

## AGENDA

**PLANNING COMMITTEE**

**WEDNESDAY, 6 APRIL 2022**

**1.00 PM**

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

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

You Tube Link: <https://youtu.be/lZ8ygZPN-1c>

1 To receive apologies for absence.

2 Previous Minutes (Pages 5 - 26)

To confirm and sign the minutes from the previous meeting of 9 March 2022.

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/YR21/1346/F  
Bromsgrove House, Honeycombe Road, Chatteris  
Change of use of land to residential curtilage and erect a two-storey self-contained



The Government Standard

residential annex involving the demolition of existing outbuilding

(Pages 27 - 36)

To determine the application.

6 F/YR21/1522/O

Land South East Of Norbrown, Hospital Road, Doddington

Erect up to 2no dwellings (outline application with all matters reserved) (Pages 37 - 48)

To determine the application

7 F/YR21/1536/O

Land West Of Lowlands, Colletts Bridge Lane, Elm

Erect 1no dwelling and garage (outline application with all matters reserved) (Pages 49 - 60)

To determine the application.

8 F/YR22/0012/F

Agricultural Building East Of 723, Whittlesey Road, March

Erect 1 x dwelling (2-storey 5-bed) involving the demolition of existing agricultural building (Pages 61 - 72)

To determine the application.

9 F/YR22/0051/VOC

Land East Of Bank View, Gull Road, Guyhirn

Removal of condition 3 (materials) and variation of condition 2 (occupancy restriction) and 8 (list of approved drawings), relating to planning permission F/YR21/0425/F (Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses) to allow changes to elevational details, to re-position garage and clarify extent of 'business operation' on site (Pages 73 - 84)

To determine the application.

10 F/YR22/0169/O

Land South East Of 127, Wype Road, Eastrea

Erect up to 2 x dwellings (single-storey) and the formation of an access and a 1.2m wide footway to frontage (outline application with matters committed in respect of access, layout and scale) (Pages 85 - 94)

To determine the application.

11 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor

M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood,

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# PLANNING COMMITTEE

WEDNESDAY, 9 MARCH 2022 - 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 Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood.

**APOLOGIES:** Councillor M Purser.

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Alison Hoffman (Senior Development Officer), Richard Barlow (Legal Officer) and Elaine Cooper (Member Services)

## P87/21      PREVIOUS MINUTES

The public minutes of the meeting of 9 February 2022 were confirmed and signed as an accurate record.

## P88/21      F/YR21/1015/F

**FORMER COACH HOUSE, LONDON ROAD, CHATTERIS**  
**CONVERSION OF EXISTING BUILDING TO FORM 1 X DWELLING (2-STOREY 3-BED) INVOLVING THE ERECTION OF A SINGLE-STOREY REAR EXTENSION, RAISING THE ROOF HEIGHT OF THE EXISTING SINGLE-STOREY ELEMENT AND DEMOLITION AND REBUILDING OF THE NORTHERN GABLE**  
**F/YR21/1017/F**  
**INTERNAL AND EXTERNAL WORKS TO A COTTAGE LISTED BUILDING INCLUDING THE ERECTION OF A SINGLE-STOREY REAR EXTENSION, RAISING THE ROOF HEIGHT OF THE SINGLE-STOREY ELEMENT AND DEMOLITION AND REBUILDING OF THE NORTHERN GABLE, TO FORM 1 X DWELLING (2-STOREY 3-BED)**

David Rowen presented the report to members. The Conservation Officer was in attendance for this item to answer any questions members had.

Members received a presentation, in accordance with the public participation procedure, from Kate Wood, the agent, and Richard Donoyou, Heritage Consultant. Ms Wood made the point that they have been to committee before about the most appropriate way to deal with this building, with in 2019 a conversion being proposed similar to the current application, which was refused on the grounds of the loss of internal heritage assets and that the external changes to the building would have harmed the significance of the application building, 22 London Road and the wider Conservation Area. She stated that the main external change was the raising of the single-storey element of the roof along with a single-storey rear extension and internally concerns were raised about the vaulted ceiling and the staircase.

Ms Wood stated that following the refusal they applied to replace the building with a new dwelling, which was also refused, but comfort was taken from the committee's debate regarding that application whereby it was made clear to them that finding some way to retain the existing building was a preference of members. She stated as a result they have submitted this current application making changes since the previous refusal to overcome concerns that were raised, in particular the height of the single-storey part of the roof has not been raised as much as previously although

it is barely noticeable as a change to the existing height and more of the internal features have been retained, additionally a viability assessment has been submitted to justify the need for the building to be converted to a 3-bed dwelling rather than 1 or 2 bedrooms.

Ms Wood expressed the opinion that the proposal is still unviable but they accept that there is a responsibility to the building and the development of the wider scheme relies on this building's future being clear. She expressed the view that they are confident the building will remain subservient to its parent dwelling at No.22 and will retain its heritage character and appearance for future generations.

Ms Wood feels the question for members to consider is whether this proposal has sufficiently overcome the previous reasons for refusal for conversion of the building and she would hope that the physical changes to design along with the justification set out in the viability assessment will be sufficient. She stated that they are keen to commence work on the wider site of which this building is part of in order to provide a pleasant residential development which will include securing this site for the future as a public benefit for Chatteris.

Mr Donoyou referred to the last committee meeting where they were asked to come back with a revised scheme, which they have done and there are things which they agree with officers. These are that the building was constructed in the 1870s, where most of the towns were being constructed with terraced houses around about the 1870s/1880s period; this building was much altered in the 1920s when a new roof was put on, the plaster ceilings were added and the big sliding doors at the back were inserted. He made the point that this is a building from 1870 which has been altered and later still the north gable was demolished to give more space for vehicles to access the site and it was rebuilt in very poor quality Fletton bricks, with much of this work undertaken to this building and the Listed Building being of average quality.

Mr Donoyou stated that he disagrees with officers on the status of the building, with the Conservation Officer describing it as a high status building but he thinks it is just a 19<sup>th</sup> century building built for agricultural storage purposes, it has mass produced cast iron windows and inside the roof trusses of the two-storey section were produced in factories using vaulted pine. He also disagrees on the principles for conversion of the scheme as he feels it makes a very good 3-bedroomed unit, but the Conservation Officer is fairly insistent that it is a 1-bed unit and he is also in disagreement on the amount of fabric that can be reasonably retained, in particular what remains of a barrel vaulted ceiling where there is no plaster and the lathe crumbles in your hand. He made the point that it is fundamental that a 3-bed scheme is approved but even as a 3-bed scheme no money will be made.

Mr Donoyou referred to the Cambridgeshire Historic Buildings Trust who have said that they could not take the building on firstly because they did not think it was of sufficient architectural quality and secondly from their point of view, as a charity, the project would still not be viable. He stated that they have submitted an independent valuation assessment which demonstrate the costs, which have been corroborated by the Planning Obligations Manager.

Mr Donoyou referred to the Ancient Monument Society comments about raising the roof level, who say "raising the roof level of the single-storey section to create habitable roof space and access to the two-storey section appears reasonable, within the context of the adjoining listed house and other buildings in the Conservation Area" and then goes on to say "it would introduce a suitable new use to this redundant building and create a characterful and interesting new home that would sustain the curtilage listed heritage asset and enhance the character of the Conservation Area". He circulated to members two photos showing London Road as existing and a graphic representation of the scheme, challenging members to find a criticism of the scheme.

Mr Donoyou concluded that this development is not being undertaken by one of the big developers, it is a local company based in Peterborough who has been happy to take a chance

and invest in Chatteris. He feels the big developers would not take on this project and for five years the applicant has tried many different approaches, provided more and more detailed information and spent a considerable amount of time and money to bring forward a project that, in his view, looks good and is viable and he is sure that the Council wants local developers to invest in its towns and asked members to give this application serious consideration. From his point of view, he feels that it is a massive public benefit to be able to see this proposal and the adjoining Listed Building properly restored and together with the 6 new dwellings which have been approved on the builder's yard will provide 8 new homes in Chatteris Town Centre.

Members asked questions of Ms Wood and Mr Donoyou as follows:

- Councillor Miscandlon expressed the view that it would have been advantageous to have seen a computer generated picture of the development as the applicant sees it as the pictures do not inform members of what is being developed only what is there. Mr Donoyou responded that the second smaller picture does show what the development will look like.
- Councillor Marks referred to the previous application being considered via Zoom and then an on-site meeting, which he was not able to attend, and asked if the vaulted ceiling has deteriorated in the past two years? Mr Donoyou responded that there are actually three ceilings, the first one has plaster and lathe and is capable of restoration which they are committed to doing; the second one is an attic shaped ceiling which has plaster and is possible to restore, which they are committed to doing; the third ceiling has never had any plaster on it since the applicant acquired the building and the lathe crumbles in your hand, it is difficult to restore a plastered ceiling that is not there but it is proposed to insert another barrel vaulted ceiling in its place a little bit higher up. He stated that the plaster ceilings overall are held up by the roof and the roof is in poor condition, with part of the proposal being to construct another roof over the top to anchor the existing roof and the ceilings to the new roof so everything will be stable. Mr Donoyou expressed the view, as it stands, it is not possible to stabilise the ceiling to an unstable structure and independent advice has been sought from a plaster specialist in coming to these conclusions.
- Councillor Connor stated that he was pleased to hear that the two ceilings would be kept and specialist plastered but asked that the application would not come back before committee, if approved, to say the works could not be undertaken. Mr Donoyou responded that he has assessed the ceilings and they are restorable but obviously it is another cost into the building but that is included in the developer's costs and provided they can construct a structure to anchor the existing structure to they would not need to come back to the Council.
- Councillor Benney asked, if approved, what timescales are being looked at for starting the work and completing the whole site? Mr Donoyou responded as soon as possible.
- Councillor Benney stated that he went in the building when it was owned by Travis Perkins, with it being 2014 when they vacated the site, it was derelict then with it being used for storage and when members did the site visit for the previous application it was in such a bad state of repair members could not even go inside to look at it as it was considered too dangerous. He asked has any work been undertaken to stabilise the building and where would the applicant go from here if the application is not approved today? Mr Donoyou responded that they have reached the end of the line, at the last committee members told them to come back with a scheme and they have done their upmost, with the bottom line being the scheme will lose money even as a 3-bed unit and if they are going to take on the scheme there has to be a method which a structural engineer can prove to secure the building as it stands and if those two things do not fall into place he is not sure where they are going to go. Ms Wood expressed the view that they would be coming to the Council to ask for grant money. Councillor Benney made the point that there are so many public buildings throughout Fenland that are in such a poor state of repair due to a lack of money and these schemes do not work without grant money, the Council has some that it is responsible for and it cannot get grant money so he does not know how the applicant would be successful in obtaining grant money. He feels it is a positive development, it is

something that will clear this site and restore the building, and whilst he recognises that money is going to be lost on it whatever they do, he does not see what else can be done with the building and as a Chatteris Councillor he does not want to see another derelict building in the town.

Members asked officers the following questions:

- Councillor Cornwell referred to Paragraph 1.5 of the officer's report which deals with a conflict with relevant policies and the suggestion, if approved, that this proposal would be failing statutory responsibilities. He asked if, the application is approved today, is the authority at risk of being prosecuted under these pieces of legislation? The Legal Officer stated that the obligations which the committee and the Council is subject to are set out within the report and they are essentially to pay special regard to the desirability of preserving and enhancing the Listed Building so the obligation is for the committee to actively demonstrate that it has given careful consideration to this building and if a party was subsequently concerned about any decision taken if it could be shown that the committee had not discharged those duties then that would potentially render the decision unsafe from a legality perspective and potentially susceptible to judicial review challenge. He made the point that so long as the committee very carefully consider the merits of this application and, in particular, the impact upon the Listed Building and its setting then that ought not to be a problem in the future.
- Councillor Cornwell asked that if the committee consider that the future of the building as being vulnerable and the scheme put forward is acceptable to members to protect relevant parts of that building then it could be taken at risk of not being challenged. The Legal Officer responded that the matter of weight for all these competing considerations is largely one for the members of the committee but these duties require the committee to actively and carefully consider the Listed Building features and its setting, so members need to weigh up the competing importance of those factors.
- Councillor Marks asked how much longer would be given to the vaulted ceiling before it would not be able to rescued in any way? The Conservation Officer responded that it is a couple of years since she has been on site, but she would concur with the agent that it is probably beyond repair in its current situation, but where an element has reached that level of condition you would repair on a like for like basis and what is before committee is a proposal for an alteration.
- Councillor Connor referred to the taking down of the gable end and asked if it would be reconstructed with reclaimed or similar bricks, if approved, and can this be conditioned? David Rowen responded that the plans indicate that this gable element would be rebuilt in reused Cambs bricks and if members are minded to grant planning permission and Listed Building consent given that there is a new build element to the application he believes it would be entirely reasonable to impose a condition to give full control over the materials to be used for the rebuild and the new build to the rear.

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

- Councillor Murphy stated that he has lived in Chatteris all his life and knows this area very well as a farmyard and as a builder's yard. He stated this building was only a barn used for many purposes and he used to sit in the Cock pub opposite, which has since been converted into a very nice large residential building, and when the delivery lorries came to this site or went in or out they nearly took the pub wall down as it was a dangerous entrance and exit which got worse and the Town Council tried to persuade the company to move, which they eventually did several years ago. Councillor Murphy expressed the view that it is now years later and still nothing has progressed in this area. He feels that London Road is an attractive road with large well-kept houses, which this development would only enhance and areas, such as Mepal, Sutton and Witchford, are all building at a rate so why not Chatteris. Councillor Murphy expressed the opinion that local estate agents are saying there needs to be more homes built for demand and he feels that more housing is needed in Chatteris to keep Chatteris growing and its survival and not stagnating as it did years ago.

He referred to there being several developments around the town, large and small, which are not being built out at this present time, with more coming forward in the future, but they are being thwarted by actions of organisations and individuals and he requested that obstacles are stopped being put in the way of the developers making them have higher costs and longer timescales and sometimes pulling the plug and walking away and let them get on with making the town attractive and vibrant and a place for people that want to live there. Councillor Murphy made the point that the Town Council support the application, the Highways Authority and Environmental Health have no objection and there are 10 letters of support with only 1 objection. He expressed the opinion that common sense needs to prevail to allow developers to build without any more interference to ensure the future of Chatteris. Councillor Murphy stated that he will be voting against the officer's recommendation to approve the application without any more restrictions being put in place.

- Councillor Cornwell expressed the view that this proposal has been debated over a number of meetings and the developers have come forward with a scheme that gives a balanced protection of what is there with the intention to undertake work to the building to make it more modern and usable. He feels it is a question of balance as, whilst the Council does not want to have these buildings empty continuously as they would just deteriorate, by undertaking certain modernisation and undertaking the protective works that the developer has agreed to do members have to accept that this is the best that can be done and move on. Councillor Cornwell stated that he would go against the officer's recommendation and approve the application.
- Councillor Mrs French expressed the view that the last time a scheme for this building was discussed she asked why the Conservation Officer did not seek to get this building preserved years ago when it first became empty, to which she did not get an answer to, and Fenland has many buildings in a similar situation and there will be more applications come forward to do works to them. She stated that she supports preserving and restoring Listed Buildings, but members did ask the agent to go away and come back with another scheme, which they have done and they have done the best they can. Councillor Mrs French stated that as much as she understands the views of the Conservation Officer if this proposal is not approved the building is going to end up derelict and demolished.
- Councillor Mrs Davis agreed with the comments of Councillor Mrs French in that if the committee does not approve this latest application then the building is just going to further deteriorate so that none of the features can be saved. She feels an effort is being made to save as much as possible and listening to the legal advice she is confident in going against the officer's recommendation.
- Councillor Miscandlon stated he has made a third visit to the site and since the last visit the building has deteriorated. He made the point that the developers were asked to go away and come back with a conversion which is sympathetic to the building, with the Conservation Officer saying that not all of it is going to be preserved, which, in his view, is right as there are parts that have deteriorated beyond repair, but he feels the applicant has provided a sympathetic conversion which he will support.
- Councillor Topgood made the point that Fenland has hundreds of these heritage buildings that are deteriorating and someone has come along to preserve as much as possible on this building and stop it from further deterioration, but obstacles are being put in their way. He feels this proposal is the best scheme for this building as it is going to protect it and its features.
- Councillor Benney stated that most of his views have been said by other councillors, but to him this comes down to money as you cannot expect a developer to pay more money out than he is going to get back. He made the point that the building can be boarded up and left until it falls down and if this is left much longer this is what will happen, so he feels action is better than inaction. Councillor Benney expressed the view that the committee needs to do something positive with this building, there is a positive scheme in front of members that will save this building, and conservation is standing in the way of saving these buildings and a lot of other buildings in Fenland due to the additional costs incurred and unless grant money is available and it is normally not, these building just deteriorate. He expressed the

opinion that this building can be saved by approving the application and if it is not approved the committee is condemning the building to fall apart and lose what exists.

- Nick Harding stated that he has a lot of time and respect for members and prides himself on being able to work with members as do all his officers in the service, however, mention has been made about obstacles and interference, which he finds difficult to accept as officers are employed by the Council to give professional advice to members and there is always going to be occasions whereby there is disagreement on certain matters. He feels that those difference of opinions are in a professional and friendly manner, which he hopes will continue. Nick Harding stated that in this particular case professional officers have given members their best technical advice, including on the legislative framework within law they have to follow. He appreciates that the amount of weight that members can give to the different elements of the decision-making process may be different to that presented by officers. Nick Harding stated that, in terms of the general condition of buildings in Fenland, there is a good number of conservation areas, a good number of Listed and curtilage buildings, but there is one Conservation Officer, with no budget for interventions on buildings which are not appropriately maintained and in that light and given the number of Listed Building applications that the Council has to deal with officers have to be selective about those cases that they get engaged in where action is needed to preserve a Listed Building or within a Conservation Area. He does not think the decision corporately made by the Council in what it wants to achieve in terms of conservation and Listed Buildings should be used as a tool to say that re-development of Listed Buildings should be semi-automatic in terms of a yes. Nick Harding reiterated that officers have given the best advice that they can and officers' professional opinion is that this development proposal does not quite hit the mark in terms of being acceptable and the Conservation Officer has always acted positively in providing advice on the proposal and this is now down to a difference of opinion on weight being given to the various factors that by law the committee has to have regard to.
- Councillor Sutton stated that he 100% supports everything that Nick Harding has said, there cannot be any finger pointing at officers as it was this committee that refused it previously with the request for the applicant to go away and come back with a revised scheme. He referred to talk about costs but as far as he is concerned he is not worried if they lose money or make money as Planning should not be about what money is made but whether it is right for that land and land use. Councillor Sutton expressed the view that it is a question of whether this scheme is close enough to what the committee think it should be to approve and, in his view, it was valuable to see the visualisations circulated by the agent for him to say externally it is acceptable and whilst internally it might not be quite what the Council wants he feels if it is not approved today it will fall into disrepair which will be regretted so he will be supporting the application.
- Councillor Mrs French stated that she was not aiming her comments at any officers, the point she was making with conservation is that right across the district there are dilapidated properties that have existed for years and more resources need to be invested in conservation.
- Councillor Murphy stated that his comments were not aimed at officers, but he was referring to outside sources that come forward to try and stop development.
- Councillor Mrs Davis hoped that she spoke for all members when she says she has a healthy respect for officers, listen to what they say and understand that they have to put forward their views according to rules and regulations, but members can put a different weight on certain elements.
- Councillor Connor stated that he has listened carefully to what members have been saying and it looks like there is a steer to go against officer's recommendation to approve the application, but he does believe listening to the Legal Officer that the committee has done the very best it can and it would be a dereliction of duty if members let this building fall further into disrepair and it eventually falls down. He is giving more weight to keeping and improving this building rather than doing nothing to preserve it.
- Nick Harding reminded members that if there is a proposal being made to go against the

officer's recommendation then reasons for doing so need to be given that relate to the reasons for refusal. David Rowen added that members need to pay attention to paragraphs 10.3 – 10.13 of the report as these issues need to be addressed when giving any proposal to go against officer's recommendation.

#### **F/YR21/1015/F**

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

**Members do not support officer's recommendation of refusal of planning permission as they feel that leaving the property to deteriorate further would not enhance the area or benefit Chatteris, the proposal would be saving a building, protecting it and enhancing the historic Conservation Area of Chatteris, it is within the curtilage of a Listed Building and not a Listed Building itself but a conversion of an old farm building with many of the historic features of the building being retained and restored and a condition could be applied to the permission to record any heritage asset that is lost.**

#### **F/YR21/1017/LB**

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

**Members do not support officer's recommendation of refusal of planning permission for the reasons set out above and they feel that the proposal ensures the future conservation of a heritage asset and enhances the Conservation Area and heritage asset, it provides a new development in a Conservation Area and when the work is undertaken externally it will be an enhancement to the area and the building itself.**

*(Councillor Benney registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, he usually attends, as an observer, the Town Council Planning Committee meetings but was absent when these applications were discussed)*

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

#### **P89/21**

#### **F/YR21/1096/F**

**10 MARKET STREET, WISBECH**

**CONVERSION OF EXISTING BASEMENT STORAGE AREA TO CREATE A DWELLING (1-BED STUDIO FLAT) (RETROSPECTIVE)**

#### **F/YR21/1097/LB**

**INTERNAL AND EXTERNAL WORKS TO A LISTED BUILDING TO CONVERT EXISTING BASEMENT STORAGE AREA INTO A DWELLING (1-BED STUDIO FLAT)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler made the point that the proposed development is located within the Town Centre of Wisbech, a Market Town as identified under LP3 whereby the majority of the district's housing should take place. He stated that the dwelling is located between the Market

Place and the Castle, has close ties to the town centre and its services, the site enjoys walking distances to the amenities and leisure facilities that the town offers, is in close proximity to job opportunities and the bus depot at the Horsefair, which has access to a wide area of town, villages and cities such as Peterborough and Norwich and bus links to March and Kings Lynn where train stations are located for nationwide travel.

Mr Lunn-Towler acknowledged that the application is retrospective, but it was sought to use a redundant space within the building to provide additional housing. He summarised that the application is for a new residential unit within the Town Centre of Wisbech and if members are minded to support the application they will be supporting a new residential unit to support the amenities of Wisbech.

Members asked questions of Mr Lunn-Towler as follows:

- Councillor Mrs French asked if someone was living in the property? Mr Lunn-Towler responded that it did have a tenant who has now vacated.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the report which mentions that the way it has been converted may cause condensation and rising damp and asked what state it was in prior to the conversion and why officers think it will cause rising damp to the other floors? David Rowen stated that he is not a Building Control Officer but there are construction techniques that are sympathetic to buildings of a certain era and tanking the basement so that the building cannot breathe means that the damp and condensation has nowhere to go than up the building.
- Councillor Miscandlon clarified that rising damp normally rises to approximately 3 feet above the ground level and this flat would suffer from penetrating damp as it is below the ground level.
- Councillor Skoulding asked if there were any extractor fans in the property? David Rowen responded that as far as he is aware the only extractor fan is the one in the bathroom.
- Councillor Mrs Mayor asked if the window in the kitchen, which has something stood in front of it, is able to be opened as other than this there is no ventilation in the kitchen. David Rowen responded that he assumes the window will be able to be opened as it would be an even worse environment than anticipated, but its size would not allow adequate ventilation to the remainder of the unit.
- Councillor Mrs Davis questioned whether there was any form of fire escape? David Rowen responded that there is only one entrance and exit into the flat, off Church Mews.
- Councillor Cornwell referred to the comments of the Private Sector Housing Team and asked if it complies as if it does not comply he cannot see how the committee can approve the application. David Rowen read out the comments of the Private Sector Housing Team as detailed in the report.
- Councillor Topgood asked when the works were carried out as prior to it being a nail bar it was a café and they used to use the downstairs as extra seating so is it the applicant that has undertaken the works? David Rowen responded that the dry lining has been undertaken to facilitate the change of the unit to residential.

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

- Councillor Mrs French stated that she has great respect for the Housing Team, they have to deal with very difficult situations and if the committee were to approve this application in a few years times anyone living there would have horrendous problems. She stated that the property was previously a café, but she feels that it cannot be living accommodation as it has no fresh air, no ventilation and if someone moved in with chest problems this would make it worse. Councillor Mrs French made the point that the committee has the advice from the Housing Team and she does not think members should go against their advice.
- Councillor Benney referred to quality of life for people, and, in his opinion, it is not a home it looks more like a nuclear bunker. He feels the work cannot have been undertaken through

Building Control as it would have been undertaken with the right materials and officers have reached the right decision as it is not a place for people to live in in its current state with no natural light and damp problems.

- Councillor Topgood stated that if the correct materials had been used he would have possibly leaned towards approving it. He made the point that houses around The Crescent and on Market Street have got basements and have got a light in the pavement and if the applicant had done this he would have been more inclined to go against officer's recommendation, but he feels the applicant has used wrong materials and had no consideration of getting light into the building.

#### **F/YR21/1096/F**

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

#### **F/YR21/1097/LB**

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

#### **P90/21**

#### **F/YR21/1307/F**

**LAND NORTH OF 1-5 BREWERY CLOSE, PARSON DROVE  
ERECT 4NO DWELLINGS COMPRISING OF 3 X 3-BED SINGLE-STOREY AND 1 X  
2-STOREY 4/5-BED WITH GARAGES INCLUDING TEMPORARY SITING OF A  
CARAVAN DURING CONSTRUCTION ON PLOT 3 ONLY**

This item was withdrawn from the agenda.

#### **P91/21**

#### **F/YR21/1369/F**

**WEST BARN, BROAD DROVE WEST, TYDD ST GILES  
ERECT A 2-STOREY SIDE EXTENSION AND BALCONY TO EXISTING  
DWELLING INCLUDING 3.4 METRE HIGH (APPROX) GATES/BRICK WALL TO  
ENTRANCE AND ALTERATIONS TO ENTRANCE DRIVEWAY**

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent, read out by Member Services. Ms Patrick stated that this application is a resubmission from an already approved 1½ storey side extension to a 2-storey version, with the major difference between the two schemes being the eaves height to enable a full height ceiling to the first floor. She feels the precedence set in terms of scale has already been approved and the difference in the head heights on the first floor is minimal in terms of the overall scheme.

Ms Patrick referred to the drawings presented with the application which show a coloured line that represents what is approved and what they are applying for. She acknowledged that the previously approved scheme was talked through at great length before a decision was made, but expressed the opinion that every scheme is and should be decided on its own merits and not on previous approvals.

Ms Patrick stated that the ridge height of the proposal is not changing, therefore, in her view, overshadowing to the neighbouring property will not increase significantly to that of what has already been approved. She advised that for ease of construction this application has been presented to appease the client's wishes and needs before the work starts on site, diminishing the need for remedial work.

Ms Patrick expressed the view that the resubmission of this scheme is in similar context to that approved at committee for a rear full height extension to a new dwelling approved under F/YR18/0579/F, with members drawing the same conclusion that even if the scale and size of the dwelling did not comply with LP12 Part D they did not consider that this would cause harm to the rural character of the locality given the positioning and dimensions of the plot. She asked members to support the application given the nature of the site and its location along Broad Drove, where the dwellings in this area are, in her opinion, all of a substantial size given the large grounds the dwelling is located in.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the 3.4 metre gate, which she initially thought was a printing mistake, and questioned why anyone would barricade themselves in like this. David Rowen responded that the report does refer to the gates being out of keeping with the rural character, but officers do not feel it is so bad as to warrant refusal. He stated that the gates were included on the previous application and the 3.4 metre height is at the centre point of the gates.

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

- Councillor Benney stated that himself and Councillor Mrs French visited the site and, in his view, it is well out of the way, it is a large site, well shielded by trees and stables. He acknowledged that the proposal would make the property a large dwelling, but, in his view, it is a big plot, with it not being 2-storey high but 1½ as it is using the roof. Councillor Benney expressed the view that if the applicant wanted to build something bespoke and fulfils their needs it is an ideal place to do it as it would not result in further traffic or a drain on resources. He feels that LP12 and LP16 are subjective reasons for refusal and, in his opinion, the proposal would enhance the area, would not be of any detriment and would be a nice place to live when built.
- Councillor Sutton referred to Page 113 of the officer's report and made the point that it is a 2-storey proposal as it already has permission for 1½ storey. He expressed the view that the roofline is a bit higher than previously approved, but he does not feel there is much wrong with the proposal and it would not affect anyone.
- Councillor Benney thanked Councillor Sutton for correcting him that it is a 2-storey dwelling and made the point that putting rooms in a roof space restricts rooms and this proposal makes them more usable. He feels it would be a better scheme than previously approved.
- Councillor Mrs Mayor made the point that on one of the drawings it states an en-suite attached to a neighbour's property and asked if this is one persons dwelling or more than one persons dwelling? Nick Harding responded that it is a semi-detached property so there is a party wall.
- Councillor Mrs Davis expressed the view that the property cannot be seen from the road so she does not know how it would damage the surrounding area and if someone wants to build an 8-bedroomed house the committee should not be worried about sustainability.
- Councillor Skoulding made the point that it is only about 1 metre higher than what is approved and he cannot see any problems with it.
- Councillor Sutton made the point that it is for members to consider whether the application is unacceptable compared to what has already been approved and, in his view, he does not consider it to be that much different to warrant refusal.
- David Rowen stated that the location plan on Page 112 shows the configuration in terms of the adjacent property clearly and the application is not being recommended for refusal on sustainability only on design, which he recognises is subjective.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officer to impose conditions that mirror the current permission.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal would not be so different to the current planning permission as to be to the detriment of the character and appearance of the area.**

*(Councillor Cornwell had left the meeting prior to the discussion of this application and the remainder of the agenda items)*

**P92/21      F/YR21/1424/F**  
**LAND NORTH OF 34 WHITMORE STREET, WHITTLESEY**  
**ERECT 3 X 3-BED 2-STORY TERRACED DWELLINGS WITH ASSOCIATED**  
**PARKING AREA**

David Rowen presented the report to members.

The Legal Officer stated that no member indicated that they are a member of Whittlesey Conservative Club as this would be a disclosable pecuniary interest. He advised that, in this instance, where the applicant has a political affinity it is essential that all members of the committee display absolute scrupulous decision-making on the application. Members have all been made aware of the issues of bias and pre-determination and members need to satisfy themselves and demonstrate that they are not biased or pre-determined about this application as if any decision were taken and challenged at the Court, they would be questioning this. He stated it is absolutely essential that the planning merits of the application are carefully assessed and demonstrably so in the way in which this application is determined.

Members received a presentation, in accordance with the public participation procedure, from David Broker, the agent. Mr Broker stated that the only reason for this application is to secure funds for the continued operation of the Conservative Club, which is a decision made with a heavy heart and does distract from the club premises, but without these funds the club could close. He made the point that club membership has declined by 25% and opening hours have been reduced by 30%, with income only being able to be maintained by an increase in fees and charges but this alone cannot sustain the business.

Mr Broker expressed the view that the club can survive with less parking spaces but cannot survive with less funding and the previous application was withdrawn to enable them to address the concerns of the Planning Department, which they have tried to do but according to the officer's report they have failed. He feels the site is considered to be in a suitable location for development and not within the Conservation Area, but the Conservation Officer is still involved being critical of the design.

Mr Broker stated that from the previous application officers did not want a simple terrace of 4 dwellings and this has been reduced to 3 and the appearance changed away from a terrace but this is now not what officers think is suitable. He made the point that access and bin storage is questioned but it is clearly demonstrated that this is one of the best accessible sites in the Town Centre, with space for bins adjacent to the main road.

Mr Broker referred to the enclosure of the development being questioned but asked how it differed from those other backland developments that have been approved. In terms of overlooking of one dwelling into another's garden, he feels this could easily be rectified with a window being moved to the side.

Mr Broker appreciated that the Planning Department must tick all the boxes, but the tick box system does not always, in his view, allow for a broader picture as in relation to the aesthetics, which the officer's report criticises, it does not consider the extensive number of in town, backland and small space grabbing residential developments that have been previously permitted. He

asked for consistency, for this reason, in decision-making and drew members attention to sites, of which photos had been provided to members, within the immediate vicinity showing the tight means of access and views into the sites, together with the development of 4 houses on the Ivy Leaf Club car park, which has not been proved but could have been built and sold to sustain the Ivy Leaf. He stated that all three sites in the photographs are in town developments with small amenity areas and asked members to consider this application site against those.

Members asked questions of officers as follows:

- Councillor Murphy referred to the one of the recommendations for refusal being poor living conditions for the future occupiers, and made the point that there are a lot of places he would view as having poor living conditions for a person but it is up to the person who actually buys the property and lives in it whether it is poor living conditions or not so he cannot see how this can be detrimental as you either live there or not. David Rowen responded that the purpose of the planning system is to ensure good quality development takes place in the correct locations with adequate amenity. He stated that the view on whether people want to live there or not goes against the crux of the planning system and the purpose of why everyone is at committee today.

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

- Councillor Benney expressed the view that it is not a planning consideration on whether this application is keeping the Conservative Club going but on land usage and he feels the amenity space is good, much better than some approved in Orange Grove, Wisbech, it is in a town centre location with parking and it will deliver 3 homes. He feels in relation to the access onto Whitmore Street, a commercial property will always have more traffic than residential and he does not believe there is anything wrong with this application.
- Councillor Sutton stated that he visited the site when the last application was submitted for 4 dwellings, he tried to envisage 4 dwellings on the site and feels he would have not supported that application. He stated that he returned to the site last week and feels the new dwellings are more architecturally pleasing. Councillor Sutton expressed the view that it has been helpful to have received the photographs for sites A, B and C and he does not see why there is anything wrong with the application as it is a huge improvement on the previous application. He expressed the opinion that the loss of car parking spaces will have a minimal effect on the club.
- Councillor Skoulding stated that he went to look at the site, it is a car park so has lots of cars passing the site. He feels it is an ideal place to build 3 dwellings, the properties look nice and will fit in the area.
- Councillor Mrs French questioned why there is such a lengthy report from the Conservation Officer as the site does not lie in a Conservation Area and wondered if it was due to the brick wall as part of the brick wall was rebuilt but looks like it is falling down.
- Councillor Mrs Davis expressed concern about reducing the car park as she has attended functions at the club and the car park is full, questioning where those cars are going to park when a function is on. She feels there does not seem to be a clear demarcation to mark off the car park for the club and it is not going to be easy for residents to park in their spaces when there is a function. Councillor Mrs Davis expressed the opinion that to survive the club is going to have to put on functions and will need the car park.

David Rowen stated that the Local Plan makes a clear distinction on amenity standards expected of dwellings and flats, with a lower standard for flats, and the amenity space for this development is considered to be sub-standard in terms of size and usability. He feels the question that members need to be asking themselves is do you really want people living in a car park, which is what this application proposes.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with authority delegated to officers to apply relevant conditions.**

**Members do not support officer's recommendation of refusal of planning permission as they feel the heritage asset is not affected, it is not detrimental to the character of the area, whilst there is a distance to move the bins for collection the Recap advice is only guidance and other similar developments have been allowed on appeal which have the same bin distances and other similar developments have been allowed in similar circumstances in Town Centre locations.**

*(Councillor Benney declared that he is an officer of the North-East Cambridgeshire Conservative Association (NECCA) and a member of Chatteris Conservative Club, but will be approaching the application with an open mind)*

*(Councillor Connor declared that he is an officer of NECCA, but will be approaching the application with an open mind)*

*(Councillor Mrs Davis declared that she is an executive officer of a new NECCA branch, but will be approaching the application with an open mind)*

*(Councillor Mrs French declared that she is Chairman of NECCA, but does not belong to any Conservative Clubs and Whittlesey Conservative Club does not pay any subscriptions to NECCA, and will be approaching the application with an open mind)*

*(Councillor Mrs Mayor registered, under Paragraph 14 of the Code of Conduct on Planning Matters, that she sits on Whittlesey Town Council's Planning Committee, but was not in attendance when this application was considered. She also declared that she is a member of the Conservative Party, but not Whittlesey Conservative Club, but the application site lies within her ward and she did take part in the discussions when Whittlesey Town Council provided their recommendation on the withdrawn application. She, therefore, took no part in the discussion and voting thereon)*

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

*(Councillor Murphy declared that he is a member of Chatteris Conservative Club, and will be approaching this application with an open mind)*

*(Councillor Topgood declared that he is an officer of NECCA, but will be approaching this application with an open mind)*

**P93/21**

**F/YR21/1494/F**

**LAND WEST OF ANTWERP HOUSE, GOSMOOR LANE, ELM**

**ERECT A 3/4-BED 2-STORY DWELLING WITH DETACHED DOUBLE GARAGE**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Adam Sutton, the agent. Mr Sutton referred to the officer stating that this site is located in a unsustainable location where future occupiers would be reliant on private motor vehicles to access services and facilities and he would argue that the whole of Colletts Bridge rely on private motor vehicles to access services and facilities and yet Colletts Bridge is still included in the adopted Local Plan under Policy LP3 as an Other Village within the development hierarchy, which is the strategy for sustainable development, therefore, in his view, the use of private motor vehicles for these reasons making the development unsustainable would be contrary to the inclusion of Colletts Bridge within Policy LP3 of the Local Plan.

Mr Sutton referred to Policy LP12 which states that unlike the previous Local Plan there will be no fixed development area boundaries around each of the settlements, yet, in his view, the officer is trying to justify that this infill development is contrary to policy, which they should not be doing to determine this planning application. He stated that application is for a proposed dwelling in Colletts Bridge, which is listed in Policy LP3 under Other Villages, which states that residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated in otherwise built-up frontage, which, in his view, perfectly describes this application.

Mr Sutton referred to the officer drawing comparisons to a previous appeal decision for a development in Crooked Bank and made the point that Crooked Bank is located in the settlement of Begdale, which is not listed within Policy LP3, and therefore, he does not feel that comparisons can truly be made between the sites. He stated that the officer concludes that to allow this application would set an unacceptable precedent for development in this unsustainable location but, in his view, the precedent of a single infill development in Colletts Bridge has already been set by the Local Plan.

Mr Sutton expressed the view that the proposed dwelling is in keeping with its surroundings, does not cause harm or adversely affect the local area, there are no statutory consultee objections having worked proactively with Highways to revise the site plans to show the visibility splays and no objections from local residents, with the only objection being from officers. He urged members to approve this application for a single infill dwelling within Colletts Bridge.

Members asked questions of officers as follows:

- Councillor Mrs French asked where Crooked Bank is? Alison Hoffman responded that it is in Begdale, off Redmoor Lane near Little Ranch.

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

- Councillor Benney expressed the opinion that, as much as the application does not comply with LP3, it is a good site for development and it will be a nice high-quality development, which only get built in rural locations. He feels that the proposal is infill as it has houses on either side and whilst he understands the connectivity issue, he feels if you live in a rural location you have to be able to drive and you would not buy a house in this location if you did not drive. Councillor Benney expressed the view that having no footpath or streetlights would be great to him as it would mean there would be no people walking past his house and as much as there is a negative there is always a positive. He feels that this would be a super home for somebody, with the committee rejecting an application today because it is not fit to live in, and, in his view, nice houses such as this should be approved as they grow the economy. Councillor Benney expressed the opinion that the Council cannot keep turning down developments that bring quality and they should be supported.
- Councillor Mrs French agreed with the comments of Councillor Benney, it is an infill site and a quality home. She does not feel the property is too big and she would support it.
- Councillor Topgood stated that he cannot see any reasons to refuse this application, it is a rural location and obviously people need cars to get to and from most rural locations and it will be a lovely house for someone to live in.
- Councillor Miscandlon stated that he lives in a rural location, he has a bus come past his property once in the morning and once in the evening, which is not convenient meaning he has to use a car or motorbike, but it is a fact of life in rural locations that you are going to use a car.

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

**Members do not support officer's recommendation of refusal of planning permission as**

**they feel the proposal would not be detrimental to the environment in this location.**

*(Councillor Sutton declared an interest in this application, by virtue of the agent being his nephew and that he knows the applicant very well, having socialised with her in the past and sits on a committee with them, and retired from the meeting for the duration of the discussion and voting thereon)*

**P94/21**

**F/YR22/0019/PIP**

**LAND NORTH WEST OF 11 GLEBE CLOSE, MANEA**

**RESIDENTIAL DEVELOPMENT OF UP TO 2 DWELLINGS (APPLICATION FOR PERMISSION IN PRINCIPLE)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Joshua Newell, a supporter. Mr Newell stated his father has lived in Glebe Close his entire life with the land in question being where his father was born and brought up and the purpose of the application is to build two houses, one for himself and one for his brother. He stated that him and his brother have lived in Glebe Close since birth and the houses would be 3-bedroom family homes.

Mr Newell expressed the opinion that it is not backyard development as historically Glebe Close was built on greenfield land as affordable homes as a cul-de-sac close from the main road to Darcey Lode, which is the Manea ward boundary. He understands that another planning application for 26 dwellings is at present being considered by the Planning Department by a developer who has already built off Westfield Road towards Darcey Lode, which is adjacent to the land for this proposal.

Mr Newell expressed the view that the proposal would also provide enough space for 6 vehicles, 3 per property, and access is through Glebe Close, with the Highway Authority not giving any reason to refuse on access grounds. He made the point that recently, before Covid, another property has been built in Glebe Close and the close has recently been resurfaced in the last 18 months, which his family were heavily involved with.

Mr Newell expressed the opinion that availability of 3-bedroom houses in Manea are few and far between and allowing this development would allow himself and his brother to own their own homes within Manea, which would mean that they would not need to leave the village. As Manea is a designated growth village, he feels property is becoming scarce and the new car park at the railway station is pushing the cost of houses up meaning that a number of families are being pushed out of where they have been born and lived all their lives.

Mr Newell stated that the land for the proposal is part of a property that his family owns and is tenanted by a family member. He expressed the view that he has seen Manea being developed over a number of years with back garden development and permission has recently been given to two developments off Westfield Road, Smart Close and land at the Dairy Yard, and he believes their application is no different.

Mr Newell stated that for bin collection the wheelie bins would be put to the entrance of the property but still remain on the property not causing any obstruction on the road. He stated that if permission is given for the proposal as a family they are happy to work with officers via their architect to design affordable housing so they could stay in Manea.

Members asked questions of Mr Newell as follows:

- Councillor Topgood asked for clarification that the properties would be for Mr Newell and his family? Mr Newell responded that they would be for him and his brother.

Members asked questions of officers as follows:

- Councillor Murphy referred to 5.2 of the officer's report where it states that it is not possible given the limited information to determine whether two dwellings could be accommodated to include adequate parking and turning and asked if any further information had been provided on this? David Rowen responded that the application is a Permission in Principle one so there is no requirement to provide any further details above a plan showing the land outlined in red, therefore, no technical details have been provided.
- Councillor Murphy questioned if it is approved today then a query would still exist on whether it could accommodate two dwellings or not which seems to be the 'cart before the horse' scenario. David Rowen responded that this is the flaw of the Permission in Principle regime. Councillor Connor added that this application is only asking whether the land is acceptable for erecting two houses and if approved today, it would come back to officers for further discussion and agreement.
- Councillor Miscandlon asked why a Permission in Principle application had been submitted rather a full planning application and feels the planning system is being circumvented. He feels that discussions could have been held with officers and the proposal could have come forward as a proper planning application. Councillor Connor responded that it is a fairly new but legitimate planning regime and members need to decide whether the land is acceptable for two houses as no other information is provided. Councillor Miscandlon agreed that the application is to determine whether the land is suitable, but feels this could have been determined in discussion with officers at an earlier stage. Nick Harding responded that it is the applicant's choice as to whether they want to go down the Permission in Principle route, an outline route or a full application and it is not for officers to advise.
- Councillor Mrs French asked if the size of the land is known? She stated that she has listened to what Councillor Miscandlon has said but made the point this is a new route for people, if they do not want to go down the expensive route of a full planning application if the principle is agreed then the detail follows. Nick Harding responded that the land is 0.04 hectares. Councillor Mrs French stated that it is large enough for two dwellings and she does not have a problem with the application.
- Councillor Mrs Davis expressed the view that the purpose of Permission in Principle is to establish if two dwelling could fit on the site and whether an application would be acceptable. Nick Harding responded that the key to this application is, looking at the pattern of development on Glebe Close, the committee happy for a tandem type development to take place and as the access will pass along the line of the existing driveway that leads to the garage of the existing property and there would be two additional dwellings passing right in front of windows and side entrance to the existing property whether this is an acceptable relationship. He added that whilst it has been said that the properties are for family members of the applicant, this needs to be put aside as the occupancy cannot be restricted for these two dwellings to family members.

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

- Councillor Mrs Mayor stated that she always reads what the Parish Council says and Manea Parish Council strongly objects, and she can understand why officers have reached their recommendation.
- Councillor Sutton stated that members should not be questioning what planning route an application decides to take. He has mixed feelings on this site as if it is approved then the adjacent dwelling has a similar piece of land along with others in the close which would be difficult to resist and questioned would members want to see development in all these gardens?
- Councillor Connor reminded the committee that it should not be looking at what might happen in the future, it has to look at what is in front of it.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Mayor that the application be REFUSED as per officer's recommendation. This was not supported on a majority vote by

members with the use of the Chairman's casting vote.

Proposed by Councillor Mrs French, seconded by Councillor Topgood that the application be APPROVED against officer's recommendation. This was not supported on a majority vote by members.

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

*(Councillor Marks declared that he is a member of Manea Parish Council and the applicant is known to him on a business basis, and took no part in the discussion or voting thereon)*

*(Councillor Benney had left the meeting prior to this item and the remainder of the agenda items being discussed)*

**P95/21      F/YR22/0031/F**  
**LAND WEST OF THE SHIELING, LORDS LANE, WISBECH**  
**ERECT 3NO BUILDINGS AND SITING OF 2NO MOBILE HOMES FOR**  
**RESIDENTIAL USE AND THE FORMATION OF ASSOCIATED HARDSTANDING**  
**(PART RETROSPECTIVE)**

Alison Hoffman presented the report to members and drew their attention to the update report which had been circulated.

Members received a written representation, in accordance with the public participation procedure, from Alexandra Patrick, the agent, read out by Member Services. Ms Patrick stated that the application is for support for Mr and Mr Harrison to continue living on site, with the applicants being agricultural workers for local farmers, along with having their own business in agriculture that involves the orchard they live on, utilising fruit, the branches and logs of the apple tree. She expressed the view that the applicants live a simple life with little luxury and it would have been detrimental to show the income of the business on this occasion.

Ms Patrick stated that the applicants could not be at the meeting today due to the stress and anxiety that this application has on them, she asked members not to think of this as ignorance as their mental health is at stake. She made the point that the applicants have lived on the site for many years, applying for an agricultural building in 2007 for their machinery and tools as they continue to work in this domain.

Ms Patrick stated that the orchards on the land are maintained and utilised for the applicants own business to earn money and they also work to serve the farming community. She expressed the view that there has been support of their activities on the site and proof of their existence in the support letters, with them being an asset to the community, and the application has had tremendous support from local residents and the Town Council, imploring members to approve the application on the grounds of exception circumstances.

Ms Patrick noted the Environment Agency's objection to the application but expressed the view that the Council has approved mobile homes in and around the area, North Brink and Bevis Lane to name a few, which has set a precedence for this application, with the mobile homes set 500mm above ground level automatically aiding the flood measures. She stated that a confidential statement accompanied the application detailing the turmoil the applicants have had to deal with in their farming journey and why they ended up residing on this site having previously lived in farm worker dwellings.

Ms Patrick expressed the opinion that, whilst the application may not comply with all legislation, it would not cause harm to the rural character to the locality given the positioning of the mobile

homes and the current set up. She stated that they would be happy to accept a condition of only "Mr and Mr Harrison to reside on site. When the applicants cease to live there, the land will return back wholly to an agricultural orchard", which, in her view, helps prove that the applicants do not wish for monetary gain but to continue their simple, humble life on the land as long as they live there.

Ms Patrick asked members to support the application given the nature of the site and its location along Lords Lane, where, in her opinion, dwellings in this area are sporadic and have mainly agricultural and forestry ties as does this application.

Members asked officers questions as follows:

- Councillor Mrs Davis referred to the written representation mentioning two other sites that are occupied by mobile homes and asked if they are in Flood Zone 3? David Rowen responded that without knowing the exact sites being quoted it is difficult to answer, but the only site he can think of on Bevis Lane may be a traveller's site and detailed modelling on the site showed flooding not to be a significant risk. He made the point that there are comments from the Environment Agency on this application raising concern that the site could be flooded up to depth of 1.6 metres.
- Councillor Mrs Davis asked how long the applicants have been living on site in the existing buildings? Alison Hoffman responded that the applicants have owned the site for 16 years but have lived on the site more recently but less than 10 years otherwise they would have been able to apply for a Certificate of Lawfulness.
- Councillor Mrs French queried the planning permission given in 2007? Alison Hoffman responded that this was a Prior Notification for the shed, but it was not built in accordance with the plans. She stated that Prior Notification is to agree the principle of the building and officers' comment on whether Prior Approval can be given, with the notification showing the building in one location but it was built in another location. Councillor Mrs French stated that they have owned the land for 16 years and reiterated the question asked by Councillor Mrs Davis on how long they have lived on the land in these caravans?
- Councillor Sutton asked if the 10-year rule or 4-year rule for lawfulness applied to this site? Nick Harding responded that there is no lawfulness proposal so members cannot have a meaningful debate on how long the applicants have been on site or not and there is no evidence to conclusively say how long the applicants have been on the site. Councillor Sutton reiterated his question on whether the 10-year rule or 4-year rule applied? Nick Harding responded that because it involves a mobile home it would be a 10-year rule, but from the recommendation it is not the shed but the residential element that is being refused.
- Councillor Mrs French asked how long have the applicants have been on site, why has it taken so long for it to come to light and why has an application been submitted? David Rowen responded that 9.2 of the officer's report stated that the applicants have lived on site since 2016 and owned the site for 15 years so they have lived on site for five years. He stated that enforcement have become aware of the site, which has resulted in the application, but the Council does not have the resources to go around every location in Fenland to see what has been undertaken without planning permission. Councillor Mrs French asked if there is a date or year when enforcement first highlighted the issue? Nick Harding responded that he does not have access to the case files so is not in a position to answer this.
- Councillor Mrs French referred to the written representation which mentioned personal circumstances for the application which are confidential and whilst she acknowledged the need to comply with policies members need to be aware of the circumstances of them living on the site. She made the point that if this application is refused, there will be enforcement action, which will put the applicants out of their home and this needs treating carefully and sympathetically. Nick Harding stated that if someone has been residing at a location without the benefit of planning permission and receives a visit from an Enforcement Officer and are told they are occupying the land on an unauthorised basis and the advice given is that planning permission may be unlikely to be given, the persons involved might find that

situation stressful and there is a distinction to be drawn from that as a stressful situation as opposed to somebody having health issues that lie outside that personal circumstances of living on a site on an unauthorised basis. He made the point that should this application fail, the applicants would have a right of appeal and if an enforcement notice was served there is a right of appeal against this, so due process would have to be followed and if the enforcement process is instigated, officers would be aware of the potential homelessness situation and would give ample time for the applicants to find alternative accommodation.

- Councillor Mrs French asked if members are minded to approve the application could it be done on a temporary basis, such as two years, to give the applicants time to find suitable accommodation. Nick Harding responded that his advice would be to go with the officer's recommendation as officers have heard the views of Councillor Mrs French and would be mindful of giving that type of period for compliance with any enforcement notice should one be served. Councillor Mrs French stated that she knows how many people are on the waiting list and how people are struggling, but the applicants currently have a roof over their head which might not be ideal.
- Councillor Connor made the point that the applicants want to place better mobile homes on the site, which might not be viable if temporary permission is given.
- Nick Harding advised that this is an open countryside location so national and Local Plan policy says that you cannot have a dwelling in this location unless in relation to agriculture or forestry, but an agricultural concern has to be a viable concern to support the household and it has not been demonstrated that a living can be made from this site. He added that there are also flood risk issues with the site.
- Councillor Mrs French asked if the applicants are travellers? David Rowen responded that the application is quite clear that the applicants do not fall within the definition of a traveller.
- Councillor Marks asked if the age of the applicants was known? Nick Harding responded that this is a not a material planning consideration.

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

- Councillor Skoulding expressed the view that he can see why the applicants want to live on site as they have their equipment there and getting them stolen could ruin them. He stated that he is leaning toward going against the officer's recommendation.
- Councillor Sutton expressed the view that it is a difficult decision as it is a heart against your head position. He feels there are anomalies in what members are being told as it is being stated that the applicants did not know they needed planning permission which is contradicted by an application in 2007 on the site. Councillor Sutton stated that if he was voting with his heart he would go against officer's recommendation, but his head is telling him that members are not being told the whole truth. He acknowledged that the report does state that officers have sympathy and empathy for the position the applicants are in, but he does not think he can support the application unless it was for a limited time.
- Nick Harding asked what the objective would be in granting a temporary consent as in an agricultural dwelling you would only normally allow a temporary consent to allow the enterprise to demonstrate it is viable and to see what the performance of the enterprise has been in reality. In this case, he stated that no financial evidence has been provided and given the limited size of the site he cannot see how it could be a going concern.
- Councillor Mrs French questioned whether it was possible to defer the application for further information?
- Councillor Sutton agreed with the comments of Nick Harding as he feels that the applicants could not prove they needed one dwelling on the site let alone two and if the committee support the officer's recommendation is it within the committee's gift to say that we appreciate the applicants need time to find alternative accommodation and put a time limit on the enforcement. Councillor Connor stated that it has been intimated that enforcement could possibly take a couple of years anyway. Councillor Mrs French said she would not want the enforcement action expediated.
- Councillor Mrs Davis expressed the view that the point is being missed that the site is in Flood Risk Zone 3, with members talking about going against officer's recommendation and

placing 2 mobile homes on a Flood Risk Zone 3 site, which is against all policies.

- Councillor Mrs French stated that a temporary permission would give the applicants time to find somewhere else to live.
- Councillor Mrs Mayor referred to part of the application being retrospective and asked what part? Alison Hoffman responded that the retrospective aspects are the agricultural buildings, hard standing and 3 caravans on the site, which are not in the best state of repair and it is the intention to replace these 3 with 2 new ones.
- Nick Harding stated that it has been confirmed with the Case Officer that no health report was submitted with the planning application, which seems to suggest that the current stress being endured by the applicant is whether they are going to obtain planning permission.
- Councillor Murphy stated that he has listened to the debate but feels that officers have got the recommendation correct.

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

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

*(Councillor Topgood left the meeting during the discussion on this application and was not present for the voting thereon. He was absent for consideration of the remaining agenda items)*

**P96/21      F/YR21/0582/O**  
**G AND J PING LIMITED, 63 COATES ROAD, EASTREA**  
**ERECT UP TO 18 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING**  
**BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Alison Hoffman presented the report to members.

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

- Councillor Mrs French stated that she has visited the site and feels the residents would prefer to have a residential rather than the current commercial use on this site so agrees with the officer's recommendation.
- Councillors Skoulding and Murphy both supported the officer's recommendation.
- Councillor Sutton referred to the comments of the Town Council, who recommend refusal based on LP3, and whilst he takes note of this he feels the preference for development on a brownfield site seems to be lost. He asked why you would not want to remove lorries from this site and replace it with a few cars? Councillor Sutton stated that he cannot see anything wrong with the application, it is a brownfield site which should be supported in preference to greenfield.

**Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed 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 discussion and voting thereon)*

*(Councillors Marks and Mrs Mayor had left the meeting prior to the discussion and voting on this application)*

**P97/21      PREVIOUS MINUTES - CONFIDENTIAL**

The confidential minutes of the meeting of 9 February 2022 were confirmed and signed as an

accurate record.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

5.10 pm Chairman

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F/YR21/1346/F

**Applicant: Mrs H Carver**

**Agent : Mr J Scotcher**  
**Morton & Hall Consulting Ltd**

**Bromsgrove House, Honeycombe Road, Chatteris, Cambridgeshire PE16 6SB**

**Change of use of land to residential curtilage and erect a two-storey self-contained residential annex involving the demolition of existing outbuilding**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1** The application site is located at the northern built end of Fenton Lode and to the western side of the industrial units fronting the A141 Fenland Way which skirts Chatteris on its western side.
- 1.2** The application proposes the construction of a two-storey annexe plus its own residential curtilage on the site of an existing single-storey former agricultural building. Both the site of the annexe and its associated garden are located on land considered as countryside and agricultural use.
- 1.3** The proposed annexe is intended to provide accommodation for the Bromsgrove House occupants' daughter, partner and three children.
- 1.4** The site is located within an area of minimal residential development (two dwellings) away from the main built up part of the settlement and the daughter's business in the town.
- 1.5** The proposal is of a form where it represents independent living accommodation and its own separate generous area of private garden, set back on the site and atypical of the adjacent two dwellings, with an adverse impact upon the character and appearance of the area.
- 1.6** The site is located within an area designated as Flood Zone 3 and the Flood Risk Assessment addresses and meets with the requirements of the Exception Test as confirmed by the Environment Agency. However, Members will be aware that the LPA also needs to apply the Sequential Test, directing new development to areas at lower risk of flooding, with Flood Zone 1 land available within Chatteris.
- 1.7** The recommendation is therefore for refusal of the application.

## **2 SITE DESCRIPTION**

- 2.1 The site is located at the northern end of Fenton Lode or Twenty Foot Drain, approximately 170m North of the junction with Honeysome Road, itself 1 km south of the roundabout junction of the A141 Fenland Way, bypassing Chatteris to the west.
- 2.2 The access road to the site incorporates C & G Coaches on its western corner and an electricity substation to its eastern side. The Lode is an unadopted byway serving agricultural buildings and two detached dwellings at its northern end and provides access for maintenance of the adjacent drain.
- 2.3 Between the application site and Fenland Way to the East there is a variety of commercial units on the Honeysome Industrial Estate, including SS Motors' fuel depot, Stainless Metalcraft to the south and a variety of mixed engineering firms and a larger retail outlet to the north.
- 2.4 The two houses along the Lode are in an isolated position away from other new and established housing development situated on the eastern side of Fenland Way, comprising the main built-up area of the town. To the North, West and mainly to the South of the application site there is currently open agricultural land.
- 2.5 It is acknowledged that permission has been granted for a large housing development at Womb Farm, further to the north, and west of Fenland Way. This is the other side of the Twenty Foot Drain and is a comprehensively planned development closely associated with established links into the town itself.
- 2.6 The application site itself comprises a detached bungalow served off the Lode and established rear curtilage and small front garden.  
There is one unassociated detached frontage dwelling to the immediate south of the site, then an assortment of farm buildings, with the established coach company at the junction with Honeysome Road.
- 2.7 Along the northern side of the red-lined application site there is an older, utilitarian single-skinned brick, former agricultural building, not apparently in use at the present time. The application site includes this outbuilding, plus agricultural land adjacent to its south, of a slightly larger scale to that of the defined rear garden to the dwelling at Bromsgrove House itself.

A static caravan is situated to the immediate south of the dwelling but the proposals does not relate to its retention or removal.

### **3 PROPOSAL**

- 3.1 The application seeks permission for the construction of a detached annexe following demolition of the agricultural building on the northern side of the red-lined site, and the change of use of agricultural land to residential curtilage for the use by the occupiers of the annexe.
- 3.2 For comparison purposes, the existing outbuilding has a floor area of 144 square metres and a ridge height to the roof of 3.5m.

The new annexe building is proposed to be built in a similar position to the demolished structure with a floor area of 130 square metres with accommodation over two storeys, with raised eaves and overall height to roof ridge of 6.0m.

- 3.3 At ground-floor level the annexe would accommodate a lounge, diner and kitchen area with separate utility and office rooms, a W.C. and hall with staircase to the proposed first floor. At its eastern end of the ground floor, the annexe would incorporate a 6m x 6m workshop/store. At first floor level, the annexe would provide 3 bedrooms, 2 with en-suite bathrooms, a separate bathroom, landing and storage space. Given this level of accommodation the development would be tantamount to a new dwelling rather than ancillary accommodation to the main house.
- 3.4 Most of the annexe's fenestration at ground floor level would face south towards the proposed curtilage to the annexe, incorporating a porch to the front entrance door on this side. 9 individual rooflights would be inserted in the south-facing roof slope, with two additional to the northern roof slope.
- 3.5 Two windows at ground floor level, overlooking the agricultural land beyond would serve the individual office and utility rooms. A four-paned ground to ceiling opening would be provided to the western elevation providing attractive views across the open countryside. On the east (front-facing elevation), an enlarged vehicular opening is shown.
- 3.6 Full plans and associated documents for this application can be found at:  
[F/YR21/1346/F | Change of use of land to domestic and erect a two-storey residential annex involving the demolition of existing outbuilding | Bromsgrove House Honeysome Road Chatteris Cambridgeshire PE16 6SB \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building/planning/applications/online-applications/online-application/F/YR21/1346/F%20|%20Change%20of%20use%20of%20land%20to%20domestic%20and%20erect%20a%20two-storey%20residential%20annex%20involving%20the%20demolition%20of%20existing%20outbuilding%20|%20Bromsgrove%20House%20Honeysome%20Road%20Chatteris%20Cambridgeshire%20PE16%206SB%20(fenland.gov.uk))

## 4 SITE PLANNING HISTORY

- 4.1 No relevant history to application site.

## 5 CONSULTATIONS

- 5.1 **Town Council:** Support
- 5.2 **Environment Agency:** No objection based on the submitted flood risk assessment being listed as an approved document in any decision and to which development must adhere.
- 5.3 **Environmental Health:** No objection subject to the imposition of a precautionary unsuspected contamination condition
- 5.4 **Local residents/supporters:** Six letters of support from residents of Chatteris (Station Road, Hive End Court, Westbourne Road, Fairway, Green Park and Lancaster Way) on the following grounds:-
  - Allows applicant to live in proximity to her business in Chatteris;
  - Provides suitable standard of accommodation for the applicant and her family close to her parents.

## 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)**  
Determining a planning application

### **National Design Guide 2019**

Context  
Identity  
Built Form  
Homes and Buildings

### **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  
LP10 – Chatteris  
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

## 8 KEY ISSUES

- **Principle of Development**
- **Visual Amenity/Form and Character**
- **Types of development**
- **Health and wellbeing**
- **Flood Risk**

## 9 ASSESSMENT

### **Principle of Development**

- 9.1 The site is located at the edge of Chatteris, in what is considered an outlying area to the town transitioning to open countryside, and is bisected by Fenland Way from the available services and facilities, public transport and general infrastructure available within the town. However, broadly it is a location where residential development may be considered appropriate in principle subject to acceptable impacts, notwithstanding its relative lack of sustainability.
- 9.2 The annexe proposed falls outside the established residential curtilage of the existing dwelling and proposes the construction of a new building and its own associated curtilage, rear of and separate to the main dwelling and proposed on agricultural land.
- 9.4 An annexe is usually considered to be subservient in scale to the main dwelling and tends to be based on a dependency need. It would also be required to be located close to and within the same established curtilage to the host dwelling.

9.5 The scale and form, location beyond the curtilage and on agricultural land, and lack of dependency case advanced is not considered to comprise annexe accommodation but a separate dwelling in its own right.

### **Visual Amenity form and character**

9.6 The site of the proposed annexe is visible from the north and west across open agricultural land. From the east, the site is mainly screened by larger industrial units, and similarly from the approach to the south.

9.7 The new building is significantly taller and its massing and bulk does not reflect the original low-key farm building proposed to be demolished. The new-build annexe is also of a design and form which fails to respect the rural characteristics of the locality, incorporating significant domestic scale uPVC fenestration and features discordant with a rural location.

9.8 Significant space proposed to be used as a separate domestic curtilage will be located on undeveloped agricultural land and its domestication will further undermine the rural character and appearance of the area, presumably incorporating domestic fencing, planting and ancillary domestic structures.

9.9 The new-build also fails to reflect existing building characteristics in the locality: Adjacent built form in the locality is of frontage development to the two domestic properties to the south and further along Fenton Lode to the South. The proposed siting of a new building of this scale would fail to reflect the building characteristics in the locality by virtue of its siting to the rear of existing frontage development typical in the locality and on this side of the drain.

### **Residential Amenity**

9.10 The application proposes the creation of a separate area of curtilage for the annexe which would provide an appropriate level of amenity space for future occupiers.

9.11 As the development is essentially self-contained the possible relationship with Bromsgrove House also needs to be considered. Other than the shared car parking and access arrangement it is not considered that there would be any undue impacts.

### **Flood Risk**

9.12 The site is located within an area identified as falling within Flood Zone 3 and at an increased risk of flooding and therefore representing a risk to property and life.

9.13 A flood risk assessment has been submitted during the course of the application which has been deemed by the Environment Agency to satisfactorily address the Exception Test.

9.14 However, a Sequential Test is also required to be met in areas at high risk of flooding, directing new development to areas at lower risk of flooding in the first instance. There are available sites within Chatteris at a lower risk of flooding to the application site.

9.15 In this case the Sequential Test has not been met.

## Other Matters

9.16 Several of the responses received to the application make reference to the development allowing the applicant to be close to their business within Chatteris. Given the location of the site at the fringe of the settlement on the 'other side' of the A141 and the plentiful supply of housing within the main part of the settlement it is not considered that this is a matter which can be given any weight.

## 10 CONCLUSIONS

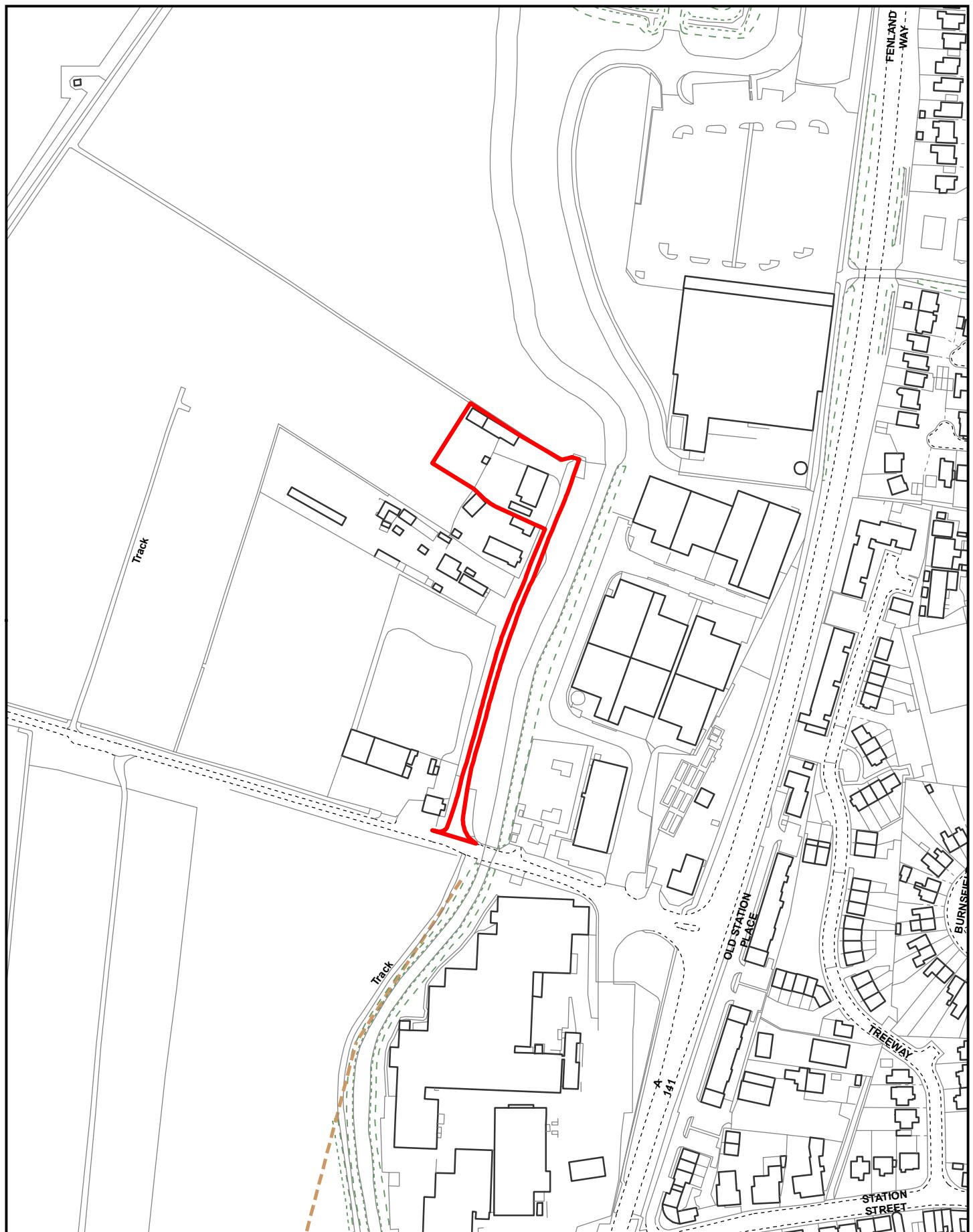
10.1 From the above assessment it is considered that the proposal represents an unjustified and unsustainable form of new residential development in an inappropriate and unsustainable location, and of an inappropriate character and appearance to the detriment of the visual amenities of the area and undermining the character and appearance of the countryside.

10.2 Additionally, the site is at a higher risk of flooding and there are sites at a lower risk of flooding elsewhere in the town. On this basis the proposal fails to meet the Sequential Test as required by the NPPF and the development plan.

## 11 RECOMMENDATION

**Refuse**, for the following reasons:

1.	<p>The proposal would result in the construction of a self-contained residential unit and separate curtilage to the host dwelling, of a form and character not in keeping with other development in the locality and encroaching on land categorised as countryside and thereby protected for its own sake.</p> <p>The proposal would fail to accord with the National Planning Policy Framework 2021 and Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.</p>
2.	<p>The area is identified as falling within Flood Zone 3: Paragraph 162 of the NPPF 2021 requires such development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites readily available within Chatteris on land which is categorised at a lower risk of flooding (in particular Flood Zones 1 and 2), the proposal essentially involves the construction of a new dwelling on land which is at greater risk of flooding and the Sequential Test has not therefore been met. Consequently, the application is considered to be contrary to paragraph 162 of the NPPF 2021 and Policies LP14 and LP16 of the adopted Fenland Local Plan 2014.</p>



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**F/YR21/1346/F**

Scale = 1:2,500



 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council



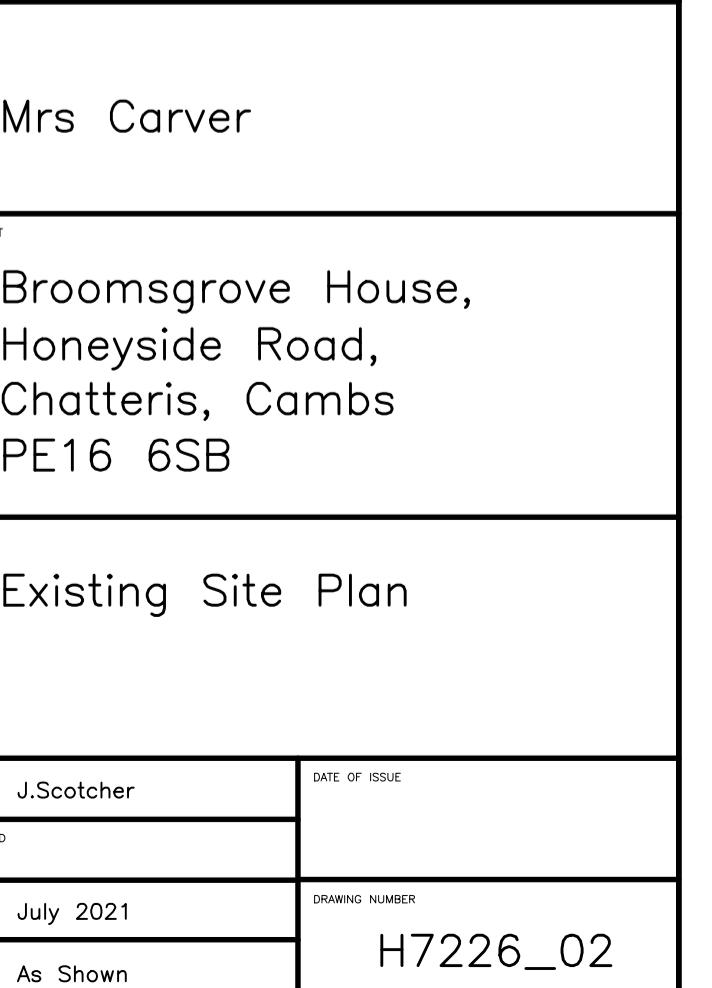
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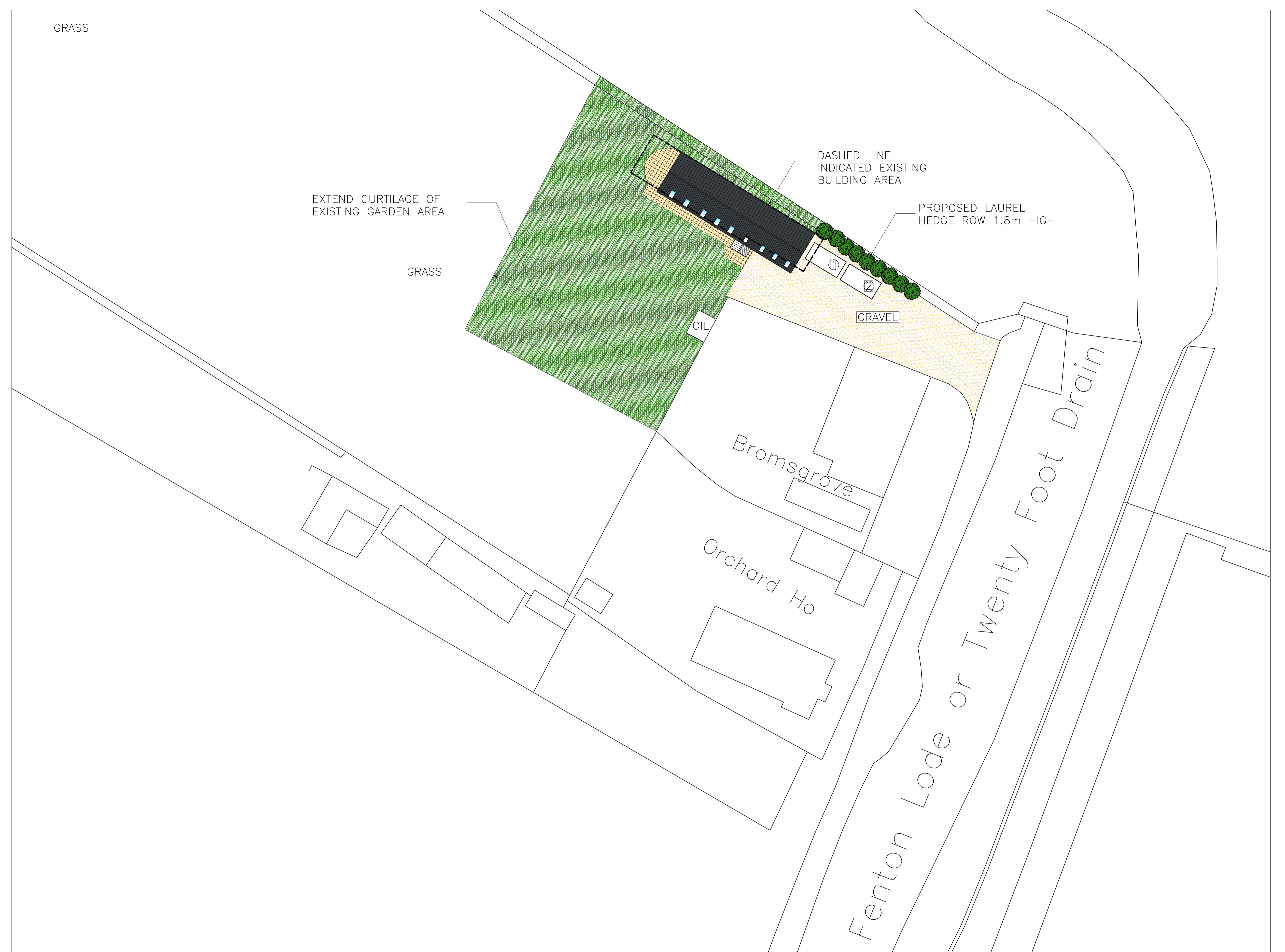
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified then and/or be of the standard appropriate to the work and suitable for the purpose stated 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. Material 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 Building NBCC as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.

All finishes, insulation and damp-proofing to architect's details





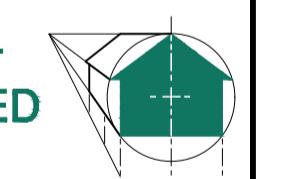
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A	CLIENT COMMENTS	SEP 2021
	REVISIONS	DATE

<b>MORTON &amp; HALL CONSULTING LIMITED</b> 	
1 Gordon Avenue, March, Cambridgeshire. PE15 8AJ	Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk
	

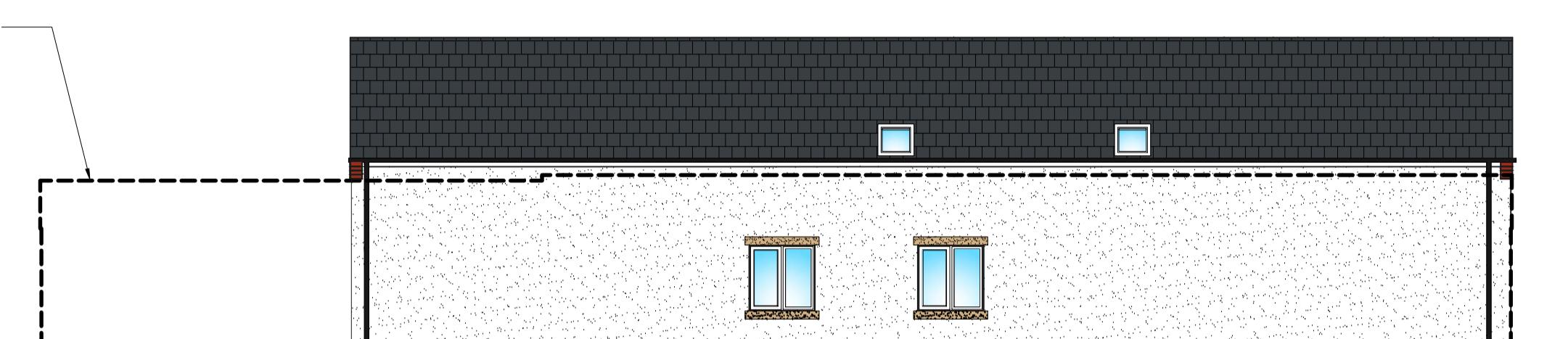
Mrs Carver	
PROJECT	
Broomsgrove House, Honeyside Road, Chatteris, Cambs PE16 6SB	

Proposed Site Plan	
DRAFTER	DATE OF ISSUE
J.Scotcher	
CHECKED	
DATE	July 2021
SCALE	As Shown
DRAWING NUMBER	H7226_03A



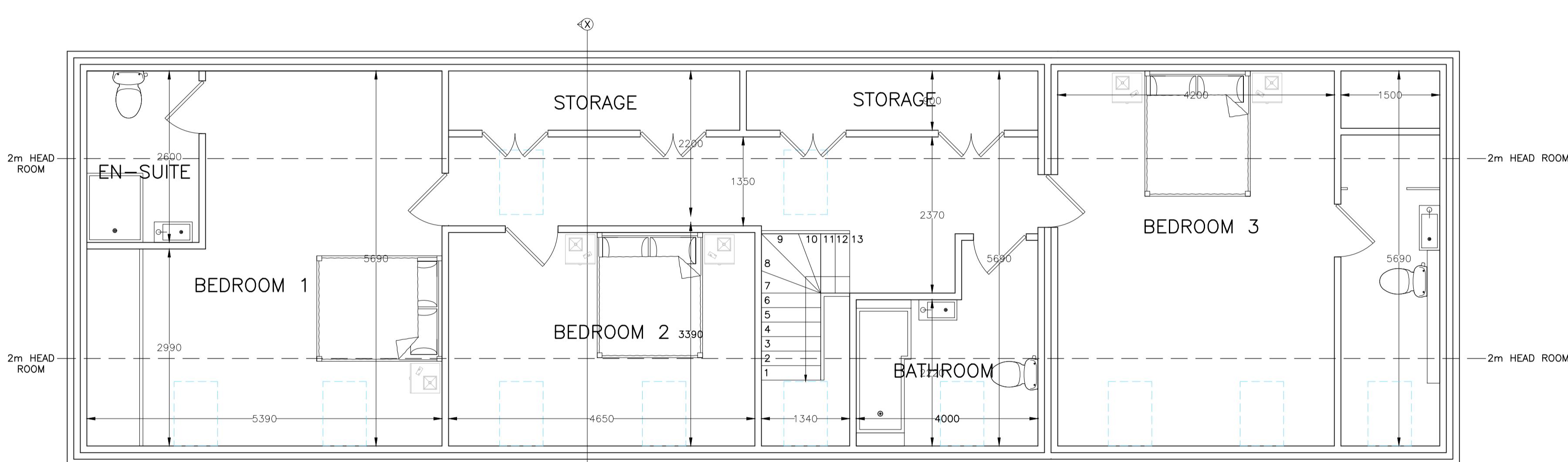
PROPOSED LEFT HAND SIDE ELEVATION (1:100)

1:100 METERS



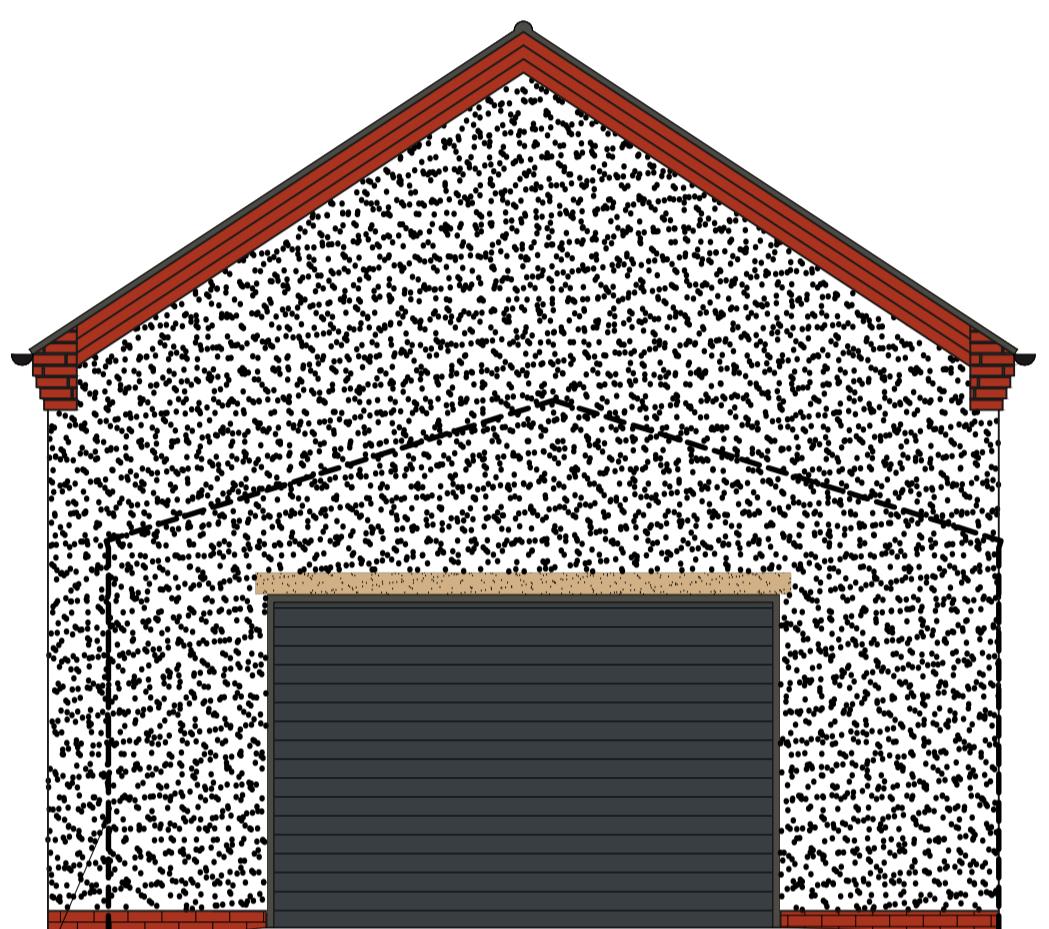
PROPOSED RIGHT HAND SIDE ELEVATION (1:100)

1:100 METERS



PROPOSED FIRST FLOOR PLAN (1:50)

1:50 METERS



PROPOSED FRONT ELEVATION (1:50)

1:50 METERS

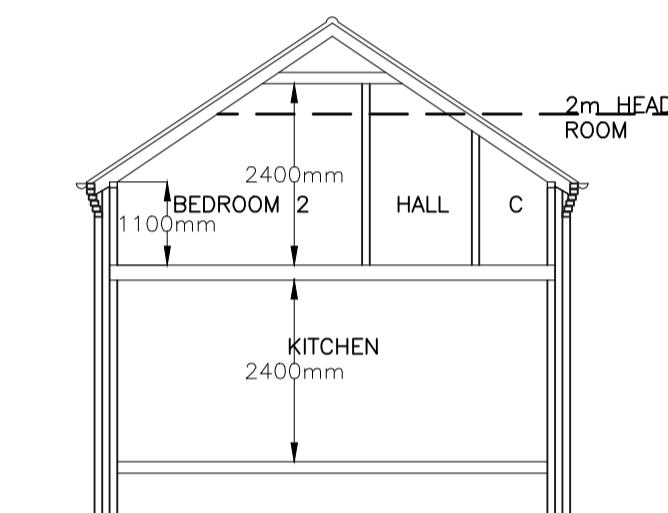
MATERIALS MAIN HOUSE:

WALLS : OFF WHITE RENDER WITH RED BRICK DETAILING TO MAIN BUILDING

ROOF : GREY ROOF TILE

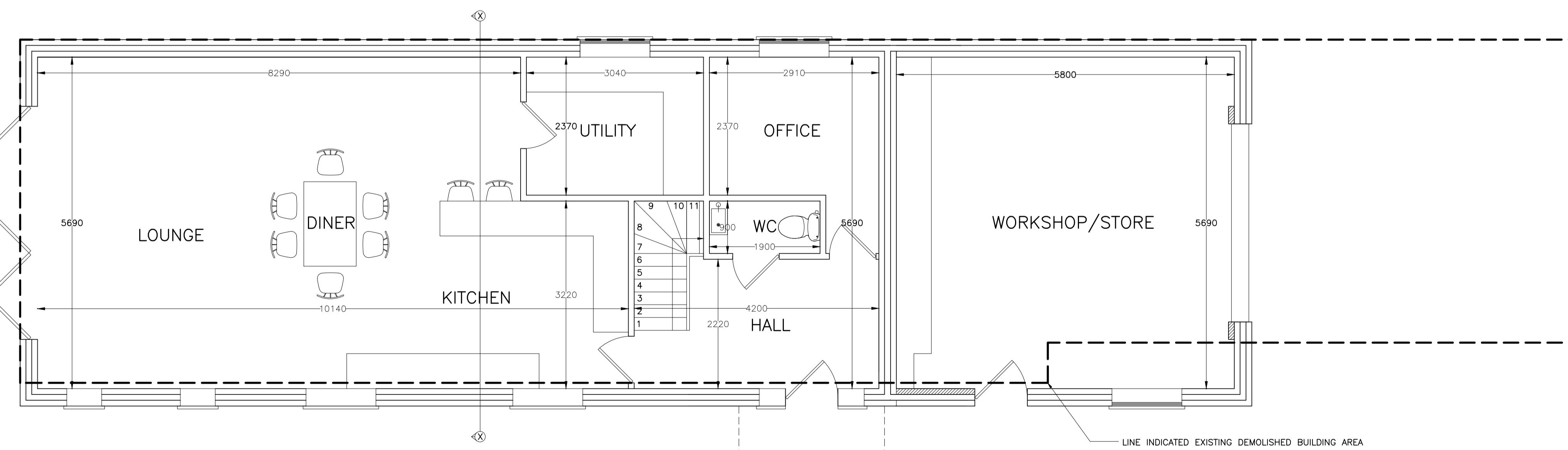
JOINERY: WHITE UPVC

RAINWATER : BLACK GUTTERS & DOWNPipes



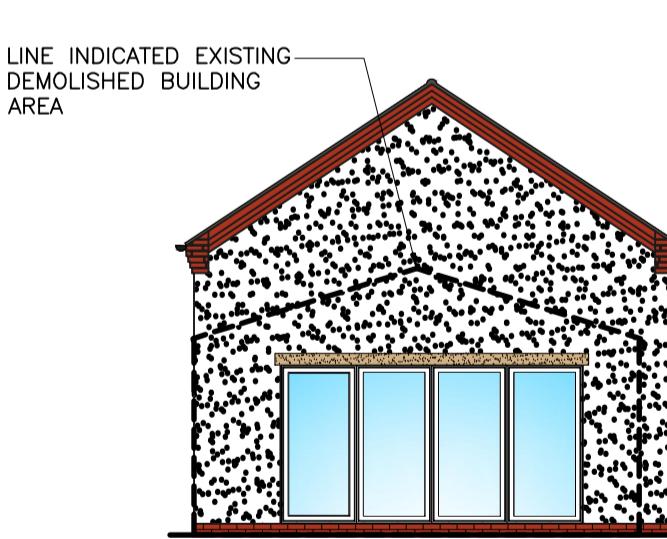
SECTION X-X (1:100)

1:100 METERS



PROPOSED GROUND FLOOR PLAN (1:50)

1:50 METERS



PROPOSED REAR ELEVATION (1:100)

1:100 METERS



Mrs Carver  
PROJECT  
Broomsgrove House,  
Honeyside Road,  
Chatteris, Cambs  
PE16 6SB

Proposed Building  
Arrangements

DRAWN	J.Scotcher	DATE OF ISSUE
CHECKED		
DATE	July 2021	DRAWING NUMBER
SCALE	As Shown	H7226_04c

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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 Building NBCC as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details

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All finishes, insulation and damp-proofing to architect's details

F/YR21/1522/O

**Applicant: Mr & Mrs Cutteridge**

**Agent: Mr Ian Gowler**  
**Gowler Architectural**

**Land South East Of Norbrown, Hospital Road, Doddington, Cambridgeshire**

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

**Officer recommendation: Refusal**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for up to 2 dwellings with all matters reserved, though access is indicated from Hospital Road.
- 1.2 It is considered that the development will result in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of two dwellings are not considered sufficient enough to outweigh this harm, particularly given the location of the dwellings in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.
- 1.3 The meaningful benefits derived from two market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.
- 1.4 The proposal is therefore considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of dwellings in an unsustainably linked area having regard to the development plan when taken as a whole. Likewise, the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.
- 1.5 Consequently, the recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is paddock land, however, appears to be being used as storage in relation to the construction of the frontage development. There is an informal gated field access off Hospital Road, and the access in relation to the new dwellings has been partially constructed, there are electricity poles running alongside the access. Hospital Road is a single track country lane characterised by high hedges and landscaping along both sides of the road. There are no footpaths only grass verges and a distinct lack of lighting along the road.

## **3 PROPOSAL**

3.1 The application seeks outline planning permission for up to 2 dwellings with all matters reserved, though access is indicated from Hospital Road.

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

[F/YR21/1522/O | Erect up to 2no dwellings \(outline application with all matters reserved\) | Land South East Of Norbrown Hospital Road Doddington Cambridgeshire \(fenland.gov.uk\)](https://fylkeweb.fenland.gov.uk/online-applications/F/YR21/1522/O)

#### 4 SITE PLANNING HISTORY

F/YR21/0475/RM	Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale (for 1 x plot only) pursuant to outline permission F/YR20/0182/O to erect 1 x dwelling (2-storey, 4-bed)	Approved 29/07/2021
F/YR20/0182/O	Erect up to 2 x dwellings (outline application with matters committed in respect of access)	Granted 15/06/2020
F/YR19/0667/O	Erect up to 2 x dwellings (outline application with matters committed in respect of access)	Refused 23/9/2019
NW/67/63/D	Erection of a pavilion	Granted 20/12/1967

#### 5 CONSULTATIONS

##### 5.1 Cambridgeshire County Council Highways

*I note that 2 dwellings have got planning permission for the front part of the site under F/YR20/0182/O, although the officer recommendation was to refuse planning permission. The recommended refusal (1) at that time was:*

1 The site is considered to be located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities due to the lack of footpaths and street lighting, as such it would not provide a suitable location for housing. Consequently, it also conflicts with Policy LP15 of the FLP, which requires development to be located so that it can maximise accessibility, help to increase the use of non-car modes and provide safe access for all, giving priority to the needs of pedestrians.

The development is therefore contrary to Policies LP3, LP12 and LP15 of the Fenland Local Plan 2014 and the aims of the NPPF 2019 and NDG 2019.

*The current application will add a further two dwellings to the site onto a road with the same shortcomings as before of single vehicle width and no passing bays, footways and or street lighting. There are therefore cumulative impacts from*

*adding the further two dwellings which leads me to object to the application with the site being contrary to FDC Local Plan policy LP15.*

## **5.2 Environmental Health (FDC)**

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

## **5.3 Parish Council**

*Doddington Parish Council, at its meeting on Wednesday evening, voted to object to the above planning application on the grounds that this is a back filling development which will erode into the outlying fields. Access to the proposed development will be via a poorly maintained lane with no footpaths.*

## **5.4 Wildlife Officer (FDC)**

*I can tell from the photos that the grass land at the time of the photo does not provide any suitable habitat for GCN and as such no assessment is necessary.*

*The removal of the trees might be an issue depending on when they did it however as you mentioned that is an enforcement issue. I would be glad to provide advice on that in the future.*

*Based solely off the redline boundary and the photos I would say the only ecological conditions necessary involve protection of the hedge along the proposed access and insurance that no vegetation would be removed during bird nesting season without an ecological survey first.*

## **Local Residents/Interested Parties**

5.5 11 supporting comments have been received (3 from Hospital Road, 1 from The Rowans, 1 from The Oaks, 1 from Askham Row, 1 from Benwick Road, all Doddington; 1 from Gaul Road and 1 from Dartford Road, March, 1 from Norfolk Street and 1 from Norman Way, Wimblington), in relation to the following:

- Housing need
- Area already developed
- Excellent location
- Help the village with family homes
- Support local businesses
- Would not impact landscape or local services
- Support on condition that passing places are provided to allow increased traffic to pass on single track road
- Does not compromise privacy of other residents
- Pathways may be required due to width of the road
- Ensure construction traffic does not block road
- Improve the upkeep of roads
- Land has only been used for grazing and planting of gardens will improve environment/wildlife
- Local employment needs affordable housing for its labour

5.6 7 Objections have been received (6 from Askham Row and 1 from Hospital Road, all Doddington) in relation to the following:

- The village is over local plan housing threshold; no need for additional homes. Contrary to LP12 as Parish Council objects and no clear community support

- Hospital Road is narrow with no street lights or footpaths, used by walkers and for access to dwellings and mega plants nursery, 60mph speed limit and lack of passing places; issues of highway safety
- The site is in the countryside and contrary to Policy LP12 Part A
- Application does not purport to satisfy the 'elsewhere' criteria of LP3 and does not appear to be seeking to provide affordable homes
- Would have a significant impact on the character of the area, at odds with prevailing character, will prevent views of countryside from Hospital Road
- Significant and harmful urbanising effect on this rural area
- Would set a precedent for further development
- Under planning law developments must be determined in accordance with the development plan unless material considerations indicate otherwise; scheme is contrary to policy and no evidence to justify
- Hospital Road can barely withstand traffic currently, more homes will add to this
- Neighbour has a right of way over access to the site and matter is with solicitors

5.7 Issues where they relate to planning matters will be addressed in the sections below.

5.8 It was verbally confirmed with the neighbour that they do not own the access, but rather have a right of way over it, as such the ownership certificate submitted would be correct and the contested right of way would be a civil matter outside the planning process of which they have been advised.

## **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 – 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

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

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

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

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Visual Amenity**
- **Residential Amenity**
- **Highways/parking**
- **Ecology**
- **Flood Risk**

## **9 BACKGROUND**

9.1 The initial application for the frontage plots (F/YR19/0667/O) was refused on 23/9/2019 for the following reasons:

*The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, which seeks to direct development to the most sustainable areas; the proposal does not fall within any of the categories which would be considered acceptable under Policies LP3 and LP12 and is considered to be located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. As such the development would be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014 and the aims of the NPPF 2019.*

*Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD and para 127 of the NPPF 2019 seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character. The development of two dwellings on this site and infilling the space between the hospital site and Norbrown would be at odds with the dispersed nature of the development along Hospital Road and would have an urbanising effect on this rural site, to the significant detriment to the character of the area and contrary to the aforementioned policies.*

9.2 Subsequent application F/YR20/0182/O, which made no attempt to address the reasons for refusal, was granted by Planning Committee contrary to officer recommendation and plot 1 of this scheme is nearing completion.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Policy LP3 of the Fenland Local Plan identifies Doddington as a 'growth Village' where development and new service provision either within the existing urban area or as a small extension will be appropriate.

10.2 The site is located north of Doddington Hospital and to the east of Hospital Road and does not benefit from adjoining the built area of Doddington and is therefore considered contrary to Policy LP12 (a) of the Fenland Local Plan 2014.

10.3 Policy LP12 defines the developed footprint of the village as the continuous built form of the settlement and excludes:

- a) Individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
- b) Gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement;
- c) Agricultural buildings and associated land on the edge of the settlement.

10.4 The site is located off Hospital Road, a single track road with no footpaths or street lighting, narrow verges and high hedges either side with open undeveloped areas of land surrounding, hence it is considered to relate more closely to the open countryside than the built form. There are three dispersed dwellings to the north along Hospital Road, however these all obtained planning permission as agricultural dwellings; Norbrown (NR/70/45/D); Woodfield (F/YR04/3004/F) and Cutteridge (F/0790/76/F) further supporting this view. It is acknowledged that the site adjoins the recently approved/constructed frontage development of 2 dwellings, however this does not set a precedent for in depth development and its associated cumulative harm and urbanisation. The proposal would not therefore be compliant with Policy LP12 (Part A-D).

10.5 Therefore the introduction of 2 market dwellings in this location will be at odds with the prevailing form of development and is clearly contrary to Policy LP3 of the Fenland Local Plan.

10.6 NPPF para 78 sets out that:

*“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.”*

10.7 No specific evidence has been provided as to why there is a need for housing in this particular area. Such evidence may be a functional need e.g. agriculture, or for example a rural exception site to bring forward affordable housing. This application seeks permission for a two market dwellings.

10.8 NPPF paragraph 79 sets out that;

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”.*

It is acknowledged that development should help to enhance or maintain the vitality of rural communities, however given that Doddington is a growth village which has exceeded its growth projection it is difficult to argue that two further dwellings would indeed enhance the vitality of Doddington. Compounding this is the limited opportunities to sustainably access these services with pedestrians and cyclists having to use a single track road with no footpath or lighting which undoubtedly would place a reliance on the use of private motor

cars which runs contrary to the aims of the Local Plan and the transport aims of the NPPF.

### **Design and Visual Amenity**

10.11 Policy LP16(d) requires development to make a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. Policy DM3(d) of the 'Making a Positive Contribution to Local Distinctiveness and Character of the Area' SPD sets out that the character of the landscape, local built environment and settlement pattern should inform the layout, density, proportions, scale, orientation, materials and features of the proposed development, which should aim to improve and reinforce positive features of local identity. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused.

10.12 Notwithstanding the in depth development of the hospital site, which fronts Benwick Road, and has no relationship with Hospital Road, the pattern of development is open countryside interspersed with sporadic dwellings which front and have a relationship with Hospital Road, the road itself is a single track lane with high hedges alongside contributing to the distinct rural character as it leads away from the village and the built environment.

10.13 The development of two dwellings on this site behind the frontage plots and creating in depth development would be at odds with the dispersed, frontage nature of the development along Hospital Road and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area. Furthermore, if approved, the development would set a precedent for additional in depth piecemeal development, with further incremental encroachment into the countryside, urbanisation and loss of openness with even more significant cumulative impacts.

10.14 The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 which seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character.

### **Residential Amenity**

10.15 Whilst all matters are reserved, the application site is of such a scale that there is scope for a policy compliant scheme in relation to the impact on residential amenity of existing and proposed dwellings and the proposed dwellings.

10.16 No waste storage or collection strategy has been indicated, it is unclear whether a refuse vehicle would be able to enter the site and if that is not the case a collection area would be required within 10m of the highway, this would require residents to carry bins far in excess of the 30m required by RECAP guidance and would result in further urbanisation.

### **Highways/parking**

10.17 The LHA object to the proposal on the basis of the further cumulative impacts from adding the further two dwellings. The site is approximately 230m from Benwick Road, with the potential for pedestrian/cycle and vehicle conflict as there are no footpaths or street lighting along the single track Hospital Road to enable Benwick Road and then the services and facilities within the village of Doddington to be reached safely. As such the proposal would be contrary to Policy LP2 and LP15

which seek to provide sustainable, adequate and safe access to essential services and chapter M1 of the NDG 2021 which seeks to prioritise pedestrians and cyclists by ensuring that routes are safe, direct, convenient and accessible for people of all abilities and that people should not need to rely on the car for everyday journeys.

10.18 It is acknowledged that there is a current application in relation to the Mega Plants site (F/YR22/0032/F) which proposes the widening of Hospital Road in four locations to enable passing. The application is still pending consideration with the LHA having raised questions regarding the suitability of these. Notwithstanding this, the passing bays do not form part of this application and would not result in the location being any more sustainable with the lack of footpaths, light and potential for pedestrian/cycle and vehicle conflict.

### **Ecology**

10.19 The site is identified as being in an Amber Zone for Great Crested Newts (GCN); Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal. Advice has been obtained from the Wildlife Officer in this regard who considered that the site does not provide any suitable habitat for GCN and as such no assessment is necessary.

10.20 Reference was made in relation to retention of the hedge and vegetation, however this falls outside the site.

### **Flood Risk**

10.21 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. The site has 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.

## **11 CONCLUSIONS**

It is considered that the development will result in significant and demonstrable harm to the character and appearance of the area. The limited benefits derived through the erection of two dwellings are not considered sufficient enough to outweigh this harm, particularly given the location of the dwellings in relation to local services which will likely result in a primary reliance on private motor vehicles contrary to the transport aims of the Local Plan and the NPPF.

11.2 The meaningful benefits derived from two market dwellings to the vitality and viability of the nearest settlement would be very modest. Notwithstanding this, there appears to be no demonstrable need for dwellings in this location.

11.3 The proposal is therefore considered to constitute unsustainable development due to an unacceptable harm to the character of the area and the introduction of dwellings in an unsustainably linked area having regard to the development plan when taken as a whole. Likewise, the development is considered to conflict with the design and overall sustainability aims as set out in the NPPF.

## **12 RECOMMENDATION**

### **Refuse for the following reasons:**

- 1 The site is considered to be an 'elsewhere' location in respect of Policy LP3 and the settlement hierarchy, which seeks to direct development to the most sustainable areas; the proposal does not fall within any of the categories

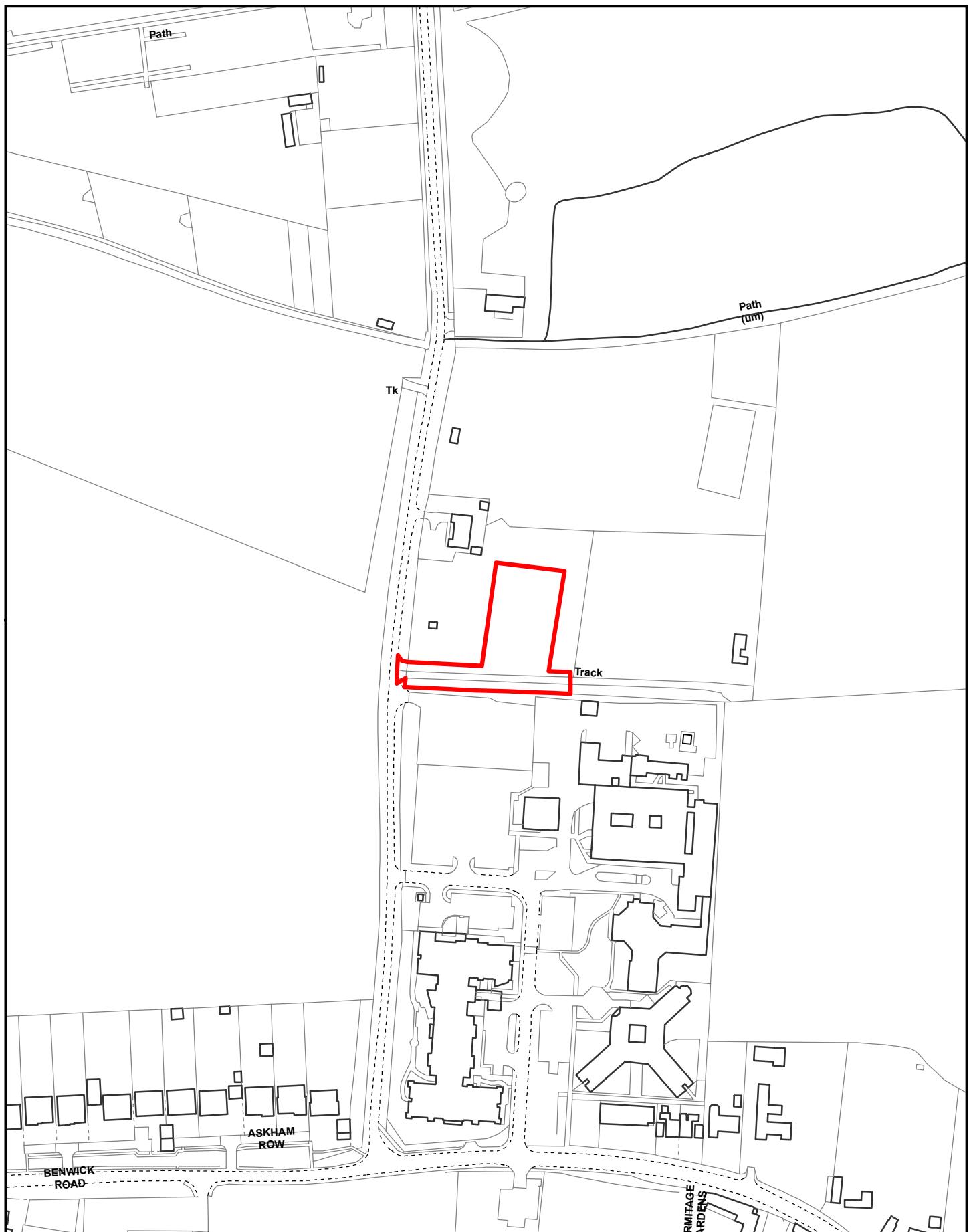
which would be considered acceptable under Policies LP3 and LP12.

The site is considered to be located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities, as such it would not provide a suitable location for housing. Consequently, it also conflicts with Policy LP15 of the FLP, which requires development to be located so that it can maximise accessibility, help to increase the use of non-car modes and provide safe access for all, giving priority to the needs of pedestrians.

The development is therefore contrary to Policies LP3, LP12 and LP15 of the Fenland Local Plan 2014 and the aims of the NPPF 2021 and NDG 2021.

- 2 The development of two dwellings on this site behind the frontage plots and creating in depth development would be at odds with the dispersed, frontage nature of the development along Hospital Road and would restrict views of the open countryside beyond, having an urbanising effect on this rural site, to the significant detriment to the character of the area. Furthermore, if approved, the development would set a precedent for additional in depth piecemeal development, with further incremental encroachment into the countryside.

The development is therefore contrary to Policy LP16 (d) of the Fenland Local Plan, DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, para 130 of the NPPF 2021 and chapters C1 and I1 of the NDG 2021 which seek to ensure that developments make a positive contribution and are sympathetic to the local distinctiveness and character of the area and do not adversely impact on the landscape character.



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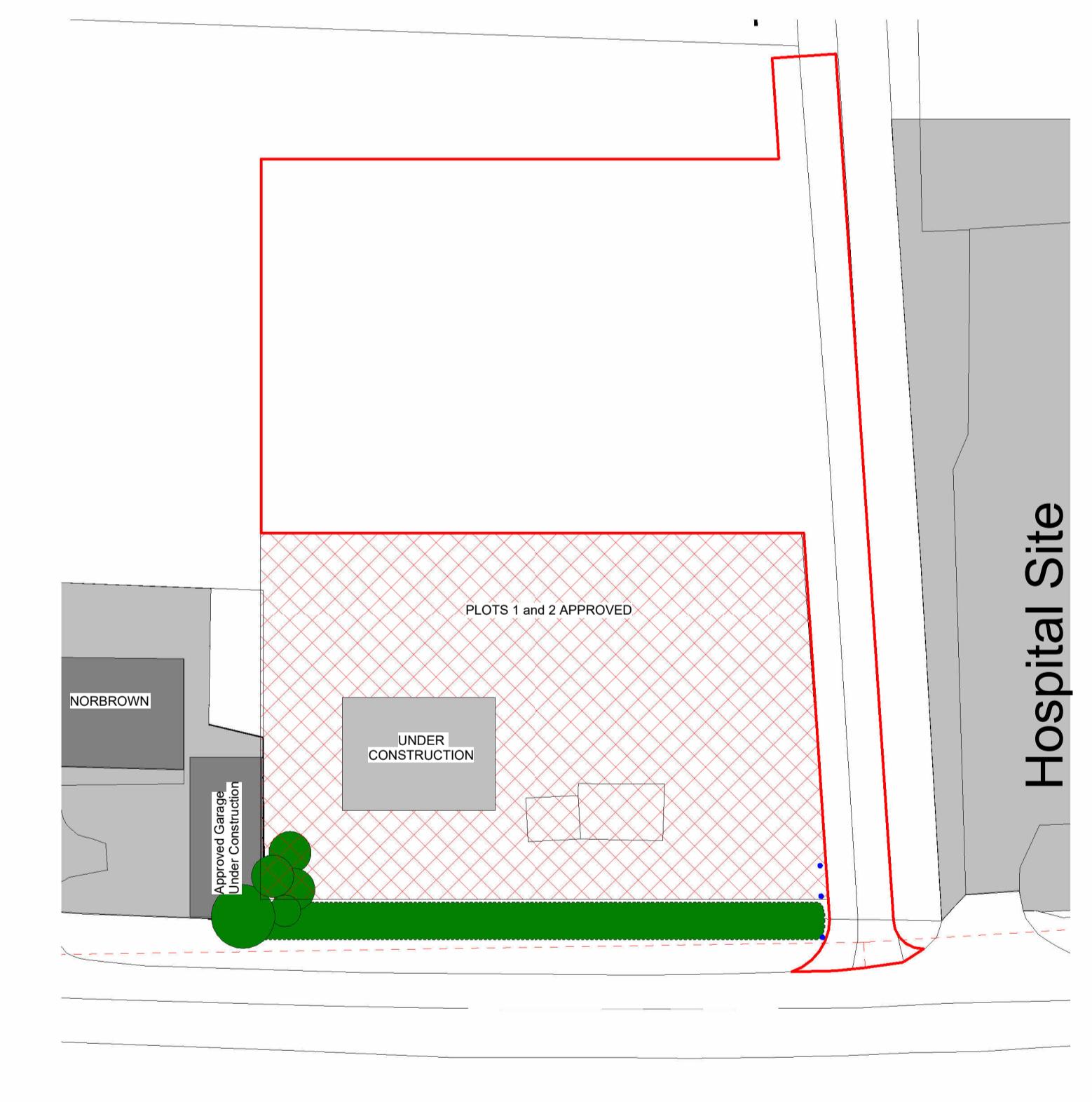
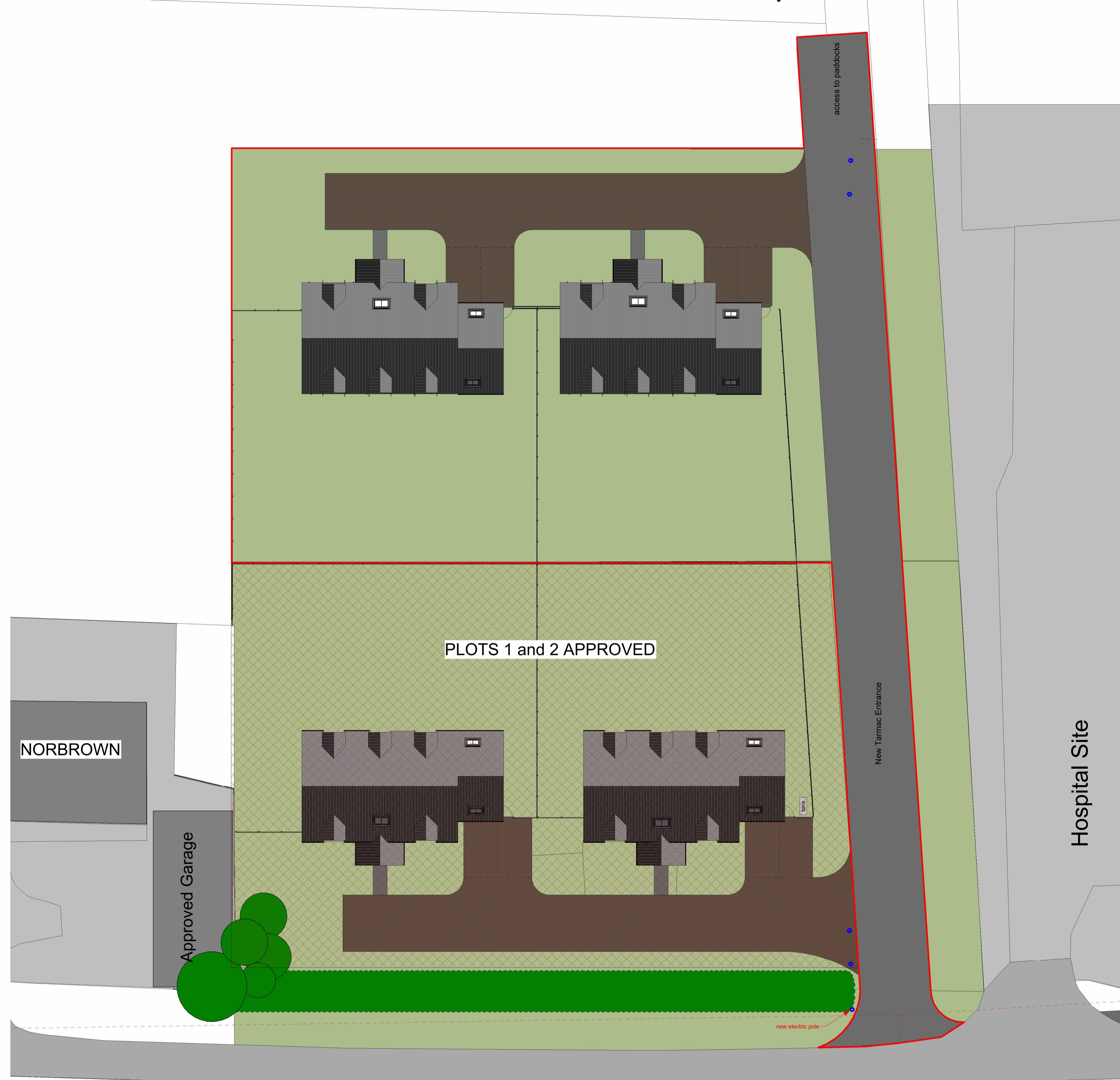
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**F/YR21/1522/O**

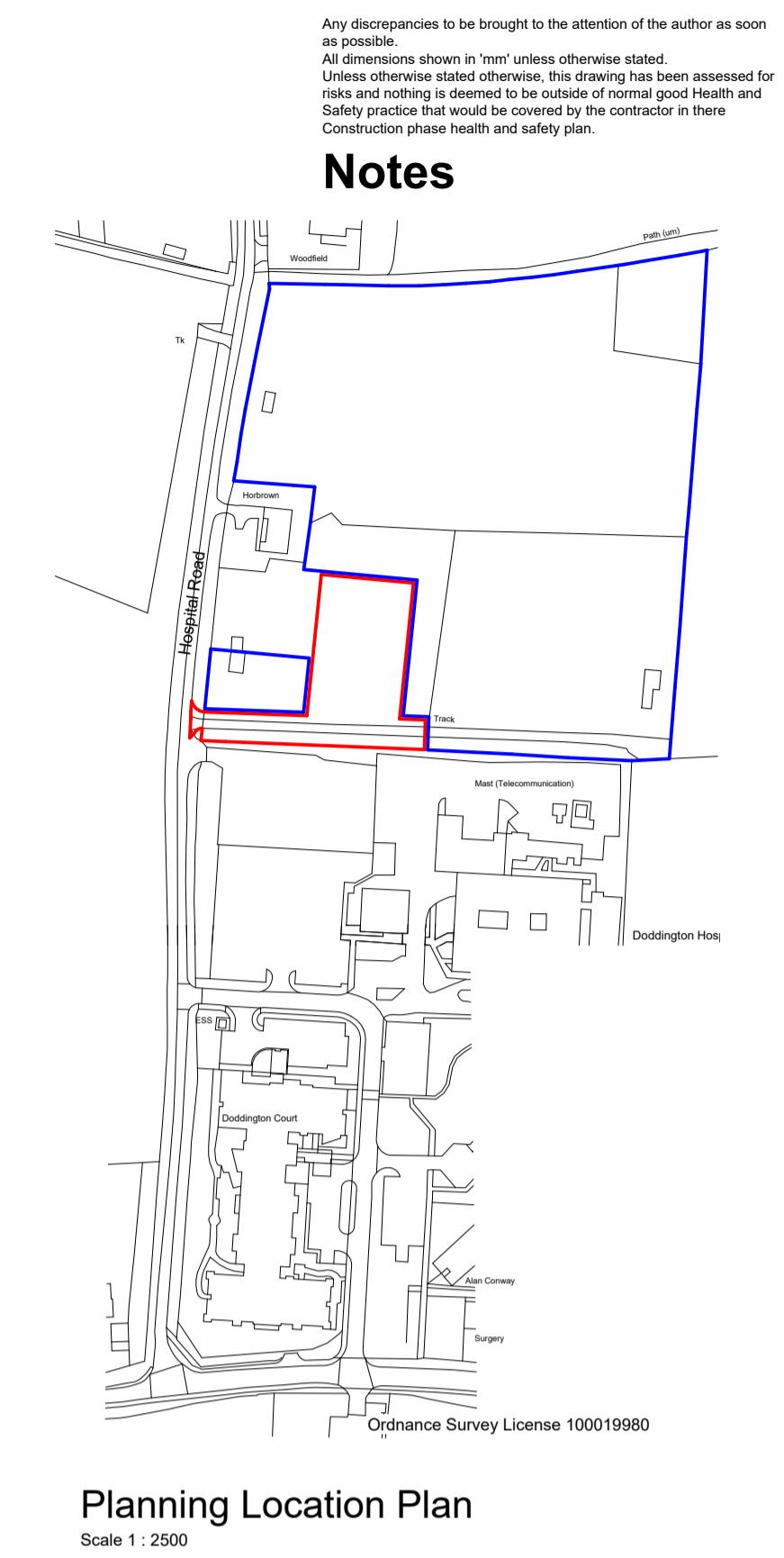
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Fenland  
CAMBRIDGESHIRE  
Fenland District Council



<b>Primrose Energy and Architectural Services Ltd</b> Grove House, 22 Primrose Hill, Doddington Cambs PE15 0SH tel: 07733 266198 email: ian@peasld.co.uk		
Job Description Proposed Development of 2 Dwellings at Hospital Road, Doddington		
Drawing Title Planning Drawing		
date 05/10/21 scale As indicated drawing no. 319 - P03 rev		



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F/YR21/1536/O

**Applicant: Mr D Hyde**

**Agent : Mr George Thorpe**  
**Swann Edwards Architecture Ltd**

**Land West Of Lowlands, Colletts Bridge Lane, Elm, Cambridgeshire**

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

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1. This application seeks outline planning permission for the erection of one dwelling and garage on an area of undeveloped land on the west side of Colletts Bridge Lane. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2. Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development this side and development of this parcel of land would be excluded by the definition of continuous built form as set out in Policy LP12.
- 1.3. This is supported by an earlier planning committee decision for F/YR14/0616/F which stated: "*The proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3...*" and was further cemented by the appeal dismissal of F/YR14/0616/F (APP/D0515/W/14/3000564) which stated: "*Due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage.*" Thus the proposal therefore fails to comply with Policies LP3 and LP12.
- 1.4. The proposals will see development encroach into currently undeveloped land which is open to the countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Colletts Bridge Lane that would erode the existing open rural character of this side. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
- 1.5. Thus, the proposal is considered unacceptable with regard to Policies LP3,

LP12, and LP16(d) and hence is recommended for refusal.

## **2 SITE DESCRIPTION**

2.1. Colletts Bridge is a group of approximately 30 dwellings.

2.2. The site is accessed via Collets Bridge Lane, a single track road. The site is located on the west side of the lane positioned between residential dwellings known as La Chaumiere to the south and The Hazels to the north, both 2-storey detached dwellings. The land is generally open in nature, bounded by a 1.8m close boarded timber fence to its northern boundary and a 1.2m post and wire fence demarking the southern and western boundaries. An agricultural field access sits immediately to the south with open countryside beyond the site to the west.

2.3. The majority of dwellings along Colletts Bridge Lane sit to the eastern side of the lane, with the western side much more sparsely developed with large gaps of open countryside between the 3 existing dwellings this side.

## **3 PROPOSAL**

3.1. The proposal is an outline planning application for the construction of a single dwelling and detached garage on the land, with all matters reserved for later approval. The submitted illustrative drawing submitted shows a detached dwelling to the front of the site with separate detached garage to the southwestern corner with a parking and turning area to the south of the dwelling leading to the proposed garage and garden to northwest.

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

## **4 SITE PLANNING HISTORY**

	Erection of a 2-storey 4-bed dwelling with a detached garage and 1.5m (max height) front boundary fence and gates (Appeal Ref: APP/D0515/W/14/3000564)	Refused 22.09.2014 Appeal Dismissed 18.03.2015
F/YR14/0203/F	Erection of a single-storey 3-bed dwelling	Refused 01.07.2014
F/YR06/0867/O	Erection of a dwelling	Refused 04.09.2006
F/93/0453/O	Erection of a dwelling	Refused 13.10.1993 Appeal Dismissed 05.01.1994
F/0658/88/O	Erection of a dwelling	Refused 08.09.1988 Appeal Dismissed 09.08.1989
F/0537/87/O	Erection of a dwelling	Refused

## **5 CONSULTATIONS**

### **5.1. Elm Parish Council**

*Elm Parish Council raises objection to outline plans submitted under application reference F/YR21/1536/O on the following grounds;*

*Colletts Bridge is defined in the 2014 Fenland Local Plan as an 'other village' where; according to Policy LP3; development would normally be restricted to infill sites located along a built up frontage. Development along the west side of Colletts Bridge Lane is actually sporadic in nature as identified by the Appeal Decision Report connected to a previous application for the site (F/YR14/0616/F).*

*The application also fails to meet criteria specified in Policy LP3 relating to sustainable growth. The closest shop is located over a mile away in the village of Elm and the school is further away. The lack of streetlighting and pavements, a 60mph speed limit and the poor condition of the road surface would make it extremely hazardous, particularly for pedestrians and cyclists. This is also contrary to the National Planning Policy Framework which states that patterns of growth should be managed to make use of public transport, walking and cycling, and, Local Plan Policy LP15 which encourages development to be designed to promote the use of non-car transport.*

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

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given the location of the development the following condition should be imposed.*

#### **UNSUSPECTED GROUND 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.*

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

*I note that under the previous appealed application F/YR14/0616/F the access was considered acceptable by the Inspector.*

*With the current application the access is shown off set from the centre of the access and this could compromise the achievable visibility splays and the submitted plans do not include a visibility splay plan. However, given this is an all matters reserved application then a central location for the access can be provided at the reserved matters stage (or another location subject to supporting information) and consequently I have no objections to planning permission being granted.*

#### 5.4. **Environment Agency**

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

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

##### 5.6. **Objectors**

The LPA have received 11 letters of objection from 11 address points from residents of the surrounding Colletts Bridge Lane.

Reasons for objection can be summarised as follows:

- The principle of development was not accepted from earlier decisions;
- The proposal contradicts policy LP1: The local facilities are distant, and inaccessible other than by motor vehicles given the unsafe nature of the journey by other means; and highlighted Planning Inspector's previous assessments of the site stating the Inspector "*did not feel that it represented sustainable development*"
- The proposal contradicts policy LP2: would be in an unsustainable location and contradicts policy LP3;
- The proposal contradicts policy LP3: quoted earlier Committee decision notices "*the proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3*"; quoted earlier appeal decisions in which the Inspector concluded "*I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage*"; considers the lack of continuous development on the western side of Colletts Bridge Lane.
- The proposal contradicts policy LP12: does not contribute to the sustainability of the settlement and will "*irrevocably destroy*" the countryside vista.
- The proposal contradicts policy LP15: does not satisfy the policy as all journeys to local facilities must be made by motor vehicle.
- The proposal contradicts policy LP16: the site has been cleared of hedgerow and fails to meet LP16 parts (b), (c), (d), (e) and (m).
- The proposal contradicts policy LP17: there is no continuous footpath or street lighting and the road is subject to a 60mph limit (in parts) and would impact community safety through increased density.
- Refutes claims within the Design and Access statement and the use of the applicant's consideration of Appeal APP/D0515/W/20/3262885 relating to F/YR20/0635/F for the development of Erect 1 x dwelling (single-storey, 3-bed) at Land South West Of 32 Eastwood End as a comparable site and "*reject the comparison and assert that no aspect of that appeal decision applies to this application, nor can any precedent be inferred from that appeal decision.*"

##### 5.7. **Supporters**

Further to this, the LPA have received 13 letters of support from 13 address points. Of these 13:

- 1 should be discounted as separate contact was made from the alleged supporter claiming they could not "*recall ever writing to yourselves concerning this matter*";

- 3 were from outside the ward boundary (but within an adjacent ward) yet outside FDC's District Boundary;
- 7 were from within the ward boundary but are located some distance from Colletts Bridge Lane at address points within Elm; and only
- 2 were from address points within Colletts Bridge Lane itself.

Two of the letters of support received were blank, with no reasons stated. However, other reasons for support can be summarised as follows:

- Development would be a welcome addition to the area.
- Development would 'tidy up' waste land and improve the overall appearance of Colletts Bridge Lane.
- A dwelling will not encroach on neighbouring privacy.

#### 5.8. *Representations*

The LPA received 1 letter neither supporting nor objecting to the scheme.

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

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

Para 2 – Applications be determined in accordance with development plan;  
 Para 11 – Presumption in favour of sustainable development;  
 Para 80 – Development within the countryside;  
 Para 110 – 112 – Promoting sustainable transport;  
 Para 130 – Creation of high quality buildings;

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

### 7.3. National Design Guide

Context  
 Built Form

### 7.4. Fenland Local Plan 2014

LP1 - A presumption in favour of sustainable development  
 LP2 - Facilitating health and wellbeing of Fenland residents  
 LP3 - Spatial strategy, the settlement hierarchy and the countryside  
 LP4 - Housing  
 LP12 - Rural area development policy  
 LP14 - Responding to climate change and managing the risk of flooding  
 LP15 - Facilitating the creation of a more sustainable transport network  
 LP16 - Delivering and protecting high quality environments across the district

## 8 KEY ISSUES

- **Principle of Development**
- **Design and impact on character**

- **Residential amenity**
- **Access and sustainability**
- **Flood risk**
- **Other matters**

## **9 ASSESSMENT**

### **Principle of Development**

9.1. Colletts Bridge is identified in Policy LP3 as an ‘Other Village’ where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:

- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
- (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.

9.2. There are only 3 dwellings on the west side of Colletts Bridge Lane and it is not considered that these dwellings in isolation form part of a continuous built form on this side of the lane, as the dwellings are separated by large swathes of undeveloped and/or agricultural land. Thus, it is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b) above. This is supported by an earlier planning committee decision for F/YR14/0616/F in which Members included the following as one reason for refusal:

9.3. *“The proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3 and the National Planning Policy Framework.”*

9.4. This observation was further cemented by the appeal dismissal of F/YR14/0616/F (APP/D0515/W/14/3000564) in which the Inspector stated:

9.5. *“Due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage.” (Para 6.)*

9.6. Therefore, given the above, principle of development of the site for residential use is not supported.

**Design and impact on character**

9.7. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage.

9.8. Notwithstanding, the development proposed would encroach into previously undeveloped land that is characteristic of the intermittent nature of

development on this side of Colletts Bridge Lane that retains the openness of the agricultural land to the west.

- 9.9. The development proposed would enclose this side to Collets Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Collets Bridge Lane that would erode the existing open rural character this side. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

#### **Residential amenity**

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

#### **Access and sustainability**

- 9.12. Access to the site will be directly off Colletts Bridge Lane.
- 9.13. Whilst highway safety and sustainability (owing to the lack of suitable footpaths and street lighting) has been contested by local residents, the professional advice of the Highway Authority raises no such concern in relation to Policy LP15, as per the consultation response highlighted in the relevant section of this report.
- 9.14. Notwithstanding, this does not preclude any issues relating to the specific details for access, parking, turning or highways safety arising at Reserved Matters Stage, should Outline permission be granted.

#### **Flood risk**

- 9.15. The site lies within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations; accordingly there are no issues to address with regard to Policy LP14.

#### **Other matters**

- 9.16. The submitted design and access statement attempts to draw parallels with F/YR20/0635/F, for the erection of 1 dwelling at Land South West Of 32 Eastwood End, Wimblington. This application was allowed on appeal under APP/D0515/W/20/3262885.
- 9.17. A key principle of the planning system is that each application will be determined in accordance with the development plan. Whilst some parallels may be drawn between Collets Bridge and Eastwood End in terms of development proposals, it must be recognised that the Local Plan defines Collets Bridge as an 'Other Village', this being in variance to the status of Eastwood End, which in consideration of the application F/YR20/0635/F was defined by the Case Officer as an 'Elsewhere' location.

9.18. Notwithstanding, in consideration of the Eastwood End appeal, the Inspector concluded that Eastwood End had an evidential functional relationship with Wimblington rather than as a separate settlement, which would therefore follow that Eastwood End should instead be considered as part of Wimblington, and thus as a 'Growth Village', where development of a limited scale may be supported and thus the appeal was allowed on the basis of small scale development within a growth village.

9.19. However, as Colletts Bridge Lane has been established as an 'Other Village' and thus subject to more stringent policy considerations, it follows that the circumstances surrounding the Eastwood End application (and its subsequent approval at appeal) do not apply to the application herein owing to the distinct hierarchical difference between the settlements involved.

## 10 CONCLUSIONS

10.1. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3 and LP12.

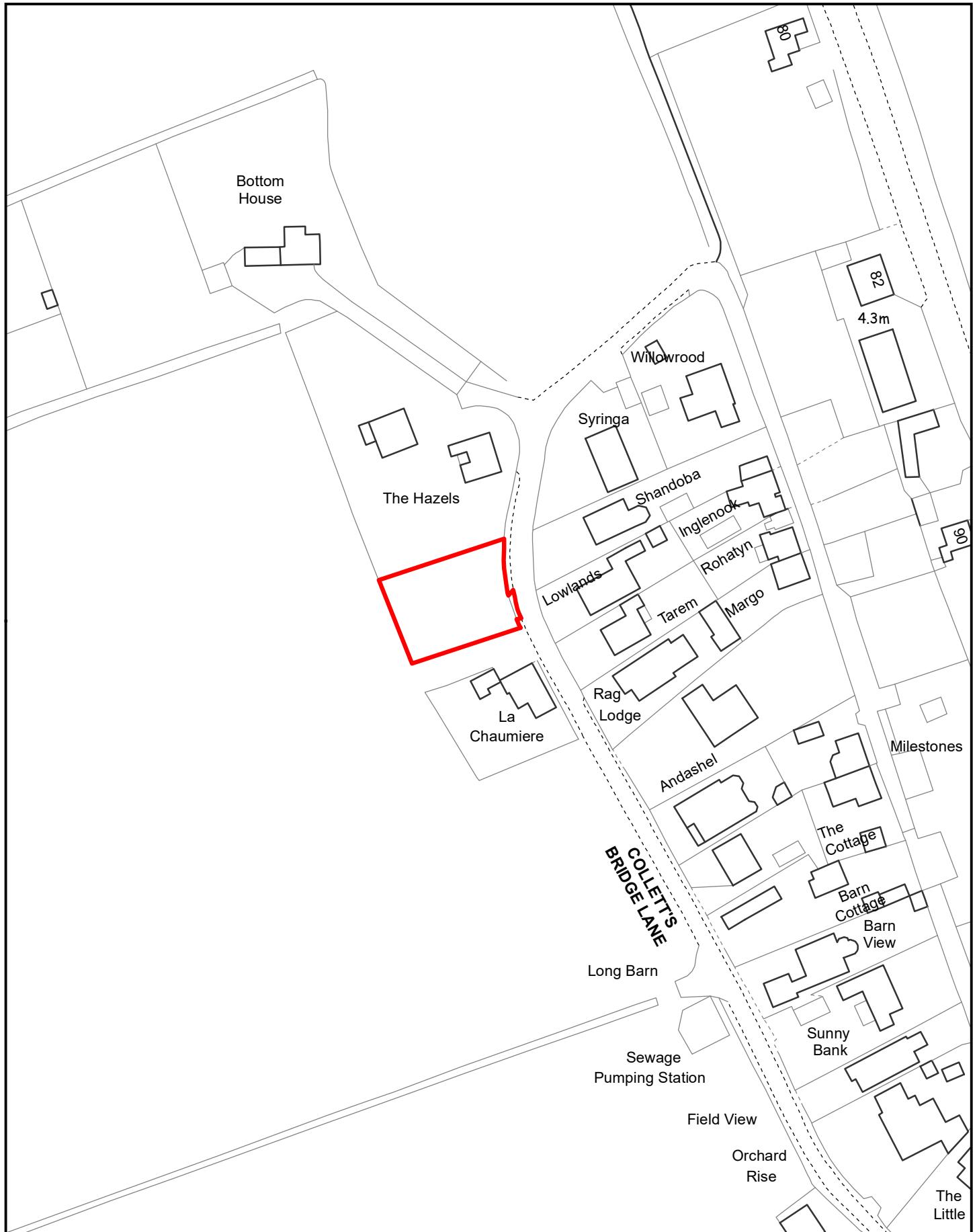
10.2. As such the proposed development is contrary to local planning policy and should be refused.

## 11 RECOMMENDATION

Refuse, for the following reasons:

1	<p>Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Colletts Bridge site is categorised as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</li> <li>(b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.</li> </ul> <p>The existing dwellings along the western side of Colletts Bridge Lane do not form part of a continuous built frontage and as such the site cannot be considered as an infill site. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development this side and development of this parcel of land would be excluded by (a) and (b) above. Thus the</p>
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	proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.
2	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The development proposed would enclose this side to Collets Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Collets Bridge Lane that would erode the existing open rural character this side. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).



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**F/YR21/1536/O**

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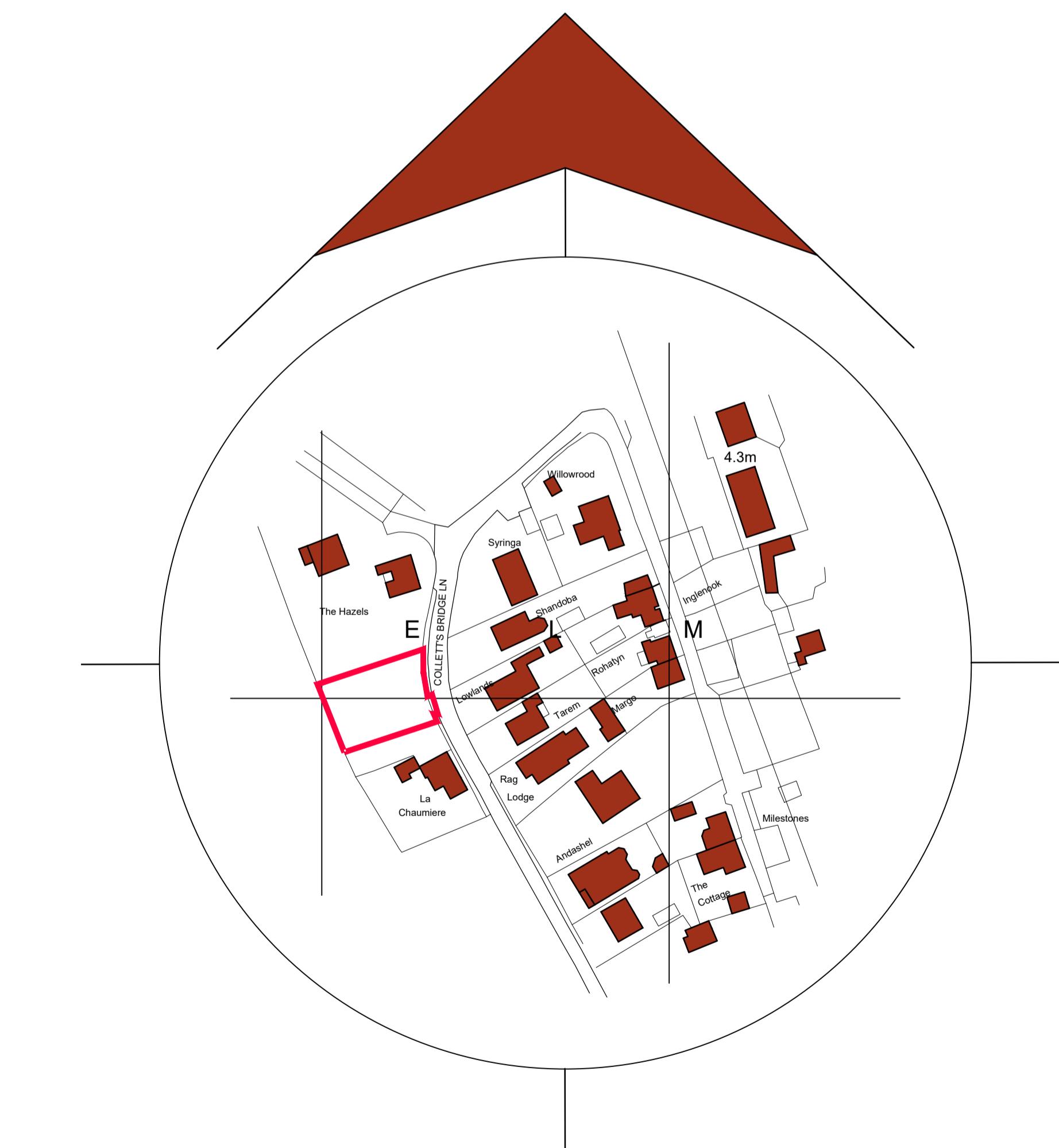




Indicative Site Plan

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metres



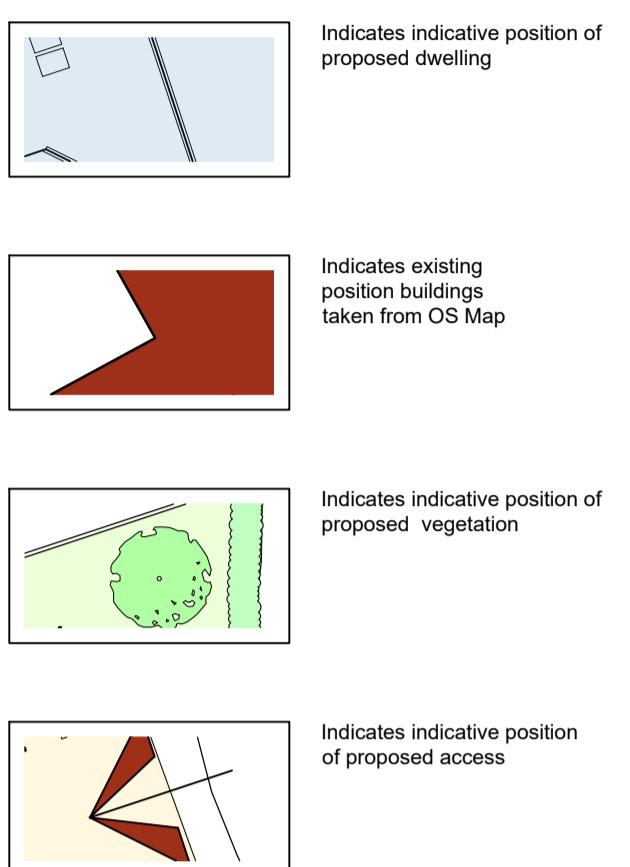
Location Plan

Scale: 1:1250

0 12.5 25 37.5 50  
metres

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

#### SITE PLAN KEY



**FOR APPROVAL**

**SWANN  
EDWARDS**

**ARCHITECTURE**

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

Job Title  
 Proposed Dwelling  
 Land to the South of  
 The Hazels, Collett's Bridge, Elm  
 For: Mr. D. Hyde  
 Date  
 December 2021  
 Drawn by  
 GT  
 Checked by  
 JB

Planning Drawing  
 Location Plan, Indicative Site Plan  
 & Indicative Front Elevation  
 Drawing Title  
 Location Plan, Indicative Site Plan  
 & Indicative Front Elevation  
 Job No.  
 SE-1748  
 Dwg No.  
 PP1000  
 Sheet Size  
 A1  
 Revision

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F/YR22/0012/F

**Applicant: Mr W Ho**

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

**Agricultural Building East Of 723, Whittlesey Road, March, Cambridgeshire**

**Erect 1 x dwelling (2-storey 5-bed) involving the demolition of existing agricultural building**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The application is for the erection of a 2-storey 5-bedroom dwelling involving the demolition of an existing agricultural building
- 1.2 The site is part of an agricultural field which borders a ribbon of development along Whittlesey Road in Turves. The site consists of an agricultural building surrounded by open fields and accessed by way of an agricultural track that cuts diagonally between 723 Whittlesey Road and Hamble House
- 1.3 The site is located visibly beyond the extent of the existing built form of the village and would therefore appear as an encroachment into agricultural land and be out of keeping with the core shape and form of the village as well as being visually unacceptable in design terms and consequently forming a discordant feature in the area. In addition, the design and layout of the development is such that it is likely to cause overlooking into the private amenity spaces of Nos. 715 and 717 Whittlesey Road
- 1.4 The site is located in lies outside the continuous built form of the settlement and within Flood Zone 3. The area of search for the sequential test would therefore be district wide and clearly sequentially preferable sites would exist. In addition, inadequate biodiversity details have been submitted which is likely to prejudice wildlife interests
- 1.5 The recommendation is therefore for the application to be refused.

## **2 SITE DESCRIPTION**

- 2.1 The application site is located to the west of a ribbon of development on Whittlesey Road in Turves. The site backs onto this single line of development fronting Whittlesey Road and consists of a Nissen style building finished in brick and asbestos roof. Access to the site is by way of an existing agricultural track that cuts diagonally between 725 Whittlesey Road and Hamble House to the south.

2.2 The proposal site is part of Dodds Farm which, like the rest of the village of Turves, is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

### **3 PROPOSAL**

3.1 The application proposes the erection of 1 x dwelling (2-storey 5-bed) involving the demolition of the existing agricultural building. The dwelling would consist of a living room, kitchen/dining room, utility and study on the ground floor and five bedrooms on the first floor.

3.2 The dwelling would be finished in facing brick, timber fenestration and a tile roof.

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=QZ0VV9HE06P00>

### **4 SITE PLANNING HISTORY**

F/YR19/0006/PNC04, Change of use from agricultural building to a 2-storey 4-bed dwelling (Class Q (a) and (b)), Prior Approval Refused February 2019

F/YR15/0855/PNC04, Change of use from agricultural building to a 2-storey 4-bed dwelling (Class Q (a) and (b)) Prior Approval Granted December 2015

### **5 CONSULTATIONS**

5.1 **Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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

*I note on the previous application submitted for this site, F/YR19/0006/PNC04, a contaminated land report was submitted with the application dated 26 November 2018, that indicated that there was no known former contaminative use of the site, and the unsuspected contamination condition was recommended by this service. I have contacted Swann Edwards to confirm if the contamination land report is still valid and if there is any known activity on the site that could be a source of potential contamination since 2018. The agent advised that there has been no known potential source for contamination and thus the report should still be valid. Therefore, I would recommend the 'Unsuspected Contaminated Land' condition to be imposed in the event planning consent is granted.*

*The existing agricultural building, which appears to be formed of corrugated asbestos cement sheeting, should be removed by a licensed asbestos removal contractor. However, if the amount of sheeting is such that a licensed waste removal facility is prepared to receive a minimal amount of such material without the need for a contractor to remove it, then this requirement can be waived. If a Licensed Asbestos Removal Contractor is required to be engaged, then an Asbestos Removal Work Plan should be submitted to and approved by Fenland District Council, before any work on the removal of the building is commenced. The applicant is to advise Fenland District Council which course of action is to be taken in either event.*

5.3 **Environment Agency:** *We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.*

5.4 **March Town Council: Recommend Approval**

5.5 **Local Residents/Interested Parties**

Five letters of objection have been received from residents of Whittlesey Road, Turves on the following grounds;

- the building appears to be of heritage value
- the development would have an adverse impact on wildlife
- Would obstruct views into the field
- Would cause overlooking/loss of privacy
- Would result in overshadowing
- the scheme would result in an overdevelopment of the site
- concerned about the presence of asbestos and its health effects
- impacts on an easement
- would be out of character with the area
- contrary to policy
- devaluation of property

The loss of views and property devaluation are not material planning considerations, however the remaining issues raised will be considered in the assessment of the application, later in this report.

## 6. STATUTORY DUTY

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

## 7. POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP4 – Housing

LP5 – Meeting Housing Need

LP9 – March

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

### **March Neighbourhood Plan 2017**

H2 – Windfall Development

H3 – Local Housing Need

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

### **8. KEY ISSUES**

8.1 The key issues relating to the proposal are:

- Background
- Principle of Development
- Design Appearance and Impact on the Area
- Residential Amenity
- Access, Parking and Highway Safety
- Ecology
- Flooding

These are considered in turn below.

### **9. BACKGROUND**

9.1 Prior approval F/YR15/0855/PNC04 was granted for the change of use of the existing agricultural building into a 4-bedroom dwelling under the Class Q Permitted Development route in 2015. In 2019 a further prior approval, F/YR19/0006/PNC04, was refused for the same development largely due to the clarifications arising out of the growing body of case law relating to change of use of agriculture buildings under Class Q. This decision was not appealed.

9.2 However, the applicant contends that, notwithstanding the most recent prior approval refusal on the site, the principle of residential use has already been established by the initial application (F/YR15/0855/PNC04) which was granted. In addition, the applicant suggests that the refusal can be overcome by means of the submission of a structural survey which demonstrates that the building is structurally capable of the conversion. No such survey has been submitted and no permission exists for any kind of development on the site and thus there is no fallback position. Therefore, the proposal must be assessed merely as the erection of a dwelling on an agricultural field involving the demolition of an existing agricultural building.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Fenland Local Plan Policy LP3 seeks to promote sustainable growth by directing development to areas that have the appropriate facilities. This policy defines Turves as a small village where development would be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. This policy further restricts the scale of infilling so that development in these villages does not result in the skewing of the settlement hierarchy. In addition, Local Plan Policy LP12 seeks to manage development in rural areas to ensure that it contributes to the sustainability of that settlement and does not harm the wide-open character of the countryside.

10.2 According to LP12, any proposal will need to satisfy, among others, the following criteria:

(a) The site is in or adjacent to the existing developed footprint\* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as

being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably):

Turves is a small village as defined by Policy LP3 and the proposal site is located on the eastern edge of the village, beyond the existing ribbon of development which would be contrary to the provisions of LP12. Owing to its location beyond what is visibly the extent of the built form within this village, the development could not be considered as an infill development.

(b) And; It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland;

Even though the development would be read together with the dwellings on Whittlesey Road, it would in any case be out of character with the village and appear as an encroachment onto the agricultural field.

(c) And; The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance;

As indicated above, the development would be out of keeping with the core shape and form of Turves Village

10.3 Based on the above assessment, the proposed development would be contrary to Local Plan Policies LP9 and LP12 and thus the principle of residential development in this location would not be considered as acceptable.

#### **Design Appearance and Impact on the Area**

10.4 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policies LP12 and LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district. Both national and local policies seek to ensure that development is only permitted if, among other criteria, it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact, either in design or scale terms, the street scene, settlement pattern or the landscape character of the surrounding area.

10.5 The application proposes a large two storey dwelling which would be finished in brick and a tile roof and would have multiple windows, a projecting two storey element to the front elevation and a two-storey projecting element to the rear. The east elevation would see a recessed balcony provided within a superstructure supporting both the balcony and the roof structure of the dwelling. Whilst the general scale of the proposed development would largely be in keeping with that of the ribbon of development in front of the site along Whittlesey Road, the overall design with its excessive use of glazing, discordant front projection and recessed balcony and superstructure would not appear cohesive visually and therefore at odds with the surrounding area, where the design of the dwellings is relatively traditional.

10.6 The development proposed would be prominent in views from the north when entering Turves and would also be visible from Whittlesey Road to the south with views through the access to the site and over the adjacent bungalow to this.

10.7 The proposal due to its design and appearance, exacerbated by its location to the rear of the dwellings fronting Whittlesey Road and encroachment into the countryside, would therefore conflict with Local Plan Policy LP16, the Delivering and Protecting High Quality Environments in Fenland SPD and the National Planning Policy Framework 2021

### **Residential Amenity**

10.8 Local Plan Policy LP16 to ensure that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.

10.9 The proposal is for a scheme that is tantamount to backland development which would be oriented in a north-south direction. Whilst most of the proposed windows would cause no direct overlooking, the principal and only window in bedroom 4 would provide an opportunity for overlooking into the private amenity spaces for No.s 715 and 717 Whittlesey Road. These properties are only separated from the proposal site by a 2m high timber fence which would not be high enough to screen views from the said window.

10.10 Vehicular access to the site is by way of a track/drive set between Hamble House and 723 Whittlesey Road which is currently an agricultural access to Dodds Farm. The proposed dwelling may result in an intensification of the use of the track which is likely to cause noise and disturbance for the mentioned properties. However, given the potential agricultural use of the site it is not considered that this impact would be so demonstrably severe as to justify a reason for refusal.

10.11 It is therefore considered that the proposed development, owing to design, layout and location in relation to neighbouring properties, would result in harm to the residential amenities of the adjacent occupiers, contrary to Local Plan Policy LP16.

### **Access, Parking and Highway Safety**

10.12 Fenland Local Plan Policy LP16 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.

10.13 Vehicular access to the site would be by way of an existing agricultural track. The access is used for agricultural machinery and equipment but its use for domestic purposes would be considered as a betterment. There is also adequate parking for more than 2 cars on the hardstanding in front of the proposed dwelling as well as an appropriate turning facility within the site. Therefore, vehicles can enter and leave the site in forward gear.

10.14 The scheme would accord with Local Plan Policy LP16.

### **Ecology**

10.15 Paragraph 180 of the NPPF (2021) states that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Through Local Plan Policy LP19, 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.

10.16 The applicant submitted an ecology report for Bats and Breeding birds in view of the proposal to demolish agricultural buildings and in-line with Natural England's Standing Advice. The report has confirmed there are no statutory protected sites within 1km of the site and thus the development is unlikely to have any effects owing to its relatively small scale, distance to protected sites, insignificant increases in recreational pressures and limited predicted impacts beyond the area of works.

10.17 The proposed works will require the demolition of the building on site, which has the potential to materially modify or destroy potential bat roosting locations, if present. Some droppings were found in the building and thus the report concludes that further surveys would be needed to determine if any bat species are present, the nature of their use of the building(s) and any roosting locations. This information has not been submitted.

10.18 The report also concludes that there would be a low scale loss of bird nesting habitat through the demolition of the building on site and clearance of vegetation. Appropriate mitigation has been proposed and precautionary working practices to be employed ideally outside of the bird nesting season.

10.19 In addition, the surrounding habitat of the site is considered suitable for hedgehogs. To maintain potential hedgehog routes within the site and between the site and further habitats, it is recommended that any fencing installed is porous and provides access openings for hedgehogs.

10.20 The submitted report recommends further surveys to determine the types of bats on the site and how they can be provided for within the development. Central government guidance (Circular 06/05: biodiversity and geological conservation) 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." Since the submitted ecological survey concludes that further information needs to be submitted, it is considered that allowing this development prior to receiving this information would prejudice wildlife interest's contrary to Local Plan Policy LP19 and paragraph 180 of the National Planning Policy Framework (2021)

### **Flooding**

10.21 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding.

10.22 The proposal site is located within Flood Zone 3 as defined by the Environment Agency (EA) maps. The applicant submitted a Flood Risk Assessment by Ellingham Consulting Ltd in support of the proposed development which was considered by the EA and no objections have been raised.

10.23 However as the development is a new build it is required to pass the sequential test as set out within the NPPF and also the Cambridgeshire Flood and Water SPD. As the site is outside the continuous built form of the settlement the area of search for the sequential test is district wide. Clearly there are numerous sites

across the district which would be at a lower risk of flooding and therefore sequentially acceptable. The development therefore fails the sequential test.

10.24 If the sequential test were to be passed, the exception test would also be required to be passed, setting out the wider sustainability benefits of the development. No sustainability benefits, over and above the delivery of a dwelling have been provided. The SPD makes clear that the delivery of housing in itself would not normally be considered a sustainability benefit.

10.25 It is therefore considered that the application fails both the sequential and exception tests and as such is contrary to the relevant local and national policies in respect of flooding.

## 11. CONCLUSIONS

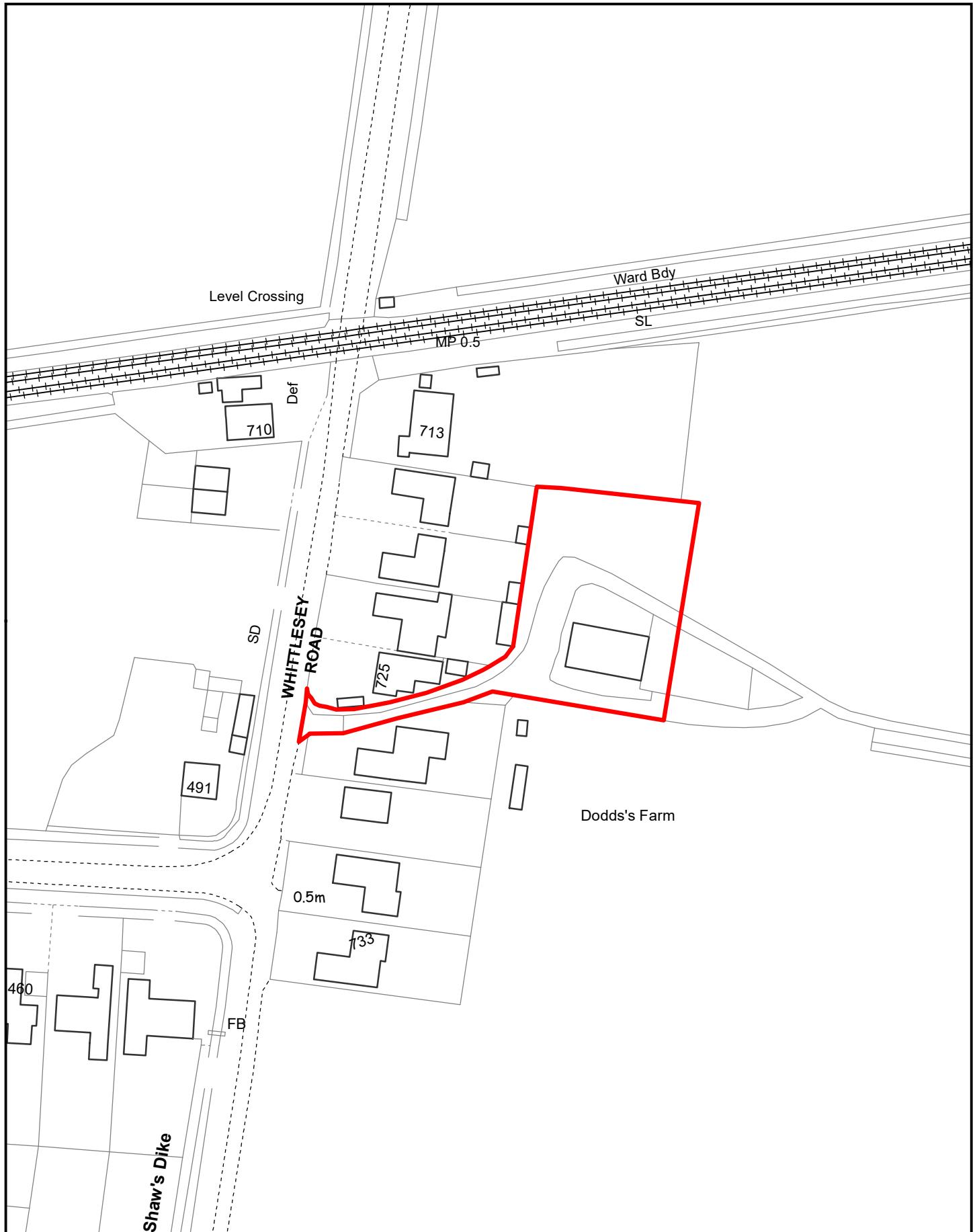
11.1 Based on the assessment above, the principle of a new dwelling on the site is not considered as acceptable in terms of the relevant Local Plan policies, being outside the built form of the settlement, not respecting its core shape and form and representing an encroachment into the agricultural land outside the village; the design and appearance exacerbating this and creating a discordant feature in the area; the adverse impacts on neighbouring amenity as a result of loss of privacy owing to overlooking; the lack of information to allow full assessment of the impacts on wildlife and the failure to meet either the sequential or exceptions tests from a flood risk perspective.

## 12. RECOMMENDATION

**Refuse;** for the following reasons:

1	The application, owing to its location in relation to the existing village, would not be considered as an infill development and by virtue of its location would be out of keeping with the core shape and form of the settlement extending beyond what is visibly the physical extent of the village and thereby appearing as an intrusion into the countryside contrary to Local Plan Policies LP3 and LP12.
2	The development proposed would, by virtue of its design and appearance, combined with its backland location appear as a unattractive and discordant feature at odds with the prevailing character of development and adversely impacting upon the character and appearance of the area. This would be contrary to Policy LP12 and LP16 of the Fenland Local Plan (2014)
3	The proposed development, owing to design, layout and location in relation to neighbouring properties, is likely to harm to the residential amenities owing to overlooking into the private amenity spaces (rear gardens) of Nos. 715 and 717 contrary to Local Plan Policy LP16.
4	Inadequate information has been submitted to allow the LPA to objectively assess the impacts of the proposed development on bats that may be using the area, the site, the building to be demolished and allowing the development would prejudice the wildlife interests contrary to Local Plan Policy LP19 and Paragraph 180 of the NPPF(2021)
5	Policy LP14 of the Fenland Local Plan, section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding. Owing to the 'elsewhere' location and the lack of specific need for development at the application site relating to an existing use, the Sequential Test must be considered across the whole District. The submitted Sequential Test fails to fully identify land available within the whole of the district that is available to accommodate the proposed quantum of

development, and the test is therefore considered to be failed. In addition, the exception test is also required to be passed and the application offers no sustainable community benefits over and above the delivery of the dwelling itself. Consequently, the application is contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2021) and the Cambridgeshire Flood and Water Supplementary Planning Document (2016).



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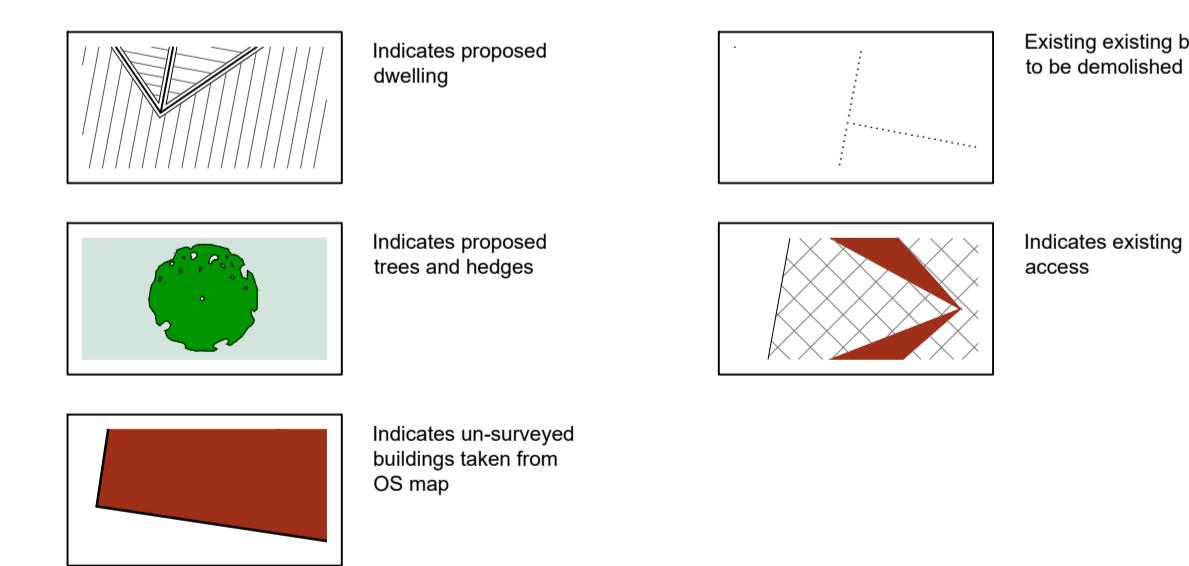


 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council

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#### SITE PLAN KEY



Revisions  
A SEP 21 Planner's Comments

Status

FOR APPROVAL

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title  
Proposed Dwelling  
Dodd's Farm, Whittlesey Road  
Turves, March  
For: Mr Ho

Date  
July 2021

Drawn by  
GT

Checked by  
GE

Drawing Title  
Planning Drawing  
Site Plan

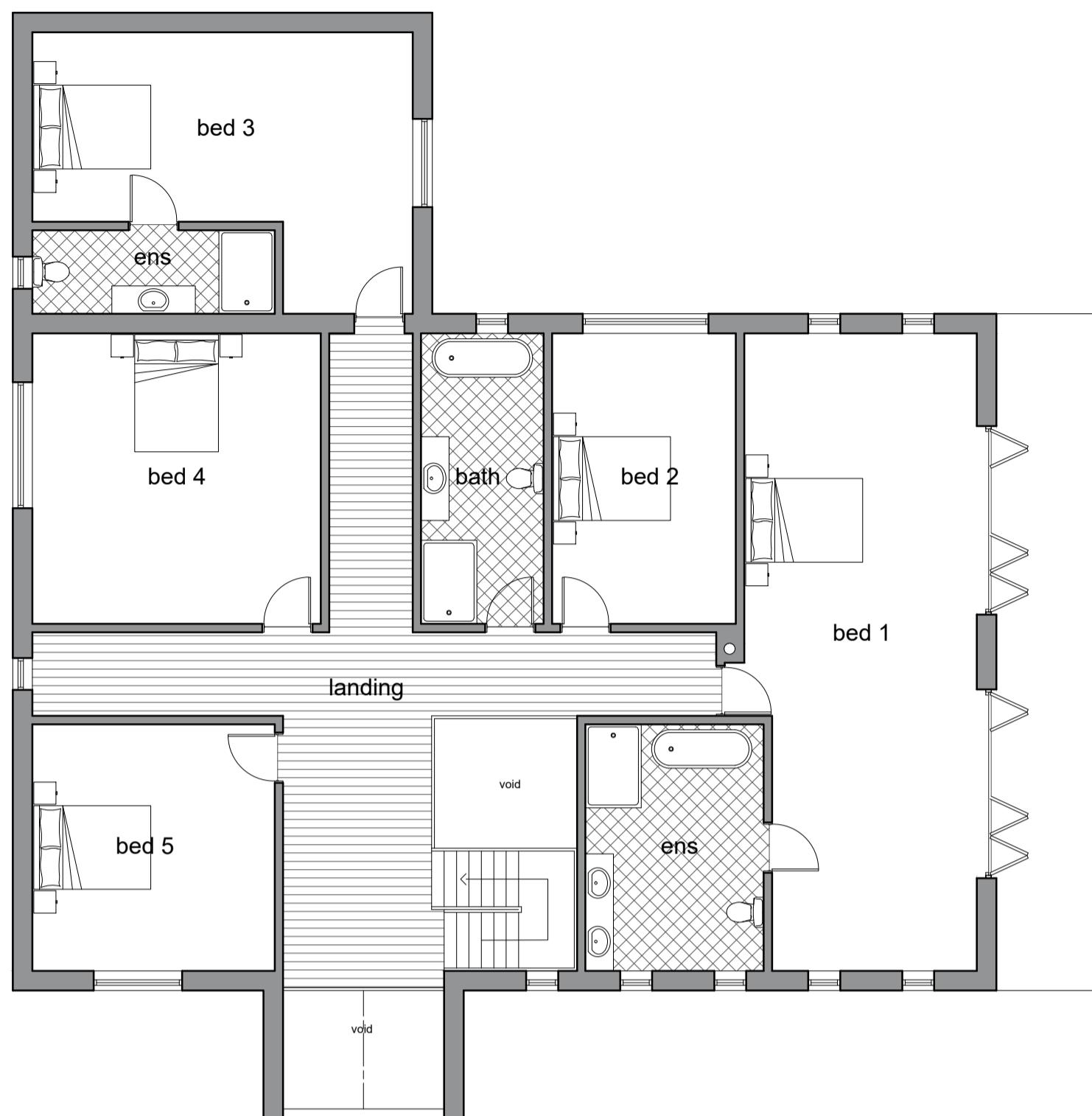
Job No.  
SE-1628

Sheet Size  
A1

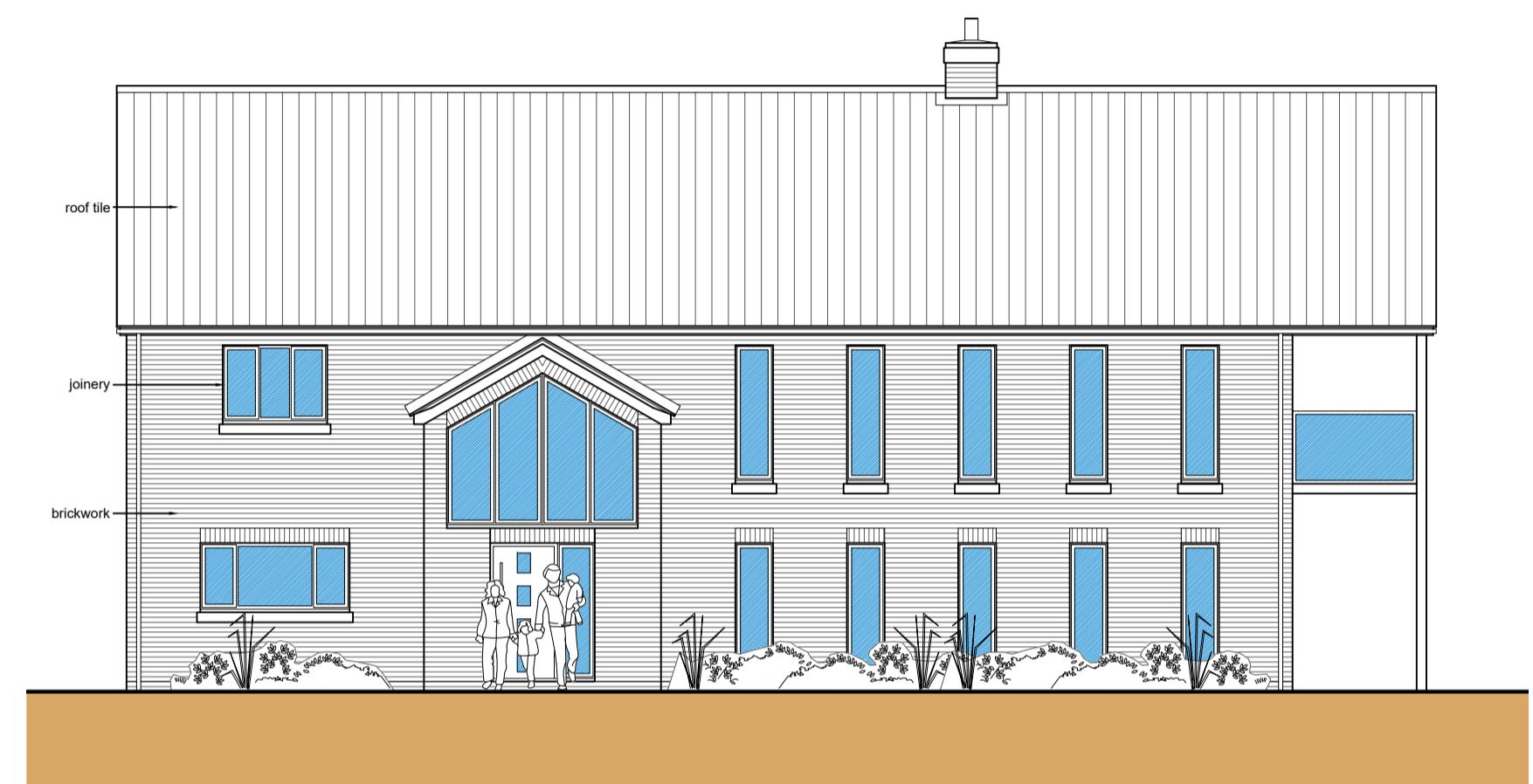
Revision  
A

Dwg No.  
PP1001

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



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



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



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



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



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



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

**FOR APPROVAL**

**SWANN EDWARDS**  
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Job Title	Date	Drawn by
Proposed Dwelling	July 2021	GT
Dodds Farm, Whittlesey Road		Checked by
Turves, March		GE
For: Mr Ho		
Planning Drawing		
Floor Plans & Elevations		
Dwg. No.	SE-1628	Sheet Size
	Dwg. No.	A1
	PP1000	Revision

F/YR22/0051/VOC

**Applicant: Mr R Marshall & Mrs C Varney**

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

**Land East Of Bank View, Gull Road, Guyhirn, Cambridgeshire**

**Removal of condition 3 (materials) and variation of condition 2 (occupancy restriction) and 8 (list of approved drawings), relating to planning permission F/YR21/0425/F (Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses) to allow changes to elevational details, to re-position garage and clarify extent of 'business operation' on site**

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1 Planning Permission was granted for this scheme under delegated powers with Officers working proactively with the agent/applicants to secure revisions and additional information in respect of both the original scheme and the subsequent variation of conditions submission, to facilitate approval.
- 1.2 As part of the original scheme negotiations, the repositioning of the garage was secured on visual amenity grounds. Whilst officers also had concerns with regard to residential amenity impacts these concerns did not manifest themselves as a stand-alone reason to resist the scheme. Notwithstanding that no 'significant' residential amenity impacts were identified the solution arrived at in terms of the garage position was considered both 'essential' in terms of visual amenity and character considerations whilst also being 'beneficial' in terms of residential amenity.
- 1.3 Officers do not seek to resist the repositioning of the garage as an arbitrary response; indeed, the negotiations previously undertaken clearly demonstrate how they have worked to secure a scheme which delivers the features that the applicant desires whilst also protecting and delivering an appropriate built environment.
- 1.4 The NPPF gives a clear message that 'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'. This is one such circumstance where to revert to the original scheme proposals would be retrograde in terms of visual amenity and as such the officer recommendation has to be one of refusal.

## 2 SITE DESCRIPTION

- 2.1 Bank View is located to the western side of Gull Road, it comprises a nursery enterprise with associated buildings and features a bungalow to the rear of the site which is nearing completion.
- 2.2 The application site at the time of the initial site inspection (17.05.2021) comprised a range of dilapidated glasshouses situated to the south of the existing access to the site and associated service road to the wider nursery complex and the dwelling to the rear of the site. However, subsequent to the initial visit the glasshouses had been removed and the site cleared for development with Heras fencing erected to the front boundary.
- 2.3 The frontage of the site is landscaped with intermittent planting along the south-eastern boundary. Immediately to the south-east of the application site is a modest bungalow Rhonelda which sits circa 9 metres from the back edge of the carriageway.
- 2.4 The site is within a flood zone 3 location.

### **3 PROPOSAL**

- 3.1 Whilst the proposed description assigned to this application seeks to:
  - (a) Revise the elevational details of the garage and house,
  - (b) Agree construction material and
  - (c) Clarify the occupancy tie, in essence deleting the existing dwelling to the rear of the proposed property from the 'blue' land as this property is not tied to the nursery use
  - (d) Reposition the garage to serve the dwelling

Items (a) to (c) have previously been accepted under F/YR20/1490/VOC which was not determined at the time that this more recent application was made.
- 3.2 Accordingly, the sole change to consider in respect of this application is the repositioning of the garage to serve the dwelling. Whilst the approved garage was to be sited to the rear of the property circa 30 metres from the edge of the highway it is now proposed to site it forward of the dwelling some 7.5 metres from the edge of the highway. As a consequence of this repositioning the garage doors will now be contained within the northern elevation of the garage, as opposed to the eastern elevation as originally proposed.
- 3.3 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/YR21/1490/VOC	Removal of condition 3 (materials) and variation of condition 2 (occupancy restriction) and 8 (list of approved drawings), relating to planning permission F/YR21/0425/F (Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses) to allow changes to elevational details, and clarify extent of 'business operation' on site.	Granted 01.02.2022
F/YR21/0425/F	Erect a dwelling (2-storey 4-bed) and detached garage, involving the demolition of the existing glasshouses.	Granted

## 5 CONSULTATIONS

### 5.1 Parish Council

*'At the meeting of Wisbech St. Mary Parish Council on 14th February 2022, the Council recommended REFUSAL as Councillors feel any conditions placed on the original planning permission should remain'.*

### 5.2 Local Residents/Interested Parties

None received

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

### 7.1 National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise  
Para. 10 - Presumption in favour of sustainable development  
Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making  
Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise  
Para. 135 - Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

### 7.2 National Planning Practice Guidance (NPPG)

Planning Practice Guidance has also been provided in July, 2019 at paragraph

**7.3 National Design Guide 2019**

Context C1 - Relationship with local and wider context

**7.4 Fenland Local Plan 2014**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP16 – Delivering and Protecting High Quality Environments across the District

**8 KEY ISSUES**

- **Principle of Development**
- **Implications of the VOC submission in so far as it relates to visual and residential amenity**
- **Other matters**

**9 BACKGROUND**

9.1 Planning permission was granted for the erection of a dwelling required in connection with the business operation on the existing site. It was noted that whilst there was a dwelling on the site that this was occupied by Mr & Mrs Varney and was not available for use in connection with the business as it was intended that this dwelling, which did not have any occupancy conditions attached, would continue to be their home on their retirement when Miss Varney would take over this aspect of the business in addition to her own business Varneys Plants.

9.2 A functional and essential need was demonstrated by virtue of the earlier consent, and it was accepted that the dwelling would allow for succession planning noting that the existing dwelling on site could not be relied upon to satisfy this essential functional need.

9.3 Subsequent to the above approval a Section 73 application was made which:

- Agreed the materials to be used in the build
- Agreed some changes to the elevational detailing
- Clarified that the existing dwelling on site was to be excluded from the land to be 'tied' to the new house, and that the associated land/business should be described as Varneys Plants – as opposed to Bank View Nursery.

This submission was approved on 01.02.2022.

**10 ASSESSMENT**

**Principle of Development**

10.1 The principle of a dwelling has been established on the site by virtue of the earlier consent with matters of need and justification, access/highway safety and servicing, flood risk impacts, design, character and residential amenity found acceptable. It is further noted that the elevational changes, materials and extent of business operation have been accepted by virtue of the subsequent VOC application F/YR21/1490/VOC.

10.2 The sole item which requires consideration is therefore the repositioning of the garage and this is explored below.

## **Implications of the VOC submission in so far as it relates to visual and residential amenity**

- 10.3 It is noted that during the evaluation phase of the original application F/YR21/0425/F the agent informally tabled a site layout drawing which positioned the garage in an almost identical position to that now proposed as their 'clients preferred option'.
- 10.4 Negative feedback was given to this position in the context of the street scene and the scheme was subsequently approved with the garage situated to the rear of the approved dwelling with the garage doors facing forward.
- 10.5 It remains the contention of officers that delivering the garage forward of the house is detrimental to the context of the street scene as the blank wall of the garage will present to the roadside some 7.5 metres from the edge of the highway, marginally forward of the modest bungalow Rhonelda to the south-east.
- 10.6 The prominence of the garage will serve only to reinforce the scale of the proposed development which was a concern when the scheme was originally submitted. Officers proactively worked with the applicants' agent at that time to disaggregate the garaging element from the main dwelling thereby reducing its bulk and allowing it to sit comfortably alongside its neighbour with appropriate separation, noting the scale of the modest dwelling adjacent.
- 10.7 It is considered a retrograde step, at odds with the delivery of a high-quality environment appropriate in terms of scale, to revert back to the 'clients preferred option' when viewed in the context of Policy LP16.
- 10.8 It is further acknowledged that in the flank wall of Rhonelda, (circa 3.8 metres wall to wall distance) there is a window serving a bedroom. This window will already have a 1.8 metre close boarded fence some 1.4 metres distant; whereas as a consequence of the garage placed as shown there would be a further dominant feature of the rear garage wall 700mm above the fence line, even allowing for the change of levels between the two sites, with a further roof slope of 2.7 metres above this; albeit this will reach its maximum height some 7.2 metres distant of the flank wall of Rhonelda.
- 10.9 Whilst this is not considered so significant an intrusion as to render the scheme unacceptable from a residential amenity perspective, noting that the garage is to the north of the established bungalow, it is another reflection as to the benefits accruing to the wider locality in retaining the garage in the originally approved location.

### **Other matters**

- 10.10 It is noted that the Parish Council have recommended refusal of the scheme citing that '*Councillors feel any conditions placed on the original planning permission should remain*'; however this is at variance to the response received in respect of the earlier Section 73 application which stated that the council 'offered no further comment'.

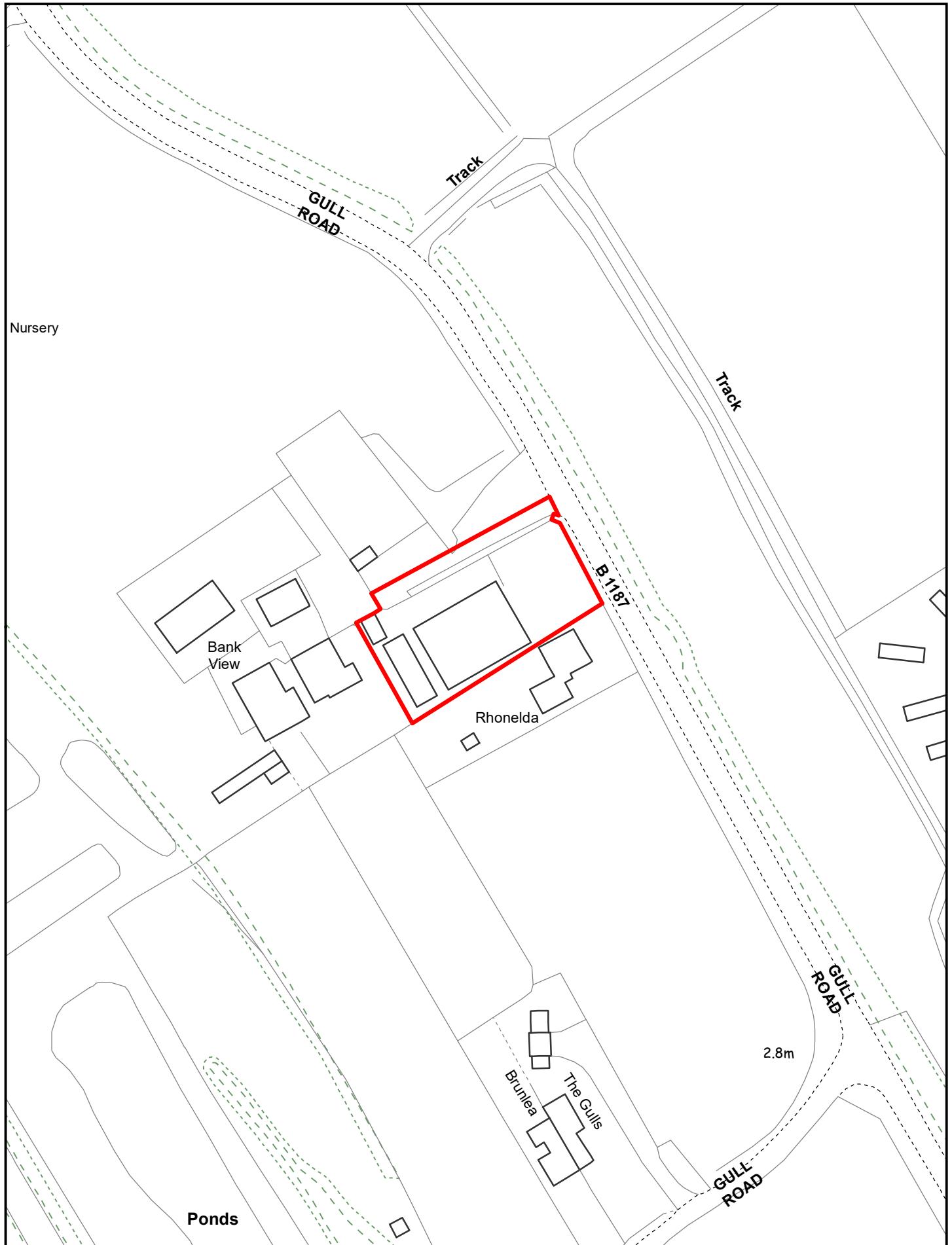
## **11 CONCLUSIONS**

11.1 Whilst the LPA has accommodated revisions in design to the approved dwelling under the earlier Section 73 (Variation of Condition) application it is not considered that the changes now proposed may be deemed acceptable given the harm that the repositioned garage will have in terms of character impact on the streetscene by virtue of its prominence and the effect that it will have in consolidating the general mass of the resultant property. Accordingly, the only response can be to resist the revisions proposed as contrary to Policy LP16 of the FLP (2014).

## 12 RECOMMENDATION - Refuse

### Reason for refusal:

1	Policy LP16 of the Fenland Local Plan (2014) seeks to deliver and protect high quality environments across the district, requiring that proposals for new development make a positive contribution to the local distinctiveness and character of the area and do not adversely impact, either in design and scale terms, on the street scene. It is considered that the prominence of the garage and the lack of separation between it and the modest bungalow, known as Rhonelda to the south, will be detrimental to the character of the streetscene through the consolidation of the built form on the site. Furthermore, the lack of visual interest within this prominent elevation will further compound its character impact at odds with the aims of Policy LP16 of the Fenland Local Plan (2014).
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Created on: 27/01/2022

F/YR22/0051/VOC

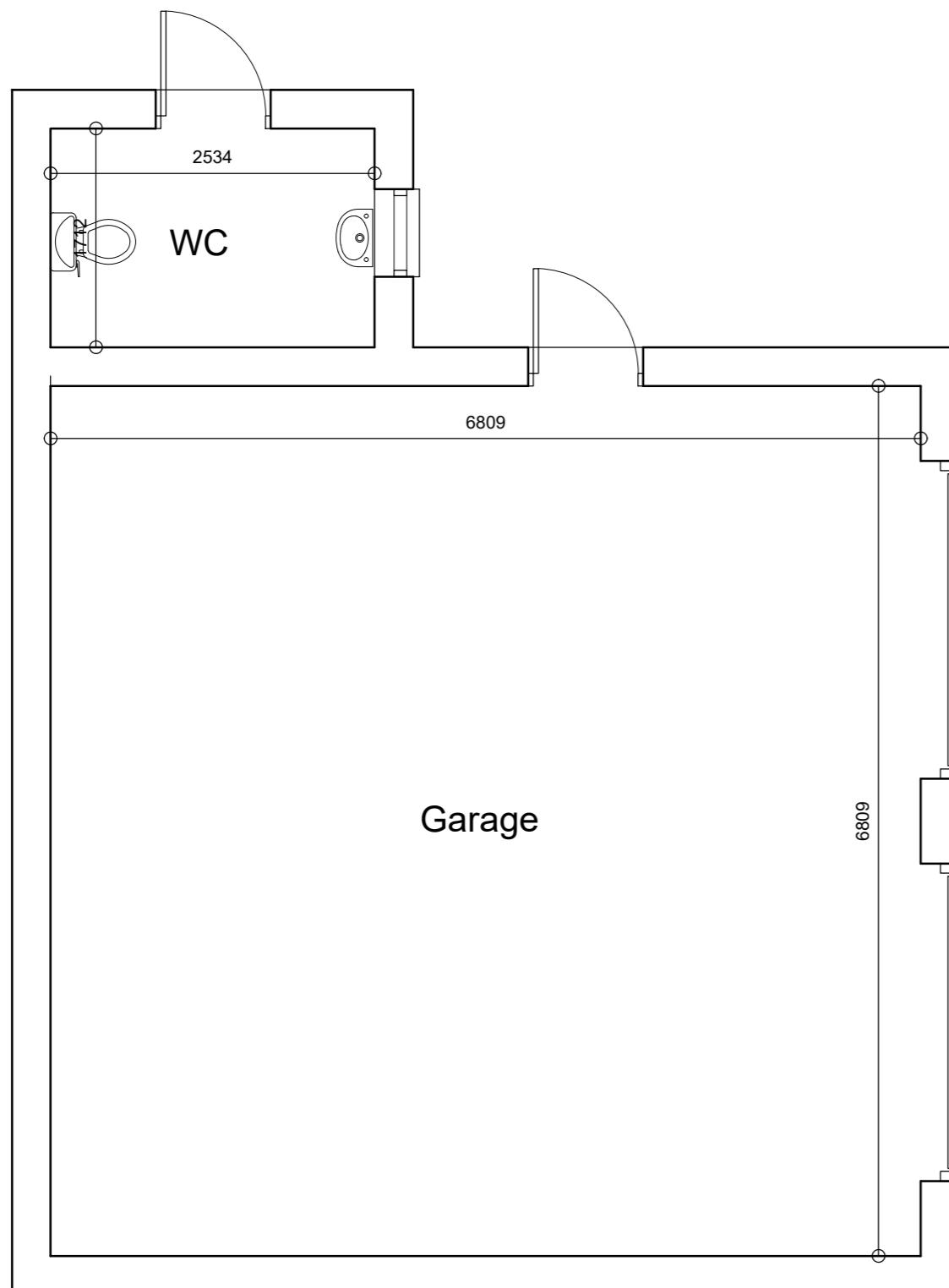
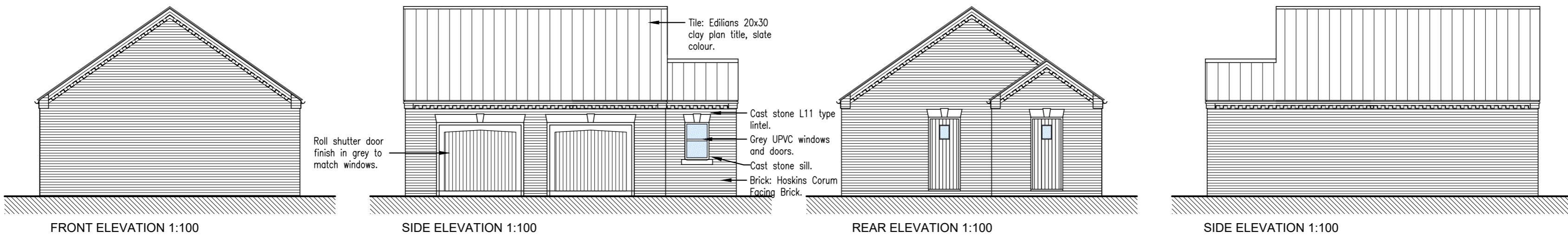
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Scale = 1:1,250



Fenland  
CAMBRIDGESHIRE  
Fenland District Council





GROUND PLAN 1:50

J - Front elevation amendment  
i - Revised layout due to location change  
H - Amendment to appearance of windows and doors  
G - APPROVED  
REVISIONS

JOB NO. 6197/02/PL04J PAPER SIZE A2 DATE DEC 2021

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CLIENT  
MR R MARSHALL

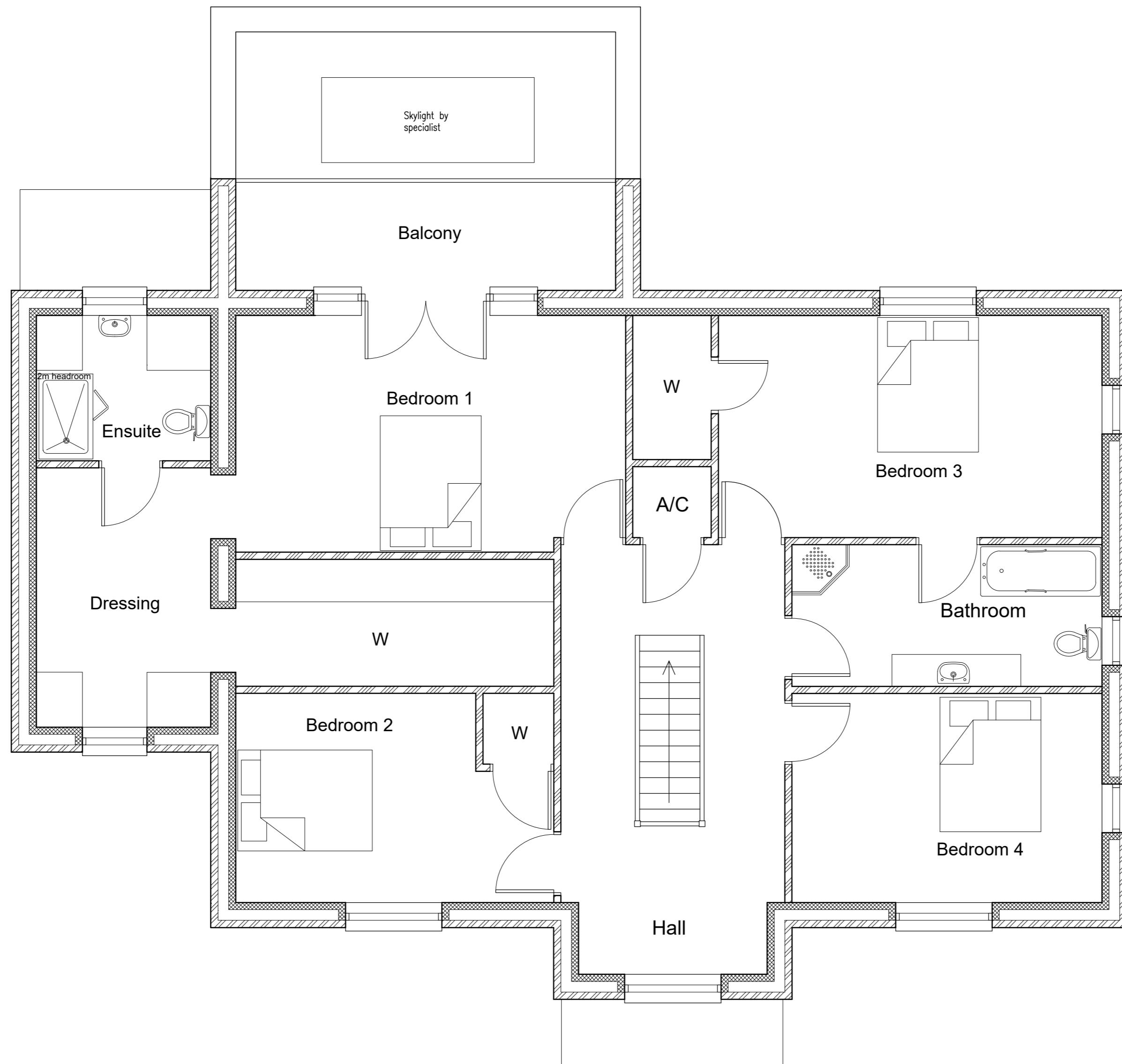
PROJECT  
PROPOSED DWELLING

SITE  
BANK VIEW NURSERY  
GULL ROAD  
GUYHIRN  
WISBECH

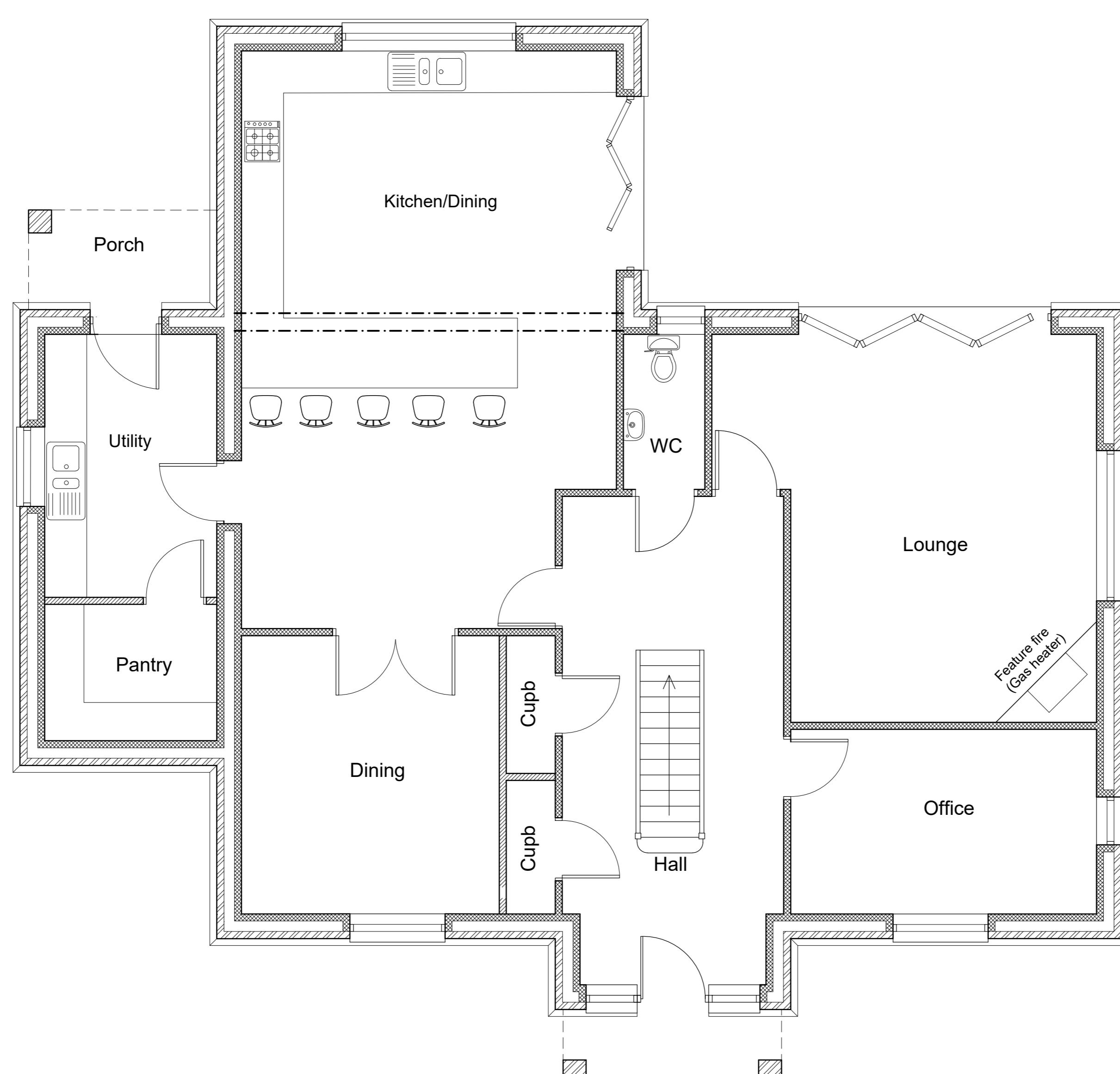
DRAWING  
GARAGE PLANS AND ELEVATIONS

**PHA**  
PETER HUMPHREY  
ASSOCIATES

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FIRST FLOOR PLAN 1:50



GROUND FLOOR PLAN 1:50

H - Addition of dormer windows to dressing room  
 G - APPROVED  
 REVISIONS  
 JOB NO 6197/PL02H PAPER SIZE A1 DATE NOV 2021  
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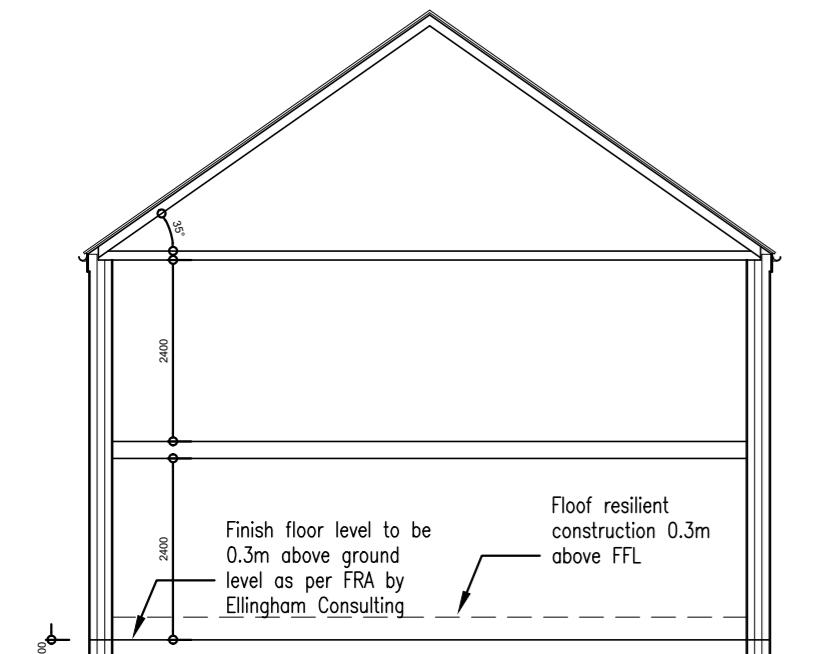
CLIENT  
 MR R MARSHALL

PROJECT  
 PROPOSED DWELLING

SITE  
 BANK VIEW NURSERY  
 GULL ROAD  
 GUYHIRN  
 WISBECH

DRAWING  
 PLANS

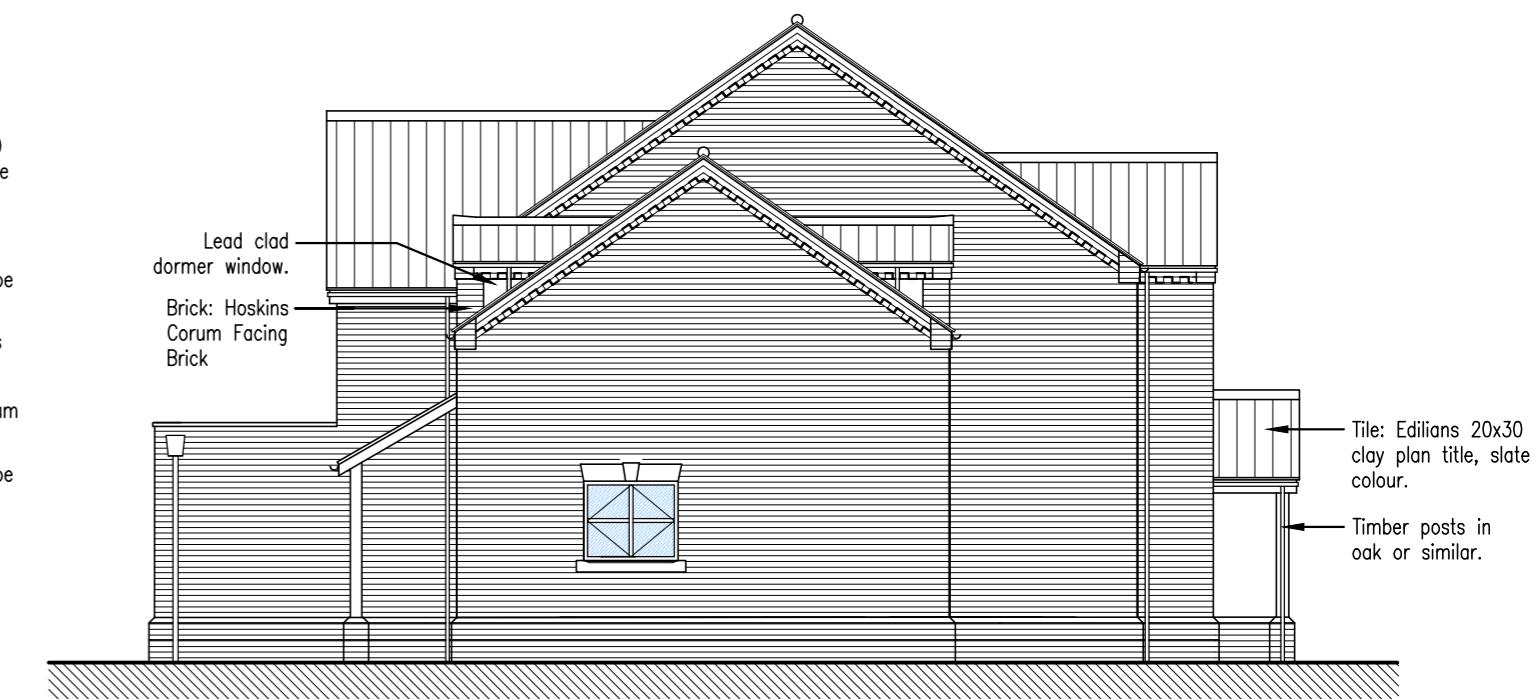
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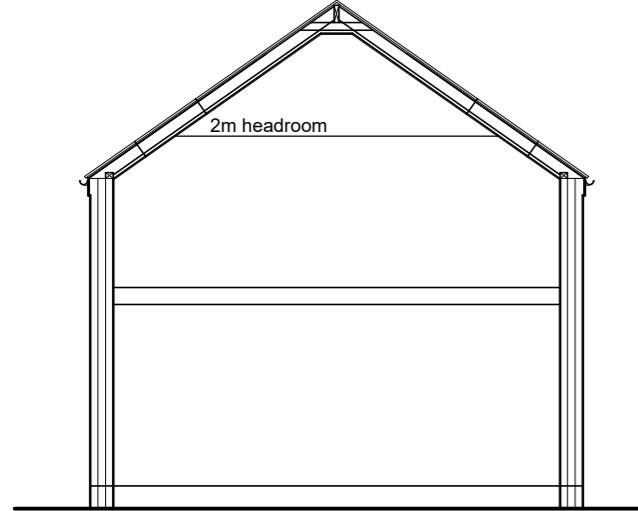
Section A-A



FRONT ELEVATION



SIDE ELEVATION



Section B-B



REAR ELEVATION



SIDE ELEVATION

ELEVATIONS & SECTIONS 1:100

O - Revised dormer window.  
N - Revised dormer window.  
M - Addition of external materials. And addition of dormer windows, and edit to windows.  
L - APPROVED  
REVISIONS

JOB NO.	PAPER SIZE	DATE
6197/PL03O	A2	NOV 2021

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CLIENT  
MR R MARSHALL

PROJECT  
PROPOSED DWELLING

SITE  
BANK VIEW NURSERY  
GULL ROAD  
GUYHIRN  
WISBECH

DRAWING  
ELEVATIONS

# PHA

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F/YR22/0169/O

**Applicant: Mr B Aldridge**

**Agent: Mr Lee Bevens**  
**L Bevens Associates Ltd**

**Land South East Of 127, Wype Road, Eastrea, Cambridgeshire**

**Erect up to 2 x dwellings (single-storey) and the formation of an access and a 1.2m wide footway to frontage (outline application with matters committed in respect of access, layout and scale)**

**Officer recommendation: Refusal**

**Reason for Committee: Number of representations contrary to Officer recommendation. Furthermore, the applicant is a relation of Cllr Laws.**

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for the erection of 2 single-storey dwellings. Matters of access, layout and scale are committed meaning that the final appearance and landscaping are reserved for future submission under reserved matters.
- 1.2 The principle of development is considered unacceptable as the proposal is not residential infilling, contrary to Policy LP3. Development of this site would fail to respect the core shape and form of the settlement and would instead result in an encroachment into the open countryside, with the unquestionable creation of linear/ribbon development, which is not supported by policy, and has the potential to set a precedent for further incursion.
- 1.3 The development is therefore contrary to the aims of policy LP12-Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and to the settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.
- 1.5 Consequently, the recommendation is to refuse the application.

## 2 SITE DESCRIPTION

The application site is located on the south-western side of Wype Road, Eastrea and adjoins a recent development of 2 bungalows. It is agricultural land with a current crop, there is a partial hedge alongside Wype Road beyond the wide grass verge. Open countryside extends adjacent south and east of the site and the location is considered to be rural in character. The site is located in Flood Zone 1.

## 3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of 2 single-storey dwellings. Matters of access, layout and scale are committed meaning that the final appearance and landscaping are reserved for future submission under reserved matters.

#### *Access*

3.2 The development proposes a single point of access to be shared between the 2 properties. A small section of hedge is required to be removed to accommodate the access which is 5m wide, surfaced in tarmac for the first 10m and drained away from the highway.

#### *Layout and scale*

3.3 The development proposes to site the 2 dwellings back from the highway by approximately 20m and orientates them to face the Wype Road. Private driveways lead to detached double garages and parking/turning areas. A private 1.2m wide footpath is proposed within the site linking to the access and footpath serving 184 and 186 Wype Road to the north west. Each property is served by a front and rear garden.

Plot 1 measures 14.5m x 10m and 6m high, plot 2 measures 17m x 9m and 5.7m high (both excluding the protruding gable elements). The garages measure 6.5m x 6.5m and 4.8m in height.

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

[F/YR22/0169/O | Erect up to 2 x dwellings \(single-storey\) and the formation of an access and a 1.2m wide footway to frontage \(outline application with matters committed in respect of access, layout and scale\) | Land South East Of 127 Wype Road Eastrea Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-applications/F/YR22/0169/O)

## 4 SITE PLANNING HISTORY

F/YR13/0710/F	Formation of a vehicular access	Granted 12/11/2013
---------------	---------------------------------	-----------------------

In relation to the site only, further history is available in relation to the adjoining site which the proposed footpath crosses. A pre-application enquiry was submitted which is discussed in the background section below.

## 5 CONSULTATIONS

### 5.1 Town Council

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

### 5.2 Environmental Health (FDC)

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development.*

*With the existing land use being arable farmland and given close proximity to noise sensitive dwellings, the following conditions should be imposed in the event that planning permission 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.*

#### **NOISE CONSTRUCTION HOURS**

*No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, , unless otherwise previously agreed in writing with the Local Planning Authority.*

*REASON: To protect the amenity of the adjoining properties*

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

*This application outlines 2 dwellings with garages for each dwelling.*

*Highways have no objections to this planning application.*

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

5.4 6 supporting comments have been received (1 from Coates Road, Coates, 1 from Coates Road, 2 from Wype Road, 7 from Roman Gardens and 1 from Thornham Way, all Eastrea) in relation to the following:

- Important to maintain single-storey dwellings for the older population
- In keeping with the area
- Beneficial to village to have 2 more properties built to the standard of the adjacent ones
- Can't see any disadvantages
- Near walkway that leads to Whittlesey

5.5 2 representations have been received (both from Thornham Way, Eastrea) in relation to the following:

- A roadside footpath is required, ideally extending to the Green Wheel/public right of way
- 2 existing dwellings by developer attractive and hedges maintained
- Vital route into village and needs to be more accessible if village expansion is to continue

#### **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 – 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

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

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

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

### **Whittlesey Draft Neighbourhood Plan**

Due to the current stage of progression of the plan it carries little material weight in any planning decision, however, the following policies would be relevant to the proposal:

Policy 1 – Spatial Strategy

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 10 – Flood Risk

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Visual Amenity**
- **Residential Amenity**
- **Highways/parking**
- **Flood Risk**

## **9 BACKGROUND**

This site has been subject to pre-application advice (19/0130/PREAPP) for 2 dwellings, which advised that at that time the adjacent development had not been implemented and as such development on this site would appear visually isolated. Notwithstanding this if the adjacent site was developed (as is now the case) the proposal would not constitute residential infilling and would result in an extension of linear development, failing to respect the core shape and form of the settlement contrary to Policies LP3 and LP12. It was advised an application would not be encouraged.

## **10 ASSESSMENT**

## **Principle of Development and Visual Amenity**

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 identifies Eastrea as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. Appendix C of the Local Plan defines residential infilling as "Development of a site between existing buildings". The development extends south into open countryside where there is no development beyond, as such it is not considered to meet the definition of 'residential infilling' and in fact relates more to the open countryside than to the settlement contrary to LP3.
- 10.2 Policy LP12 Part A states that for villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside and subject to criteria (a) – (k). The proposal is considered contrary to the following criteria:
- 10.3 Criteria (a) requires that the site is in or adjacent the existing developed footprint of the village, except for 'small' villages such as Eastrea where only infill sites will normally be considered favourably.
- 10.4 Criteria (c) seeks to ensure that developments do not have an adverse impact on the character and appearance of the surrounding countryside.
- 10.5 Criteria (d) seeks to ensure that the proposal is of a scale and location that is in keeping with the core shape and form of the settlement and will not adversely harm its character and appearance.
- 10.6 Criteria (e) seeks to ensure development does not extend existing linear features of the settlement or result in ribbon development.
- 10.7 This policy also advises that if a proposal within or on the edge of a village, in conjunction with other development built since 2011 and committed to be built (i.e. with planning permission) increases the number of dwellings in a village by 10% or more then the proposal should have demonstrable evidence of clear local community support for the scheme, generated by a thorough and proportionate pre-application community consultation exercise. Eastrea has already exceeded its 10% threshold. An appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused. However, in this case the development put forward is clearly unacceptable in planning terms and no such community consultation exercise has been undertaken, contrary to this element of policy.
- 10.8 Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, seeks to make a positive contribution to local distinctiveness and character of an area.
- 10.9 It is considered that development of this site would fail to respect the core shape and form of the settlement and would instead result in an encroachment into the open countryside, with the creation of unquestionable linear/ribbon development, which is not supported by policy, as detailed above.
- 10.10 Consequently, the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in an urbanising effect

through the loss of openness. Furthermore, if approved, the development would set a precedent for additional piecemeal development on both sides of Wype Road (there is currently no development opposite), with further incremental encroachment into the countryside, urbanisation and loss of openness with even more significant cumulative impacts.

10.11 The development is therefore contrary to the aims of policy LP12-Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and to the settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

### **Design**

10.12 The scale and layout have been committed as part of this application with detailed external appearance and landscaping as reserved matters.

10.13 The scale of the proposed dwellings/garages are comparable with those surrounding, the building line is slightly forward of 184 and 186 Wype Road to the north west, however there is not considered to be significantly detrimental

### **Residential Amenity**

10.14 The proposed dwellings are afforded approximately a third of the plot for private amenity space in accordance with LP16 (h), subject to suitable boundary treatments which would form a reserved matter.

10.15 Whilst detailed design forms a reserve matter the scale of the plots and separation distances are such that it is considered a policy compliant scheme in relation to residential amenity could be achieved.

10.16 Environmental Health have recommended a condition in relation to hours of construction, the site is not in densely populated or constrained area, due to its open countryside location, and should issues of noise arise there is separate legislation in relation to this, hence it is not considered reasonable to impose this condition.

### **Highways/parking**

10.17 A shared access is proposed off Wype Road, this is 5m wide and proposed to be of tarmac construction in accordance with Cambridgeshire County Council's specification for 10m back from the highway; pedestrian and vehicular visibility splays are detailed and the LHA are content that the scheme is acceptable.

10.18 The shared access leads to parking and turning areas, the submitted details indicate that the dwellings are to be 4-bed (though this is not committed) and as such 3 parking spaces for each dwelling would be required in accordance with Policy LP15 and Appendix A of the Fenland Local Plan. The garages are slightly substandard in relation to the requirements to be considered a parking space (these would need to be 3m x 7m internally) and may need to be made slightly larger at reserved matters stage, however there is sufficient space for at least 3 vehicles per dwelling on the drive indicated.

10.19 A 1.2m wide internal footpath is proposed to link to the footpath serving 184 and 186 Wype Road. A footpath serving these dwellings was originally proposed to be located adjoining the highway, however an application was submitted to vary the condition (F/YR20/0583/VOC) where it was considered that revised scheme would

provide the same level of access to future occupiers and therefore meets the same aims as that approved in respect of highway safety and sustainable access. The same is true in this case and as such the footpath link is considered acceptable.

### **Flood Risk**

10.20 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development in flood risk terms and does not require the submission of a flood risk assessment or inclusion of mitigation measures. The site has 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.

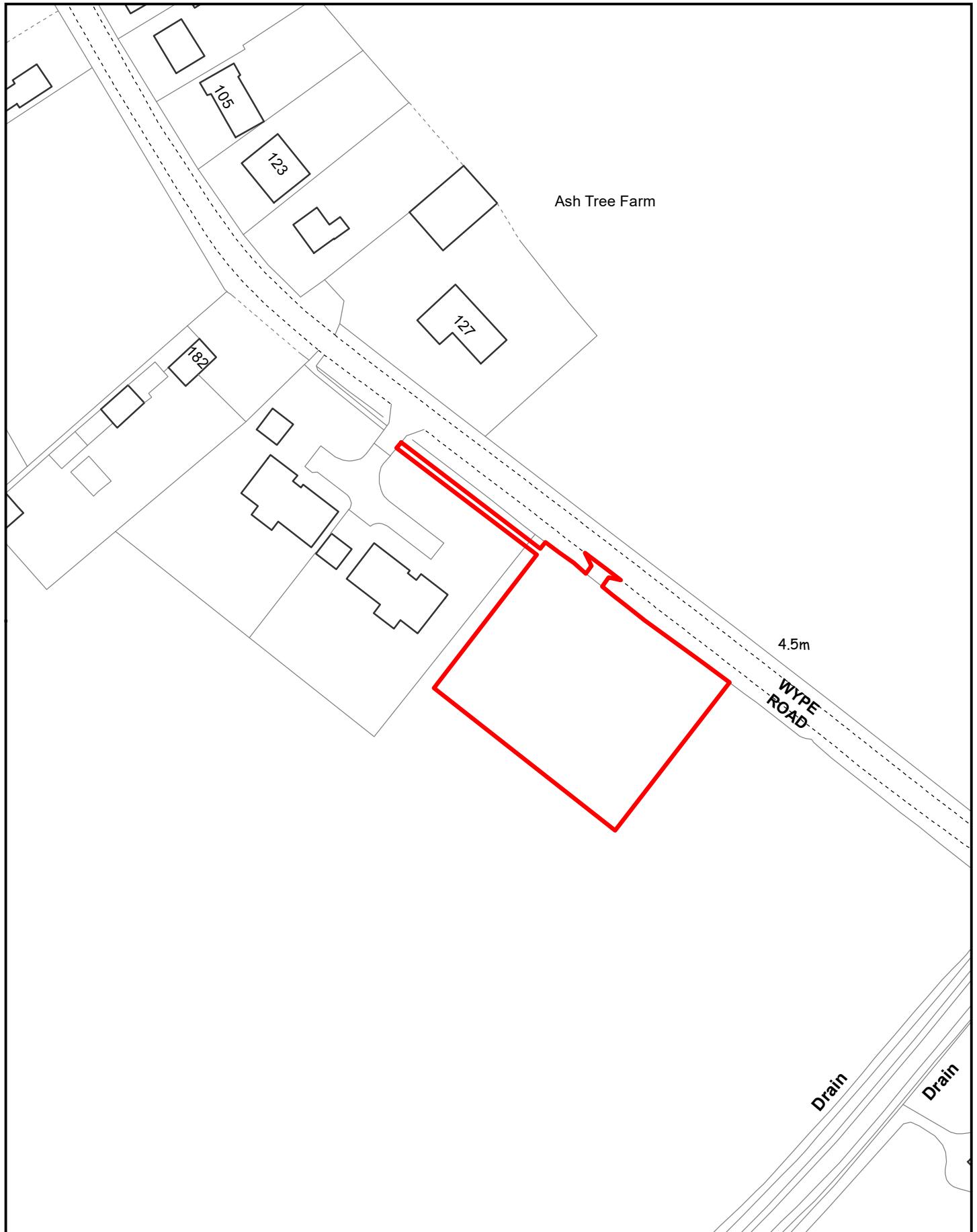
## **11 CONCLUSIONS**

The principle of development is considered unacceptable as the proposal is not residential infilling, contrary to Policy LP3. Development of this site would fail to respect the core shape and form of the settlement and would instead result in an encroachment into the open countryside, with the creation of unquestionable linear/ribbon development, which is not supported by policy, and has the potential to set a precedent for further incursion. The development is therefore contrary to the aims of policy LP12-Part A (a, c, d and e) and fails to make a positive contribution to the local distinctiveness, character of the area and to the settlement pattern, resulting in a significant adverse impact on visual amenity, contrary to policy LP16 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014.

## **12 RECOMMENDATION**

### **Refuse for the following reason:**

1	The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanisation of the area. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (a, c, d and e), LP16 (c and d) of the Fenland Local Plan 2014, Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and paragraph 130 of the NPPF.
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**F/YR22/0169/O**

Scale = 1:1,250



0m 1 2 3 4 5m 10m

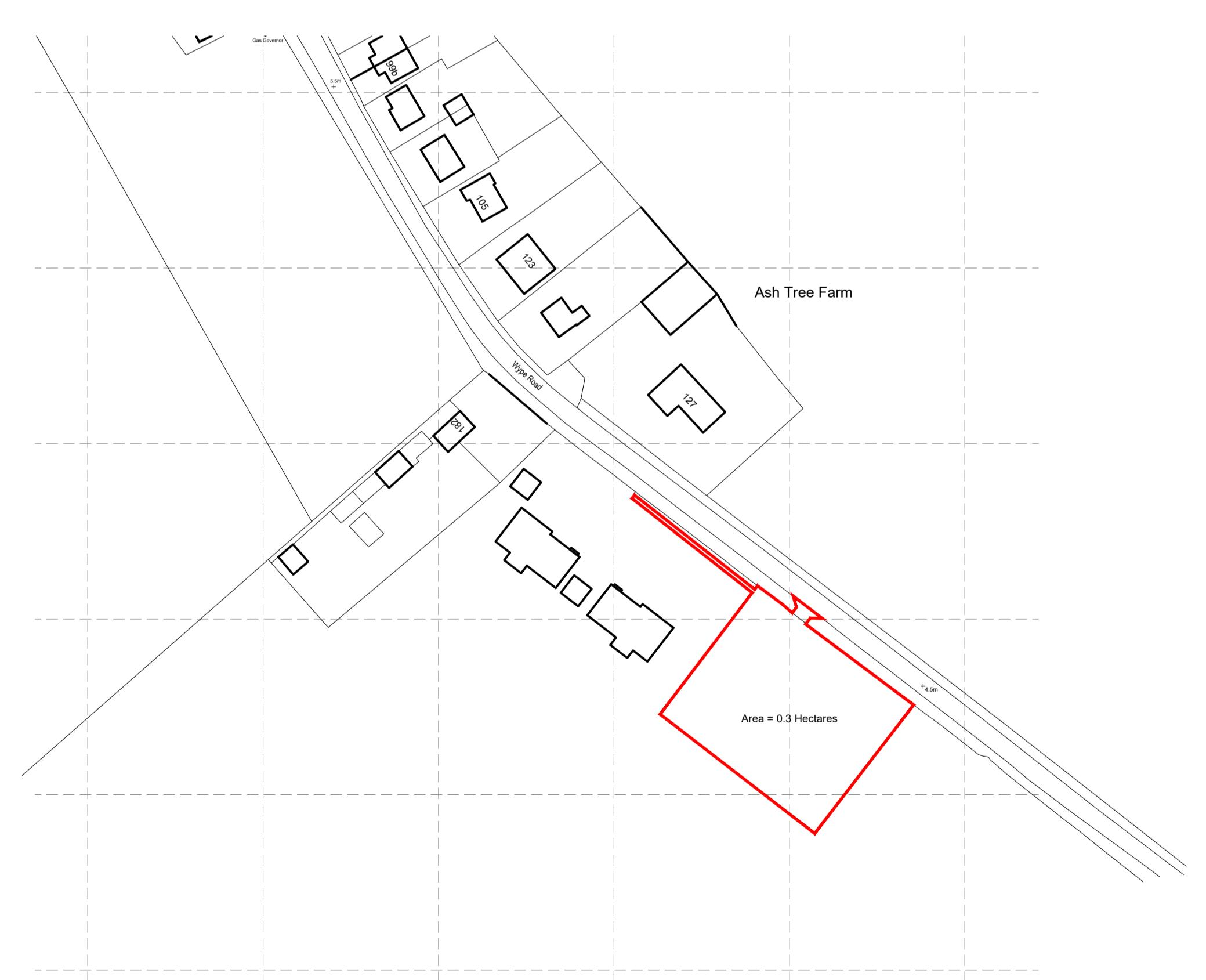
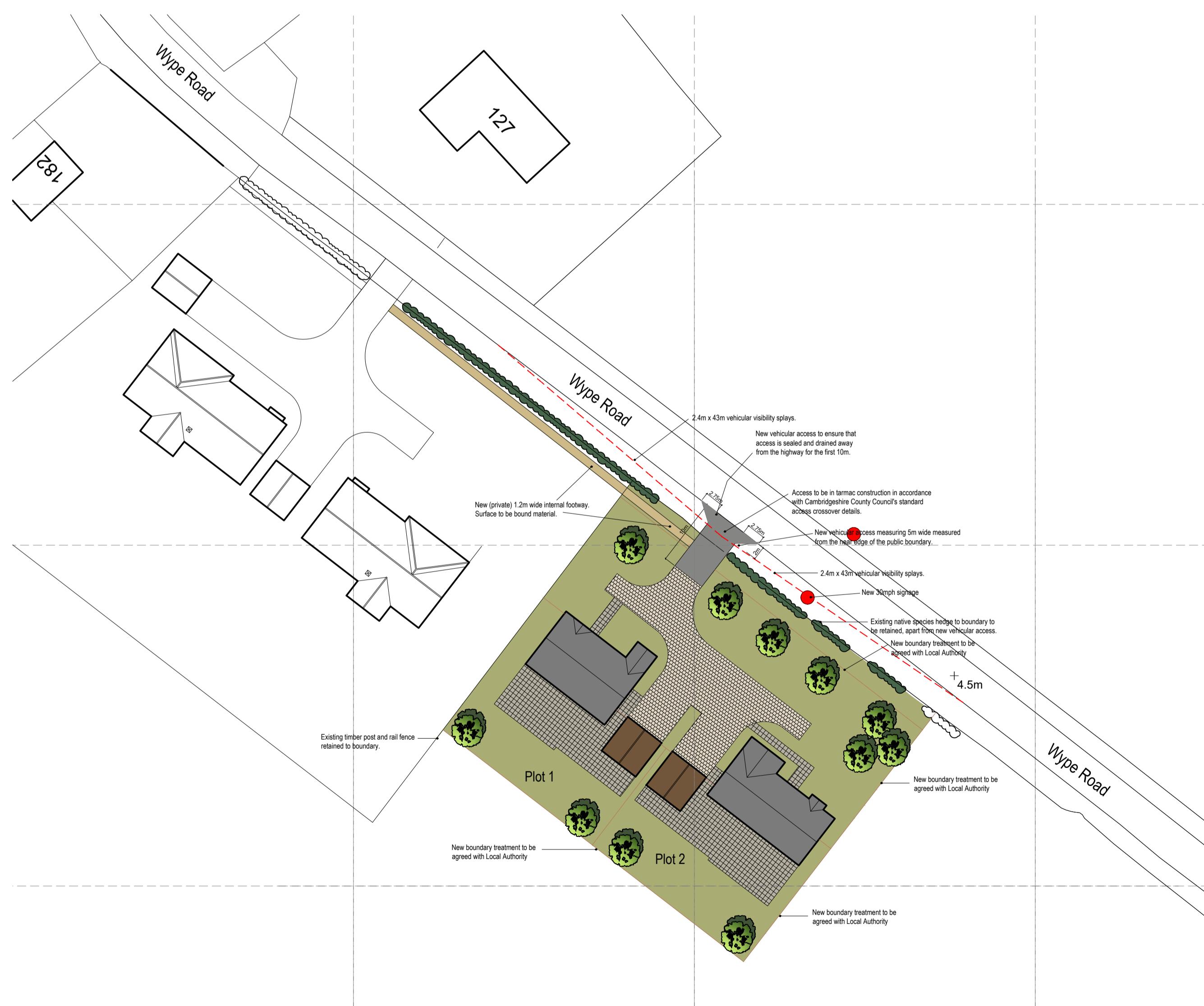
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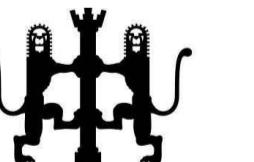
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Rev A Jan. 2022 Site area amended



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DRAWING STATUS  
PRELIMINARY □  
PLANNING ■  
CONSTRUCTION □  
FILE COPY □

CLIENT  
Mr B AldridgePROJECT  
Land south of 182 Wype Road, Eastrea, CambridgeshireDRAWING TITLE  
Proposed Block Plan  
Location Plan  
Illustrative Street Elevation for scale purposesSCALE DATE DRAWN CHECKED  
1:100 1:500 & 1:1250 @ A1 January 2022DRAWING NUMBER CH19/LBA/524/OP-1-100  
REVISION A

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