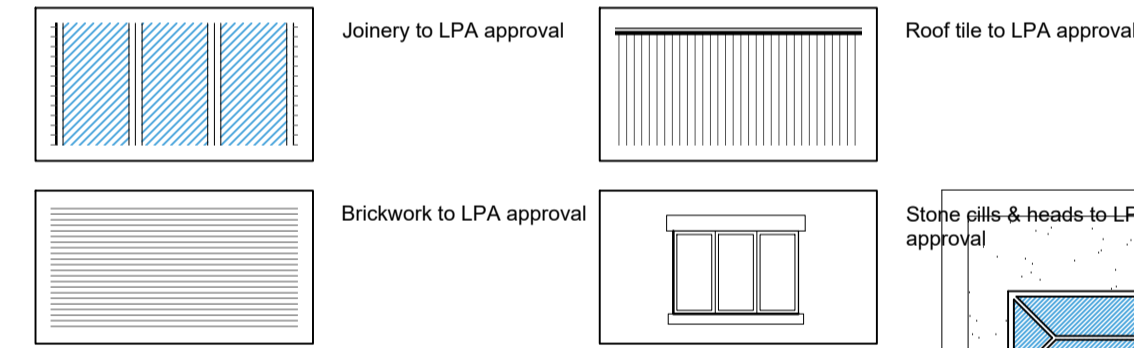


Side Elevation (S)

Scale: 1:100

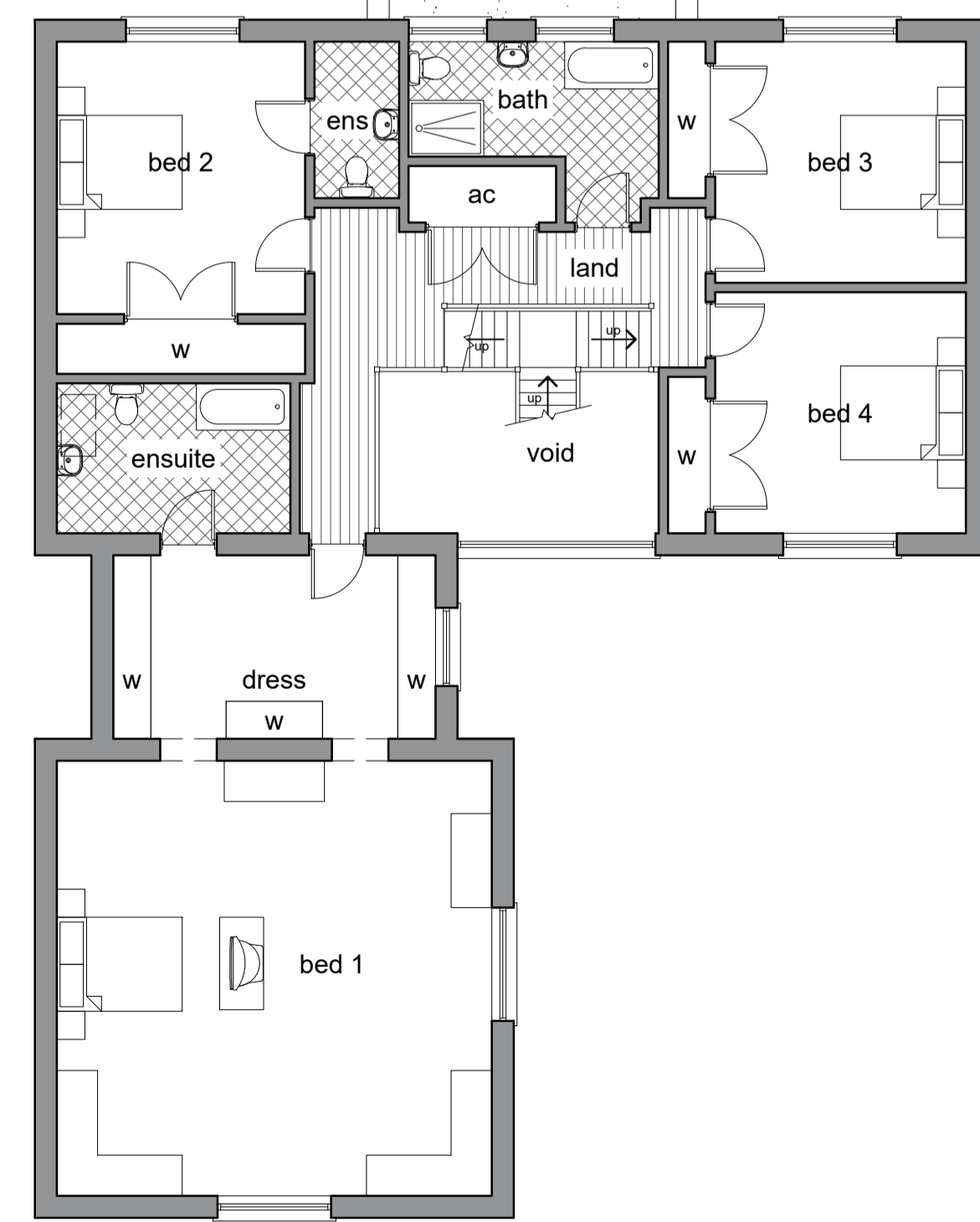
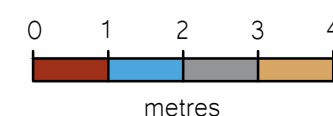


MATERIALS KEY



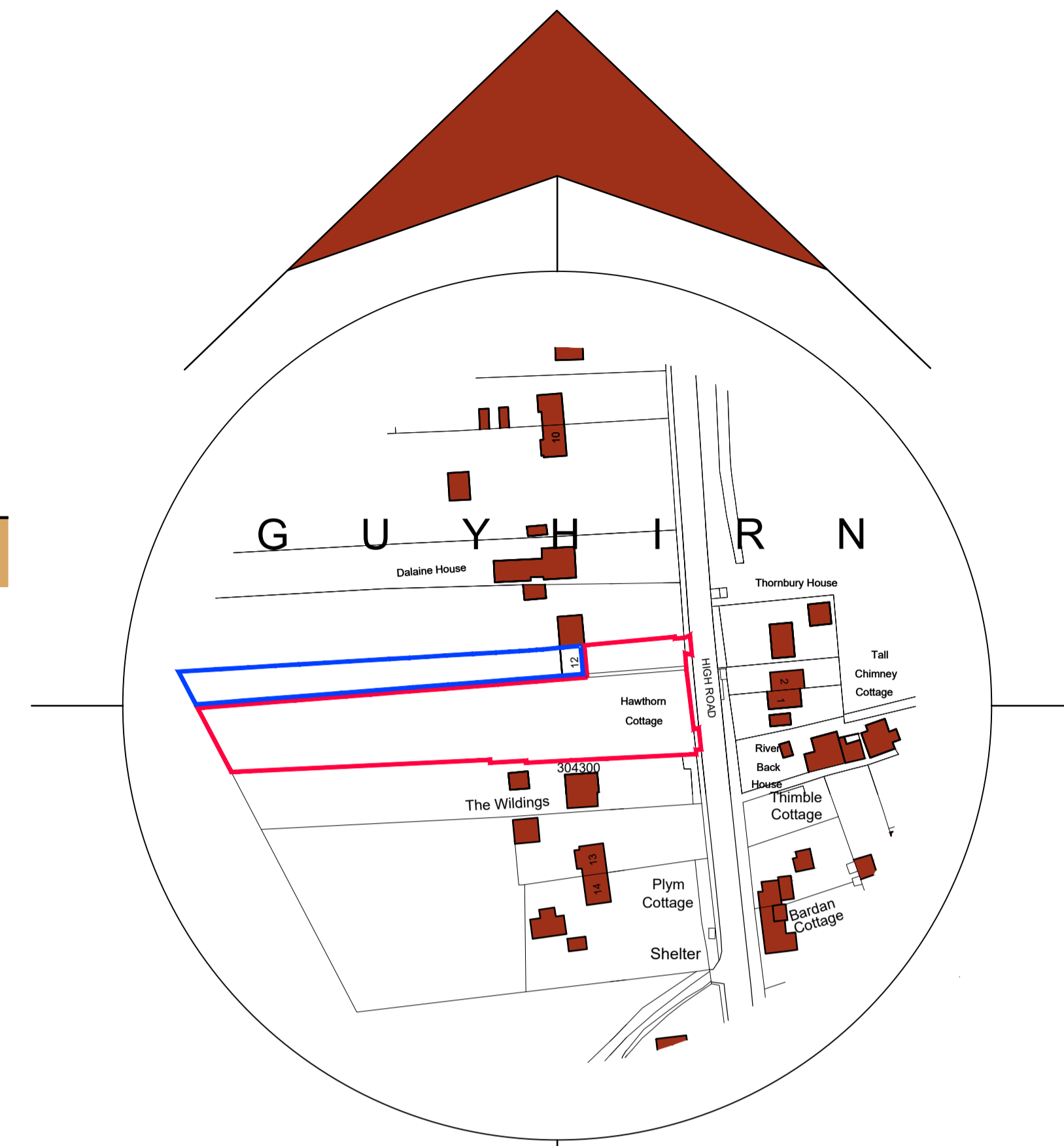
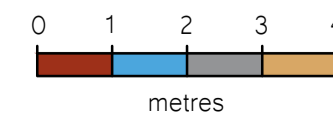
Ground Floor Plan

Scale: 1:100



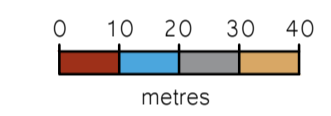
First Floor Plan

Scale: 1:100



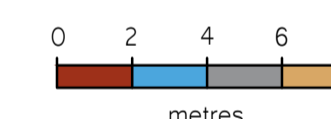
Location Plan

Scale: 1:1250



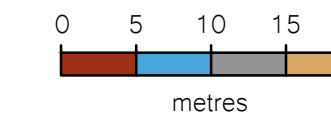
Street Scene

Scale: 1:200



Site Plan

Scale: 1:500



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

SITE PLAN KEY

- Un-surveyed buildings taken from OS map
- Existing vegetation
- Existing site access
- Proposed 3.6 x 5.0m sealed and drained to site access to Cambus CC Highways spec
- Surveyed Property
- New Dwelling
- Lawned Garden
- Gravel Driveway
- Proposed 2.0x2.0m pedestrian vision splay

Status

FOR APPROVAL



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

Job Title Proposed Dwelling 12 High Road Guyhirn, Wisbech For: Mr Goodhew	Date May 2021	Drawn by G.E.
Checked by SHE	Dwg No. PP-1110	Sheet Size A1
Drawing Title Planning Drawing Floor Plans and Elevations	Job No. SE-1460	Revision B

**F/YR21/1033/F**

**Applicant: Trustees of The Childers Estate**

**Agent: Henry H Bletsoe & Son**

**Eldernell Farm, Eldernell Lane, Coates, Cambridgeshire**

**Conversion of agricultural buildings to 1 x 2-bed and 2 x 3-bed dwellings involving erection single-storey link for barn 2, and associated wildlife tower including demolition of 4no buildings**

**Reason for Committee: Town Council comments contrary to Officer recommendation.**

---

## **1. EXECUTIVE SUMMARY**

- 1.1. The application relates to an existing group of brick and timber clad barns at the end of Eldernell Lane, a narrow country lane, previously part of Eldernell Farm. This is considered to be an Elsewhere location under Policy LP3. There is a dwelling located across the lane to the east. The proposal is for the conversion of existing barns with a proposed link extension to provide three dwellings, and an associated wildlife tower to the rear of the property.
- 1.2. The application includes structural survey, arboricultural and ecological statements, drainage statement and a phase II Geo-Environmental assessment
- 1.3. The scheme is an identical resubmission of a permission granted in 2018 that has subsequently expired.
- 1.4. The scheme is considered to comply with the relevant planning policies and it is therefore recommended that permission is granted.

## **2. SITE DESCRIPTION**

- 2.1. The 0.42 ha application site is located approximately 1600 metres from the village of Coates, to the west of Eldernell Lane (a defined right of way).
- 2.2. The buildings on the site were formerly a group of barns part of Eldernell Farm. There is a dwelling located opposite (No. 140 to 142). To the north the lane terminates at a car park across the dyke.
- 2.3. To the north is the Nene Washes, which under the Conservation of Habitats and Species Regulations and The European Birds and Habitats Directive, contains European designated sites for the following:
  - A Special Protection Area (classified because of its overwintering and breeding birds)

- A Ramsar Site (due to its rare breeding bird assemblage, wide range of raptors and internationally important populations of overwintering and passage birds)
  - A Special Area of Conservation (designated due to its population of Spined Loach (a listed fish species).
- 2.4. Nene Washes is also a Site of Special Scientific Interest notified under Section 28 of the Wildlife and Countryside Act 1981 due to it being one of the country's few remaining areas of washland habitat which is essential to the survival nationally and internationally of populations of wildfowl and waders. The site is additionally notable for the diversity of plant and associated animal life within its network of dykes. To the west of the site is the Bassenhally Pit Site of Special Scientific Interest (SSSI); to the north is the Nene Washes Counter Drain (East and West.) These are non-statutory designated County Wildlife Sites.
- 2.5. The application site is within Flood Risk Zone 1 an area considered to be at the lowest risk of flooding.
- 2.6. The farmyard comprises a range of traditional buildings which are over 100 years old as well as a number of later farm structures. The buildings include:
- Single storey brick built building under a pitched asbestos roof.
  - An adjoining single storey brick built building under a pitched clay pantile roof.
  - An adjoining two storey barn, of timber frame construction, with brick plinth and weather boarded facings. Built under a pitched asbestos roof, with adjoining brick lean-to structures.
- 2.7. The total floor area of these buildings is approximately 319 square metres.

### **3. PROPOSAL**

- 3.1. The proposal seeks to convert the barns into three dwellings and with vehicular access and 4.5metre wide private drive off the western side of Eldernell Lane. The scheme includes landscaping the yard and immediate surroundings. The applicant has agreed to provide a new passing bay on highway land identified by CCC Highways. The scheme includes a Wildlife Tower, 4.9 metres high to the ridge and 2 metres square, built in local stone with timber doors and natural slate pitched roof. The tower is to be located approximately 25 metres to the west of the western elevation of Dwelling 3. The tower is designed to encourage a variety of wildlife but in particular the Barn Owls that currently occupy the barns.
- 3.2. Dwelling 1 has two bedrooms with two parking spaces and a rear garden area. It will have a slate roof with tall narrow timber windows utilising existing window/door apertures. Dwelling 2 has three bedrooms again re-using the window and door apertures but includes a link to the southernmost barn and provides two parking spaces. This unit includes a courtyard garden, a front hedgerow and larger rear garden. It retains a pan tile roof and again utilises existing window/door openings. Dwelling three is again three bedroom. It retains a brick base with timber clad walls and proposes slate roof to replace the corrugated roofing. Plot 3 again provides two parking spaces and rear and front garden areas. The layout indicates 8 large trees to be planted.

- 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=QRIB7QHE01U00>

#### 4. SITE PLANNING HISTORY

F/YR17/1028/F	Conversion of agricultural buildings to 1 x 2-bed and 2 x 3-bed dwellings involving erection single-storey link for barn 2, and associated wildlife tower	Granted	24.05.2018
F/YR01/0485/F	Conversion of 2 barns to form 1 x 3-bed and 1 x 4-bed dwellings and formation of a vehicular access to serve existing garage	Granted	25.10.2001
F/YR01/0182/F	Change of use of redundant farm buildings to Employment use class B1	Granted	23/10/2001

#### 5. CONSULTATIONS

- 5.1. **Whittlesey Town Council**  
*Recommend refusal as the application contravenes policy LP12*
- 5.2. **Wildlife Officer**  
 Acceptable subject to the imposition of conditions
- 5.3. **Natural England**  
 No objection
- 5.4. **Cambridgeshire County Council Highways Officer**  
 No objections or additional comments beyond the previous permission
- 5.5. **Cambridgeshire County Council Definitive Map Team (public rights of way)**  
 No objection.
- 5.6. **Environment Agency**  
 No agency related issues
- 5.7. **Internal Drainage Board**  
 No comments to make
- 5.8. **FDC Environmental Health**  
 No objections in principle, but conditions recommended.
- 5.9. **Local Residents/Interested Parties**  
 One letter of objection has been received from residents of Eldernell Lane stating the following reasons for opposing the scheme.
- Water and electricity supplies in the area are already inferior, proposal would add additional load to the system.
  - Road quality is already poor and will deteriorate as a result
  - Disruption caused by building work
  - Impacts on wildlife

#### 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 11: Presumption in favour of sustainable development

Para 126: Creation of high-quality, beautiful and sustainable buildings and places

Para 130: Well-designed development

Para 159: Development should be directed away from areas at highest risk of flooding.

Para 161: Need to apply the sequential and exceptions tests.

Para 162: Development should not be permitted if there are reasonably available sites in areas at lower risk of flooding.

Para 174: Contribution to and enhancement of the natural and local environment.

Para 180: Harm to habitats and biodiversity should result in refusal.

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

Determining a Planning Application

### **7.3. Fenland Local Plan 2014**

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

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**
- **Character of the Area and Amenity**
- **Ecology and impact on environmentally sensitive sites.**
- **Highway Safety**
- **Flood Risk and Drainage**
- **Trees/Landscaping**
- **Other matters.**

## **9. BACKGROUND**

- 9.1 The barns are just over 100 years old. Permission was granted for a change to a B1 use requiring a passing bay on Eldernell Lane but was never implemented. Similarly permission was granted for the current proposal in 2018, but the consent expired in May 2021 and therefore permission is sought once more for the scheme.

## **10. ASSESSMENT**

### **Principle of Development**



- 10.1. The site in an 'Elsewhere location' as defined by Policy LP3. However, the application is most appropriately considered under policy LP12(B) which considers the re-use and conversion of rural buildings for residential use. It includes the following criteria:
- a) The building is of significant architectural or historical merit and intrinsically worthy of retention in its rural setting, and
  - b) Comprehensive evidence is provided to justify why the building can no longer be used for the purpose last used demonstrated by a marketing exercise for the use of the building for business purposes, and
  - c) The building is capable of conversion with minimal alteration including inappropriate openings and additional features, and
  - d) The building is structurally sound and capable of conversion without significant rebuilding demonstrated in a structural report.

Considering these criteria in detail respectively;

- a) The barns whilst not listed or of particular historical importance, are nevertheless over 100 years old, although some modern alterations have occurred. They are nevertheless considered to represent appropriate farm buildings of their age. The internal roof structures have some architectural merit. Furthermore, the barns are considered intrinsically worthy of retention in their rural setting. Therefore, the proposal is considered to accord with criteria a).
  - b) The applicant includes a statement noting the limited value of the buildings for agricultural use. Marketing information was previously supplied and accepted under the terms of the 2017 application, although more recent relaxation of permitted development rights for barn conversions and re-use of agricultural buildings mean that such detail is not required to be submitted again in this instance.
  - c) The application seeks to replace any areas of corrugated roofing with slates, considered an enhancement and possible return to original materials. The design utilises all existing openings and makes no new provisions. It does however include a proposed extension to link buildings 1 to 3. This 3.3-metre-long extension link will have brick walls to match existing, with red pantiles to match the main barn roof. There will be a glazed section facing west serving the corridor link, but this will not be visible from Eldernell Lane and given the overall scale of the scheme it is considered to represent a minimal alteration compliant with criteria c).
  - d) The applicant has submitted a structural report which assesses all the barns. It highlights any areas of cracked masonry, or areas suffered from weather intrusion for example on the timber clad barn building 2, but concludes that all are structurally sound, particularly with their timber roof supports which all appear in sound condition. The survey is considered to be reasonable, and the proposal accords with criteria d).
- 10.2. Also relevant to the principle of development in relation to the proposal is the most recent planning permission on the site. This permission granted consent for the development now proposed and was granted under the terms of the same development plan as applies to the current proposal. This permission was not implemented within the statutory time period, however given it was permitted under the same policies as those that apply to the current scheme it is a material consideration in terms of the current proposal and could result in an award of costs for unreasonable behaviour should the current application be refused and appealed.

- 10.3. In addition, subsequent to the previous decision the policies of the NPPF have also been amended such that the re-use of redundant or disused buildings that result in an enhancement of their setting is supported with less restrictions than set out in LP12. As such the principle of the conversion of the buildings is supported by the NPPF.

### **Character of the Area and Amenity**

- 10.4. Policy LP16(d) considers the impact of development on the wider area. In this instance the proposals seek to retain and enhance the existing rural buildings. As these buildings are established agricultural buildings of limited scale, and considered appropriate to the character of the area, their retention is considered likely to safeguard the street scene of this end of Eldernell Lane. The creation of gardens will need to be carefully designed, i.e. external boundary treatment should include hedgerows rather than more urban or sub-urban approach of close boarded fencing. Conditions are attached removing permitted development rights for extensions and alterations. There is an existing vehicular access although it will be formalised. Significant tree planting is indicated, which should reduce the impact of residential conversion and activity when viewed from the south. To the east is an existing residential presence which is perhaps less appropriate than the proposed conversion in character to a rural area. Subject to careful landscaping treatment which will be conditioned, the proposal is considered to safeguard the rural character of the area and is a high-quality proposal. The scheme therefore accords with Policy LP16(d).
- 10.5. Policy LP16(e) considers the impact on development on the amenity of neighbours and the occupiers of the development itself. Nos 140 and 142 have front facades approximately 25 metres to the east of the nearest barn with a driveway and parking area with a large domestic boundary wall fronting the road. Dwelling 1 has a blank gable that faces Nos 140/142. The nearest facing window will be in Dwelling 2 approximately 44metres to the west of No 140/142. This degree of separation is not considered likely to result in overlooking issues. There are no issues of increased over-dominance as the buildings are not materially altering from existing. There will be an occupation of plot one and therefore the use of the garden are likely to be noticeable, however if barns were to be re-used for agriculture the use of farm machinery could take place. A residential occupation is not in itself considered to result in significant detriment to existing residents. Therefore, it is considered that the proposal accords with Policy LP16(e).

### **Ecology and impact on environmentally sensitive sites.**

- 10.6. The Nene Washes are protected at the international, European and national level. It has designation as a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Wetland and as a Site of Scientific Interest (SSSI) at the national level. Bassenhally Pit has designation as a SSSI.
- 10.7. The application site is located about 60 metres to the south of the Nene Washes, and some 2.9Km to the south west of Bassenhally Pit.
- 10.8. European Council Directive 92/43/EEC (“the Habitats Directive”) provides for the establishment of a European network of special areas of conservation under the title Natura 2000. Article 6 imposes duties for the protection of such sites. By Article 6(3) “Any plan or project directly connected with or necessary to the management of the site but likely to have a significant effect therein, either

individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

- 10.9. Authoritative guidance on the interpretation of Article 6(3) has been given by the Court of Justice of the European Union (CJEU) in (case C-127/02) Waddenzee [2006] 2CMLR 683. In its judgements the court made clear that the Article set a low threshold for likely significant effects. As to the content of appropriate assessments, the court held that Article 6(3) of the Habitats Directive does not define any particular method for carrying out such assessment.
- 10.10. In this instance as a protected site is affected Natural England must be consulted and there is a need to carry out a Habitats Regulations Assessment to check the effects of the development against the site's conservation objectives. Natural England and Peterborough City Council Ecology have been consulted on the environmental impact of the proposal on the Nene Washes. They both confirm they have no objections. In terms of an Appropriate Assessment, it is therefore concluded that the proposed development will not adversely affect the conservation objectives of the Nene Washes, or Bassenhally Pit.
- 10.11. Both Natural England and Peterborough CC Ecology have assessed the ecological data and agree with the conclusion that no resulting harm to the ecologically sensitive sites will take place. The proposed biodiversity enhancement measures, including the Barn Owl wildlife tower, are considered to be appropriate measures welcomed by the consultees and are conditionally required. Subject to the proposed attached planning conditions recommended by Peterborough Ecology, the application is therefore considered to accord with Policy LP19 of the Fenland Local Plan.

#### **Highway Safety**

- 10.12. It is acknowledged that Eldernell Lane is a narrow country lane, albeit that it serves a number of houses and agricultural properties. The application site would have generated vehicular movements as both a farm and if the B1 use had it ever been implemented. Proposed parking complies with the Appendix A of the Fenland Local Plan requirements. The applicant has agreed to provide a passing bay (as was previously agreed for the redevelopment of the site). The scale of vehicular activity proposed for one 2 bed and two 3 bed houses, in comparison to the previous agricultural, or the expired employment use, is not considered likely to be significant. Nevertheless, the proposed passing bay is considered to be necessary and should benefit all users of the far end of Eldernell Lane. The Local Highway Authority does not object subject to the conditional provision of the passing bay and no objections have been raised by the Rights of Way team. It is therefore considered that the proposal will not result in severe harm to the safe use of the highway network, nor is it likely to cause local highway safety issues given the limited numbers of properties served on this spur of Eldernell Lane.
- 10.13. In considering the principle of barn conversion to dwellings on quiet country lanes there are few historic agricultural buildings appropriate in character to their rural settings, which are likely to be located on modern highway networks. Given the limited scale of the proposal, and the mitigation provided, it is not considered that a reasonable reason to refuse the proposal on highway safety grounds exists. The proposal is therefore considered to accord with policy LP15.

### **Flood Risk and Drainage**

- 10.14. The site is within Flood Zone 1 an area considered to be at the lowest risk of flooding. A sequential test is therefore not required and the development accords with policy LP14.
- 10.15. The applicant submitted a drainage statement which refers to the proposed provision of a Package Sewage Treatment plant. The detailed location of this plant has not been submitted. However, it is proposed to condition the details. If permitted this is likely to be as far away from the Nene Washes as the application site enables to further safeguard the sensitive area. However, principle is to clean the sewage and then to discharge into a further filtration trench before entering a soakaway. This is considered to be the preferred treatment for sites for development with no access to public sewer systems in the countryside. Subject to further comments from Peterborough ecology, the proposed drainage is considered to safeguard the environmentally sensitive areas nearby.

### **Trees/Landscaping**

- 10.16. The applicant submitted a tree survey which considered a total of two individual trees, one area of trees, three groups of trees and one hedge. These were found to be of mixed condition and age providing a variety of amenity benefits. The application does not require the category trees to be affected. The new site access and drive may impact on the hedgerow and will result in the loss of one category C Sycamore. This is not considered to be a significant loss. The plan indicates new planting of 8 proposed trees. Therefore, the landscaping condition will seek this degree of planting.

### **Other Matters**

- 10.17. The proposal retains ample space for the storage of wheeled bins associated with refuse collections at each of the properties, and similarly there is sufficient room to accommodate those bins at the roadside on collection day without adversely impacting on the safety of the vehicular access.

## **11. CONCLUSIONS**

- 11.1. It is considered that this application accords with Policy LP12 (b) the relevant policy for agricultural conversions and is therefore acceptable in principle. It is well designed and is unlikely to result in severe harm to the safe use of the highway network. The conversion safeguards the rural character of the area and is unlikely to harm residential amenity of the neighbouring occupiers. The proposal is located close to a number of ecologically sensitive sites of conservation status. However, the application has appropriately demonstrated no significant environmental harm by submitting information for a Habitat Regulations Assessment. This has been assessed by the appropriate consultees who originally requested the additional and robust ecological data. Natural England and Peterborough Ecology agree with the findings of no harm. Therefore, it is considered that the proposal complies with Policy LP19 and the requirements of the NPPF as regards safeguarding statutorily protected environmentally sensitive sites subject to appropriate planning conditions. In addition, the proposal has not changed from when the previous permission was granted, and the relevant policies of the development plan remain in place and the same. It is not considered that there are demonstrable or significant reasons on which to refuse this application.

## **12. RECOMMENDATION**

## Grant

Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions it is considered that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows:

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development the applicant shall submit details of a 9 metre long passing bay on highway land off Eldernell Lane for approval in writing by the Council as Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwellings hereby permitted.

Reason: In the interest of Highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 3 The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Ecology report (BSG, 2021) supplied under F/YR21/1033/F including all previous reports related to the site. Where contradictions occur the most recent report takes precedence. These reports detail the methods for maintaining the conservation status of Badgers, Reptiles, Bats, Barn Owls and Breeding Birds, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

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

- 4 The proposal shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: As recommended within section 4.4 of the Updated Ecology Report (BSG, 2021). This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Summary of potentially damaging activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the recommended mitigation and compensation suggested in in the Ecology report (BSG, 2021) supplied under F/YR21/1028/F including all previous reports related to the site are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

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

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

- 7 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
- a) means of enclosure
  - b) vehicle and pedestrian access and circulation areas
  - c) hard surfacing including car parking and, other hard landscape features and materials

- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix of the proposed 8 trees.
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

- 8 All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan, 2014.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
  - ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
  - iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
  - iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
  - v) the installation of satellite dishes (as detailed in Schedule 2, Part 1, Class H);
  - vi) the erection of any walls, fences or other means of enclosure to all boundaries/the boundary of the site (as detailed in Schedule 2, Part 2, Class A).

Reasons:

1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area/conservation area in which it is set.
2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.
3. To ensure that the LPA retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area in which it is set.
4. To safeguard the visual amenities of the area
5. In order to control future development and to prevent the site becoming overdeveloped

- 10 Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls, windows and doors, and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

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

- 11 No external lighting shall be installed unless submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to safeguard habitat of protected species in accordance with policy LP19 of the Fenland Local Plan, 2014.

- 12 Prior to the first occupation of the development hereby approved, the proposed driveway and on-site parking shall be provided demarcated, levelled, and surfaced in accordance with the approved plan ref 1772/3. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme and shall not be used for any other purpose.

Reason - In the interests of highway safety and in accordance with policy LP15 of the fenland Local Plan, 2014.

- 13 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy (including provision of an Asbestos Removal Work Plan), being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a) and b). This is an iterative process, and the results of each stage will help decide if the following stage is necessary.

(a) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(b) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any



receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs c), d) and e).

(c) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(d) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

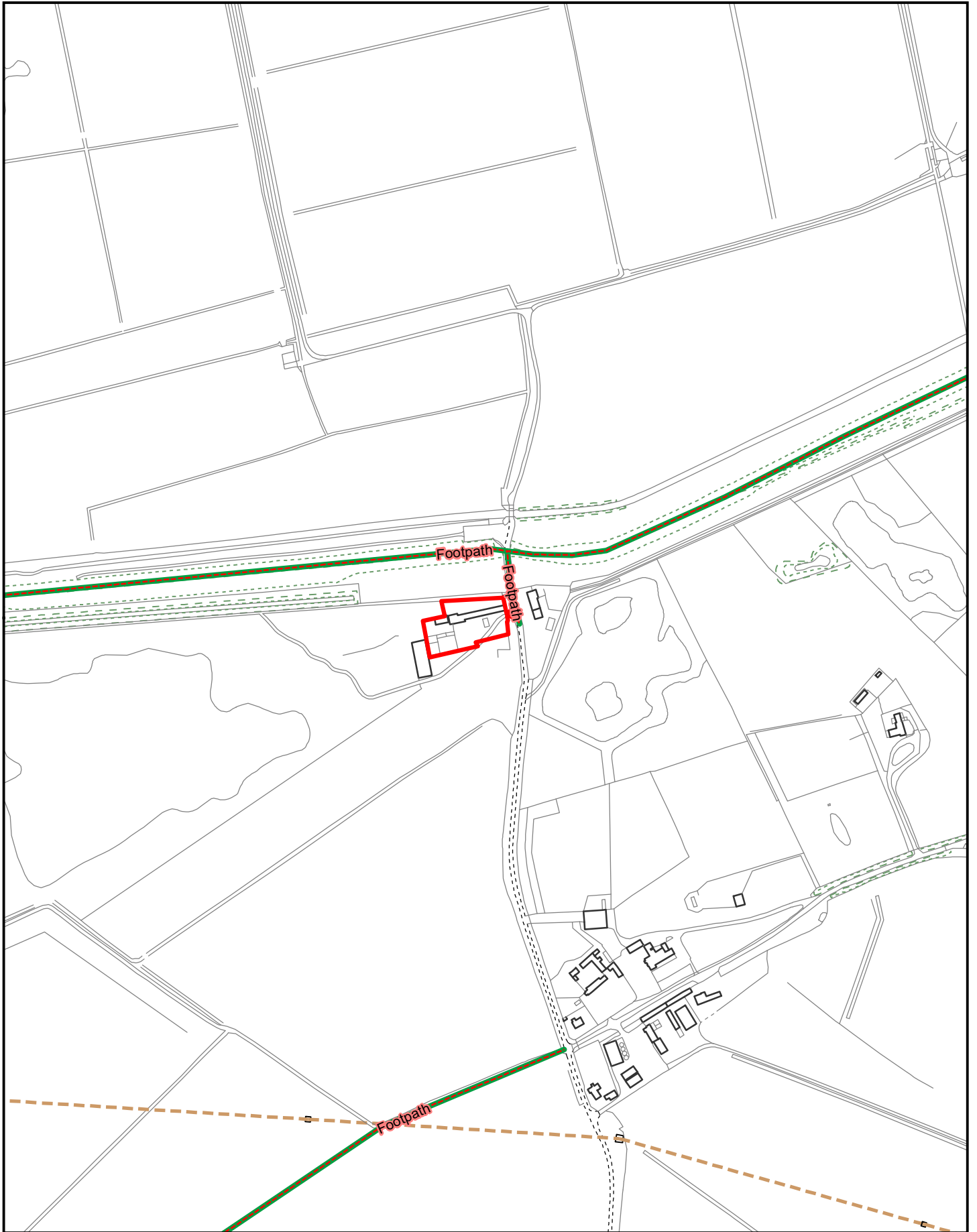
(e) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP16(m) of the Fenland Local Plan, 2014.

- 14 Prior to commencement of development detailed drawings of the location of a Package Sewage Treatment Plant shall be submitted to and approved by the Local Planning Authority. The details shall include a regular maintenance management program detailing the responsible specialist maintenance manager. The Package Sewage Treatment Plant shall be installed in accordance with the approved details and retained and maintained in perpetuity.

Reason: In the interest of safeguarding the biodiversity interests in an extremely sensitive environment (in particularly the Nene Washes SPA) from any pollution resulting from the use of the Package Sewage Treatment Plant and in accordance with Policy LP19 of the Fenland Local Plan, 2014.

- 15 Approved Plans



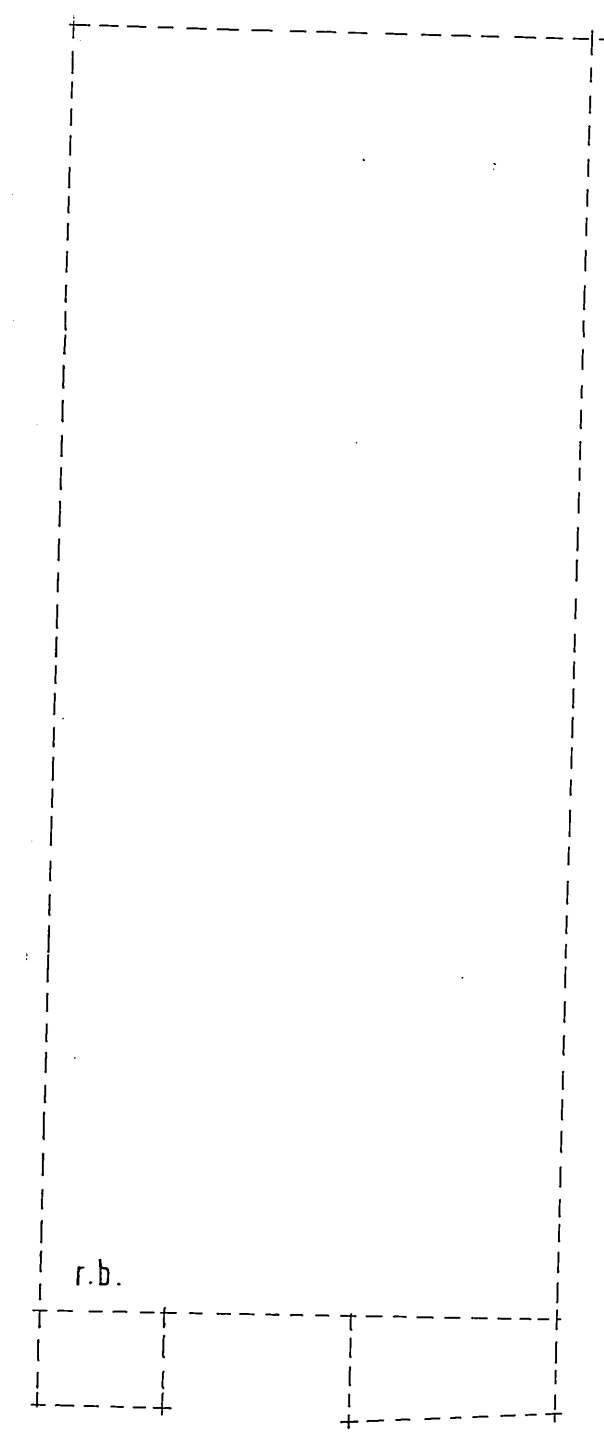
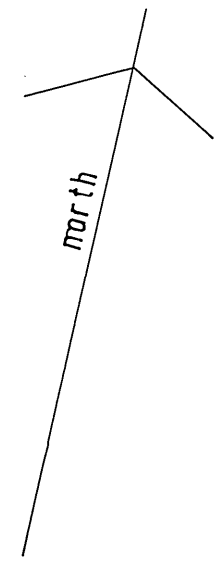
Created on: 21/09/2021

© Crown Copyright and database  
rights 2021 Ordnance Survey 10023778

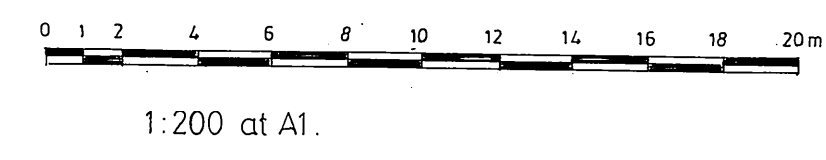
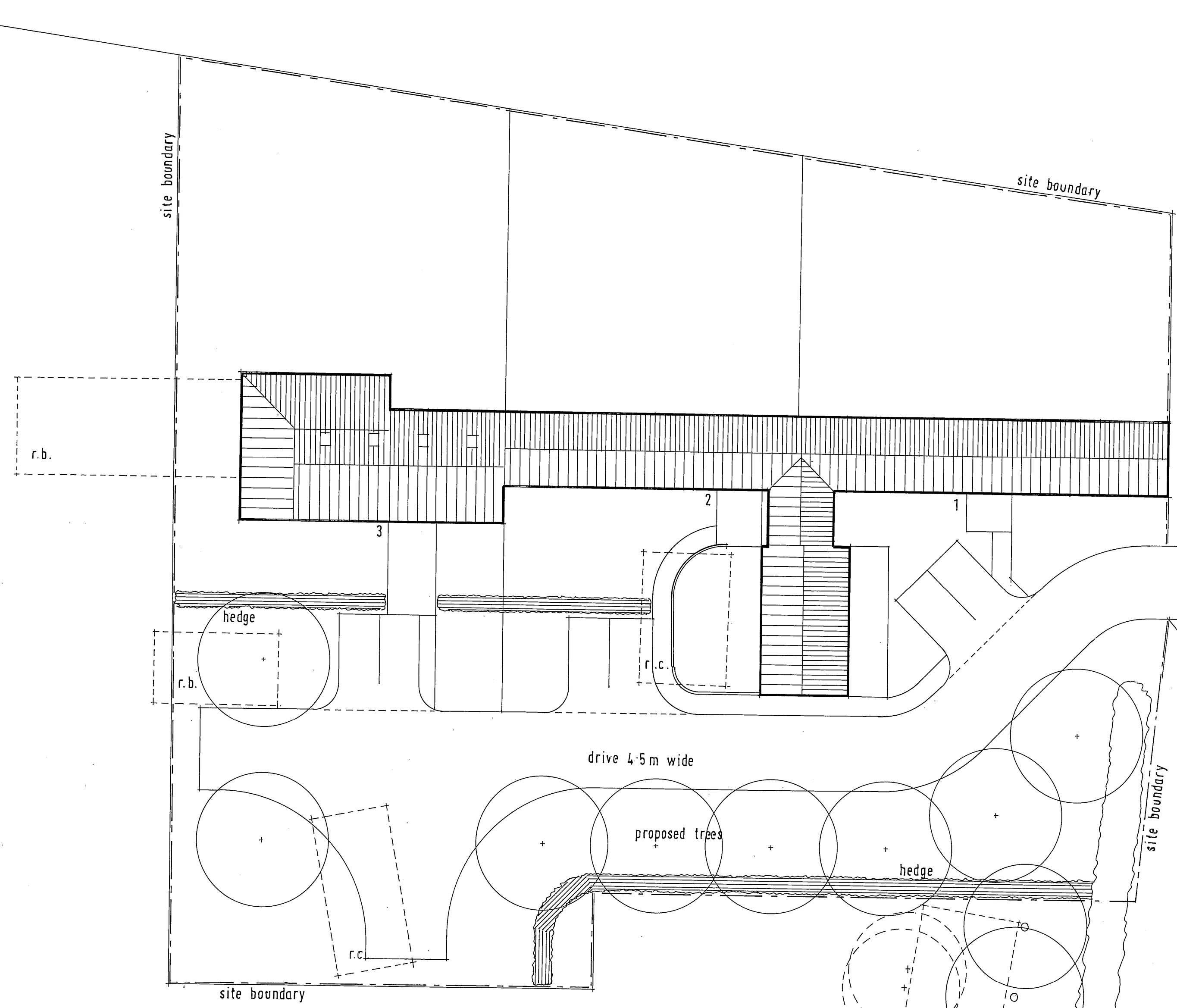
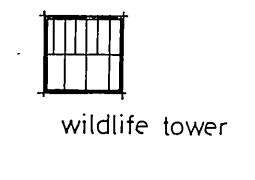
**F/YR21/1033/F**

Scale = 1:5,000





r.b. remove dilapidated building  
r.c. remove concrete slab



E  
L  
L  
O  
D  
E  
R  
N  
E  
L  
L  
L  
A  
N  
E

**HEADLEY STOKES ASSOCIATES**  
Chartered Architects and Project Managers  
Fennel House, 70 High Street, Huntingdon, Cambs PE29 3PL  
Telephone: (01455) 836597  
CARRIED OVER OF BRUNNEN AT  
LIME COURT, LIME  
RELOCATED SITE  
MAY 2018 Scale: 1:200  
1712 / 3164.1

This page is intentionally left blank

**F/YR19/1106/F**

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

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

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

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

**Officer recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings. There would be a single point of access from Wisbech Road, utilising the existing access to the church hall.
- 1.2 The principle of residential development of this site in this sustainable location is considered acceptable. The access is considered to be acceptable, a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.
- 1.3 It is acknowledged that the proposal seeks to introduce terraced 'alms house' style dwellings which are not a feature of the area and result in some detrimental impact in relation to the character of the area and residential amenity of future occupants. However, this design is as a result of Conservation advice in relation to the impact of a scheme on the setting of the grade II listed St Mary's Church and the proposal has been amended to ensure this impact is no longer significantly detrimental.
- 1.4 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance. It is considered that the harm created is less than substantial harm. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide 4 additional dwellings which would provide some public benefit and the amended scheme is not considered to have any significant detrimental impacts, as such the public benefits of the scheme are considered to outweigh the less than substantial harm created and a favourable recommendation may be forthcoming.

## 2 SITE DESCRIPTION

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

## 3 PROPOSAL

- 3.1 The application seeks full planning permission for a 2-storey terrace of 4 x 2-bed dwellings.
- 3.2 There would be a single point of access from Wisbech Road, utilising the existing access to the church hall. The access road would then run past the church hall to serve, initially, a retained car parking area for this. The access road then runs into the wider part of the site, with two ninety degree turns, where the dwellings would be located in a block of four and a block of two either side of the road.
- 3.3 Plots 1 – 4 measure 29.5m x 8.55m and 7.5m in height; accommodation comprises open plan living/dining/kitchen, study and bathroom at ground floor level and 2 bedrooms and bathroom or shower room at first floor level.
- 3.4 Bin and cycle storage areas are also provided for each dwelling along with Sheffield cycle stands for visitor cycle parking.
- 3.5 An attenuation basin is also proposed to the west of the site, adjacent to the southern boundary of the site and additional planting is proposed surrounding this.
- 3.6 Full plans and associated documents for this application can be found at:

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

## 4 SITE PLANNING HISTORY

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

## 5 CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

*It is stated, and shown on drawings, that the swale will be within the RPA of tree T31 and close to the trunk, not just skirting the periphery of the RPA. The swale is stated to be 300mm deep and with the need to have a gentle slope from ground level to the base of the swale there is a chance of roots being damaged/severed to enable this. The developer will need to show the swale and gutter can be installed without long-term damage to retained trees and therefore a trial excavation will need to be carried out using an airspade and supervised by the project arboricultural consultant to assess the volume and size of roots present within the area of the proposed drainage runs.*

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

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

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

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

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

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

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

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

#### **5.6 Wildlife Officer (8/6/2021)**

*Recommendation:*

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

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

*Pre-commencement Condition(s) –*

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

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones"*
- . c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site, how rubbish is planned to be collected during and post construction, and how all polluting materials and liquids (such as cooking oil, or deasil) will be stored safely and safely transported off site during and post construction.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

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

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



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

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

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

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

*Pre-occupation Condition(s) –*

- *Prior to occupation, a “lighting design strategy for biodiversity” for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:*
  - a) identify those areas/features on site that are particularly sensitive for bat and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

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

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

*Assessment/Comment:*

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

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

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

*Planning Policies/Legislation:*

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

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

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

*Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time needs to be certain that great crested newts are not present before the works take place.*

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

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

*Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise*

*developers that they must comply with any statutory species' protection provisions affecting the site concerned. For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard".*

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

*The biodiversity policies relevant to the proposal are:*

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

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

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*
- Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas*

## **5.7 Wildlife Officer (21/12/2021)**

*Recommendations:*

*No further recommendations in addition to those given on the 8<sup>th</sup> of June.*

*Assessment/Comment:*

*The revised plans do not contain any revisions that significantly alter the recommendations given in the previous consultation on the 8<sup>th</sup> of June.*

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

*Our records indicate that this site lies in an area of archaeological potential, situated immediately adjacent to the north of a previous area of archaeological investigation at Woodville Business Park which identified archaeological remains*

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

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

#### *Archaeology*

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

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

#### *Informatives:*

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

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

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

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

#### **5.10 Cambridgeshire County Council Archaeology (10/12/2021)**

*Thank you for consulting us again in relation to this scheme following the further reduction in the number of dwellings proposed to four.*

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

*Please let me know if you need any further information.*

## **5.11 March Society**

*Positive:*

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

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

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

*Trees (Positive)*

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

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

*Vehicle Parking (Need for clarification)*

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

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

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

*Within the heritage statement*

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

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

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

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

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

**5.12 March Town Council**

*Recommend Approval*

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

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

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

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

**UNSUSPECTED CONTAMINATION**

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

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

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

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

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

*Documents considered are:-*

*Planning Application dated XXXXXXXX*

*Design and Access Statement – Headley Stokes Associates –*

*May 2020*

*Location Plan*

*Heritage Statement – dated 5 December 2019*

*Fenland District Council Environmental Health response – 15*

*January 2020*

*Pre-Application Ref:- 17/0150 dated 23 April 2018*

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

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

*There is no known ground contamination present or of a former contaminative use. However, I would recommend that attachment of the standard unsuspected contaminated land condition be attached to any consent granted, as recommended in the previous response dated 15 January 2020. Consequently, there are no objections to the granting of consent to this proposal with the attachment of the following condition:-*

*UNSUSPECTED CONTAMINATION CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment*

#### **5.15 Environment & Health Services (FDC) (13/12/2021)**

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

*The Environmental Health Team note the additional submitted information in support of this application but have no further comments to make following our last consultation.*

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

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

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

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

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

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

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

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

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

*In 2011 a planning application for 5 houses at the Phoenix House, Wisbech Road, F/YR11/0418/F, was refused and reason 2 of the refusal concerned the adverse impact on the setting of the adjacent listed building (St Mary's Church) by virtue of two of the proposed plots and their proximity to the church.*

*A Heritage Statement has accompanied this application but it is considered to be of poor quality and hasn't adequately satisfied paragraph 189 NPPF (Feb 2019). It is considered that it fails to full assess, appreciate and describe the fundamental aspects of the setting of the grade ii listed church and contribution this setting makes to the significance of the church. The heritage statement does not account for the interest of the setting in the first instance and does not sufficiently appraise the impact of the development on this setting. No reference is made to the Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017) having been consulted.*

*Consideration is given to the impact of this proposal on the setting of the grade ii listed church in the vicinity of the site with due regard to the duty in laws under S66 Planning (Listed Buildings and Conservation Areas) Act 1990. The following comments are made:*

*St Mary's Church is located on the outer edge of the town of March in the ecclesiastical parish of Westry. It was constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location with nearest building being The Rectory to the north east (where Phoenix House now stands) and odd buildings beyond that. As Wisbech Road within March had not been developed at that time the footprint of the town ended at the Norwood Road junction. Today Westry sits on the northern edge of the March Trading Park and the "settlement" of Westry now comprises of houses and businesses stretched out along Wisbech Road (A141). Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church. It is with due regard to the interests of the setting of the church that this proposal is considered.*

*The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, land which is in the immediate vicinity of the church and forms part of the setting of the church. The NPPF (February 2019) Annex 2 defines the setting of a heritage asset as "The*



*surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve". It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church.*

*While development has occurred within the wider setting of the church it has sought to respect rural character of the locality and sense of space around the church. The current proposal seeks to replicate an alms house style, with a short terrace of four buildings to the east, and two further units to the west with a drive through arch leading to the garage at the rear. The units will be one and half storey in height. The plots will be gable end on to the church which will soften their impact on the setting of the church, which will be further screened by a planting belt on the boundary shared with the church.*

*The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. Joinery is to be stained timber framed double glazed casements. The use of these materials is to be welcomed as it will reflect the character and appearance of the church.*

*Some minor amendments are suggested in that the trapezoid windows are omitted from the design, as they appear incongruous with the almshouse aesthetic. Roof lights would work equally well to allow light into those spaces. The lancet windows are acceptable.*

*Any boundaries to the south of the plot currently proposed to be 1.8m fencing ought to be replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church.*

*This scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement).*

*Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority.*

*Recommendation: Approve subject to amendment and condition.*

#### **5.17 Conservation Officer (FDC) (6/1/2021)**

*This application concerns proposals to erect 6 dwellings on land east of the grade ii listed building, Church of St Mary, Wisbech Road, March. The title of the application has now been amended and refers only to 6 dwellings and not the 9 dwellings previously proposed.*

*There is no planning history associated with this site beyond the earlier consultation phase of this application.*

*The Design and Access Statement submitted states that natural coursed stonework with banded details and ironstone window surrounds and porches will be used, with plain grey tiled roofs. However, the drawings indicate a classic buff brick will be used with red brick detailing. This buff may be less sympathetic than the stonework previously indicated. Joinery is to be stained timber framed double glazed casements. Clarification on materials should be sought.*

*The trapezoid windows have been omitted from the design and this is supported.*

*Any boundaries to the south of the plot previously proposed to be 1.8m fencing are now replaced with native hedging in order to further soften impact, improve the planting buffer zone and relate to the rural context of the setting of the church. This is welcomed. However, a large areas of trees situated immediately adjacent to the south gable of plot 5 and to the north of the church is now replaced by an attenuation pond, and whilst some trees are being retained or replanted and hedging introduced, this will not be as thick a buffer as has been previously indicated. Furthermore, a large area of car parking has now been introduced for users of the church and church hall, and while there is clear public benefit to this, it will result in a further loss of green space and tree cover from the setting of the designated church to its detriment.*

*The issue of setting was not covered sufficiently in the previous consultation and the heritage statement has not been updated to address these alterations and how they might impact on the setting of the church. This should be.*

*Overall, this scheme represents a successful outcome after consultation and understanding of the conservation requirements (though these are articulated more clearly in the Design and Access Statement than in the Heritage Statement), however, it does not comply with the NPPF paragraph 189.*

*Notwithstanding the approved plans and documents, conditions should require samples for all external materials to be used in the construction of the site to be submitted to and approved in writing by the Local Planning Authority and a revised heritage statement should be submitted with sufficient detail to satisfy paragraph 189 of the NPPF with reference to Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) document The Setting of Heritage Assets (22 December 2017).*

*Recommendation: Approve subject to amendment to accommodate a revised heritage statement and conditions.*

**5.18 Conservation Officer (FDC) (13/1/2021)**

*This is now an acceptable heritage statement compliant with para 189 of the NPPF and LP18. I am therefore happy to accept this in relation to the application and don't require any further consultation on this.*

**5.19 Conservation Officer (FDC) (10/8/2021)**

*This was a case that I inherited and it was my understanding that previous discussions between officers, applicant and agent had reached a point where initial concerns in relation to the style and density of the proposed development had been addressed.*

*Under paragraph 6. ii in my comments dated 6th October 2020, I state that: "It is very clear that the land proposed for development directly forms part of the surroundings in which the designated heritage asset, the grade ii listed church, is experienced. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset it experienced. It is felt the proposed development would have a negative impact on the setting of the church and the surroundings in which it is experience and would harm the setting of the church".*

*Subsequent points refer to the details of the development as had been discussed with previous officers. It was felt that the revised scheme had met the concerns previously raised by colleagues and my comments aimed to remain consistent with previous advice.*

*However, there is clear harm to the setting and the setting contributes to the significance of this 1873 Parish Church. Historic maps show that it was once entirely open countryside, with a sparse population in the parish of Westry for a relatively large church, so it perhaps also served those living to the north and west of March. The land around has several permissions for development and the rural isolation of the church has been lost so this development changes the immediate setting and amounts to cumulative harm to that setting if not the overall significance of the church. It is certainly less than substantial harm and so needs to be weighed against the public benefit of the proposal. It is not clear if there is sufficient public benefit in 6 dwellings, to outweigh that harm, and this therefore needs to be assessed in the final review of the application.*

#### **5.20 Conservation Officer (FDC) (21/12/2021)**

*It is noted that the scheme is now reduced now to 4 dwellings to the south east of the church, and the design is that of an 'alms house' style terrace with good detailing and materials. Good design of this standard is welcomed.*

*However, it remains that development in this location amounts to cumulative harm to the setting of the church, and with the development of Lime Tree Close now underway, will sever the last link between the asset and its original setting. This according, to Historic England guidance, is negative change.*

*Therefore regardless of the reduction in the scale of the development or the good design, there remains clear harm to the setting, and therefore the significance, of the church. It further remains that the harm is still, in the terms of the NPPF 'less than substantial', and therefore the harm should be weighed against the public benefits of the housing provided by the proposed development under para. 202 of the July 2021 edition of the NPPF.*

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

Comments were received on 5/2/2020, 5/10/2020, 16/10/2020, 18/12/2020 and 15/3/2021, which are available to view via public access, the most recent response is detailed in full below:

#### **5.22 CCC (Lead Local Flood Authority) (20/12/2021)**

*Thank you for your re-consultation which we received on 8th December 2021. We have reviewed the following documents:*

- *Flood Risk Assessment and Drainage Strategy, GHBullard & Associates LLP, Ref: 132/2020/FRADS Rev P6, Dated: November 2021*

*Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.*

*The above documents demonstrate that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site at 0.8 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change.*

*Water will pass through a filter medium to manage the risk of blockage to the flow control.*

*Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following conditions are imposed:*

*Condition*

*No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment And Drainage Strategy prepared by G.H. Bullard & Associates LLP (ref: 132/2020/FRADS Rev P6) dated November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.*

*Reason*

*To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.*

*Condition*

*Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.*

*Reason*

*To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.*

*Condition*

*No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.*

#### *Reason*

*To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.*

#### **5.23 Refuse Team (FDC) (6/2/2020)**

*To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required against any potential damage to the road surface etc. which may be caused during vehicle operations.*

*A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction, this would need to include coming on and off the A141.*

*Alternatively it would require a shared collection point at the top of the access road however this would involve residents having to move bins some distance on collection day.*

#### **5.24 Refuse Team (FDC) (6/10/2020)**

*The vehicle tracking shows that we could access and turn within the site with no issues. The shared bin collection point is located outside the area of block paving which would mean our vehicles would not have to access this area..*

*Indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations. The roadway would need to be constructed suitably for a 26t vehicle.*

*New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place. - Refuse and recycling bins will be required to be provided as an integral part of the development*

#### **5.25 Refuse Team (FDC) (28/10/2021)**

*I have been out and had a look at the site and it would be very tight with the tree overhang especially when they are in full leaf (our vehicles are 3.5m high).*

*On reflection a shared collection point next to the 141 as per Church Gardens would be the best solution and remove the need for indemnity etc.*

#### **5.26 Cambridgeshire County Council Highways Authority (22/1/2020)**

*The proposal access road layout is not conducive to CCC road adoption standards. FDC need to be satisfied that the proposed scale of development can be accessed via a private access road.*

*The access should be sealed and drained 5m for the first 10m. This should be clearly annotated on the planning layout. Due to the access widening, the culvert and dropped kerb arrangement will also require extending.*

*Defer for amended plans or re-consult for highway conditions.*

**5.27 Cambridgeshire County Council Highways Authority (25/9/2020)**

*The site plan should refer to CCC Highway Construction Standards and not NCC*

*The access details pedestrian visibility splays. The splays detailed should form part of the access construction. They should not be referred to as ped visibility in this instance.*

*The private access should state sealed and drained away from the highway. A high point should be formed at the highway boundary so surface water falls into the site into the highway.*

*2.4m x120m vehicle to vehicle visibility should also be detailed. Defer for an amended access details plan*

**5.28 Cambridgeshire County Council Highways Authority (30/9/2020)**

*I have just had a brief discussion with the agent to explain the following;*

*The agent should state the Highway access crossover (btw the footway and the highway boundary) will be sealed and drained in accordance with CCC Highway Construction Standards (details will be agreed at S184 Highway Agreement stage).*

*The note regarding the private access construction should state the access will be sealed and drained away from the highway. These notes just avoid the need for pre- commencement drainage/access construction conditions*

**5.29 Cambridgeshire County Council Highways Authority (05/10/2020)**

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

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

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

*2.) The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter. Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

*3.) Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway footway. Any access gate or gates shall be hung to open inwards.*

*Reason: In the interests of highway safety.*

**5.30 Cambridgeshire County Council Highways Authority (17/12/2020)**

*I have no further comments*

**5.31 Cambridgeshire County Council Highways Authority (10/8/2021)**

*The visibility splays are achievable along the existing highway verge and the applicant has detailed the visibility splays on submitted plan 23 REV F, albeit they have not detailed the full length. This does however provide sufficient detail/evidence to demonstrate they are achievable with the existing public highway.*

### **5.32 Cambridgeshire County Council Highways Authority (20/12/2021)**

*Highways have previously commented on this application and recommended conditions if you are minded to grant planning permission. As far as I can determine there are no additional issues that require our comments but please let me know if you need anything further.*

### **5.33 Middle Level Commissioners**

*Thank you for your email of the 23rd September 2020 advising of revised proposals in relation to the above planning application. Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so.*

*With the exception of the simplest matters, we are instructed to advise that we no longer provide bespoke responses to planning applications unless we are requested to do so by the Board and/or the applicant, as part of a pre/post-application process.*

*However, on this occasion, the Board has requested that we contact your authority in respect of the above development. We respond as follows:*

*We received an initial enquiry from G H Bullard & Associates LLP acting on behalf of the applicant requesting an “approval in principal” for the discharge of surface water at a rate of 2l/sec to a receiving watercourse which runs alongside the A141 Wisbech Road and the front of St Mary’s Hall and St Mary’s Church. It is believed that this watercourse drains via a culvert beneath Wisbech Road to connect to the drainage system which ultimately drains to the March West and White Fen IDB system. Please note that positive connection to the west of Wisbech Road has not been confirmed nor the state of the drains downstream of the site along Wisbech Road. The site in question also straddles the Highland Catchment boundary with the March Sixth District Drainage Commissioners area.*

*We have had discussions with representatives of both respective Boards regarding the above development and also the other developments within the immediate area references F/YR19/0307/O, F/YR19/3090/COND and F/YR16/0356/F. Subsequent to these discussions I have outlined below the position of both Boards in relation to drainage matters from these developments.*

- Surface water discharge to the private watercourse alongside Wisbech Road/A141 at St Mary’s Church Hall. “In principle” discharge to this watercourse would be acceptable although this would be based on an attenuated discharge to greenfield rates. In addition, the Board would require that the receiving watercourse is of a suitable condition to accept the discharge and there is a positive connection to the wider drainage network to the west of Wisbech Road. This would be subject to proving the connection, it is assumed there is a pipe crossing Wisbech Road, and this pipe is of sufficient capacity to accommodate the flows.*

- As a suggested alternative discharging to the private watercourse on the eastern boundary of the adjacent site, which drains to the March Sixth DDC district, if practical, may be a viable alternative. Please note that such a discharge would*

also be required to be attenuated to greenfield rates and is also conditional on the condition of the receiving watercourse which would require clearance works to the downstream sections.

• In both cases as the proposed receiving watercourses are private drains agreement from riparian owners downstream would be required. The alternative watercourse is suggested as this is also the proposed discharge for the other two developments at Woodgate, therefore a “combined” approach may present a viable solution of benefit to all parties.

• Please be advised that a discharge consent for treated foul effluent from the above development or the other two at Woodgate, to either watercourse or systems would not be granted consent at this time. Due to the number of properties from all of the developments the volume of treated effluent discharge would be significant. This would place a significant increased “load” on the receiving systems in addition to the other issues associated with the disposal of treated effluent water from non-adopted systems, including the increased risk of pollution and odours as a result of “spills”, possibly due to the lack of maintenance of the units; potential detrimental effect on the water environment etc.

• The disposal of treated effluent from all development sites would therefore need to be to the local public sewer, the closest being located in Hostmoor Avenue. We have advised all of the developers that they should liaise with each other to propose a suitable system to provide connection for all of the proposed developments. Please note that a discharge consent for treated effluent would still be required, although in this respect to the Middle Level Commissioners, as the local AWS foul system ultimately discharges to the Middle Level System via the March Treatment Plant.

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

8 objections have been received (6 from Church Gardens, Westry, 1 from High Street, March, 1 from Wisbech Road, March), in relation to the following:

- Drainage/surface water/flooding/ground levels
- Traffic exit/entry
- Parking provision for large functions held at church/church hall and knock on impact
- Access and impact on A141, A141 dangerous and lots of accidents, access needs upgrading, lorries parked in layby block visibility
- Communal parking from proposed dwellings – disputes, unable to charge electric vehicles
- Impact on the setting of the church
- Loss of privacy/overlooking
- Noise
- Loss of/impact on trees
- Overdevelopment/ contrary to rural environment/urbanisation/poor design
- Unsuitable mass and form of building
- 9 dwellings off a private road
- The footpath into town is narrow, poor and inadequate – how will schools be accessed
- Refuse collection point required adjacent highway
- Security and maintenance issues
- No mains drainage or gas – how will foul drainage and heating/hot water be provided



- No windows should be provided in the north elevations and construction hours should be limited
- Plots 2 and 3 only have access to gardens through the dwellings, gardens are largely overshadowed, how will garden waste be dealt with
- Concerns regarding the removal of a portion of 1.8m high boundary fence
- Cellular confinement system appears unsuitable
- Site is in an 'elsewhere' location and unsustainable
- Not brownfield
- Smaller number of detached dwellings should be proposed.
- Can refuse vehicles access the site
- Concerns regarding the attenuation basin
- Revised scheme appears lonely and out of place
- Plots are tight up against boundary and will diminish the sense of open space, larger space with landscaping should be provided.
- Not a good use of land, should be more dwellings

## **6 STATUTORY DUTY**

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

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Model Design Code 2021**

**National Design Guide 2019**

Context – C1, C2

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N2, N3

Homes and Buildings – H1, H2, H3

**Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment  
LP19 – The Natural Environment

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

### **Cambridgeshire Flood and Water SPD 2016**

### **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

## **8 KEY ISSUES**

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

## **9 BACKGROUND**

- 9.1 Pre-application advice was given (reference 17/0150/PREAPP) that the principle of development in terms of access to facilities was considered to be acceptable, issues to be considered were the impact on the setting of the Grade II listed church, parking and access and the overall design context.
- 9.2 The original submission was for 9 dwellings, it was considered that the proposal put forward failed to preserve the setting of the listed church, the terraced style housing was completely at odds with the prevailing character of the area (relatively rural, low density, detached dwellings on spacious plots) and significant information was outstanding. It was recommended that the application be withdrawn. Subsequently a meeting was held where it was suggested by the Council that a maximum of 3 units be put forward, the agent suggested 6 dwellings on a layout reflecting Church Gardens. A scheme for 5 dwellings was reviewed and informal advice given.
- 9.3 A revised scheme for 6 dwellings was then submitted and revised, a surface water drainage scheme has been proposed and amended due to roots of protected trees, ecology reports have been submitted and a subsequent bat emergence survey undertaken.
- 9.4 The application was due to go before Planning Committee for determination in September 2021, with a recommendation of refusal, however the agent requested the application was withdrawn from the agenda with a view to revising the scheme.
- 9.5 The scheme now put forward proposes a reduction from 6 to 4 dwellings (removal of plots 5 and 6), plots 1-4 have been moved further west to provide larger rear gardens, plot 1 has been redesigned and the overall height of the terrace block has been reduced by 0.3m (from 7.8m to 7.5m), additional planting is also provided.

## 10 ASSESSMENT

### Principle of Development

- 10.1 March is listed as a 'primary market town' in Policy LP3 of the Fenland Local Plan, where the majority of the district's new housing, employment growth, retail growth and wider service provision is directed to.
- 10.2 The site is considered to be located within the existing built form and within a reasonable walking distance of some local services and facilities, as such the principle of residential development of this site in this sustainable location is considered acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of heritage, residential or visual amenity, design, parking, highways, flood risk and ecology.

### Heritage

- 10.3 The application site is located within the setting of the Grade II listed St Mary's Church; constructed in 1874 some 2 miles north of the town following the formation of the ecclesiastical parish of Westry in the 1860's. Map evidence from the 1889 OS map shows the originally it stood very much alone in its rural location. Despite now being associated with a more established grouping of buildings St Mary's Church still benefits from a strong rural setting derived from the sense of space around the building, within the churchyard and beyond, and strong natural qualities around the church comprising of trees and hedging to its boundaries and around the site. The building closest to the church is the simple building that is the Parish Room which is situated south of the church and was shown in position on the 1927 OS map and by its nature has a functional relationship serving the church. Beyond the parish rooms other buildings do not unduly encroach into the setting of the church.
- 10.4 The proposal put forward would result in residential development occurring on land directly to the rear (east) of St Mary's Church, which is in the immediate vicinity of the church and forms part of its setting. The site in question makes a tangible contribution to the sense of space and natural qualities around the church and churchyard serving to reinforce the church's historic rural context. This setting therefore contributes to the significance of the heritage asset. The residential development proposed would have a substantial impact on the setting of the church fundamentally changing the surrounding in which the heritage asset is experienced. Consequently, this would result in harm to the setting of the church. While development has occurred within the wider setting of the church it has sought to largely respect the rural character of the locality and sense of space around the church.
- 10.5 The scheme has been amended to address the significant conservation concerns initially raised and the current proposal seeks to replicate an alms house style. The plots will be gable end on to the church which will soften their impact on the setting of the church and as such the development is considered to create less than substantial harm to the heritage asset.
- 10.6 Para 197 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, para 199 states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to its conservation and para 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10.7 Cambridgeshire County Council Archaeology have advised that the site lies in an area of archaeological potential and whilst they do not object to development proceeding in this location consider that the site should be subject to a programme of archaeological investigation which can be secured through a pre-commencement condition.

**Design considerations and visual amenity of area**

10.8 The development proposes a terraced block of 4 dwellings, the height of the block has been reduced to 7.5m providing a less dominant roofslope and therefore improved design; the southern gable end of plot 1 has also been revised to include windows and detailing providing a relationship with the access road and natural surveillance to the visitor parking. The plots feature defensible space to the front providing separation from the access road.

10.9 As noted in the heritage section above, the surrounding area is relatively rural, with a sense of space and verdant character. Where developments have been allowed (for example Church Gardens to the north east and Limetree Close to the south east) these are mainly detached housing on spacious plots and overall, the area is generally low density. The proposed development seeks to introduce a terrace form of development which is acknowledged has an urbanising impact at odds with the prevailing rural character of the area, however this form of development was suggested by Conservation to limit the impact on the setting of the listed church. The introduction of substantial areas of hardstanding is considered to diminish the verdant quality of the area, however additional planting is proposed to soften this and enhance the existing planting.

10.10 Natural coursed stone with ironstone window surrounds and porches are proposed, with plain grey roof tiles and stained timber double glazed casement windows are proposed. The Conservation Officer welcomes the use of these materials as they will reflect the character and appearance of the church, however full details, including samples for all external materials will be required and obtained by way of a condition.

10.11 The trees on site and surrounding are protected by TPO MU/2/465/15. The application is accompanied by an Arboricultural Impact Assessment, a total of 39 trees and tree groups were recorded and the proposal requires the removal of eight trees and three groups of trees. The three groups and one tree are considered of poor arboricultural quality, six trees are of low quality and T28 is of moderate quality and requires removing as it creates a significant constraint to the development and has a reduced life expectancy due to structural defects. Following further investigation, the drainage scheme was amended due to the presence of major roots, the Council's Arboricultural Officer has no objections to the revised scheme, however it is considered that a method statement be secured by way of a condition to ensure the trees are adequately protected and construction methods are suitable.

10.12 Due to the construction methods required to protect the trees there is potential for land levels to be altered, hence, if minded to grant the application it is considered necessary to impose a condition in relation to existing and proposed site levels to enable the acceptability of amendments to be considered. A soft landscaping scheme is also required, this was requested during the course of the application however the agent wished for this to be conditioned. It is also considered due to the extent of shared space that a management and maintenance scheme is secured by way of a condition.

## **Residential Amenity/Health and wellbeing Surrounding buildings**

- 10.13 To the north east of the site is the substantial 3-storey dwelling of 4 Church Gardens which is located on a substantial plot at the end of a long private drive. There is 1.8m high close boarded fencing separating Church Gardens from the application site and a landscaping strip with significant trees before the private drive to No.4 is reached. The closest building on the plot of No.4 is the detached garage and store, which is located approximately 11.5m from the development site, the dwelling itself is located approximately 23m distant at the closest point. It is acknowledged that there would be some additional overlooking as a result of the proposed development, however this would mainly affect land to the front of No.4 which is visible from users of Church Gardens, the dwelling is located on a substantial plot with large areas of amenity space a sufficient distance from the development and the dwelling is located at an acceptable distance away, as such the impact in relation to overlooking/loss of privacy is not considered to be significant. Similarly, there are not considered to be significant adverse impacts on the residential amenity of this dwelling in respect outlook, loss of light or overshadowing.
- 10.14 To the north west of the site is the 2-storey dwelling of 5 Church Gardens, the proposed dwellings are separated from No.5 by an area of open space and the attenuation basin, at this distance the proposal is not considered to have a significant detrimental impact on the residential amenity of 5 Church Gardens.
- 10.15 To the south east is the Limetree Close development of 9 dwellings, approved under F/YR19/0602/RM which are currently under construction, none of these appear to be occupied at this time. Plots 1, 3 and 5 adjoin the application site. Plots 1 and 3 may experience additional noise and disturbance in respect of the intensification of the use of the access, however this is separated by tree/landscaping belt and the access is proposed to be of a bound material mitigating noise, as such this is not considered to have a significant impact on the residential amenity of future occupier of these dwellings. Plot 5 Limetree Close is located alongside the gardens of plots 1-4, the proposed dwellings are located approximately 23.5m distant with first-floor windows facing towards plot 5 Limetree Close serving bathrooms, shower rooms and the landing, only the landing window would be clear glazed, however given the distances involved this is considered to be acceptable Plot 5 Limetree Close does feature a first floor window in the gable end facing towards the proposed development, however this is located 8m from the boundary with the application site. As such there are not considered to be any significant detrimental impacts in relation to the residential amenity of the future occupants of plot 5 Limetree Close.
- 10.16 The dwellings on the opposite site of Wisbech Road are not considered to be significantly affected.
- 10.17 St Mary's Church and Church Hall are surrounded by the application site and the scheme encompasses the car park serving these, the proposed dwellings are some and 45m from the church and 56m away from the hall, both aforementioned buildings would be used for events and functions. Policy LP16(o) seeks to ensure that developments would not result in any unreasonable constraints on adjoining facilities by introducing 'sensitive' developments such as dwellings in close proximity. There is potential for the proposed dwellings to be impacted by the use of the hall, and the layout of the site is such that users of the car park are likely to use the private road to turn, particularly if the car park is full as it would be necessary to enter the site before this would be known, resulting in noise, disturbance and potential parking conflict, however this is not considered to cause such harm to justify a refusal in this regard.

### **Proposed development**

- 10.18 The proposed dwellings feature rooms in the roof space and the majority of the bedrooms are afforded only rooflights limiting outlook, some are afforded small traditional windows however these bedrooms are long and narrow and as such would have limited natural light.
- 10.19 Plots 2 and 3 have no external access to the rear gardens and would be required to access this through the house, this also results in bin and cycle stores being located to the front of the dwellings which would create a cluttered appearance to the detriment of visual amenity.
- 10.20 Concerns were previously raised regarding the usability of the rear gardens due to the presence of large, protected trees, the gardens have now been made larger as the dwellings are sited further west, the parking for plot 1 has been relocated and semi-mature native hedging a minimum of 1.5m high is proposed to the southern boundary of plot 1 to soften the scheme and provide sufficient privacy.
- 10.21 The Council's Environmental Health team consider that whilst the A141 is close by, there is sufficient separation distance for a noise assessment to be unnecessary. They do however request that an unsuspected contamination condition is imposed.
- 10.22 The scheme has been designed to enable refuse vehicles to enter the site for collection, however it was subsequently advised that due to the scale of vehicles and protected trees on site (the vehicles may not clear the trees). As such the applicant's agent has put forward a refuse strategy which proposes private collection arrangements from the collection area opposite the dwellings.

### **Highways and parking**

- 10.23 The site is accessed from the A141 which has a 40mph speed limit in this location, the existing access is to be utilised and upgraded. The LHA consider that the submitted details demonstrate that the required visibility splays are achievable within the existing public highway as such they have no objections subject to conditions in relation to provision of the access, parking and turning and no gates within 6m of the highway.
- 10.24 The private access road is 5m wide with turning heads, allowing cars to pass, turn and exit the site in forward gear; a separate 2m wide path is provided for pedestrians. The road is proposed to be porous asphalt (sealed and drained away from the highway for the first 10m) and charcoal block paving; footpaths are to be brindle block paving, parking for the church hall is gravel and parking for the proposed dwellings bracken block paving or asphalt.
- 10.25 The application form submitted indicates that there are 19 parking spaces on site and 6 cycle spaces as existing serving the church/church hall, though this is an informal arrangement, on a small area of gravel with the rest of the site remaining unmade. Policy LP15 and Appendix A require 1 parking space for every 5 sqm of public floor space, this equates to 25 parking spaces. The proposed site plan details 25 spaces of 2.5m x 5m with 6m in between spaces to enable entrance/exit, a condition can be imposed to ensure that the spaces are demarcated with would avoid the current 'free for all' arrangement and ensure that are it's utilised to its full potential.

- 10.26 With regards to the proposed dwellings, Policy LP15 and Appendix A require 2 parking spaces per dwelling; each dwelling has 2 parking spaces of 3m x 5.5m which are considered acceptable.

### **Flood Risk and Drainage**

- 10.27 The site is located within Flood Zone 1, the lowest risk of flooding; existing site levels are generally level with a slight fall towards the west of the site. Floor levels are to be set at 150mm above surrounding ground levels.

- 10.28 The government website indicates that there is very low risk of surface water flooding to the site itself, and a localised area of low risk at the access to the site; this data can be viewed here:

[Check the long term flood risk for an area in England - GOV.UK \(flood-warning-information.service.gov.uk\)](https://www.gov.uk/government/organisations/flood-warnings-information-service)

- 10.29 Cambridgeshire County Council Lead Local Flood Authority consider that the submitted information demonstrates that surface water from the proposed development can be managed through the use of a shallow basin, a filter strip and permeable paving. Surface water will then discharge into the existing watercourse to the west of the site (which has been agreed in principle with MLC). They require a detailed surface water drainage scheme, maintenance arrangements and details of how additional surface water run off will be avoided during construction to be secured by way of conditions.

### **Ecology**

- 10.30 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.
- 10.31 Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 174 of the NPPF 2019 seek to conserve, enhance and promote biodiversity. Paragraph 182 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.
- 10.32 A preliminary ecology appraisal survey was undertaken on 20/11/2020, this found low to moderate bat roosting potential within seven trees on site along with foraging and commuting features, T28 is proposed to be felled and there is potential for disturbance to all trees as a result of the development. The site is also considered to provide suitable habitat for amphibians, birds, reptiles and hedgehog. Phased vegetation clearance is recommended along with mammal safeguards. Bat dusk emergence/dawn re-entry surveys were required due to the roosting potential on site, trees and hedgerows should be retained where possible and an external lighting strategy should be approved to ensure this is bat friendly. Enhancements were recommended including provision of bird and bat boxes.
- 10.33 Further survey work was undertaken on T28 which revealed low to moderate bat roosting potential. Subsequently a Nocturnal Bat Emergence Survey was carried out in May 2021 which recorded five bat species in low numbers using the site for foraging and commuting, however no bats were seen emerging from the tree and it was concluded that it was not a bat roost.

10.34 The Council's Wildlife Officer considers that the site assessment surveys have established that no protected species will be harmed by the development, so long as certain mitigation and compensation is completed and that the scheme is acceptable but only if conditions are imposed. Pre-commencement conditions are required in relation to a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS) and a pre-occupation condition in relation to a lighting strategy.

**11 PLANNING BALANCE AND CONCLUSIONS**

11.1 The principle of residential development of this site in this sustainable location is considered acceptable. The access and relationships with existing (or approved) surrounding dwellings is considered to be acceptable' a suitable surface water drainage scheme can be achieved and no protected species would be harmed by the development; all subject to conditions securing provision and/or further details.

11.2 It is acknowledged that the proposal seeks to introduce terraced 'alms house' style dwellings which are not a feature of the area and result in some detrimental impact in relation to the character of the area and residential amenity of future occupants. However, this design is as a result of Conservation advice in relation to the impact of a scheme on the setting of the grade II listed St Mary's Church and the proposal has been amended to ensure this impact is no longer significantly detrimental.

11.3 The development is considered to create clear harm to the setting of grade II listed St Mary's Church and the setting contributes to the significance. It is considered that the harm created is less than substantial harm. Para 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide 4 additional dwellings which would provide some public benefit and the amended scheme is not considered to have any significant detrimental impacts, as such the public benefits of the scheme are considered to outweigh the less than substantial harm created and a favourable recommendation may be forthcoming.

**12 RECOMMENDATION**

**Grant, with delegation to the Head of Planning to finalise the conditions. The following conditions are given for indicative purposes:**

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities.</li> <li>b) Identification of "biodiversity protection zones"</li> <li>. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site, how rubbish is planned to be collected during and post construction, and how all polluting materials and liquids (such</li> </ul>



	<p>as cooking oil, or deasil) will be stored safely and safely transported off site during and post construction.</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Plan 2014.</p>
3	<p>No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the lost on-site habitats has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.</p> <p>a) Purpose and conservation objectives for the proposed works.</p> <p>b) Review of site potential and constraints.</p> <p>c) Detailed design(s) and/or working method(s) to achieve stated objectives.</p> <p>d) Extent and location/area of proposed works on appropriate scale maps and plans.</p> <p>e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.</p> <p>f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</p> <p>g) Persons responsible for implementing the works.</p> <p>h) Details of initial aftercare and long-term maintenance.</p> <p>i) Details for monitoring and remedial measures.</p> <p>j) Details for disposal of any wastes arising from works.</p> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Plan 2014.</p>
4	<p>Prior to occupation, a “lighting design strategy for biodiversity” for all lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bat</p>

	<p>and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to occupation, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 10 of the Preliminary Ecological Appraisal (Lockhard Garratt, 2020), section 7 of the Bat Emergence Report (Hiller Ecology, 2021) and the ecological note (Samsara Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Council Local Plan 2014.</p>
5	<p>No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:</p> <p>a) the statement of significance and research objectives;</p> <p>b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;</p> <p>c) The timetable for the field investigation as part of the development programme;</p> <p>d) The programme and timetable for the analysis, publication &amp; dissemination, and deposition of resulting material</p> <p>Informatives:  Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>Reason To ensure that the significance of historic environment assets is conserved in line with NPPF section 1 and Policy LP18 of the Fenland Local Plan 2014.</p>
6	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the</p>

	<p>developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment And Drainage Strategy prepared by G.H. Bullard &amp; Associates LLP (ref: 132/2020/FRADS Rev P6) dated November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.</p> <p>Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policies LP14, LP16 and LP19 of the Fenland Local Plan 2014.</p>
8	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p>
9	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
10	<p>Prior to occupation of the development, a Refuse Management Plan shall be submitted to the Local Planning Authority for written approval.</p>

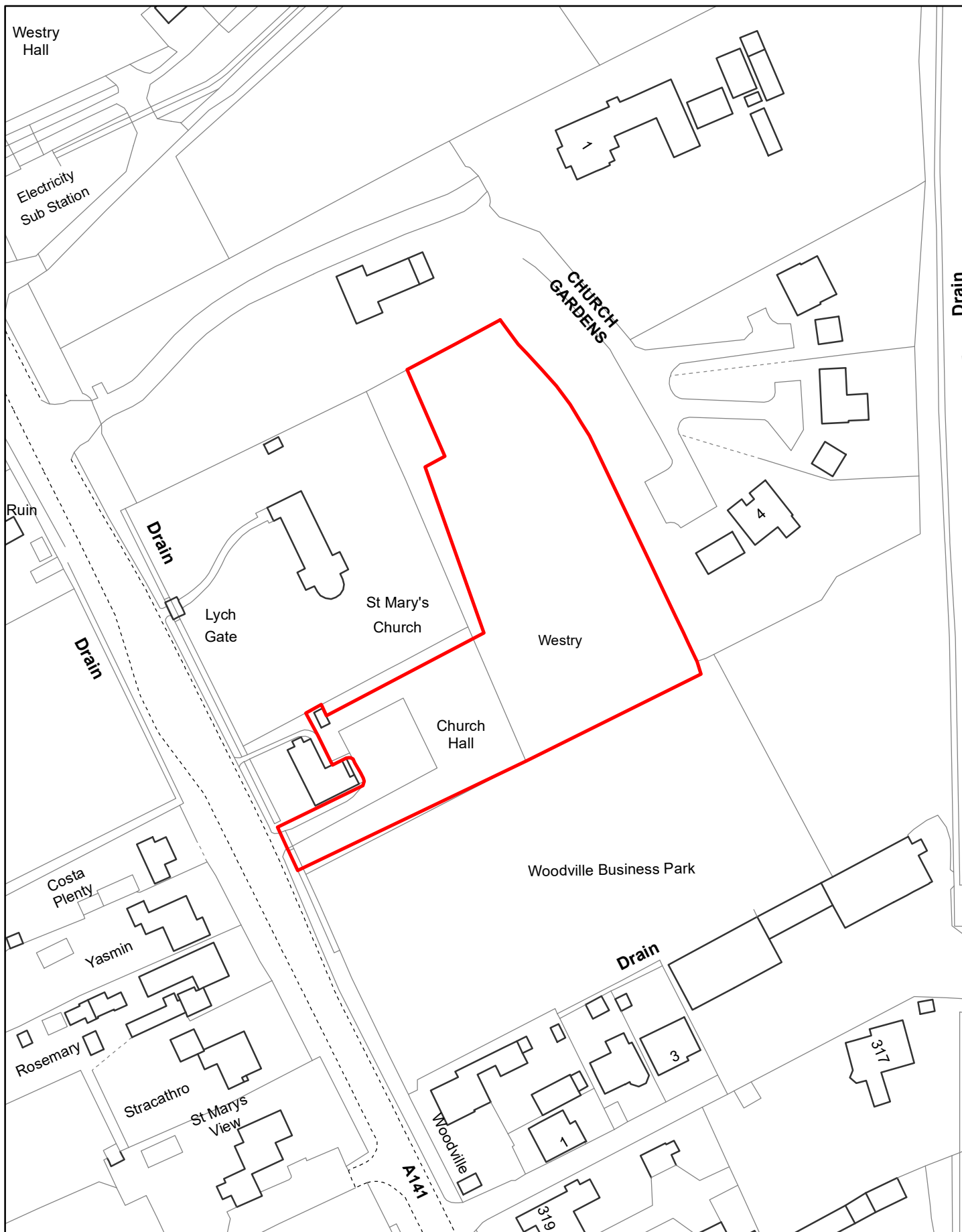
	<p>The Plan shall detail the refuse storage and collection locations and include any necessary restrictions on the dimensions of the refuse collection vehicle. The collection and management of waste shall then be carried out in accordance with the approved Refuse Management Plan.</p> <p>Reason To ensure that adequate refuse storage and collection arrangements are in place and the trees on site are protected, in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>Prior to the first occupation of the development hereby permitted, the means of vehicular access has been laid out and constructed in accordance with Drawing 1752/11/23C.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access into the site, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
12	<p>The vehicle turning and parking spaces shown on Drawing 1752/11/23C shall be provided before the development is brought into use and shall be retained in perpetuity thereafter.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
13	<p>Any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway footway. Any access gate or gates shall be hung to open inwards.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan.</p>
14	<p>Prior to commencement of development/construction/any works, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels, and cross sections, of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s)</p> <p>Reason To ensure that the precise height of the development can be considered in relation to adjoining sites to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
15	<p>No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <p>a) existing trees, hedges or other soft features to be retained</p>

	<ul style="list-style-type: none"> <li>b) planting plans, including specifications of species, sizes, planting centres number and percentage mix</li> <li>c) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li> <li>d) details of siting and timing of all construction activities to avoid harm to all nature conservation features</li> </ul> <p>The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</p> <p>Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
16	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:</p> <ul style="list-style-type: none"> <li>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</li> <li>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);</li> <li>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</li> <li>iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);</li> <li>v) the erection of any walls, fences or other means of enclosure to all boundaries (as detailed in Schedule 2, Part 2, Class A).</li> </ul> <p>Reasons:</p> <p>To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area in which it is set in accordance with Policies LP16 and LP18 of the Fenland Local Plan 2014.</p>
17	<p>Prior to occupation of any dwelling hereby permitted a management and maintenance plan for the shared/public areas (including landscaping and lighting) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with the specified schedule contained therein.</p> <p>Reason: To ensure that the site meets the crime prevention guidelines in</p>

	accordance with Policy LP17 and that the development is adequately maintained, managed and serviced in accordance with Policy LP16 of the Fenland Plan 2014.
18	<p>No development other than groundworks and foundations shall take place until details of all external materials to be used in the development hereby approved are submitted to and approved in writing by the Local Planning Authority (LPA). The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. Samples of said materials shall also be submitted or be inspected on site by the LPA. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.</p>
19	<p>No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.</p> <p>Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies LP16 and LP19 of the Fenland Local Plan 2014. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.</p>
20	<p>Prior to the occupation of the dwellings hereby permitted the car park to the church hall shall be provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority, such a scheme shall include the demarcation of parking spaces. The development shall then be carried out in accordance with the approved details.</p> <p>Reason To ensure the car park is provided in a timely manner and can be utilised to its potential, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
21	Approved plans

Case Officer	Team Leader DCR
Date:	Date: 23/12/21

--	--



Created on: 08/01/2020

© Crown Copyright and database rights 2020 Ordnance Survey 10023778

**F/YR19/1106/F**

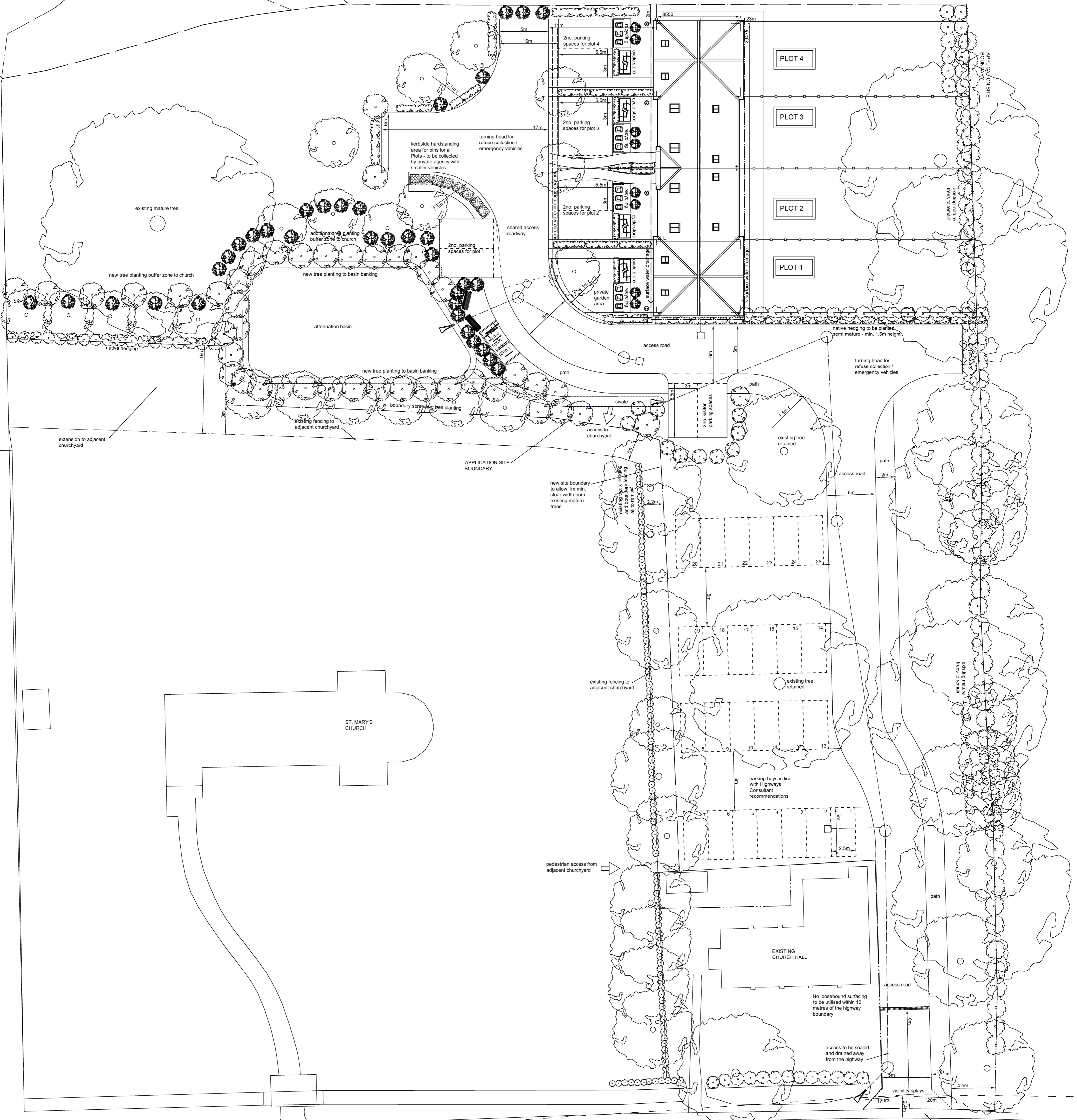
Scale = 1:1,250





CHURCH GARDENS

APPLICATION SITE BOUNDARY



extension to adjacent churchyard

ST. MARY'S CHURCH

APPLICATION SITE BOUNDARY

new site boundary to allow 1m min. clear width from existing mature trees

existing fencing to adjacent churchyard

pedestrian access from adjacent churchyard

EXISTING CHURCH HALL

No loosebound surfacing to be utilised within 10 metres of the highway boundary

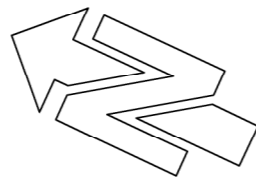
access to be sealed and drained away from the highway

visibility splays

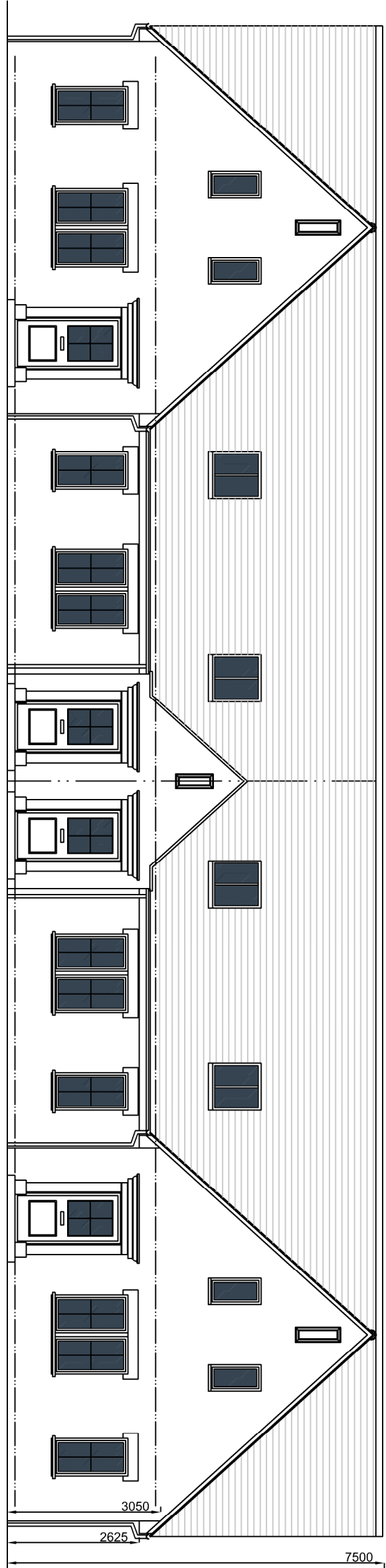
Highway access crossover to be sealed and drained in accordance with CCC Highway Construction Standards

WISBECH ROAD

Scale (m) 0 5 10 15 20

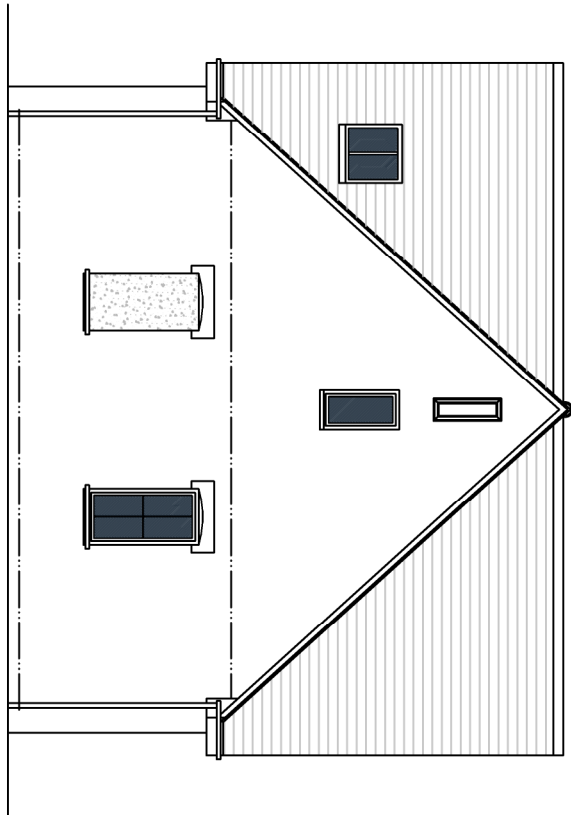


**HEADLEY STOKES ASSOCIATES**  
 Chartered Professional Engineers and Surveyors  
 Registered in England and Wales  
 Proposed Development at Market St. Mary's Church  
**SITE LAYOUT AS PROPOSED**  
 Date: 24/01/21 Sheet: 1/20  
 1752/11/23C

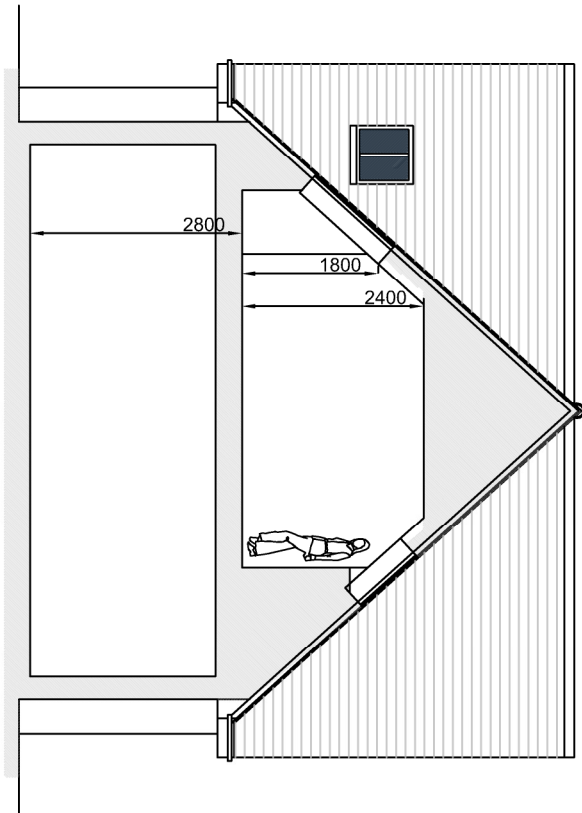


FRONT (NORTH WEST) ELEVATION

reduce ridge 200mm - pitch to 48deg?



END (SOUTH WEST) ELEVATION



TYPICAL SECTION

**MATERIALS**

- Walls - Generally to be natural coursed stone throughout, with banding details, window surrounds and porches in contrasting ironstone.
- Roof - grey plain tiles
- Windows & Doors - stained timber framed double glazed casements
- Soffits & Fascias - stained timber
- Rainwater Goods - Heritage range aluminium half-round black gutters and matching downpipes



**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507

PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

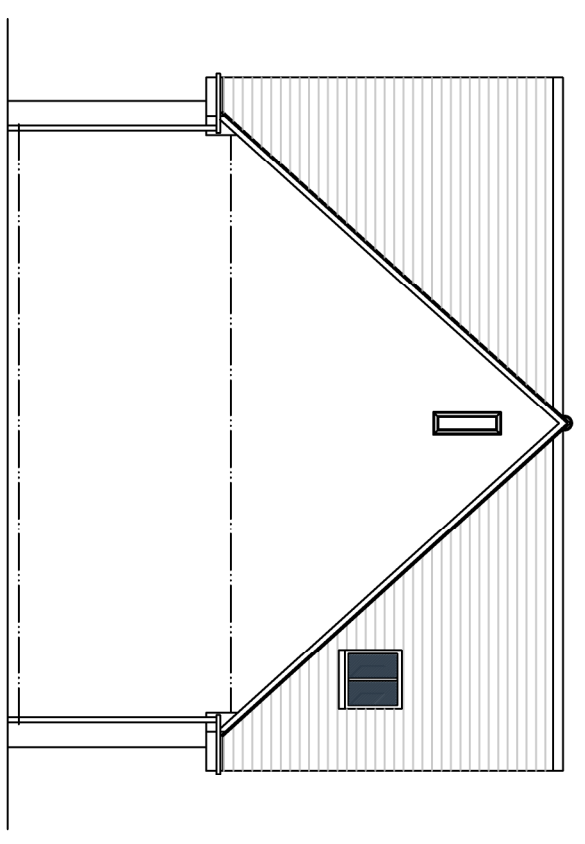
**PLOTS 1-4 ELEVATIONS - 1**

Date: Sep '21 Scale: 1:100  
 Size: A3  
 1752/11/25B

REAR (SOUTH EAST) ELEVATION

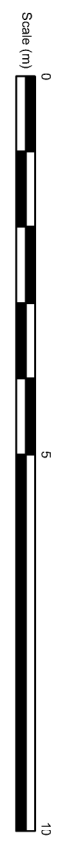


END (NORTH EAST) ELEVATION



**MATERIALS**

- Walls - Generally to be natural coursed stone throughout, with banding details, window surrounds and porches in contrasting ironstone.
- Roof - grey plain tiles
- Windows & Doors - stained timber framed double glazed casements
- Soffits & Fascias - stained timber
- Rainwater Goods - Heritage range aluminium half-round black gutters and matching downpipes



**HEADLEY STOKES ASSOCIATES**  
 Chartered Architects and Project Managers  
 Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
 Telephone (01480) 456507

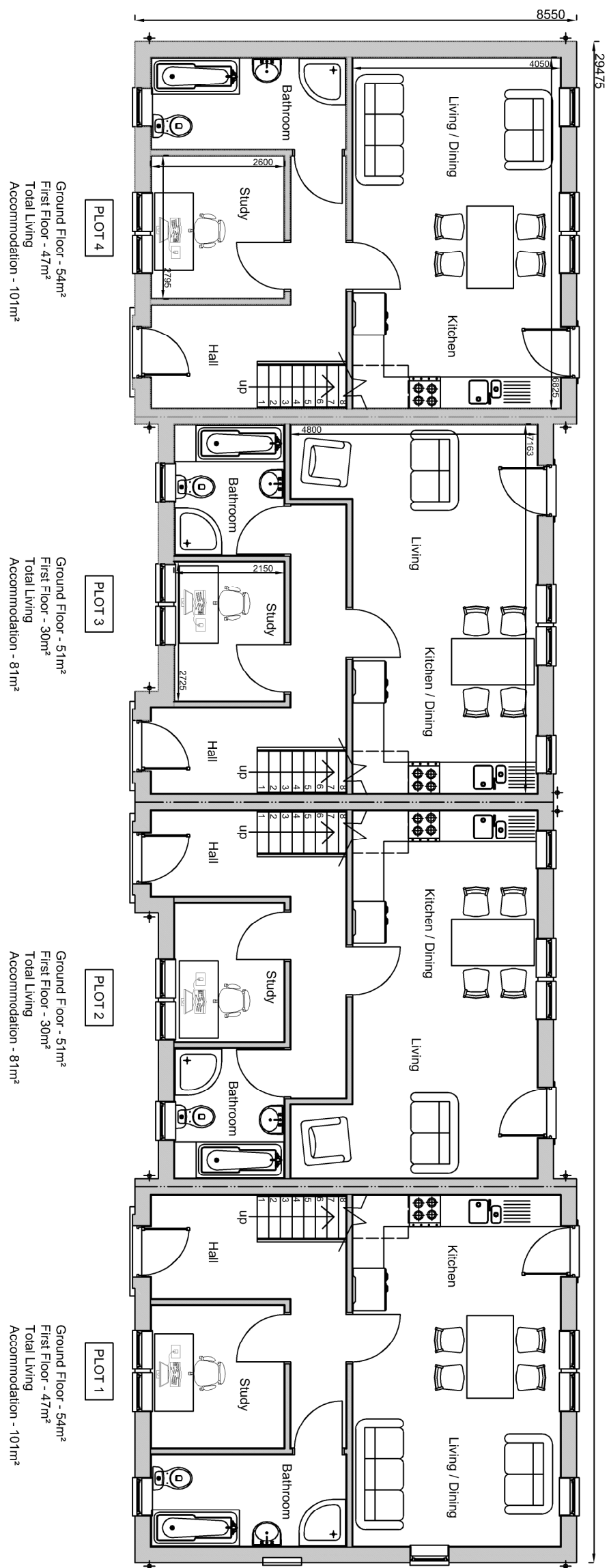
PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**PLOTS 1-4 ELEVATIONS - 2**

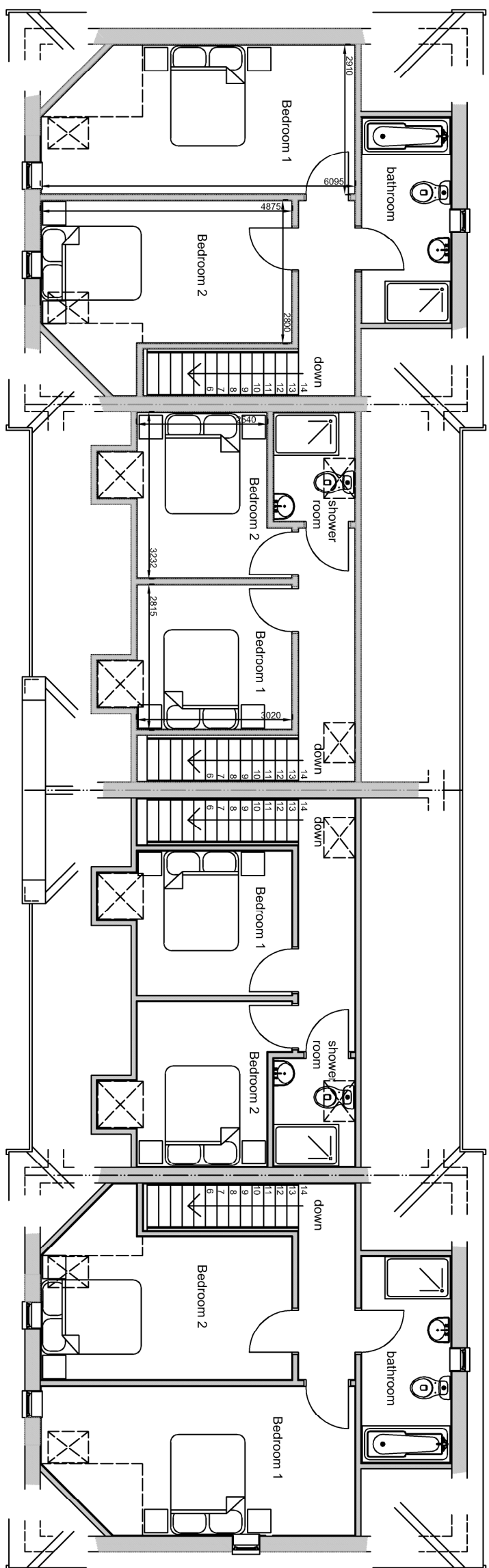
Date: Sep '21      Scale: 1:100  
 Size: A3

1752/11/26B

GROUND FLOOR PLAN



FIRST FLOOR PLAN



**HEADLEY STOKES ASSOCIATES**  
Chartered Architects and Project Managers  
Ferrar House, 70 High Street, Huntingdon, Cambs, PE29 3DL  
Telephone (01480) 456507

PROPOSED DEVELOPMENT AT MARCH ST. MARY'S GLEBE

**PLOTS 1-4 PLANS**  
Date: Sep '21  
Size: A3  
Scale: 1:100  
1752/11/24A

**F/YR21/1165/F**

**Applicant: Ms Libby Eastley  
Places For Living Plus**

**Agent: George Thorpe  
Swann Edwards Architecture Limited**

**Land East Of 24-26, Mill Close, Wisbech, Cambridgeshire**

**Erect 6no dwellings (1-bed, single-storey)**

**Officer recommendation: Grant**

**Reason for Committee: Public interest as Fenland District Council involved in facilitating housing project**

## **1. EXECUTIVE SUMMARY**

- 1.1. The proposal is for the provision of 6 dwelling units within the town of Wisbech. The units would provide sheltered housing accommodation managed by the applicant to accommodate previously homeless persons.
- 1.2. The application site is currently disused land between existing residential flats and a commercial factory premises in the centre of the town.
- 1.3. The proposed units are pre-fabricated dwellings and would be brought into the site and could be removed at a later date if required without impacting on the site itself.
- 1.4. The development is screened and located in such a way that it does not result in significant harm to the street scene.
- 1.5. The units can be constructed in such a way as to provide mitigation against noise and odour impacts from the adjacent factory, and can be adequately controlled to ensure appropriate levels of residential amenity to both their occupants and neighbours.
- 1.6. The scheme accords with the relevant planning policies and there are no other material considerations that indicate that the proposal would not be acceptable.

## **2. SITE DESCRIPTION**

- 2.1. The application site is empty land at present adjacent to existing residential flats located on Mill Close, Wisbech. It was originally intended as additional parking provision for the residential development but is not utilised as such. The land is enclosed by those existing blocks of flats and a closeboard fence on two sides, with brick walls on the remaining two sides. To the east of the site is the Princes commercial premises with further residential dwellings to the north. Those residential dwellings have first floor windows that overlook the site.

- 2.2. The application site is currently tarmac surfaced with no apparent areas of drainage for surface water, although the tarmac surface itself has degraded to a substantial degree, with large cracks and missing patches.

### 3. PROPOSAL

- 3.1. The proposal is for the siting of six pre-constructed dwelling units on the land, along with ancillary work including bin collection area, bike store, picnic tables and integrated planting units to each of the dwellings. The units are intended to provide managed accommodation for previously homeless persons.
- 3.2. Each of the units is of a monopitch design, and timber clad with the direction of cladding varying based on the elevation (horizontal cladding to the sides, vertical cladding to the end elevations) with two blocks of three to be constructed on the site. The southern block would be built with flush frontages while the northern block is proposed to be in a staggered arrangement following the angled northern boundary.
- 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=QZXLEBHE0D800>

### 4. SITE PLANNING HISTORY

F/YR12/0498/F	Installation of 6 free standing air source heat pumps to serve existing flats	GRANT	23.08.2012
F/YR10/0701/F	Change of use of ground floor hostel to 1 x 2-bed flat (24 Mill Close) and office (26 Mill Close) part retrospective	GRANT	09.11.2010
F/YR08/0981/F	Siting of temporary modular building for welfare and educational requirements in connection with existing site	REFUSE	23.12.2008
F/YR02/0658/F	Change of use of two ground-floor flats into a hostel for a maximum of 8 persons	GRANT	29.01.2003

### 5. CONSULTATIONS

#### 5.1. Wisbech Town Council

Support

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

*The Environmental Health Team note and accept the submitted information. The application includes a noise impact assessment report and an odour impact assessment report provided by Aval Consulting Group Limited, reference 91601. Both the noise and odour impact assessments reports have been undertaken in accordance with the relevant technical guidance and standards. Therefore, I would recommend a condition ensuring that noise mitigation measures are implemented as per section 6 of the noise impact assessment report provided. I would also recommend a condition ensuring odour mitigation measures are implemented as per section 5 of the odour impact assessment report to ensure there is no adverse impact on the proposed new sensitive receptors.*

*Due to the proposed development site known to be previously used for car parking, I would also recommend the 'UNSUSPECTED CONTAMINATED LAND' condition be imposed to any planning consent granted.*

*Consequently, as long as the development is undertaken in strict accordance with the recommendations of the noise and odour impact assessment reports submitted within the application and the above condition is included, then this service has 'No Objections' to the proposal in the event that planning consent is granted.*

Updated response following additional information

*I have reviewed the documents and I am satisfied that the information provided meets the recommendations in the odour and noise impact reports submitted. I have informed Nick, so as long as he can concur that there is sufficient protection in place to ensure that the development will be constructed in accordance with the information provided, then we will not need to recommend specific noise or odour conditions for the development.*

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

One letter of objection has been received in relation to the proposal from a resident of Mill Close, stating that the proposal will result in overdevelopment of the site, that access is already limited and that the site is a flood area.

## 6. **STATUTORY DUTY**

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

## 7. **POLICY FRAMEWORK**

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

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

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

Para 11: Presumption in favour of sustainable development

Para 83: Recognise and address specific locational requirements of different sectors.

Para 92: Promote healthy and safe communities through layouts, routes through sites and public spaces etc.

Para 119: Promote effective use of land

Para 120: Opportunities and benefits of the reuse of land

Para 121: Be proactive about bringing forward redevelopment sites

Para 123: Take a positive approach to alternative land uses

Para 124: Making efficient use of land (density - need & character)

Para 130: Well-designed development

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

Determining a Planning Application

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

Context  
Identity  
Built Form  
Movement  
Public Spaces  
Uses  
Homes and Buildings  
Resources  
Lifespan

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

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP6 – Employment, Tourism, Community Facilities and Retail  
LP7 – Urban Extensions  
LP8 – Wisbech  
LP9 – March  
LP10 – Chatteris  
LP11 – Whittlesey  
LP12 – Rural Areas Development Policy  
LP13 – Supporting and Managing the Impact of a Growing District  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP17 – Community Safety  
LP18 – The Historic Environment  
LP19 – The Natural Environment

## 8. **KEY ISSUES**

- **Principle of Development**
- **Visual Impact**
- **Residential Amenity**
- **Flood Risk**
- **Other Matters**

## 9. **BACKGROUND**

- 9.1. The application relates to the provision of managed, sheltered housing accommodation for the homeless. The Council's strategic housing team have been involved in the project in a facilitatory role and informal advice has been given by Planning Officers as part of this, broadly supporting the principle of development.



## 10. ASSESSMENT

### Principle of Development

- 10.1. The application site is located within the town of Wisbech, which is identified within the Fenland Local Plan (2014) as one of the Primary Market Towns, where the majority of development is to take place over the plan period.
- 10.2. The development would be located on a piece of land already forming part of a wider residential development and there are no designations on that land that would indicate development should be restricted. On that basis there is no justification for refusal of the proposal on the grounds of matters of principle.

### Visual Impact

- 10.3. The development will largely be screened by the existing buildings in the vicinity, and the existing boundary treatment of the site, and as a result would not appear unduly prominent within the street scene being significantly lower than the adjacent buildings. There is a mix of bricks, render and some timber elements in the external finishes of the existing buildings and as a result the scheme, despite being of a pre-fabricated nature, would not appear out of keeping with its surroundings or having any adverse impact on the character or appearance of the area.

### Residential Amenity

- 10.4. Residential Amenity is considered on the basis of two aspects. First, the residential amenity of the proposed occupiers of the units, and second, the impact of the proposals on the amenity of the neighbouring properties.
- 10.5. With regard to the first of those matters therefore, the proposed units are of modest size, however as noted earlier they are proposed as sheltered housing accommodation for formerly homeless people and therefore the facilities provided are intended to meet the basic needs of residents whilst they are supported to independence and out of homelessness. The units do not comprise long-term accommodation with typical stay envisaged as being between 1-2 years. On that basis, the proposal cannot be evaluated on the same basis as would be expected for an open-market residential dwelling.
- 10.6. Each of the units is provided with a bedroom, ensuite toilet and shower facilities, plus a living area incorporating a kitchenette and dining space. The units also benefit from a verandah to their front elevations serving as an outdoor seating area, to which planters are to be attached to add amenity value to the units.
- 10.7. The units don't benefit from specific defined 'garden' areas, and as such do not meet the guidance contained within policy LP16 with regard to the provision of 1/3 plot area as private outdoor amenity space. The units however are not typical of residential dwellings considered under the terms of this policy, and the policy itself does note that provision of outdoor space must be suitable to the type and amount of development proposed. In this instance therefore, it is considered that the limited space provided is sufficient and appropriate to the development proposed and meets with the requirements of the policy in that regard.
- 10.8. The relationships between the proposed units and neighbouring residential properties must also be considered. Firstly, the bedroom windows of the proposed units, which face the adjacent properties to the north and south where

privacy may be a concern. In this regard however, given the nature of the occupancy of the units it is not considered unacceptable that a lower standard of amenity is accepted from the bedroom windows than would be considered with a conventional dwelling and therefore a condition could be reasonably imposed to require obscure glazing/film to be fitted in those windows to ensure privacy of neighbouring property and the occupants of the units without adversely affecting the amenity of the occupiers.

- 10.9. Second, the overlooking of the development from neighbouring properties needs to be addressed. The properties to the north on Opportune Road would have windows approximately 14 metres, minimum, from the rear of the proposed units and it is not considered, that this would result in any unacceptable overlooking. Likewise, the properties to the south on Mill Close would have windows to the immediate rear of the units which would not have any adverse overlooking impacts, given the privacy measures mentioned previously. However, the existing properties to the west would have windows directly overlooking the central area of the site, which residents may be expected to use for amenity purposes. It is accepted that this overlooking may be less than ideal, however given the overall benefit of the accommodation to be provided to the residents it is not considered that such an impact could justify a refusal of planning permission.
- 10.10. The proposal therefore is considered acceptable with regard to both the amenity levels provided to occupants and to the neighbouring residents of the adjacent properties.

#### **Flood Risk**

- 10.11. The application site falls within flood zone 2, where development would normally be required to undertake a sequential test to demonstrate that no land in a zone of lower flood risk was available to accommodate the development. Fenland District Council however has adopted guidance with regard to the sequential test, which states that for developments in zones 2 and 3 within the town of Wisbech, if the proposal is for the redevelopment of a site last used for Use Classes A, B, C or D then the council accepts that the sequential test is passed. As the land on which the units are proposed is part of the wider residential development it is considered to therefore pass the sequential test.
- 10.12. The same guidance also indicates that in such cases the first part of the exception test will be considered to be passed as by delivering development of such a site the wider sustainability aims of the council will be being met.
- 10.13. In terms of surface water flooding given the existing site is currently completely covered in an impermeable hard surface the proposal is not considered to pose any additional risk from this perspective.

#### **Environmental**

- 10.14. The Environmental Health Team have considered the impact on the development of the adjacent commercial premises, both in terms of the noise generated by the operation of the business, and the odour created.
- 10.15. In both instances, the assessments have provided detailed mitigation required to ensure a satisfactory environment for the proposed occupants, and the Environmental Health team have confirmed that subject to protections ensuring

the identified mitigation is put in place in line with those recommendations then there will be no unacceptable impact on the occupants of the units.

**Highways**

- 10.16. The proposed development is to be located on land not required for the car parking that formed its original purpose and the proposed nature of the occupancy is not one where resident car ownership is anticipated. The applicant has provided a document indicating the process by which people will be housed in the accommodation provided and the site will be fitted with cycle parking to facilitate sustainable transport methods for the occupants. There is therefore no consideration that is required to be given to the provision of vehicle parking or vehicular access to the site.

**Refuse Collection**

- 10.17. The application details identify a bin collection point sufficient to serve the development, which is also noted as being shared with the adjoining sheltered housing scheme. Refuse collection is therefore considered to have been adequately addressed.

**11. CONCLUSIONS**

- 11.1. The proposal is for the location of six sheltered housing units on land within an existing residential area. The principle of residential accommodation within Wisbech is supported and encouraged by the Fenland Local Plan, and although the specific appearance of the units is not entirely sympathetic to their surroundings, the limited visual impact resulting from their location is such that the scheme does not justify refusal of permission.
- 11.2. The amenity impacts on both the occupants of the units and the adjacent land can be adequately controlled by planning conditions and therefore there is no justification for refusal of the scheme. Similarly, the occupancy of the site will be on the basis of the methodology outlined by the applicant and therefore a more traditional occupancy condition is not required – instead a condition should be imposed to tie occupancy of the units to that methodology.

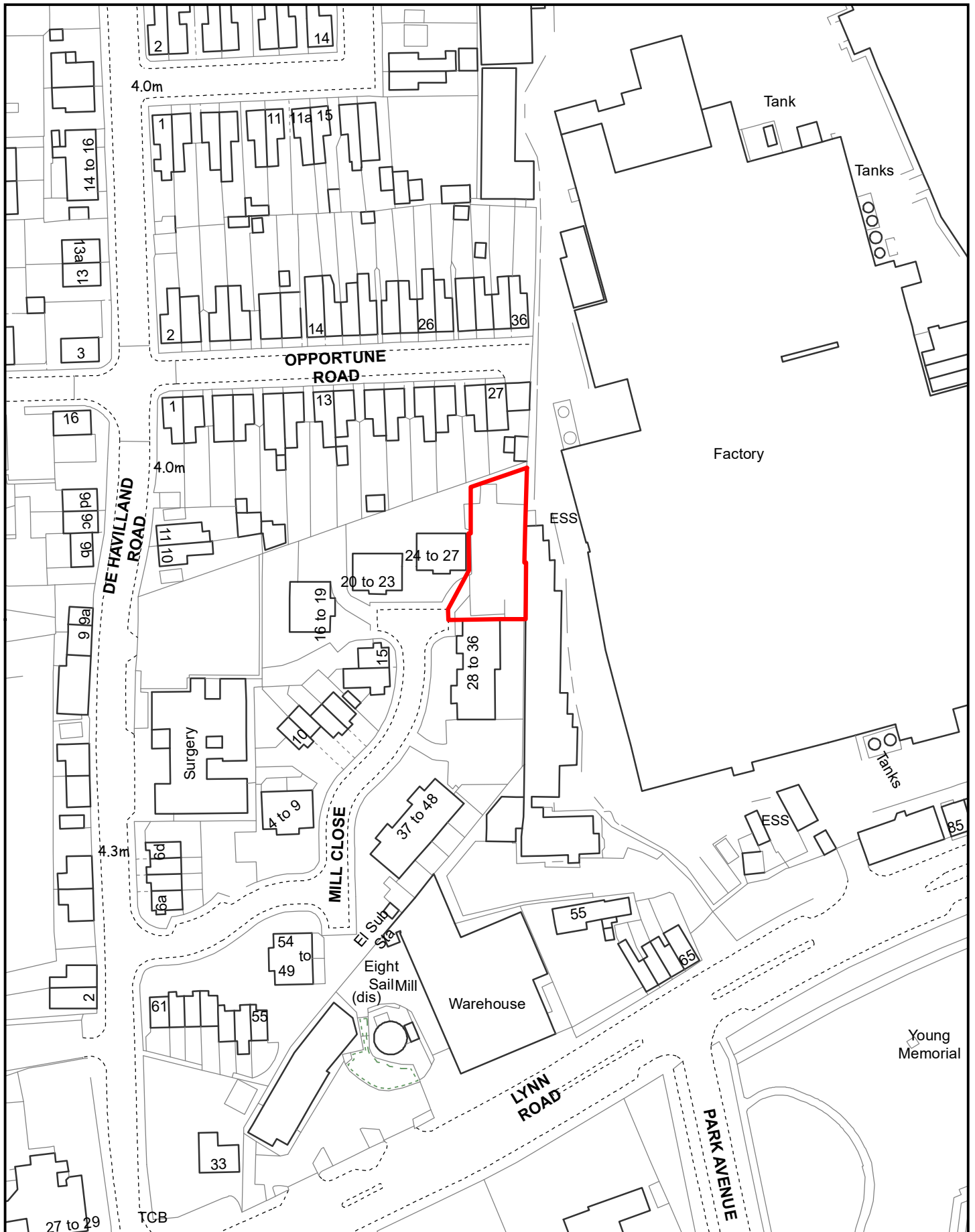
**12. RECOMMENDATION**

**Grant;** subject to the following conditions

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No person shall occupy any of the units hereby permitted unless in accordance with the document titled ‘Ferry Project Procedure for Choosing Clients for new development in Mill Close’ submitted and approved as part of this planning application.</p> <p>Reason: To ensure the modular units hereby approved are only used and occupied in accordance with the purposes identified and considered under the terms of this application and not as permanent residential accommodation of any other description or use.</p>

3	<p>Notwithstanding the hereby approved plans, the mitigation measures detailed in the documents titled 'Acoustic Mitigation' and 'Odour Mitigation' shall be incorporated into the design of the units in line with section 5 of the Odour Assessment and section 6 of the Noise Impact Assessment. The physical aspects of those measures shall be retained and maintained in working order for the lifetime of the development.</p> <p>Reason: To ensure that the location of the development and the proximity of the adjacent commercial premises does not have an unacceptable impact on the residential amenity of the units hereby granted consent.</p>
4	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the hereby approved plans, prior to the occupation of any part of the development the proposed bedroom windows in the units shall be glazed with obscure glass or similar permanent obscuring film and fixed shut to a height of no less than 1.7 metres above the floor level of the room within which they are installed and so maintained in perpetuity thereafter.</p> <p>Reason: To safeguard the privacy and amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:</p> <ul style="list-style-type: none"> <li>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</li> <li>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);</li> <li>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</li> <li>iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);</li> <li>v) the installation of satellite dishes (as detailed in Schedule 2,</li> </ul>

	<p>Part 1, Class H);</p> <p>vi) the erection of any walls, fences or other means of enclosure to all boundaries/the # boundary of the site (as detailed in Schedule 2, Part 2, Class A).</p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area/conservation area in which it is set in accordance with Policies LP16 and LP18 of the Fenland Local Plan 2014.</li> <li>2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.</li> <li>3. To ensure that the LPA retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area/conservation area in which it is set in accordance with Policies LP16 and LP18 of the Fenland Local Plan 2014.</li> <li>4. To ensure the open plan design of the development hereby permitted is maintained, in the interests of the character and appearance of the overall development in accordance with Policies LP14 and LP16 of the Fenland Local Plan 2014.</li> </ol>
7	<p>Before the first occupation of the development hereby permitted the cycle parking facilities shown on approved plan reference PP1000 REV A shall have been provided on site and shall be retained thereafter.</p> <p>Reason: To ensure that the occupants of the development have access to cycle parking facilities in accordance with policy LP15 of the Fenland Local Plan (2014).</p>
8	<p>Before the first occupation of the development hereby permitted the refuse collection point shown on approved plan reference PP1000 REV A shall have been provided on site and shall be retained thereafter.</p> <p>Reason: To ensure that the occupants of the development have access to adequate refuse storage in accordance with policy LP16 of the Fenland Local Plan (2014).</p>
9	Approved Plans



Created on: 11/10/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

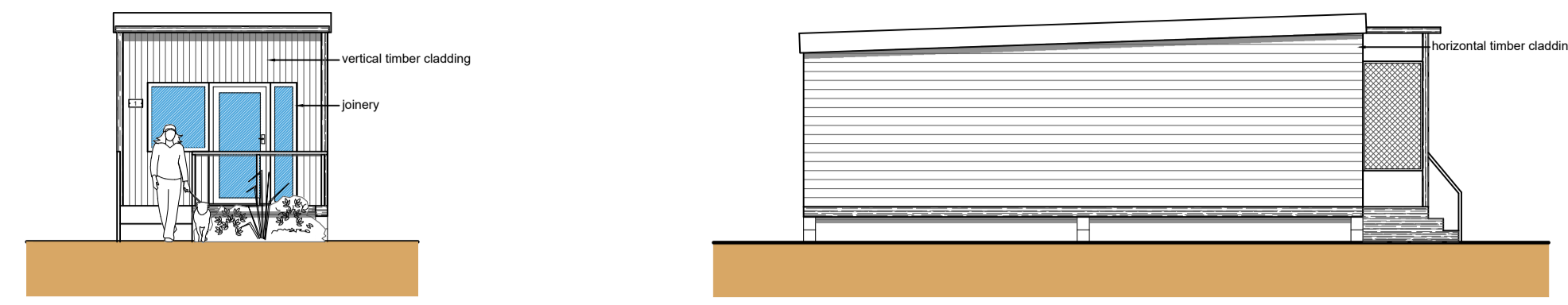
**F/YR21/1165/F**

Scale = 1:1,250



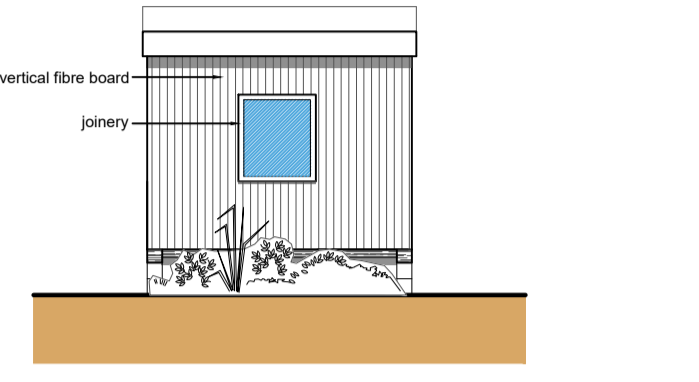


**Site Plan**  
Scale: 1:100

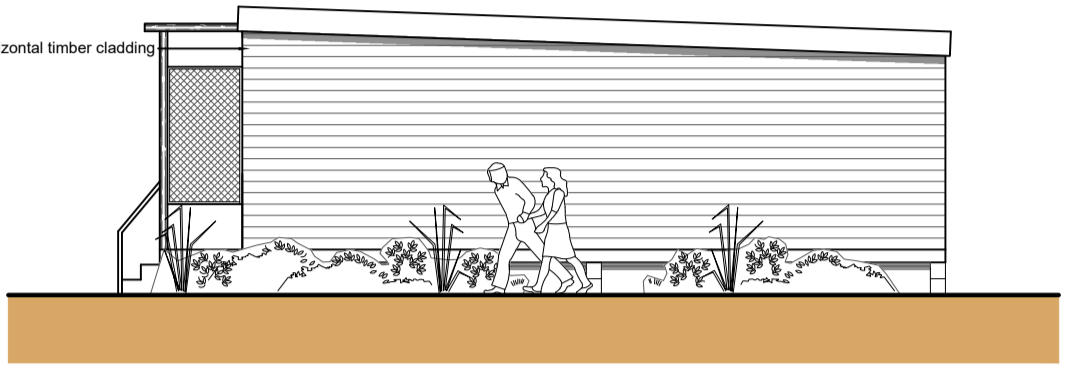


**Front Elevation**  
Scale: 1:100

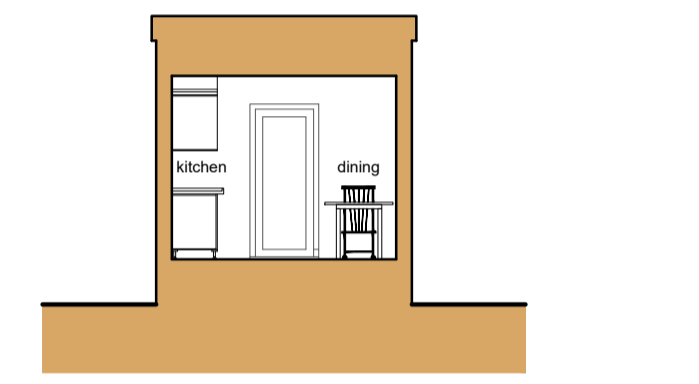
**Side Elevation**  
Scale: 1:100



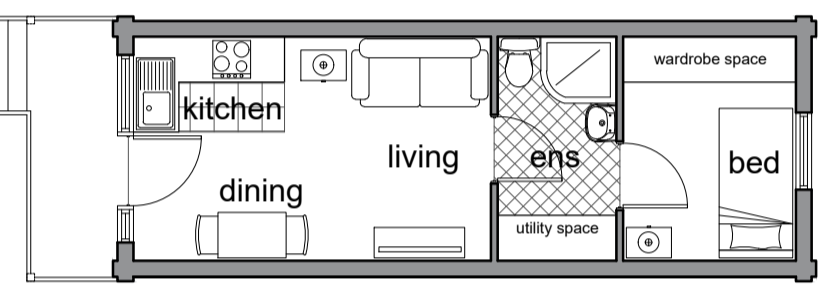
**Rear Elevation**  
Scale: 1:100



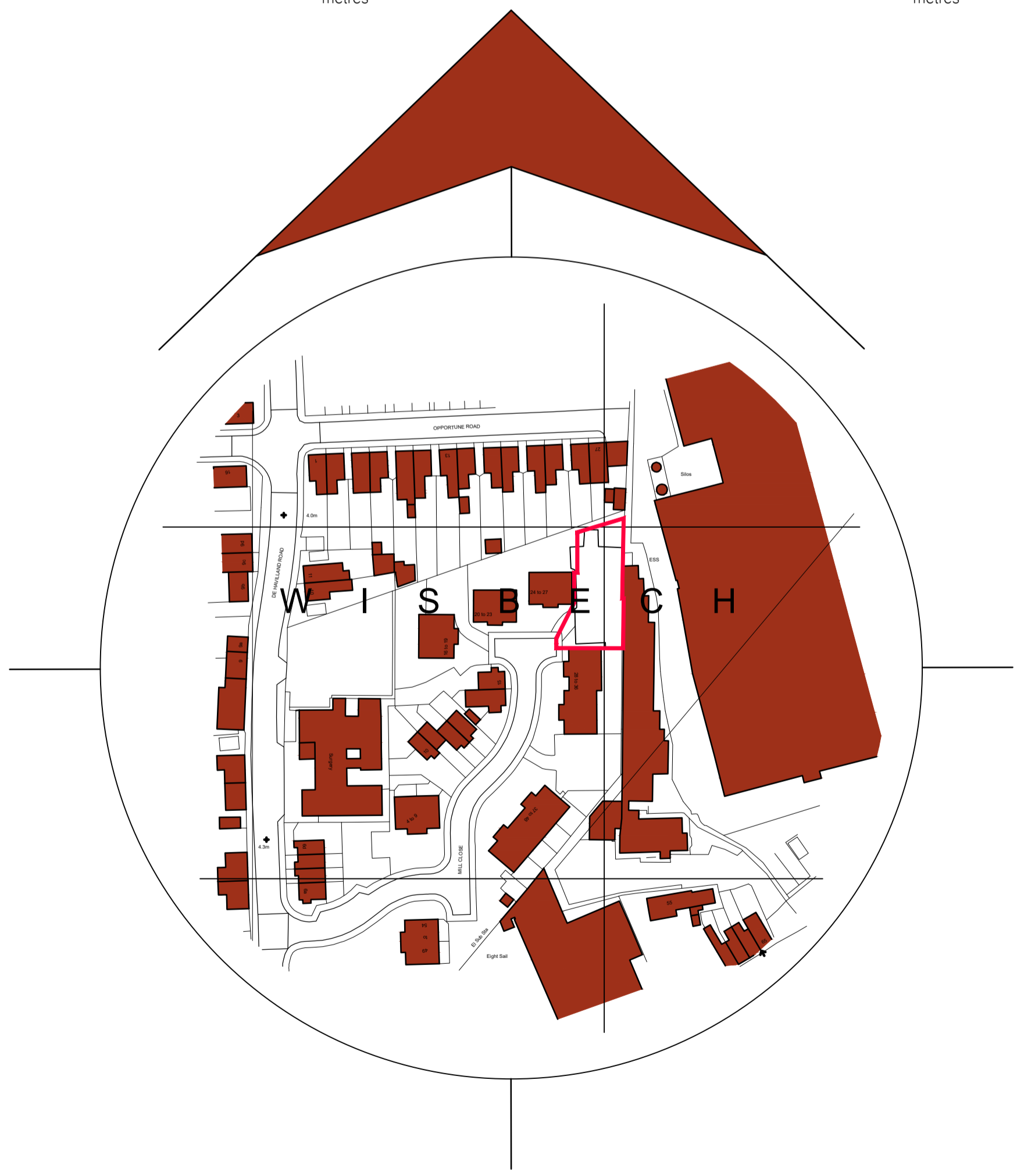
**Side Elevation**  
Scale: 1:100



**Section A-A**  
Scale: 1:100



**Floor Plans**  
Scale: 1:100



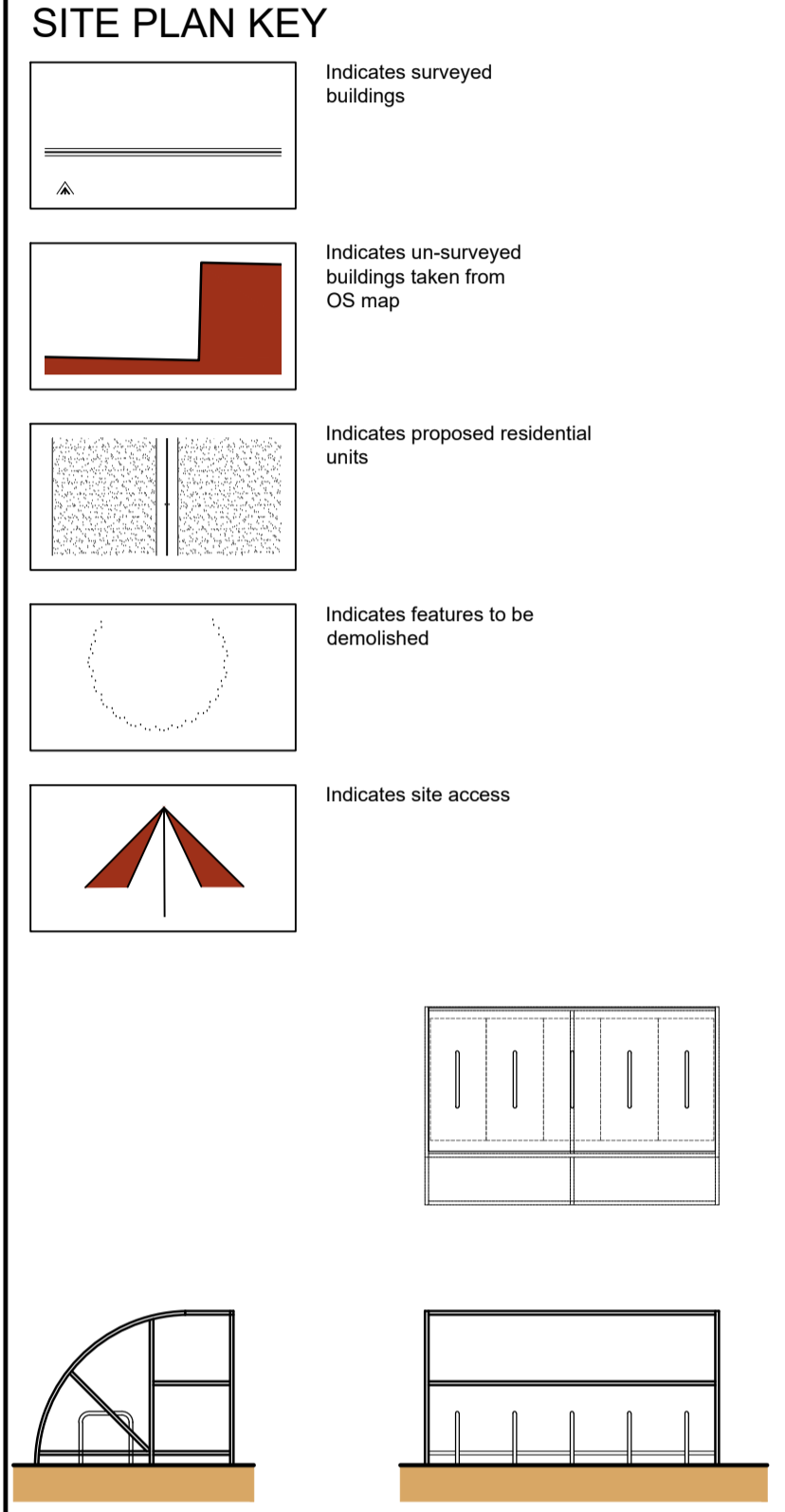
**Location Plan**  
Scale: 1:1250

**General Notes**

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

**CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015**

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



**Indicative Bike Store**  
Scale: 1:100

**Revisions**

A	Oct 21	Planner's Comments
---	--------	--------------------

Status: **FOR APPROVAL**



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

Job Title Proposed 6 No. Modular Units Mill Close, Wisbech, PE13 3BD For: The Ferry Project	Date September 2021	Drawn by GT	Checked by GE
Drawing Title Planning Drawing	Job No. SE-1687	Sheet Size A1	Revision
	Dwg No. PP1000		

This page is intentionally left blank



F/YR21/1306/F

**Applicant: Mr A J Cunningham**

**Agent : Mrs Alex Patrick  
Alexandra Design**

**Golden View, North Brink, Wisbech, Cambridgeshire PE13 4UN**

**Erect 1 x dwelling (2-storey 3-bed) involving the removal of the existing mobile home**

**Officer recommendation: Refusal**

**Reason for Committee: Called in by Councillor Booth**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This submission seeks full planning permission to replace a mobile home at the site of Golden View; whilst the agent argues that this should fall to be considered as a replacement dwelling this is clearly at odds with both national and local planning policy.
- 1.2 The existing mobile home, and two further mobile home plots approved to the north-east were justified solely on the basis of the Gypsy and Traveller status of the intended residents. No such allowances exist with regard to the provision of permanent residential dwellings as has been demonstrated by dismissed appeals to the Planning Inspectorate.
- 1.3 Whilst it is accepted that a permanent dwelling may be more acceptable in respect of flood risk considerations such a stance would be contrary to both national and local planning policy with regard to development in the open countryside.
- 1.4 Planning history relating to this site, including an appeal which was dismissed against the backdrop of the current local plan in 2018, clearly evidence that development of permanent homes in this location is contrary to planning policy. Accordingly, the development now proposed should continue to be resisted to ensure the integrity of the local plan and consistency with regard to the earlier committee decision relating to the adjacent pitches.

## **2 SITE DESCRIPTION**

- 2.1 Golden View comprises a long-established mobile home site situated to the north-west of North Brink just before the turning to Bevis Lane. It is some 2 miles from the main settlement of Wisbech.
- 2.2 The site comprises a mobile home situated to the rear of an established high-level hedge accessed from the south-east of the site, with this access being gated. To the rear of the site are outbuildings associated with the mobile home.

- 2.3 Two further pitches are situated to the north-east of the site, the central one of these is vacant excepting for a large garage/workshop building to its rear and the most north-easterly plot has a mobile unit to the front of the site and two further outbuildings set into the site.
- 2.4 The site is within a flood zone 3 location.

### 3 PROPOSAL

- 3.1 This submission seeks full planning permission for the replacement of an existing mobile home with a detached two storey 3-bedroom dwelling, constructed of Audley Antique facing bricks with Marley grey roof tiles.
- 3.2 The intended dwelling will have a footprint of 15 metres x 6.5 metres and an eaves height of 3.2 metres with a ridge height of 6.5 metres. It will run on a south-west to north-east alignment set back circa 20 metres from North Brink, responding to the positioning of the intended mobile units to the north-east of the site, albeit these will run on a south-east to north-east alignment.
- 3.3 The dwelling will feature an open plan kitchen, diner and living room at ground floor along with utility room, WC, bathroom, hall, bedroom and en-suite with a further 2 bedrooms at first floor.
- 3.4 There is an existing outbuilding to the rear of the site which is shown to be retained, as is the parking and turning area currently associated with Golden View.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

### 4 SITE PLANNING HISTORY

F/YR20/1074/F	Erect a 2-storey 3-bed dwelling involving the removal of the existing mobile home	Withdrawn
F/YR20/0696/VOC	Variation of condition 11 to enable amendment to approved plans of planning permission F/YR15/0284/F [...] to amend design of mobile homes - Land North East of Golden View	Grant 16.09.2020
F/YR20/0384/VOC	Variation of Condition 9 (Drainage) and Condition 11 (condition listing approved plans) relating to planning permission F/YR15/0284/F [...] to enable change of design and position of mobile home and to agree drainage details - Land North East of Golden View	Granted 09.07.2020

F/YR16/1014/F	Erection of 2 x 2-storey 3-bed dwellings Land North East of Golden View	Refused 02.03.2017 Appeal dismissed 09.01.2018
F/YR15/0284/F	Change of use of land for the siting of 2no mobile homes (1no retrospective) and erection of 1 x 2-storey garage/storage building; 1 x garage/workshop and 5 metre high floodlight - Land North East of Golden View	Grant 27.07.2015
F/YR06/0857/F	Erection of a 3-bed detached bungalow involving removal of existing mobile home	Refused 01.09.2006
F/97/0115/O	Erection of a bungalow	Refused 22.07.1997 Appeal dismissed
F/90/0140/F	Erection of a single-storey domestic garage and garden store (retrospective)	Granted 05.04.1995
F/1002/89/F	Use of land for the stationing of a mobile home, and erection of a toilet block (part retrospective)	Granted 29.03.1990

## 5 CONSULTATIONS

- 5.1 **Wisbech Town Council:** Recommend *'that the application be supported'*
- 5.2 **Councillor Booth:** *'I believe this is a modest development to replace the existing residential property. It is in keeping with surrounding properties and given the existing use of the land do not consider this would be an intrusion into the open countryside. The site of this property is near the boundary between Parson Drove & Wisbech St Mary and the Peckover Wards. I was previously involved with the application on the neighbouring site and believe in planning terms a permanent property would overcome flood risk issues associated with mobile homes'*
- 5.3 **Cambridgeshire County Council Highways Authority:** *'The replacement dwelling will not result in any significant impact on the highway and I have no objections to planning permission being granted. I would recommend attaching the standard condition for setting out and retaining the parking and turning area'*
- 5.4 **Environment Agency:** *'We have no objection to the proposed development but wish to make the following comments. Review of the Flood Risk Assessment We have no objection but strongly recommend that the development be carried out in accordance with the submitted flood risk assessment dated 2nd November 2021 for GOLDEN VIEW, NORTH BRINK, WISBECH, CAMBS E13 4UN and the following mitigation measures it details: 1. Finished Floor Levels will be set 1000mm above the existing ground level 2. Flood resilience and resistance*

*measure to be incorporated into the building design'. Also offer advice to the applicant regarding floor resistance and resilience and foul drainage.*

5.5 **North Level Internal Drainage Board:** *'My Board has no objection in principle to the above application. I would draw the applicant's attention to the riparian drain to the north of the site and enclose some information with regard to riparian responsibilities. I note that surface water is to be discharged to this drain, there have been issues with regard to this drain in the past caused by blockages and I would therefore respectfully request that this drain is kept clear at all times. A development levy in accordance with the enclosed will be payable for dealing with the additional run-off from the site'.*

5.6 **Environment & Health Services (FDC):** *'I refer to the above application for planning consideration. The Environmental Health Team note and accept the submitted information and have 'No Objections' the proposed development as it is unlikely to be affected by the existing noise or air climate. Given the nature of the proposal and that of the application site contamination is unlikely to be an issue'.*

5.7 **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).

6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7 POLICY FRAMEWORK**

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

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

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

Para 12: Development Plan should be the starting point for decision-making

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

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

Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply

Para 159: Development should be directed away from areas at highest risk of flooding.

## 7.2 National Planning Practice Guidance (NPPG)

### 7.3 National Design Guide 2019

**Context** C1 - Relationship with local and wider context

**Identity** I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive

**Built form** B1 - Compact form of development; B2 Appropriate building types and forms

**Movement** M3 - well-considered parking, servicing and utilities infrastructure for all users

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

**Lifespan** L3 - A sense of ownership

### 7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

## 7.5 Cambridgeshire Flood and Water Supplementary Planning Document

## 8 KEY ISSUES

- Principle of Development
- Justification and case law
- Character and visual amenity
- Residential amenity
- Highways
- Flood risk

## 9 BACKGROUND

9.1 The existing mobile home on site was granted planning permission in 1990 and was personal to the applicant J Cunningham. There have been previous submissions to replace the existing mobile home with a permanent dwelling and these have been resisted with the 1997 decision being upheld at appeal.

9.2 Further submissions for permanent dwellings on adjacent land have also been resisted one as recently as 2017, again this submission was the subject of an appeal which was dismissed.

9.3 Planning permission has been granted for a further two mobile homes to the north-east of the Golden View site; these consents were granted having due regard to the Gypsy and Traveller status of the intended residents both of which form part of the extended family of J Cunningham of Golden View. This status having been

made explicit in the evidence put forward by way of justification albeit the consent issued in 1989 was personal to Mr Cunningham on the basis of 'special circumstances' as opposed to being conditioned for occupation by person(s) who met the Gypsy & Traveller definition.

- 9.4 Given the flood risk issues on the site and the need to provide a first-floor safe refuge for each individual dwelling the original consent issued in 2015 has been varied by virtue of two Section 73 submissions these allow for mobile units which feature loft space and as such the overall height of these units exceeds that which would normally be expected as a mobile home.

## 10 ASSESSMENT

### Principle of Development

- 10.1 Local Plan Policy LP3 defines a Settlement Hierarchy for the District and generally seeks to steer development to the most sustainable locations. The Planning Inspector in the earlier appeal decision relating to F/YR16/1014/F (relating to the erection of 2 dwellings north-east of Golden View) stated that 'The site is some 2km from Wisbech. While there are a number of other dwellings in the vicinity of the site, these do not form a settlement identified in the development plan. Consequently, the appeal site falls in the 'Elsewhere' category of Policy LP3, which seeks to restrict development to that demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, and to minerals or waste development.'
- 10.2 Whilst there is currently a mobile home on the site this was permitted having due regard to the special circumstances of the applicant and as such may not be used as justification for a more permanent type of accommodation. It is further noted that in respect of the 1997 appeal the Inspector highlighted that the consent for the mobile home was 'personal to the applicant, Mr J Cunningham, and therefore did not run with the land and that, in granting the planning permission with that condition it was recognizing the special needs of Mr Cunningham without implying that the site was suitable for permanent residential use.' It is contended that this remains the case in respect of the current submission.
- 10.3 Furthermore in considering the 2016 application, which sought planning permission for two dwellings to replace the earlier approval for two mobile home pitches, the Planning Inspector whilst bringing into question whether the intended residents of those pitches met the definition of gypsies and travellers outlined in the Planning Policy for Travellers Sites August 2015 (PPTS) found that '*In any event, national planning policy for traveller development, primarily in the form of the PPTS, appears to be intended to apply to travellers' sites and pitches rather than bricks and mortar housing. Local Plan Policy LP5 refers to 'Meeting Housing Need' including 'Part D - Gypsy and Travellers and Travelling Showpeople'. This also appears to relate only to the provision of pitches and ancillary development rather than built dwellings. Consequently, I find no other potential justification for the proposed development in this location arising from planning policy for traveller development'*
- 10.4 With regard to the development strategy for the area the Inspector concluded that '*the proposed development would be very clearly at odds with the area's strategy for the location of new development in conflict with Local Plan Policies LP3*

*(Spatial Strategy, the Settlement Hierarchy and the Countryside) and LP12 (Rural Areas Development Policy)*'.

- 10.5 It remains the case that this proposal is clearly at odds with national and local plan policy as can be evidenced by earlier appeal decisions.
- 10.6 In the interests of completeness it should be noted that the loss of a gypsy and traveller pitch to deliver an unrestricted market home would in itself be a reason to resist the scheme. However as indicated in the background section above the current mobile home has a 'personal' restriction as opposed to an open consent for those who meet the Gypsy and Traveller definition. Accordingly, the loss of 'a pitch' would not manifest itself as grounds for refusal in this instance.

### **Justification and case law**

- 10.7 Within the submitted Design and Access statement the agent has included commentary relating to replacement dwellings relating to cases in Barnet and the Wyre Forest these relate to the general stance relating to replacing 'buildings' as opposed to 'mobile accommodation' and are not deemed relevant to this submission.
- 10.8 A number of references to earlier decisions of this Council, which they consider support the current proposal, are also included within the Design and Access statement; looking at these in turn the following comments are made regarding relevance.

F/YR14/0609/F – This scheme is not a direct comparison as whilst it included the removal of residential caravans the proposal was assessed against general settlement policy and was contended to represent an 'infill' opportunity. Although away from the main settlement core the site did have a direct relationship with its surroundings and in the absence of any significant harm accruing to the area or its residents as a result of the sites development, and mindful of other recent planning approvals and local support for the scheme an 'on balance' approval was forthcoming.

F/YR20/0377/F – again this scheme is not a direct comparison representing an infill opportunity within an area which is characterised by residential properties. Furthermore, the site is within a flood zone 1 location.

F/YR19/0432/F – earlier considerations as per F/YR20/0377/F

F/YR19/0753/F and F/YR17/1077/O – these relate to the same site albeit the 2019 site area was marginally larger; again, the proposal was considered to represent an infill opportunity.

F/YR19/0002/O – again this scheme was considered as an infill opportunity.

It is concluded that the cases highlighted, which all relate to developments focused around Gull Road, Guyhirn, are not direct comparisons to the site under consideration and as such are not material to the consideration of this application.

- 10.9 By way of further justification, the agent states that the design of the dwelling will reflect the mobile homes which have been approved on the adjacent two plots to

the north-east. However, as the current proposal is of a permanent construction as opposed to a temporary mobile dwelling there is no comparison in this regard. Furthermore, the temporary nature of the Golden View is such that the scheme does not constitute a replacement dwelling and therefore falls outside the criteria outlined in Policy LP12 – Part C (c) which clearly states that the original dwelling should not be a temporary or mobile structure.

- 10.10 Officers also note that whilst the 1997 appeal documentation appears to assert that Mr Cunningham had not claimed gypsy/traveller status in support of the original 1989 consent and the archived case file offers no further clarification in this regard however it is clear that the only justification for development within the open countryside was relating to Gypsy and Traveller status and it must be acknowledged that the later 2015 application did focus on the ethnicity of the intended residents of the two further plots, who are the son and daughter of Mr Cunningham and who had been explicit in their representation that their birth right was as a Romany/Gypsy family.
- 10.11 It is clear from this permission therefore that the original consent granted for the mobile home was on the basis that the application site fulfilled a specific need personal to the applicant and was not considered acceptable as the location for a permanent residential dwelling.

### **Character and visual amenity**

- 10.12 In accepting the revised mobile home design under the Section 73 submission relating to the adjacent plots the LPA clearly adopted a pragmatic approach to the issues faced by the applicants in satisfying the flood risk mitigation requirements of the earlier consent, which was determined having due regard to the G&T status of the intended residents.
- 10.13 It remains the contention of the LPA that by permitting mobile homes in this location it has not opened the door for more permanent accommodation which will have a different impact in terms of the general character of the location. Whilst this is unlikely to cause significant harm, especially when viewed cumulatively in context with the mobile units on the adjacent site once they are stationed on the land it would set an undesirable precedent in terms of how subsequent applications are considered.
- 10.14 Furthermore whilst 'physically' the development would have a limited impact the 'character' of the use of the site would be substantially altered by the introduction of a permanent residential dwelling that does not accord with the locational policies of the development plan.

### **Residential Amenity**

- 10.15 The development would not represent any adverse impact on the existing residential amenity of the adjoining occupants and makes ample provision for private amenity space and already has provision for servicing. However, these factors do not override the policy considerations of the scheme

### **Highways and sustainability**

- 10.16 With regard to the issue of sustainability the agent directly quotes from an earlier officer report in respect of one of the schemes highlighted in the justification



section above, supplementing 'Wisbech St Mary' for the earlier reference to 'Guyhirn' and appending to the list of services and facilities. However, the site currently under consideration does not sit within an established grouping of houses as in the case of those highlighted. This location is poorly related to the main settlement and the residents will continue to be reliant on private motor vehicles to gain access to the services and facilities of the main settlement to support their day to day living.

- 10.17 An appeal decision (Bevis Lane ENF/183/17/UW) relating to the provision of gypsy and traveller sites identified that the 'PPTS envisages that gypsy sites may be located in rural areas, whilst noting that new traveller sites in open countryside away from existing settlements should be very strictly limited'. In the case of the Bevis Lane appeal the Inspector considered that 'the proximity of the facilities available [...] mean that the site is suitably close to an existing settlement and would not conflict with the advice in the PPTS'. Additionally, an Inspectors decision relating to The Spinney, Horsemoor Road, Wimblington highlighted that: 'There is nothing within either the National Planning Policy Framework (NPPF) or PPTS to suggest that traveller sites have to be accessible by means other than by private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance'. This stance is further reinforced by the Bevis Lane appeal highlighted above.
- 10.18 However, it is clear that such factors do not come into play in this instance as this proposal is for a new permanent dwelling not a Gypsy and Traveller pitch as such the dispensations allowed for above are not relevant to the consideration of this submission and the proposal is unacceptable in terms of sustainability considerations.

### **Flood risk**

- 10.19 The site falls within a flood risk 3 location; it is a tenet of planning policy to direct new development to areas of lowest flood risk, unless it can be demonstrated that there are no sequentially preferable sites. Whilst there would be some flood risk benefit arising from erecting a permanent home with a first-floor refuge this does not outweigh the more fundamental considerations of local plan policy in terms of protecting the countryside from un-justified development.
- 10.20 Notwithstanding the above it is questionable as to whether the two bedrooms indicated at first floor will ultimately afford the residents meaningful bedroom space given the constrained head-height available, with the maximum dimensions shown at 2.1 metres. It is noted that the head-height achieved is similar to that approved under F/YR20/0696/VOC however in respect of these two mobile units the first-floor area was to be used exclusively as a first floor refuge, thereby satisfying the requirements of the original condition imposed on planning permission reference F/YR15/0284/F.
- 10.21 The Environment Agency in their consultation response have raised no objection subject to a condition requiring adherence to the FRA however this relates to the on-site situation as opposed to the more fundamental policy principles.

### **Other matters**

- 10.22 The existing mobile home is not the only such structure in the vicinity, whilst planning applications are determined on their own merits it is of note that should

consent be granted for the current proposal it is possible that the decision would increase the likelihood of similar applications coming forward in relation to the replacement of other mobile units within the immediate vicinity and the wider district, whilst simultaneously establishing that such schemes are acceptable as a matter of principle and that only site specific impacts would be justification for their refusal.

10.23 As noted above, the principle of a permanent residential dwelling is not supported by the relevant planning policies and therefore the potential for the scheme to set a precedent 'in principle' is a material consideration that also weighs against the granting of permission.

## 11 CONCLUSIONS

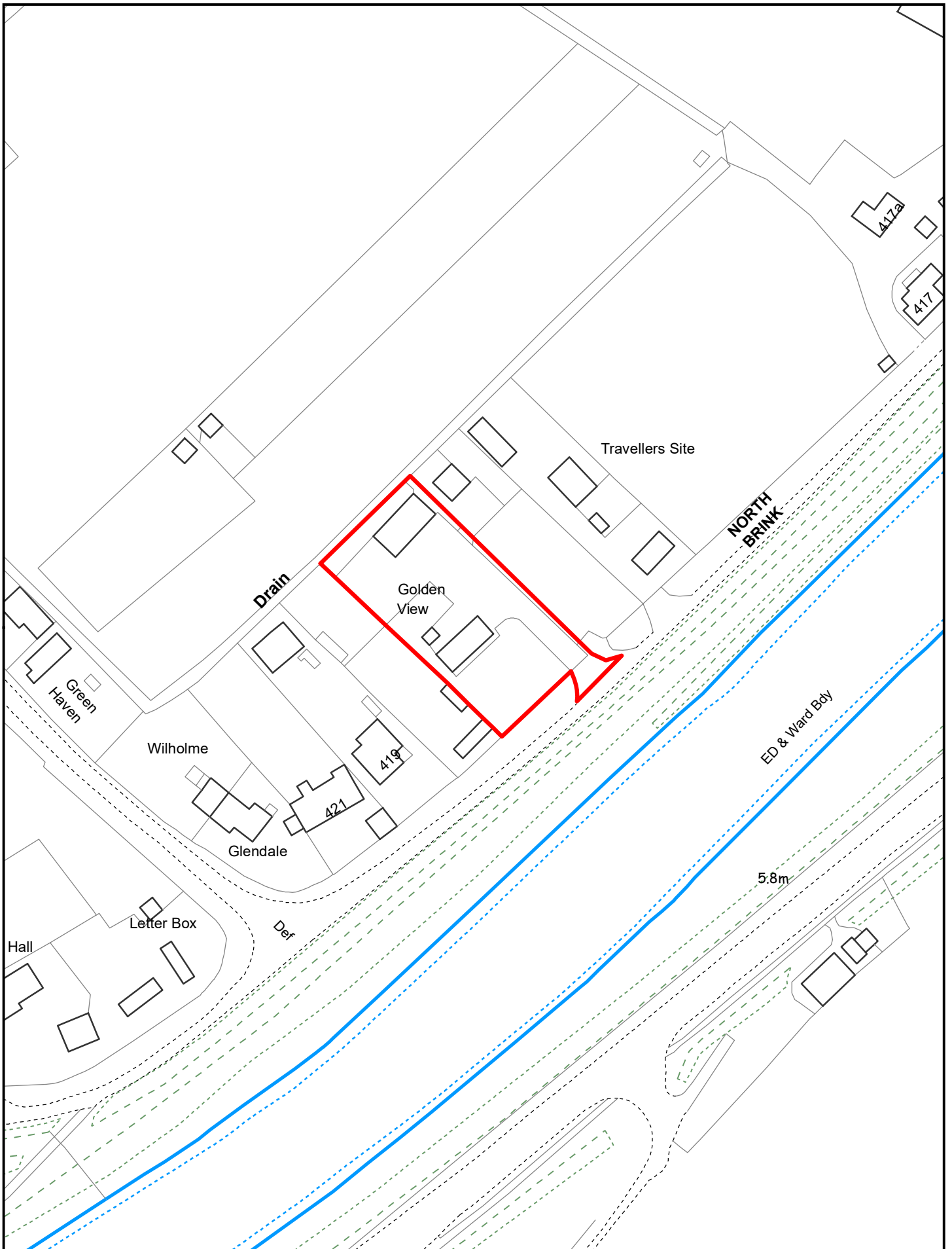
11.1 The scheme would result in permanent residential accommodation within an elsewhere location and as such is contrary to the key locational strategy outlined in Policy LP3 of the Fenland Local Plan and as such it represents unsustainable development. The dwelling is not required in connection with any of the exceptions identified by policy LP3, and a personal or restricted occupancy condition would therefore fail to overcome the policy principle of opposition to this type of development. No material considerations have been identified that would overcome this.

## 12 RECOMMENDATION: Refuse

### Reasons

1	The proposal is for the development of a dwelling located within the countryside. Fenland District Council's Spatial Strategy for sustainable growth seeks to steer development to sustainable locations by the implementation of a Settlement Hierarchy in Policy LP3 of the Fenland Local Plan adopted 2014. Developments such as the proposal, located in 'Elsewhere locations' (i.e, they do not fall into Market Towns, Growth Villages, Limited Growth Villages or Small or Other villages) will be restricted to that which are demonstrably essential for the effective operation of local agriculture, horticulture, forestry outdoor recreation, transport or utility services or mineral or waste developments. The proposed dwellings are not considered demonstrably essential in the countryside. Furthermore, the application fails to demonstrate that the development accords with Policy LP12 regarding appropriate exceptions in rural areas (Rural Area Developments). Therefore, it is concluded that the proposal represents unsustainable development contrary to the NPPF and Policies LP3 and LP12 of the Fenland Local Plan adopted May 2014.
2	Policy LP12 (C) allows for the replacement of 'dwellings' located outside, or not adjacent to, the developed footprint of a settlement. However, this policy is subject to a number of qualifying criteria which include that the original dwelling is not a temporary or mobile structure, such as a caravan. Golden View is a mobile home and as such Policy LP12 (C) is not relevant to the consideration of the current application and may not be used as justification for the erection of the proposed permanent dwelling.
3	Policy LP14 of the Fenland Local Plan (2014) and Paragraph 159 of the National Planning Policy Framework (2021) and seeks to direct development to areas of lowest flood risk. The development is located within Flood Zone 3, the area of highest flood risk and therefore would

<p>result in Highly Vulnerable development being located in the area of highest flood risk. The application is required to pass a sequential test to demonstrate there are no sequentially preferable sites reasonably available that can meet the developments need. Guidance on the application of the sequential test is given in ' The Cambridgeshire Flood and Water Supplementary Planning Document' adopted by the LPA 15<sup>th</sup> December 2016. The application is considered to fail the sequential test and is therefore contrary to paragraph 159 of NPPF (2021), and Policy LP14 of the Fenland Local Plan (2014).</p>
---



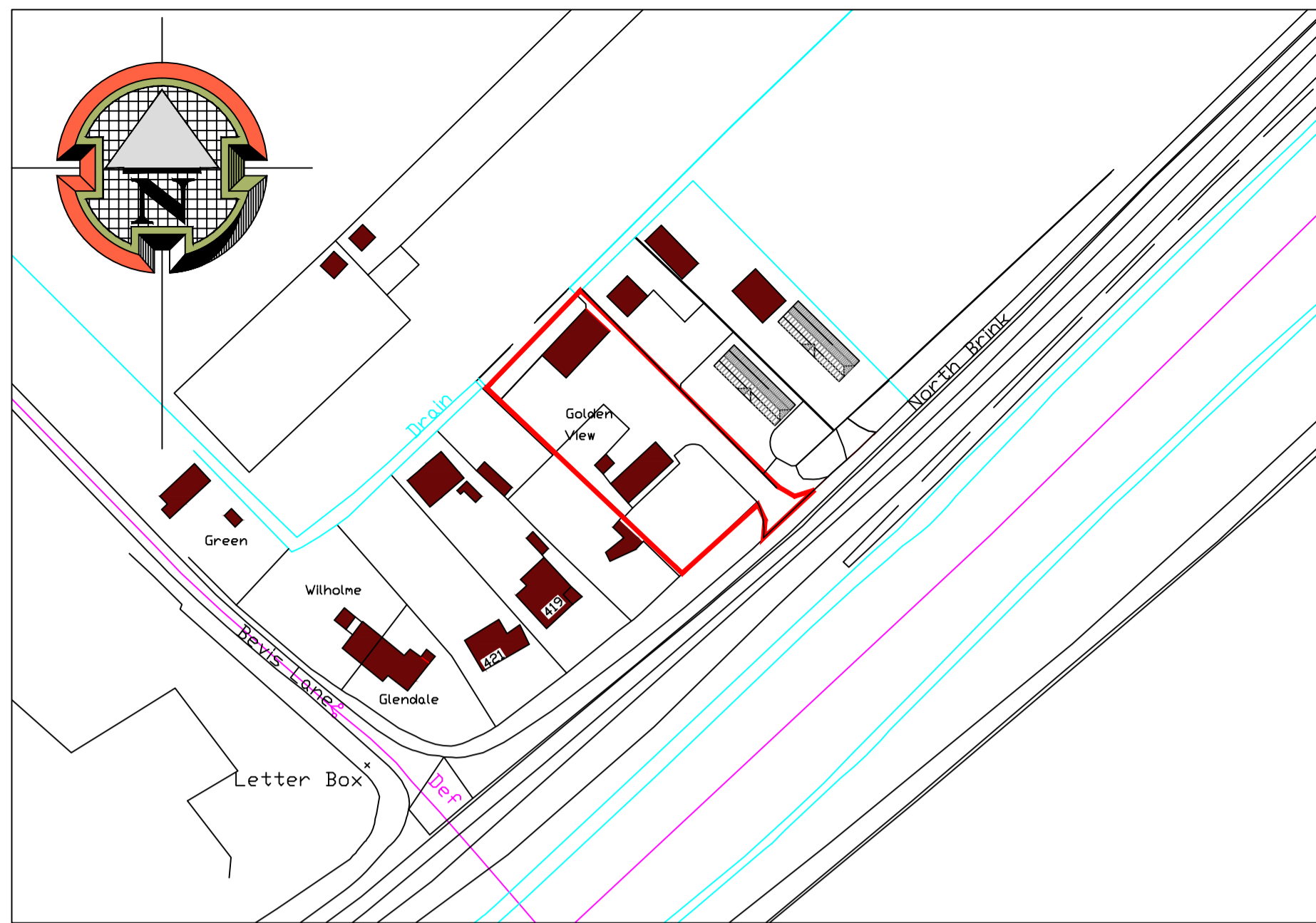
Created on: 22/11/2021

© Crown Copyright and database rights 2021 Ordnance Survey 10023778

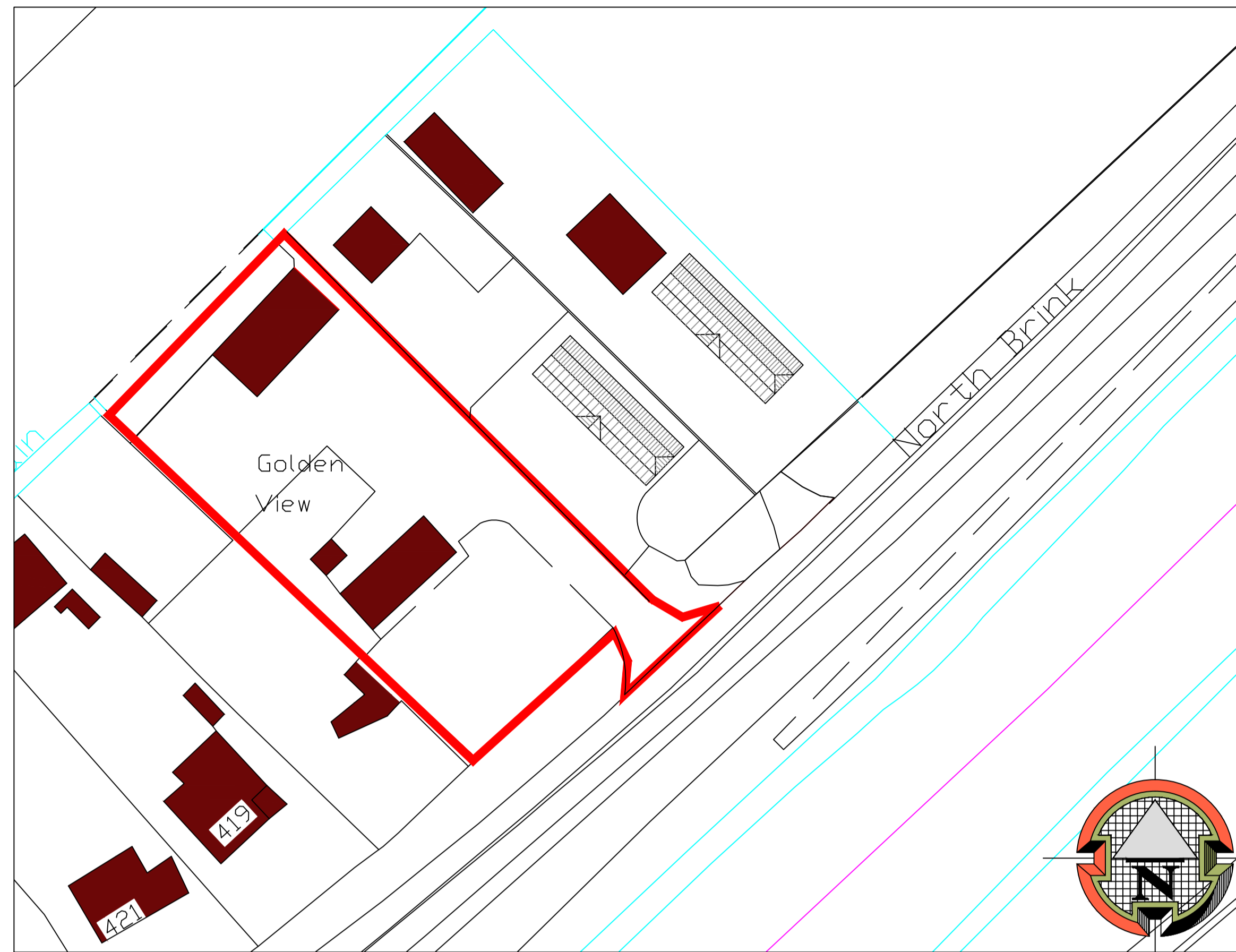
**F/YR21/1306/F**

Scale = 1:1,250

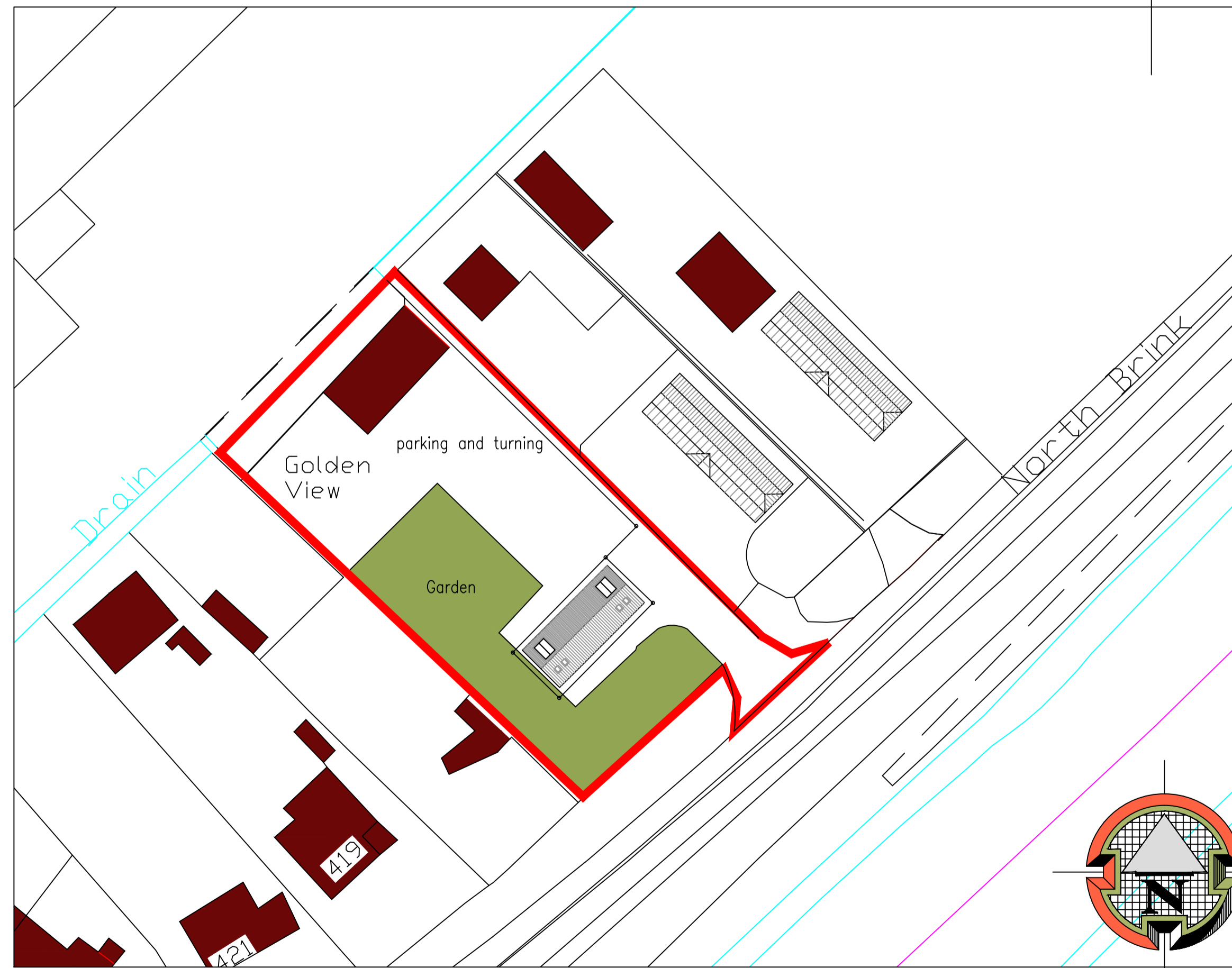




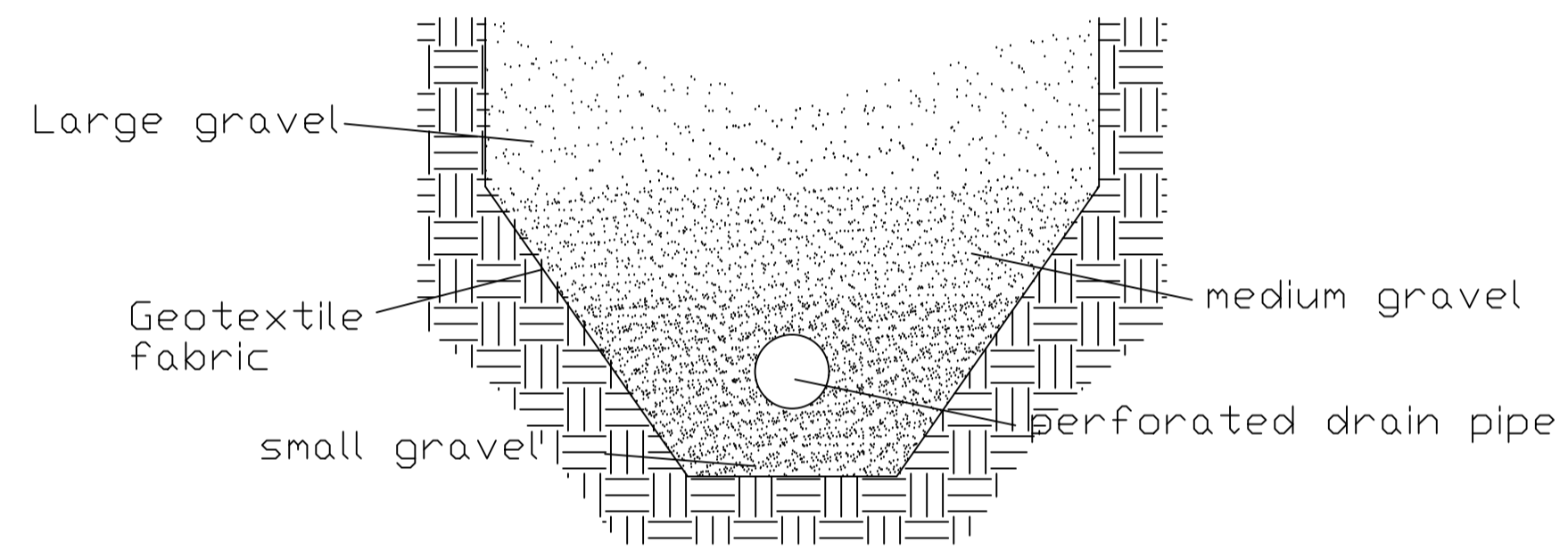
Existing Location Plan 1:1250 (approved under F/YR15/0284/F)



Existing Site Plan 1:500



Proposed Site Plan 1:500



FRENCH DRAIN DETAIL 1:10

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.

Revisions:  
 Planning officer drainage layout

Reference: sketch scheme  
 Pages: 2

Scale: as shown

Project: Replacement dwelling

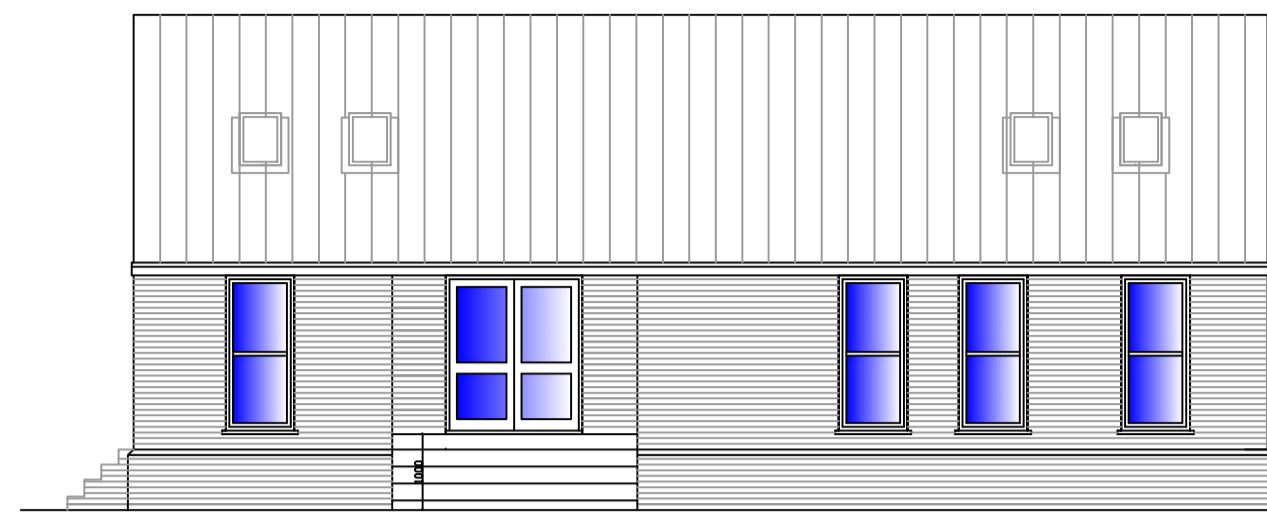
Site Address:  
 Golden View  
 North Brink  
 Wisbech

Client:  
 Mr A J Cunningham  
 Golden View  
 North Brink  
 Wisbech



Southfork Farm  
 Seadyke Bank  
 Murrow  
 Cambridgeshire  
 PE13 4SD

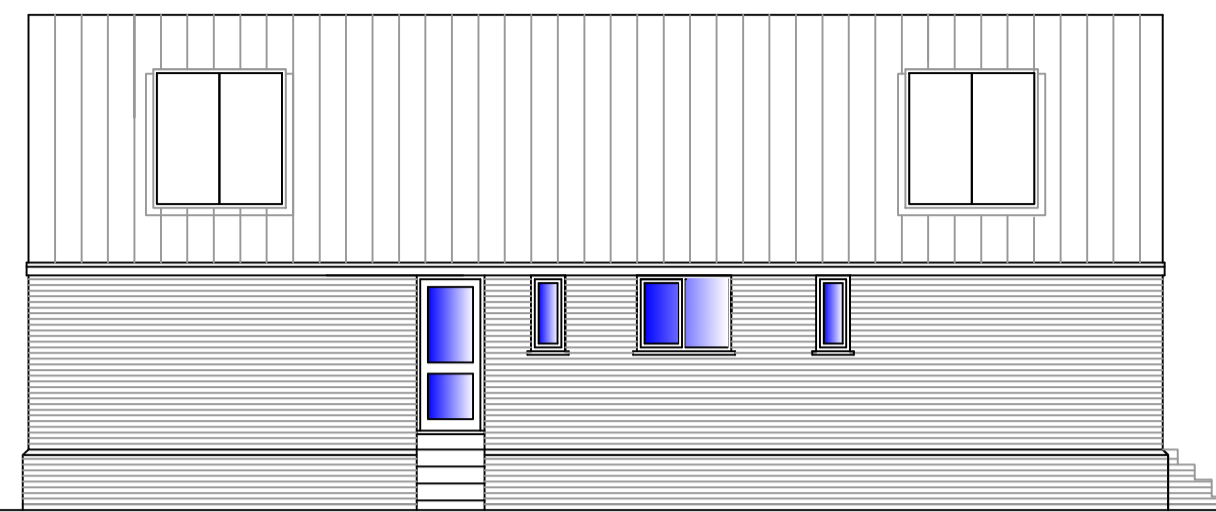
T: 07891175649  
 E: info.alexandradesign@gmail.com



Proposed Front Elevation 1:100



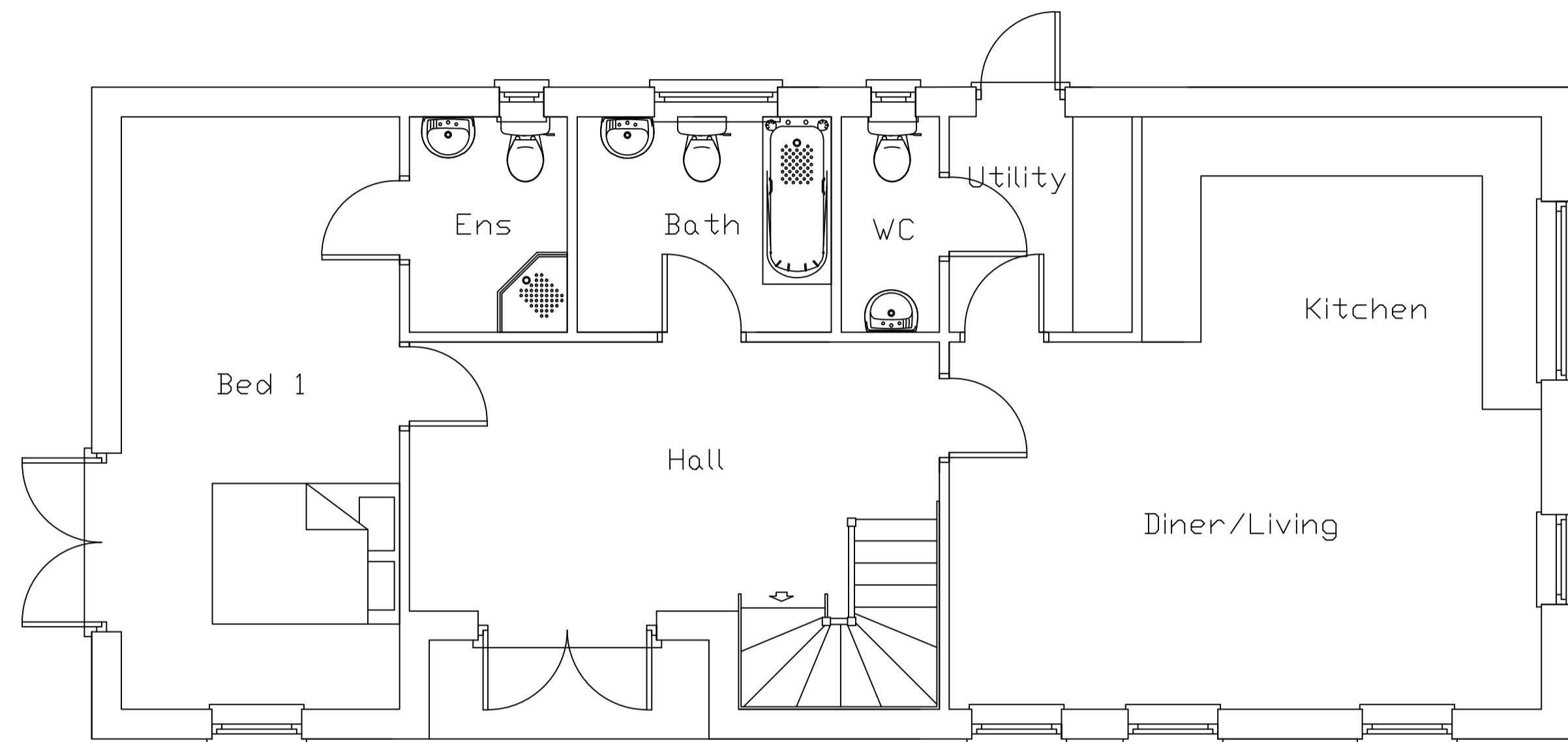
Proposed Side Elevation 1:100



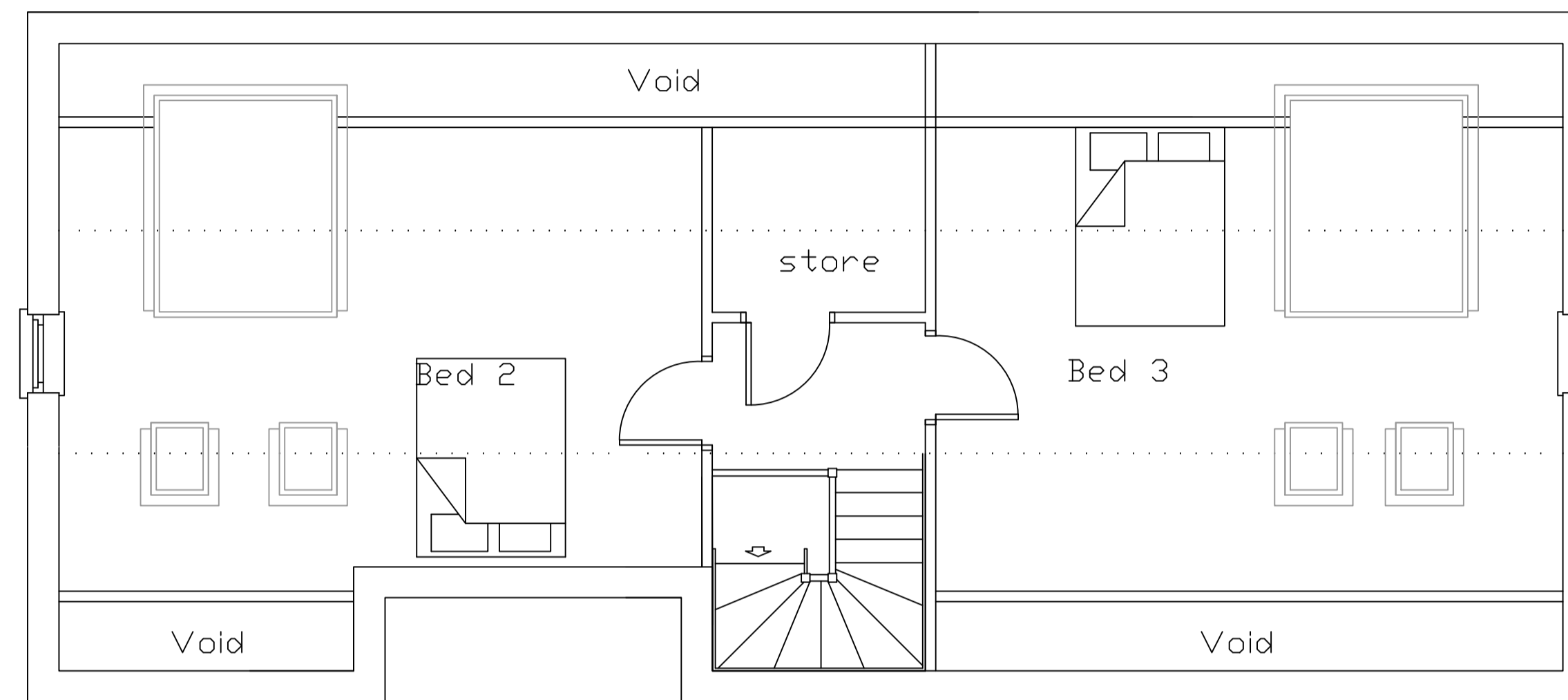
Proposed rear Elevation 1:100



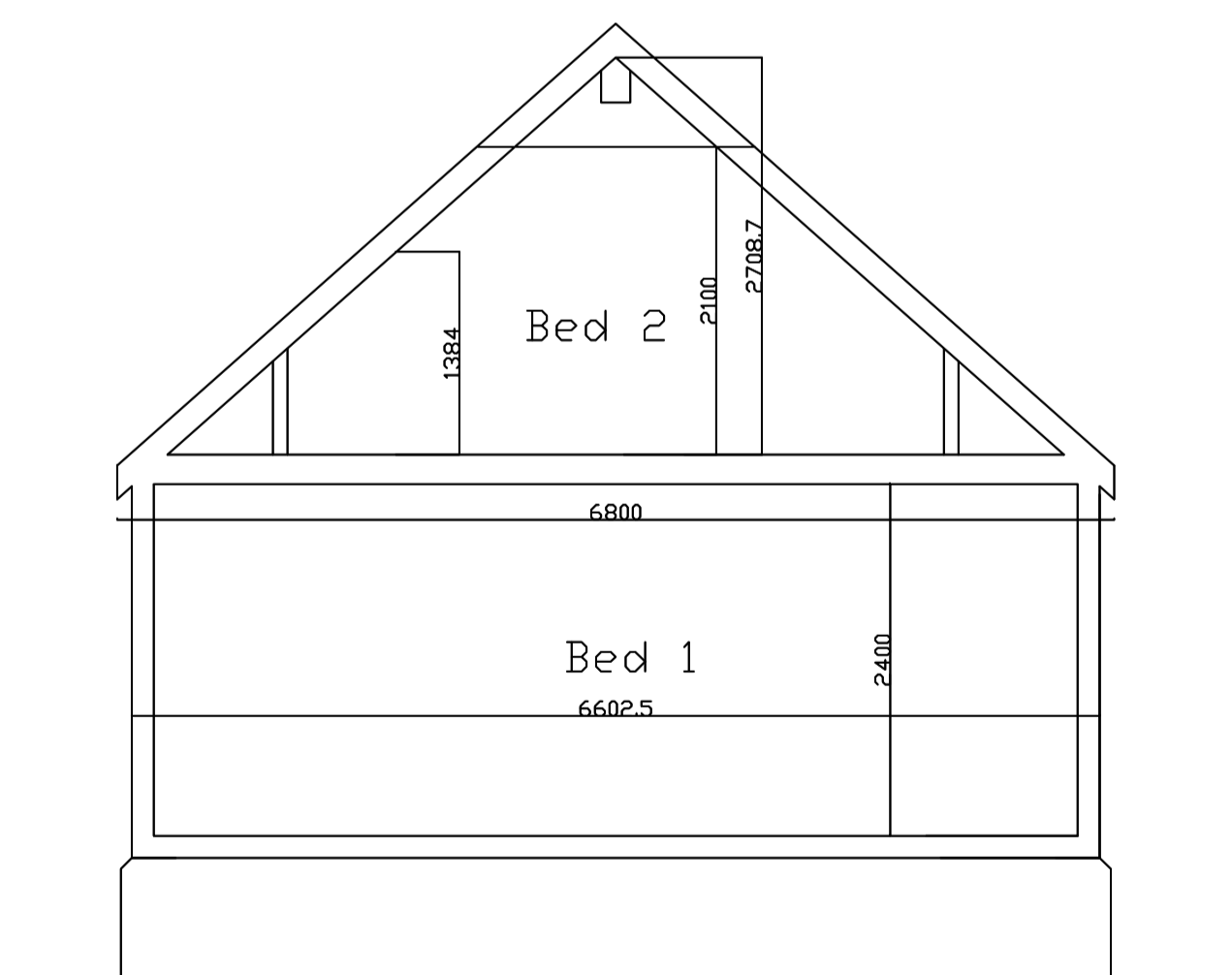
Proposed Side Elevation 1:100



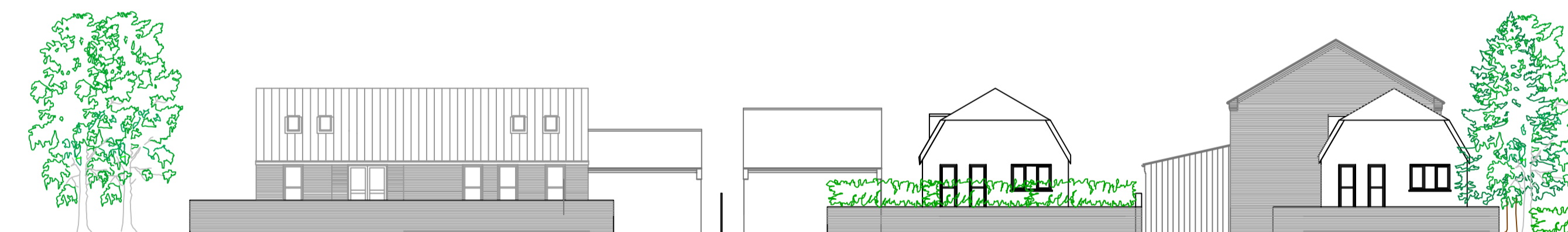
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

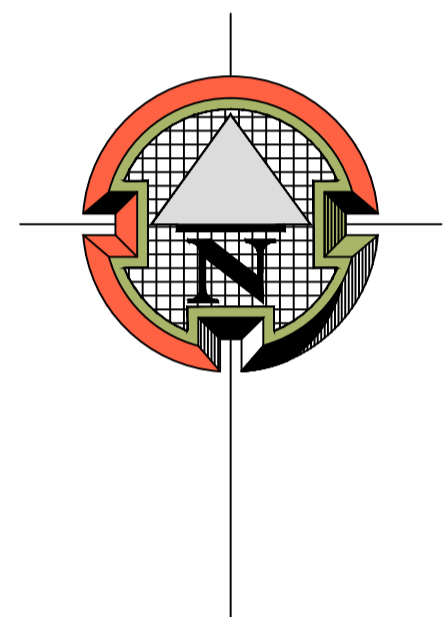


Proposed Section 1:50



Proposed Street Scene 1:200

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.



Revisions:

Reference: p101	Pages: 1
--------------------	-------------

Scale:  
as shown

Project:  
Replacement dwelling

Site Address:  
Golden View  
North Brink  
Wisbech

Client:  
Mr A J Cunningham  
Golden View  
North Brink  
Wisbech



Southfork Farm  
Seadyke Bank  
Murrow  
Cambridgeshire  
PE13 4SD

T: 07891175649  
E: info.alexandradesign@gmail.com

## **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/YR19/0037/CERTLU and associated enforcement case ENF/104/14/UW**

**Site/Proposal: Land at Elderberry Farm (formerly south of Rosemary Cottage), Byall Fen Drove, Manea**

<b>Officer Recommendation:</b>	Refuse/Serve notice	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Allowed
--------------------------------	---------------------	------------------------	-----------	-------------------------	---------

**Main Issues:**

- **Legal status of development on site**

**Summary of Decision:**

The appeal related to the refusal of a certificate of lawful development in relation to the existing residential use of land and buildings involving the siting of caravans, and an associated enforcement notice concerning the construction of a day room.

The Council had previously served, in 2011, an enforcement notice requiring caravans to be removed from the site, however this notice did not require residential use of the land to cease. The Inspector considered that this resulted in a deemed planning permission having been granted for residential use of the land. The residential use taking place, including the siting of the caravans, was therefore lawful and the appeal against the refusal of the lawful development certificate was allowed by the Inspector on this basis.

The Council had also served an enforcement notice relating to the construction of a day room at the site. The Inspector considered that on the balance of probability this had been a "viable building" for a sufficient period to be lawful and consequently quashed the notice.



**Planning Application Reference: F/YR20/1011/F**

**Site/Proposal: Erect a dwelling (2-storey 3-bed) involving demolition of existing garages and Anglian Water pumping station, Site Of Anglian Water Treatment Works Access Via Back Road, Murrow**

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Deelgated	<b>Appeal Decision:</b>	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

**Main Issues:**

- **Flood risk**

**Summary of Decision:**

The planning application had been refused on the basis that the site was located within Flood Zone 2 and that the sequential test submitted had not adequately demonstrated that there were no sites available within Murrow at a lower risk of flooding.

The Inspector concluded that the sequential test submitted with the appeal discounted several sequentially preferable sites and that it also relied on “an overly narrow method of finding a similar site in terms of size and financial viability”. The Inspector also discounted the appeallant’s submission that no sites were being actively marketed on Rightmove as not demonstrating that no alternative sites were available to accommodate the development.

The benefits of delivering one dwelling would be limited and would not outweigh the conflict with policy arising from the failure to meet the sequential test. The appeal was therefore dismissed on this basis.

**Planning Application Reference: F/YR21/0042/F**

**Site/Proposal: Erect a single-storey rear extension to existing HMO building for up to 14 persons, 310 Churchill Road, Wisbech**

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
--------------------------------	--------	------------------------	-----------	-------------------------	-----------

**Main Issues:**

- **Character and appearance**
- **Amenity of existing and future occupiers**

**Summary of Decision:**

The development would result in the removal of a boundary hedge to the side garden of the property with this area then becoming a parking area. The Inspector concluded that this would appear excessive and discordant, urbanising the space around the HMO and harming the character and appearance of the area.

The Inspector also considered that most of the existing outdoor space to the HMO would be lost and this would result in harm to the living conditions of existing residents and would provide inadequate living conditions for future occupiers.

The appeal was therefore dismissed for these reasons.