

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 4 MAY 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:

- 1 To receive apologies for absence.
- 2 Previous Minutes

To confirm and sign the minutes from the previous meeting of 6 April 2022 – to follow.
- 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/YR21/0887/F
Land North West Of Middle Level Commissioners, Whittlesey Road, March
Erect 1 x office/workshop, 1x vehicle workshop and 1 x training centre, 2.4m high (approx) fence and formation of car park and associated infrastructure (Pages 3 - 36)

To determine the application.

6 F/YR21/1504/FDC

South Fens Enterprise Park, Fenton Way, Chatteris

Erect 2 x blocks of industrial units (6 x units total) (Class E (g) - workshops and offices) with associated parking, and enlargement of existing attenuation basin.
(Pages 37 - 54)

To determine the application.

7 F/YR22/0185/F

3 Irving Burgess Close, Whittlesey

Erect a first floor and single-storey front extensions, single-storey rear extension and a 2-storey side/rear extension to existing dwelling (Pages 55 - 64)

To determine the application.

8 F/YR22/0241/F

5 Park Street, Chatteris

Alterations to shop front including bricking up window and a replacement window frame (Pages 65 - 76)

To determine the application.

9 Items which the Chairman has under item 3 deemed urgent

Members: 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 P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood.

PLANNING COMMITTEE



WEDNESDAY, 6 APRIL 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor W Sutton, Councillor D Topgood and Councillor A Miscandlon,

APOLOGIES: Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman) and Councillor R Skoulding,

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

P98/21 **PREVIOUS MINUTES**

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

P99/21 **F/YR21/1346/F** **BROMSGROVE HOUSE, HONEYSOME ROAD, CHATTERIS** **CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECT A TWO-** **STOREY SELF-CONTAINED RESIDENTIAL ANNEX INVOLVING THE** **DEMOLITION OF EXISTING OUTBUILDING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there are no objections to the application and the applicant for the proposal runs the Willows Day Nursery in Station Road, Chatteris. He explained that currently residing on site along with the applicant are other members of the extended family and the current living conditions are split between the existing dwelling and the caravan that the applicant has been residing in since 2012.

Mr Hall stated that the annexe will allow the family to stay together on site within the same curtilage and made the point that the existing building has suffered from three break ins resulting in loss of goods. He explained that the annexe has been positioned in the location of the existing brick storage building of 144 square metres which is to be demolished and the proposed annexe plan area is smaller measuring 130 square metres.

Mr Hall explained that the reason that the proposal is one and half storeys high is that, following discussions with the Environment Agency, they have requested that the bedrooms should be placed at first floor level. He added that they have also asked that the ground floor level should be raised above the ground to provide sufficient mitigation.

Mr Hall referred to the officer's site plan and pointed out the dwelling Orchard House comprises two dwellings and explained that the building directly to the north of the site was approved for an annexe in 2019 by the Planning Committee, which is also within Flood Zone 3. He pointed out the

similarities of the annexe and the current proposal and stated that it is his understanding that there was no consultation with the Environment Agency for this application.

Mr Hall referred to the Planning Committee which took place in February when an annexe at Curf Terrace was approved by members against the officer's recommendation, which is similar to the proposal before members today and he asked members to support the application.

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

- Councillor Benney stated that he is familiar with the site, and he knows the area well. He added that the photographs shown depict the open countryside, which is picturesque, however, by turning 180 degrees some of the established local businesses can be seen and, therefore, in his opinion, it cannot be classed as open countryside. Councillor Benney expressed the view that the site would have housed two fen cottages years ago and the adjacent dwelling has an annexe which is similar to the proposal, albeit the proposed dwelling has a smaller footprint. He added it will provide a good family home for the extended family to be able to reside together and he stated that there are only two dwellings plus an office at the bottom of the road and the proposal is on the outskirts of the town centre. Councillor Benney stated that he cannot recall any brownfield sites remaining in Chatteris and, therefore, in order to see the town of Chatteris to grow, development will need to take place on the outskirts of the town. He expressed the view that the proposal is a sensible option for the family to live in and he will be supporting the application.
- Councillor Mrs French referred to the agent stating that the family had been living in the caravan for ten years. She expressed the view that the dwelling adjacent to the proposal looks very nice and to raise a family in a caravan, unless you are a traveller, must be very difficult. Councillor Mrs French expressed the opinion that the building already on site is an eyesore and the proposed dwelling being reduced from 144 square metres to 130 square metres will fit nicely on the site and she will support the application.
- Councillor Sutton stated that the key issue is whether the proposal is an annexe or a standalone dwelling as he has always regarded an annexe as something for someone's parents. He expressed the view that if it is determined that it is an annexe then he could consider supporting the proposal, however, if it is decided that it is a standalone dwelling then he maybe more reluctant to support the proposal.
- Councillor Mrs Mayor stated that she agrees with the comments made by Councillor Sutton and expressed the view that she does not see the proposal as an annexe and the application should have been submitted as a separate dwelling.
- Councillor Benney expressed the view that whether it is an annexe or a separate dwelling it has been submitted as an application for an annexe and currently there are people residing in a caravan in Flood Zone 3. He added that the committee approved an application against the officer's recommendation previously, as members felt it was unsafe for people to be living in a caravan in Flood Zone 3 and with the flood risk mitigation measures in place it will make it safer for the residents to live in. Councillor Benney expressed the view that he cannot see any evidence from the officer's report to state that it is a separate dwelling, it has been presented to him as an annexe and that is what he will base his decision on.
- Councillor Miscandlon stated that the proposal has the appearance and the definition of a separate dwelling and whilst the application is for an annexe in the future that could change, and it could be sold off as a separate premise. He expressed the view that he agrees with the comments of Councillors Mrs Mayor and Sutton, he is not convinced it is an annexe, it is a separate dwelling that can be used as an annexe.
- Councillor Marks explained that in Manea, where he resides, there are many properties which were originally workplace homes and now numerous properties have been changed to annexes. He added that homes for young people are needed as many are struggling to get onto the property ladder and the proposal before the committee is a solution for the applicant's family.
- Councillor Murphy expressed the view that the proposal is not an annexe, it is a building on its own. He added that it is in Flood Zone 3, does not fit the sequential test and is down an

unadopted road. Councillor Murphy stated that the site is remote and there are more appropriate town centre locations for people to reside. He expressed the opinion that officers have made the correct recommendation.

- Councillor Benney referred to an application on Womb Farm which was approved by the committee previously and that the side of the Womb Farm development that comes out onto the bypass is connected via a footpath from the development to the town centre of Chatteris and he questioned whether that application's connectivity is any worse than the proposal before the committee now.
- David Rowen stated that the application has been submitted as an annexe but that does not mean it has to be considered as an annexe and the application should be looked at on what the application proposes as a development and in the officer's report it states that the proposal has all the elements to make it a separate dwelling. He drew members attention to the reasons for refusal as set out in the officer's report which state that the proposal would result in the construction of a self-contained residential unit and separate curtilage, the form and character is not in keeping, the proposal is a stand-alone dwelling and it needs to be considered in terms of the sequential test and flood risk. David Rowen made reference to the point Mr Hall had made with regard to the annexe which had received planning permission to the south at Orchard House and drew members attention to the description of that application which was for the erection of a detached garage with garden office and conversion of a detached garage/store to a one bed annexe with store above to include installation of an external staircase. He added that the Orchard House application is a one bed annexe and is of the scale and accommodation which would be expected as an annexe as opposed to a three bed roomed house which is what the current application proposes. David Rowen added that the Orchard House application was almost totally within the existing curtilage of that property whereas the current application has had a separate curtilage created. He stated that the distinct differences are that the Orchard House seems to be an annexe and the application before members is a self-contained three bedroomed dwelling.
- Councillor Mrs French asked whether the caravan where the family have been living in for many years had planning permission to be on the site. David Rowen stated that he was not aware of a separate planning application for the caravan, but it maybe that it was sited in the existing domestic curtilage and may not need planning permission. He added that as Mr Hall had indicated that it had been occupied as a separate living unit, it maybe something for the enforcement team to look into. Councillor Mrs French stated that after 10 years she did not think that permission would now be required.
- Councillor Sutton asked the Legal Officer for clarity over what is classed as an annexe and what is not. The Legal Officer stated in reality whether something would be considered as an annexe or a separate dwelling house would depend on the particular application and that has been set out by David Rowen and is within the officer's report. The Legal Officer expressed the opinion that from the officer's report and from the plan it does appear to look more like a separate dwelling rather than an annexe.
- Councillor Connor stated that the applicant has been on site for many years and added that the application is for an annexe and that is what members need to make their determination on.

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

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED against the officer's recommendation, with it be delegated to officers to apply appropriate conditions including the stipulation that the annexe cannot be sold off separately from the main dwelling.

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

they feel that the health and wellbeing of the residents will be improved, it will enhance the environment, it is not detrimental to the character of the area and does not have any impact on the neighbours.

(Councillors Benney and Murphy registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Chatteris Town Council, but take no part in planning matters)

P100/21 **F/YR21/1522/O**
LAND SOUTH EAST OF NORBROWN, HOSPITAL ROAD, DODDINGTON
ERECT UP TO 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from the applicant, Mr Cutteridge. Mr Cutteridge stated that the Parish Council have not given their support to the application as, in their view, the road is in poor condition, but in his opinion, there is not a single pothole along Hospital Road, and it is checked regularly. He explained that there have been objections from residents in Askham Row and having spoken to them, the residents appear to be more concerned that there will be more properties built on the land behind them should the current application be approved, and he has assured them that this will not be the case as that is where he keeps his horses.

Mr Cutteridge explained that prior to submission of the application he had a meeting with the Highway Authority where he walked the road with them and discussed the roadway with them in detail and they agreed that the road was capable of dealing with the amount of traffic currently. He stated that he also spoke to them with regards to another planning application concerning his business, due to the inclusion of a cafeteria and shop, and it was agreed that additional passing places would be included.

Mr Cutteridge explained that the road used to be the main access to Doddington Hospital for over 40 years and had far more traffic during that time. He explained that the entrance to the proposed two dwellings is right beside one of the access points that went into Doddington Hospital and added that the proposal is located 0.4 miles from the clock tower of Doddington and the village spreads for in excess of a mile in most directions.

Mr Cutteridge explained that he has no issues with walking or using a bicycle to get his children to school and the village can be accessed comfortably. He added that there is a streetlight at the end of Hospital Road which lights that area very well in the evening and the visibility from the proposed site enables anybody to be able to see the end of the road for oncoming traffic.

Mr Cutteridge stated that dog walkers use the lane regularly, he has lived there all of his life and he has never known of any accident involving any pedestrian on the road. He stated that there are 11 dwellings on Turf End Road, which is 0.5 miles from the centre of the village, with a narrower road and has a blind bend and is also no street lighting on the road which also has a hedge and one narrow verge and a further four dwellings are being built.

Mr Cutteridge explained that each of the proposed dwellings will have their own sewerage treatment plant as he is aware that Doddington is already having issues dealing with sewerage. He advised the committee that the Council have advised him that some of the properties in Hospital Road have an agricultural tie to them and stated that one of those properties was sold a few years ago to occupiers with no links to agriculture and although this was highlighted to the Council no action was taken, however, the Council have decided to make reference to this fact with this planning application. He added that there is no agricultural tie on the previous two dwellings which

have already received permission.

Mr Cutteridge expressed the view that there will be no significant change to the character of the area as there is already a building on the hospital land which is far bigger than the proposed dwellings. He stated that the Planning Officers have also stated that the occupiers will have to move their waste collection bins 30 yards to the collection point, however, there are other streets such as Thistledown and Oak Tree Close in Doddington where the bins have to be moved as far as that as well.

Mr Cutteridge expressed the opinion that the homes will be affordable family homes and he added that to buy a building plot and build your own dwelling is half the cost of purchasing your own four bedroomed home in Doddington. He explained that he has planted 10,000 new trees and made the point that Doddington is a growth village, and he does not think that the proposal site is too far outside of the village.

Mr Cutteridge confirmed that there is no flood risk on the site and there are no issues with regards to sewerage management.

Members asked Mr Cutteridge the following questions:

- Councillor Miscandlon asked Mr Cutteridge to confirm who would pay for the management of the properties sewerage system. Mr Cutteridge confirmed that each dwelling would have its own sewerage treatment plant installed and the water that comes from that will be clean enough to go into the drain.
- Councillor Sutton stated that he disagrees with the point made concerning the access points into the hospital as he is aware that historically the gatehouse was the entrance to the hospital and not Hospital Road. Mr Cutteridge responded that the gatehouse was the exit as it was a one-way system since he was a small boy and was the exit for the last 48 years.

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

- Councillor Sutton expressed the opinion that he agrees with the officer's recommendation for this application. He added that the committee had previously approved the application that had been submitted for the two dwellings which was against the officer's recommendation which at that time was an in-balance decision as the committee had felt that it was infill, however, this application, in his opinion, is a step too far.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is making good use of the land, meets housing needs, Doddington is a growth village, the site is surrounded by trees and is not protruding into the open countryside, it is making good use of the depth of land and the fact that the dwellings will have their own sewerage treatment plants will not add to the sewerage issues Doddington already has.

(Councillor Connor declared that Mr Gowler, the agent, and Mr Cutteridge, the applicant, are known him, but this would have no bearing on his determination of the application)

**P101/21 F/YR21/1536/O
LAND WEST OF LOWLANDS, COLLETTS BRIDGE LANE, ELM
ERECT 1NO DWELLING AND GARAGE (OUTLINE APPLICATION WITH ALL**

MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Bryant, an objector to the application. Mr Bryant referred to the presentation screen and explained that that eleven objections to the application are marked in blue with the application site being marked in red. He explained that despite appearances this is not NIMBYism and it is the local community asking the Council to uphold its Local Plan and to execute its statutory duty to have regard to the provisions of the Local Plan and the NPPF along with previous appeal decisions.

Mr Bryant stated that the residents were pleased that Elm Parish Council voted to object to this application quoting LP's 3 and 15, and the NPPF. He expressed the view that with regards to environmental protection over the last year in two brutal phases trees a long-established native hedgerow and all other vegetation were destroyed on the site and all wildlife disappeared.

Mr Bryant explained that a flock of 50-100 sparrows lived in the hedgerow and the inevitable sparrowhawks have gone and that just because this pre-emptive environmental damage by the builder that owns the land makes it look like a building site does not mean it should become one. He expressed the view that the application fails to meet the requirement of LP3, and it should be refused under the Local Plan referring to 2.1.7 where there is a reference to: "flat open landscapes and big skies" showing a view taken from Lowlands opposite the site, adding that the committee have an opportunity today to continue to protect this view that many local residents cherish.

Mr Bryant referred to sustainability and stated that in the 2014 Planning Committee minutes for this site he noted 2 quotes where it stated that "If we pass this and agree that this is sustainable and also, in Councillor Sutton's view there is not another unsustainable area in Fenland" and "Members feel that the proposal is not in a sustainable area". He referred to the next slide on the presentation screen where the table shows a striking difference in the supposedly "similar" journeys from site to amenities and along with the Planning Officer he rejects the applicant's comparison of the application site with the appeal at Eastwood End as these sites fall under different levels in the LP3 hierarchy and, therefore, as the comparison fails it means the acceptability of the site under LP3 falls with it.

Mr Bryant expressed the view that development on this site is unambiguously contrary to the Local Plan and neither Colletts Bridge nor its protection in the plan have changed since 2014, with it remaining a single-track cul-de-sac with no turning or passing places as the Cambridgeshire Highways sign at the lane entrance indicates. He made the point that development on the site fails to meet Local Plan Policies 3, 12, 15, 16 and the NPPF and expressed the view that the principle of development on the site has never been accepted by the committee and it is the case that the officer report and decision notice for the first 2014 application stated that the principle of development was accepted, however, this was based on the officer using a completely incorrect statement of LP3 for Colletts Bridge. He explained that later in 2014 this was overturned by the committee once the correct LP3 definition was used and it was made clear that development on the site is contrary to LP3 which was confirmed by the appeal inspector.

Mr Bryant stated that the applicant's design and access statement refers to that 2014 appeal decision when they comment that development on the site is, in their words "the conflict with LP3" and they then argue, using the debunked Eastwood End case, that "...it would be reasonable to conclude that the application site is within a settlement and can therefore be considered as an infill plot which is acceptable in terms of Policy LP3". He expressed the view that this is false as it ignores point 6 of that Appeal Decision which was crystal clear "...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." and he confidently asserts that the principle of development on this site should not be acceptable to the committee and the application

should be refused for breach of LP3, 12, 15, 16 and the NPPF.

Mr Bryant reminded members of the best thing said about Colletts Bridge from 2014 'Let Colletts Bridge be as Colletts Bridge is' and asked the committee to reject the proposal and support the local community in their support of the Council's Local Plan.

Members asked Mr Bryant the following questions:

- Councillor Mrs French asked when the hedgerow that he had referred to had been removed and Mr Bryant confirmed that its removal took place last year.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this application is before the committee as an outline application where no matters have been committed and he would be happy to accept any condition which limits the proposed dwelling type. He explained that the site is within Flood Zone 1 so both single and two storey dwellings could be accommodated on the site, with members being aware that so many sites come before them in Flood Zones 2 and 3.

Mr Edwards made reference to the officers report where it states that the site is positioned between residential dwellings known as La Chaumiere to the south and the Hazels to the north, which are both two storey detached dwellings. He expressed the opinion that the site is in a cluster of dwellings on Colletts Bridge Lane and the development of this site would fill the gap and provide a good sized family dwelling which has ideal links to neighbouring villages and towns being in close proximity to the A1101.

Mr Edwards expressed the view that the site mirrors others that have been approved recently in the district and he does not believe it will set a precedent as each application should be treated on its own merits. He made the point that the proposal comes with a number of letters of support along with the support of Environmental Health, Highways and the Environment Agency, with the proposal making the best use of the land and finishing off this part of the village and the lane as a whole.

Mr Edwards expressed the opinion that the proposed site has ample size to accommodate both surface water and foul water drainage from a treatment plant and will be subject to a soakage test carried out in accordance with BRE365, with consideration also being given to the use of rainwater harvesting and all soakaways will be positioned so as not to have any detrimental effect on neighbouring properties and building regulation compliant. He made the point that it has been said on many occasions at this committee that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like this will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contribute to other businesses in the district.

Mr Edwards concluded by stating that the site is within Flood Zone 1, is infilling development between 2 dwellings, will utilise a section of land that has no use for farming and will provide a plot for a family to build a home on. He asked the committee to support the proposal and approve the application with the conditions you deem appropriate.

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

- Councillor Sutton stated that he knows the road very well and despite there being no objections from the Highway Authority it is single narrow track, and, in his opinion, it is not the right place for development to take place. He expressed the view that officers have made the correct recommendation which the Parish Council have also agreed with, along with two decisions made by the Planning Committee using the current Local Plan and four decisions in the previous two Local Plans, of which one application went to appeal and was dismissed. Councillor Sutton stated that there needs to be acceptance that there are some

areas which are not suitable for development, and this lane is one of those areas in his opinion. He made the point that whilst he appreciates that it is nice to see attractive dwellings in the area, it should not be at the expense of making the road more dangerous by infilling where it should not be infilled. Councillor Sutton made reference to previous applications at the site, where Councillors Miscandlon, Connor, Murphy, and Councillor Mrs Mayor along with himself were all members of the Planning Committee and a unanimous decision was made to refuse the applications and he stated that he would hope that the current committee will support him as the Ward Councillor and the Parish Council by agreeing the officer's recommendation to refuse the application.

- Councillor Miscandlon stated that he remembers the visit to site very well due to the narrowness of the lane and he agrees with point made, that the location is inappropriate for development in the way that has been proposed as it is a dangerous road, and he will support the officer's recommendation.
- Councillor Mrs French expressed the view that it is very sad that the hedgerow has been taken out for financial gain. She stated that she fully supports the officer's recommendation.

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

**P102/21 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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this application come before the committee with the support of March Town Council and all other standard consultees, and although the site is within Flood Zone 3 it is no different to the whole of the village and many other developments within the district, with the submitted Flood Risk Assessment demonstrating that the scheme can be made technically safe from flooding and has the support of the Environment Agency. He added that technically the site has an address that is in March where under LP3 the majority of development is to be found in the market towns, and, in his view, although technically it is in March everyone would associate it with Turves which is a small village capable of development.

Mr Edwards explained that the site is in a cluster of dwellings with a continuous frontage of a mixture of dwelling types and it also mirrors a number of recently approved dwellings within the district and surrounding area, with a recent approval for 6 dwellings further along Whittlesey Road which comprises of 4 frontage dwellings and 2 further executive dwellings to the rear, with one of these executive dwellings only being approved under planning reference F/YR21/0832/F on 8 October 2021, this was for a revised design and the approval highlights that tandem forms of development have recently been approved in Turves. He stated that the dwelling has been designed so as not to have a detrimental impact on neighbouring properties and will utilise the existing access on to the site, which will be upgraded as required by Highways.

Mr Edwards made the point that the only window of significance that will have any impact on neighbouring dwellings is to bedroom 4 and is over 30m distance to the rear elevation of 717 Whittlesey Road. He explained that it should also be noted that the site has an existing agricultural building on it which previously had an approval for its conversion to a residential dwelling, which is believed could be converted under a Part Q application and further emphasises that a built form already exists on the site so there is already a tandem form of development on the site.

Mr Edwards expressed the view that the proposed dwelling will enhance the site, is not detrimental as the current building has no restrictions on the time it is used, and this proposal will create a use consistent with neighbouring residential dwellings. He stated that he has had a full ecology survey and report carried out on the site, which Natural England confirm that the proposed development will not have a significant adverse impact.

Mr Edwards expressed the opinion that the proposed building can be built on the site before the existing building needs to be removed so any further surveys can be carried out at the required time. He stated he would recommend any approval comes with a condition to provide biodiversity enhancements both on the building and within the site and also a landscaping condition so this can provide a habitat that encourages biodiversity.

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

Mr Edwards asked members to approve the application with the conditions they deem appropriate, which will remove any future conflict with neighbouring residential dwellings, it has been designed so as not to have a detrimental impact on neighbouring dwellings and will provide an executive family residence for the applicant on a site that already has a building on it.

Members asked Mr Edwards the following questions:

- Councillor Sutton stated that in the site plan history it states that approval was granted on a Class Q in 2015 and was refused in 2019, which was due to a change in national guidance, and he questioned why the 2015 approval was not made use of? Mr Edwards stated that the applicant purchased the site with the approval in place and allowed it to expire, with the applicant then applying for permission himself but due to the site and size of the existing nissen hut onsite, although it can achieve a two storey development, it would have meant construction and the change in policy under Part Q meant construction could not be provided to form the first floor. Mr Edwards stated that moving forward it could come in as another Part Q but as a single storey residence. Councillor Sutton stated so there is and will be a building there regardless and Mr Edwards confirmed that to be correct.

Members asked officers the following questions:

- Councillor Murphy stated that, at 5.5 in the officer's report, it refers to local residents and interested parties, but it appears that there are five letters of objection and none of approval and he asked whether that is correct? David Rowen confirmed that there are five representations of objection and none of support.
- Councillor Sutton asked that if the Class Q had been in time was there not a fallback position which could be a material consideration? David Rowen stated that it would be a material consideration if there was a fallback position, however, there is not one.
- Councillor Miscandlon stated that the newbuilds that Mr Edwards referred to are roadside construction not backland which is what this proposal is.

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

- Councillor Sutton stated that the application is quite complex, given that it did have Class Q and then for technical reasons the second application did not get approved. He expressed the view that there is going to be residential development on the site under

Class Q for a single storey dwelling. David Rowen stated that members are not in a position to predetermine any Class Q application that is submitted in the future and whether or not it would be acceptable or qualify in terms of a Class Q application and members must, therefore, determine the application on its own merits which is a derelict agricultural building with no planning approval on it. Councillor Sutton stated that, in his view, if the application came in as a Class Q single storey proposal and passed all the relevant technical requirements it would then be used residentially and as there is already a building on site which is going to deteriorate over time, he would rather see a dwelling on the site rather than an old building.

- Councillor Benney stated that he has no strong view on the application either way, however, he has listened to the point that Councillor Sutton has made in that there could be a dwelling on the site. He added that a good home cannot be made out of an old nissen hut, and, in his view, it needs demolishing and the proposal before members will be a vast improvement on the current situation and although it does not follow the building line of the street, it has had permission on it before.
- Councillor Sutton expressed the view that although there are letters of objection, he would rather see a nice quality home rather than an old nissen hut and added that he could support the application.
- Councillor Purser stated that the outlook will improve significantly for the neighbouring properties.
- Councillor Benney stated that with regards to overlooking, Mr Edwards had advised that there is 30 metres between this proposal and the neighbouring property and 20 metres to the boundary for overlooking and therefore that is irrelevant. He expressed the view that something will be developed on the land and it will not be left in its current state and he will support the application.
- Councillor Connor stated that he called the application in for determination, and he agrees with Councillor Sutton that an application may well come back to the committee. He expressed the opinion that a nice large dwelling on the site would be far better than the current situation. He stated that all of Turves is in Flood Zone 3 and made reference to the houses built on the entrance into Turves which he stated are exceptional. Councillor Connor added that on balance he will support the application.
- Councillor Mrs French stated that something will be built on the site and it would be a vast improvement to the old nissen hut.
- Councillor Miscandlon stated that, in his opinion, if the application had come before Whittlesey Town Council, he would have recommended the application for refusal as it is backland development.
- Councillor Benney stated that the application has the support of March Town Council and, in his view, it is a good proposal and the type of house that is nice to see built in Fenland.
- David Rowen stated that the views of Town Councils and Parish Councils are not material considerations when determining an application. He added that the Council has 6.69 years housing land supply and there has been a 95% score on the housing delivery test and, therefore, there is no need to deliver housing that would not comply with the policy of the Local Plan. David Rowen explained that there is no fall-back position on the site and there is no guarantee that anything would get planning permission in the future and the application needs to be determined on its current form and not possibly what would happen in the future.
- The Legal Officer stated that the committee need to consider whether the application is contrary to policy and there are flooding issues to be considered, albeit the comments in the officer's report from the Environment Agency have stated that it is a matter for the Internal Drainage Board, who have not made any comment. She added that biodiversity should also be addressed and in terms of the permitted development point, the 2015 application was for the change of use for the existing building and not for the construction

of a different building.

- Councillor Mrs French made the point that the Internal Drainage Board, Middle Level, are not a statutory consultee.
- Councillor Benney stated that he is aware that the site is in Flood Zone 3, however, any building in Turves will be in Flood Zone 3 and there will be mitigation put in place to alleviate the flood risk at the property and he does not see any reason not to pass the application.
- Councillor Murphy asked David Rowen to clarify whether the application is classed as backland development? David Rowen drew members attention to the second recommended reason for refusal where it states 'The development proposed would, by virtue of its design and appearance, combined with its backland location appear as a unattractive and discordant feature'.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal makes good use of the land, although it is a small scale it is for a high-quality development, it is in or adjacent to the existing development footprint of the village and does not adversely have an impact on the surrounding countryside.

(Councillor Marks declared an interest in the application, by virtue of the fact that the applicant is known to the business he is director of, and he took no part in the discussion on the item or voting thereon)

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

P103/21

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

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent, read out by Member Services. Mr Lunn-Towler stated that it is important to make the committee aware that they recently applied to Fenland District Council for a variation of condition application, reference F/YR21/1490/VOC, which was approved and the aforementioned application was seeking the same details as this application, with one material difference. He made the point that the one material difference between the application presented to committee today, and the recently approved VOC application is that this application is seeking to move the garage to a different position, forward of the principal dwelling and consequently altering

the elevations of the garage to suit and this is the only difference.

Mr Lunn-Towler expressed the view that elements of this application regarding changes to the dwelling appearance and the various lines on the site plan have been approved by Fenland District Council already and, therefore, he asked members to focus their attention on the material part of this application, which is seeking to move the garage location. He stated that the applicant has discussed the garage position with the neighbour impacted, and whilst he has not formalised this in writing, the neighbour verbally suggested that the garage would be better in the new proposed position, as this means that cars will not be driving near the neighbour's property.

Mr Lunn-Towler expressed the opinion that this will reduce noise impact to both parties and the proposed position of the garage provides an enhancement to the site for the applicants, as to allow a clear direction of domestic parking, as well as providing more garden space to the dwelling. He respectfully requested, given the reasons presented today, that the committee support this application.

Members asked officers the following questions:

- Councillor Mrs Mayor asked officers to confirm how many Variation of Condition applications are people allowed to submit? David Rowen confirmed that it is unlimited although if the scheme becomes significantly different to the one that was originally approved then there would be the requirement for a new application to be submitted. Councillor Mrs Mayor stated that this is the second variation of condition that has been before the committee, and it is her belief that the second variation appears to be changing the garage back to where the garage was originally, and she asked for clarity over this. David Rowen confirmed that Councillor Mrs Mayor was correct in her understanding. Councillor Mrs Mayor expressed the view that a great deal of officer's time appears to be wasted dealing with applications like this that are coming backwards and forwards. Councillor Connor stated that he called the application in as he failed to comprehend that the application was exactly the same as the first application.
- Councillor Benney stated that when he attended the site, the planning notification notice affixed to the gate at the site location, does not appear to correspond with the plan in the report and he asked officers to provide clarity over the plan. David Rowen explained that there is an existing dwelling on the site which sits at the back of the current application site which was formally connected to the nursery business and does not form part of the current application.

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

- Councillor Sutton stated that he also read the original application and stated that officers have spent a great deal of time with the agent and applicant to get the application to an acceptable position and then for the applicant to decide to revert to the original application is very frustrating. He added that the time those officers have invested on this application has been lengthy and time consuming and he will fully support the officer's recommendation.
- Councillor Miscandlon stated that at 10.10 of the officer's report the Parish Council have recommended refusal of the scheme and have stated that any conditions placed on the original application should remain and he added that he totally concurs with the comments made by Councillor Sutton. He feels that officers go above and beyond what they should do to assist applicants and agents and he commended their work ethic.

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

P104/21

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)

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Lee Bevens, the agent. Mr Bevens referred to the officer's reasons for refusal in the executive summary and stated that at 1.2, the previous scheme for 2 bungalows adjacent to this scheme approved back in 2019 was not residential infilling either, but members agreed that a further 2 dwellings along this section of road followed the general pattern of development along Wype Road which is ribbon or frontage development. He stated that he disagrees with officers that this proposal would fail to respect the core shape and form of the settlement by virtue of following the pattern along Wype Road with frontage development.

Mr Bevens referred to 1.3 and stated that he does not believe that the site is contrary to Policy LP12 Part A (a, c, d, and e) as the site is adjacent to the existing developed footprint of the village, being the two large, detached bungalows to the north-east and, in his view, it will not have a harmful impact on the character and appearance of the surrounding countryside, as the dwellings proposed will be single storey in height and reflect nearby dwellings. He expressed the opinion that the proposal is of a scale and in a location that is in keeping with the established form of Wype Road, which is frontage development, and it will not adversely harm the character and appearance and finally it will extend the linear features of the settlement but in a manner which is proportionate to the small village of Eastrea and will provide 2 bungalows offering a wider choice of housing.

Mr Bevens added that officers have referred to Policy LP16 (c and d) in their recommendation and the site does retain the hedgerow to the front of the site and this would be reinforced in a future reserved matters application and could be conditioned. He feels the scheme will improve the character of the local area and does not adversely impact on the street scene, settlement pattern or the landscape character.

Mr Bevens pointed out that the applicant and L Bevens Associates have spent some 18 months agreeing the relocation of the speed signage into Eastrea along Wype Road to slow down traffic entering the village and he referred to the presentation screen and pointed out that that this will see an improvement in speed reduction, with the 30mph speed limit being moved some 70 metres south-east from its former position and the national speed limit exiting the village being moved some 140m southeast from its former position. He stated that the applicant has paid for all the works to be carried out for the design and installation of these signs and explained that the proposed scheme will offer well designed bungalows, which will meet local demand.

Mr Bevens stated that the Town Council support the proposal, Environmental Health and Highways have raised no objections. He explained that the scheme has been amended to extend the footpath on this side of the road to allow pedestrians safe passage into the village centre and he asked members to re-consider the recommendation for refusal and approve the proposal based upon the local support for the scheme and the points in his presentation.

Members asked officer's the following questions:

- Councillor Mrs French asked whether the site is located on farmland or is it adjacent to farmland? David Rowen confirmed that it is an agricultural field.
- Councillor Mrs French referred to the officer's report at 5.2 and asked for clarity and an explanation on the term of noise sensitive dwellings? David Rowen stated that it is a term used by Environmental Health colleagues with regards to householders being sensitive to sources of noise from agricultural machinery.

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

- Councillor Sutton stated that he has reservations with regards to the application and stated

that on the previous two applications the committee voted against the officer's recommendation which was based on a balanced decision that it was adjacent to the built form and that it did comply to LP12. He expressed the view that the application before the committee now is similar and stated that if an additional two dwellings are approved, with the same reasoning, that it is next to the built form then it could be seen as a step too far. Councillor Sutton stated that if that mode is continued then the village of Eastrea will become joined up with the village of Benwick and it cannot be argued that the proposal is infill and, in his view, the officers have made the correct recommendation.

- Councillor Murphy stated that he agrees with the points made by Councillor Sutton and added that there should be no more development in that location.
- Councillor Benney stated that, in his opinion, the two bungalows at the entrance to the village look very nice and are pleasing to the eye when you enter the village. He added that there is a natural boundary as the road drops away along with the railway line and as the land drops away at some stage it will be in Flood Zone 3. Councillor Benney stated that he supported the previous two bungalows, and he will support this application, but he will not support any further house building in that area. He added that he appreciates the comments made by Councillor Sutton with regard to balancing up but the bungalows already on the site are lovely and the plots are nice big plots, and it will add to the village as you drive in reiterating that he will not support any further house building in that area.
- David Rowen drew members attention to the policies of the Local Plan, which seek to limit the expansion of small villages such as Eastrea into the open countryside to retain the agricultural character at the edges of the settlement. He added that members approved the two existing bungalows against the officer's recommendation, and he referred to the point made by Councillor Sutton with regards to where do you draw the line and stop development in this location. David Rowen made reference to the policy of the Local Plan and national planning policy which is to control the expansion of villages so that they do not encroach into the open countryside to the detriment and appearance of the countryside.

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

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is within the village boundary, is within the existing development footprint of the village, there is the need for good quality bungalows and the benefits of the development outweigh the detriment of building out into the open countryside, it will not have an adverse impact on the character and appearance of the surrounding countryside and farmland, is extending the nice entrance into the village and it will enhance the local identity of the village.

(Councillor Connor wished it to be recorded that Councillor Mrs Laws is Portfolio Holder for Neighbourhood Planning and the applicant is a relative of her late partner, but she has taken no part in the consideration of this application by the Council. Whilst he knows Councillor Mrs Laws, has met the applicant once at a function and sometimes attends Full Council meetings of Whittlesey Town Council, he has not entered into discussions on this application and considers that he is open-minded and will take into account the debate before reaching his decision on this application)

(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and the applicant is also known to her, and took no part in the discussion or 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 or voting thereon)

3.34 pm

Chairman

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F/YR21/0887/F

**Applicant: Mr P Burke
Force One Ltd**

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

**Land North West Of Middle Level Commissioners, Whittlesey Road, March,
Cambridgeshire**

**Erect 1 x office/workshop, 1x vehicle workshop and 1 x training centre, 2.4m high
(approx) fence and formation of car park and associated infrastructure**

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- | | |
|-----|---|
| 1.1 | This is an unacceptable proposal on a site in a sensitive location in the rural area, located just beyond the western edge of the town of March. The proposal, therefore, falls to be considered against the policies of restraint that apply to the rural area - principally FLP Policy LP3 - to protect the attractive undeveloped rural character. The proposal would be a significant urbanisation of the countryside. |
| 1.2 | The development would also be contrary to settlement policy for the District more generally, as set-out in FLP LP3, which seeks to direct new development to the most accessible and sustainable locations - generally within the four market towns in the District and certain other identified villages. |
| 1.3 | This is not a sustainable location. There would be a high reliance on use of the private car by staff to get to and from the site because of its location on an unlit road with no footpaths. |
| 1.4 | The site is within Flood Zone 3 - that is, is in an area at the highest risk of flooding - in respect of which a sequential test is required to be passed (as per FLP Policy LP14 and the NPPF) to establish if there are alternative suitable sites at lesser flood risk that should be developed in preference to a site within Flood Zone 3. The purpose of the sequential test is to direct new development to sites at the least risk of flooding. In this instance, the sequential test is not considered to be passed. There has been no systemic assessment of allocated employment sites across the District to establish if suitable alternative sites, with lower flood risk, are available. In the absence of evidence to the contrary, it has, therefore, to be concluded that the proposals will put people and property at an unnecessarily high risk of being affected by flooding. |

2 SITE DESCRIPTION

- 2.1 This undeveloped 2.9 ha greenfield site lies on the south side of Whittlesey Road, March, in the countryside outside of and functionally isolated from the town. The land is in agricultural use.
- 2.2 On the west side of the site are the offices and depot of the Middle Level Commissioners, which are spaciouly situated within their grounds, whilst adjoining to the east are the offices and depot for Fenn Holidays operating from buildings set well-back from the road.
- 2.3 To the north and north-west the site looks out to open agricultural land. To the south is the River Nene. The northern boundary of the site to Whittlesey Road is marked by a hedgerow and, beyond this, drainage dyke.
- 2.4 The overall character of the location is of a loose scattering of development within a predominantly undeveloped rural environment.

3 PROPOSAL

- 3.1 The application seeks full planning permission to the develop the site as a base for an existing local firm, Force One, that is currently split between two sites elsewhere in March, one of these in Thorby Road, where offices are provided, the other in Longhill Road, which is used for vehicle storage. The purpose is to consolidate the firm's operations in March onto one site.
- 3.2 On behalf of the applicant the following statement has been provided:

"Force One Ltd has grown in previous years but in doing so it has been forced to operate from 2 sites due to a lack of other suitable sites in the area. Operating from multi sites is less than ideal for management aspects but also for staff development. Having a site where all aspects of the business can operate from will aid staff development and will increase employment opportunities in the area. Force One Ltd is an employer of approximately 50 people working in the field and at the offices. The field staff consists of a variety of specialist and skilled operatives. The ability to create a training centre will facilities the continual staff training required. Furthermore, the (above) development will aid the continued growth for the business. Support for such businesses should be encouraged as these businesses provide additional work for other local businesses and the wider community."

3.3 More specifically, three buildings are sought:

- a commercial- style building to be used for training purposes, including a commercial vehicle workshop, overall dimensions 15m wide x 15m deep, the office part of the building being of flat-roofed design, the vehicle workshop being of shallow pitched roof design - total combined footprint 225 square metres;
- a commercial “vehicle-shed” footprint 30m wide x 30m deep, of half-round roof-design, footprint 900 square metres;
- a commercial building to be used in part as offices but in part as a vehicle workshop - footprint 1,080 square metres.

3.4 The following related works are also proposed:

- the formation of a vehicle access from Whittlesey Road and, linked to this, the laying of an internal access road that will run through the site in a circular fashion, providing access to each of the proposed buildings, so allowing vehicles to enter and leave the site in forward gear;
- the enclosure of the site with 2.4m high steel palisade fencing;
- the creation of a landscaped buffer strip along the site’s eastern boundary including the planting of a new hedgerow on the boundary itself;
- in addition, there would be landscaping internal to the site

3.5 Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

4.1 No planning history.

5 CONSULTATIONS

5.1 **Town Council:** *Recommends approval.*

5.2 **CCC (Highway Authority):**

No objections to the proposals as revised, subject to any planning permission being granted with conditions relating to the provision of access to the site and parking for the development.

I have looked through the revised layout and supporting information. I agree that the access in respect of tree and culvert can be agreed at the s278 stage so in that regard I would not have a problem with that approach (unless the tree cannot be touched or is impacted to the extent that the tree officer requires its retention).

The following condition can deal with the access, which has been made pre-commencement as there is no safe available access without it:

1. No part of the development shall begin until full details of the layout and construction of the vehicle access have been submitted and approved in writing by the local planning authority. Development shall not commence until the access has been sited and constructed in accordance with the approved details.

Reason: for the safety and convenience of users of the highway and of the access. The developer will be required to enter into a s278 for works within the highway. The applicant should contact the Highways Development Management team for help and advice on the information required to be submitted in order to complete this process;

Further condition for parking:

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

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

While I have included some conditions above, I have to reiterate my concerns for the site in terms of sustainability and lack of facilities to access the site by non-motorised modes. As previously mentioned the site is a rural location without footways or street lighting. I acknowledge that there are other employment facilities nearby and they all suffer from the same lack of facilities. This is not justification to continue to generate more trips outside more sustainable locations and with non-motorised trips along roads without suitable facilities with resultant conditions of danger and inconvenience to those users. I would also add this is not a small-scale operation - according to the application there will be 56 employees. Based on the above I would suggest that there are strong arguments to justify refusal of planning permission on sustainable grounds.

5.3 CCC (LLFA):

No objections subject to a condition being applied to any planning permission relating to the submission to and agreement by the LPA of the SuDS details relating to the development.

We have reviewed the following documents:

□ Flood Risk Assessment & Drainage Strategy, MTC Engineering, 2638-FRA&DS-RevBJan2022,

□ Technical Note, MTC Engineering, SEC/2638, January 2022

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

We request the following condition is imposed:

Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage

Strategy report prepared by MTC Engineering (ref: 2638-FRA&DS-RevB-Jan2022) dated January 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross-sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and PPG

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

Condition

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

Reason

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

Informatives

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.4 CCC Fire & Rescue Services

No objections subject to a condition or legal agreement relating to provision of fire hydrants.

“...should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of a Section 106 agreement or a planning condition. The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

*Water & Planning Manager
Community Fire Safety Group
Hinchbrook Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer. The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

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

I trust you feel this is reasonable and apply our request to any consent given. Should you require any further information or assistance I will be pleased to advise.”

5.5 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.

Advice to LPA

In accordance with paragraph 162 of the National Planning Policy Framework, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk. Our national flood risk standing advice reminds you of this and provides advice on how to do this.

The IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Advice to the Applicant

Pollution Prevention

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for 50 car park spaces or more and hard-standings should be passed through an oil interceptor designed compatible with the site being drained. Road water shall not pass through the interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. Where soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156) and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

We hope this information is of assistance. If you have any queries, please do not hesitate to contact us.

5.6 Anglian Water

No comments because there is no connection to any Anglian Water sewers.

5.7 Middle Level Commissioners

First Response

No objections in principle to the proposal as originally submitted but have some significant concerns.

The following comments are made based on access to the site being taken off the turn into the Middle Level Commissioners site:

Thank you for the correspondence received in respect of the above.

The following response is written on behalf of the Middle Level Commissioners, primarily in its role as owner of part of the site, and March West & White Fen IDB, in whose district the site is located.

Please note that the Commissioners provide the Board with a planning consultancy service.

Please be advised that neither the Commissioners or the Board are averse to the proposal but having considered the submission documents there are aspects which are a significant cause for concern.

As a result, the Commissioners oppose this development, in its current form, until the appropriate requirements have been met.

In view of the size and location of the development it is disappointing that the above authorities were not consulted prior to the planning application submission being made particularly given that the applicant seeks to cross land owned by the Commissioners and discharge surface water into the Boards system. Had such Pre-application consultation procedure been undertaken guidance could have been provided on the proposals.

In view of the contents below, the size of the development and the possible adverse effect on the respective systems, the applicant is urged to discuss this with the Commissioners/Board via the post-application consultation procedure as a matter of urgency.

The main causes of concern are as follows:

A. Junction Layout

The contents of the relevant submission documents, primarily MTC Engineering (Cambridge) Ltd. Transport Statement Ref. 2638 – TS May 2021, have been reviewed. The access from the application site onto the Commissioners existing junction would not be at an opportune angle which will lead to “conflicts” between the traffic exiting the Force One site and those entering the Commissioners facility with the increased risk of accidents and injury.

The driver leaving the application site will have to look over their shoulder to view the traffic on Whittlesey Road. The existing hedge and reinforced landscaping will result in poor intervisibility when leaving the application site.

MTC’s Drawing No. 2638-02 Rev. A only shows the site access and tracking associated with the Force One site. The approximate paths of a large car/4x4 entering and leaving the 2 Commissioners facility, are shown on the attached

amended extract from the aforementioned drawing. In addition to the point raised above, you will note from the amended extract that:

- There are several points of conflict;*
 - The hedge to the east of the Commissioners access gate has not been shown;*
 - When turning right the HGV's leaving the site require most of the existing junction to access Whittlesey Road;*
 - The HCV's overrun the northern road edge by approximately 1m at two locations. As can be seen in Photo 1 there is little verge and any overrun would detrimentally affect the Boards Whittlesey Road Drain. See item C The future integrity of the Boards system, below;*
 - When rectifying the turn the cab encroaches on the southern side of the road. This will require a vehicle entering the site to wait on Whittlesey Road. This is extremely poor highway design;*
- There does appear to be a scaling issue with this drawing but several photographs have been taken of the existing junction viewed from the approximate point from which the visibility splays for the amended junction layout are measured. Copies of these are attached;*
- As discussed above when looking to the north-east, Photo 2, the driver exiting the application site will not be able to see much beyond the Commissioners current sign and landscaping;*
- Looking towards the Commissioners facility, Photo 3, the driver would only see the hedge. Even if the hedge was removed it would be difficult to observe the vehicles using the Commissioners facility due to the presence of the existing immature Silver Birch trees, Photo 4;*
- When entering the site from Whittlesey Road, Photo 5, a driver will not be able to see the traffic entering from the application site until about 5m from the top of the junction giving the driver about 20m to stop. Similarly, a vehicle leaving the Commissioners facility would not see any traffic leaving the application site until passing through the Commissioners access gateway;*
- Interpolating typical stopping distances, a vehicle travelling at about 25mph may be able to stop in time dependent upon the weather conditions and the condition of the vehicle.*

In view of the above, it is considered that the proposed highway junction alignment would be impractical and unacceptable as it would create a hazard which would place both the Commissioners and Force One's staff, its contractors and members of the public at an increased risk of injury;

The use of an amended junction for traffic entering the site only may be acceptable but it is suggested that an alternative junction is found for vehicles accessing the site.

B. Damage to the Junction

The Commissioners facility has been occupied for about twelve years with little or no damage occurring to the existing junction through its use. With the exception of your Council's Refuse Lorry HGVs rarely access the Commissioners site, may be 3 a day as a very worst case.

It is clear that most damage to highways is caused by HGV's and this is particularly true where the road foundations are weak

It is known that Force One currently operate a fleet which includes large rigid body vehicles the weight of which ranges from 26-41 tonnes.

Because of this and the very tight angle of the proposed amended junction, it is considered that the larger vehicles will detrimentally affect the road surface particularly during the summer or periods of hot weather.

C. Traffic Movements

Using these figures contained within the Transport Statement, which does not appear to include the training centre, the traffic generated by the proposal equates to about 60+ movements/day for the current application. However, Table 5.1, on page 8 advises that it is estimated that 320 traffic movements will occur. It is not known how the figures have been determined but it is noted that this is not referred to in the text of the statement. This table is also titled "Vehicular generation of proposed 1210m² Trade Counter units" but these units do not form part of this planning application. Presumably, it indicates future uses of the site at the southern end of the field, and adjacent to the Commissioner's office building?

320 traffic movements/day equates to 13 movements/hr, during 24 hrs, or 29 movements/hr during eleven hours, or a traffic movement every 2 minutes. No allowance has been made for the Commissioners traffic movements within the Statement.

In respect of the Commissioners facility, it is estimated that, as an average, there are 11 traffic movements/hour using an eleven hour day with HCV's rarely accessing the site. However, most movements will occur during peak hours.

D. The Future Integrity of the Boards System

Extract from the Boards District Plan showing the proximity of its Whittlesey Road Drain and the catchment that it serves.

The Boards system, shown dark blue on the above extract from its District Plan, provides an arterial network that serves the local community by managing water levels in ordinary watercourses and other water infrastructures within its District to mitigate against the risks from flooding and drought. In delivering its functions the Board has to meet its environmental obligations and commitments and seek opportunities to enhance the environment.,

The application site, edged red on the above extract, is served by the Boards Whittlesey Road Drain which, at this location, is on the northern side of the road and primarily serves part of the urban area of March. This watercourse is becoming increasingly important as further development within its catchment occurs.

As discussed above, the HGV's exiting the site will overrun the road edge by approximately 1m and given that there is little verge, any overrun would detrimentally affect the stability of the channel profile or result in the vehicle entering the channel.

In recent years at least one car has entered the adjacent watercourse with one lorry leaving the road in the vicinity of the junction with Marina Drive.

A blockage within the Boards Drain as a result of the failure of the channel profile or submerged vehicle will detrimentally affect the local water level and

flood risk management system particularly during periods of high rainfall or a flood event.

Other issues of concern include the following:

1. Highway Issues

With the exception of some bicycle traffic movements most members of staff access the Commissioners facility using motor vehicles primarily via Peas Hill Roundabout.

Therefore, there are concerns about the adverse impacts on this section of highway.

a. Whittlesey Road

The carriageway is narrow and due to the road alignment, it is not unusual for HGV's to overrun onto the other side, as can be seen in Photo 6, with other road users having to slow or stop to allow large/articulated vehicles to negotiate the bends to prevent a "head on" collision or being "side swiped" into the adjacent watercourse or lower level field.

Due to a combination of the busy small rural businesses and the limited space on site it is not unusual for vehicles to be parked on the road reducing site lines particularly between the roundabout to just south of the Whitemoor Road junction but very occasionally extending to Marina Drive.

This requires the driver to commit not knowing what will be coming around the corner or off the roundabout. The latter is often at a relatively high speed for the conditions. Photograph 7 shows a typical situation as viewed from the approach to the roundabout. Note that cars are parked on both sides of the road.

It is considered that unless appropriate action is undertaken, the risk of conflicts will increase as traffic movements increase.

It is unlikely that Whittlesey Road was designed to accommodate the increasing weight and size of HGV's. A combination of this, the number of HGV's using the road, the weak soil conditions and lack of maintenance has led to a significant deterioration of the highway surface. This deterioration will increase unless significant remediation works are undertaken.

b. Peas Hill Roundabout

Whittlesey Road is one of five "arms" that access the roundabout. Access from Whittlesey Road onto the roundabout requires the driver to observe all of these junction movements simultaneously.

The layout of the junction restricts views of traffic travelling around the roundabout from Hostmoor Avenue and sightlines of traffic entering from the A141 Isle of Ely Way is restricted by the existing properties and landscaping. Traffic from the right does not always slow down to enter the junction and is often travelling at relatively high speed for the circumstances. Entering the roundabout, particularly if heading into March or the A141 often requires the driver to take an element of risk.

One of the reasons that planning application FDC Ref. F/YR12/0689/O, for the erection of 18 dwellings on the former Horse and Jockey site to the north of 35 Whittlesey Road, was discussed at the Planning Committee was due to concerns about the adverse impact on the traffic at the roundabout.

In addition to other concerns including Flood Risk, one of the reasons for refusal for this application was that the proposal "... failed to demonstrate that an acceptable safe means of pedestrians crossing the A141 can be provided which renders the site unsustainable."

Item 4.3.13. (Page 61) of the March Area Transport Study (MATS) Option Assessment Revision (OAR) 3.0 dated February 2020, which can be viewed at [March_Option Assessment Report_v3.0 \(cambridgeshire.gov.uk\)](http://March_Option_Assessment_Report_v3.0(cambridgeshire.gov.uk)), advises that traffic modelling shows that there is an increase in traffic using this roundabout causing expected increases in delays and queues. This includes the A141 Isle of Ely Way / A141 Wisbech Rd / B1099 Wisbech Rd / Whittlesey Road / Retail Park (Peas Hill) junctions.

The County Council's website, [March Transport Study - Cambridgeshire County Council](http://March_Transport_Study_-_Cambridgeshire_County_Council), advises that the "... recommended schemes will now progress through to preliminary design and an Outline Business Case is expected to be submitted in autumn 2021."

The MATS does not include accident data but the attached extract from CrashMap ([CrashMap - UK Road Safety Map](http://CrashMap_-_UK_Road_Safety_Map)), identifies that most of the incidents in the immediate area of the site have been slight. However, there have been two incidents involving Commissioners staff and at least one HCV and a tractor overturning in the past few years.

2. Environmental Issues

Both the Commissioners and Board have nature conservation duties under the Land Drainage Act 1991, the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Countryside and Rights of Way Act 2000, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, the Eels (England and Wales) Regulations 2009, the Conservation of Habitats and Species Regulations 2010, the Flood and Water Management Act 2010, the Natural Environment and Rural Communities Act 2006, and as a competent authority under the Conservation (Natural Habitats etc) Regulations 1994.

The Commissioners' Biodiversity Action Plan (BAP) can be viewed via the following link: [Microsoft Word - App36_MLC.doc \(netdna-ssl.com\)](http://Microsoft_Word_-_App36_MLC.doc(netdna-ssl.com)). Any works affecting a protected species and/or habitats should be undertaken at an appropriate time of year and under the supervision of suitably trained person(s) in accordance with appropriate guidance such as the Commissioners'/Board's BAP; the Middle Level IDB Biodiversity Manual and or Association of Drainage Authorities (ADA)/Natural England Drainage Channel Biodiversity Manual and ADA's A Guide to Management Strategies and Mitigation Measures for achieving Good Ecological Potential in Fenland Waterbodies. These documents can be viewed or downloaded at the following respective web pages:

i. www.middlelevel.gov.uk/IDB-Biodiversity-Manual.aspx.

ii. www.ada.org.uk/downloads/publications/the_drainage_channel_biodiversity_manual.pdf.

iii.

https://www.ada.org.uk/wpcontent/uploads/2017/09/Guide_GEP_Fenland_Water_Bodies_web.pdf

In addition to any requirements submitted by Natural England and/or the Councils Wildlife Officer, any works affecting the Commissioners'/Board's or other open watercourses and/or requiring consent will require the provision of a Habitats and Species Risk Assessment & Action Plan. This is similar to Environmental Assessment /Statement but specifically relates to the aquatic and waterway environment and must detail any mitigation that is required.

Issues associated with The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 will also need to be considered to ensure that the proposal enhances the quality of the riverside setting and associated water way corridor and does not cause a deterioration in the status of the water bodies concerned.

Hillier Ecology Limited's Preliminary Ecological Appraisal dated May 2021.

The contents of this appraisal have been considered and it is noted that item 5.2 advises that the survey was undertaken in February and it is questioned whether this is an appropriate time of year to do this and may explain the limited findings. Undertaking a survey in May/June would have been more appropriate.

Reference is made to a pond in close proximity to the application site and viewing Plate 8 this appears to be the pond at the Commissioners facility which is not within the survey area shown on Page 26. This pond forms part of the Commissioners drainage system and was not designed to be or is maintained as an environmental feature.

During recent years, and as the Commissioners facility has established, it has been noticed that an increased number of species have been "inhabiting" the site. In this respect the Commissioners Conservation Officer has provided the following list of protected species seen in the vicinity of the Commissioners facility.

These are listed by name, scientific name and the legislation that protects them.

Otter Lutra lutra Spraints recorded at A141 road bridge Wildlife and Countryside Act , (1981) (as amended) Conservation of Habitats and Species Regulations (2017) (as amended).

*Kestrel Falco
Tinnunculus*

*Nest box in MLC yard. 4 young fledged
in 2021 Wildlife and Countryside Act
(1981) (as amended)*

*Mistle Thrush Turdus viscivorus
Regular.*

Breeds in poplars adjacent Fox's Marina

*Wildlife and
Countryside Act
(1981) (as amended)*

*Green
Woodpecker
Picus viridis Regular, juveniles present every
summer. Probably breeds in poplars
adjacent Fox's Marina
Wildlife and
Countryside Act
(1981) (as amended)*

*Yellow Wagtail
Motacilla flava
flavissima
Heard in vicinity in summer*

*Listed on Section 41:
Species of Principal
Importance in
England (NERC, 2006)*

*House Sparrow
Passer
Domesticus*

*Small colony around yard
Listed on Section 41:
Species of Principal
Importance in
England (NERC, 2006)*

The Commissioners' Conservation Officer is "... encouraged by the conclusions regarding protecting foraging and commuting corridors for bats along with a bat-friendly lighting scheme. The inclusion of nest boxes suitable for swift, house sparrow and starling will complement our own work here. In keeping with the comments of the Wildlife Officer I would also urge that landscaping is based on local provenance and character with a variety of habitat types."

3. Water Quality

Whilst it is appreciated that pollution is a matter for the Environment Agency using its Environmental Permitting (England and Wales) Regulations 2010 and, therefore not a direct concern of the Board, it is considered that a potential "spill" would have significant detrimental effect on the aquatic environment with amenity uses, flora and fauna, water abstractors and irrigation users', agriculture, etc being placed at risk with economic effects on the area.

4. Water Resources - Rainwater Harvesting/Recycling Facilities

The Commissioners and associated Boards promote the use of rainwater collection and grey water recycling, particularly if drought conditions become more regular and the impacts of climate change increases, and it is suggested

that in view of the proposed site use such a system is considered for toilet facilities, washing vehicles, firefighting or similar.

However, it should be noted that such systems should be in addition to but not replace or form any part of a surface water disposal system.

Further guidance on the matters raised above together with other related issues can be found in our 'Standard Advice to Applicants for Planning Permission' and associated documentation which is available on our website at <http://www.middlelevel.gov.uk/planning-consent-documents.aspx>.

2nd Response (Dec 2021)

Thank you for your e-mail dated 03rd December attaching a letter of the same date advising that revised documents had been received.

The following response is written on behalf of the Middle Level Commissioners, primarily as the adjacent land-owner, and March West & White Fen IDB, in whose district the site is located. Please note that the Commissioners provide the Board with a planning consultancy service.

*Having considered the submission documents there are aspects which are a significant cause for concern. As a result, **the Commissioners continue to oppose this development, in its current form, until the appropriate requirements have been met.***

Our comments on the revised submission documents are:

A. Morton & Hall Consulting Ltd.'s Drawing No. H6537/02 Revision A Location Plan - It is noted that the application boundary has been amended and no longer includes land owned by the Commissioners.

B. Morton & Hall Consulting Ltd.'s Drawing No. H6537/07 Revision B Amended Site Layout Plan - It is noted that the access into the site has been relocated further to the east and provided that this meets the appropriate standards this appears acceptable.

However, having viewed the vehicle tracking shown on MTC Engineering (Cambridge) Ltd.'s Drawing no. 2638-02 Rev. B, attached to the message dated 01st December, the movements do encroach close to the road edge/brink of the channel and this may require some works to strengthen the channel profile.

The Boards prior written consent will be required under Section 23 of the Land Drainage Act for the formation of the access culvert.

C. MTC Engineering (Cambridge) Ltd.'s FRA & Drainage Strategy Ref. No. 2638 Rev A dated Nov 2021 – As the applicant has failed to engage with either the Commissioners or the Board, a detailed review of the FRA and associated calculations has not been undertaken. However, in view of the potential impermeable area created, it is suggested that the attenuation ponds are much too small and in the wrong location. The culvert under Whittlesey Road is adjacent to the Fenn's Coaches site.

Concern is also expressed about the lack of suitable access strips being provided adjacent to the on-site watercourses. The failure to maintain such watercourses was one of the causes of the flooding incidents experienced

across Cambridgeshire, including March, during December 2020. The failure to properly manage and maintain these watercourses could lead to flooding of the site and adjoining land to the detriment of their environment and that of adjoining occupiers.

In view of the above, the applicant is urged to discuss this with the Commissioners/Board via the post-application consultation procedure as a matter of urgency.

5.8 FDC Economic Development

The Business and Economy Team **support** the planning application. The development will provide additional local jobs and retain those currently based at the facility.

The company work in an important sector for UK growth.

The proposed development will reduce traffic movements through the village.

5.9 FDC/PCC Wildlife Officer

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

Pre-commencement Condition(s) –

1. Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; and
- boundary treatments.

Development shall be carried out in accordance with the submitted details and at the following times:

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced.

Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: To ensure that the development will result in at least a no net loss in biodiversity. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

Compliance Condition(s):

2. *Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*

Reason: To ensure that the proposal remains in line with the Fenland Local Plan.

3. *The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

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

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

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

Assessment/Comment:

The Preliminary Ecological Appraisal (Hiller Ecology, 2021) clearly demonstrates that the site has minimal potential for ecological constraints other than Hedgehogs and nesting birds.

The conditions recommended above aim to protect the potential ecological constraints that are present and ensure that the proposed development will result in a no net loss of biodiversity as a minimum. There are some questions surrounding the exact composition of the green areas outline on the site plan and the construction of the ponds. These areas have a high potential for biodiversity and should be constructed in such a way to maximise this. These details should be included on the landscaping plan.

As it currently stands there is no concern that the project will result in a net loss to biodiversity so long as the landscaped areas are designed appropriately. It is highly recommended that the Hedgehog holes as discussed within the PEA are included within the design and landscaping documents.

The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.

More specifically, FDP Policy LP19 applies.

The biodiversity policies relevant to the proposal are:

LP19 - The Natural Environment:

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

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

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

5.10 Local Residents/Interested Parties

Six letters of support have been received, raising the following points:

- the application site can be accessed directly from the A141 by-pass, rather than through the town, thereby reducing traffic and congestion in the town-centre, making it cleaner, safer, less polluted and safer, and complimenting the imminent proposals for its face-lift;
- the proposals will allow an established local business to expand and stay in March and the Council should be supporting this, particularly in the current climate.

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan

unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context
Identity
Built Form
Movement
Nature
Uses
Resources

7.4 Fenland Local Plan 2014

LP1 - A Presumption in Favour of Sustainable Development
LP2 - Facilitating Health and Wellbeing of Fenland Residents
LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 - Employment, Tourism, Community Facilities and Retail
LP9 - March
LP12 - Rural Areas Development Policy
LP13 - Supporting and Managing the Impact of a Growing District
LP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 - Delivering and Protecting High Quality Environments across the District
LP17 - Community Safety
LP19 - The Natural Environment

7.5 March Neighbourhood Plan 2017

8 KEY ISSUES

- **Principle of Development/Site Location**
- **Sustainability**
- **Flood Risk/Sequential Test**
- **Visual Impact on the Countryside**
- **Drainage**
- **Economic Growth**
- **Other**

9 BACKGROUND

- 9.1 The developer sought pre-application advice from the Council in October 2019 (ref 19/0155/PREAPP). Advice was given that Officers would be unlikely to support a planning application on grounds of the site's isolated and unsustainable location and the flood risks pertaining it, contrary to local and national planning policy.

10 ASSESSMENT

Principle of Development

Site Location

- 10.1 The site is in the countryside outside of any settlement and is physically and functionally detached from the nearest settlement, which is the town of March. The policies of restraint that apply to the rural area, therefore, apply (FLP LP3) and seek to protect the undeveloped nature of the countryside and to resist isolated development on grounds of sustainability (FLP LP15). More specifically, Policy LP3 restricts development in the countryside to that required to support rural-based enterprise, principally agriculture, horticulture and forestry. The proposal is clearly in conflict with the spatial strategy of the Development Plan and the guidance set out set-out in the NPPF.
- 10.2 The applicant has, apparently, been seeking other sites within the area, albeit with no success. It is difficult to be sure what the reasons for this are, because there appears to be capacity in all the areas allocated for employment growth in the four market-towns in the District - March, Chatteris, Wisbech and Whittlesey. Development of a site within areas already allocated for growth must be preferable to be to the development of a site in the rural area.
- 10.3 It may be that the search area for available sites has been overly restrictive or selective. The search should be extended to include all the allocated employment areas in all other market towns in the District, which could yield more positive results. It should also be noted that the applicant firm's business appears to operate across the UK so, presumably, they could be based in many other places.
- 10.4 Clearly, however, retention of the firm in the District is the preferred choice because it would maximise the employment benefit to the local area, but this cannot be at the cost of the unwarranted release of a site in the rural area that would be a harmful erosion and urbanisation of the countryside, contrary to the detriment of its essential open character
- 10.5 Refusal of planning permission on grounds that the proposal would be contrary to settlement policy for the District, as set out in FLP LP3, and harmful to the open rural character is, therefore, considered to be justified.

Sustainability

- 10.6 The site lies between established business uses on both sides. These are longstanding uses and it would be wrong to regard their existence as justification for a development that would be functionally isolated from March insofar there are no footpaths or street-lighting on Whittesey Road leading back into the town. Most attending the site can, therefore, be expected to rely heavily on the use of a private car or motorbike to travel to and from their place of work

- 10.7 In turn, the site cannot be regarded as being a sustainable location, which is contrary to FLP Policy LP15 which, firstly, seeks to reduce the need to travel and then seeks to reduce the use of the car. This is also contrary to national policy as set-out in the NPPF. Whilst Policy LP6 supports the development of employment sites, this is subject to its location according with the spatial strategy under Policy LP3.
- 10.8 This is not, therefore, considered to be an appropriate location to increase employment provision - due to the site's physical separation from March, combined with an absence of sustainable transport links to the town, which renders the site unsustainable for such growth.
- 10.9 Although some evidence has been provided by the applicants relating to their search for suitable sites on allocated land in one of the four growth centres in the District, it is not considered the search has been sufficiently comprehensive, exhaustive and wide-ranging geographically, to demonstrate convincingly that there is no suitable allocated land available to justify the development of an unsustainable site in the rural area.
- 10.10 The application is supported by a Design and Access Statement which summarises the range of the site-search undertaken, including the following:
- Martin Avenue - no land for sale on Rightmove;
 - Thorby Avenue - no sites for sale on Rightmove and other commercial land websites;
 - Hostmoor Avenue - no land for sale on Rightmove, including land of sufficient size;
 - Melbourne Avenue - no land for sale, nothing on Rightmove, nothing suitable either;
 - Gaul Farm Industrial Estate - planning permission recently granted for expansion of existing industrial units but this site is not big enough for the applicant's needs; also a high pressure gas main runs through the site, which has an easement on either side, and there is insufficient space for buildings of the size needed;
 - Creek Fen Park - insufficient space;
 - Longhill Road/Foundary Road - no sites of sufficient size.
- 10.11 More recently, in February 2022, the applicant's agent has submitted further information on the matter in which it is stated:

The company wish for the office and the depot all to be at one site for obvious reasons. The above all require a large site.

We have already carried out and submitted with the application a sequential test for March where the company is based and wish to stay. We have reviewed Charteris and Whittlesey on Rightmove and there is no land available for this type of enterprise. (Checked again on 12/2/22).

On Rightmove for Wisbech, there is not suitable land for sale. The Cromwell Road development for sale is a gateway site including retail, fuel station and a hotel. This site is also in flood zone 2 and 3.

Rightmove checked again on 12.2.22.

There is land for sale at Guyhirn which is also arable and also in Flood zone 3. Guyhirn is not one of the four market towns in the local plan and this would also

mean large vehicles going through the village of Guyhirn which is what is trying to be avoided in March with this application.

Having reviewed further the Movehut website for commercial property for Chatteris, the unit available has been viewed and due to the size of the vehicles for this application it would not be suitable. We have also viewed the parking arrangements for this unit which are considerably below what would be actually required for the proposal. This is also evidence by the amount of parking shown for the planning application."

- 10.12 Clearly, some attempt has been made to undertake a search for suitable alternative sites in one of the four growth centre centres in the District. However, the search undertaken is considered to be insufficiently comprehensive and exhaustive. There is also a reliance on the Rightmove website or other websites to ascertain what is currently being offered for sale. As has been found at appeal, Rightmove and other such websites cannot be relied upon to be an accurate representation of what is potentially available. For example, land may be available that is not being sold on these websites and there has apparently been no direct approach to landowners to find potentially suitable land in one of the four growth centres to determine if they wish to sell.
- 10.13 Refusal of planning permission is, therefore, considered to be justified on grounds that the development would not be sustainable; moreover, it has not been shown that a sensitive site in the rural area needs to be released for development because there is no other suitable land in one of the four growth centres in the District.

Flood Risk

- 10.14 The site lies in Flood Zone 3 and is, therefore, at a high risk of flooding. Policy LP14 (Part B) requires development proposed in high (Zone 3) to medium (Zone 2) areas of flood risk to pass a sequential test. This is in-line with national policy, which seeks to locate proposals in areas of lowest flood-risk in the first instance, unless it can be shown that there are no reasonably available sites in areas of lower flood risk where it could be located.
- 10.15 In view of the fact the site lies in the countryside outside of any settlement it is considered the search area for sequential test purposes should be the entire District and should focus on the four market towns of March, Chatteris, Wisbech, and Whittlesey, which are all identified for employment growth. It would be expected that the application would thoroughly assess each of these allocated employment growth areas in terms of their suitability to provide a site for the development sought and in terms of the sequential test required to be passed in terms of flood risk - as part of developing an argument that the development sought does need to be located on an unsustainable site at high risk of flood within the rural area. That has not been done.
- 10.16 The Council does not, therefore, have complete information from the applicant on this important issue. In the absence of such information from the applicant it is, therefore, obliged to take a precautionary approach, based on its own assessment of the likely position.
- 10.17 The view of officers is that there is capacity within the employment land allocated in all four towns to accommodate further employment-related development and it is likely that there would be a suitable site in one of these.

That being the case, based on the information available, it is not considered that it has been shown that there are no suitable sites available in areas of lower flood risk, in turn, the sequential test is not passed. The proposal is, therefore, in conflict with Policy LP14 and national policy as set-out in the NPPF.

- 10.18 The application is supported by a Flood Risk Assessment (FRA) that concludes:

“There are no flood risk or drainage related grounds under the National Planning Policy Framework on which to object to the proposed development on land south of Whittlesey Road, March.”

The applicant's conclusion is not accepted.

- 10.19 Whilst neither the LLFA or the Environment Agency raise objections to the development in terms of the engineered flood-minimisation/drainage proposals that might be achievable on the site, there is still a requirement under the NPPF for development on sites in Flood Zones 2 and 3 to pass a sequential test assessment to establish if there are other suitable sites in areas of lesser flood-risk where development could take place in preference to the development of a site in Flood Zone 3, as sought.
- 10.20 The Sequential Test is not passed in this case, nor has any attempt been made to carry-out a full and systemic assessment of all the locations across the District where flood-risk is lower, and where development might take place in preference to the application site.
- 10.21 Refusal of planning permission on flood-risk grounds too is considered justified.

Character of the Area

- 10.22 The site is an open field that is in agricultural cultivation and lies within a loose scattering of development in the rural area. It is not an infill site within a built-up location and looks out onto open agricultural land. The two sites on either side both contain sizeable buildings, but they are set well back from the road into their respective sites and those in the Middle Level Commissioners site are spaciouly situated within it. The overall character of the location is of spaciouly dispersed development that gives a sense of openness, travelling east to west along Whittlesey Road. The introduction of substantial building works onto an agricultural field that contributes significantly to the open character of what is a rural area would be visually intrusive and would amount to a significant urbanisation of the countryside of the edge of this western side of March.
- 10.22 It is precisely on the edge of settlements where they adjoin the countryside that is important to apply strict control over new development to prevent urban sprawl and erosion of the open character of the countryside. This alone justifies refusal of planning permission.

Access & Highways

- 10.23 The site would be served by a new access directly off Whittlesey Road, to which the Highway Authority raises no objections, subject to any planning permission being granted with conditions relating the detailed design of the access being agreed in writing and the provision of parking to serve the development. The Highway Authority has indicated the location of the access about 5m from the

large mature horse-chestnut tree on the site frontage, which is currently protected by an unconfirmed Tree Preservation Order in recognition of its amenity value, would be acceptable.

Drainage

- 10.24 The Local Lead Flood Authority has responded that it has no objections to the development in this regard, subject to any planning permission being granted with conditions relating to the provision of (A) the submission to and agreement by the LPA of the detailed design of the surface water drainage proposals for the site and (B) details being submitted to and agreed by the LPA relating to how any additional surface-water run-off from the site during the construction phase will be handled.

Economic Growth

- 10.25 The Council's Business and Economy Team support the planning application on the basis that (A) additional local jobs will be provided, (B) existing jobs will be supported, (C) the company works in an important sector for UK growth and (D) traffic movements through the town will be reduced.
- 10.26 This is accepted. However, there are other factors to be considered too, as detailed above, and the economic arguments that support the proposed development need to be considered in the context of all the factors that apply.

Other Matters

- 10.27 It is at this point worth commenting on the representations that have been received in favour of the development. Supporters of the proposal make the point that the proposal will allow a local business to remain and expand in the area, supporting local jobs for local people, which the Council should also be supporting.
- 10.28 Retention of the firm in March is, of course, desirable. However, the critical question is whether the case exists to allow the firm to relocate to an unsustainable rural site just beyond the edge of the town in Flood Zone 3 where it would also be harmful to the open character of the countryside. Officers consider there is no such case.
- 10.29 Finally, there is the issue of the mature horse-chestnut tree on the site frontage which is protected by an unconfirmed Tree Preservation Order. The tree has been given category A status by the applicants own tree consultant. Advice has been received from the Council's own tree advisor that the access should be located beyond the root spread of the tree - that is, about 9m removed from the tree.
- 10.30 The applicant has, however, commissioned their own specialist tree advice, which concludes that the access can be installed where proposed without affecting the tree, provided that precautionary steps are taken. Further advice has been sought from the Council's tree advisor, but no response has been forthcoming. However, the mitigation proposed by the applicant is lacking in detail and so it cannot be assured that the tree is capable of being retained.
- 10.31 It is, therefore, necessary to take a view based on the information available. Officers take the view that, subject to precautionary steps being taken as

advised by the applicant's tree consultant - and in the absence of evidence to the contrary - there can be no reasonable grounds to refuse planning permission on grounds of potential harm to the tree.

11 CONCLUSIONS

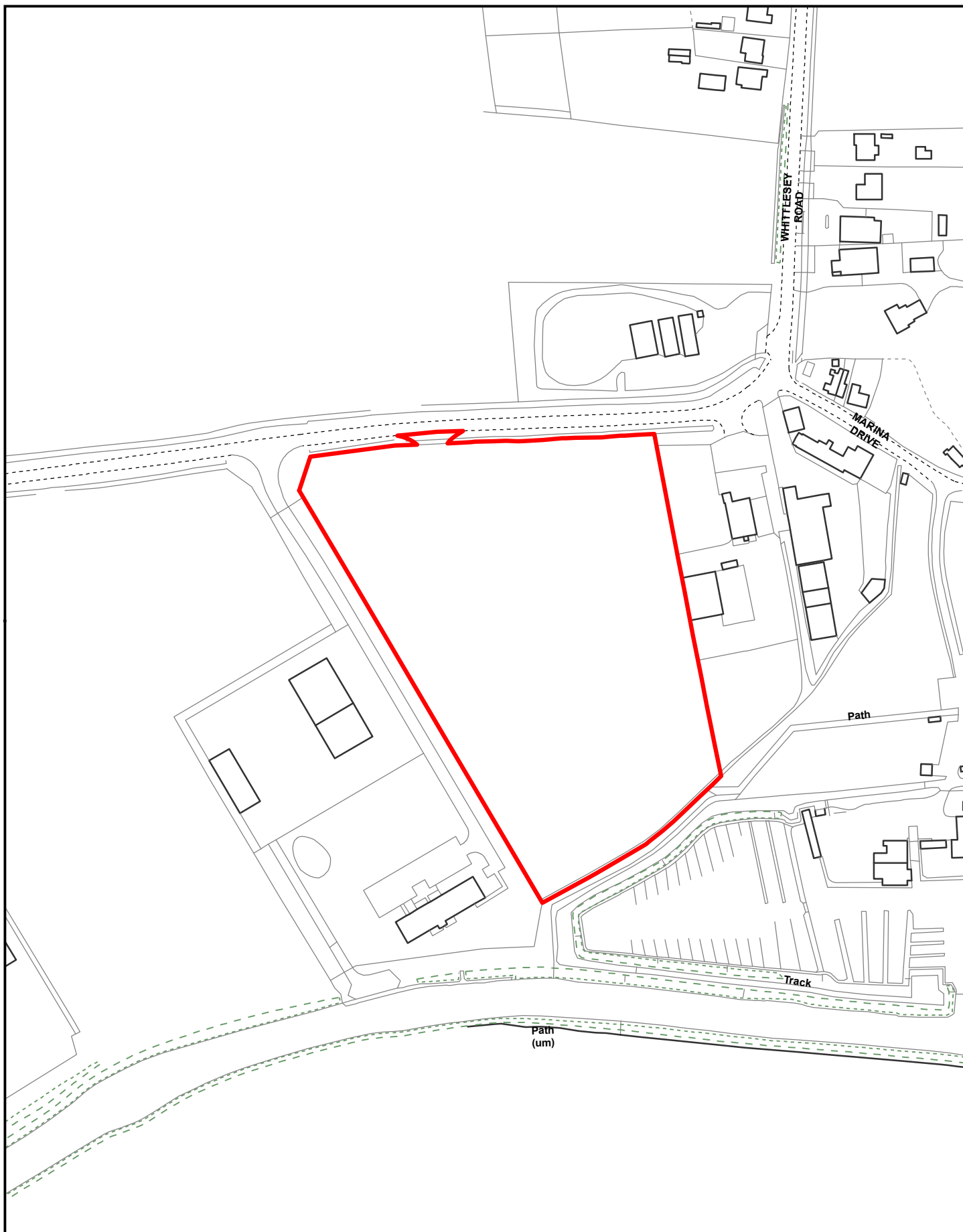
- 11.1 This is an unacceptable proposal on a site in a sensitive location in the rural area, located just beyond the western edge of the town of March.
- 11.2 The proposal, therefore, falls to be considered against the policies of restraint that apply to the rural area - principally FLP Policy LP3 - to protect the attractive undeveloped rural character. The proposal would be a significant urbanisation of the countryside
- 11.3 The development would also be contrary to settlement policy for the District more generally, as set-out in FLP LP3, which seeks to direct new development to the most accessible and sustainable locations - generally within the four market towns in the District and certain other identified villages.
- 11.4 This is not a sustainable location. There would be a high reliance on use of the private car by staff to get to and from the site because of its location on an unlit road with no footpaths.
- 11.5 The site is also within Flood Zone 3 - that is, is in an area at the highest risk of flooding - in respect of which a sequential test is required to be passed (as per FLP Policy LP14 and the NPPF) to establish if there are alternative suitable sites at lesser flood risk that should be developed in preference to a site within Flood Zone 3. The purpose of the sequential test is to direct new development to sites at the least risk of flooding. In this instance, the sequential test is not considered to be passed. There has been no systemic assessment of allocated employment sites across the District to establish if suitable alternative sites, with lower flood risk, are available. In the absence of evidence to the contrary, it has, therefore, to be concluded that the proposals will put people and property at an unnecessarily high risk of being affected by flooding.

12 RECOMMENDATION: Refuse

Reasons for refusal

1	The application site lies in the rural area outside of the town of March and would introduce substantial buildings and other building works onto agricultural land. This would be an unacceptable urbanisation of the countryside, to the detriment of its attractive open character and appearance, without special circumstances to justify this. The proposal would, therefore, be contrary to Policy LP3 of the Fenland Local Plan (2014), a key purpose of which is the protection of the undeveloped rural character of the countryside by limiting new development within it to that which requires a rural location, such as agriculture, horticulture and forestry.
2	The application site is not in a sustainable location in that it lies outside of the nearest settlement (March) on a road without public footpaths and street-lighting, which means that staff travelling to and from the site will have a heavy reliance on the use of a private motor-car, which is at variance with the principles of sustainability generally, as set-out in the

	National Planning Policy Framework, and to Policies LP1 and LP3 of the Fenland Local Plan (2014), which seek to direct development into the four main growth centres across the District because of their accessibility and sustainability to accommodate new development.
3	The application site lies within Flood Zone 3, which means the land is at the highest risk of flooding. In line with the National Planning Policy Framework (NPPF), Policy LP14 (Part B) of the Fenland Local Plan (2014) requires the development of such sites to be subject to a Sequential Test which shows that there are no other suitable sites of lesser flood-risk which could accommodate a proposal and are available for development. This requires the appellant to undertake a comprehensive assessment of employment land across the District to determine the availability (or not) of potentially suitable sites with lesser flood-risk. The purpose of the Sequential Test is to direct development to sites with the least flood risk. Only limited information on this matter is provided. The Sequential Test is not, therefore, passed and it has to be concluded that, in the absence of evidence to the contrary, the development of the application site would potentially put people and property to unwarranted risk from flooding, contrary to the NPPF and Policy LP14 (Part B) of the Fenland Local Plan.
4	The proposed access passes within the root protection area of a category A horse chestnut tree that is subject to a provisional tree preservation order. The proposed mitigation is of insufficient detail to demonstrate that the tree will be unharmed by the development. The proposal is therefore contrary to policy LP16 of the Fenland Local Plan (2014).



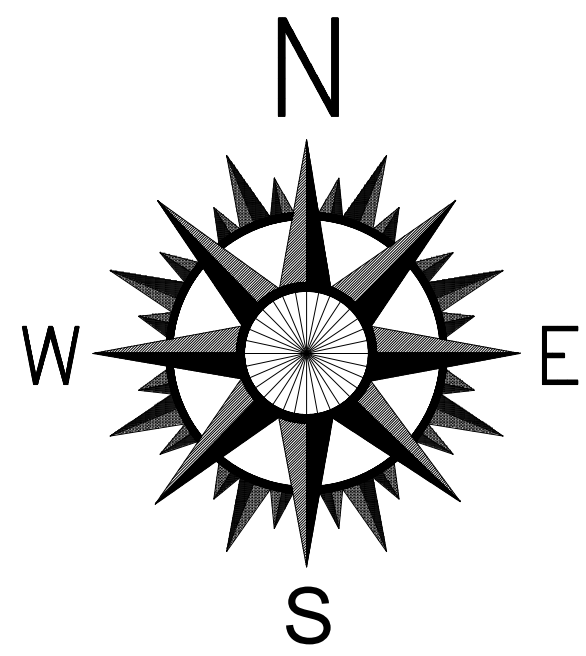
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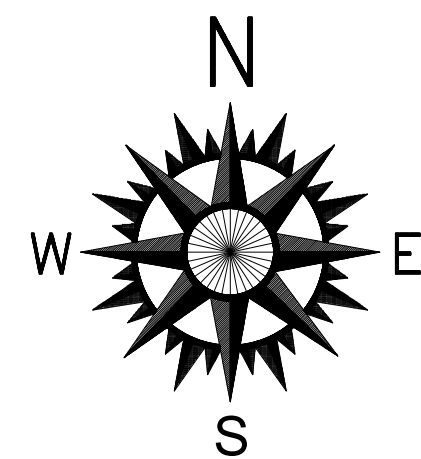
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LOCATION PLAN
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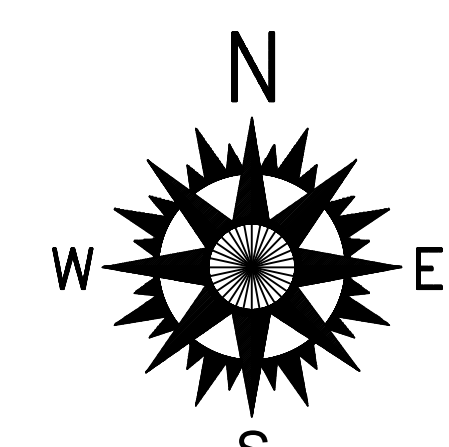


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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

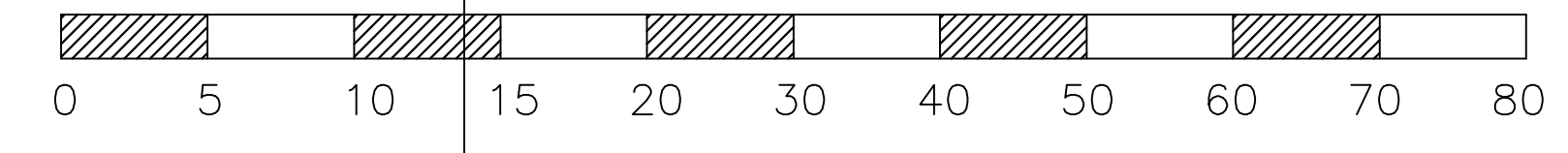
LEGEND

- APPLICATION SITE
- LAND OWNED BY APPLICANT

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REVISIONS		DATE
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CLIENT		
Force One Ltd		
PROJECT		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
TITLE		
Location Plan		
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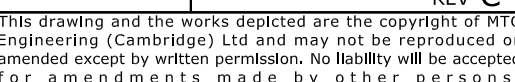


- LEGEND
- TARMAC
 - GRASS
 - PERMEABLE BLOCK PAVING FOR PATH

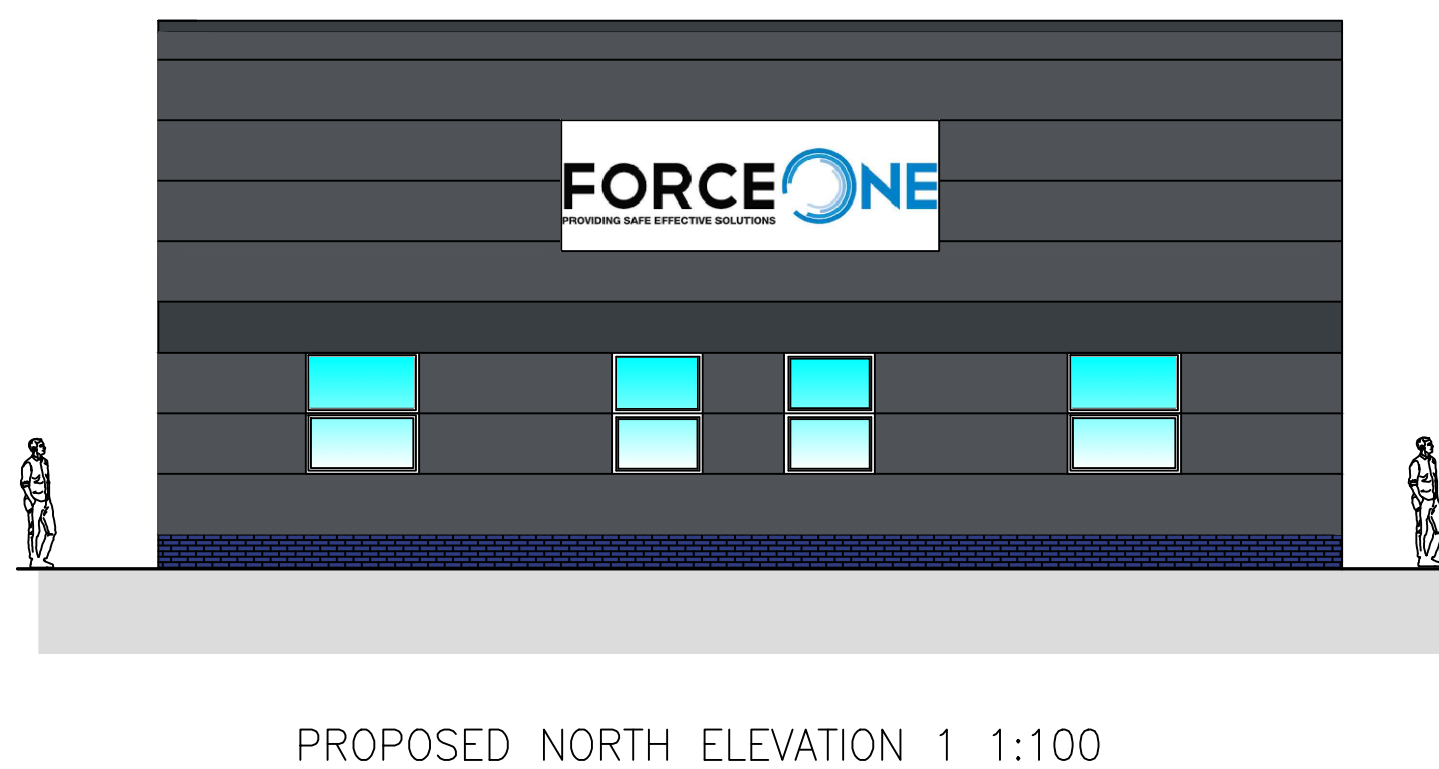
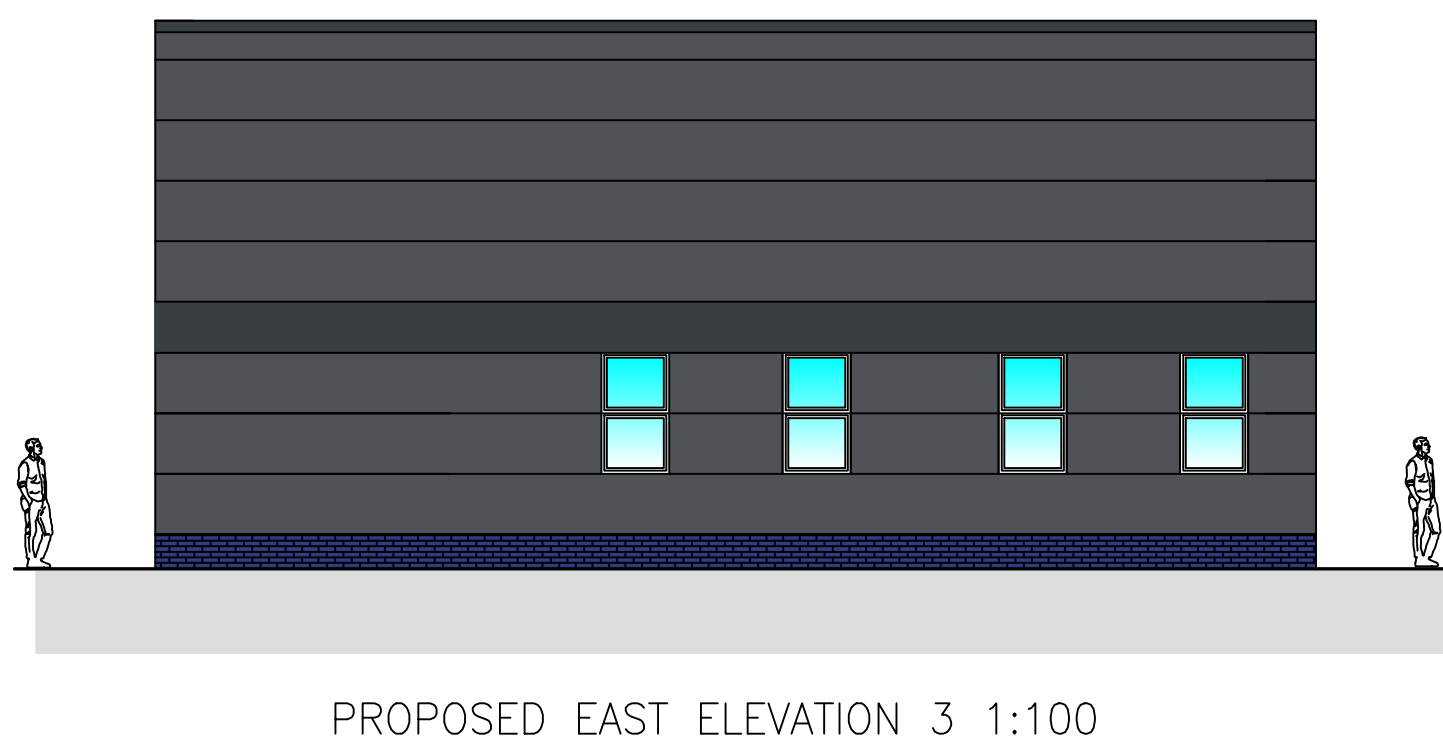
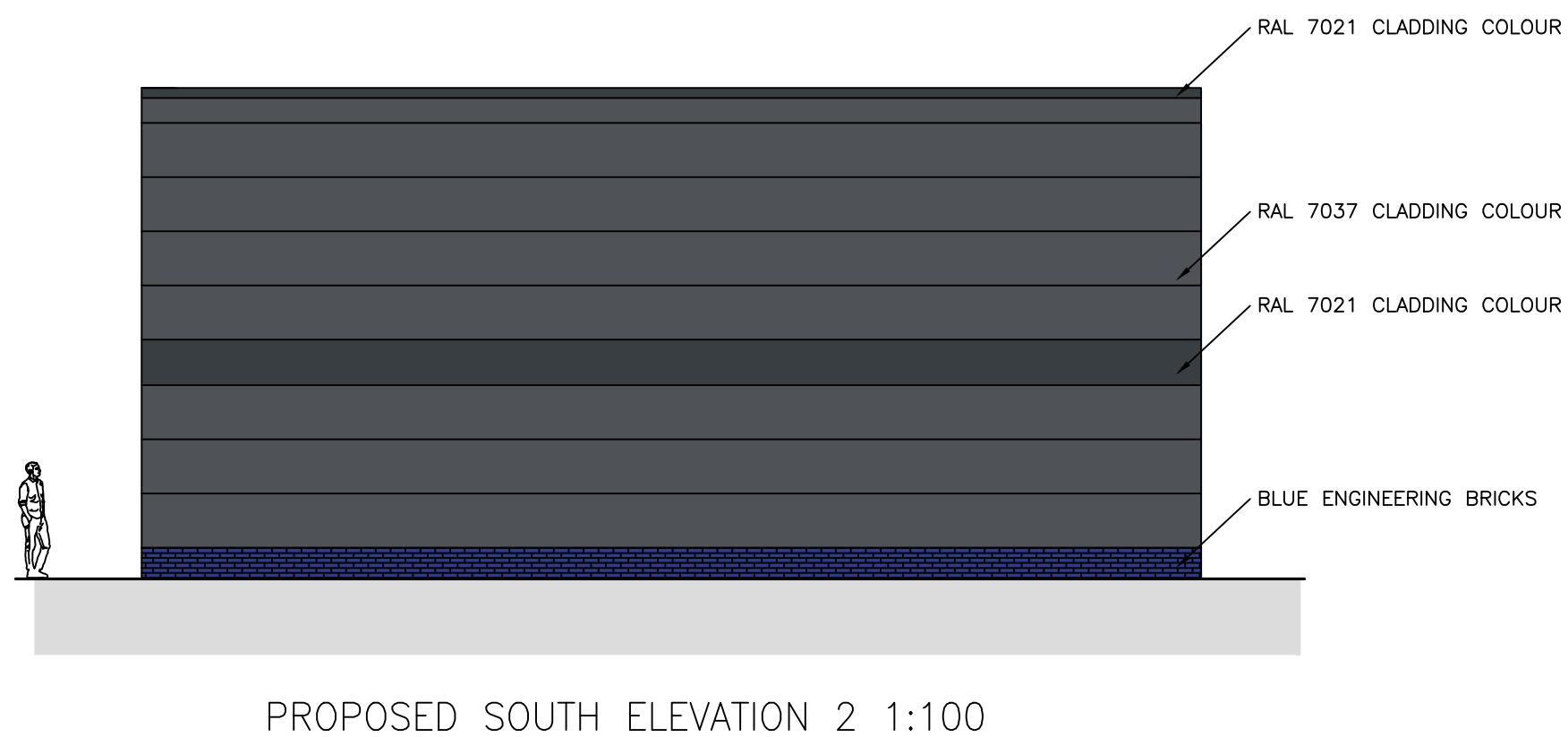
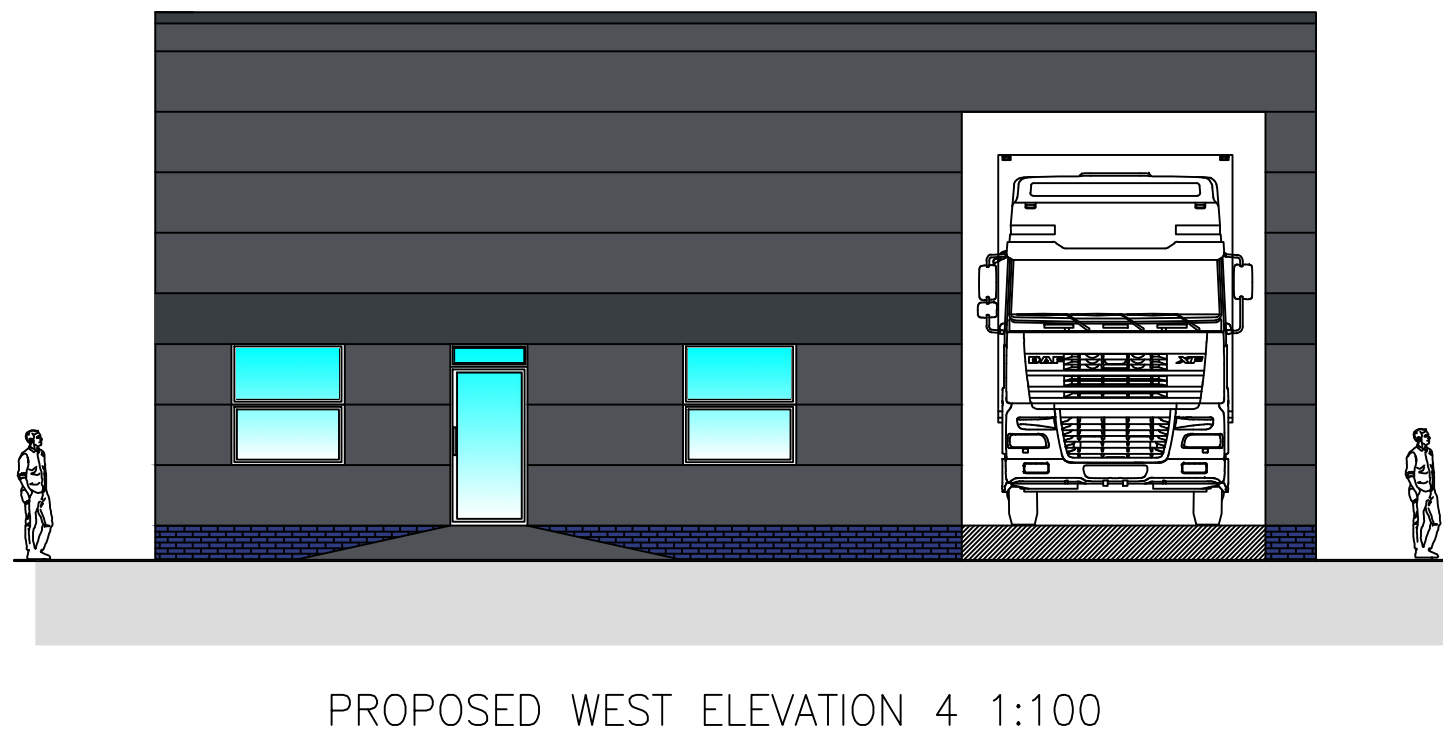
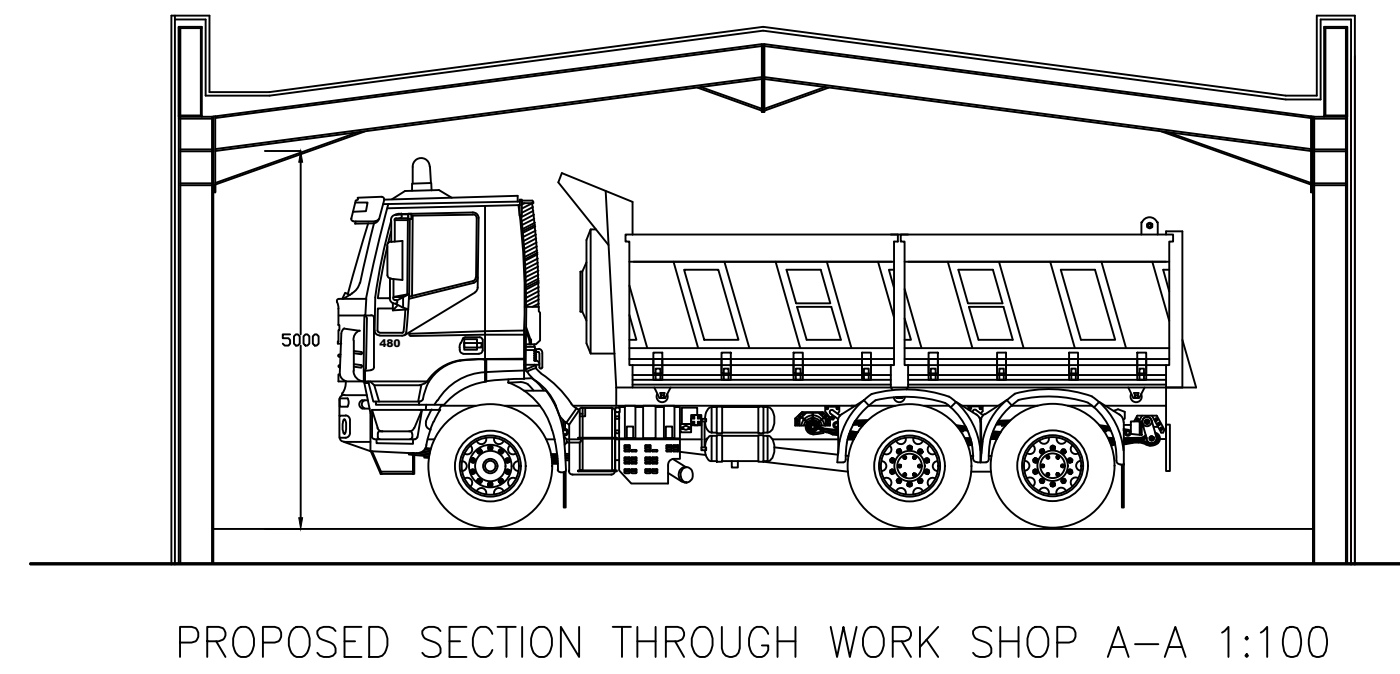
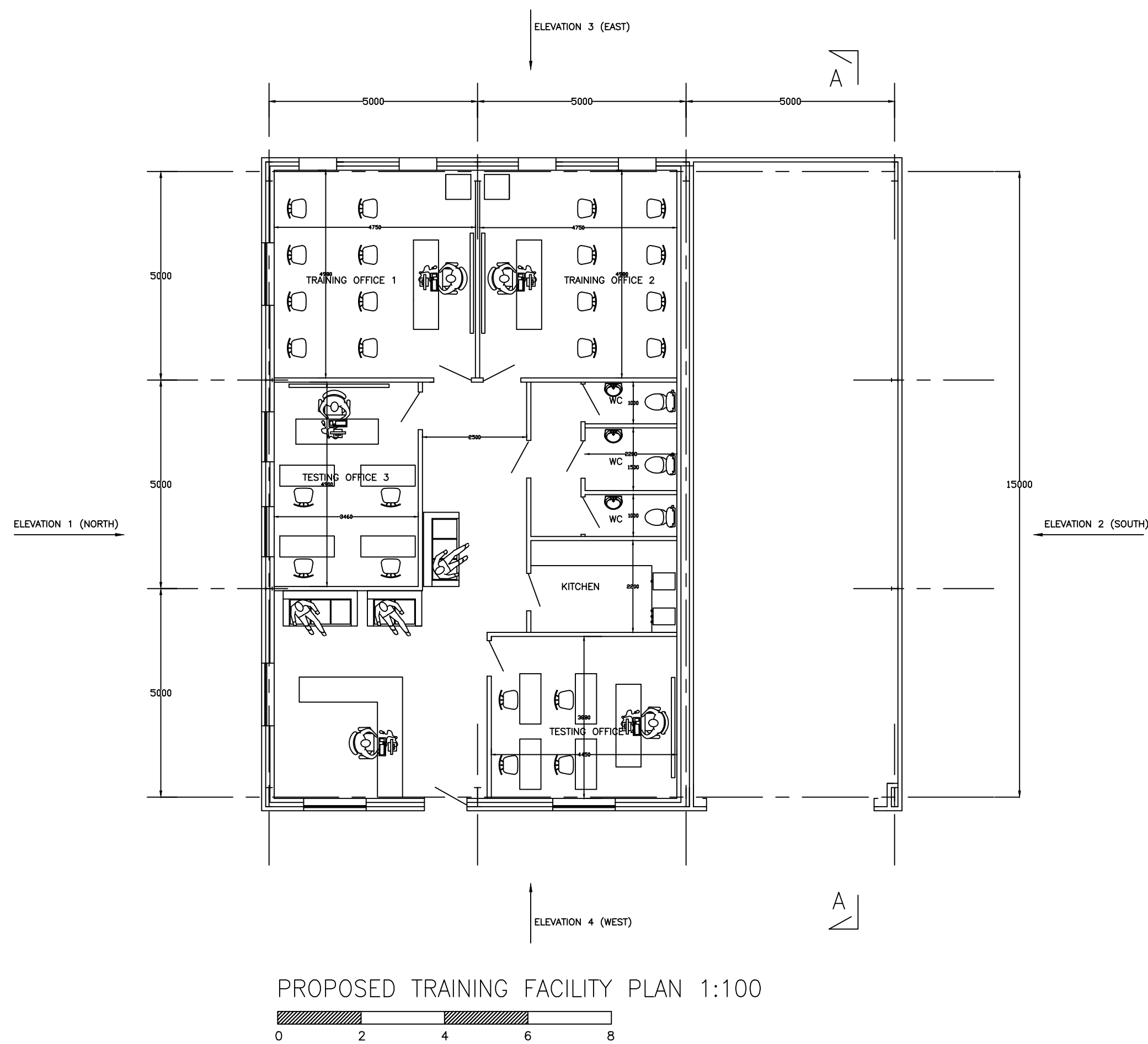


PROPOSED SITE PLAN 1:250

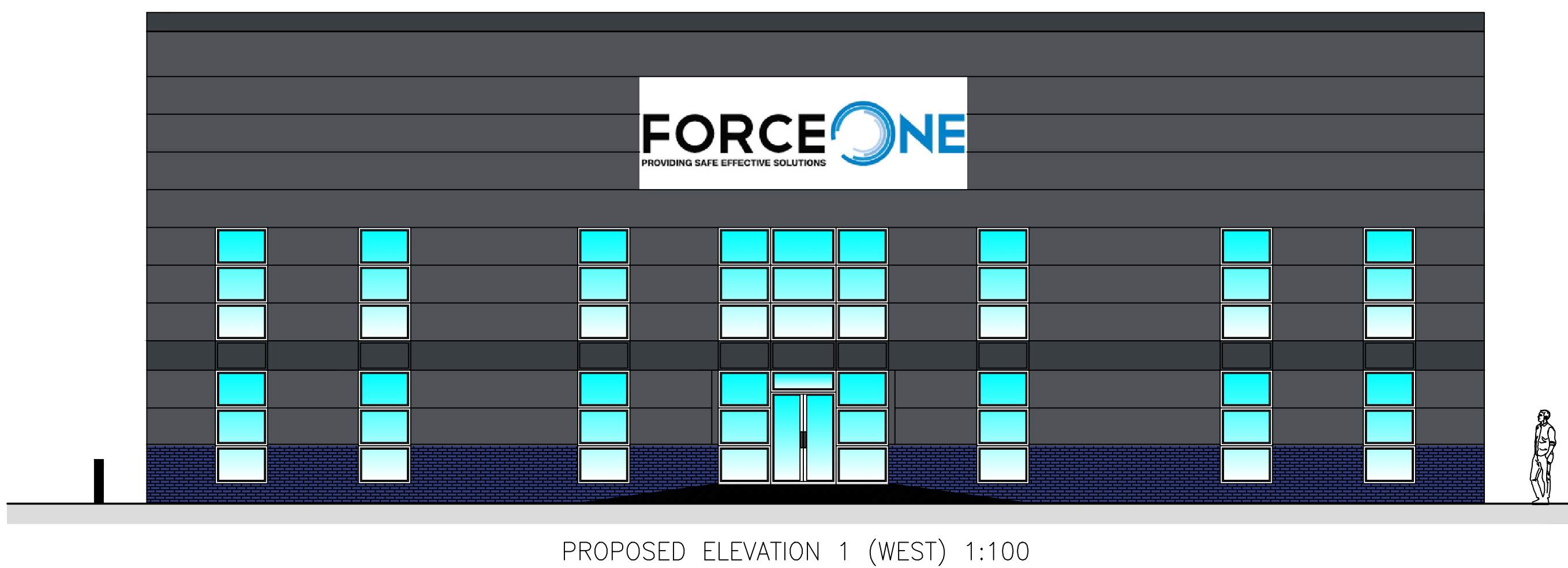
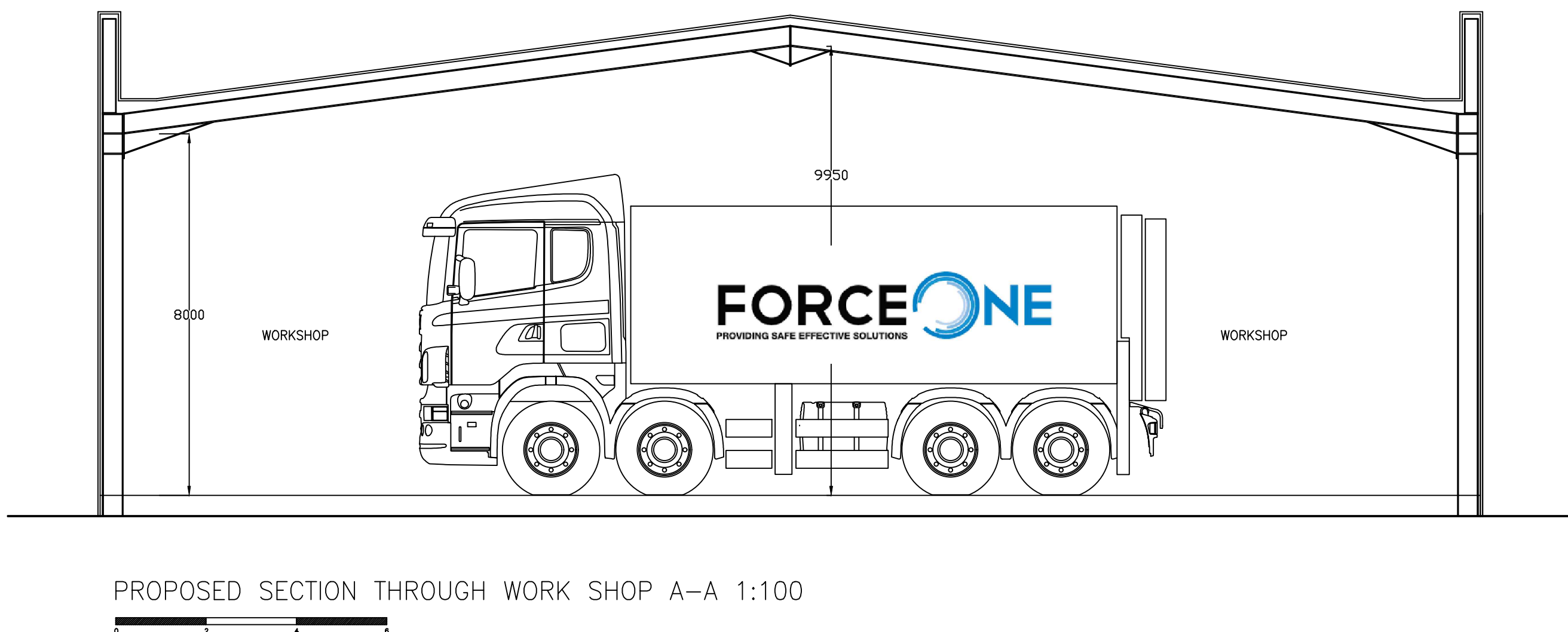
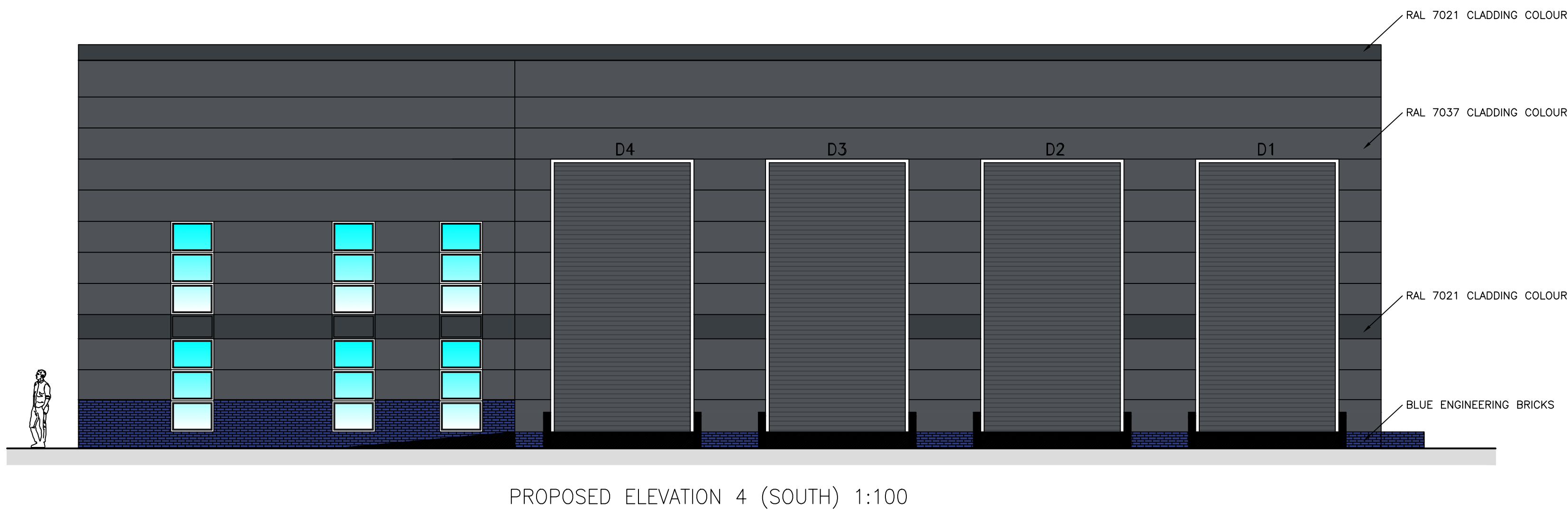
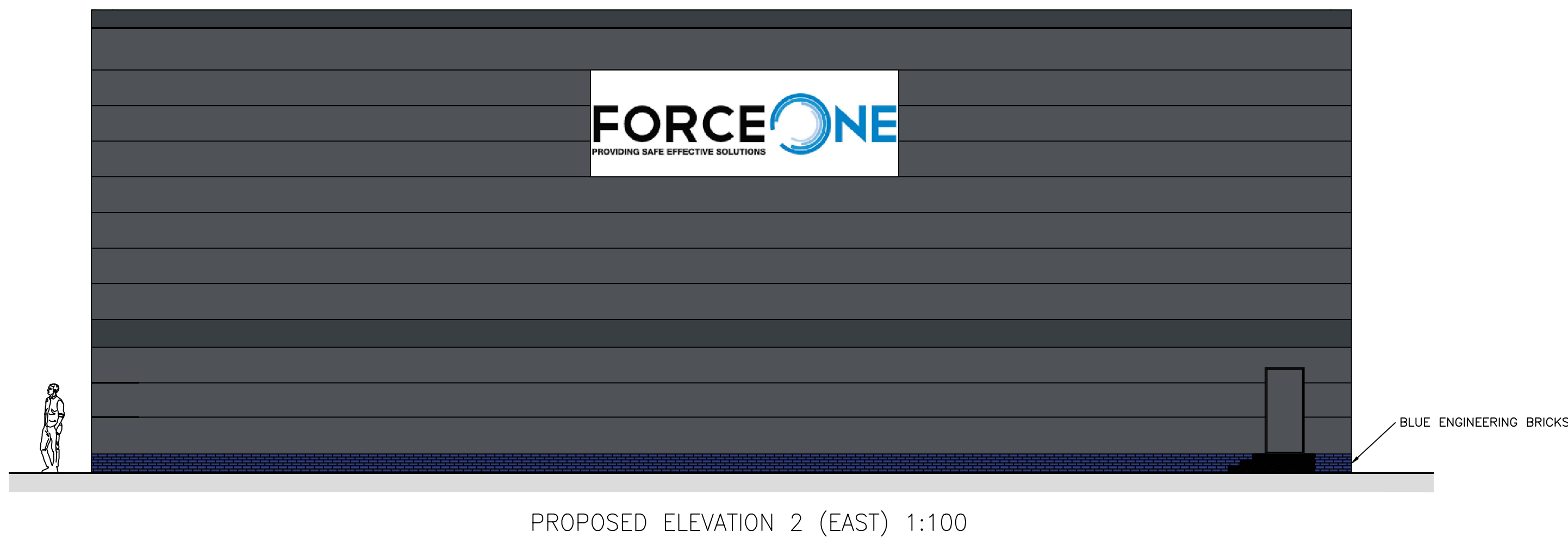
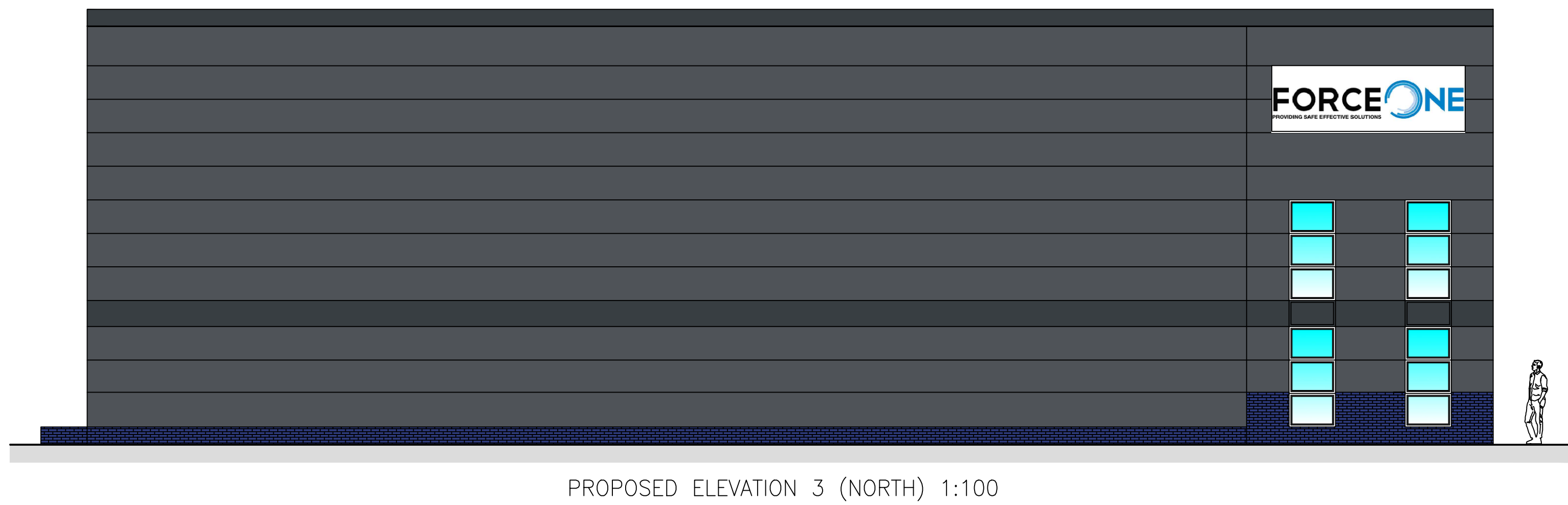
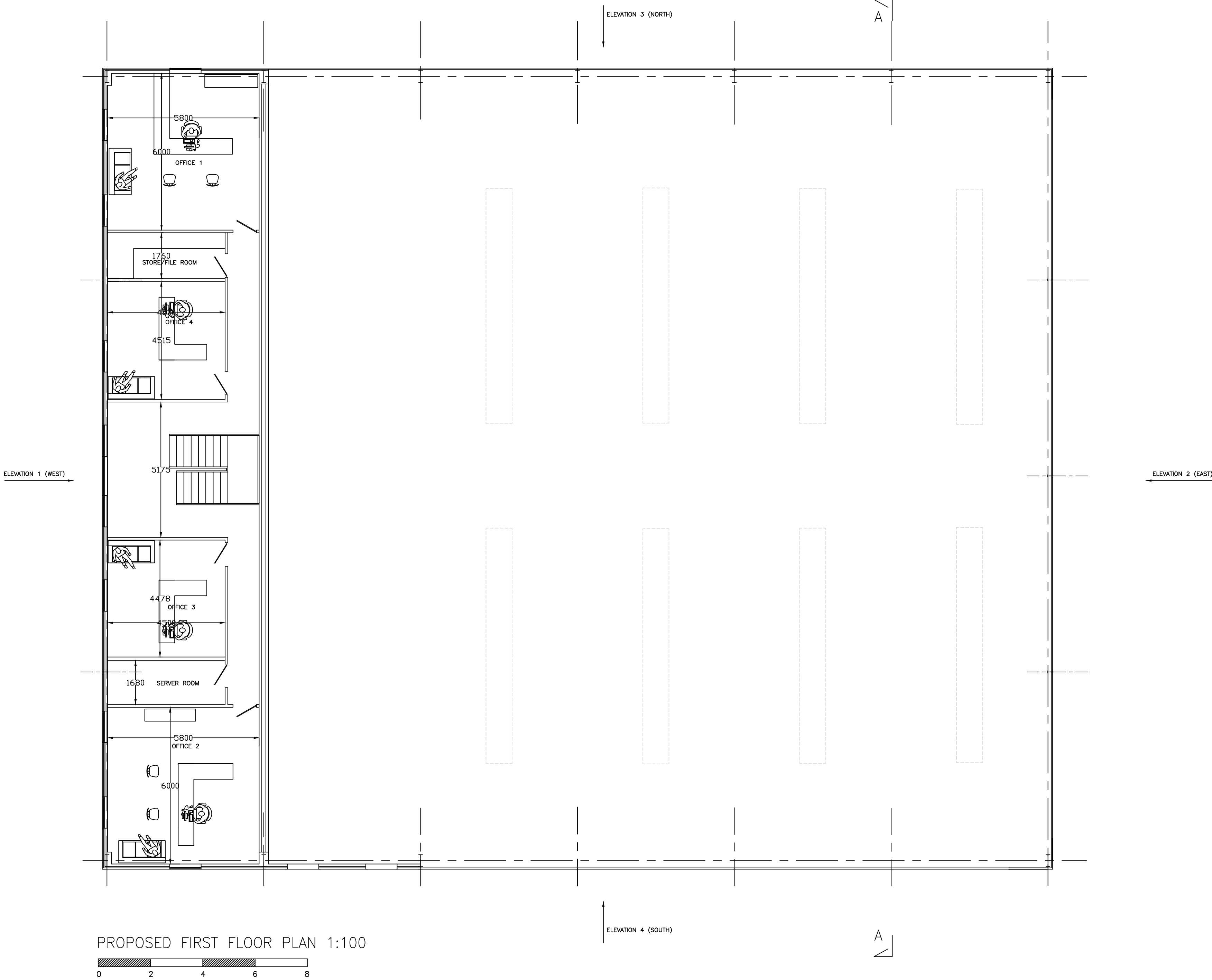
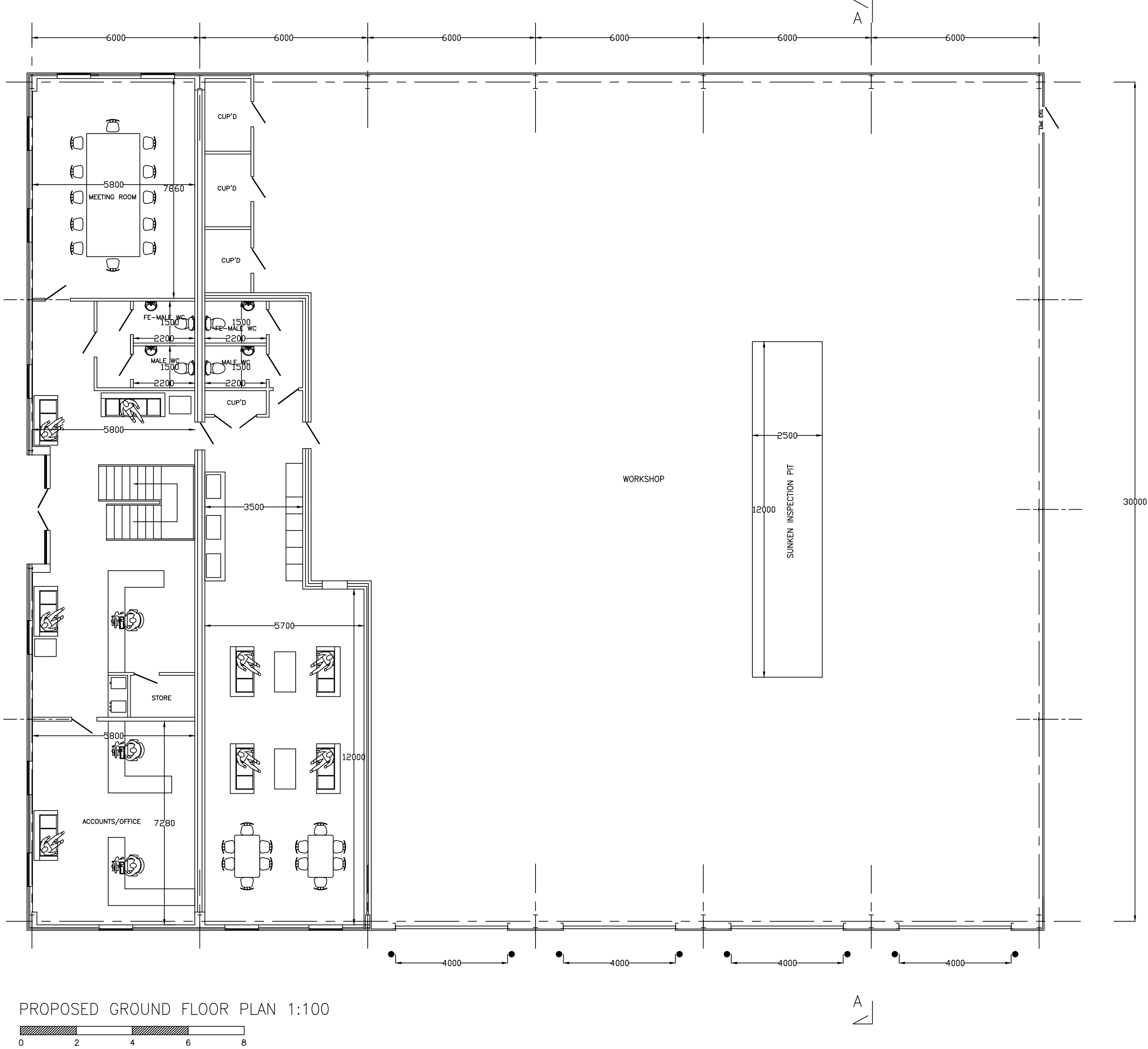
D TREE REINSTATED		MAR 2022
C UPDATED DRAWING		MAR 2022
B UPDATED DRAWING		NOV 2021
A ACCESS AMENDED		MAY 2021
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Project		
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Title		
Proposed Site Plan		
Drawn	MH	Scale of Site
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Date	March 2021	Revision Number
Scale	AS SHOWN	H6537/07



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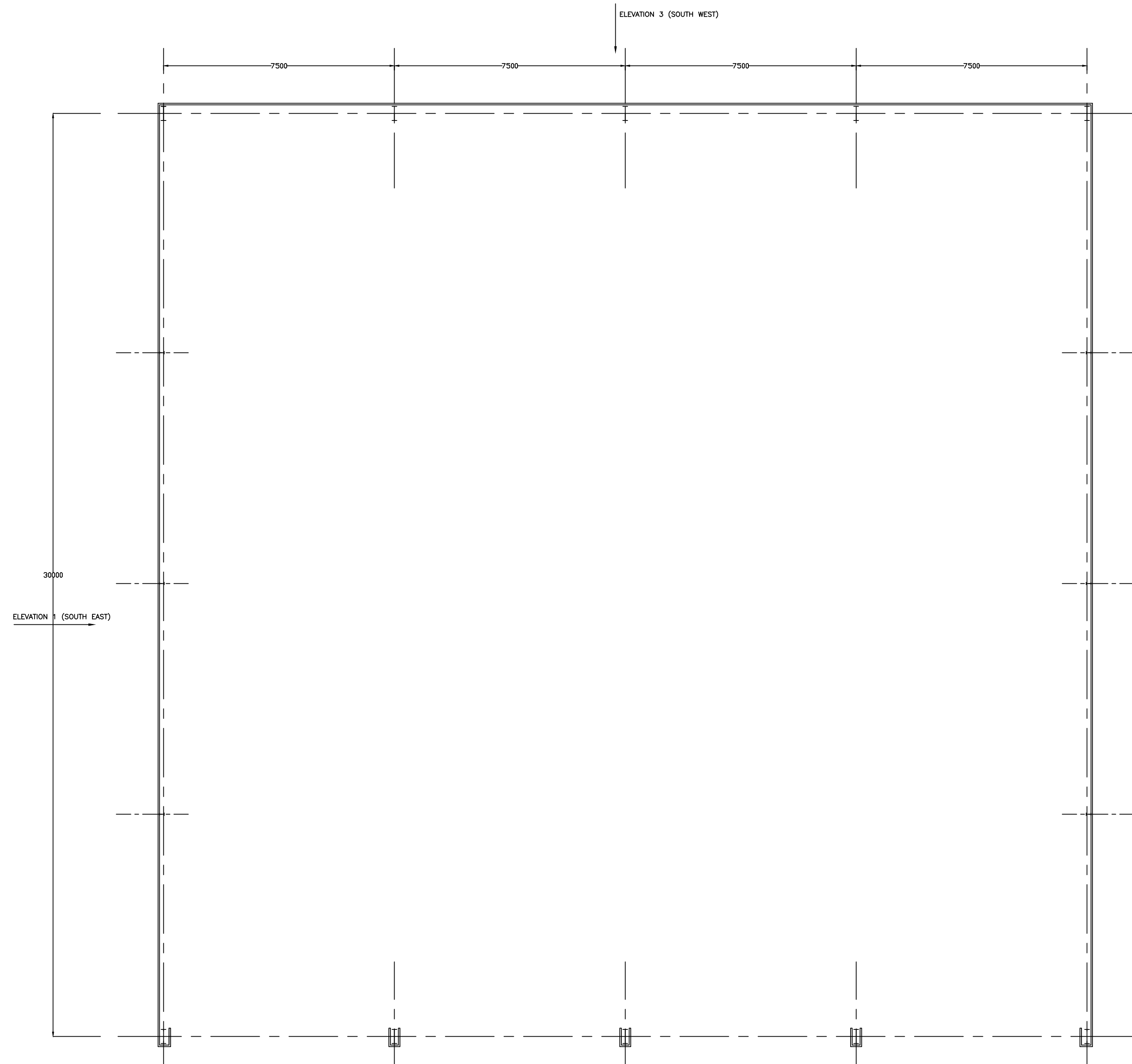


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Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
TITLE		
Training Centre Arrangement		
DRAWN	MH	DATE OF ISSUE
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DATE	April 2021	DRAWING NUMBER
SCALE	AS SHOWN	H6537/06

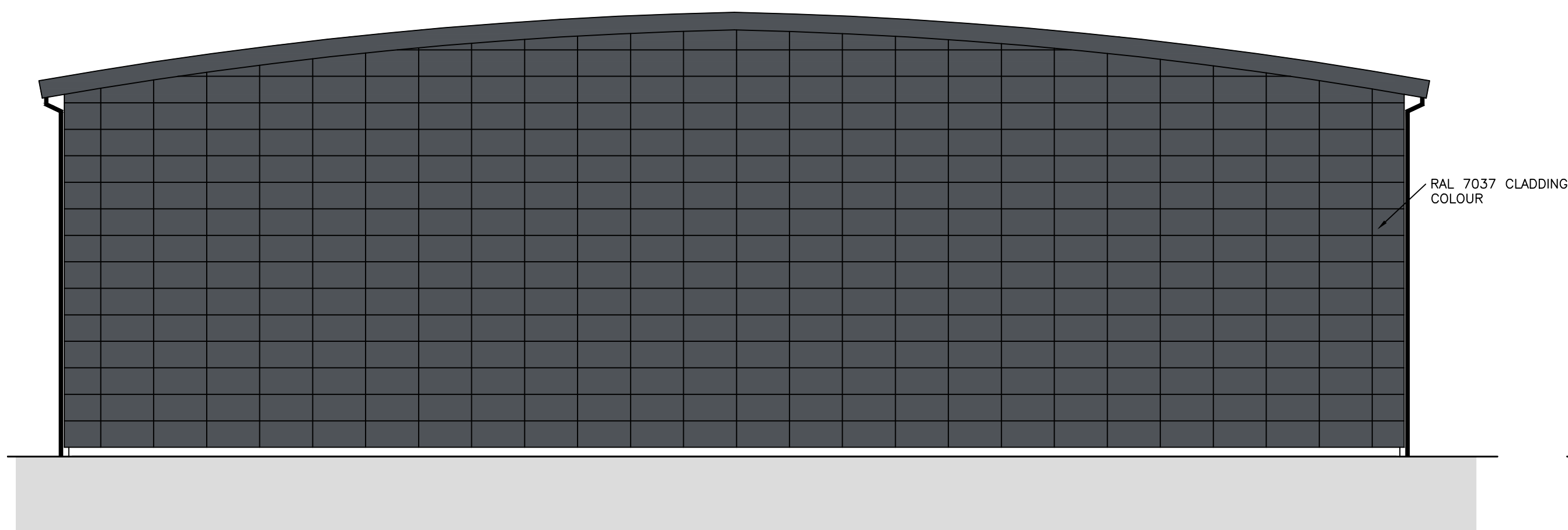
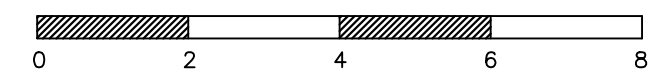


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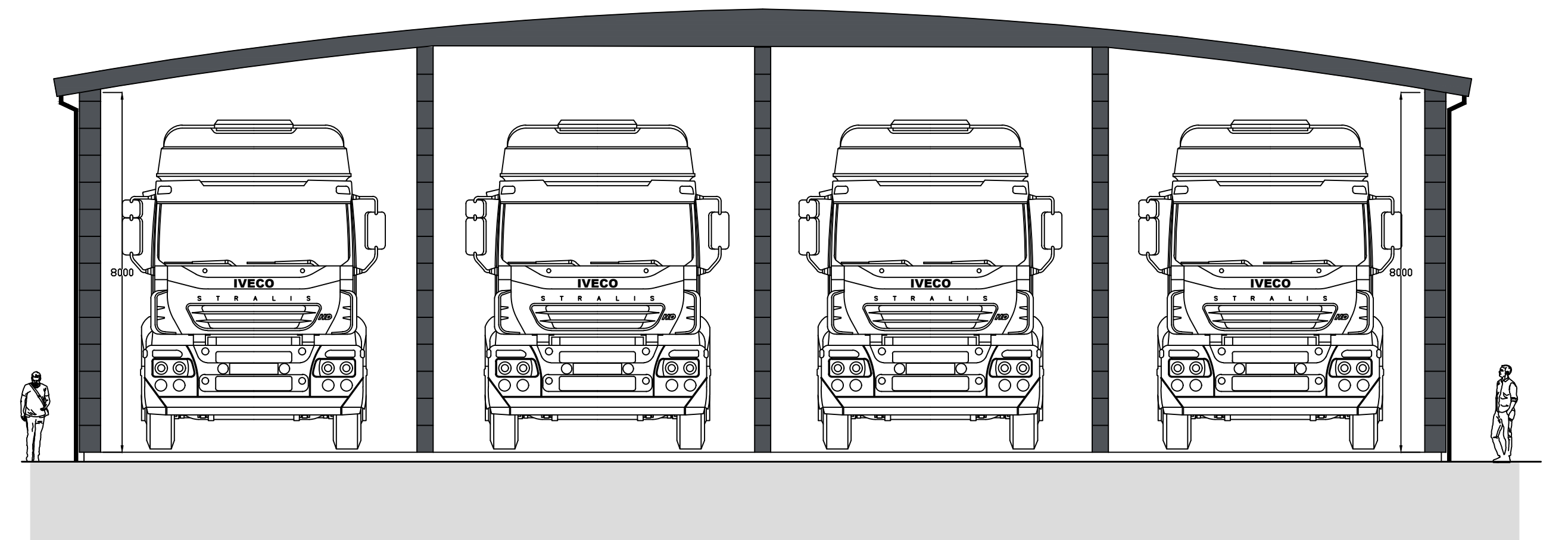
A	CLIENTS COMMENTS	APR 21
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Client		
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Project		
Land North East of Middle Level Commissioners Whittlesey Road March PE15 0AH		
Title		
Office Building Arrangement		
Drawn	MH	Date of Issue
Checked		
By	March 2021	Revision Number
Scale	AS SHOWN	H6537/04



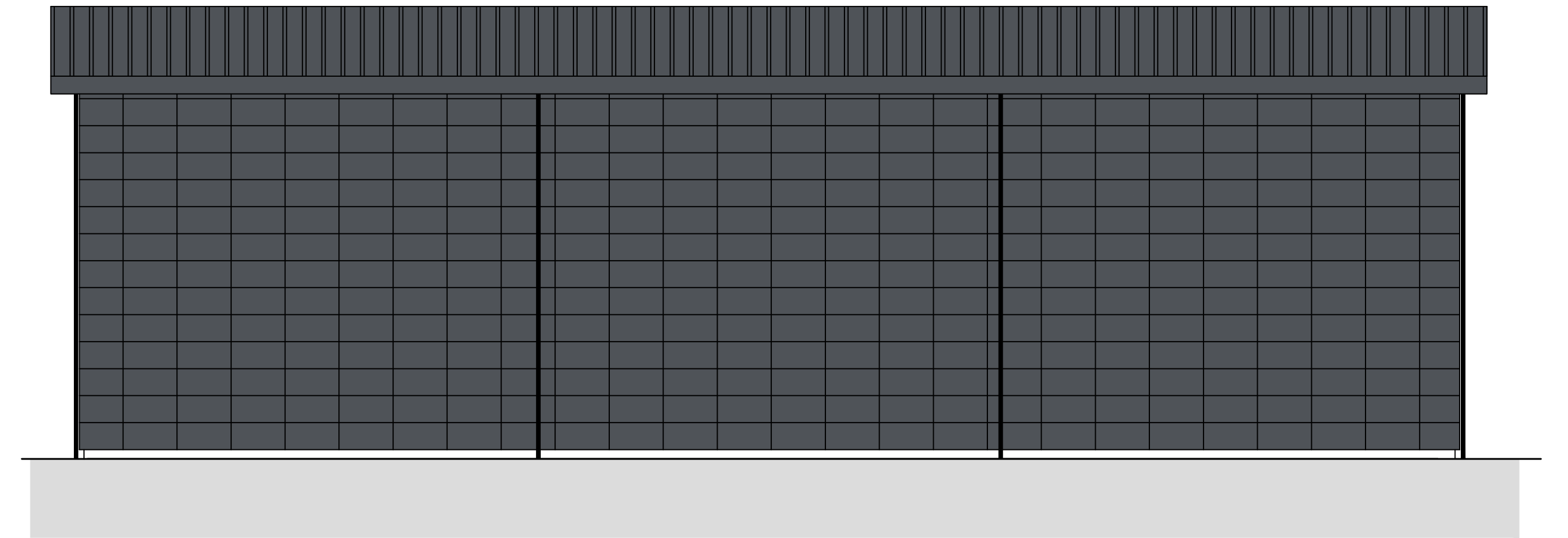
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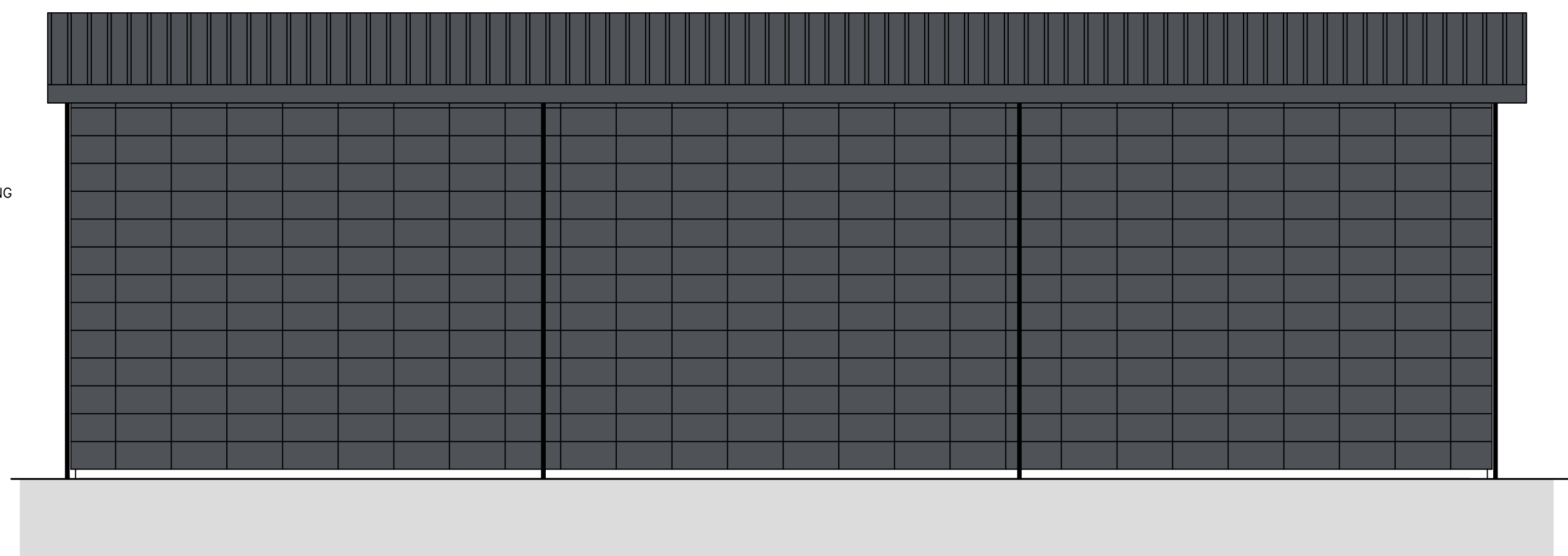
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PROPOSED ELEVATION 4 (NORTH EAST) 1:100



PROPOSED ELEVATION 1 (SOUTH EAST) 1:100



PROPOSED ELEVATION 2 (NORTH WEST) 1:100

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Vehicle Shed Arrangement		
DRAWN	MH	DATE OF ISSUE
CHECKED		
DATE	March 2021	DRAWING NUMBER
SCALE	AS SHOWN	H6537/03

F/YR21/1504/FDC

**Applicant: Mr Shaun Beales
Fenland District Council**

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

South Fens Enterprise Park, Fenton Way, Chatteris, Cambridgeshire

Erect 2 x blocks of industrial units (6 x units total) (Class E (g) - workshops and offices) with associated parking, and enlargement of existing attenuation basin.

Officer recommendation: Resolve to Grant Permission Subject to Conditions.

Reason for Committee: Fenland District Council is the applicant.

1 EXECUTIVE SUMMARY

- 1.1 The application is for the erection of 2 x blocks of industrial units (6 x units total) (Class E (g) - workshops and offices) with associated parking, and enlargement of existing attenuation basin. The site is an existing business development forming part of an industrial estate located at the northern edge of Chatteris.
- 1.2 Other than Cambridgeshire County Council Minerals and Waste Planning Authority (CCCMWPA), all other consultees have supported the proposed development, albeit with conditions, advice or informatives. The concerns of the CCCMWPA are noted but the LPA also recognises that proposed development would not go beyond the boundaries of the existing site and so not prejudice the existing or future use of the Chatteris-Nightlayer Fen Water Recycling Area (WRA) and no complaints have ever been registered in relation to impacts on amenities or health. The development would comply with criteria (c) and (d) of MWLP Policy 16: Consultation Areas (CAS).
- 1.3 The proposal, owing to scale, design, and finishes, would be in keeping with the appearance of the buildings on the site and the existing industrial character of the wider industrial estate.
- 1.4 The recommendation is therefore to grant planning permission subject to conditions.

2 SITE DESCRIPTION

- 2.1 The proposal site is a Fenland District Council property located on the junction of Fenton Way and A412. The site consists of business units forming an open, grassed part of the wider South Fens Enterprise Park located to the north of Chatteris.
- 2.2 The application site is within Flood Zone 3 as defined by the Environment Agency Maps. In addition, owing to its proximity to a sewage treatment plant, the site is within the Wastewater Treatment Works Safeguarding Area.

3 PROPOSAL

- 3.1 The application proposes the erection of two blocks of industrial units consisting of workshops and offices, one running north-south alongside the eastern boundary of the site, the other running east-west adjacent to the southern boundary. Access would be via a continuation of the existing service road to the site and a new yard and car parking area would be created in front of the units. In addition the existing attenuation basin serving the site would be enlarged to accommodate the flows from the new development.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR21/1504/FDC | Erect 2 x blocks of industrial units \(6 x units total\) \(Class E \(g\) - workshops and offices\) with associated parking, and enlargement of existing attenuation basin | South Fens Enterprise Park Fenton Way Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR21/1504/FDC)

4 SITE PLANNING HISTORY

F/YR11/0619/FDC Erection of 4no industrial units (Class B1), Granted

F/YR11/3041/COND, Details reserved by Condition 5 of Planning Permission
F/YR11/0036/FDC (Erection of 4 industrial units (Class B1)), Approved

F/YR11/3020/COND, Details reserved by conditions 4 and 7 of planning
permission F/YR11/0036/FDC (Erection of 4 industrial units (Class B1), Approved

F/YR11/0182/NONMAT, Non-material amendment: Change car parking area from block paved finish to permeable construction topped with road planings relating to planning permission F/YR11/0036/FDC (Erection of 4 industrial units (Class B1), Approved

F/YR11/0183/FDC, Removal of Conditions 8 and 9 relating to contamination and drainage reference planning permission F/YR11/0036/FDC (Erection of 4 industrial units (Class B1), Granted

F/YR11/0036/FDC, Erection of 4 industrial units (Class B1), Granted

5 CONSULTATIONS

- 5.1 **Chatteris Town Council:**
Support, welcome additional industrial units.

- 5.2 **Cambridgeshire County Council Highways:**

Traffic

The transport statement in the analysis of traffic has stated a B2 use. The application form refers to B1 (use class no longer in use) and the description of the application is E(g). The TRICS outputs may understate the traffic as there are more intensive generators of traffic from other sub-categories within E(g). However, given the size of the development the impact on the highway is not going to be significant or detrimental to it.

Layout

The layout is generally acceptable but make the following comments:

- The tracking in the northeast corner is very close to the cycle shelter and the parking space on the opposite side. Is it likely that the HGV will turn in that area or are they more likely to loop through the site into the wider area that fronts unit 5 and 6?*

- The cycle shelter appears small with the stands within in them about 0.6-0.7m apart. This would be cramped, and Sheffield style stands are normally spaced 1m apart.
- Has waste bin locations been considered? I would recommend these are shown to avoid potential conflicts or storage upon parking spaces.

Parking

The number of parking spaces provided is slightly higher than the FDC parking requirement as set out in the parking standards but is reasonable.

Parking spaces are 2.4m x 4.8m. This is acceptable although if space allows on the site, I recommend slightly wider dimensions of 2.5m x 5m.

Conclusion

I would recommend that the comments above are addressed as this would provide an improved form of development but as submitted, I have no objections to the application and the standard parking and turning condition would be appropriate to attach to planning permission.

5.3 **Environment Agency:**

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

Review of the Flood Risk Assessment

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

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

Sequential test - advice to LPA

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

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

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

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

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)

- *Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.*

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

Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance here.

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Surface Water Drainage and Infiltration Sustainable Drainage Systems (SuDS) – advice to the applicant

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

5.4 Cambridgeshire County Council Lead Local Flood Authority:

We have reviewed the following documents:

- Surface & Foul Water Drainage Strategy, Shields Wilson Structural and Civil Engineering, Ref: SW 21-179-REP-01A, Dated: March 2022

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, an attenuation basin and attenuation tank, restricting surface water discharge to 7 l/s. Discharge into an existing Anglian Water sewer is the same as the existing rates, although the location of the flow control is to be changed.

The LLFA supports the use of permeable paving as in addition to controlling the rate of surface water leaving the site, it also provides water quality treatment and interception source control. The attenuation basin within the site will also be multi-beneficial to the surface water within the site as it is able to provide storage for water in order that the discharge rate from the site can be restricted, as well as providing surface water treatment.

Hydraulic calculations demonstrate that flooding is predicted in the 3.3% Annual Exceedance Probability (AEP) rainfall event, and surcharging is predicted in the 50% AEP event, at the northern inflow to the basin, within the existing drainage system. Within the calculations it is discussed that this occurs due to flow capacity issues within the existing drainage system, the new development does not appear to impact the levels of surcharging, or the volume of flooding that is modelled to occur.

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

5.5 Peterborough City Council Wildlife Officer:

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

5.6 Cambridgeshire Police Designing Out Crime Officer:

I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering Fenton Way and immediate streets for the last 12 months. I would consider this to be an area of low risk to the vulnerability to crime at present.

I have no further comments in relation to community safety and vulnerability to crime at this stage.

5.7 Cadent Gas:

We have received a notification regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective. Advice is given on how to proceed with the works.

5.8 Environmental Health:

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

However, given the scale of the proposal, the issues that will be of primary concern to this service during the construction phase would be the potential for noise and dust to adversely impact on the amenity of the nearest existing businesses. Therefore, this service would welcome the submission of a Construction Management Plan (CMP). The CMP should consider the following:

- Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control)*
- Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)*
- Complaint response and investigation procedures*

5.9 Cambridgeshire County Council Planning, Minerals and Waste:

The applicant has not provided a planning statement but refers to some Fenland Local Plan policies in section 2.1 of the Design and Access Statement and Travel Plan (Swann Edwards June 2020). However, it fails to recognise that the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (the MWLP) is part of the development plan.

The proposed development site is within the consultation area (CA) for the Chatteris-Nightlayer Fen Water Recycling Area (WRA) therefore MWLP Policy 16: Consultation Areas (CAS) is relevant. Policy 16 states that:

“Development within a CA will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and*
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated*.*

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

- (e) be buildings regularly occupied by people; or*
- (f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).*

**Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions.”*

It is noted that the applicant has submitted an Air Impact Assessment (Swann Edwards February 2021) and the Rapid Health Impact Assessment Matrix but neither addresses the potential impact on occupiers and users of the proposed development of the operation of the WRA (also known as a wastewater or sewage treatment works). One of the proposed blocks of industrial units would be close to the WRA.

It is acknowledged that there are other buildings a similar distance from the WRA but a review of the planning history for these premises suggests that they were considered before the Cambridgeshire and Peterborough Minerals and Waste Core Strategy was adopted in July 2011 with the exception of planning permission F/YR11/0619/FDC which was for the erection of 4 industrial units. The officer's report refers to comments made by Anglian Water in respect of Phase II (assumed to be planning permission F/YR/0036/FDC). From update to Planning Committee 9th February 2011 in respect of planning application no. F/YR11/0036/FDC:

“Anglian Water – Object to any development within 400 metre cordon sanitaire of Chatteris Wastewater Treatment Works, although AW takes all reasonably practicable steps to prevent odour arising from the works, they consider it

important that there should be no development within 400 metres which is potentially sensitive to odour or location of the works. Note a requirement for a surface water strategy/ flood risk assessment condition.”

Both permissions were granted subject to a condition excluding food-based activities.

The MWPA objects to the proposed development unless the applicant has demonstrated by means of an odour assessment report that the occupiers and users of the proposed development would not be adversely affected by the operation of the WRA or Anglian Water has agreed that an assessment is not necessary. The MWPA therefore recommends that the local planning authority consults Anglian Water on this application.

The applicant’s attention is drawn to MWLP Policy 16 which states that: “When considering proposals for non-mineral and non-waste management development within a CA, then the agent of change principle will be applied to ensure that the operation of the protected infrastructure (i.e. MAA, MDA, WMA, TIA or WRA) is not in any way prejudiced. Any costs for mitigating impacts on or from the existing minerals and/or waste related uses will be required to be met by the developer. It is for the developer to demonstrate that any mitigation proposed as part of the new development is practicable, and the continued use of existing sites will not be prejudiced.”

The agent of change principle is supported by paragraph 187 of the National Planning Policy Framework (July 2021).

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
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
LP10 – Chatteris
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 and Economic Growth
- Design, Appearance and Impact on the Area
- Residential Amenities
- Parking and Highway safety
- Flooding and Drainage
- Ecology
- Waste, Amenities and Health

9 ASSESSMENT

Principle of Development and Economic Growth

- 9.1 Paragraph 81 of the National Planning Policy Framework (NPPF) 2021 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. This is reflected in the Fenland Local Plan. According to n Policy LP6, opportunities for jobs growth in the district should be maximised through a number of approaches including appropriate intensification and extensions to established areas of employment, with the focus for employment growth being the market towns. The application proposes the development of new employment units within an area currently used for employment purposes at the edge of a market town.
- 9.2 The principle of the proposed development would therefore accord with Local Plan Policy LP6 and the NPPF(2021).

Design, Appearance and Impact on the Area

- 9.3 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 Policy 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.
- 9.4 The scheme proposes the erection of two industrial buildings with shallow mono-pitch rooves, one on the eastern end of the site facing west and the other on the southern edge of the site facing north. The proposed buildings would be of scale which is comparable to the existing buildings but with enough head height to provide for first floor business accommodation. To this end, the buildings are designed with high level windows to provide added lighting to the buildings but would also facilitate expansion through the possible future insertion of a mezzanine floor.
- 9.5 The current buildings are finished in orange composite cladding with timber infills. However, these are set against a backdrop of a much larger buildings which are finished in grey composite cladding (when seen from the south). The proposed buildings would be finished externally with grey composite cladding which would be

in keeping with the existing backdrop and much of the wider industrial estate which are finished similar materials.

- 9.6 The proposed development would therefore not detract from the character of the site and the general area in accordance with Local Plan Policy LP16 and Paragraph 126 of the NPPF(2021).

Amenity

- 9.7 The proposed development consists of the erection of additional industrial units on an established industrial estate which is isolated from any residential properties. Thus, the proposal is unlikely to adversely affect any residential amenities in accordance with Local Plan Policy LP16. Similarly, the siting of the proposed units is not considered to impact upon the operation of the existing employment units.
- 9.8 Paragraph 186 of the NPP(2021) states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Consistent with the Provisions of the Environmental Act 1995 which introduced the Local Air Quality Management (LAQM) regime. To this end, the Environmental Health Team monitors air quality in various part of the district and have considered this proposal.
- 9.9 The proposal site is located within Chatteris-Nightlayer Fen WWTW Safeguarding Area owing to the location of the development in relation to its proximity to the said facility and being within this consultation area (CA), MWLP Policy 16: Consultation Areas states that:
- “Development within a CA will only be permitted where it is demonstrated that the development will, among other criteria-
- (c) not prejudice the existing or future use of the area (i.e., the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated”.
- 9.10 Officers note that the applicant has submitted an Air Impact Assessment (Swann Edwards February 2021) and the Rapid Health Impact Assessment Matrix. This has been considered and even though neither addresses the potential impact on occupiers and users of the proposed development of the operation of the WRA (also known as a wastewater or sewage treatment works), it is the view of Officers that any impacts would not be any different from that which is experienced by users of buildings on proposal site and adjacent ones. This development represents an extension on an existing operating site of which the physical development would be relatively (a few meters) closer to the Sewage works than the existing buildings. However, taking into account the history of the use of the site, it the view of officers that the impacts on amenities of future users of the development would not be any different from the existing use of the site. No complaints have ever been registered from occupiers of the industrial units which may indicate that the proximity of the works has not had any adverse impacts on the amenities of the site and the area.

- 9.11 The referenced “agent of change principle” is noted and will be brought to the attention of the applicant.

Parking and Highway Safety

- 9.12 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.
- 9.13 The scheme proposes two additional industrial buildings with associated parking and turning facilities. The proposal was considered by the Highways Engineer who has not raised any adverse comments. He suggests some minor tweaks to improve the scheme, but recommends conditions be attached if the Committee is minded to approve the development
- 9.14 The proposal would accord with Local Plan Policy LP16 and Fenland Parking Standards.

Flooding and Drainage

- 9.15 Paragraph 159 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. In addition, Local Plan Policy LP14 (Part B) reflects the national approach by adopting a sequential approach to flood risk from all forms of flooding. Commercial buildings are identified within the National Planning Practice Guidance as being a less vulnerable use in terms of flood risk, and which may be appropriate in Flood Zone 3.
- 9.16 The proposal site located within Flood Zone 3 as defined by the Environment Agency (EA) Maps. The applicant submitted an Ellingham Consulting Flood Risk Assessment (2021) in support of the proposed development which was considered by the EA to which they do not object since the risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). The EA recommends that the IDB be consulted and that the LPA formally consider the emergency planning and rescue implications of new development in making their decision. Middle Level were consulted on the application, however no comments have been received. In terms of the emergency planning implications it is not considered that given the less vulnerable nature of the development this is a matter which could be used to justify the refusal of planning permission
- 9.17 In addition, the EA suggests that a sequential be undertaken to establish whether there other sites at lower risk of flooding which could accommodate the development. Sequentially, Planning Practice Guidance (PPG) recommends a pragmatic approach to considering planning applications for extensions to existing business premises as it may be impractical to suggest that there are more suitable alternative locations for that development elsewhere. Since the application site forms part of an established employment site it is considered that it would be unreasonable to conclude anything other than that the site is sequentially acceptable
- 9.18 The proposal would accord with Local Plan Policy LP14 and the National Planning Policy Framework 2021.

Ecology

- 9.19 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
- 9.20 The applicant submitted a Glaven Ecology Ecological Impact Assessment Preliminary Ecological Assessment (2021) in support of the proposed development. The report was considered by the council's own Ecologist and no concerns were raised subject to conditions.
- 9.21 The proposed development would accord with Local Plan Policy LP19 and the NPPF (2021)

Conditions

- 9.22 In accordance with Section 100 ZA of the Town and Country Planning Act the applicant's agent has confirmed their agreement to any pre-commencement conditions.

10 CONCLUSIONS

- 10.1 The development proposes the erection of two additional industrial buildings on the site which will be of a scale design and finishes which is in keeping with the character of the site and the area. The development would pass the sequential and exceptions tests owing to the fact that the development is an extension on an existing business site and the development has wider economic benefits respectively. The development would also not prejudice highway safety, parking and biodiversity interests.

11 RECOMMENDATION

GRANT; subject to the following conditions.

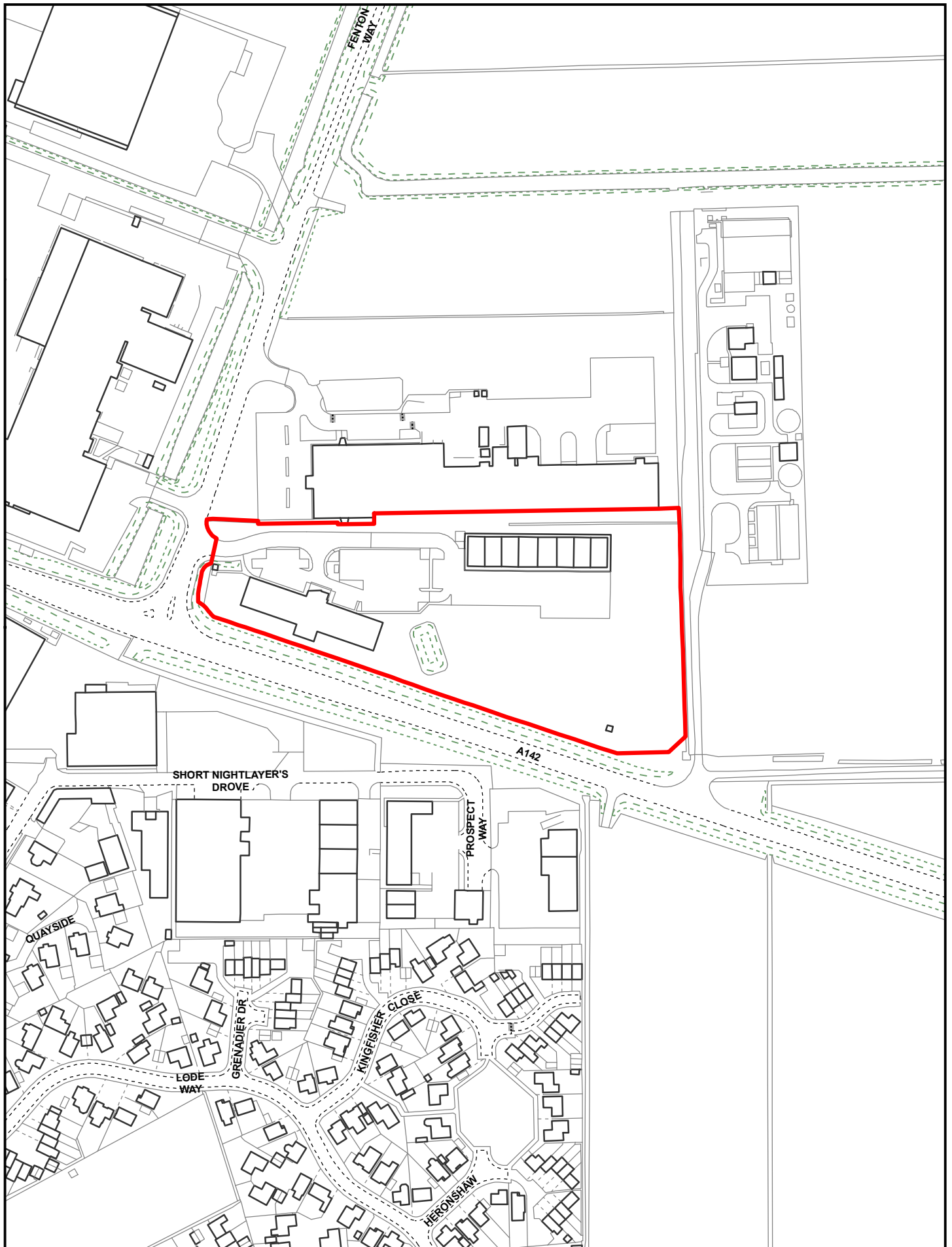
1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:</p> <ol style="list-style-type: none"> 1. enter, turn and leave the site in forward gear; 2. park clear of the public highway; 3. load and unload; <p>shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.</p> <p>Reason: In the interests of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan.</p>

3.	<p>Prior to Commencement of any works on the site, the applicant shall submit a Construction Management Plan (CMP) which should consider the following:</p> <ul style="list-style-type: none"> • Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control) • Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression) • Complaint response and investigation procedures <p>The CMP shall be agreed in writing and implemented as such thereafter to the satisfaction of the LPA</p> <p>Reason: In the interest of amenity protection and to accord with Local Plan Policy LP16.</p>
4.	<p>No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.</p> <p>The scheme shall be based upon the principles within the agreed Surface & Foul Water Drainage Strategy prepared by Shields Wilson Structural and Civil Engineering (ref: SW 21-179-REP-01A) dated March 2022 and shall also include:</p> <ul style="list-style-type: none"> a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events; b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance; c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it); d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections); e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants; f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems; g) Full details of the maintenance/adoption of the surface water drainage system;

	<p>h) Permissions to connect to a receiving watercourse or sewer; i) Measures taken to prevent pollution of the receiving groundwater and/or surface water</p> <p>Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.</p>
5.	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.</p>
6.	<p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) Summary of potentially damaging activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that the recommended mitigation and compensation suggested in section 6 of the Ecological Impact Assessment (Glaven Ecology, 2021) are followed correctly. This will ensure that the development aligns with the National Planning Policy</p>

	Framework and Fenland Local Plan.
7.	<p>Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:</p> <ul style="list-style-type: none"> • Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting; and • Boundary treatments. • Suitable replacement habitat for the hedgerow removal along the front of the properties ensure connectivity. <p>Development shall be carried out in accordance with the submitted details and at the following times:</p> <p>Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.</p> <p>The landscape plan should be informed by the species list provided within section 7 of the Ecological Impact Assessment, incorporating the species into seeding mix around green areas. These green areas will be required in order for the site to result in positive impact on biodiversity.</p> <p>Reason: To ensure that the landscaping is creating in sensitivity to the surrounding habitats and landscapes. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.</p>
8.	<p>The development hereby permitted shall not be occupied until at least 5 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.</p> <p>Reason: To secure the long-term protection of the nesting bird potential.</p>
9	<p>The development hereby permitted shall not be occupied until such time as small mammal holes are installed in the boundary fences to allow inter-connectivity. The holes will be a minimum of 15 x 13 cm holes and placed at ground level. It is recommended that the holes are marked appropriately to communicate their purpose.</p>

	Reason: To ensure the ongoing potential for the site to be used by small mammals
10.	<p>No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981</p>
11.	<p>The development hereby permitted shall only be used for purposes falling within Class E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), and for no other purpose.</p> <p>Reason: To ensure that any future proposals for the site incorporate appropriate mitigation.</p>
12.	<p>Prior to the development hereby permitted being first brought into use the external lighting as shown on drawing number 90127-E-106 REV P2 shall be implemented on site and thereafter retained in perpetuity.</p> <p>Reason: In the interest of security and amenity of the site</p>
13.	<p>The development hereby permitted shall only be carried out in accordance with the facing and roofing materials shown on the approved plans.</p> <p>Reason: To ensure the satisfactory appearance of the completed development in accordance with Policy LP16 of the Local Plan.</p>
14.	Approved plans



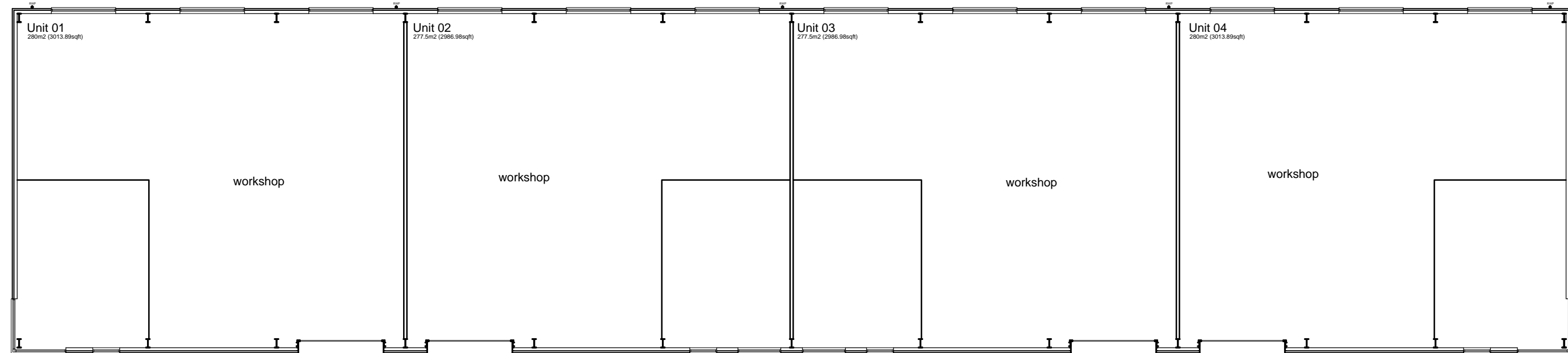
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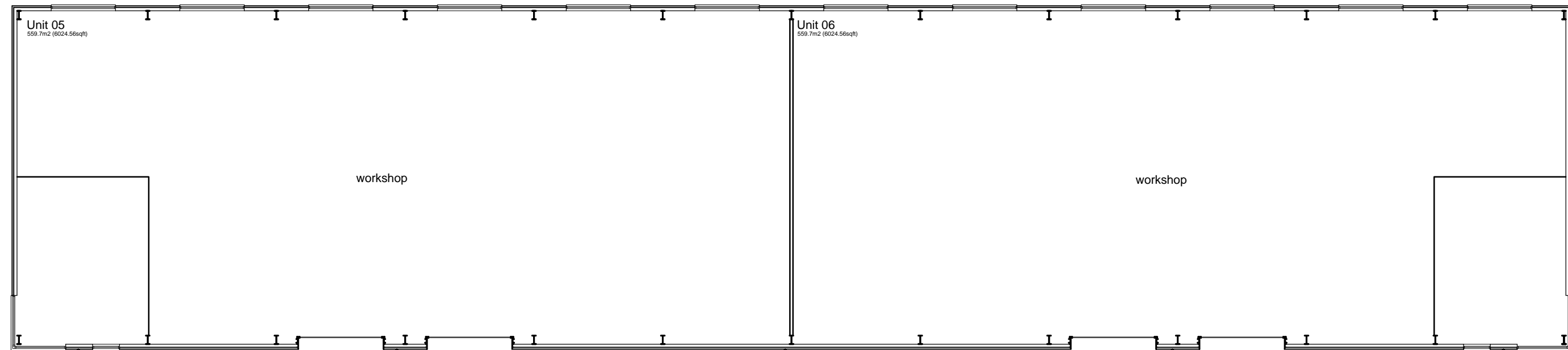
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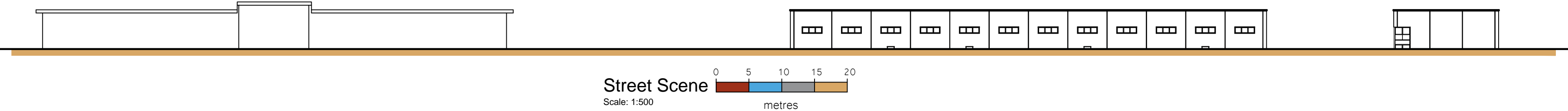




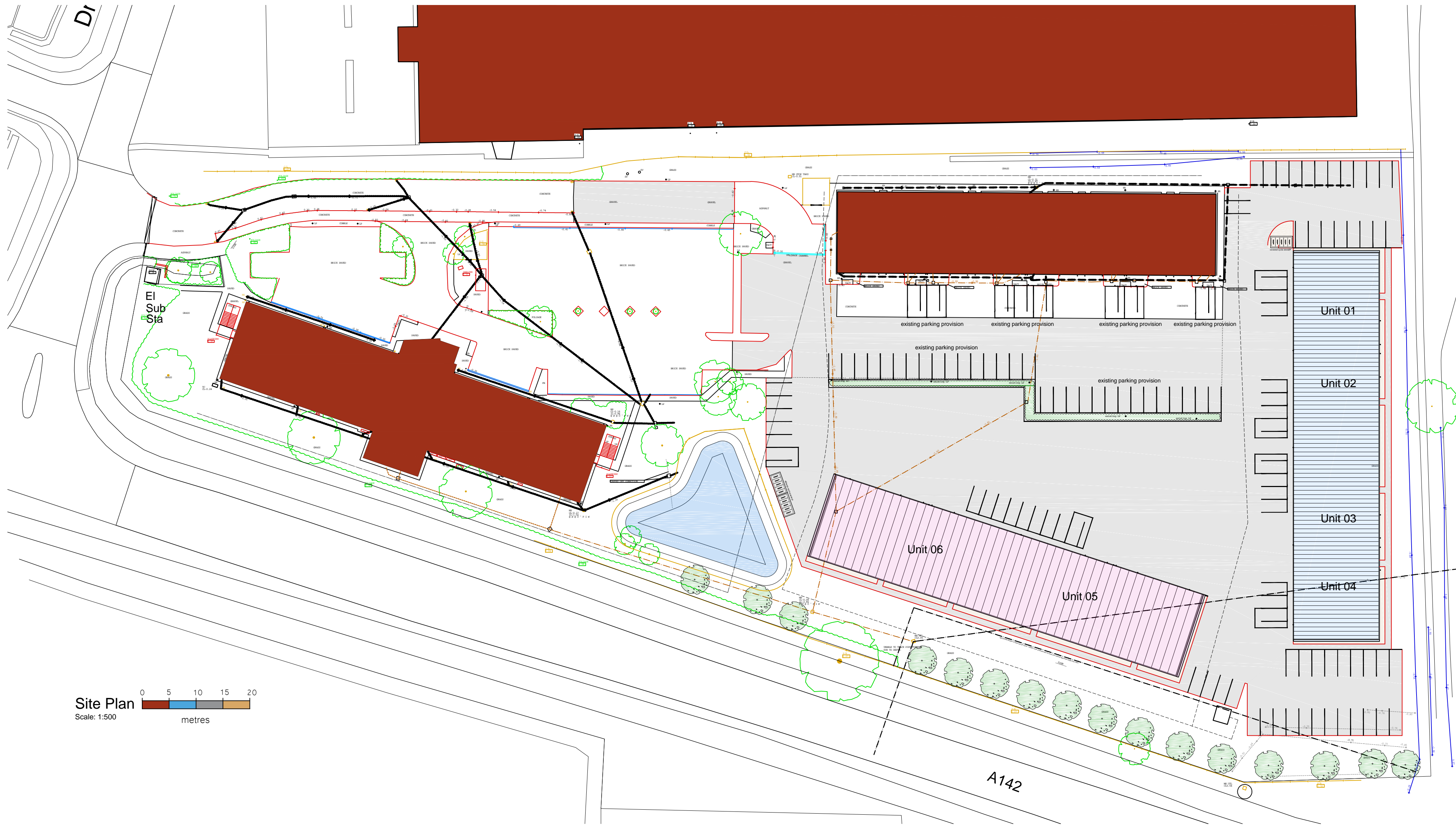
Phase 1 - Clerestory Plan
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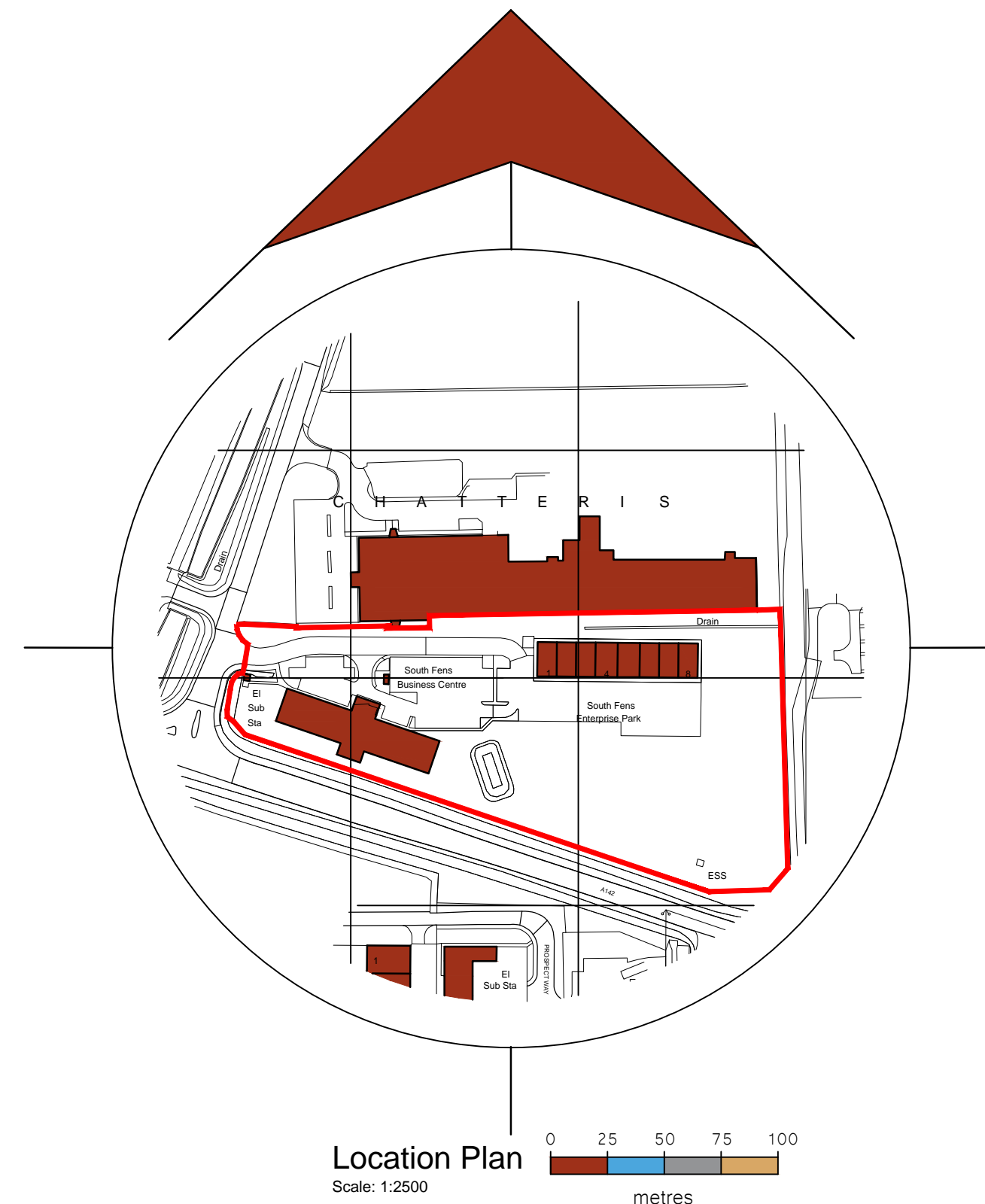
Phase 2 - Clerestory Plan
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Street Scene
Scale: 1:500



Site Plan
Scale: 1:500



Location Plan
Scale: 1:2500

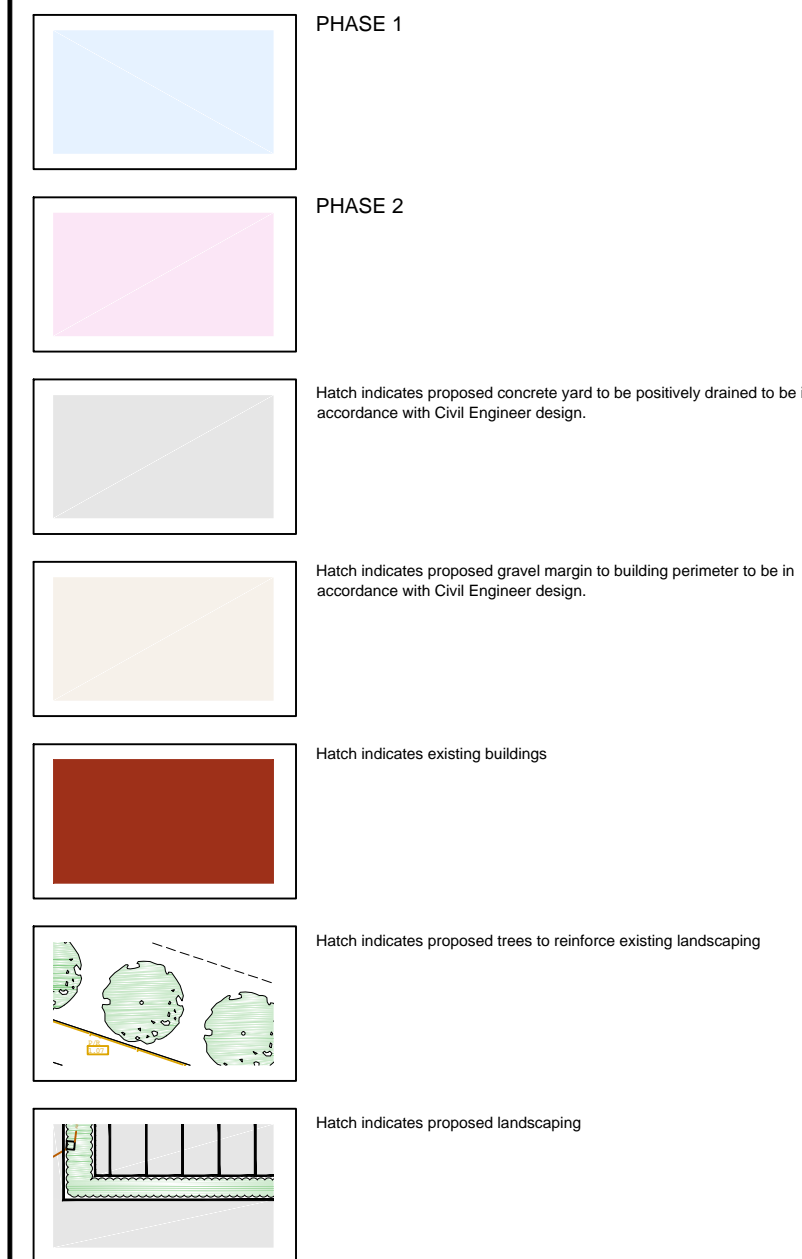
- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors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

AREA SCHEDULE

Unit 01 & 04	=	280m2	3013.89sqft
Unit 02 & 03	=	277.5m2	3013.89sqft
Unit 05 & 06	=	559.7m2	6024.56sqft
Phase 1 Total GIA	=	1121.6m2	12072.80sqft
Phase 2 Total GIA	=	1121.6m2	12072.80sqft

Total Parking (Existing and Proposed) = 113 including 14 accessible spaces
(38 existing spaces retained)
Cycle Parking = 30 spaces

KEY



NB - SITE LEVELS and FFL TO BE IN ACCORDANCE WITH CIVIL ENGINEER DESIGN

Revisions		
A	Oct 2021	Existing Parking Retained Following Client Lease Plan
B	Nov 2021	Updated Following Civil Design

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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Job Title	Date	Drawn by
Proposed Industrial Development South Fens Enterprise Park Fenton Way Chatteris	September 2021	JB
Drawing Title	Job No.	Sheet Size
Planning Drawing Street Scene, Site Plan Clerestorey and Location Plan	SE-1700	A1
	Dwg. No.	Revision
	PP1000	B

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F/YR22/0185/F

Applicant: Mrs C Bega

**Agent : Mr Matthew Taylor
Taylor Planning And Building**

3 Irving Burgess Close, Whittlesey, Cambridgeshire, PE7 1QB

Erect a first floor and single-storey front extensions, single-storey rear extension and a 2-storey side/rear extension to existing dwelling

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. This application is for the first floor and single-storey front extensions, single-storey rear extension and a 2-storey rear extension to the existing dwelling.
- 1.2. It is considered that the first-floor extension and 2-storey rear extension would appear visually jarring and would create an incongruous feature within the surrounding area.
- 1.3. The 2-storey extension would also appear visually overbearing to the surrounding neighbouring properties and this would be to the significant detriment of surrounding residential occupiers.
- 1.4. Consequently the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is situated on the eastern side of Irving Burgess Close, a residential cul-de-sac within the market town of Whittlesey. Irving Burgess Close features both single-storey and 2-storey dwellings constructed in buff and red bricks.
- 2.2. The dwelling on site is a detached 2-storey dwellings with an attached double garage which sits forward of the principal elevation of the dwelling. The dwelling is constructed in a buff brick. To the rear of the dwelling is a garden with a depth of approximately 12 metres.
- 2.3. The application site is surrounded by residential dwellings to the north, east and west. Single-storey dwellings are situated to the north and north-west of the dwelling on site.
- 2.4. The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1. This application seeks to erect a first floor and single-storey front extension, a single-storey rear extension and a 2-storey rear extension.
- 3.2. The first-floor extension will be situated above the existing garage and will facilitate a bedroom. This will involve raising the eaves height of the garage to 3.7 metres approx and the ridge height to 5.9 metres approx. A window is proposed to serve the bedroom facing south, with a dormer window facing east and 2 roof lights facing west.
- 3.3. The single-storey front extension will facilitate a porch and will have a depth of 2 metres approx. and a width of 2.9 metres approx. The roof proposed to be the porch will be a lean-to with an eaves height of 2.2 metres approx. with a maximum height of 3.6 metres approx. A front door as well as full height windows are proposed to the front of the porch along with a roof light.
- 3.4. The single-storey rear extension will facilitate an extended kitchen/dining area and will have a depth of 3 metres approx and a width of 9.3 metres approx. The roof proposed to facilitate the rear extension will be a lean-to, with an eaves height of 2.5 metres approx. and a maximum height of 3.5 metres approx. The fenestration proposed to the single-storey extension includes a window and bi-folding door as well as 3 roof lights facing north.
- 3.5. The 2-storey extension will facilitate a further extended kitchen/dining area at ground floor, with a study at first floor. The depth of 2-storey extension will be 7.6 metres approx. with a width of 4.9 metres approx. The roof proposed will be dual-pitched with an eaves height of 3.7 metres approx. and a ridge height of 5.7 metres approx. The fenestration proposed within the 2-storey extension at ground floor level includes a window facing west, bi-folding doors facing north and an obscure glazed window facing south. The fenestration at first-floor level includes a large window facing north, a window facing south and 2 roof lights facing east. The front facing element of the two-storey side extension includes a full height element of glazing.
- 3.6. The materials proposed are a buff facing brick and a cedar cladding in a cream or green colour to the dormer window. The tiles proposed are a red concrete tile and grey sarnafill.
- 3.7. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR21/0224/F	Erect a 2-storey rear extension and first floor front extension including porch to existing dwelling	Withdrawn

5 CONSULTATIONS

5.1. Whittlesey Town Council

The Town Council have no objection and therefore recommend approval.

5.2. FDC 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 or be affected by ground contamination.

5.3. North Level Internal Drainage Board

North Level District IDB has no comment to make with regard to the above application.

5.4. Local Residents/Interested Parties

1 letter of support was received with regard to the above scheme from the owner of No 6 Irving Burgess Close who considers the proposal to be a 'great addition to the street view and good use of space'.

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents
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**
- **Design Considerations and Visual Amenity of the Area**
- **Residential Amenity**
- **Flood Risk**

9 BACKGROUND

A previous scheme was submitted under reference F/YR21/0224/F and subsequently withdrawn. Amendments have been made to this earlier scheme, including the reduction of the depth of the 2-storey extension as well as an alteration to the roof proposed.

10 ASSESSMENT

Principle of Development

- 10.1. This application seeks to erect a number of extensions to the existing dwelling. Policy LP16 supports the principle of development subject to the significance of , and the likely impact on, the amenity of the neighbouring properties and users in its design and appearance. The principle of the proposed development is acceptable subject to the policy considerations set out below.

Design Consideration and Visual Amenity of the Area

- 10.2. The first-floor extension will introduce a visual change within the character of the area given that it will increase the ridge height of the existing garage to 5.9 metres approx. The first-floor extension will create an unsympathetic addition to the dwelling forming an incongruous feature within the street scene and the resulting visual impact of this first-floor extension is considered to introduce adverse impacts upon the street scene given that it will overwhelm the principal elevation of the existing dwelling and appear out of character with the surrounding dwellings.
- 10.3. The 2-storey element of this scheme will be somewhat visible from the street scene as it will extend beyond the existing east facing elevation of the dwelling. This element will also be visible from the west. The 2-storey extension from a design point of view appears fragmented and is not subservient to the main dwelling. This element of the scheme would also introduce an incongruous feature within the street scene and would not appear sympathetic with the existing dwelling on site which would be contrary to Policy LP16.
- 10.4. The single-storey front extension is unlikely to introduce any adverse impacts upon the surrounding character. Although this element of the scheme is

visible from the street scene, given the minor scale of this element of the scheme, any visual impacts are unlikely to be adverse.

- 10.5. The single-storey rear extension is unlikely to introduce any adverse impacts upon the surrounding character given that this element of the scheme is situated within the rear garden of the site and as such, is not visible from the street scene.

Residential Amenity

- 10.6. Neighbouring properties are situated to the north, east and west of the application site.
- 10.7. The first-floor front extension will be visible from neighbouring properties. Given the location of this element of the development and the direction of sun travel, the first-floor extension may introduce some overshadowing impacts upon the neighbouring dwelling at No. 2, however these are unlikely to be significantly adverse. The south facing window and east facing dormer window are unlikely to introduce any adverse overlooking impacts. The 2 roof lights proposed upon the west facing roof slope will face onto neighbouring property, however given the angle of the roof lights, they are unlikely to introduce any overlooking impacts to No. 2.
- 10.8. The 2-storey rear extension will be located approximately 6.5 metres from the northern boundary of the site. The rear elevation of the 2-storey extension will be located approximately 22.5 metres from No. 121 Stonald Road, 17 metres from No. 123 Stonald Road and 15 metres from No. 1 Irving Burgess Close. No. 123 and No.1 are single-storey dwellings. Given the close proximity of the 2-storey extension to these dwellings, it is considered that the 2-storey element of the scheme will appear visually overbearing to these neighbouring properties.
- 10.9. Fenestration is proposed on the north facing elevation of the 2-storey extension and will face onto neighbouring property at No. 121. However, given the distance between the scheme and the neighbouring property its unlikely to adversely impact upon this neighbouring property by way of overlooking.
- 10.10. The single-storey rear extension is unlikely to introduce any adverse overlooking, overbearing or overshadowing impacts to neighbouring properties given its single-storey nature and the existing boundary treatments on site.
- 10.11. The front porch will not adversely impact upon neighbouring property given its minor nature and location to the front of the dwelling.

Flood Risk

- 10.12. The proposal is located within flood zone 1 and issues of surface water disposal will be considered under Building Regulations.

11 CONCLUSIONS

- 11.1. To conclude; Policy LP2 and LP16 seek to ensure that the developments protect

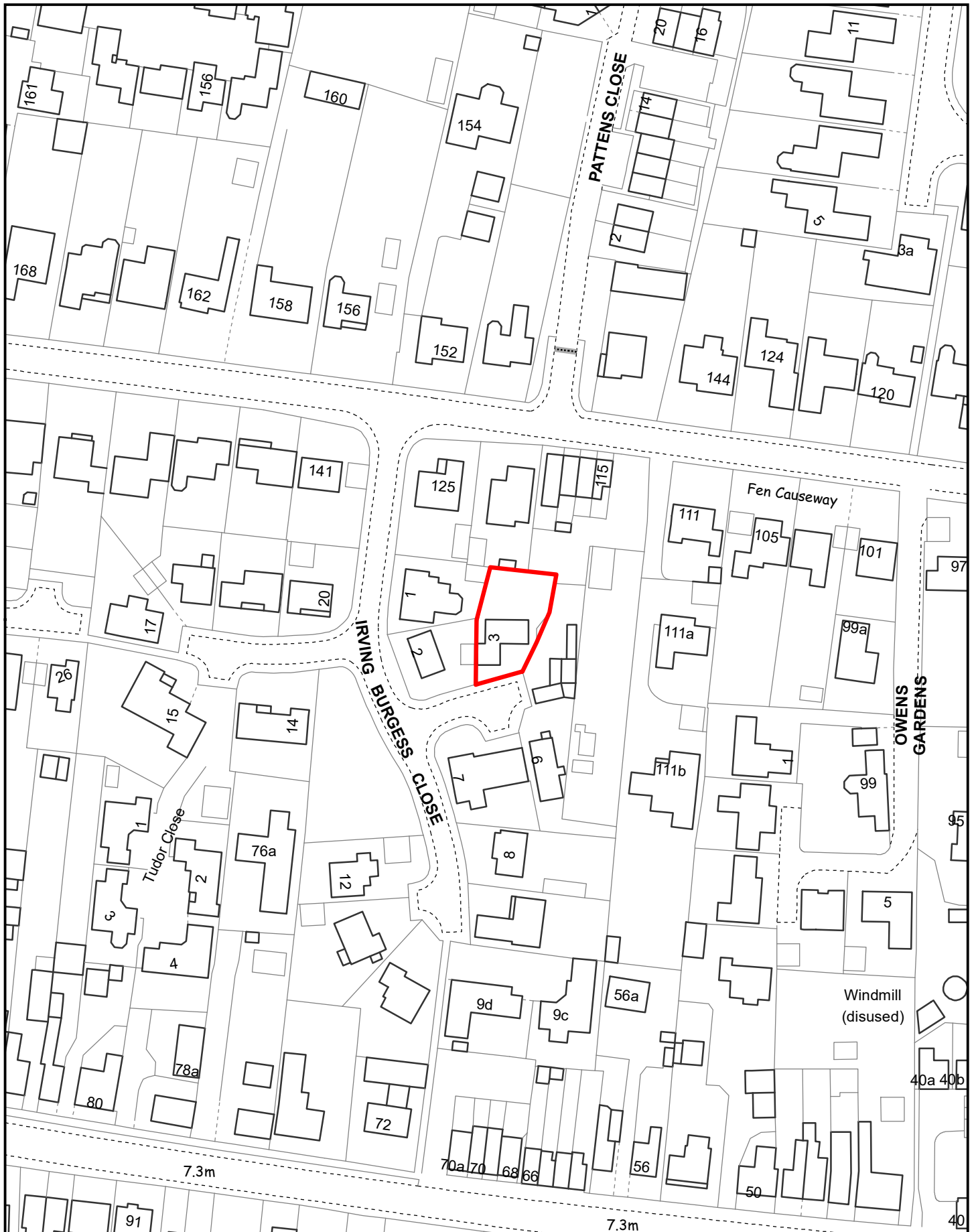
high quality environments across the district. The first-floor and 2-storey element of the scheme are considered to overwhelm the existing dwelling on site and do not appear subservient, resulting in an incongruous development being introduced within the street scene.

- 11.2. It is also considered that the 2-storey element of the scheme would appear visually dominant and that this would be to the significant detriment of surrounding residential occupiers. It is therefore considered that the scheme is contrary to Policy LP2 and Policy LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

12.1 Refuse, for the following reason

1	Policy LP2 and LP16 of the Fenland Local Plan requires development to make a positive contribution to the local distinctiveness and character of the area and to respond to and improve the character of the local built environment as well as protect the health and wellbeing of Fenland Residents. The proposed first-floor and 2-storey extension would appear visually jarring and unsympathetic to the host dwelling and would create an incongruous feature within the surrounding area. The 2-storey extension would also appear visually overbearing to the surrounding neighbouring properties. If permitted the development would result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and also introduce harm to surrounding neighbouring property and thus would be contrary to the above policies of the Local Plan.
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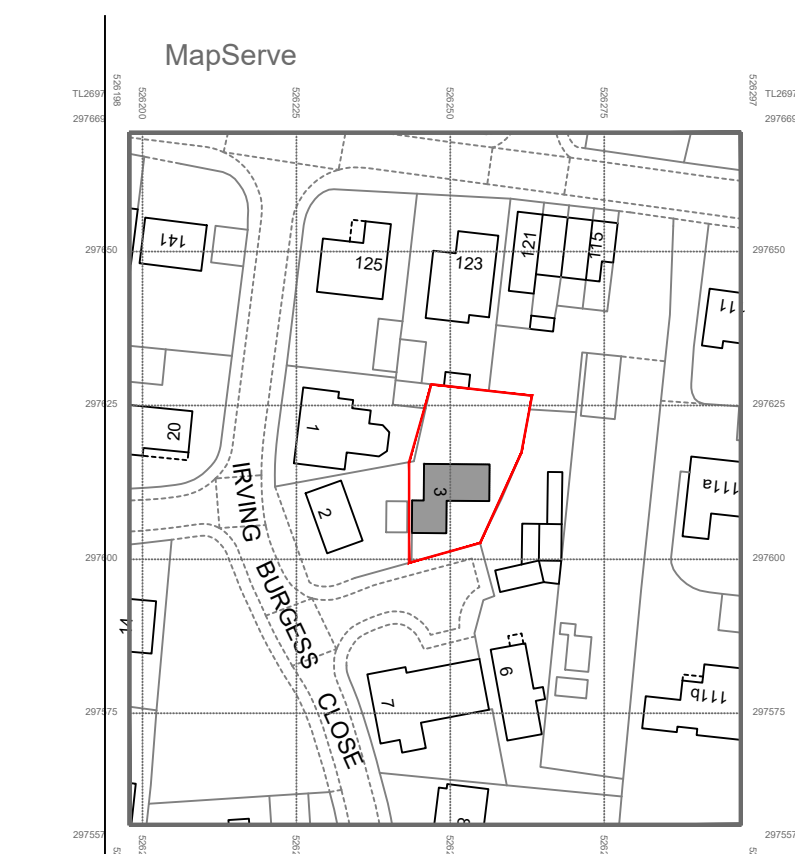
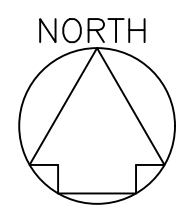
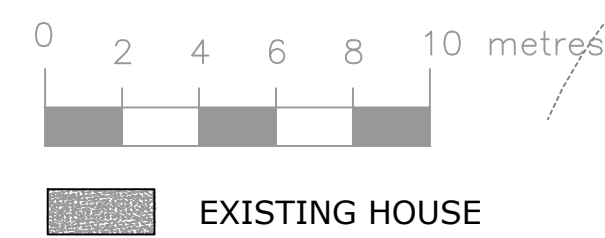
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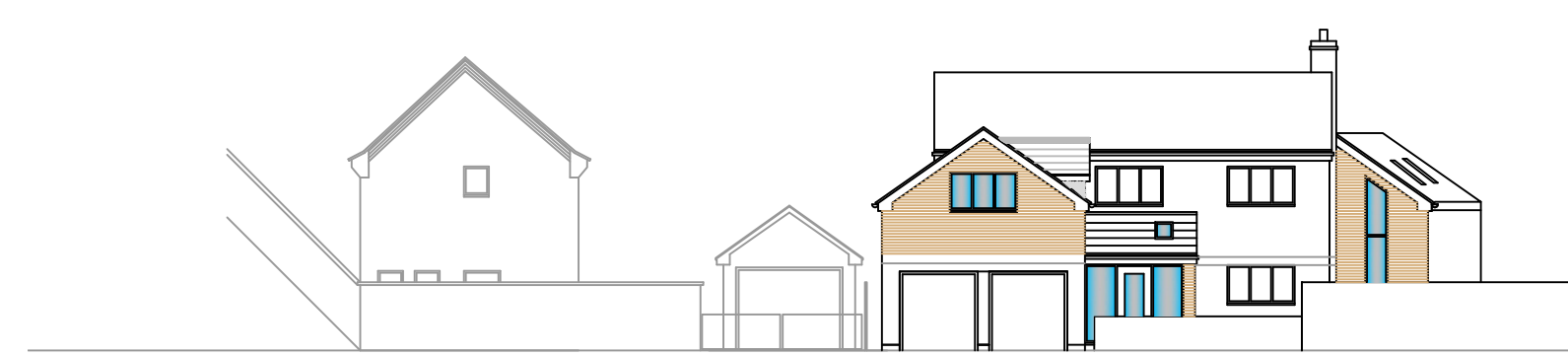
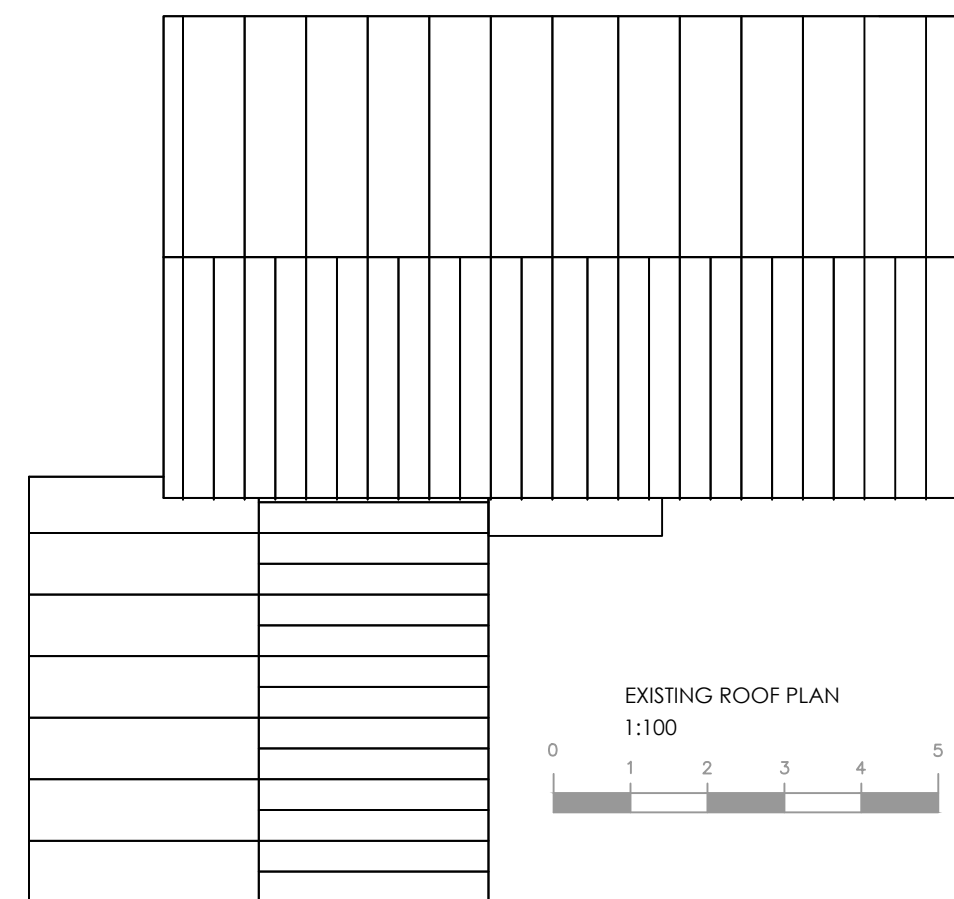
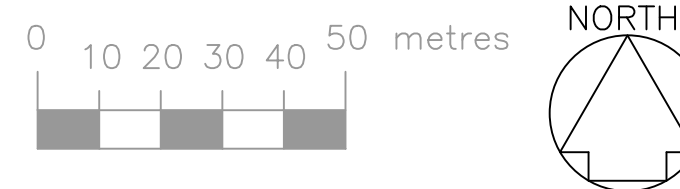


Fenland
CAMBRIDGESHIRE
Fenland District Council

SITE PLAN 1:200
Site Area 408m²



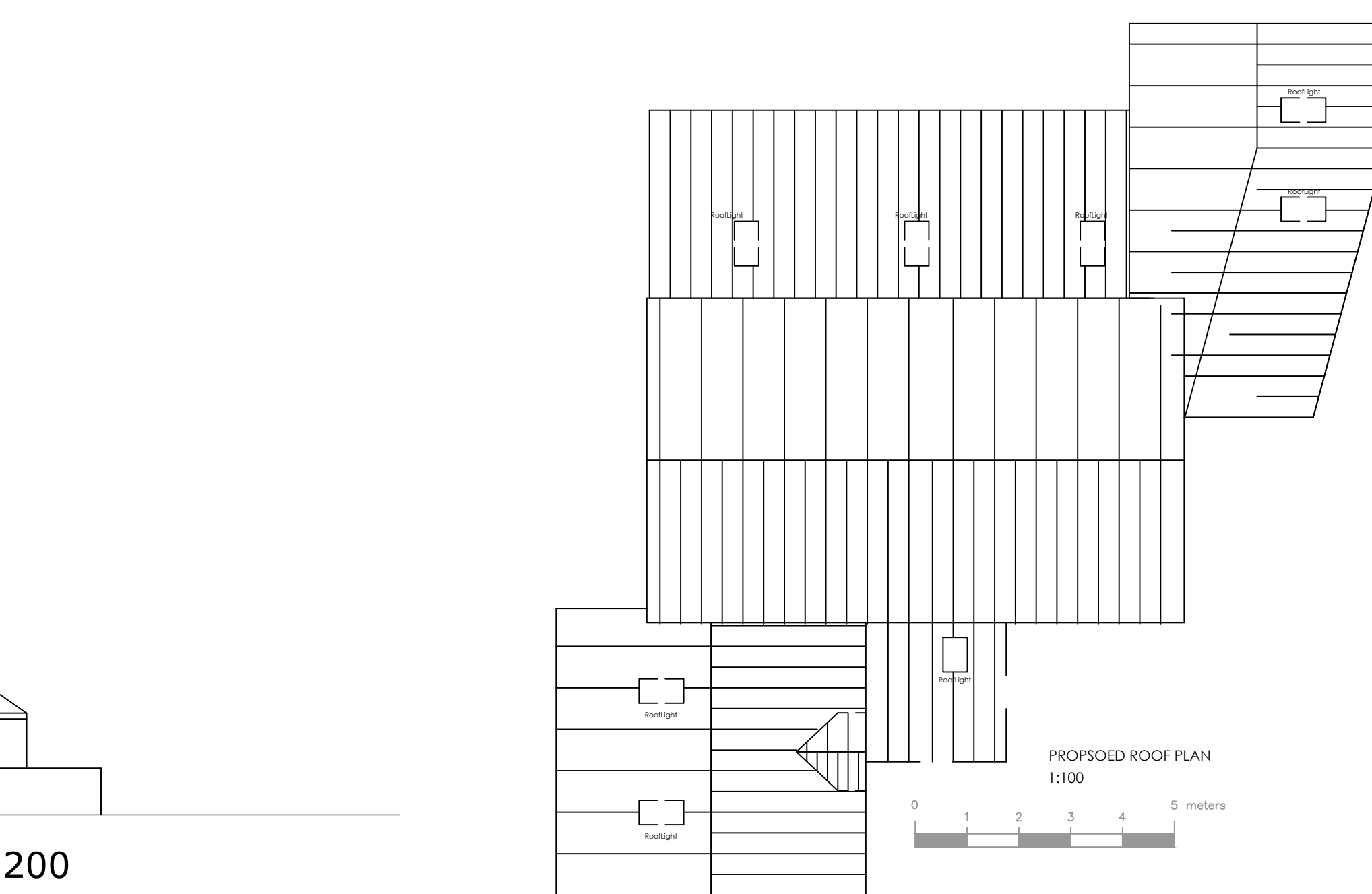
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STREET SCENE PROPOSED 1:200

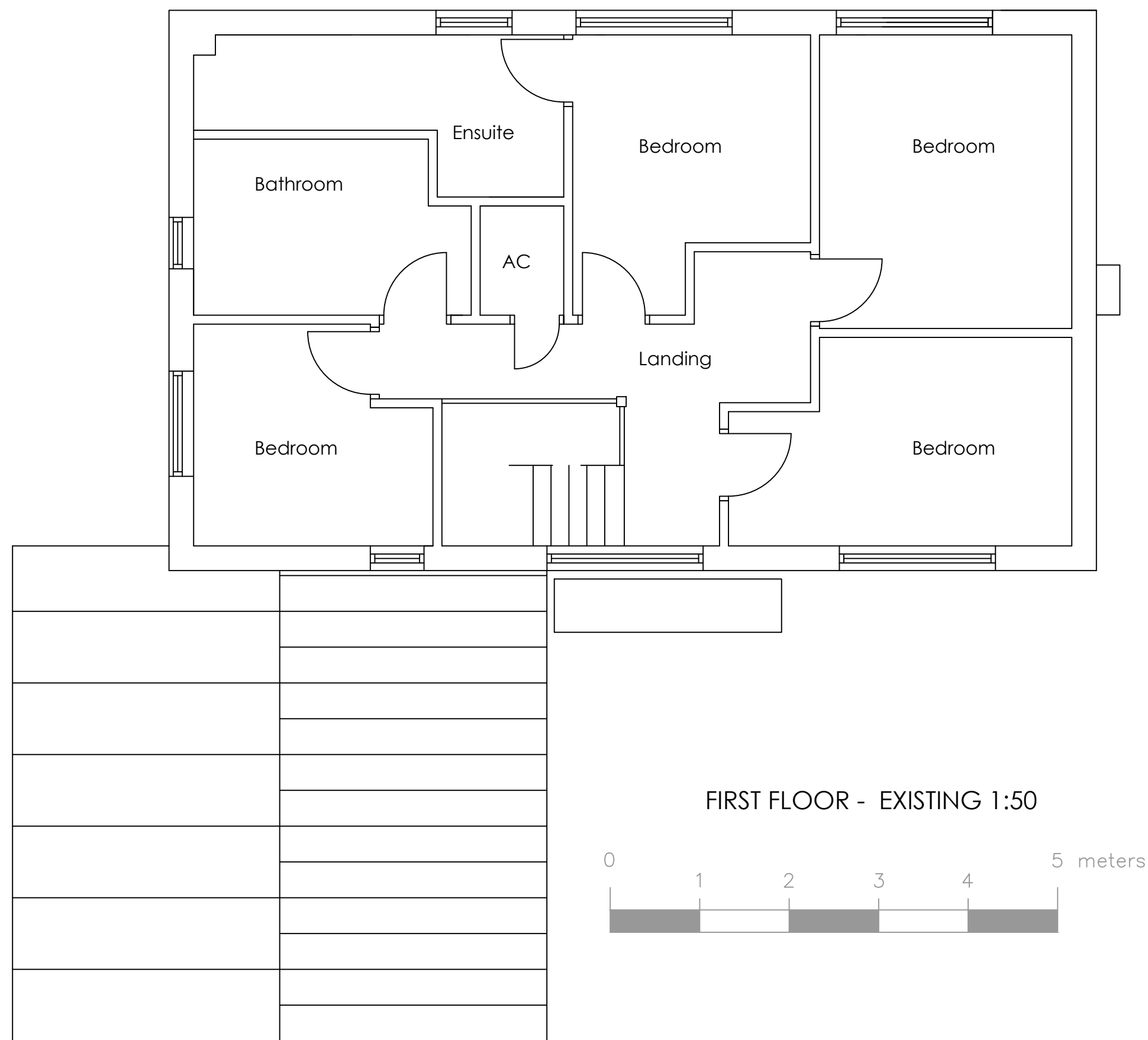
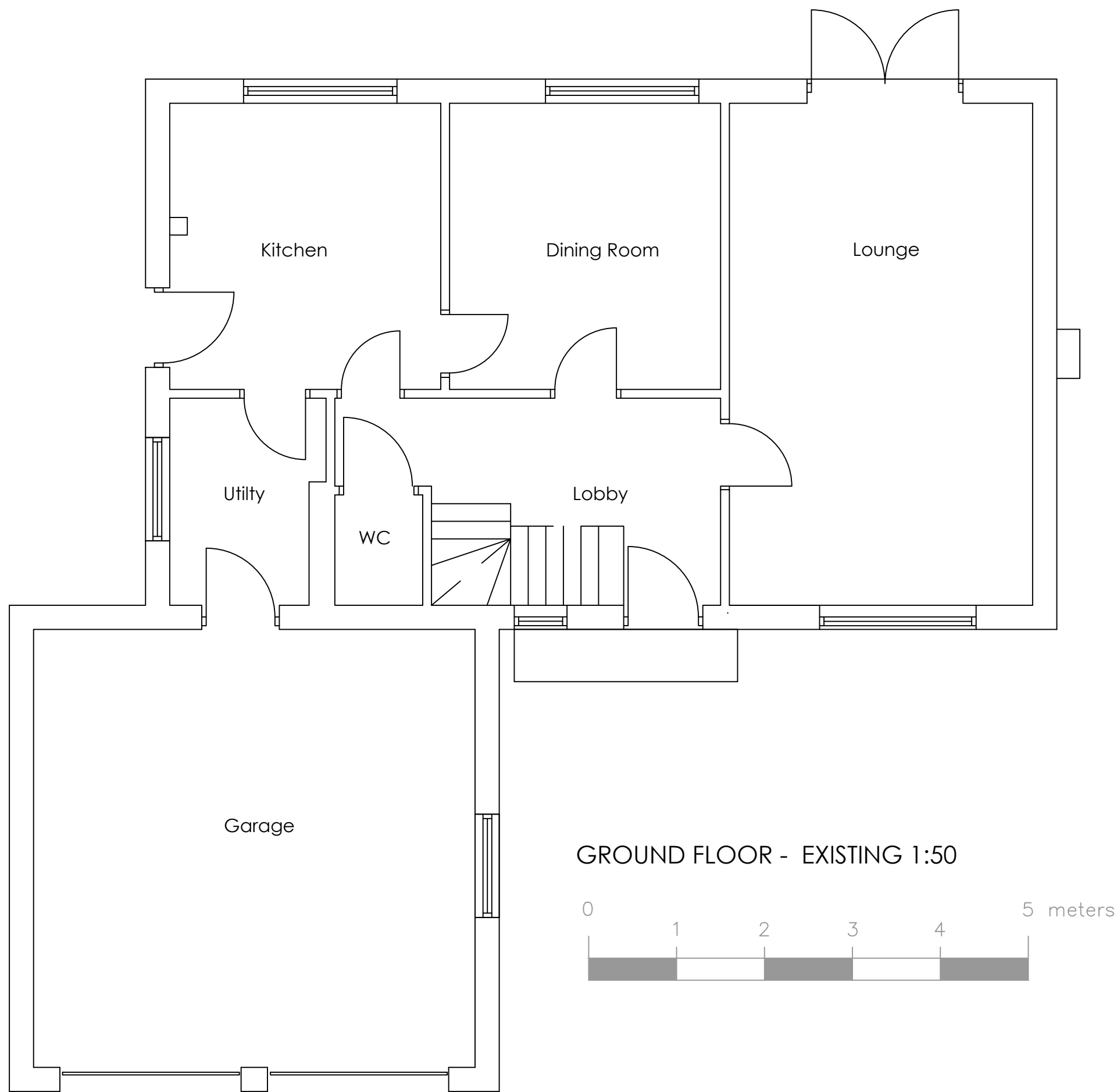


SITE PLAN 1:200
Site Area 408m²

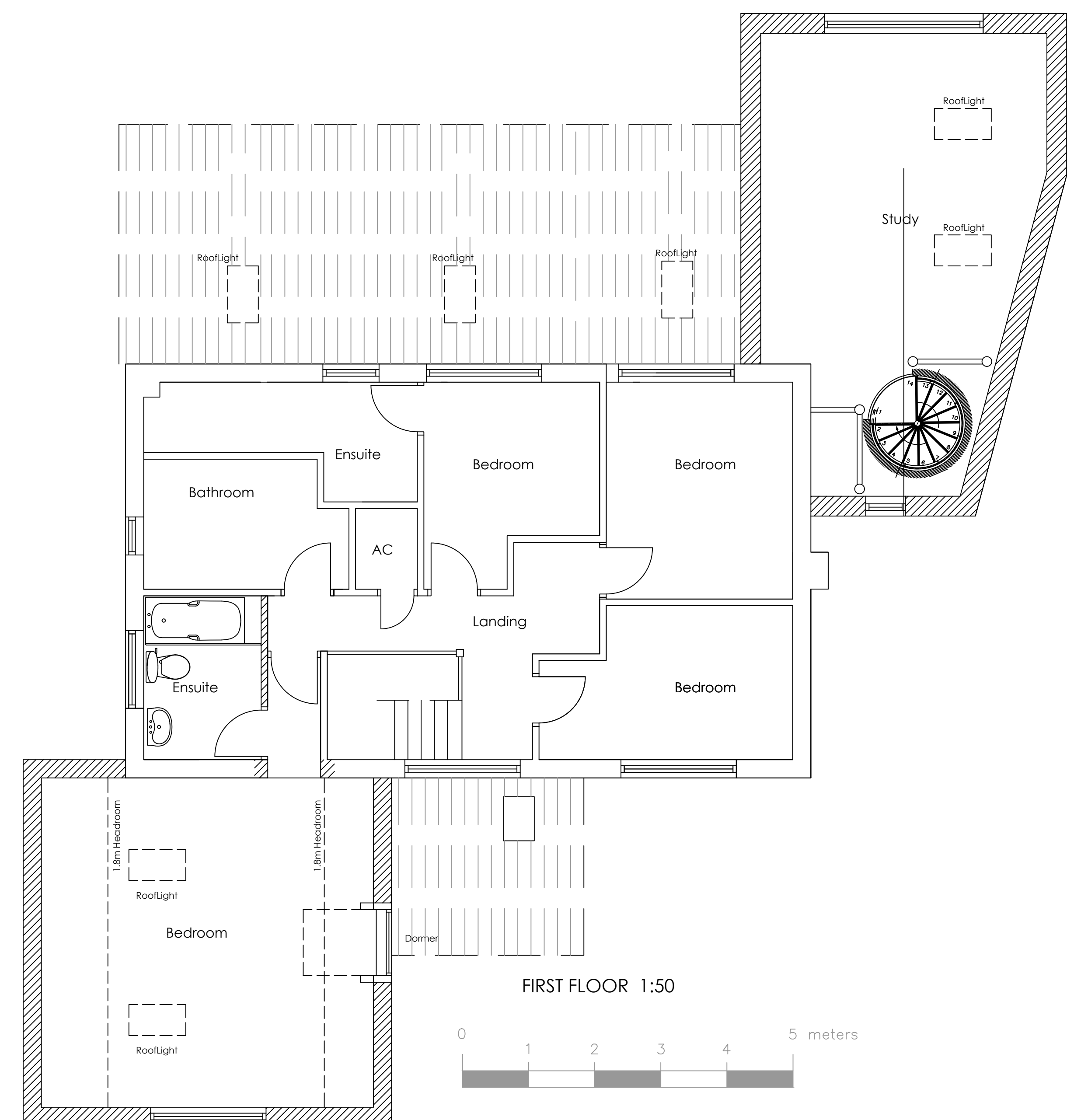
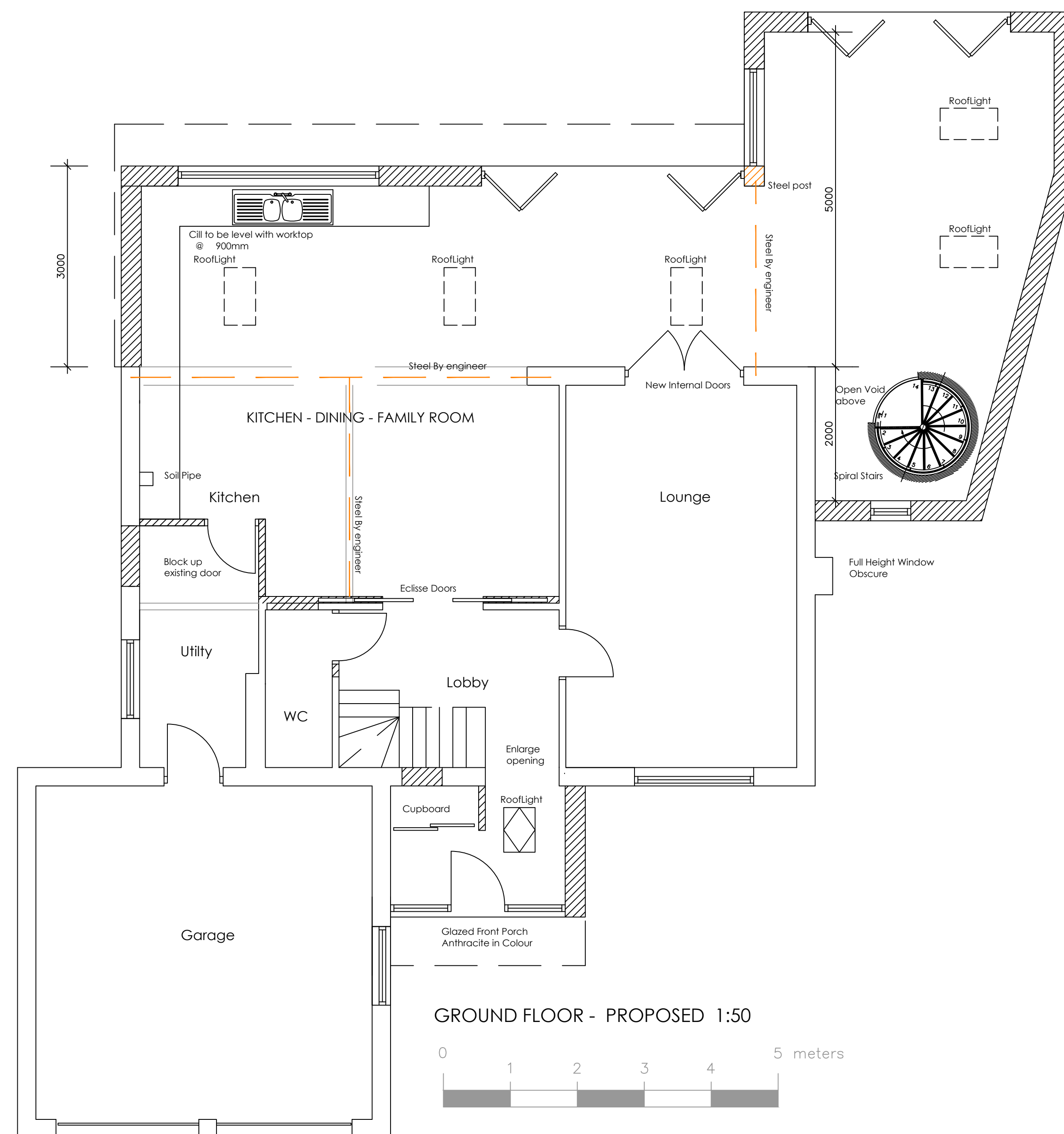
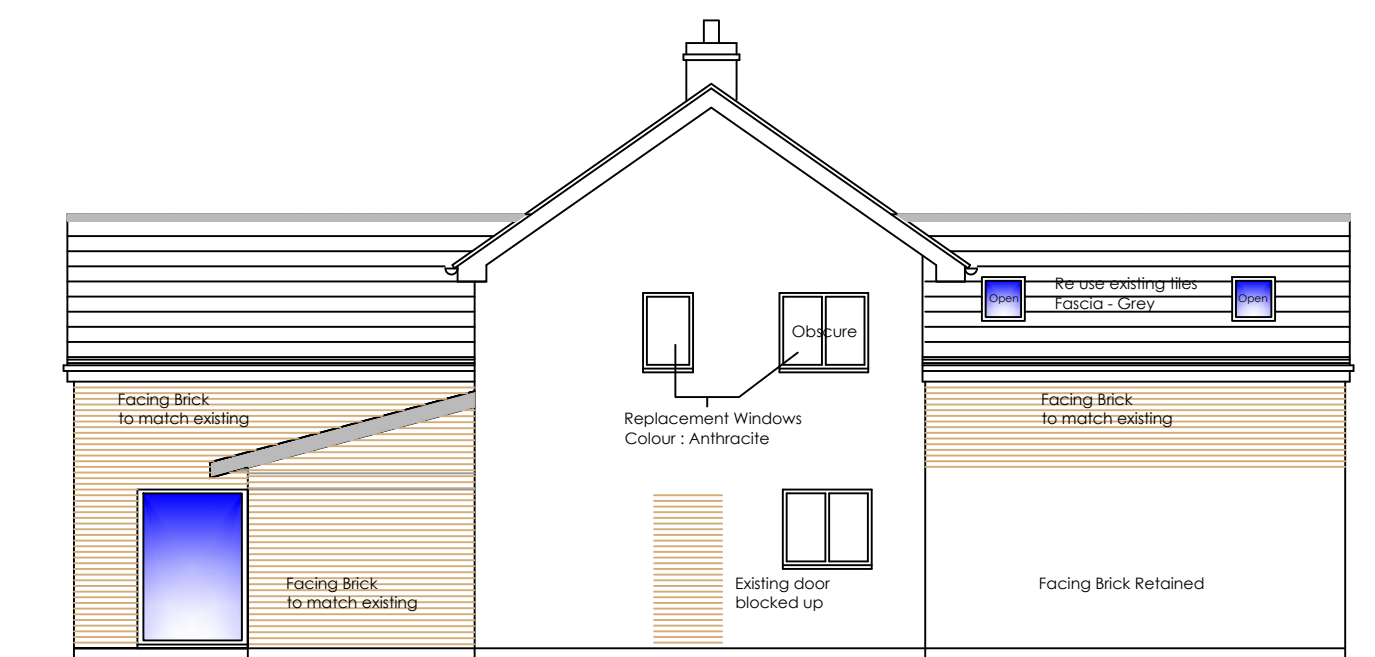
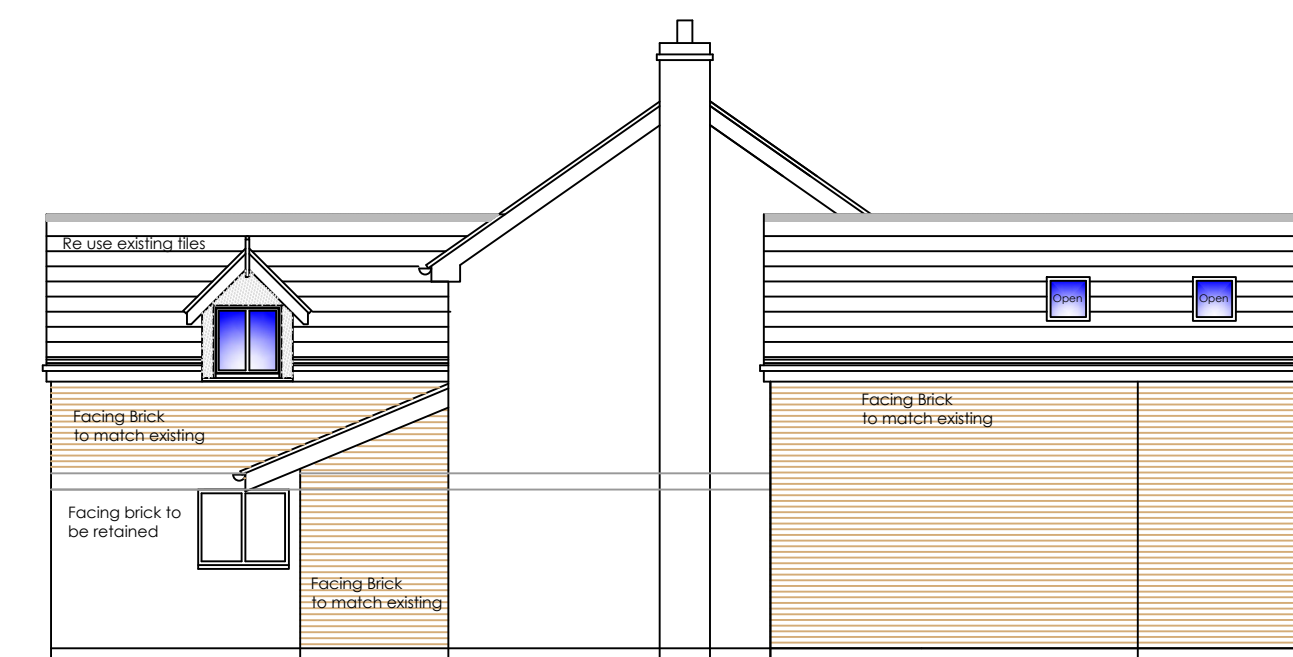
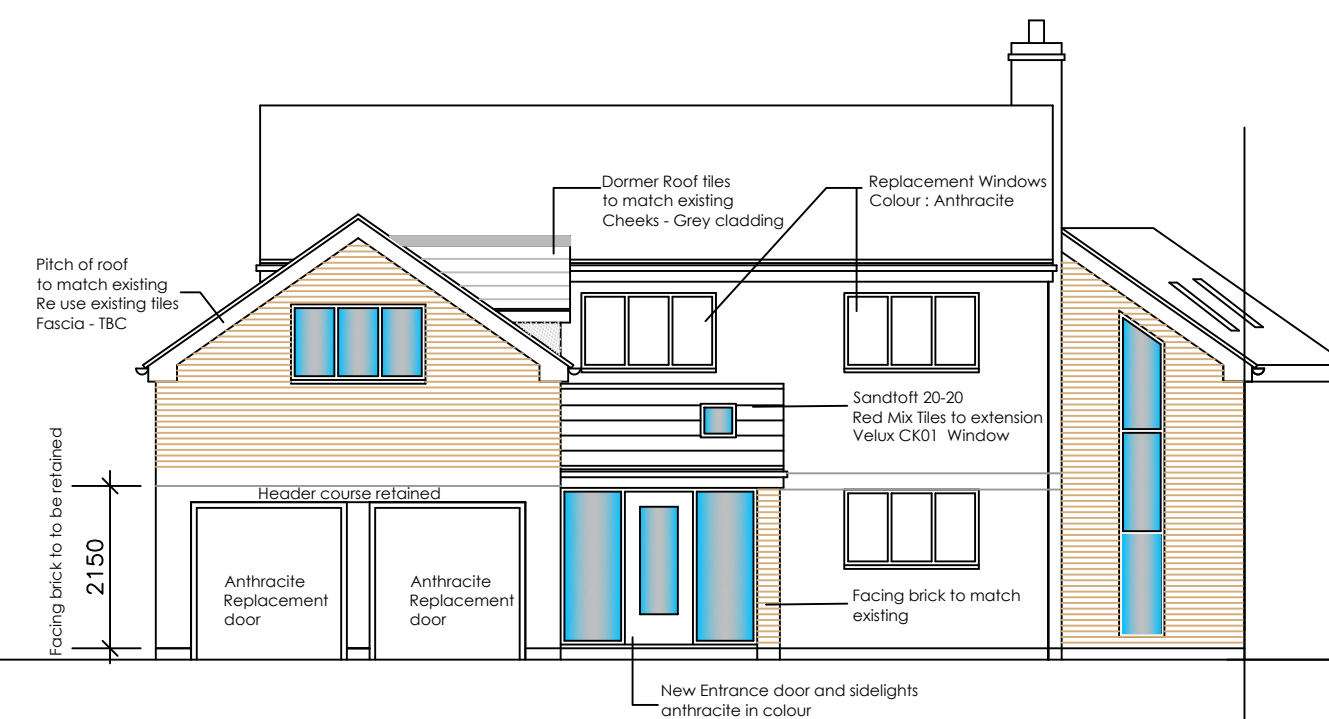



Existing
Proposed

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Date: 21-01-21
Scale & Sheet Size: 1:50 @ A1
Drawing Ref: PL05c
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Revision:	
Project:	3 Irving Burgess Extend
Description:	PROPOSED B
Date:	21-01-22
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APPLICATION NO: F/YR22/0185/F

SITE LOCATION: 3 Irving Burgess Close, Whittlesey

UPDATE

An amended site plan was received by the agent following the grant of planning permission F/YR22/0121/F for the erection of 2 x 2-storey 4-bed dwellings (Plot 4 and 5) to the east of the application site.

The updated site plan details the location of these dwellings in relation to 3 Irving Burgess Close (IBC). Accompanying comments from the agent note that these approved dwellings are different from the existing street scene *'adding a more varied mix within the street'*.

An additional letter of support has also been received with regard to the above scheme from a resident of IBC.

Officer response

The construction of the 2 dwellings (Plot 4 and 5) would result in the final completion of the residential development off Irving Burgess Close.

The approved dwellings are of a commensurate scale to other properties within the area and their visual appearance is considered to generally be in keeping with the locality. A pre commencement condition has been secured on F/YR22/0121/F to ensure full details of materials are secured, further ensuring the assimilation of the dwellings within the locality.

Whilst the recently approved dwellings will introduce a visual change within the street scene, they are not considered to detrimentally impact on the locality. It remains the case that the first-floor extension and 2-storey extension proposed under this scheme would be visually jarring and unsympathetic to the host dwelling and as such would create a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area.

The approval of development to the east of No 3 Irving Burgess Close offers no mitigation against or justification for the extensions proposed at No 3 Irving Burgess Close and the Officer evaluation within the agenda report remains appropriate.

Resolution: No change to the recommendation which is to refuse the application as per Section 12 of Agenda item 7 on page 60.

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F/YR22/0241/F

Applicant: Mr Jagjit Gaba

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

5 Park Street, Chatteris, Cambridgeshire, PE16 6AB

Alterations to shop front including bricking up window and a replacement window frame

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to officer recommendation. Property is owned by a District Councillor

1 EXECUTIVE SUMMARY

1.1. This application is for the alterations to the shop front at 5 Park Street Chatteris. The alterations include bricking up a window and a replacement window frame.

1.2. The proposal is considered to introduce harm to the character of the Conservation Area and the nearby Listed Buildings given the modernisation of the existing historic shop front. The scheme is therefore considered to be contrary to Policy LP16 and LP18 of the Fenland Local Plan (2014), and as such this application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is located on the northern side of Park Street, opposite the junction with East Park Street, within the market town of Chatteris.
- 2.2. The site is situated within Chatteris Conservation Area and is within the setting of several Grade II Listed Buildings.
- 2.3. The building on site is a 19th century building with an original shop front. The Grade II Listed Buildings within the vicinity of the site (7 Park Street and No 2-8 Park Street) all date from the same era.

3 PROPOSAL

- 3.1. This application seeks planning consent for alterations to the shop front including bricking up a window and a replacement window frame.
- 3.2. The application includes the installation of a new aluminium framed shop front with almost full height glazing and a central sliding door. The property was the subject of a ram-raid earlier this year and prior to this the shop front was

traditional in its form with stall-riser, divided window panes and door way to the side.

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

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR00/0230/F	Change of use of part of ground-floor from residential to retail involving elevational alterations; installation of external staircase at rear and roller shutters to main shop entrance	Granted	30.05.2000
F/YR03/0919/F	Erection of single-storey rear extension and external staircase incorporating demolition of single-storey rear additions	Granted	05.09.2003
F/YR04/3790/F	Erection of part single, part two storey rear extension and external staircase incorporating demolition of single storey rear additions.	Granted	01.02.2005
F/YR06/0515/F 07/00001/REF	Installation of new shop front and roller shutters and formation of an external ramp for disabled access	Refused Appeal Dismissed	21.06.2006 17.04.2007

5 CONSULTATIONS

5.1. Chatteris Town Council

Support

5.2. FDC 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 or be affected by ground contamination.

5.3. CCC Highways

The proposals will have no material impact upon the public highway so I have no objection to this application.

5.4. CCC Archaeology

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

We will defer to the expertise of the Conservation Officer with regard to the impact on designated heritage assets affected, including the Conservation Area, which is currently on Historic England's Heritage at Risk Register.

5.5. FDC Conservation

1. *This application seeks planning permission to undertake alterations to a shop front, including bricking up a window and installing a replacement window frame. The property is a typical 19th century building, with original*

shop front (though with modern signage) within Chatteris Conservation Area and within the setting of listed buildings at 7 Park Street, (a mid-19th century house and shop of a style and date contemporary with the application site) and Nos 2-8 Park Street on the opposite side of the road, all dating from the same era.

- 2. In considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 3. Consideration is given to the impact of this proposal on the character and appearance of the Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8 195, 197, 199, 200, and 202. The following comments are made:*
- 5. Due regard is given to relevant planning history. In 2000 application F/YR00/0230/F was granted for change of use of part of the ground floor from residential to retail (to the side and rear only). Photographic records indicate that the shop front to No. 5 has remained unaltered. In 2003 application F/YR03/0919/F was granted for the erection of a single-storey rear extension and external staircase, incorporating demolition of an existing single storey rear addition and in 2004 application F/YR04/3790F was granted for a part two-storey rear extension and external staircase, incorporating demolition of an existing single storey rear addition. However, an application in 2006, F/YR06/0515/F for the installation of a new shop front was refused on the basis that the proposed shop front would fail to incorporate traditional elements of shop front design in this prominent corner location and would have a detrimental impact on the character of the street scene and fail to preserve or enhance the character of the conservation area. The decision was appealed and dismissed at appeal (07/00001/REF). The Inspector's comments noted that the proposal was not of a design that displayed unity with the buildings of which it is a part, nor did it incorporate the traditional elements of shop front design and that the proposal would be unsympathetic to the appearance of the existing buildings and the townscape characteristics of the area. The Inspector was aware that modern shop fronts had been allowed elsewhere in the conservation area but that these were in less sensitive locations than the application site but noted that the existence of poor design is not a justification for more. The Inspector concluded that the proposal would not preserve the character and appearance of Chatteris Conservation Area and would be harmful to the setting of the listed buildings. The appeal was therefore dismissed.*
- 6. A heritage statement has been submitted with the application. The information is sufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan but lacks an assessment of impact on the character or appearance of the conservation area or provision of an*

indication of public benefit to outweigh any harm identified. Furthermore, it is flawed in its approach of noting other approvals and shop fronts within Chatteris, none of which is a comparable example. The quoted application F/YR21/0281/F is a reconsultation for an earlier application F/YR20/1019/F for a replacement shop front with modern well designed and proportioned bi-fold doors. The shop front to be replaced was not historic, but a modern shop front of traditional style and so there was no loss of historic fabric. Furthermore, the site was not in a prominent location within the conservation area. The impact on the character and appearance was felt to be neutral. The heritage statement also references F/YR20/0254/A, which was for replacement signage at 51 High Street – a late 20th century building and former Budgens store. Finally, the modern shop fronts of 30 and 40 High Street and are referenced, though these are both in wholly modern buildings, and detract from the character and appearance of the conservation area. They fall into that category of shop fronts referenced by the Inspector – that existing poor design is not justification for more. None of the examples cited are comparable with the application site.

7. The application is not supported. The following comments are made:

- i. Number 5 Park Street Chatteris within Chatteris Conservation Area. It is a surviving mid-19th century shop with living above in an area of contemporary buildings, many of which are listed. It holds a prominent corner location within the conservation area, and despite modern signage and loss of historic joinery to first floor windows, retains sufficient historic character, with the survival of the shop front (including glazed tiles to the stall riser) to No. 5 to contribute positively overall to the character and appearance of the conservation area and the setting of nearby listed buildings. It is acknowledged that the historic shop front has suffered considerable damage as a result of a collision or ramraid from a car. This should be reported as heritage crime as well as presumably criminal damage. The permanent loss of this shop front will have a detrimental impact on the character and appearance of the conservation area and contribute to the piecemeal erosion of character which has led to the conservation area being included on Historic England's Heritage at Risk Register. **It is within this context that this proposal is considered.**
8. The proposal seeks to maintain the existing opening but install a new aluminium framed shop front with full height glazing and a central sliding door and to block up a ground floor window to the façade of No. 3 using bricks to 'match the existing'. The proposal is extremely similar to that refused and dismissed at appeal under F/YR06/0515/F.
9. Given the similarity of the applications, the impact of the current proposal would therefore be the same as the earlier scheme: the proposal would be wholly unsympathetic to the buildings of which it is a part, it would fail to preserve or enhance the character and appearance of the conservation area and would harm the setting of the listed buildings. The likelihood of finding matching bricks to block up the opening is slim and would therefore result in an incongruous patch of brickwork in an historic elevation. Overall, the scheme would amount to further piecemeal erosion of historic detail which contributes to the special interest of the conservation area and would result in cumulative harm thereby interfering with the aim of removing the conservation area from the Heritage at Risk register. It would be contrary

therefore to S.66 and 72 of the Planning Act, contrary to the NPPF and contrary to LP 16 and 18.

10. The proposal would amount to less than substantial harm to the designated conservation area and must therefore be weighed against the public benefits of the proposal. No assessment of public benefit has been provided and it is considered that there are no demonstrable public benefits to the proposed shop front over and above that of reinstating the historic shop front on a like for like basis. Such an approach would not require planning permission and would feasibly be covered by insurance given the circumstances of the damage, and therefore should not present an obstacle to reinstating the historic shop front and thereby preserving the conservation area and setting of listed buildings.

11. Therefore, in order to remain consistent with the advice of the Planning Inspectorate and with the aims of preserving and enhancing the character and appearance of the conservation area according to the duty in law, the application is not supported.

5.6. Local Residents/Interested Parties

Nine letters of support were received from residents of Chatteris with regard to the above scheme (six supplied by the applicant's agent) . The reasons for support are as follows:

- New door will improve access to the store
- Current shop front not DDA compliant.
- Visual enhancement
- Recent robbery underlines the need for greater security
- Similar shop fronts within the vicinity of the site

6 STATUTORY DUTY

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

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 8 – Achieving sustainable development

Para 11 – A presumption in favour of sustainable development

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

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context

Identity

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

8. BACKGROUND

8.1 As set out in the history section above planning permission was refused and an appeal dismissed in 2006 in relation to an application for the installation of new shop front and roller shutters and formation of an external ramp for disabled access. This scheme was not dissimilar to the current proposals in that it sought to remove the historic, traditional shop front and replace it with a more modern design.

8.2 Members should be aware that the owner of the application site is Councillor Benney.

8 KEY ISSUES

- **Principle of Development**
- **Visual Amenity of the Conservation Area and Surrounding Listed Buildings**

9 ASSESSMENT

Principle of Development

9.1. This application seeks planning consent for alterations to the shop front at 5 Park Street, including the bricking up of the window and a replacement window frame. The site is located within Chatteris Conservation Area and is located within the setting of numerous Grade II Listed Buildings. Whilst the broad principle of a new shop front can be supported, consideration needs to be given to the visual impact of the detailed scheme and the potential harm on the Conservation Area and nearby Listed Buildings.

Visual Amenity of the Conservation Area and Surrounding Listed Buildings.

9.2. Number 5 Park Street is situated in a prominent corner location within Chatteris Conservation Area. The building retained significant historic character with the survival of the shop front and this was considered to positively contribute to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. While the original shop front has been significantly damaged as a result of the ram-raid carried out on the

property, it is considered that the permanent loss of a traditional shop front to the building will have a detrimental impact upon the character of the Conservation Area and the setting of the nearby listed buildings and will also contribute to the erosion of the character of the Conservation Area.

- 9.3. Given the similarity between this application and the previous appealed application, the considerations and impacts are considered to be the same. The proposal would not be sympathetic to the existing building and would harm the character of the surrounding area. In addition it is considered that the likelihood of finding a matching brick to infill the window opening is slim and thus the introduction of a different brick would result in an incongruous patch of brickwork.
- 9.4. Consequently, the proposed development is considered to result in less than substantial harm to the designated conservation area as outlined within the NPPF and this harm must therefore be weighed against the public benefits of the scheme. No such assessment has been provided as part of the application and as such there are considered to be no demonstrable public benefits forthcoming to justify the granting of planning permission.

Other Matters

- 9.5 The information submitted in support of the application makes reference to the existence of other modern replacement shop fronts within Chatteris town centre. While this is the case none are considered comparable in terms of location within the conservation area, or the historic value which the pre-existing frontages held. In addition this was also the argument put to the Inspector in 2006 and which was dismissed.
- 9.6 As well as raising the above issue, supporters of the application have also raised several issues regarding the security benefits which would be afforded and the original shop front not being DDA (Disability Discrimination Act) compliant. In terms of improving security it is not clear how the proposals would improve this and the information submitted in support of the application is silent on this.
- 9.7 Similarly other than referring to the proposed shop front having a wider door no information is provided as to access benefits. It is unclear as to whether there would be any benefits in terms of disabled access as no ramp is proposed unlike the scheme previously dismissed at appeal and no argument has been put forward by the applicant concerning making the entrance DDA compliant.

10 CONCLUSIONS

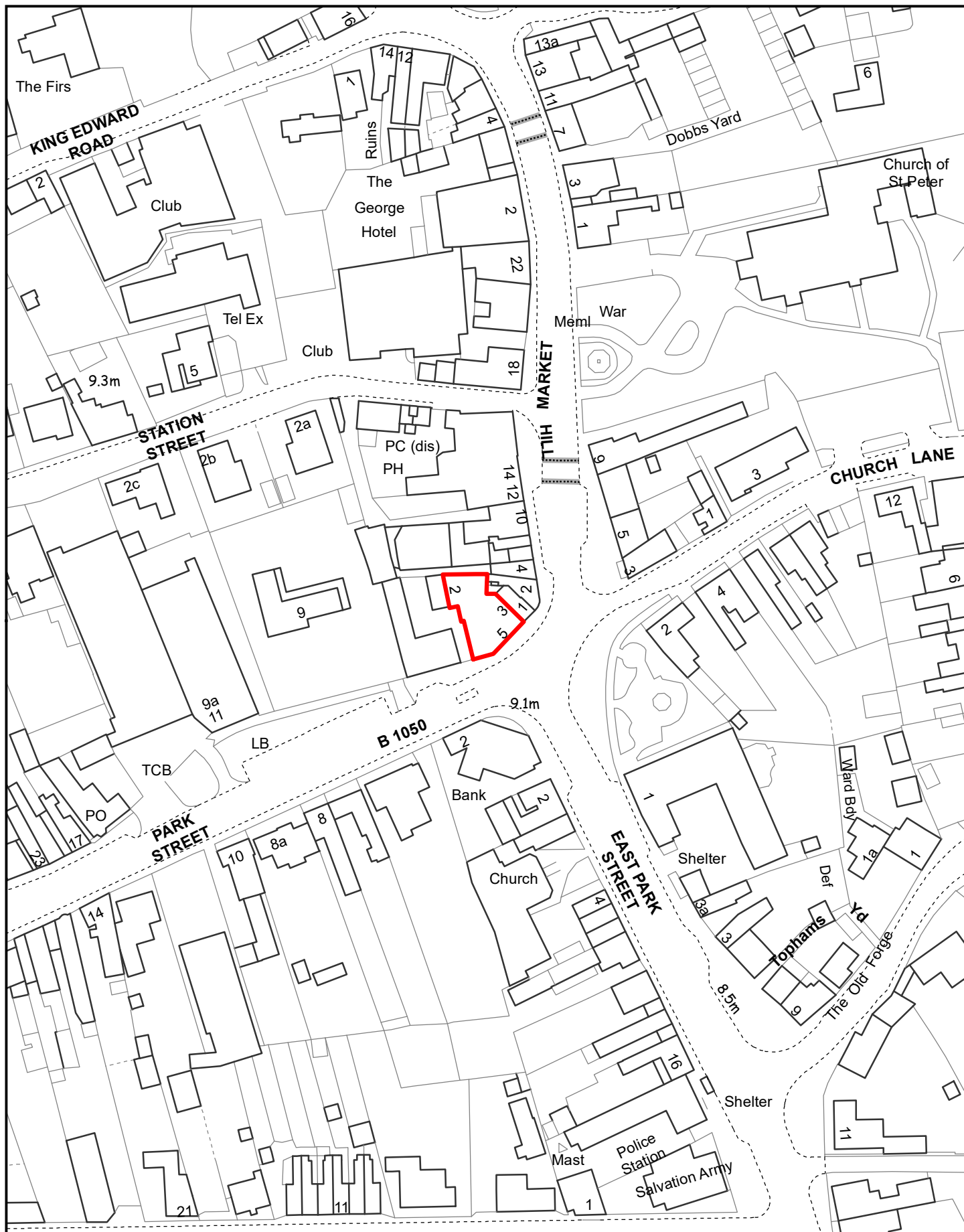
- 10.1. This application is for the alterations to the shop front including bricking up a window and a replacement window frame.
- 10.2. For the reasons discussed above, the alterations to the shop front are considered unacceptable given the harm that the scheme would introduce to the Conservation Area and the setting of surrounding Listed Buildings.

- 10.3. Also, this scheme is similar in its impacts and considerations to the previous scheme that was refused by the Council and dismissed at appeal.
- 10.4. Consequently, the application is considered to be contrary to Policy LP16 and LP18 of the Fenland Local Plan 2014.

11 RECOMMENDATION

Refuse, for the following reason

1	The alterations proposed to the shop front at 5 Park Street is not a design that displays unity with the buildings of which it is a part, nor does it incorporate the traditional elements of shop front design. It is therefore considered that it would be unsympathetic to the appearance of the existing buildings and the townscape characteristics of the area. The proposal does not preserve or enhance the character and appearance of the conservation area, would be detrimental to it through the visual harm and loss of historic interest and would be harmful to the setting of the nearby listed buildings. Local Plan policy requires developments to make a positive contribution to the local distinctiveness and character of the area so that they enhance the local setting and respond to and improve the character of the local built environment. The public benefit that the scheme would bring is insignificant and is insufficient to justify the scheme. The application is therefore considered to be to contrary Policies LP16 and LP18 of the Fenland Local Plan 2014 and the aims and objectives of the NPPF.
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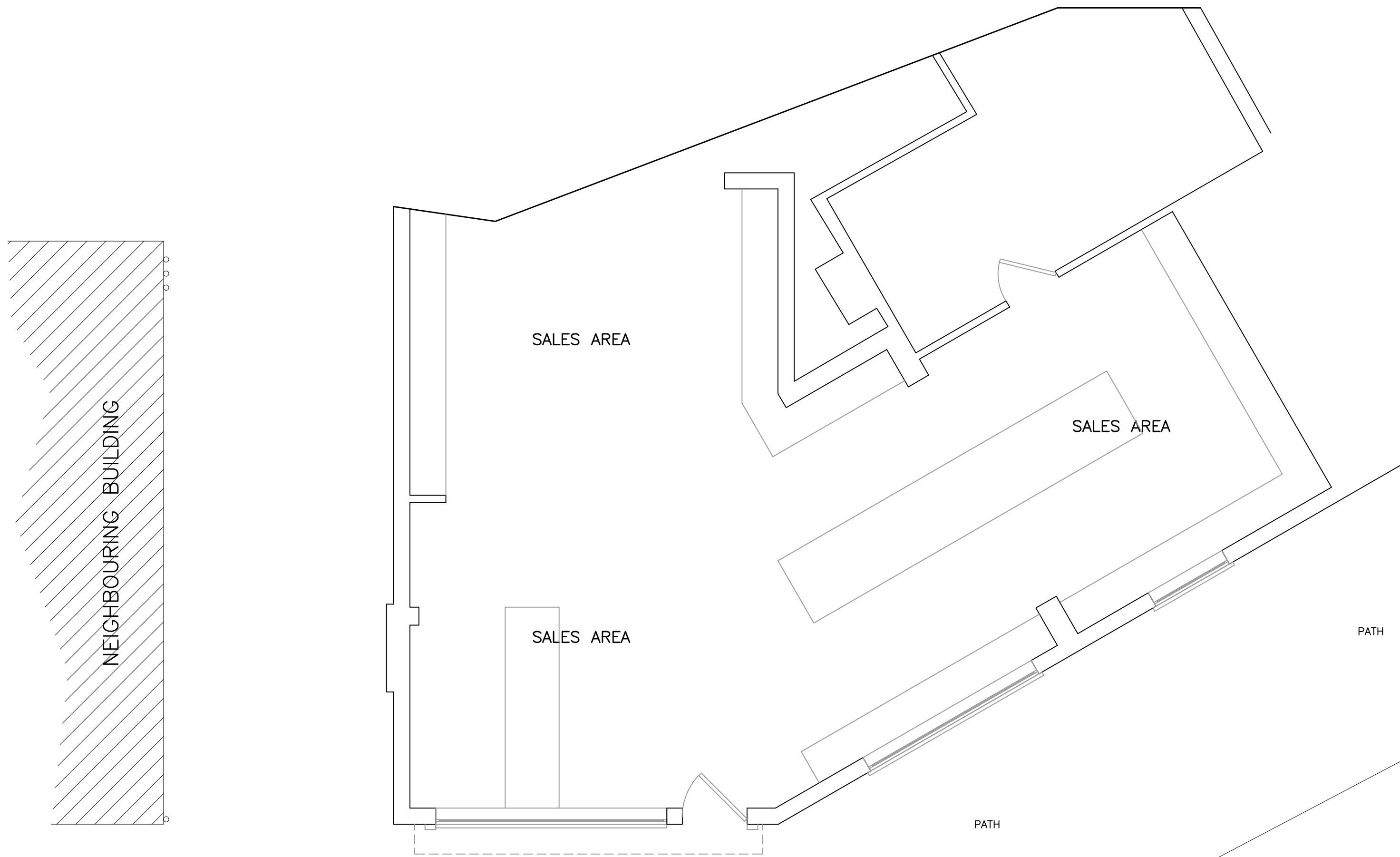
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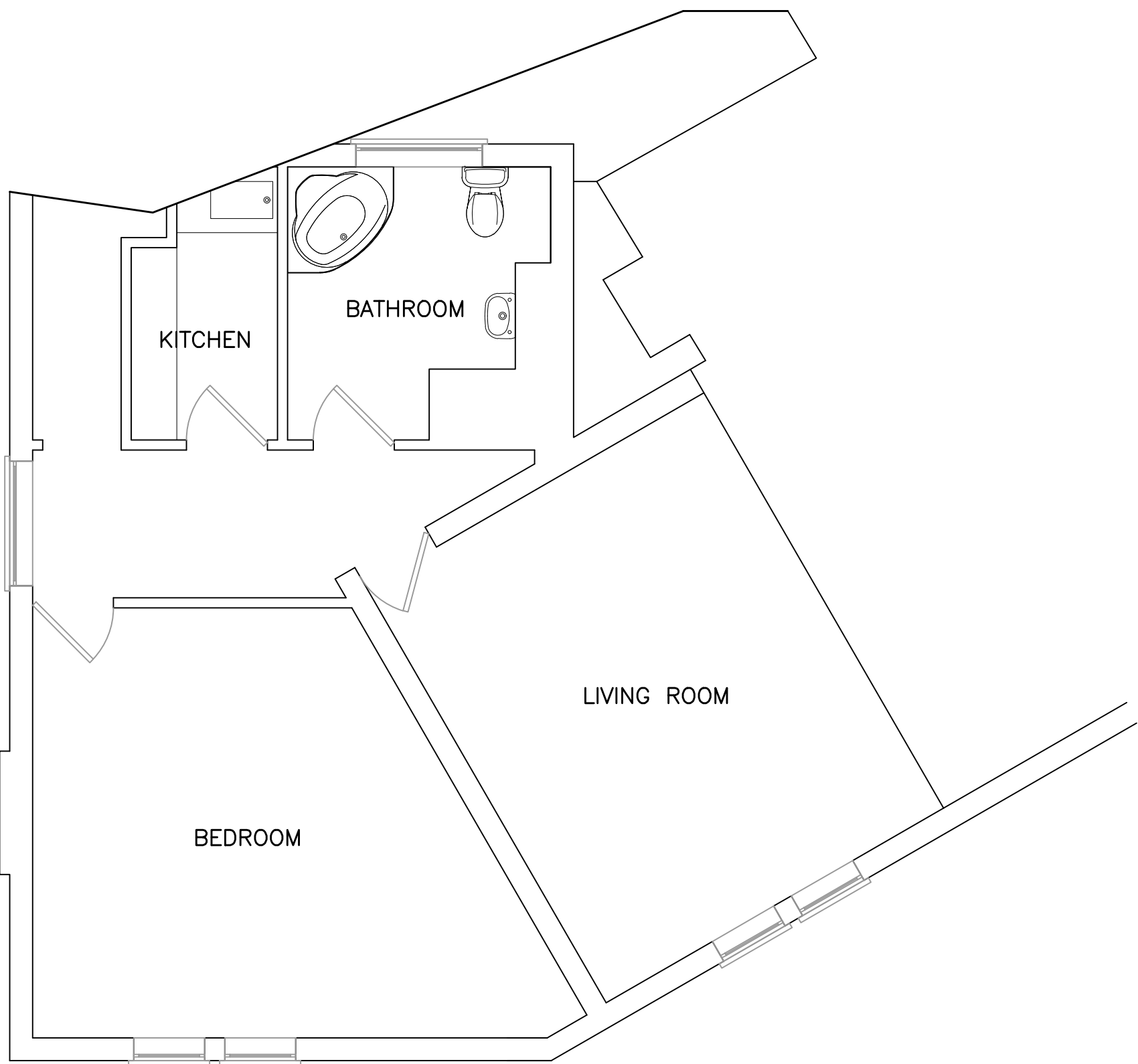
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EXISTING PART GROUND FLOOR PLAN
(1:50)



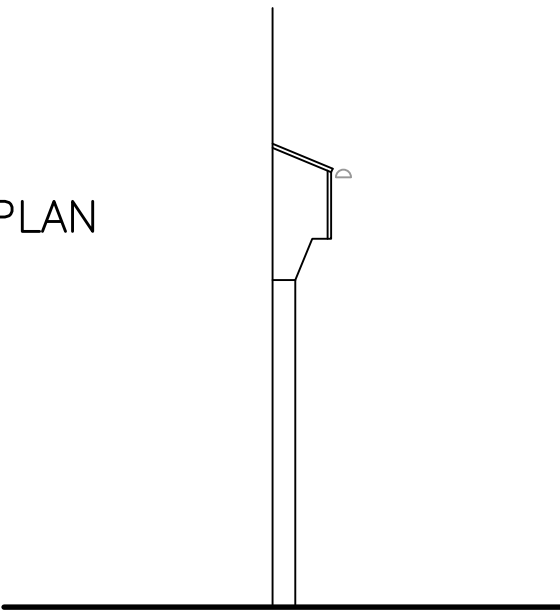
EXISTING PART FIRST FLOOR PLAN
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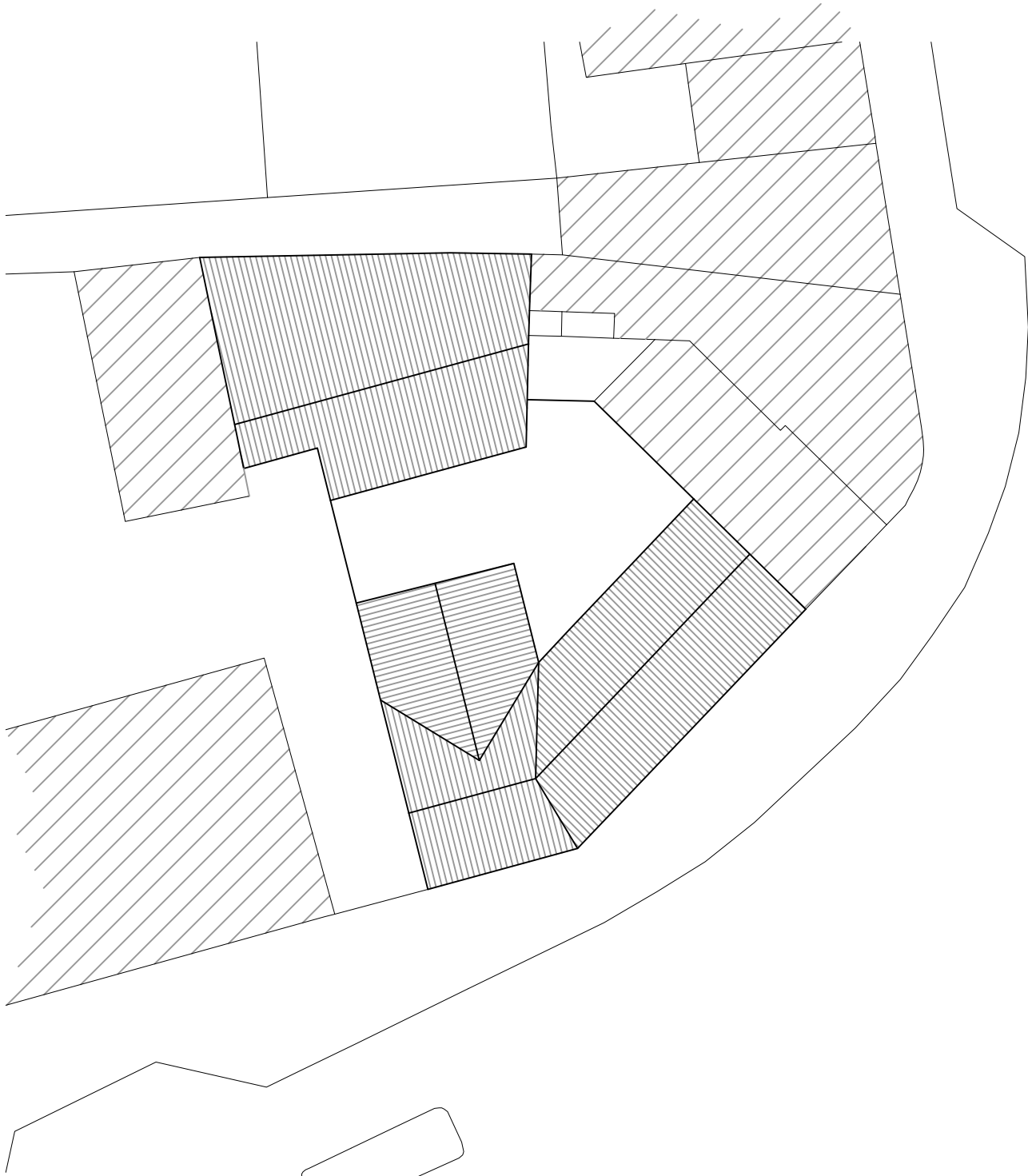
FRONT ELEVATION AFTER
CRIMINAL DAMAGE



FRONT ELEVATION AFTER TEMPORARY
REPAIR WORKS



EXISTING SHOP FRONT SIDE ELEVATION
(1:50)

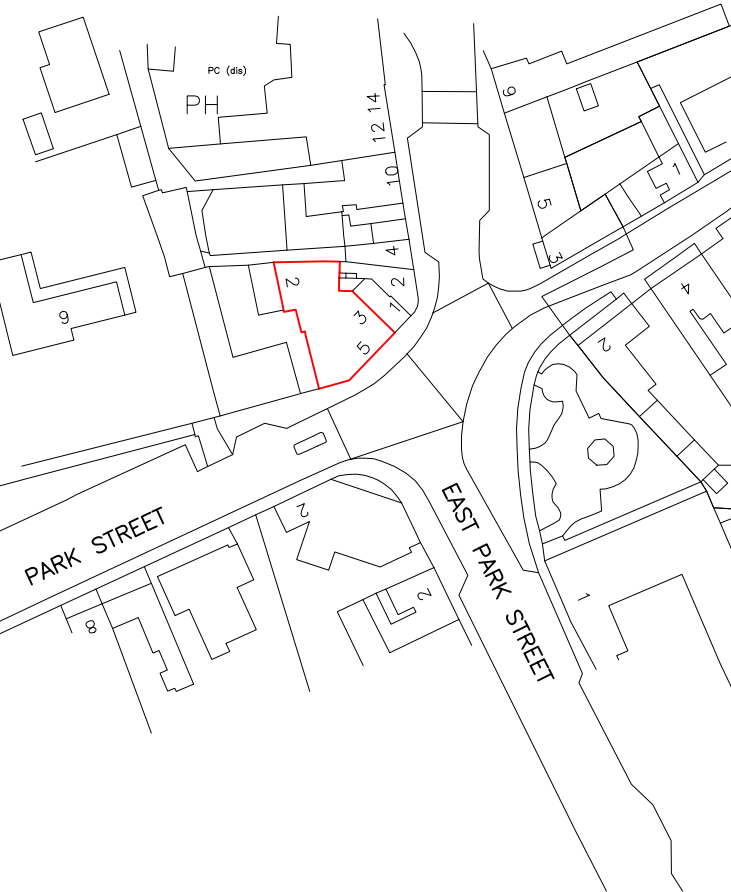


EXISTING SITE PLAN
(1:200)

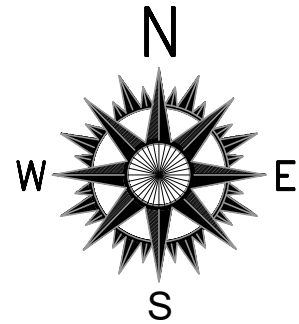


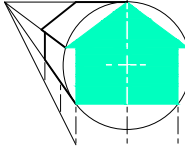
EXISTING FRONT ELEVATION
(1:50)

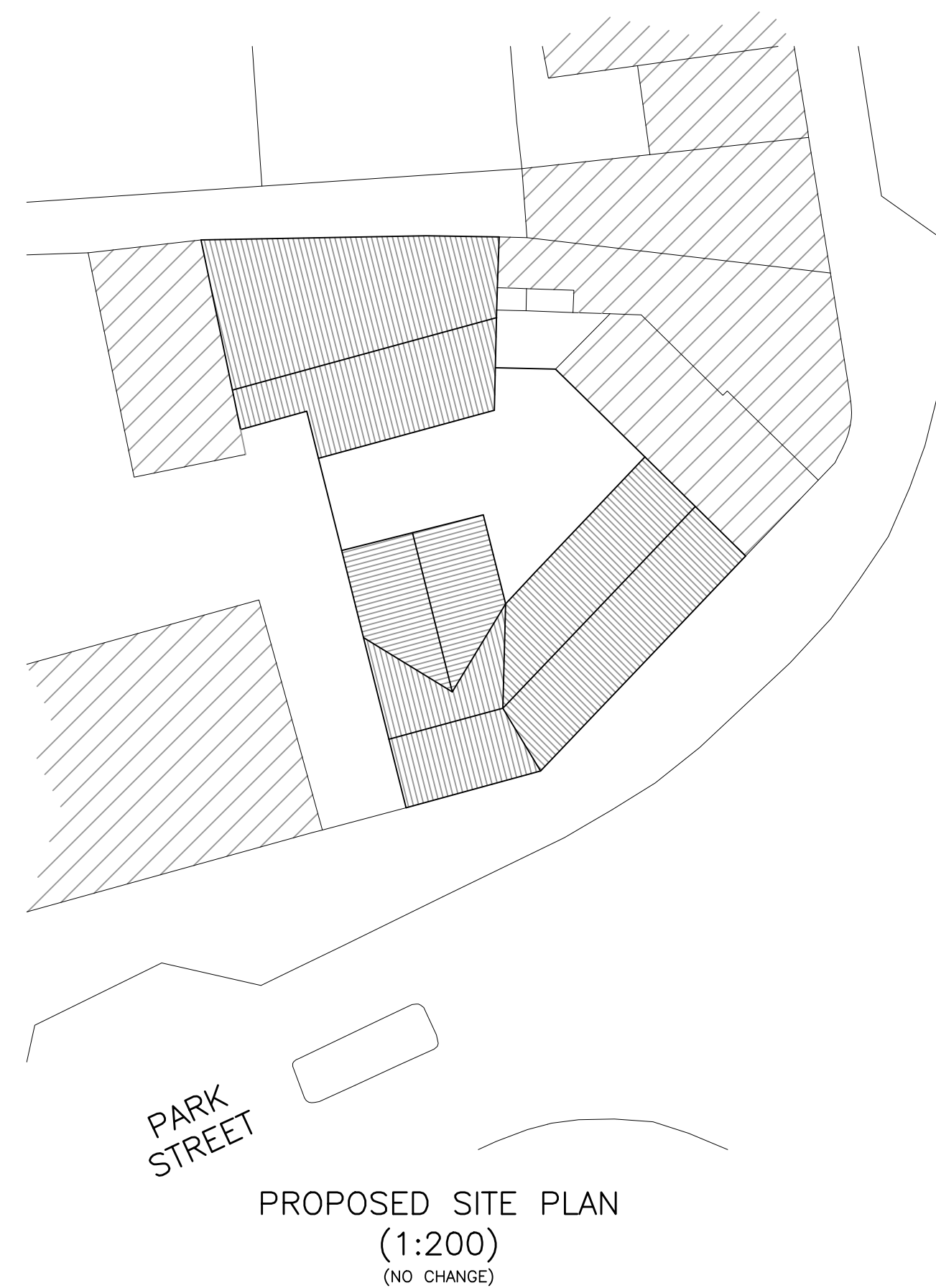
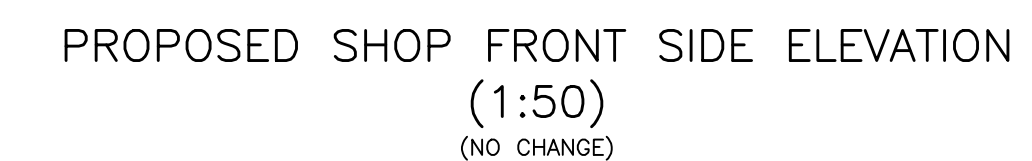
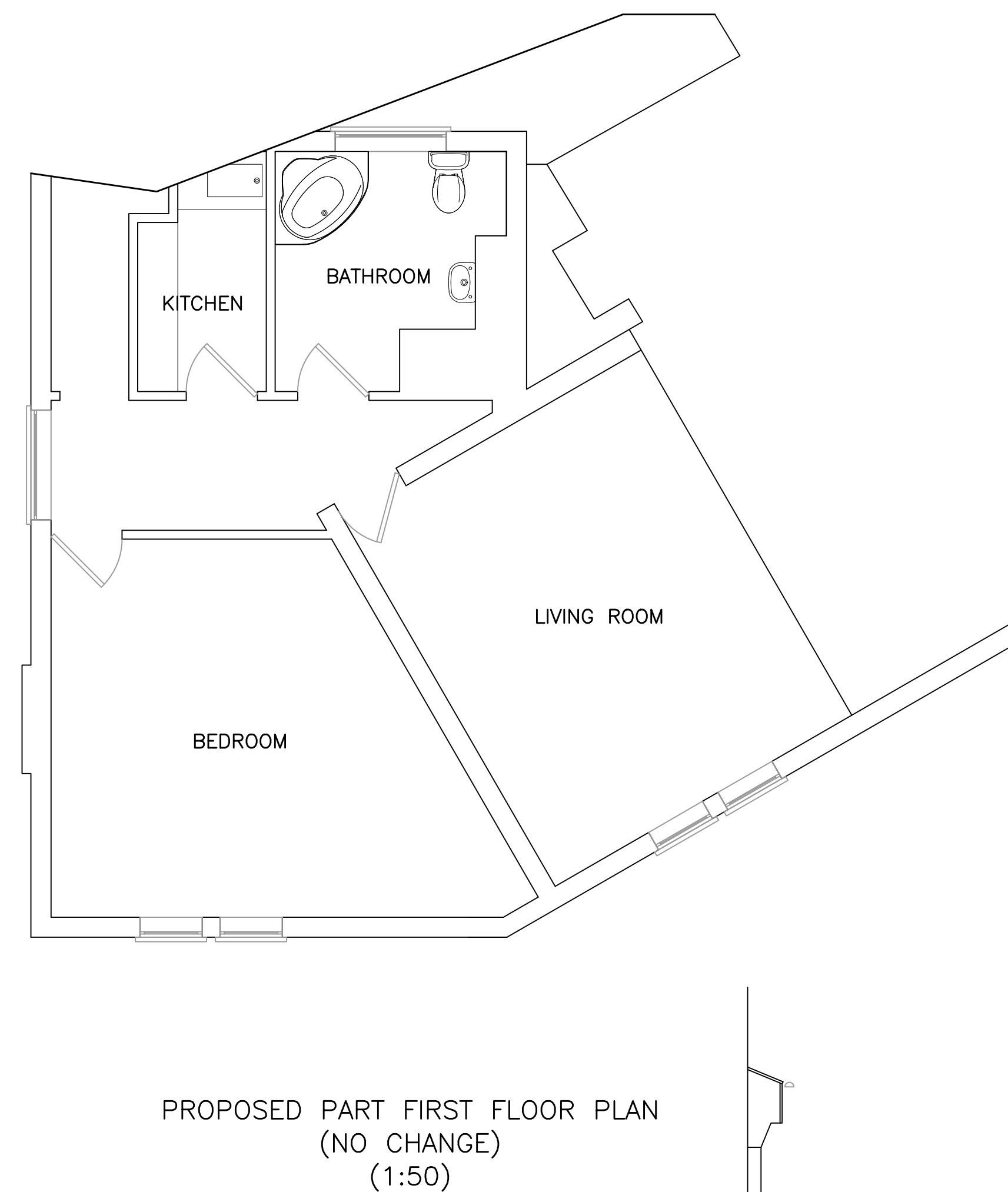
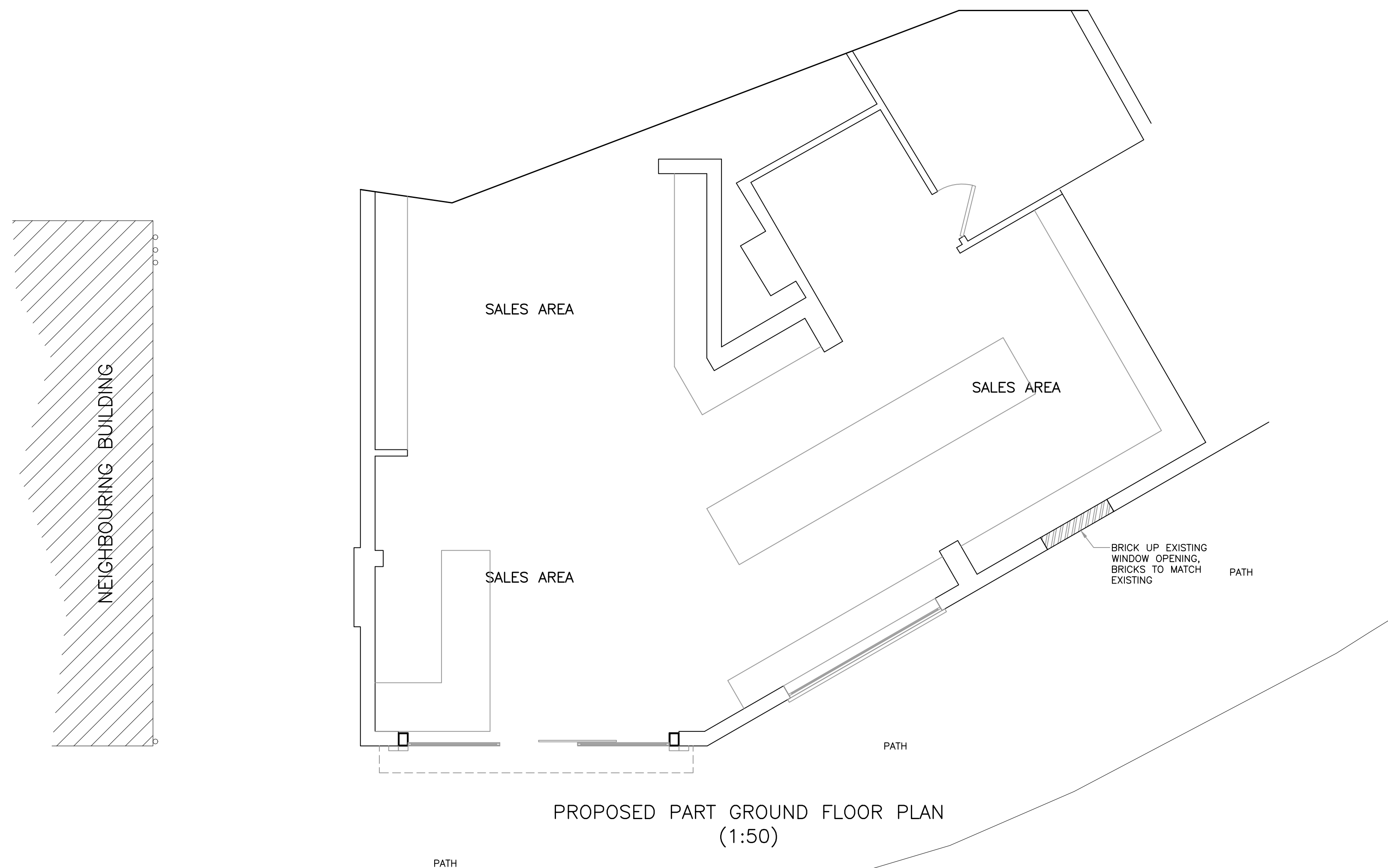
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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LOCATION PLAN
(1:1250)



A	DRAWING UPDATED	JAN 22
REVISIONS		DATE
<div><div><div>MORTON & HALL</div><div>CONSULTING LIMITED</div><div>CONSULTING STRUCTURAL ENGINEERS</div></div><div><div>1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ</div><div>Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk</div></div><div><div><div>LABC</div><div>THE BUILDING EXCELLENCE AWARD</div><div>winner</div></div><div><div><div>LABC</div><div>Fenland District Council</div><div>Building Design Awards</div><div>winner</div></div><div><div>Building Excellence in Fenland</div></div></div></div><div></div></div>		
CLIENT		
Mr I Benney		
PROJECT		
Nisa at 5 Park Street Chatteris Cambridgeshire PE16 6AB		
TITLE		
Existing Plans and Elevation		
DRAWN		DATE OF ISSUE
R.Popworth		
CHECKED		DRAWING NUMBER
		H8098/01A
DATE		SCALE
Jan 2022		As Shown



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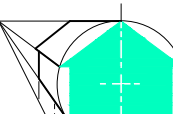
The contractor is to arrange inspections of the works by the BCO (or NHEC) as required by the Building Regulations and to obtain completion certificate and forward to the Engineer.




A	DRAWING UPDATED	JAN 22
	REVISIONS	DATE

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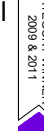
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Building
Design Awards

Building Excellence in Farnham



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PROJECT	
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TITLE	
Proposed Plans and Elevation	
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