

## AGENDA

**PLANNING COMMITTEE**

**WEDNESDAY, 27 JULY 2022**

**1.00 PM**

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

Committee Officer: Jo Goodrum

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1 To receive apologies for absence.

2 Previous Minutes (Pages 5 - 30)

To confirm and sign the minutes from the previous meeting of 29 June 2022.

3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified

4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.

5 F/YR22/0217/LB

130 High Street, Chatteris

Works to a Listed Building involving the conversion of shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of existing dwelling. F/YR22/0218/F  
130 High Street, Chatteris

Change of use of shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of existing dwelling (Pages 31 - 54)

To determine the applications.



The Government Standard

6 F/YR22/0083/F  
W H Feltham And Son Limited, Estover Road, March  
Erect a care home (2-storey 56 x bed) and associated works (Pages 55 - 96)

To determine the application.

7 F/YR22/0240/F  
Land West Of, 1 King Edward Road, Chatteris  
Erect 2 x 2-storey 3-bed dwellings and 1 x 2-bed flat above triple garage and front boundary wall with 1.3m high piers  
(Pages 97 - 114)

To determine the application.

8 F/YR21/0713/F  
Cedar Rose Stables, Horsemoor Road, Wimblington  
Change of use of land for the use of travellers including siting of 3no static and 3no touring caravans, water treatment plant and keeping of horses and part use of existing stables as day room (Pages 115 - 134)

To determine the application.

9 F/YR21/1440/VOC  
Site Of Former Christchurch Memorial Hall, 11 Church Road, Christchurch  
Variation of conditions 6 (Archaeology), 10 (Chain-link Fence) and 18 (list of approved drawings), and removal of conditions 2 (Materials), 3 (Landscaping), 13 (External Lighting), and 14 (Fire Hydrants) of planning permission F/YR12/0630/F (Erection of 9 x 2-storey dwellings comprising of: 2 x 2-bed, 3 x 3-bed and 4 x 4-bed dwellings with garages involving demolition of existing hall and buildings) (Pages 135 - 154)

To determine the application.

10 F/YR22/0565/O  
Land To The West Of 167, Gaul Road, March  
Erect up to 2 dwellings (outline with matters committed in respect of access) (Pages 155 - 164)

To determine the application.

11 F/YR21/1439/O  
Land West Of 78-88, Station Road, Manea  
Erect up to 4no dwellings (outline application with all matters reserved) (Pages 165 - 174)

To determine the application.

12 F/YR22/0453/F  
Rift Bar, Horsefair, Wisbech

Change of use from restaurant/bar and alterations to existing flat to create to 1no retail units and 6no flats (5no 2-bed & 1no 3 bed) (Pages 175 - 190)

To determine the application.

13 F/YR22/0550/F

Land North Of, 98 - 101 West End, March

Erect 1no dwelling (2-storey, 3-bed) and formation of a public layby (Pages 191 - 202)

To determine the application.

14 F/YR22/0654/O

Land North East Of East View, Gote Lane, Gorefield

Erect 1no dwelling (outline application with all matters reserved) (Pages 203 - 212)

To determine the application.

15 Items which the Chairman has under item 3 deemed urgent

#### **CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION**

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraphs XX of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

16 Confidential - Previous Minutes (Pages 213 - 214)

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,

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## PLANNING COMMITTEE

**WEDNESDAY, 29 JUNE 2022 - 1.00 PM**



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

**APOLOGIES:** Councillor Mrs K Mayor and Councillor M Purser,

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Alison Hoffman (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

**P10/22      PREVIOUS MINUTES**

The minutes of the meeting of the 1 June 2022 were confirmed and signed as an accurate record.

**P11/22      F/YR20/0641/F**  
**LAND SOUTH OF EASTWOOD END, WIMBLINGTON**  
**ERECT 9 X 2-STOREY 4-BED DWELLINGS WITH GARAGES INCLUDING OPEN**  
**SPACE/PLAY AREA WITH POND AND FORMATION OF 2.5M HIGH BUNDING, 2M**  
**HIGH BUNDING WITH 1M HIGH CLOSE BOARDED FENCE ON TOP, 3M HIGH**  
**CLOSE BOARDED FENCE, 3M WIDE FOOT/CYCLE PATH PARALLEL TO A141**  
**AND 1.8M WIDE FOOTPATH ALONG EASTWOOD END TO MEET EXISTING**  
**FOOTPATH**

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 explained that it states within the officer's report that the Agent has gone to great lengths to answer the points raised by the technical consultees and achieve their support of the application, and he is happy to accept the conditions they have proposed, thanking them for their support. He stated that extensive negotiations have taken place over the last year with officers to bring the application in front of the committee, which, in his opinion, addresses all of the concerns in the main to produce a high-quality scheme which is consistent with the Local Plan.

Mr Edwards stated that the site is within Flood Zone 1 of the Environment Agency maps which is not always the case, and the scheme is supported by the Lead Flood Authority. He pointed out that the site is currently pasture land, which has not been in food production for many years and the site is cut a few times a year and bailed so there is no loss of food producing land from this application.

Mr Edwards stated that the proposal has 18 letters of support from neighbours and villagers, showing, in his view, overwhelming local support for the scheme. He added that the site is within the built up area for Wimblington, which is a growth village within LP3, where development and new service provisions either within the existing urban area or a small village extension will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns,

and in his view that is exactly what has been provided in this application.

Mr Edwards expressed the view that this part of Wimblington has seen a modest amount of development over recent years both approved by the Planning Committee and at appeal, however, none of the applications have provided the level of community benefit that the current application will provide. He stated that the proposal will provide a public open space along with pedestrian and cycle route to connect the existing footpath on Eastwood End to the north east, and this in turn will provide a safe passage for both current and proposed residents to access jobs at the industrial area to the north and to the facilities with the main part of the village including shops and school.

Mr Edwards explained that the roads and footways on the site along with the public open space are to be maintained via a management company which will be funded by the nine dwellings proposed. He feels that Wimblington has a real mixture of dwelling types throughout, and believes that the scheme will enhance the area and provide large family homes on large plots with adequate separation distances so there will not be a significant detrimental impact in relation to overlooking, loss of privacy, light or outlook, which is highlighted in the report.

Mr Edwards expressed the view that the site is a comprehensive development which is consistent with Rhonda Park to the east, where a comprehensive form of development exists, and the scheme has been purposely designed so as to have minimal impact on the existing established trees on the site which has reduced the numbers proposed and provides ample space for individual households and the community as a whole. He added that it should be noted that there is currently no provision for open space in this part of the village and the site presents an exciting opportunity to include a style of dwelling that is of a high architectural quality picking up features from the adjacent area all be it with a contemporary twist, and this is an aspirational and rare opportunity in the district to provide dwellings of this calibre which has ideal access to employment and leisure both within the village and district as a whole.

Mr Edwards expressed the view that the development will provide a positive contribution to this part of the village and enhance the street scene and will reinforce the landscaping belt along the A141 Isle of Ely Way and will provide for the requirement needed to mitigate any impact from the adjacent industrial enterprises and Isle of Ely Way. He asked the committee to support the proposal and approve the application with the conditions that they deemed appropriate, making the point that he has addressed the points from the technical consultees so that it achieves their support which includes that the design picks up on features from other neighbouring dwellings, addresses the street scene, it is a transitional approach which takes into account adjacent businesses and dwellings, is within Flood Zone 1 and it is Policy LP2, 3, 12, 15 and 16 compliant.

Members asked Mr Edwards the following questions:

- Councillor Cornwell asked for confirmation as to who will be responsible for the maintenance of the bunds? Mr Edwards responded that it would fall to the responsibility of the management company.
- Councillor Mrs French asked whether any contact had been made with the Internal Drainage Board (IDB). Mr Edwards explained he had only contacted the Lead Local Flood Authority. Councillor Mrs French stated that she would have expected him to have contacted the IDB initially as the water would eventually have to be discharged into their drains. Mr Edwards explained that he has consultants in place who oversee that aspect of an application on his behalf.
- Councillor Murphy expressed the view that it is a very dangerous road and to implement a roadway and cycleway on the edge of the road is not a good idea and asked whether it would not be possible to include it on the development site instead and then come out at the junction? Mr Edwards stated that initially it was going all the way through the site, but the advice given from the Crime Prevention Officer required that it was formed in front of the hedge as opposed to behind it as they were not happy with the layout and asked for it to be brought forward which is why it was changed.

- Councillor Benney asked whether Mr Edwards would be prepared to install a metal barrier along the road for the safeguarding of pedestrians and cyclists? Mr Edwards stated that he would be prepared to accept a condition for that.
- Councillor Murphy expressed the opinion a barrier would not be a suitable option as he has seen them damaged in other locations.

Members asked officers the following questions:

- Nick Harding addressed members and explained that in terms of the position of the footway in relation to the hedge, it his understanding that the Crime Prevention Officer has concerns that if the footpath is at the back of the hedge, there would be no natural surveillance for people using the footway and cycleway whereas if it is adjacent to the highway there will be the users of the highway who are observing the users of the footpath. He added that with regards to barriers, in his opinion, he does not think it would be appropriate to insist on the installation of a barrier as that would be the decision of the Highway Authority as it would be a piece of infrastructure that they would need to maintain going forward.
- Councillor Cornwell expressed the view that the road is a 50 mph road and questioned how pedestrians would be expected to cross the road at that point? He added that if pedestrians are being encouraged to use a northern footpath the whole point is to connect it to the village, and asked whether there are plans to introduce a crossing system at the location? David Rowen stated that at the southern end of Eastwood End, there is an island in the road which is a crossing point over the A141 from Eastwood End to King Street and the Highway Authority have expressed the opinion that it is an inadequate width to serve the footway and the footway on the other side of the A141 at King Street is also an inadequate width. He explained that is part of the reason for the recommendation of refusal as the linkage and highway infrastructure that the footway would link into is considered to be of a substandard nature.
- Councillor Sutton referred to the concerns of the footpath and he referred to the plans within the agenda pack where it shows that the footpath is within the site. David Rowen stated that a new plan has been submitted and the footway is on the other side of the hedge and, therefore, between the hedge and the A141.

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

- Councillor Skoulding expressed the view that a four bedrooomed house will provide a family home and the fast road does concern him especially if there is the requirement to cross the road.
- Councillor Miscandlon stated that he observed the place where the footpath would come out and he is also extremely concerned about pedestrians crossing the A141 and cannot support the application until better safety measures are implemented.
- Councillor Cornwell stated that the existing crossing at Eastwood End is not adequate and if it is moved towards King Street is not helping the situation. He added that he would not like to be seen as somebody who supported a proposal which is so dangerous, and he cannot support the application. He added that there has to be a safer means of enabling pedestrians from the Eastwood End area to be able to cross the road.
- Councillor Murphy stated that he is not against the houses, but, in his opinion, the proposal is in totally the wrong location. He added that in its current form the application is totally wrong, and he agrees with the points made by Wimblington Parish Council.
- Councillor Sutton stated that, in his view, the committee cannot be consistent by refusing the application. He expressed the opinion that the application is no different to the three dwellings that were approved previously and to remain consistent the application should be approved.
- Councillor Benney stated that the houses are needed for the area and it is the responsibility of parents to safeguard their children, by either transporting them to school in a car or accompanying them when crossing the road. He added that it is a rural area with public transport and there are cycle ways in place, however, people still use their vehicles and

will continue to do so. Councillor Benney expressed the view that the development will probably be better without a footpath as pedestrians would then have to go through Eastwood End to get to the crossing. He stated that the development is excellent, and the houses will make a nice addition to the area, and he will support the application.

- Councillor Cornwell stated that with regards to the point made by Councillor Sutton concerning decisions of consistency, the committee have twice turned down development near the Peashill roundabout in March at the old Whittlesey Road site on exactly the same points that some committee members have made with regards to the application before them and the concerns they have of crossing the Isle of Ely Way and if the current application is approved, in his view, he would expect to see further applications being brought before the committee at the old Whittlesey Road site. Councillor Sutton stated that the difference is that two years ago the committee approved an application at this actual site.
- Councillor Mrs French stated that, in her opinion, the actual development is good and if a better crossing place was implemented it could be a good development. She added that family homes are required in Fenland and family homes have been approved in that area previously and she will be supporting the application.

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

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

Members did not support officer's recommendation for refusal as they feel that the development does not harm the open countryside and does not adversely impact the character of the area.

*(Councillor Mrs Davis declared that she is the Chairman of Wimblington Parish Council and took no part in the discussion and voting thereon on this item)*

*(Councillor Marks declared that he knows the applicant for this application and took no part in the discussion or voting on this item)*

**P12/22      F/YR21/1064/O**  
**LAND NORTH OF RATHBONE, ATKINSONS LANE, ELM**  
**ERECT UP TO 4 DWELLINGS (OUTLINE APPLICATION WITH MATTERS**  
**COMMITTED IN RESPECT OF ACCESS)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater stated that the background to this application is unusual in that it is not usual for the Planning Officer to repeatedly question highways advice and apparently seek a reversal of the consultation comments made. He added that members will see from the report that the application is now almost a year old and highways have commented several times and he expressed the view that given the considerable weight and importance that officers and members usually give to Highway Authority comments both the agent and applicant are surprised at this approach.

Mr Slater explained that, in policy terms, the proposal is for limited development on the edge of a limited development village as allocated in the adopted Local Plan, and as such is in accordance with the provisions of LP3 and LP12. He added that the plan, therefore, accepts that the settlement is a sustainable and accessible location for limited new housing and as consequence is deemed to

be a sustainable location having regard to the National Planning Policy Framework and Local Plan Policy 1, which is accepted in the officer's report at point 10.4.

Mr Slater expressed the view that it is clear that in spatial terms the site is well related to the historic core of the village and the services and facilities such as the pub, church and school that it contains and it is noted that the site is significantly closer to the centre of the village, and the bus services, along the Main Road than the draft allocations in the emerging Local Plan village insert for Elm. He stated that this gives the site better non-car access to Wisbech for higher order services and facilities than much of the recent development and the planned allocations.

Mr Slater explained that pedestrian and cycle access to the site is also available from Grove Gardens and Cedar Way which is shown as adopted highway meaning that the application site is only 87m from this junction. He stated that the planning objection is predicated on an increase in traffic usage on Atkinsons Lane which is a matter to which the County Council as the Highways Authority does not object.

Mr Slater stated that it appears to be the view of the planning officers that the use of the 87m of Atkinsons Lane as a shared road/footway is unsafe, and the additional traffic generated from up to 4 homes will cause demonstrable harm to safety such that the potential residents will be deterred from walking or using cycles to the detriment of transport sustainability, however, in the absence of an objection from highway on highway function or safety grounds it appears to him that the premise for this assessment is unsound and without an evidential basis and, therefore, he disagrees with this assessment and conclusion. He stated that Atkinsons Lane is narrow being between 2.4m and 2.8m in width, however, it has adequate width to accommodate refuse lorries, with the layout and access design within the site providing a turning space to allow the refuse vehicle to safely turn and this is accepted by the Council's Environmental Services officers. He added that the refuse lorries enter the site only once a week and these alone will not be material in terms of the impacting on the wider sustainability and accessibility concerns as expressed in the refusal reason.

Mr Slater made the point that Atkinsons Lane is currently very lightly trafficked and widely used for dog walking and, in his opinion, the additional of trips from 4 new homes will not substantially affect this situation. He stated that the applicant simply does not accept that the nature of Atkinsons Lane will dissuade residents from walking or cycling and it is essentially a pleasant route to walk and is lightly trafficked.

Mr Slater explained that the applicant has lived in Elm and Friday Bridge for 38 years and his wife was born in Elm some 60 years ago, they have been looking for a site to relocate to and provide a house for their son and his family for some time now and have found great difficulty in securing suitable land as most is under option, however, they are committed to the village and wish to remain there. He feels that in the absence of a substantive objection from highways in terms of safety or environmental services in terms of bin collection, it is considered that there is no evidence the proposed access will be a deterrent to walking and cycling and as such that it is and can be considered a sustainable village development within the provision of LP3 and LP12.

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

- Councillor Sutton stated that he finds it strange that the Highway Authority have not raised an objection to the application as, in his opinion, the lane is only a farm track. He added that he is aware that the Highway Authority have to deem something as severe before they can object, but feels the issues at this site are severe. Councillor Sutton expressed the view that officers have made the correct recommendation. He stated that there is not an issue with developing that particular piece of land, if the applicant can come off the Begdale Road there would not be any concerns but to come down Atkinsons Lane should not be considered.
- Councillor Mrs French stated that she has seen the comments raised by the Parish Council

who strongly object to the proposal. She added that Elm did suffer from flooding in 2020 and, in her view, officers have made the correct recommendation and she cannot support the application.

- Councillor Miscandlon stated that he agrees with the comments made by Councillor Sutton and concurred that if there had been an entrance off Begdale Road he does not think that there would have been any objections whatsoever but the entrance off of Atkinsons Lane, in his opinion, is a very poor decision as it is not even a cattle track as it is an appalling road. He stated that he will support the officer's recommendation.
- Councillor Murphy stated that he agrees with the comments already made and added that if the access was off Begdale Lane it would be fine but he cannot support the application in its current form.
- Councillor Cornwell stated that the lane is exceedingly narrow. He stated that, in his opinion, the access is not suitable and he will support the officer's recommendation.
- Councillor Miscandlon stated that there are residents in the vicinity who are using the grass verge to cut across to go down the first part of Atkinsons Lane which is totally illegal and also brings the safety concerns into the top part of Atkinsons Lane.

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

**P13/22 F/YR21/1254/F**

**LAND EAST OF LEVELLS COTTAGE, FORTY FOOT BANK, RAMSEY**  
**ERECT A 2-STOREY 5-BED DWELLING WITH DETACHED GARAGE AND**  
**STABLE BLOCK INVOLVING DEMOLITION OF EXISTING DWELLING AND**  
**OUTBUILDINGS**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler explained that the application is to replace an existing run-down dwelling which had a fire a few years ago and has been vandalised which is why it has been boarded up. He added that the proposal will include a stables and garage on the large plot of almost 1 hectare and he has worked with the applicant and has looked at extending and renovating the existing house, however, the cost, in-particular 20% VAT, involved meant that it would make more sense to construct a new replacement energy efficient dwelling.

Mr Gowler referred to the presentation screen and highlighted the replacement dwelling approximately 1 mile further along Forty Foot Road and the figures described show that the increase in size was 150 square metres and the new dwelling was 290 square metres which was an increase of 195% which is significantly more than this application which is 186%. He stated that the next slide indicates a similar cottage located in a similarly rural location and whilst this application was not a replacement dwelling it would have still been considered under LP16 and, therefore, the large increase in size is still relevant, where the existing cottage is 140 square metres and is in a very rural location opposite Stonea Camp and with the extension the increase in floor area it equates to 255%.

Mr Gowler referred to the presentation screen and highlighted a collage of photos featuring most of the properties along Forty Foot Road. He pointed out that there are a mixture of styles and ages of properties, from 3 storey modern houses to more traditional farmhouses and due to the mixture of styles along this road, in his opinion, the design and scale of the proposal does fit in with the varied character of area.

Mr Gowler referred to the screen and pointed out three large three storey dwellings which are considerably larger in footprint area than the proposal before the committee. He made reference to Flood Zones and stated that there is an existing dwelling that can be used, however, a Flood Risk

Assessment has been undertaken and as a result the recommendation has been to raise the floor areas and, in his opinion, the proposed dwelling does fit with policy LP12 of the Local Plan and LP16.

Members asked officers the following questions:

- Councillor Cornwell stated that Mr Gowler had provided examples of old and new approved dwellings and asked whether there was a policy in place of what is considered acceptable as a replacement building and how can it be determined as to whether something is in fact too big and out of character? He expressed the opinion when referring back to the size of the original building, it would not necessarily expect any family to live in a dwelling that small and therefore any replacement is likely to be bigger, questioning how officers determine what is and what is not acceptable in relation to the calculation of sizes. David Rowen made reference to LP12(C) which states that the replacement of a dwelling which is located outside, or not adjacent to the development footprint of a settlement, will be supported with a number of criteria one of which states that it is of a similar size and scale to the original dwelling. He added that some of the properties which were exemplified by the application site are limited in facilities and modern day living and, therefore, a pragmatic approach is adopted with regards to allowing an increase in size and he made reference to a point highlighted by Mr Gowler who had identified that within the vicinity of the application site there are larger dwellings which have been allowed, however, with regards to the current application there is also another criteria set out in the Local Plan where it states that the replacement dwelling should be of a design appropriate to its rural setting and therefore it is a combination of scale, mass bulk, design, appearance and the actual characteristics of the original site and how prominent a dwelling would look in that location which all need to be considered and with all those issues combined in the case of this application officers have concluded that it is an unacceptable development.
- Councillor Mrs French asked whether the policy regarding the footprint of a development as outlined in the new emerging Local Plan will not actually adhere to planning applications? Nick Harding stated that the draft plan is taking a more flexible approach to the current adopted plan, however, very little weight can be given to the draft emerging plan in determination of planning applications and that is set out in the case law approach to using emerging plans and applying them to determine planning applications. He added that once the Local Plan is published for consultation, officers will start to make reference to that emerging plan in case reports whether that be in the form of delegated reports or reports for committee but only low levels of weight can be given to those policies when determining applications and priority should be given to the current Local Plan.
- Councillor Cornwell stated that some of the aspects of the application are open to interpretation and it is in order for the committee to take a slightly different interpretation. Councillor Connor concurred with that view.

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

- Councillor Topgood stated that he does not have an issue with the application, making the point that the current dwelling is derelict and unfortunately there are many of those within Fenland. He added that members want residents to have nice houses, making reference to LP12(c) of the Local Plan where it states that the replacement of a dwelling which is located outside or not adjacent to the developed footprint of a settlement will be supported where it is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting and, in his opinion, the proposal improves the wider setting and will improve the life of the family who live there and he will support the application.
- Councillor Benney expressed the opinion the proposed dwelling will fit on the plot very nicely and he knows that the current derelict dwelling has been deteriorating over time. He added that the site is a mess and needs to be cleared up and utilised. Councillor Benney made reference to an application in Wisbech St Mary which had an increase of 183% in square footage and a triple garage as well as another site in Gorefield which was also a

large percentage increase in floor size. He expressed the opinion that the proposal fits on the plot perfectly and enhances the area and if something else was built on the site it would be more detrimental to the area, so he will support the application.

- Councillor Mrs French stated that she agrees and in its current state it is an eyesore and there are many derelict buildings in Fenland and it would be nice to see more of these types of application submitted to demolish and rebuild. She added that she will support the application.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does comply with all of the criteria of Policy LP12 of the Fenland Local Plan as it will make a positive contribution to the character of the area.

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

*(Councillor Murphy declared that he knows the applicant for this application and took no part in the discussion or voting on this item)*

*(Councillor Marks stated that he has spoken to the applicant for this item on a rateable matter but it would not make any difference to his decision making and voting on the application)*

*(Councillors Benney, Connor and Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)*

**P14/22 F/YR21/1392/F**  
**42 TAVISTOCK ROAD, WISBECH**  
**ERECT 2 X 2-STOREY 4-BED DWELLINGS EACH WITH ASSOCIATED SINGLE GARAGE, INVOLVING THE DEMOLITION OF GARAGE**

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 the officer's report details the fact that the application has the support of the technical consultees along with the Town Council and the number of dwellings has been reduced from four to two which has achieved the support of the planning officers. He explained that extensive negotiations have taken place over the last year with officers to bring the application to committee, and, in his opinion, the main concerns have been addressed to produce a high-quality scheme, which is consistent with the Local Plan.

Mr Edwards stated that the site is within Flood Zone 1 of the Environment Agency maps which is not always the case in Wisbech. He pointed out that the site is within the built-up area for Wisbech which is a market town within LP3, where the majority of the district's new housing should take place, with the site having an extended garden area from the host property which still retains ample amenity space which is consistent with policy.

Mr Edwards expressed the opinion that Wisbech has a real mixture of dwelling types throughout, and the scheme will enhance the area and provide good sized family homes on good sized plots with adequate separation distances so there will not be a significant detrimental impact in relation to overlooking, loss of privacy, light or outlook. He stated that the dwellings are to be constructed with materials that are sympathetic to the adjacent dwellings and street scene as a whole and the

development will provide a positive contribution to this part of the Town and enhance the street scene.

Mr Edwards asked the committee to support the proposal and approve the application with the conditions indicated and highlighted that he has addressed the points from the technical consultees so that it achieves their support, the design picks up on features from other neighbouring dwellings, addresses the street scene, is within Flood Zone 1, and is Policy LP2, 3, 12, 15 and 16 compliant.

Members asked Mr Edwards the following questions:

- Councillor Miscandlon asked that if the application is approved would he be prepared for conditions to be imposed so that the construction works do not cause issues and concerns for the existing local residents. Mr Edwards stated that if a condition were required it could be considered.

Members asked officers the following questions

- Councillor Mrs French stated that she is pleased that the applicant and agent have worked with officers to negotiate a scheme which is acceptable as it had previously been refused as it was considered as over development.
- Nick Harding stated that, in response to Councillor Miscandlon's question concerning a condition for hours of construction, a construction management plan had not been proposed as it is not something that would normally be considered for this scale of development, and given the physical constraints of the site it would only be realistic to impose an hours of construction condition and it is not possible to request that storage of material and space on site for contractors to park as there is not enough space. He added that the Council cannot stop individuals from parking on the public highway and beyond working hours there is not much else that can be conditioned. Councillor Miscandlon stated that he would be happy with such a condition to be added for construction hours.

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

- Councillor Cornwell expressed the opinion that he has no adverse comments on the proposal at all and the reduction in the number of dwellings is welcomed. He added that he would hope that if permission is granted that going forward an application will not be submitted to develop within the back gardens of the two houses.
- Councillor Topgood stated that he will support the proposal and welcomes the reduction of four houses to two. He added that Wisbech is in need of more housing and Wisbech Town Council have no objections to the proposal.
- Councillor Mrs Davis expressed the view that she will support the application and added that it is a vast improvement on the previous submission and the two dwellings will not have the impact on the neighbouring properties that the four dwellings would have done.
- Councillor Sutton stated that he will support the application and he added that the officer has worked proactively with the agent to reach a satisfactory resolution.

**Proposed by Councillor Topgood, seconded by Councillor Clark and agreed that the application be APPROVED as per the officer's recommendation with a suitable standard condition applied with regards to working hours.**

**P15/22      F/YR22/0370/O  
LAND EAST OF MILL ROAD, MURROW  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN  
RESPECT OF ACCESS)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr

Jakub Blazczak, an objector to the application. Mr Blazczak referred to the location and introduction of the second layer of buildings away from the street and added that there is plenty of space to create dwellings alongside the field. He stated that the presentation has shown the views from the ditch and the property named Conway, but the only thing that can be seen from Mill Road is the hedge belonging to Conway and the bungalow itself.

Mr Blazczak referred to concerns regarding privacy, which could be mitigated by a redesign of the dwelling and upgrade of the fence. He expressed the view that the privacy concerns of the property named Conway cannot be mitigated in the future as he has been made aware that there is no possibility of erecting a fence alongside the ditch as it is not permitted and, therefore, there will be no barrier between Conway and into the bedroom of the neighboring property.

Mr Blazczak stated that the shape of the proposed plot is such that it gets narrower as it goes easterly and, therefore, the windows that will face south will face Conway. He explained that there is a long gravel driveway at the site and a separate access which is private and the only other way to shorten the route to the main road would be by creating a new access which cannot happen.

Mr Blazczak explained that there is 80 metres of gravel roadway and a stretch on the other side to drag the refuse bins for collection and the driveway is soft and cannot accommodate heavy vehicles and, therefore, any residents in a new dwelling would have to drag the bin for more than 80 metres which is not ideal for potential disabled and elderly residents.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that under LP3 of the Local Plan Murrow is a small village which in these villages' development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. He stated that he would argue that this plot of land is infilling development as it has a road frontage and follows the development line of the six dwellings numbers 16 to 24 Mill Road and will finish off this part of the village and utilise a section of land that is difficult to farm as it is adjacent to the neighbouring dwelling as seen on the proposed indicative drawings and in a corner.

Mr Edwards stated that the site is within Flood Zone 3 of the Environment Agency maps which is the same as the adjacent recently developed dwellings on Mill Road and pretty much the whole of the village, having checked Rightmove this morning there are no plots available at present in the village. He expressed the view that it has been the argument on many applications that have come before the committee previously with regards to what is the difference in developing in Flood Zone 3 in Wisbech to Murrow, as there are no plots available he feels that this satisfies the sequential test and with regards to the exception test he is prepared to accept any condition required for the construction and renewable energy requirements to make this dwelling a better standard than the adjacent ones.

Mr Edwards stated that with regards to the comments of the Wildlife Officer, unfortunately as these only came on line on the 16 June he has not had time to carry out the survey required, and at present bat surveys are being carried out so trying to get an ecologist at such short notice is impossible but he explained that should the committee be in a position to support the proposal he would be prepared to get a phase 1 report underway and would be happy to either accept a condition on this or alternatively he would accept the decision being held in abeyance until the report has been carried out, he would look to carry out any mitigation measures that would come from the report. He added that he would also ensure that the site is kept tidy periodically and as shown on the drawings there are residential dwellings adjacent.

Mr Edwards expressed the view that it has been said on many occasions at this committee that road frontage plots are massively valuable to housing supply in the District and are at a prime. He stated that plots like these will be developed by self-builders or smaller developers that are being

priced out of the larger sections of land due to the cost of the infrastructure, 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.

In conclusion, Mr Edwards expressed the view the plot is infilling development and at no greater risk of flooding as any other in Flood Zone 3 and will be technically safe, it will finish off this part of the village and any design issues can be looked at, at the reserved matters stage and he asked the committee to support the application with the conditions they deem appropriate.

Members asked Mr Edwards the following questions:

- Councillor Mrs Davis stated that the previous speaker had made reference to the long gravel driveway being soft and not suitable for heavy vehicles and she asked how it was anticipated that the construction traffic would be able to access the site? Mr Edwards stated that there have been four dwellings which have been approved off the roadway and it should be of a standard due to a condition on the original approval which identifies the required weight capacity. Councillor Mrs Davis stated that the objector does not need to be concerned then.

Members asked officers the following questions:

- Councillor Mrs Davis questioned that if there is not an ecological report attached to the application and if the application is approved, with the ecology report consequently being submitted and is negative does that mean that in principle the committee will have approved the plot to be built on. Nick Harding stated that officers would always advise against granting planning permission where there is the need for an ecology survey. He added that the ecologist has indicated in the officer's report that there may be a presence of otters or water voles which are a protected species and without that work being undertaken there is a risk of approving development and then subsequently find out that there is the protected species present and planning consent has been given for development which then cannot be retracted. Nick Harding added that officers would always advise against granting of planning consent without the ecology survey as there could be a non-compliance with the legislative requirements for protecting the protected species that may be present on the site and he added that in relation to flood risk it has been noted that no sequential test has been undertaken which is also a national policy requirement that a test is submitted as part of the Flood Risk Assessment, which means that the Council would be in breach of the national policy requirement in the determination of an application positively.
- Councillor Mrs French asked that, as the application appears to be incomplete, could it be deferred to request the ecology report and sequential test or should the application be refused and allow the applicant to resubmit their proposal. Nick Harding explained that deferment is an option but the committee but should be aware of the additional reason for refusal which is with regard to the principle of development in terms of whether it constitutes infill development.
- Councillor Murphy stated that if the ecology report has not been submitted then the committee should make a decision on the proposal. Nick Harding stated that from a decision-making option the application can be deferred, or a decision can be made on the application on the basis that the applicant had the opportunity to submit the information with the application but has not done so.
- Councillor Sutton stated that he thought a planning application should not be turned down where any issues can be conditioned, and he asked for clarity as to why the issue of ecology cannot be conditioned? Nick Harding explained that when a condition is applied there needs to be an understanding as to the scope and extent of the matter that the condition is being applied to and in the context of ecology at the current time there is no information available about what ecology is on the site.
- Councillor Mrs Davis stated that if the application was refused on the lack of sequential test and ecology then the committee would be accepting the principle of allowing development to be built in that location and, therefore, members have to be clear in their decision making.

- Councillor Miscandlon asked whether the developer has been given the opportunity to withdraw the application as the application is missing vital information that the committee need to deliberate over. David Rowen stated that not as far as he is aware, and the application has been submitted in its current form and the Council has a duty to determine it. He added that the officer's reasons for refusal have been in the public domain for a week and, therefore, the applicant has had the opportunity to withdraw the application during that time.
- Councillor Mrs French asked why incomplete applications are accepted, she feels that they should be returned along with the application fee. Nick Harding explained that the authority are under no obligation to return the application fee and once an application has been made valid the Council has an obligation to determine the application. Councillor Mrs French stated that if the information is incomplete how can that be actioned professionally. Nick Harding stated that if the application is submitted and it is subsequently found that there are shortcomings with the application then it can still be determined, and it does not need to be returned along with the application fee.

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

- Councillor Cornwell stated that the application is incomplete, and it should be made clear that applications will not be considered if they are incomplete, as it is a waste of members and officers' valuable time.
- Councillor Miscandlon stated that he concurs with the comments made by Councillor Cornwell and, in his opinion, the application should be refused.
- Councillor Mrs Davis stated that she also agrees with the comments that have been made and added that if the committee make the decision to refuse the application it should be refused in its entirety.
- Councillor Topgood stated he also agrees that it is a waste of officers' time and developers and agents should submit complete planning applications. He added that he agrees with the comments made by Councillor Mrs Davis that the application should be refused in its entirety.
- Councillor Sutton stated that he agrees with some of the points made by members, however, members must be clear with their distinction as to whether they feel that development should or should not be allowed at that location.
- Councillor Cornwell stated that the application cannot be determined because it is incomplete, and it is not the committee's fault if the information is missing.
- Councillor Sutton stated that he disagrees with the point made by Councillor Cornwell and reiterated that he specifically stated that if the application is refused as per the officer's recommendation the committee are stating that they do not feel that any development should be allowed there and if that is what is being said then there is no requirement to encourage a future application as it will be refused again.
- Councillor Benney stated that he agrees with Councillor Sutton that there have been applications brought before the committee previously which have had three and four reasons for refusal, but the committee have only refused the application for one reason and if the application is resubmitted the agent has only got to overcome one issue.
- Councillor Mrs Davis referred to the point made by Councillor Benney and stated that it appears that from the comments that he has made he is proposing to set a precedent that allows the committee to look at incomplete applications and deal with part of it and leave the other part and she expressed the opinion that she cannot agree to that. Councillor Benney stated that the process is already in place and until the process is changed the application before the committee does not need to be turned down on all three reasons.
- Councillor Connor stated that over the last 18 months, there have been 5 applications where the application in principle has been accepted and the agent has been asked to come back with further information.
- Councillor Cornwell referred to his original statement which was that the only applications that should come before the committee are ones which are complete, and they should not be considered if any element is missing.

- Nick Harding stated that the application before members is a valid application and the committee need to determine the application even though there are shortcomings with it. He added that the points made by Councillor Sutton and Benney are correct, and the committee need to look at the three reasons for refusal and look at each one in turn and make the decision as to whether they agree or disagree with each of those three reasons for refusal and if the committee disagree with them then members need to identify the reasons why and propose and complete the voting process.
- Councillor Miscandlon referred to page 146 of the agenda pack which details the three recommended reasons for refusal, and he expressed the view that none of the reasons for refusal have been fulfilled and, therefore, the application could be refused on all three counts.
- Councillor Mrs French asked again whether the application could be deferred? Nick Harding stated that it could be deferred but as the agent has stated that it may take some time to be able to source an ecologist to undertake a survey it could be a delay before the report is brought back to committee. He added that the only specification for the access drive on the previous approval in terms of construction was in relation to the access way over the drain with regard to the gravel driveway on the other side of the drain that serves the individual houses it only specifies gravel and not below gravel construction standard. Nick Harding expressed the opinion he would recommend that the committee make a determination on the application today.
- Councillor Skoulding asked whether conditions could be added with regards to the roadway? Nick Harding stated that he would not recommend a condition because he would question why there is a need to upgrade the standard of the access for one dwelling when it was not needed for the previous dwellings.
- Councillor Sutton stated that a decision must be taken on point one today.
- Nick Harding stated that there are three reasons for refusal and he appreciates that members may have an alternative view on the first recommended reason for refusal as to whether it does constitute an infill site but with regards to reasons 2 and 3, in his opinion, there is an important point of principle there and the reasons for refusal should not be ignored where the information has not been provided to clarify whether the situation is satisfactory or not which would mean that important national policies would be ignored.
- Councillor Benney expressed the view that LP1 of the Local Plan refers to building in the open countryside and he does not see that as a problem as the principle of development is already on site. He added that the ecology report is missing, and the application could be refused on that basis and with regards to Flood Zone 3, he cannot see that as a reason to refuse the application. He added that if a proposal was made to refuse the application for ecology reasons and then the ecology report was submitted at a later date, he would be satisfied with that, but he does not consider the application to be in the open countryside and he does not feel the flood zone as an issue and, in his view, it is an acceptable risk where mitigation can be put in place for it to built.
- Councillor Mrs Davis stated that the risk of refusing the application on the first aspect is that if the application went to appeal, she does not think that the Council would win. She added that reasons for ecology and the sequential test do cause her concerns and if the application were approved, it would have to come back on the ecology and flood risk points.
- Councillor Miscandlon expressed the opinion that all three points are reasons for refusal and whilst it may be in the open countryside it deviates from the line of linear development which was agreed at the time of the previous development, and it is going down behind the property named Conway and it is not an infill development.
- Nick Harding stated that if consideration is being given to dropping the flood risk reason for refusal, then members must specifically address why the national requirement for a sequential test to be submitted by the applicant does not apply to the site.
- Councillor Cornwell stated that he agrees with Councillor Miscandlon that the application should be refused on all three points so the whole application is resubmitted in its entirety.

**Proposed by Councillor Miscandlon, seconded by Councillor Mrs French and agreed that**

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

**P16/22**

**F/YR21/1531/F**

**13 CHAPEL LANE, CHATTERIS**

**ERECT 2 X 2-BED SEMI-DETACHED DWELLINGS INVOLVING THE DEMOLITION  
OF EXISTING DWELLING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler explained that it is proposed to demolish the existing dwelling and replace it with a pair of semidetached cottages as the existing cottage has subsidence and would require significant repairs to bring it up to a modern standard. He referred to the presentation screen and pointed out that the photo showing the site and the gap along Chapel Lane that is referred to was previously a large privet hedge which was removed by the applicant to clear the overgrown garden.

Mr Gowler stated that the new pair of houses have been moved along compared to the existing cottage, but overall, it is only 4m wider than the original cottage, therefore, in his view, the gaps in the street scene are still present they are just more balanced each side of the proposed building. He explained that by moving the properties along the windows will no longer overlook the garden of 22 Angoods Lane and the front windows will look onto the front of No.14, however, these windows are already overlooked by the road and footpath link to Angoods Way.

Mr Gowler made the point that no objections have been received from neighbours including No.14 opposite and Chatteris Town Council have supported the application. He explained that this development would provide an additional modern energy efficient small starter home within Chatteris and asked the committee to support the application.

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

- Councillor Benney stated that he has visited the site and there are 16 dwellings in the road and all but three of them are new build properties or replacements. He added that the building is not in a good state of repair and it is leaning and expressed the opinion that if it is not viable to repair it due to costs, it will stay there until it falls down and there are many properties in Fenland which are falling down. Councillor Benney expressed the view that there is a positive development before the committee and there are no objections to the proposal from any consultees. He stated that 13 out of 16 dwellings are fresh dwellings and the street scene has altered which can be seen from the change in bricks. Councillor Benney stated that had the resident at 14 Chapel Lane objected to the proposal then he may have considered the application differently. He expressed the opinion that the building is in a poor state of repair and it would be better for it to be taken down before it falls down and rebuild a new dwelling which is fit for purpose and he will support the application.
- Councillor Murphy stated that in Chapel Lane all the dwellings are houses on that side of the road and there are bungalows opposite. He added that with regards to consistency, all of the dwellings in the lane are at different angles and it is a narrow road, however, the residents on the road have lived there for some time. Councillor Murphy added that he will support the proposal.
- Councillor Miscandlon expressed the view that consideration during any construction should be given to the neighbouring properties as it is a small narrow lane and if approved a condition could be added.
- Councillor Mrs French stated that the house does have a number of cracks in it and it needs to be demolished and rebuilt.
- Councillor Topgood stated that LP16 (D) is a reason for refusal but, in his opinion, it does not detract from the local area and LP16 B, D, E, H, I and K all support the application and he will also be supporting the proposal.

- Councillor Skoulding stated that currently the site looks a mess and, in his view, the design looks fantastic and improves the area and he welcomes the proposal.
- David Rowen stated that the absence or submission of objections to a proposal is not a material planning consideration, and the application needs to be looked at on its own merits. He added that there is no objection from officers to the principle of demolishing the dwelling and replacing it, but the issue is with the detailed relationship that comes about with the form of the proposal.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal makes a positive contribution to the area and without any intervention it will bring a lack of benefit to the area and it does not adversely effect any of the neighbouring dwellings.

*(Councillors Benney and Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Chatteris Town Council Committee, but take no part in Planning matters)*

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

*(Councillors Murphy, Benney, Connor and Councillor Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)*

**P17/22 F/YR22/0084/O**  
**LAND NORTH OF 96A TO 100 WESTFIELD ROAD, MANEA**  
**ERECT UP TO 26 X 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 Ian Gowler, the agent. Mr Gowler explained that the application is for outline approval to establish the principle of development and if approved it is planned to be a mixture of small starter homes including 2, 3 and 4-bedroom houses. He referred to the presentation screen and explained that the photo shown indicates that although the development is an extension of the existing site of 9 dwellings it still falls adjacent to the existing developed footprint of Manea as per Policy LP12 and the open area to the north is planned to be public open space with soft landscaping as required to maintain the character of the open countryside appearance from the North.

Mr Gowler stated that a biodiversity checklist was provided as part of the application and the officer had not requested a more comprehensive ecology report prior to the committee report. He added that the site has been used for material and spoil storage for the development of nine dwellings already approved and, therefore, it is unlikely to have any ecological value, however, the applicant would be happy to an additional survey carried out along with providing ecological enhancements as a condition of the approval.

Mr Gowler stated that no details of affordable housing or offsite contributions have been requested by officers during the application, however, the applicant is happy to provide the necessary affordable housing or contributions in lieu and would also be happy to agree offsite contributions,

with the applicant not looking to carry out a viability assessment to reduce this. He explained that the details of affordable housing provision and contributions could be agreed as part the Section 106 Agreement.

Mr Gowler explained that the site is located is Flood Zone 1 which is low risk and a detailed drainage strategy was included with the application and, in his opinion, the development would help to meet the housing need of Manea by being a mixed development as it meets current policies of the Local Plan in particular LP12 contrary to the officer's recommendation. He reiterated that he would be happy for the necessary conditions to be applied if the application is approved and also the approval subject to Section 106 Agreement.

Members asked Mr Gowler the following questions:

- Councilor Mrs French stated that she is pleased that Mr Gowler has made reference to affordable homes within his presentation as the officer's report does not detail that matter. She added that there is a housing strategy but there is nothing mentioned with regards to education or other requirements. Councillor Mrs French added that 26 dwellings would require 7 affordable homes to be included within the development and at 9.33 of the officer's report it refers to the Council's Local Plan and Section 106.
- Councillor Miscandlon stated that at 9.35 of the officer's report it clearly states that the applicant is unwilling to enter in a legal agreement to provide affordable housing or any other development contributions. Mr Gowler explained that he has never been asked the question from officers with regards to biodiversity and Section 106 but added that the applicant is more than happy to enter into that, and they are not looking to submit a viability assessment to try and reduce that and are happy to go ahead with the full contributions whether that be actual physical houses or financial contributions for social housing and the offsite contributions.
- Councillor Marks asked whether going forward there is the intention to undertake further development going down towards the Darcy Road? Mr Gowler stated that the back of the development which he has indicated is heading towards Flood Zones two and three and, therefore, they have intentionally kept out of that area as it creates potential problems elsewhere and more comprehensive issues with the building. He added that it also provides more space for the attenuation pond and the required public open space, and he explained that he cannot foresee that the area would be developed particularly due to the flood zone issues.
- Councillor Cornwell asked Mr Gowler whether the missing information to accompany his application is only missing as it is an outline planning application and can be provided in due course should his application be approved? Mr Gowler stated that as part of the validation process the application paperwork should be accompanied with a biodiversity checklist and that is submitted and once it is registered if it deemed that a more comprehensive ecology report is required it is then requested by officers. He added that the area where the nine dwellings are being developed has meant that the land behind has started to be used as storage for material and plant equipment and the chance of a protected species being there would be low because the land is being disturbed all the time and that is why the checklist that has been provided is just the standard one as he feels that is enough for this application.

Members asked officers the following questions:

- Councillor Mrs French asked for the detail concerning the Section 106 matter. David Rowen stated that as part of the application, no heads of terms have been submitted and as part of the application form there is a question within that which asks for the relevant housing categories to be selected which are relevant to the proposal. He added that on the application form for this scheme the only housing category which has been ticked on the application form is market housing. David Rowen added that given the answer to that question and the absence of any heads of terms for a potential legal agreement, officers concluded that there is no Section 106 Agreement. Councillor Mrs French stated that she

would not support 26 dwellings that do not contribute to the local community.

- Councillor Miscandlon stated that he cannot support an application which does not give something back to the community and only gives profit to the developer.
- Councillor Marks asked whether a condition could be added with regards to Section 106 contributions and affordable homes? David Rowen stated that a condition for Section 106 contributions cannot be added, and he explained that either an application is granted subject to a Section 106 Agreement, or it is not. He added that the agent has indicated there is the will to enter into a Section 106 Agreement at a very late stage when there has been ample opportunity to advise officers of that fact prior to the application coming before the committee.
- Councillor Sutton stated that the officers report states the reason for the application coming to committee is number of representations contrary to the officer's recommendation and he questioned whether it should also state and objection from the Parish Council. David Rowen stated that the Parish Council object to the application and under the scheme of delegation as the recommendation is to refuse the application there is no reason for it to noted.

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

- Councillor Mrs French stated that the application is incomplete, it is for 26 houses and without a contribution under a Section 106 Agreement she cannot support the application in its present form.
- Councillor Sutton stated that he agrees, and he cannot support the application.

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

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

*(Councillors Benney and Murphy stated that the applicant for this item is known to them, but it would not make any difference to their decision making and voting on the application)*

*(Councillors Murphy, Benney, Connor and Councillor Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)*

**P18/22 F/YR22/0118/F**  
**LAND SOUTH EAST OF 106 WYPE ROAD, EASTREA**  
**ERECT 3 X DWELLINGS (2-STORY 5-BED) INVOLVING THE FORMATION OF 3 X NEW ACCESES**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Lockhart, the developer, was also present to answer any questions from the committee.

Mr Edwards explained that the application for a maximum of 3 dwellings which was recently approved at committee and the dwellings have been constructed on site, however, the application is to remove the acoustic fence proposed to plot six only following recent approvals in the area for additional dwellings and also replacement buildings on the adjacent site. He added that the original outline approval was for six dwellings and it was developed in two separate phases of three and in the outline application there were no acoustic measures required.

Mr Edwards explained there have been a further four dwellings approved to the south of 182 Wype

Road which is the commercial property in question and there was no acoustic provision required for those and officers had stated on one of those applications that 'if there was no demonstration of noise impact it would be an unreasonable condition to add as it can not be shown that it is necessary'. He stated that it also mentioned that 'it is possible that this impact could be mitigated, however, in the absence of any demonstration or evidence of the likely observation effect of noise resulting from the agricultural operation it is not possible to determine that mitigation might be effective or how appropriate this may be particularly given the rural character of the area for example a large acoustic fence may cause additional visual harm to the rural character of the area and may therefore not be appropriate from an aesthetic point'.

Mr Edwards stated that the agricultural enterprise at 182 Wype Road has recently had 2 approvals for 2 new workshops under planning references F/YR20/0238/F and F/YR21/0872/F and on both these applications the Environmental Health Team note and accept the submitted information and have no objections to the proposed development as it is unlikely to have a detrimental effect on local air quality and noise climate. He added that both of the buildings did not require any acoustic mitigation measures.

Mr Edwards stated that as far as he is aware there have been no instances of noise complaints against the business at 182 Wype Road and as they have not had to provide mitigation, in his view, it seems unfair that his client should have to and if there was an issue there should have been an allowance for insulation in the walls and the roof of the proposed new buildings. He referred to the presentation screen and advised members that the applicant has retained the existing hedging and installed a 2 metre high close boarded fence along the boundary of number 182 which provides adequate screening as the adjacent buildings cannot be seen from the rear garden of plot 6 or the ground floor of the house.

Mr Edwards asked the committee to support the application without the need for the acoustic measures highlighted.

Members asked Mr Edwards and Mr Lockhart the following questions:

- Councillor Mrs Davis questioned Mr Edwards and Mr Lockhart and asked them to clarify why they went ahead and built plot 6 without adhering to the conditions and did not come back to the committee before it was built? Mr Lockhart stated that the officers stated that they would not support the application without the installation of the acoustic measures which included triple glazing, an acoustic fence and a balcony. He added that he agreed with these additions but questioned the balcony as it was not his idea to add a balcony which, in his view, contradicts the other required measures and he added that this has not been built because it is not required. Councillor Mrs Davis addressed Mr Lockhart and stated that what he is saying that he agreed to the conditions, but he had no intention of complying with them. Mr Lockhart added that the other applications that Mr Edwards has referred to have been approved and they have not been required to have any noise mitigation measures put in place. He added that he does not want to have anything special, he just wants to be treated the same as the other dwellings and to be treated the same as the adjacent business which has no mitigation measures and there are no mitigation measures in place for the bungalows on the other side, which has the access and egress road going into their business. Mr Lockhart explained that the 2 new workshops have received planning permission meaning that the side of his building is the back of those buildings and not the side where the doors are. He stated that he has a 2.1 metre fence, at least a 3-metre-high laurel hedge and the back of the new buildings which have been approved and, in his opinion, he does not think it is fair to insist that he installs noise mitigation measures and he would like the Council to be consistent and to treat his application the same as the other applications that have been passed.
- Councillor Topgood asked Mr Lockhart to confirm that he agreed to the conditions when they were applied to the application, and he confirmed that he had. Councillor Topgood stated that Mr Lockhart has taken it upon himself not to comply with the conditions and he asked him to explain the reasoning behind that decision making, without any consultation

with officers. He added that the photographs demonstrate that the fence has been erected but the balcony has not been included. Mr Edwards stated that a fence was erected as a precautionary measure on the boundary to stop any issues and if the acoustic fence is still required then that fence can come down and an acoustic one put in its place. He added that if there is the requirement to go back to the original approval then that will be the case and then mitigation measures will have to be brought back in. Mr Edwards explained that the reason for the application before the committee is due to the additional development that has taken place adjacent to the site and it was felt to be unfair, but if the measures have to be put back in as part of the original approval then that will have to be done.

- Councillor Marks asked whether the business was there before the development started and Mr Lockhart stated that it was. Councillor Marks asked what type of business is it? Mr Lockhart explained that it is his understanding that it is a business that looks after spraying equipment for the farming industry.

Members asked officers the following questions:

- Councillor Mrs French asked officers to explain the inconsistencies with regards to the applications. David Rowen stated that in terms of the application site, in his opinion, there has been compete consistency with the detailed schemes as there has always been the requirement for noise mitigation measures to be provided and there has been a consistent approach in terms of the replacement buildings at the agricultural business as that is the source of noise and the assessment there included whether the development is likely to increase and expand activity which would mean an increase in noise and it was considered that would not be the case and therefore there was no reasonable requirement for noise mitigation to be provided. He explained that in respect of the bungalows on the other side of the business the first permission was granted by committee against the officer's recommendation and noise may not have been addressed as part of that application and in addition there has been further permission granted for another two bungalows. David Rowen made the point that the previous decision that the committee had made in respect of the three dwellings post dated that decision on the two bungalows and the Council has accepted that there needs to be noise mitigation on plot 6.
- Councillor Cornwell stated that it is his understanding that the noise mitigation measures that were approved were intended to protect the people living in the house from any noise from the business and now the applicant wants to remove the conditions, so that whoever lives in the dwelling will not be protected against the noise and he fails to understand why anybody would not want to protect themselves from noise.
- Councillor Benney asked whether a noise assessment study has ever been carried out to ascertain noise levels from the spraying business because there is no need for the mitigation measures to be implemented if there are no noise issues identified. David Rowen stated that as part of this application to remove noise mitigation measures there would be the expectation that some sort of assessment to justify the removal of such measures would be included but the comments received from Environmental Health have stated that there is no justification contained within the application to convince them that by removing the mitigation measures the people living in plot 6 would not be adversely affected and the onus would be on the applicant in this case to commission a noise assessment and submit it with the application.
- Councillor Marks stated that if the noise assessment is done and they are an agricultural business there will be different types of noise generated at different times of year.
- Councillor Mrs Davis asked officers to clarify that the noise mitigation is required for plot six as that is the closest plot to where most of the work undertaken by the business is carried out? David Rowen confirmed that is the case.
- Councillor Connor asked officers to clarify what has changed and David Rowen stated that there is no evidence which has been provided to demonstrate that anything has changed since January 2021 when the committee approved the application with the condition of the noise mitigation measures.
- Councillor Cornwell stated that the committee have a duty to protect the wellbeing of those

residents who will reside at plot number six.

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

- Councillor Mrs Davis stated that this application concerns her and if it is approved it will set a precedent that applicants will ignore any conditions added to applications and do exactly what they want and, therefore, in her opinion she will be refusing the application.

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

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

*(Councillor Miscandlon left the meeting at 5.00pm following this application)*

**P19/22 F/YR22/0293/O**  
**LAND EAST OF FERRY FARM, LONDON ROAD, CHATTERIS**  
**ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater expressed the view that the issues involved have been previously addressed and are well rehearsed. He explained that there are no technical or amenity objections to the proposal and the single reason for refusal relates to the officer's interpretation of the strategic settlement hierarchy Policy LP3.

Mr Slater stated that both the application submission and indeed the officer's report address this matter, and both also address the issue of the precedent of recent residential development established through the recent grant of permissions in the vicinity where there have been 7 plots approved in the vicinity since 2013 and most importantly for 4 dwellings approved immediately adjacent to the site since 2019. He added that it is the most recent approvals that are most relevant as they have been approved pursuant to the current Local Plan and more recent editions of the NPPF.

Mr Slater expressed the view that it is clear, having looked at the planning history in relation to development on the current application site, that the committee has consistently taken a different view to officers in respect to the interpretation of LP3 and the definition of an 'elsewhere location' and following the committee consideration of all of the recent developments on the adjacent sites the resultant decision notice notes that the committee in the consideration of the scheme concluded that the application site was not considered to be in an elsewhere location under the terms of LP3 and he added that with the committee taking this consistent position it is clear that the members consider that the principle of the development is in accordance with LP3. He added that the recent planning decisions by this committee in 2019, 2020 and 2021 have all been made under the currently adopted Local Plan having complete regard to the wording of and meaning of LP3 and he added that he would, therefore, request that in the interests of good planning and consistent decision making that the committee takes the same approach to the current application, and that planning permission is granted for the development.

Members asked Mr Slater the following questions:

- Councillor Murphy asked whether the development is going to be a dwelling for a family member and Mr Slater confirmed that it is his understanding that it will be. Councillor Murphy stated that the dwelling will be in very close proximity to the adjacent dwelling which

is why he asked the question.

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

- Councillor Benney stated that he recalls other development in the vicinity from previous planning meetings and he explained that when taking into consideration of LP3 of the Local Plan, he has stated before that the Chatteris sign is a mile further out of the town where it says Fenland begins and Chatteris begins. He added that the committee has consistently passed the other bungalow in the vicinity of the proposal site and also the second bungalow which is the other side along with three dwellings which are directly opposite on the other side of the road. Councillor Benney expressed the view that the committee cannot be consistent and refuse the application as they do not think that it is an elsewhere location when on two previous occasions, he has stated in a committee meeting that it is not an elsewhere location. He expressed the opinion that the site is within Chatteris because it is within the boundary and to remain consistent he feels the application should be approved.
- Councillor Topgood stated that he does not have an issue with the application, and Fenland is a rural area and people will have to use cars as there will never be cycleways and buses on people's doorsteps so using a car is the only option.
- Councillor Cornwell stated that he agrees with the comments made and he added that over the years approval has been given for development along London Road and as a committee there needs to be consistency. He expressed the opinion that it is not a large dwelling, and it fits in with the location and the current Local Plan does not seem to acknowledge that type of settlement and this application should be approved.
- Councillor Murphy stated that he agrees with the comments made and also expressed the view that it is not an elsewhere location as it is in somebody's front garden. He feels an elsewhere location is in the countryside and the application site is definitely not in the countryside as it is close to amenities, and he will support the proposal.
- Councillor Sutton stated that officers have been consistent in their assessment with the elsewhere location status and he added that he agrees with them. He made the point that the committee has gone against officer's recommendation in that area on three occasions and, therefore, the committee have now no choice other than to approve the application.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal site is not considered to be in an elsewhere location, the development is infill and in the proximity of services and facilities.

*(Councillors Benney and Murphy declared, under 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)*

**P20/22**

**F/YR22/0427/F**

**LAVENDER COTTAGE, SEADYKE BANK, MURROW**

**ERECT AN ANNEX (2-STOREY, 2 BED) INCORPORATING TRIPLE GARAGE AND  
POOL HOUSE**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater stated that with the new Local Plan emerging and having been to Cabinet in May the content of and wording of planning policies is a significant issue for the Council at this time. He added that members will be aware that there are essentially 2 types of policy,

strategic and what can go where along with impact and what will the impact of a development have.

Mr Slater made the point that the strategic objections to the application before them from the officer are based on a reinterpretation of the application submission to suppose it is a separate new dwelling and added that this is not the case as the application is made explicitly for an annex accommodation and garage and pool room incidental to the existing dwelling on site. He expressed the view that officers have reinterpreted the application as one for a new dwelling and in doing so have applied the strategic policies in terms of location and flood risk which are not appropriate for the development applied for.

Mr Slater stated that with the application description of development as submitted, Policy LP3 is not relevant to annex accommodation, as by definition it must be related to the existing residential unit as an annex cannot be on land outside of the host dwellings curtilage and as such reason 1 falls away. He added that for domestic annex accommodation a flood risk sequential test is not necessary as it by definition forms part of the established residential unit and, therefore, it is also considered that reason 3 for refusal falls away.

Mr Slater expressed the view that is, therefore, contended that the key reason for refusal must be one of impact, rather than principle as set out in reason 2. He explained that the pool is already in situ and the proposal simply seeks to put a building around it and this form of development would normally be built as permitted development under class E as it is less than 4m in height and incidental to the residential use, with the garaging itself if it were part of a single storey building would also be permitted development (less than 4m height under class E).

Mr Slater stated that the officer's report at paragraph 9.5 confirms that the external appearance of the annex is considered acceptable in its own right, which, in his opinion, seems to contradict the policies quoted in relation to design within reason for refusal 2 as both LP16d and the NPPF references, which are appearance-based policies. He added that the site lies within a well screened area with surrounding agricultural and residential properties such that the proposal will have very little visual impact outside of the immediate site.

Mr Slater stated that the Council does not have an adopted policy or indeed supplementary planning guidance in relation to the definition of and scale of annex accommodation and as such it falls as a matter of judgement in relation to scale and the relationship to the existing/host property. He explained that the main house is currently occupied by Mr Turner and his family who along with Mr Turner senior, operate Turner Contracting Ltd, which is a successful local business which operates from the yard to the rear.

Mr Slater explained that Mr Turner senior personal circumstances have changed recently, and he needs to find accommodation in the locality to enable him to be close to his family and to continue to work in the business and facilitate the transfer of the business to his son. He added that there is, therefore, an economic basis for the application to enable to continued smooth operation and transfer of the business as well as a social one to enable Mr Turner senior to remain close to his family.

Mr Slater pointed out that members will note that the definition of sustainable development in the NPPF incorporates both a social and economic strands and stated that Mr Turner senior will continue to work part time in the business and needs to be on site to assist in day-to-day operation with his input reducing over the next few years and the annex would enable him to do this whilst enabling the family occupation of the main house and business continuity during the transition. He expressed the view that it is common practice that matters of the annex accommodation being and remaining ancillary to the main house can be controlled by condition and it is noted that there are no technical objections to the proposal and the Parish Council recommend approval.

Mr Slater asked that members consider the application in the terms of its submission as annex accommodation and incidental garage/pool room as it is contended that the proposal causes no material harm in policy or impact terms.

Members asked Mr Slater the following questions:

- Councillor Sutton stated that although the swimming pool is already in place it is very small there are plans to extend it as it gives a roof lantern of five metres by two metres and a pool is probably 10 metres by 20 metres and he asked for confirmation that the current pool will not remain in its current form. Mr Slater confirmed that the swimming pool on site will not be the swimming pool.
- Councillor Mrs Davis asked whether there is a reason why Mr Turner senior needs a home which is bigger than the house that the rest of the family are currently residing in. Mr Slater explained that the actual area of the building that is accommodation is obviously a relatively small portion of it and he needs two bedrooms for his own needs plus a guest and, therefore, the actual accommodation part is first floor over the garage.

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

- Councillor Sutton stated that he has never seen an annexe before which needs a three-car garage and a swimming pool and, in his opinion, it is going to be used by the current household.
- Councillor Benney expressed the opinion that when you are caring for people you do need extra space as there is more storage and equipment required, such as hospital beds, wheelchairs and mobility aids. He added that in certain circumstances it can also be an option for a carer to come and live in the household which is possibly why two bedrooms are required. Councillor Benney expressed the view that the swimming pool may be required to assist with the care and therapy although there is nothing within the report to suggest this. He added that from what he has heard today there appears to be the need for the two bedrooms and the need for space in the building and if a pool is used for part of the therapy, which he accepts has not been proven, but these adaptions do lend to somebody who is old and wants to keep mobile and they can be a benefit to the family.
- Councillor Mrs Davis stated that if the application had come before the committee with the request for the proposal to be built because there was family that needed this type of accommodation, but it has been said that the gentleman is going to continue working part time and, in her opinion, it does not suggest that he needs all of the proposed facilities.
- Councillor Topgood stated that the report states that the ground floor of the annexe will be used jointly between the whole household, and he added that the planning regulations encourage family units and health and wellbeing of the family and to look after aging relatives. He added that the family should be applauded for their efforts and whilst the gentleman may be able to work currently there are many people who are immobile who work two or three days a week. Councillor Topgood expressed the view that he cannot see anything wrong with the application.
- Councillor Cornwell stated that families get to a stage where they take the same view where they begin to try and plan ahead for the future, and he expressed the view that he can see an increase in these types of applications. He can understand why the application included two bedrooms, but he does not think that the case has been justified properly.
- Councillor Marks referred to a previous application which committee had considered in Manea which was for an annexe accommodation. He added that unfortunately older people do need help and assistance and that is not being put on social welfare going forward.
- Councillor Benney stated that although the gentleman can work currently, health can deteriorate very quickly and, in his opinion, to have this in place before the gentleman's health deteriorates further is a very forward-thinking step.
- Councillor Mrs Davis asked officers to clarify that if the application had been submitted for this type of accommodation for ill health reasons would they have made the same recommendation. Nick Harding stated that when dealing with an application for an annexe the starting point has to be whether the proposal is of a scale which is relevant to the

context. He added that mixed in with the proposal for an annexe there are other elements which are associated with providing facilities which are shared between the annexe and the main dwelling such as the swimming pool and garaging. Nick Harding stated that nothing has been presented with regards to the health concerns and a health evidence base to justify the need for an annexe.

- Councillor Murphy stated that he thinks the proposal is totally out of context for where it is and, in his opinion, it is just a large annexe for the family.
- Councillor Cornwell asked that if somebody submits an application for an annexe do officers ask the applicants for some type of justification and if officers did not ask for more information how does the applicant know what information they have to submit? Nick Harding stated that in this case the agent is well aware as to what information needs to be submitted as part of a planning application and the agent has submitted a statement with this application to advise that the annexe is needed as the gentleman has found himself in a change of circumstances and needs to move closer to his family and is approaching semi-retirement and will hand over the business to his family.

**Proposed by Councillor Sutton, seconded by Councillor Murphy and agreed that the application be REFUSED as per the officer's recommendation. This was not supported by 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 delegated authority given to officers to determine appropriate conditions.**

Members do not support the officer's recommendation of refusal of planning permission as they consider that the proposal does meet the requirements of LP3 as it is an annexe, and the proposal will benefit the family and overrides the reasons stated for refusal.

**P21/22 ENF/248/19/S215  
STRATHMORE HOUSE 169 FRIDAYBRIDGE ROAD ELM(CONFIDENTIAL)**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

**It was proposed by Councillor Skoulding, seconded by Councillor Cornwell and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).**

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

**P22/22 ENF/050/21/S215  
2 MARKET STREET WHITTLESEY (CONFIDENTIAL)**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

**It was proposed by Councillor Skoulding, seconded by Councillor Cornwell and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).**

*(Members resolved to exclude the public from the meeting for this item of business on the grounds*

that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)

6.00 pm                    Chairman

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F/YR22/0217/LB

**Applicant: Mr Ernie Head**

**Agent : Tony Godwin**  
**FCD Architecture**

**130 High Street, Chatteris, Cambridgeshire, PE16 6NN**

**Works to a Listed Building involving the conversion of shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of existing dwelling**

**Officer recommendation: Refuse**

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

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F/YR22/0218/F

**Applicant: Mr Ernie Head**

**Agent : Tony Godwin**  
**FCD Architecture**

**130 High Street, Chatteris, Cambridgeshire, PE16 6NN**

**Change of use of shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of existing dwelling**

**Officer recommendation: Refuse**

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

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## 1 EXECUTIVE SUMMARY

- 1.1. These applications seek to carry out works to the Listed Building and a change of use to convert the existing shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of the existing dwelling.
- 1.2. The proposal seeks to create a 2-bedroom dwelling within the envelope of the single-storey listed building. The 2-storey cottage to the rear is to be demolished.
- 1.3. The principle of conservation led regeneration by conserving and returning the building to residential use is wholly supported, however the development is considered to cause substantial harm to the heritage asset. However, the proposal submitted is not a conservation led approach and the development is considered to cause substantial harm to the heritage asset and damage to the fabric of the building.
- 1.4. The public benefits of securing the reinstatement of the historic plan form, and a

more sensitive regeneration of this listed building (thereby securing its optimum viable use as a residential property under paragraph 202 of the NPPF), could be achieved without causing significant harm to the heritage asset, unless clear and convincing justification is provided to the contrary. To approve the application in its current form would be in contravention of the NPPF and Policy LP16 and LP18 of the Fenland Local Plan 2014.

1.5. Given the clear conflict with the relevant policies, it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.6. Consequently, the recommendation is to refuse both applications.

## 2 SITE DESCRIPTION

2.1. The application site is situated on the western side of High Street, within the market town of Chatteris. The site is located within Chatteris Conservation Area and a Grade II Listed Building is located on the site.

2.2. 130 High Street is a late 18<sup>th</sup> century row of houses, with small shop to the east gable end. The houses to the rear of the row are formerly known as 1 & 2 Whalley's Yard.

2.3. The row of houses runs perpendicular to the road. The row faces gable end on to High Street, with the former shop fronting the road. The middle section of the building was last used as a dwelling, with the rear section of the row being utilised as a store.

2.4. The cottages to the front of the site are single-storey with dormer attics and are Grade II listed, with a 2-storey cottage to the west end of the row. This is not included within the listing description, however is listed by virtue of its curtilage relationship to the listed building. The whole represents a vernacular Fenland traditional building built with local materials, including reed and plaster ceilings, 'box-stairs' and triple roll pantiles.

2.5. To the west of the application site is a mid-19<sup>th</sup> century cottage, which faces the High Street. The application site and this property are separated by a close-boarded fence and gate. The application site is accessed via a dropped kerb and shared driveway with the cottage to the west.

2.6. The cottages which are subject of this application are on Fenland District Councils Building at Risk Register.

## 3 PROPOSAL

3.1. These applications seek to carry out works to the Listed Building and a change of use to convert the existing shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of the existing dwelling. The partial demolition refers to the 2-storey cottage to the west of the row.

3.2. The proposal includes:

- Alteration to internal walls, which will remove the partition between the living room and historic shop front

- Raising of ceilings within the existing kitchen and bedroom 2 area by 225mm
- Removal of ceilings above the existing living room/shop and dining area which will be replaced with vaulted ceilings
- Insertion of a mezzanine with an introduced paddle stair
- Existing staircase raised by 1 step
- Existing external brickwork walls to be repaired by taking down and rebuilding damaged or bowing portions
- Construct a ring-beam tied across the width of the building within the cross wall partitions to Bedroom 1 and the living room.
- Install a limecrete floor
- Introduce DPC and modern vapour barriers
- Ventilation systems
- Plasterboard

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

F/YR22/0217/LB

[F/YR22/0217/LB | Works to a Listed Building involving the conversion of shop/dwelling to 1 x dwelling \(2-storey, 2-bed\) involving the partial demolition of existing dwelling | 130 High Street Chatteris Cambridgeshire PE16 6NN \(fenland.gov.uk\)](#)

F/YR22/0218/F

[F/YR22/0218/F | Change of use of shop/dwelling to 1 x dwelling \(2-storey, 2-bed\) involving the partial demolition of existing dwelling | 130 High Street Chatteris Cambridgeshire PE16 6NN \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

No previous planning history on site.

## 5 CONSULTATIONS

### 5.1 Chatteris Town Council

*Support.*

### 5.2 FDC Conservation Officer (05/04/2022)

1. *A planning permission and listed building consent application have been submitted concurrently with regards to 130 High Street, Chatteris, a grade II listed building (LEN: 1249620) listed on 28th January 1994. The applications are for works to enable the conversion of a shop/dwelling to a single residential unit providing 2 bedrooms on the ground floor, with storage in the attic space above, and involving the demolition of the 2-bedroom cottage at the west end; the planning permission covers the change of use, from shop to residential.*
2. *In considering whether to grant listed building consent, 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 S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

3. *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.*
4. *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.*
5. *Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8 195, 196, 197, 199, 200, 201 and 202. The following comments are made:*
6. *A heritage statement has been submitted with the application. The information is insufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan in that it does not correctly assess the significance of the asset or adequately describe the level of impact of some elements of the proposal (e.g., permanent loss of stacks, lack of assessment of interest of cottage proposed for demolition, methodology for rebuilding, and impact of the scheme on the setting of the listed building (for the partial demolition) and on the conservation area).*
7. *There is no objection to the principle of this application. However, the following comments are made:*
  - i. *No. s 130 High Street and 1 & 2 Whalley's Yard are a late 18th century row of houses with small shop to the east gable end. The row faces gable end on to the high street and as such reflects a disappearing tradition of medieval burgage plots and linear buildings and yards within the conservation area. The cottages are single storey with dormer attics and a later two storey cottage to the west end. The whole represents a vernacular Fenland traditional building built with local materials including reed and plaster ceilings, 'box-stairs' and triple roll pantiles. The materials, together with its surviving plan form and plot survival represent a rare survival in Fenland generally, and in Chatteris specifically. It is therefore significant both locally and nationally and is grade II listed.*
  - ii. *The whole range was included on an early list of Buildings of Local Interest in Chatteris, and the two-storey cottage is attached to the listed building and was in existence and in the same ownership at the time of listing. It is therefore considered to be within the curtilage of the listed building and is afforded the same legal protection, unless and until a revised listing through Historic England's Enhanced Advisory Service is provided by the applicant, which was referred to in the heritage statement but has not been submitted. The two-storey element contained an early vernacular boxed in staircase with cupboard under and leading to a first floor. These elements were removed without consent and the stair is in pieces and in an unknown condition somewhere on site. The entire range represents a rare, if not unique survival of this type in Chatteris.*
  - iii. *To the west end of the site sits a mid-19th century cottage which faces the High Street and occupies the rest of the plot with garden amenity. These cottages are*

now separated by an unsightly close boarded fence and gate and the listed building, and its curtilage building are left without amenity space, as the access is shared. It is currently understood that the whole site still remains under one ownership.

- iv. The cottages which are the subject of this application have been on FDCs Building at Risk Register for some considerable time, having been inhabited by an elderly lady (who ran the sweetshop which is remembered by many and held in local affection), who was unable to undertake any works of necessary maintenance. The east end bay was struck by a lorry in 2003 and rebuilt on a like for like basis, using materials salvaged from the site, through the insurance process. There is no planning history relating to this episode. The property became vacant in 2007 on her death (around 100 years old) but was inherited by her elderly and vulnerable son who lived in the cottage to the west of the site. The whole site therefore remained under one ownership. The Council sought to work proactively with the new owner, with advice and support, including liaising with a Building Preservation Trust to take on the site, but though progress was made (including propping the building internally and commissioning independent valuations), no resolution was reached. The property was placed on the open market and the current owners then purchased the whole site (separate cottage and listed building) in early 2019, having had the opportunity to make themselves fully aware of its condition, and having been informed of its listed building status and the processes which would need to be followed.
- v. A S.77 Building Act (1984) Notice was served on the building on 22nd March 2019, stating that the central and side chimney stacks were to be removed below the roof line; that loose roof tiles were to be removed; internal props were to be checked; with restraints added to the walls. The current owners proceeded to carry out some of these works without initial discussion with the planning or conservation teams. The chimneys were removed below the roof line, but all building rubble left in the roof space adding weight to the building; the roof was stripped in its entirety (beyond the minimum necessary) and ceilings removed along with the staircase from the end cottage. It was considered that these works were unauthorised, and work ceased on site. The Council sought to work proactively with the owners and encourage a suitable scheme for repair and conservation, rather than take a negative stance.
- vi. However, the roof remained without covering and all internal walls and finishes were exposed to considerable rainfall and weathering for a number of years. Engagement with the Enforcement Team was required in order to secure a covering for the roof, and sheets and battens were applied, but this has not been maintained, leading to further weathering and total saturation of the building. The result is that the whole of the roof structure is beyond salvage, with ongoing saturation to walls and internal ceilings and finishes. The building has therefore been subject to neglect and damage, and as such paragraph 196 of the NPPF will be relevant and the condition of the building will not be taken into account in these comments and should not be taken into account in any decision.
- vii. The applicants were repeatedly encouraged and requested to submit a valid listed building consent application for the proper conservation and repair of the building and advice and support were offered on numerous occasions, including sharing FDC funded reports by Conservation Accredited Structural Engineers for a Specification and Schedule of Works in 2016 and updated in 2021 and a summary of advice following a meeting dated 12.02.2020. Despite this advice, a

pre-application enquiry was submitted for the total demolition and rebuild of the site, and this was not supported. The current proposal has now been submitted.

8. The Proposal seeks to create a two-bedroom dwelling with the envelope of the single storey-listed building with alteration of internal walls (resulting in the loss of the partition between living room and historic shop area), raising of some ceilings and total loss of others, the insertion of a mezzanine with an introduced paddle stair. The existing staircase is proposed to be raised by one step in order to access the attic space, the level of which has changed due to the raising of the ceiling. It is proposed to take down sections of the wall and rebuild them, construct a ring-beam, dig out the floors and install a limecrete floor, introduce a DPC and modern vapour barriers, ventilation systems and plasterboard. The condition of the ceilings is put forward as a justification for their loss contrary to policy 196 of the NPPF, and the total demolition of the two-storey cottage is a means to the end of 'leaving the original building as it began', without any assessment of its intrinsic significance, or significance in relation to the listed building, or the conservation area.
9. There is insufficient detail to accurately assess the impact of the proposal, and whilst some is supported in principle (such as necessary stabilisation of the walls and reinstatement of the roof) more detailed information is needed to fully understand the methodology behind these proposals and therefore their impact on the special interests of the building. Other elements of the proposal also require more information in order to assess whether the principle is supported, such as raising ceiling heights, installing a ring beam and thermal improvements. There are also some elements that are not supported in principle, or require further and clear justification, such as loss of ceilings, installing a DPC and ventilation systems, use of plasterboard, alteration to plan form, and total demolition of the two-storey cottage. Still more elements are missing from the application entirely, including the total loss of stacks (i.e. no indication of their reinstatement) and chimney breasts from the kitchen and a schedule of works to any joinery.
10. The justification of the loss of the two-storey cottage is put forward as the benefit of the provision of two-parking spaces. There is no requirement for the additional provision of parking for an existing residence. The justification for the proposed requirements for thermal improvement and ceiling height are to meet with current building regulations, and yet as a listed building, though it may be desirable, there is no requirement to meet with these stipulations. Some modern interventions such as the introduction of vapour barriers can cause damage to historic fabric, whereas the use of historic material such as lime, would negate the need for ventilation systems. The justification of the provision of a 2-bedroom home, cannot be seen as public benefit when the property already provides (were it in sound condition) residential accommodation. The public benefit, and therefore, the justification, must be the conservation, stabilisation, repair and reinstatement of a listed building. The balance between intervention or alteration, and conservation must therefore be carefully struck in order to ensure that the harm arising from loss of original fabric does not outweigh the overall aim of the reinstatement of significance. For instance, without a precise methodology to ensure otherwise, the rebuilding of the cottages (due to the saturated condition of the brickwork) may well result in substantial harm despite the intention to conserve and rebuild.
11. The principle of conserving and saving this building and returning to residential use is wholly supported. However, in order to protect the special interests of the

*building, amendments to the scheme are needed. These amendments will achieve the same overall outcome but with a minimum intervention approach to the historic fabric and special interests of the building in accordance with para 195 of the NPPF. The necessary structural works can be covered by condition if additional information is not forth coming, and these will be outlined below.*

12. *Required amendments include:*

- i. *Retention of ground floor layout and floorplan. From east to west, the shop area should be retained, though the infilling of the doorway (internally only, with door kept to the exterior) would be supported. This area could become a study. A paddle stair would not be supported as it is not considered necessary or desirable.*
- ii. *The living room can remain as such.*
- iii. *The stairs opposite the south entrance (door to No. 1 Whalley's Yard) should remain with no requirement for an extra step). The kitchen could become a bathroom with the chimney breast retained and the stack reinstated.*
- iv. *Bedroom 4 could then become a larger more useable kitchen.*
- v. *The final bay to the west could be enlarged with the removal of the modern partitions currently in place for a wc and a shower room and could therefore become a spacious dining room.*
- vi. *It is stated in the above referenced reports that with a renewed roof structure and internal partitions to provide lateral restraint to the walls, then the existing form of the roof and open first floor accommodation could be utilised. It follows therefore that there should be no requirement for alteration in the floor plan or for any loss of or raising of ceilings.*
- vii. *If the current arrangement is maintained it therefore follows that the existing stairs would lead to a landing, with a bedroom to the east with walk-in-wardrobe space above the shop, and a further walk-in-wardrobe space to the west, leading through to the second bedroom above the current and proposed dining room. This space would require the addition of a catslide dormer window but given that this would not result in the loss of any historic fabric (given the need to entirely replace the roof) and the alteration would enable the retention of current layout and a result in a more useable space, this would be supported.*
- viii. *The above points set out a minimal intervention approach which achieves the desired outcomes of a 2-bed home, whilst retaining maximum historic fabric and significance (subject to conservation methodologies).*
- ix. *The two-storey cottage can also feasibly be retained as a separate one-bedroom residence consisting of a kitchen and living/dining room on the ground floor, with reinstated stairs leading to a single bedroom and bathroom above. Alternatively, access could be joined from the ground floor of No. 2 Whalley's yard to the south of the fireplace in the dining room to provide additional accommodation for a single-family residence, such as the required/proposed 2no. bedrooms if it is considered that the existing attic space in the main range is insufficient for head height, or an additional bedroom(s), bathroom, snug, study, storage, etc.*

13. *With regards to the desired thermal improvements requires an informed and sensitive approach. The goal should be to achieve a building that is wind- and watertight, thermally efficient and comfortable, without compromising the breathability or the integrity of its historic fabric. Listed Buildings are exempt from Part L of Building Regulations where the requirements would unacceptably alter their character or appearance internally or externally. The details of the breathability of any proposed material should be verified. There will be a risk of creating problems if inappropriate materials are selected, detailing is poor, or installation is badly executed. The Old House Eco Handbook provides excellent detailed advice on all elements of thermal improvements as does the Practical Building Conservation series volume on Building Environment and Historic England Technical Advice pages on their website.*

### **5.3 FDC Conservation Officer (14/07/2022)**

*The NPPF defines substantial harm as total loss of significance and therefore sets the bar extremely high.*

*I therefore consider that, based on the information submitted, the demolition of the two storey end cottage only (as a curtilage element to the principal listed building) would result in less than substantial harm to the significance of the principal listed building. However, in accordance with paragraph 202 of the NPPF, it is not considered that the proposal to demolish the two-storey element is sufficiently outweighed by public benefit to justify that harm. However, I also consider the type and extent of works and alteration proposed to the principal cottage (without the suggested amendments) to amount to substantial harm. The demolition of the two-storey cottage in conjunction with the proposed works, would demonstrably contribute to that level of harm.*

*The following policies therefore apply:*

*Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. Evidence of that damage and neglect, amounting to unauthorised works, has been articulated in previous comments.*

*Paragraph 199 of the NPPF states that great weight should be given to the asset's conservation.*

*Paragraph 200 of the NPPF states that substantial harm should be wholly exceptional.*

*Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm....local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary is to achieve substantial public benefits that outweigh that harm, or all of the following apply:*

- a) The nature of the asset prevents all reasonable uses of the site*
- b) No viable use of the asset can be found in the medium term, including marketing*
- c) Conservation by grant funding, non for profit, charitable or public ownership is demonstrably not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

*The alternative proposals set out in my initial comments could achieve a minimal harm alternative and no information has been put forward to illustrate that this would not be viable. Therefore, it has not been demonstrated that the level of substantial harm is necessary. Point a) cannot be met, as paragraph 196 applies; point b) cannot be met as para 196 applies, and the site has not been marketed; Point c) has not been met, as no information has been submitted to illustrate this and point d) has not been met, as a minimal harm alternative scheme could be developed that would achieve the same or better outcome in terms of residential provision, and a better outcome in terms of giving great weight to the conservation of the asset.*

*I therefore consider the proposal to amount to substantial harm overall, and that the application is contrary to policy on several points.*

*I therefore strongly recommend the application either for amendment, or refusal, as an approval in its current form would be contrary to policy, would amount to condoning unauthorised works to a listed building, and will result in substantial harm to historic significance, and could result in actual harm to the fabric of the building (and therefore comfort and health of future residents) by the introduction of inappropriate modern materials and damp proofing interventions.*

*It is regrettable that no amendments or discussions are forthcoming, as a sensitive and positive scheme could be achieved for this site.*

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

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

*Due to the proposal for demolition works and close proximity to noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted;*

##### **UNSUSPECTED CONTAMINATION**

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

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

##### **NOISE CONSTRUCTION HOURS**

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

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

#### **5.5 Historic England**

*Historic England provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the merits of the application.*

*We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>*

## **5.6 Georgian Group**

*We welcome the repair and reuse of this notable row of late eighteenth century red brick cottages; however, The Group has reservations regarding the proposed demolition of the two-storey probably early nineteenth century cottage which terminates the row. The cottage proposed demolition is of considerable intrinsic value and both makes a positive contribution to the setting of the grade II listed Nos. 1 & 2, and to the surrounding conservation area. Unfortunately, neither an adequate assessment of its significance or a robust justification for its removal have been provided to date.*

*The NPPF (2021), paragraph 200 makes clear that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Whilst applicants are required within paragraph 194 of the NPPF to provide an adequate assessment of the significance of any historic fabric which is to be removed or altered.*

*When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.*

*The Group notes that the applicant's supporting documentation mentions that your authority has advised the applicant to obtain an assessment of the two-storey cottage via Historic England's Enhanced Advisory Service, this should be done before any decision is made on the cottage's future.*

## **5.7 Council for British Archaeology**

*This application does not meet the requirements of paragraphs 194, 195, 199 or 200 of the NPPF at present. We therefore recommend that it should be withdrawn and revised. The site requires a conservation-led approach to its regeneration based on an understanding of its significance. This should minimise interventions into the historic fabric of the buildings or alterations to its historic plan form.*

*Significance*

*The national importance of the application site is recognised by its designation at Grade II (NHLE No. 1249620). The short 18th century row of cottages with a shop contribute to the character of the Chatteris Conservation area and articulate the town's historic grain.*

*The site is in an advanced state of disrepair, meaning that its significance and contribution to the character and appearance of the conservation area could be better revealed. This will be best achieved through a conservation-led approach to the site.*

### *Comments*

*We note the detailed and authoritative comments provided by your Conservation Officer. As these tally closely with our own views on the application we do not propose to comment separately in detail. However we would like to offer our full support for the comments and recommendations provided by your Officer, in particular in relation to the insufficient information that accompanies this application at present and the need for a better understanding of the site's significance, justification for the extent of demolition and a more conservation-led approach to the Listed building. Creating parking provision and meeting building regulations do not constitute justification for the demolition of a listed building or the interventions that are currently proposed into historic building fabric. The historic plan form should be conserved in revisions to these proposals. Your Conservation Officer offers practicable alternatives to the current scheme, which the CBA support as far preferable for the conservation of the listed building's significance.*

*The CBA support the principle of redeveloping this very dilapidated site, however the current proposals do not meet the requirements of paragraphs 194, 195, 199 or 200 of the NPPF. In order to better meet these requirements the applicants may find this staged guidance on the necessary components of a Heritage Impact Assessment helpful – Heritage Impact Assessment in Wales. Despite being a Welsh planning document, it is underpinned by the same conservation philosophy towards the historic environment and listed buildings. It also relates to the same primary legislation – the Planning (Listed Buildings and Conservation Areas) Act 1990.*

### *Recommendation*

*The CBA recommend that this application should be withdrawn and revised in order to meet the requirements of national and local planning policies for the historic environment.*

*I trust these comments are useful to you; please keep the CBA informed of any developments with this case.*

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

7 supporting comments have been received (4 from Whaley's Yard, 1 from Church Lane within Chatteris and 2 from Eaton Estate within Wimblington) in relation to the following.

- Drawings sympathetic to original appearance
- Local landmark restored and made good
- Greatly enhance immediate surroundings and preserve for many years

- Sympathetic design
- Currently looks derelict and ready to fall down
- Should be rebuilt
- Safer to arrive/depart to neighbouring homes
- Plans appropriate for modern day living
- Historical building saved
- Parking space will allow occupants to charge their vehicles

2 letters of representation have been received (1 from Whaley's Yard and 1 from New Road, both within Chatteris) in relation to the following:

- Would like to see a way forward for this building as soon as possible
- Building subject to neglect
- Current owners presumably knew of the state of the building
- Long term harm to building
- NPPF 196 should be a prominent consideration
- Access must be granted to neighbouring properties at all time
- Any damage to neighbouring properties must be rectified at the expense of the applicant
- Glass to be obscured which faces neighbouring properties
- Perimeter of neighbouring properties must be secured at all times
- Trees must not be compromised
- Presences of bats
- Parking bay will cause overlooking
- Unacceptable for building to be left to further deteriorate
- Building is dangerous

## 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.
- 6.3. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## 7 POLICY FRAMEWORK

### National Planning Policy Framework (NPPF)

Para 8 – Achieving sustainable development

Para 47 – Planning law requires applications to be determined on accordance with the development plan unless material considerations indicate otherwise

Para 194 – Applicants are required to describe the significance of any heritage assets affected

Para 195 – LPAs should identify and assess significance of any heritage asset that may be affected

Para 196 – Deteriorated state of heritage assets should not be taken into account if due to deliberate neglect or damage.

Para 197 - LPAs should take account of desirability of sustaining the significance and positive contribution of heritage assets.

Para 199 - Removal or alteration of a historic statue, plaque, memorial or monument

Para 200 - Harm to or loss of significance of a heritage asset should require clear and convincing justification.

Para 201 - Substantial harm should result in refusal unless substantial public benefits outweigh it.

Para 202 - Less than substantial harm should be weighed against public benefits.

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

Determining a Planning Application

### **National Design Guide 2019**

Context - C1,C2

Identity – I1

Built Form – B2

Movement – M3

Homes and Buildings – H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

## **8 KEY ISSUES**

- **Principle of Development**
- **Heritage, Design and Visual Amenity**
- **Residential Amenity**
- **Highways/Parking**
- **Ecology**
- **Flood Risk**

## **9 BACKGROUND**

9.1. The cottages which are the subject of this application are on FDCs Building at Risk Register. A S.77 Building Act (1984) Notice was served on the building on 22nd March 2019, stating that the central and side chimney stacks were to be removed below the roof line; loose roof tiles to be removed; internal props were to be checked; restraints added to the walls. Unauthorised works were carried out following the serving of this notice and all works ceased on site following planning enforcement intervention.

## **10 ASSESSMENT**

## **Principle of Development**

- 10.1. These applications propose a change of use to the Listed Building at 130 High Street, Chatteris. The works will involve the conversion of the shop/dwelling to 1 x dwelling (2-storey, 2-bed) involving the partial demolition of the existing dwelling.
- 10.2. Chatteris is designated as a market town, where the majority of the district's new housing development should take place in accordance with Policy LP3. Policy LP16 supports the principle of such development subject to the significance of, and the likely impact upon, the amenity of neighbouring properties and users in its design and appearance. Policy LP18 supports the principle of such development subject to the development having no adverse impacts on the Grade II Listed Building or its setting. The broad principle of development for the change of use to residential is considered acceptable subject to policy considerations set out below.

## **Heritage, Design and Visual Amenity**

- 10.3. The application includes the demolition of the existing two-storey cottage to the rear. Significant internal works are proposed to the remaining buildings to enable 2 bedrooms, living/dining room, kitchen and shower room to be provided at ground floor level, with storage and a mezzanine floor (with ladder access) to be utilised as a study.
- 10.4. No 130 High Street and 1 & 2 Whalley's Yard are a late 18<sup>th</sup> century row of houses, with small shop to the east gable end. The whole range of buildings was included on an early list of Buildings of Local Interest in Chatteris, and the 2-storey cottage is attached to the Listed Building and was in existence and in the same ownership at the time of listing. It is therefore considered to be within the curtilage of the Listed Building and is afforded the same legal protection.
- 10.5. Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a legal duty to have special regard to the desirability or preserving a Listed Building, or any of its features, when considering whether to grant Listed Building Consent. Furthermore, in deciding whether to grant planning permission which affects a Listed Building or its setting, the Council has a legal duty to have special regard to preserving a Listed Building or its setting; and in deciding whether to grant planning permission for development in a Conservation Area, the council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 10.6. Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2021, C1, C2, I1 and B2 of the NDG 2021 are also relevant.
- 10.7. Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.8. Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

10.9. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

10.10 Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.11 Paragraph 200 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

10.12 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use

10.13 The justification provided of the loss of the 2-storey cottage is put forward as the benefit of the provision of two-parking spaces (the standard of these spaces is discussed later in the report) as well as internal alterations to meet with current building regulations. There is an existing under provision of parking space on site and therefore there would be no reasonable requirement to insist on parking provision being required and therefore a single dwelling on site could be achieved with less impact and no parking provision. With regard to the alterations to meet with current building regulations, there is no requirement for Listed Buildings to meet with current building regulations. The NPPF defines substantial harm as total loss of significance. Based on the information provided, the demolition of the 2-storey end cottage only (as a curtilage element to the principal listed building) would result in less than substantial harm to the significance of the principle listed building. Notwithstanding this, in accordance with Paragraph 202 of the NPPF, it is not considered that the proposal to demolish the 2-storey element is sufficiently outweighed by public benefit to justify that harm given that a single dwelling could be achieved on site with less impact. The type and extent of the works and alteration to the principal cottage currently proposed amount to substantial harm to the historic fabric of the Listed Building and thus its significance. The demolition of the 2-storey cottage in addition to the proposed works to the principal cottage, would demonstrably contribute to that level of harm.

10.14 Whilst the principle of conservation led regeneration by conserving and returning the building to residential use is wholly supported, there is insufficient detail

submitted within both applications to accurately assess the impact of the proposal on the special interest of the Grade II Listed Building. The necessary stabilisation of the walls and reinstatement of the roof are supported in principle, however more detailed information is required with regard to the methodology of these proposals so an assessment can be made regarding their impacts on the special interests of the building. Other elements of the proposal require more information in order to assess whether the principle of development is supported; these include raising ceiling heights, installation of a ring beam and thermal improvements to the building. The loss of ceilings, installation of a DPC and ventilation system, use of plasterboard, alteration to plan form and total demolition of the 2-storey cottage are not supported in principle or require further and clear justification. The total loss of stacks and chimney breasts from the kitchen and a schedule of works to any joinery are missing from the application entirely. Without the submission of these additional details, the application as it currently stands is contrary to Paragraph 200 of the NPPF.

10.15 A S.77 Building Act (1984) Notice was served on the building on 22<sup>nd</sup> March 2019. The notice stated that the central and side chimney stacks were to be removed below the roof line; that loose roof tiles were to be removed; internal props were to be checked; with restraints added to the walls. The chimneys were removed below the roof line, with all building rubble left in the roof space adding weight to the building. The roof was also stripped in its entirety and ceilings removed along with staircase from the end cottage. These works were considered to be unauthorised and works ceased on site. The roof remained without covering and all internal walls and finishes were exposed to considerable rainfall and weathering for a number of years. Engagement with the Enforcement Team was required in order to secure a covering for the roof, and sheets and battens applied, however this has not been maintained, leading to further weathering and total saturation of the building. This has therefore resulted in the whole of the roof structure being beyond salvage, with ongoing saturation to walls and internal ceilings and finishes. The building has therefore been subject to neglect and damage. In accordance with Paragraph 196 of the NPPF, the deteriorated state of the building cannot be taken into account in the decision of these applications.

10.16 The harm to the heritage asset is considered to be substantial and in accordance with Paragraph 201 of the NPPF, the applications should be refused unless it can be demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Given that a minimal alternative can be achieved (as detailed in FDC Conservation comments) and no information has been provided to illustrate that this alternative would not be viable, it has not been demonstrated that the level of substantial harm is necessary. Paragraph 201(a) cannot be met as Paragraph 196 applies in this instance; 201(b) cannot be met as Paragraph 196 applies and the site has been marketed; 201(c) has not been met, as no information has been submitted to illustrate this and 201(d) has not been met as a minimal harm alternative scheme could be developed that would achieve the same or better outcome in terms of both residential provision and in terms of giving great weight to the conservation of the heritage asset.

10.17 It has been illustrated to the applicants that an alternative scheme could be developed which minimises the harm arising from the demolition and alterations proposed. To approve anything over and above this would not take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, contrary to Paragraph 197(a) of the NPPF.

10.18 It should be noted that Paragraph 197(b) of the NPPF, (the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability) can be met with a proposal that would also meet the requirements of Paragraph 195 of the NPPF (that of avoiding or minimising conflict between conservation and a development proposal).

10.19 It is therefore considered that the current proposal results in substantial harm to the significance of the Grade II Listed Building and its setting. Without additional clear justification, it is considered that the works proposed would have a significant detrimental impact upon the special interest of the Grade II Listed Building and as such, the scheme is considered to be contrary to both the NPPF and Policies LP16 and LP18 of the Fenland Local Plan 2014.

### **Residential Amenity**

10.20 To the north of the site is a detached 2-storey dwelling, separated from the application site by a driveway. Given that there are no additions to the existing footprint proposed, nor are there no proposed increases in roof height, it is unlikely that the development proposed would adversely impact upon this neighbouring property by overbearing or overshadowing impacts. No additional fenestration is proposed on the north facing elevation and therefore there are no overlooking issues to address.

10.21 To the west of the site is a 2-storey detached dwelling, situated approximately 13 metres from the host dwelling. As aforementioned, given that there are no additions to the existing footprint of the dwelling and no increases in roof height, the development will not introduce any overbearing or overshadowing impacts. No additional fenestration is proposed facing west and therefore there are no overlooking issues to address.

10.22 There is currently no private amenity space provided on site. The demolition of the 2-storey element to the rear would result in a parking and bin area and therefore does not include the provision of private residential amenity space. Policy LP16(h) seeks to secure 1/3 of the plot for private amenity space, however given that the existing building could be reinstated for residential use, without the provision of any residential amenity space, a legacy of the historic situation, it would be unreasonable to refuse the application on this basis.

### **Highways/Parking**

10.23 The site utilises the existing shared access to the south of the site with 1 parking space provided in the area of the proposed demolition. Highways were not consulted as part of this application, as the development does not propose any intensification of the use of the site.

10.24 Appendix A of the Local Plan states that 2 parking spaces should be provided on site for dwellings with up to 3 bedrooms. There is clearly an existing under provision of car parking in relation to the site, a legacy of the historic situation, and as such there would be no reasonable requirement to insist on parking provision being required. The spaces shown are considered to be inadequate in terms of their length, width and manoeuvring space. However, given the current arrangements this is not considered to be justifiable as a reason for refusal.

### **Ecology**

10.25 The applications were submitted with a biodiversity checklist completed by an ecology professional which answered all questions regarding protected species on the site in the negative.

### **Flood Risk**

10.26 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation details. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address with regard to Policy LP14.

## **11 CONCLUSIONS**

11.1 Whilst the principle of conservation led regeneration by conserving and returning the building to residential use is wholly supported, the proposals as they currently stand are considered to cause substantial harm to the heritage asset due to the type and extent of the works and alterations to proposed to the principal cottage in conjunction with the demolition of the 2-storey cottage. No clear and convincing justification has been submitted to evidence that there is sufficient public benefit in the current proposal that could be weighed against the identified harm, particularly when a minimum intervention option exists.

11.2 Given this clear conflict with the relevant policies, it is considered that to grant the applications would be indicative of a failure by the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

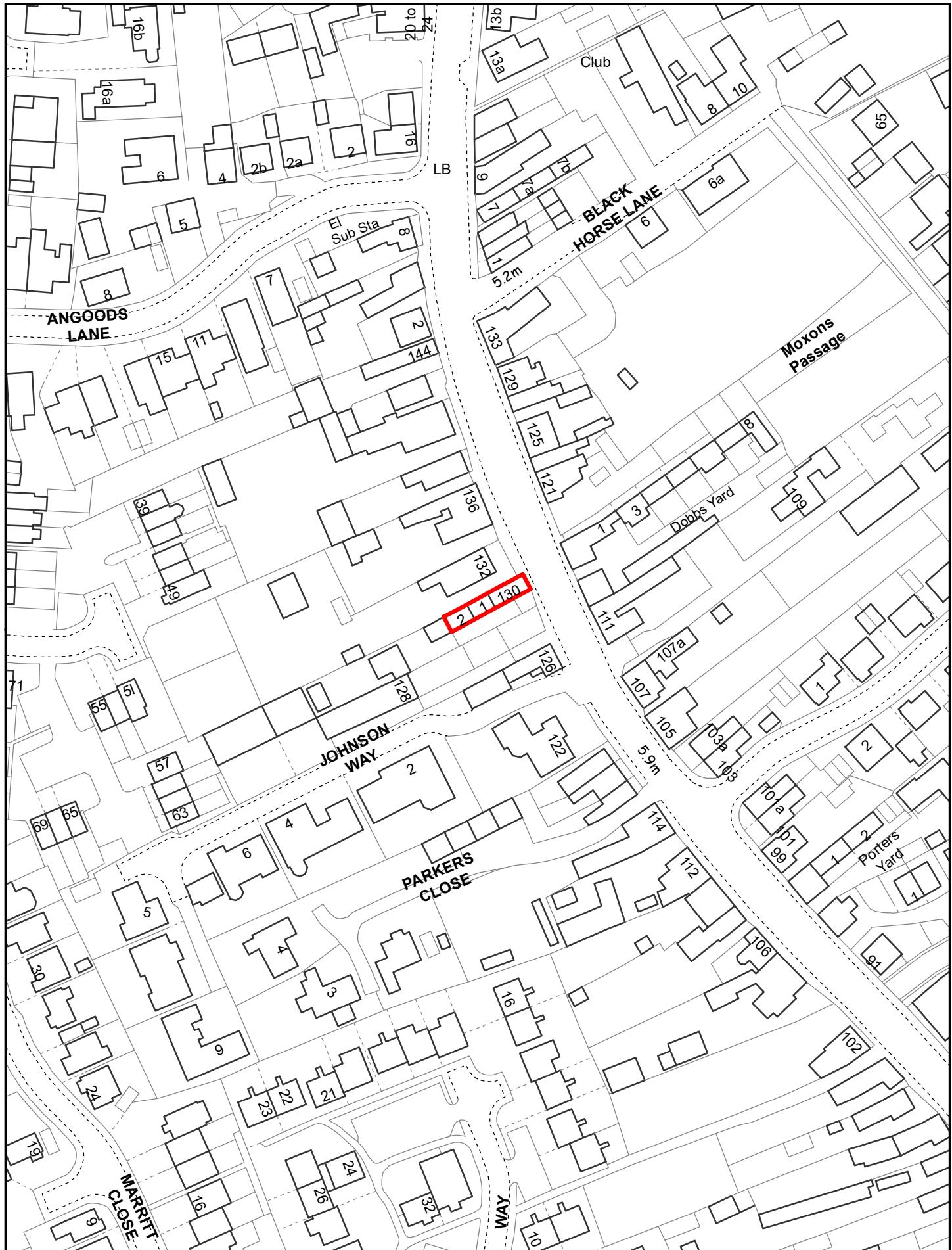
**F/YR22/0217/LB**

1.	<p>Policies LP16 and LP18 of the Fenland Local Plan, paragraphs 195, 196, 197, 199, 200, 201 and 202 of the NPPF 2021 seek to protect and enhance heritage assets, avoid or minimise conflict between conservation and development, sustain and enhance the significance of heritage assets whilst putting them to viable use consistent with their conservation, ensuring any harm to or loss of significance to a designated heritage asset is clearly and convincingly justified and that where that harm is substantial, it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefit that outweighs that harm or loss.</p> <p>The proposed works are considered to cause substantial harm to the heritage asset due to the demolition of the attached curtilage structure and unnecessary and unjustified internal works to the listed building when a more sensitive approach could be taken. The application has provided inadequate assessment of the significance of the heritage asset and the impact of the proposed works upon this and has provided no clear or convincing justification that there is the necessary substantial public benefit which would outweigh the substantial harm to the heritage asset</p>
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should consent be approved.

**F/YR22/0218/F**

1	<p>The principle of conservation led regeneration of this site is wholly supported. However, the submitted application has inadequately assessed the significance of the heritage asset and the impact of the proposed development upon this and would, through the demolition of the attached building, (listed by virtue of its curtilage relationship/designation) and unjustified and unnecessarily excessive structural works to the principal listed building, cumulatively result in substantial harm to the heritage asset. This level of harm is not outweighed by any requisite substantial public benefit which would justify granting the application.</p> <p>The development is therefore contrary to policies LP16 and LP18 of the Fenland Local Plan 2014, and Paragraphs 195, 196, 197, 199, 200, 201 and 202 of the NPPF.</p>
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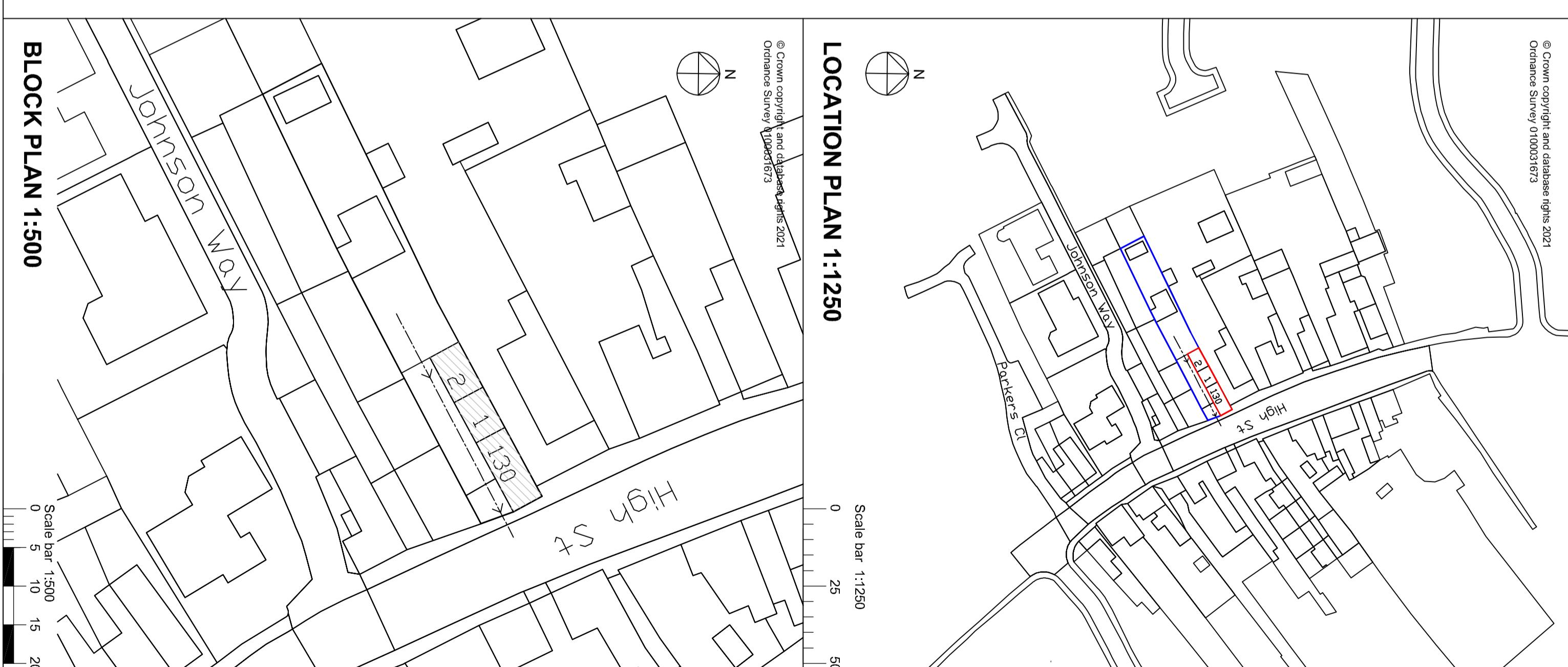
Created on: 09/03/2022

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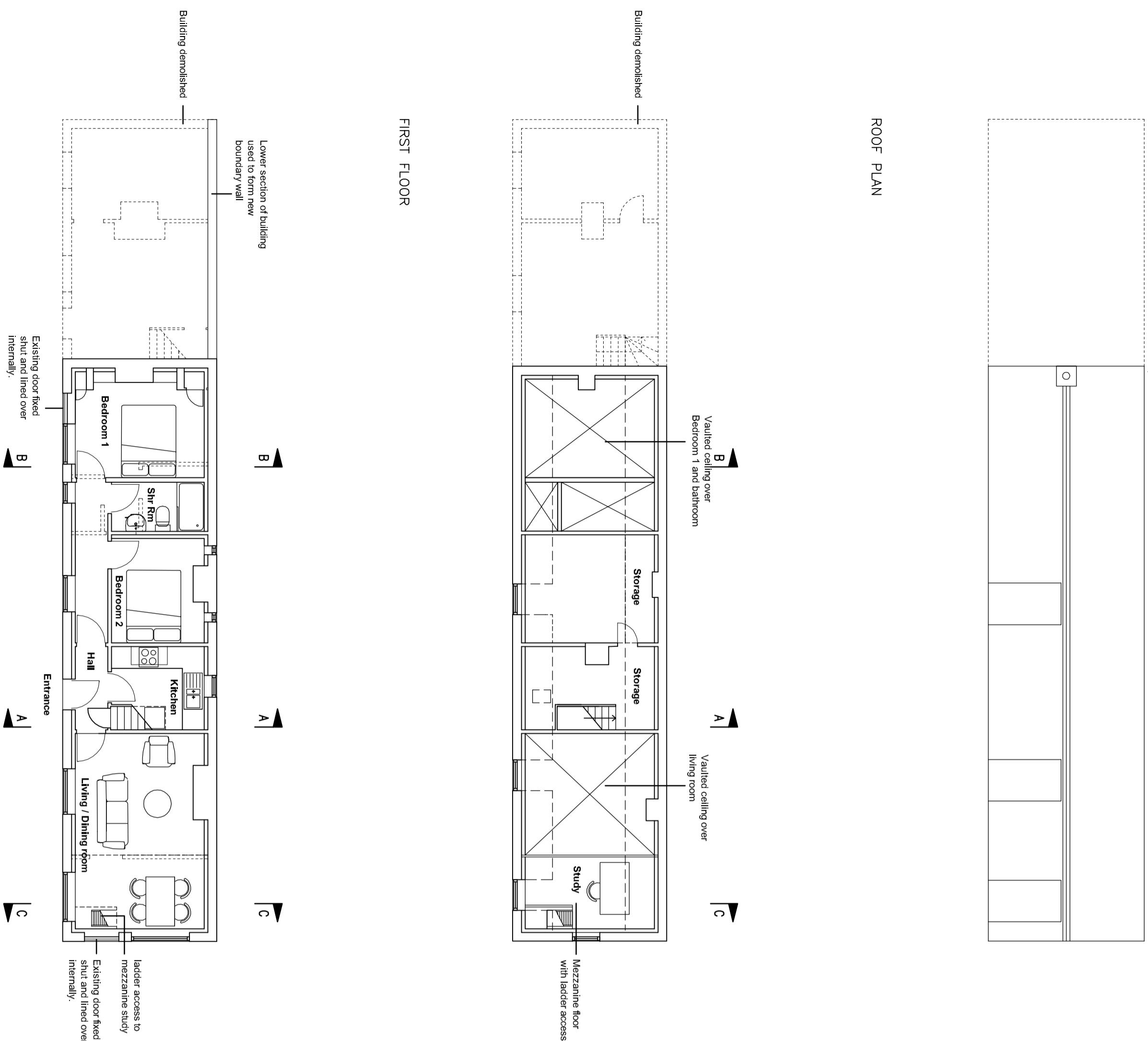
**F/YR22/0217/LB**  
**F/YR22/0218/F**  
Scale = 1:1,250



  
Fenland  
CAMBRIDGESHIRE  
Fenland District Council



B	Block plans corrected, Location plan N point added	18.02.22
A	Site ownership boundaries corrected; drainage added	10.02.22
Rev	Description	Date
<b>FCD Architecture</b>		
<p>8 Main Street, Whitwell, LE15 8BW            t: 01780 460457 m: 07906 134316            Email: fcd@fcdarchitecture.co.uk</p>		
<p><b>JOB</b>  <b>Whaleys Yard 130 High Street</b>  <b>Chatteris PE16 6NN</b>  <b>Conversion</b></p>		
<b>DWG No</b> <b>080</b>	<b>201</b>	<b>Rev</b> <b>B</b>
<p><b>DWG TITLE</b>  <b>Existing Location Block and</b>  <b>Floor Plans</b></p>		
<b>SIZE / SCALE</b> <b>A2 / 1:100</b>	Drawn/Date <b>TG 10.21</b>	



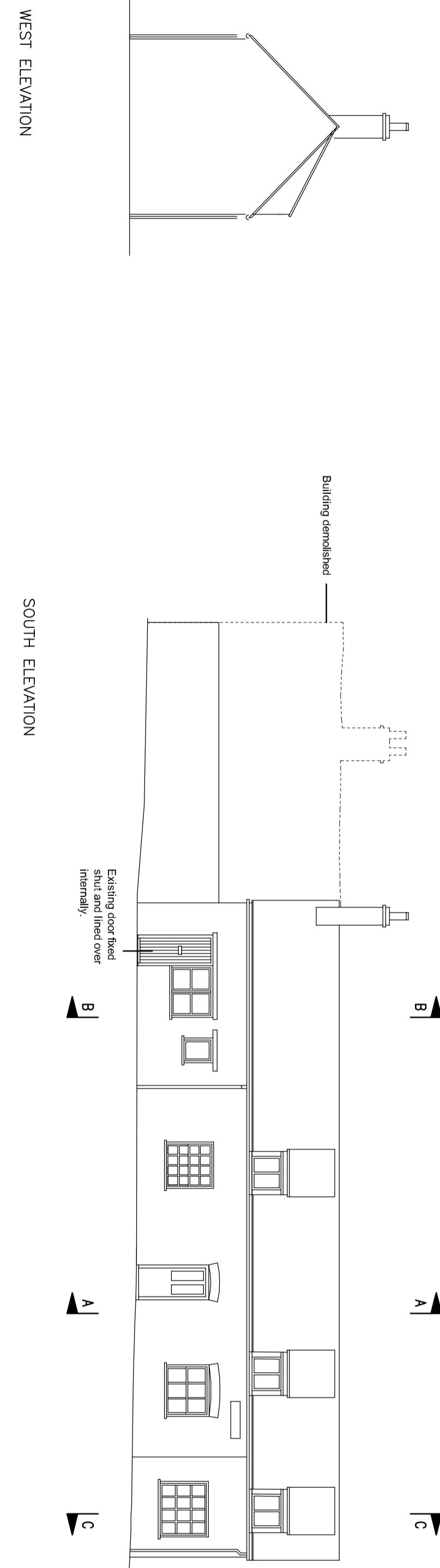
BLOCK PLAN 1:500

 <b>FCD Architecture</b>		
<b>JOB</b> <b>Whaleys Yard 130 High Street</b> <b>Chatteris PE16 6NN</b> <b>Conversion</b>		
<b>DWG NO</b> <b>080</b>	<b>Rev</b> <b>B</b>	<b>8 Main Street, Whitwell, LE15 8BW</b> <b>t: 011780 460457 m: 07906 134316</b> <b>Email: fcd@fcdarchitecture.co.uk</b>
<b>DWG TITLE</b> <b>Proposed Block and Floor</b> <b>Plans</b>		
<b>SIZE / SCALE</b> <b>A2 / 1:500, 1:100</b>	<b>Drawn/Date</b> <b>TG 12.21</b>	

KEY see drawing 080 201

KEY see drawing 080 201

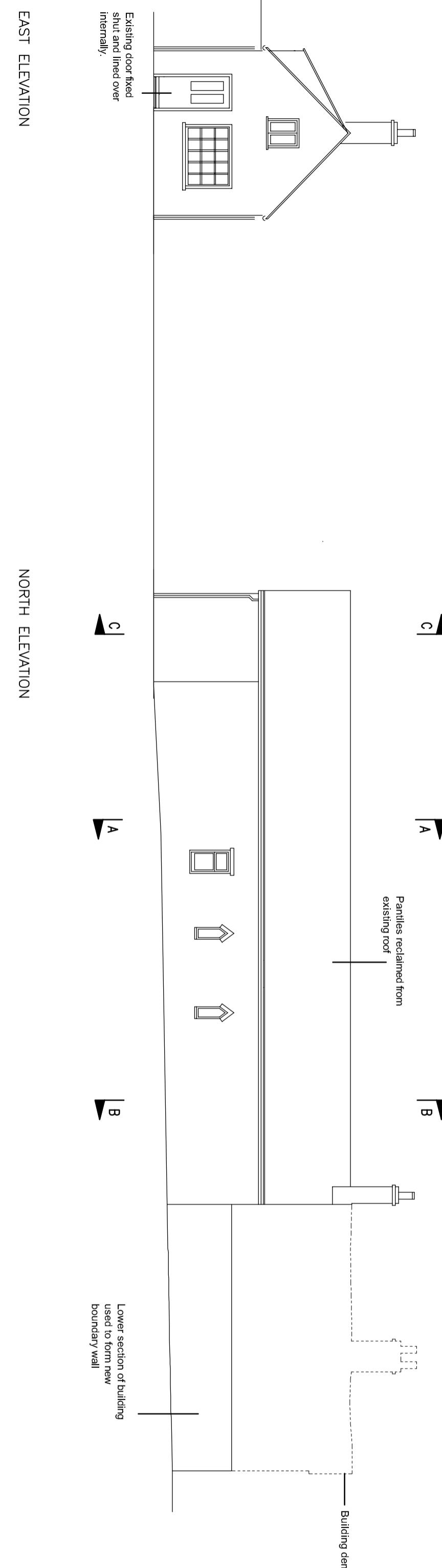
Page 53



WEST ELEVATION

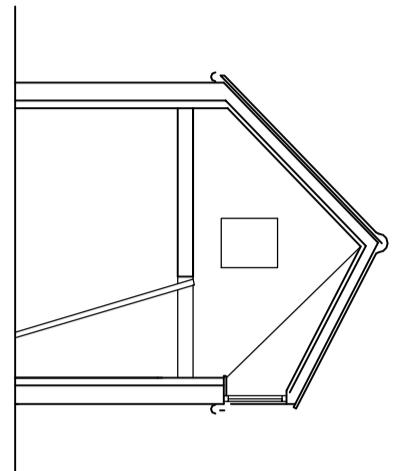
SOUTH ELEVATION

EAST ELEVATION

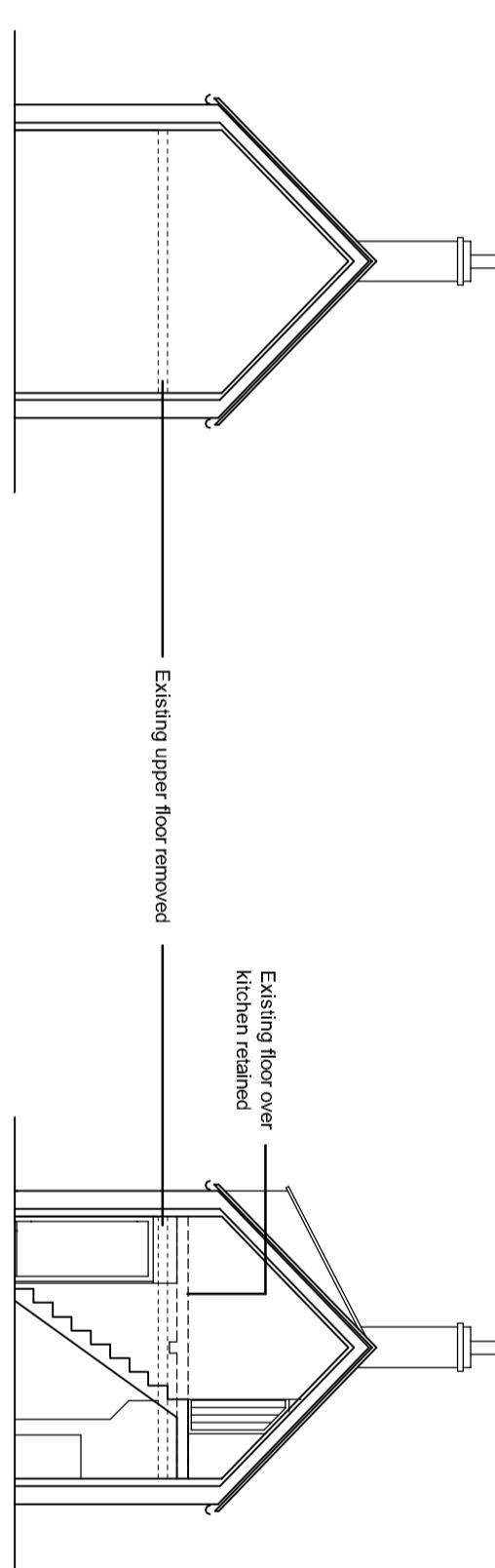


NORTH ELEVATION

EAST ELEVATION



SECTION C - C



SECTION B - B

Scale bar 1:100

0 1 Metre

4

8

Rev	Description	Date
B	Blank doors noted	17.02.22
A	Notes added	10.02.22

FCD Architecture

8 Main Street, Whitwell, LE15 8BW  
t: 01780 460457 m: 07909 134316  
Email: fcd@fcdarchitects.co.uk

JOB  
**Whaleys Yard 130 High Street  
Chatteris PE16 6NN  
Conversion**

DWG No	Rev	Rev
080	204	B

DWG TITLE  
**Proposed Elevations and Sections**

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F/YR22/0083/F

**Applicant: Mr Phippen**  
**The Glenholme Group**

**Agent : Mr Tim Erkert**  
**DWA Architects (London) Ltd**

**W H Feltham And Son Limited, Estover Road, March, Cambridgeshire PE15 8SF**

**Erect a care home (2-storey 56 x bed) and associated works**

**Officer recommendation: Grant**

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

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission to erect a 56-bedroom care home with associated facilities, planning permission has already been given for a similar scheme involving demolition of the existing factory under F/YR21/0284/F with access via Cawood Close. The applicant's agent has advised that it has not been possible to practically deliver the previously approved access and as such access is now proposed via Peterhouse Crescent, the siting, footprint and scale are as previously approved with internal and external alterations to facilitate the revised access and the addition of a substation and mobility store.
- 1.2 Due regard has been given to the matters raised by neighbouring occupiers with regard to character and amenity concerns, however whilst the outlook and character of the area may change as a result of the proposal, such change is not considered so significant as to render the scheme unacceptable in terms of Policies LP2 and LP16.
- 1.3 Cambridgeshire County Council Highways do not raise any highway safety concerns, though acknowledge that the revised access may have some amenity impacts on Peterhouse Crescent. However, County Council's Transport Assessment Team has indicated that they do not consider that the proposal would result in significant vehicle movements. The layout secures parking for up to 31 cars plus an ambulance space, which exceeds the requirements set out in Policy LP15 and Appendix A. Hence, whilst concerns raised by residents in respect of highways impacts resulting from the operational element of the development have been carefully considered, there is no evidence to support these concerns and Officers would therefore not be confident that a refusal on these grounds could be justified.
- 1.4 Securing the recommendations of the Ecology Report through the imposition of relevant conditions will ensure that the scheme delivers appropriate mitigation and enhancements in this respect going forward. Matters of drainage have been duly considered and have achieved a positive recommendation from the LLFA, subject to appropriate conditions.
- 1.5 As such, the recommendation is to grant this application.

## 2 SITE DESCRIPTION

The site comprises c.0.56Ha. of brownfield land, formerly occupied by c.2000m<sup>2</sup> of factory building (B2) located to the north of March, approximately 220m east of the railway station and 1km from the town centre. The site is surrounded by residential properties on all 4 boundaries, comprising single-storey dwellings at the east (Cawood Close) and 2-storey to the north (Estover Road), south and west (Peterhouse Crescent). The former factory building was around 5.5m in height at its highest part and incorporated a lower c.3m high section to the west, this has since been demolished and the site cleared, aside from piles of bricks along the southern boundary. The site lies in Flood Zone 1

## 3 PROPOSAL

- 3.1 The application seeks full planning permission to erect a 56-bedroom care home with associated facilities. The care home takes an 'L' shape and occupies a similar footprint to that of the factory building, with the exception of longer wings extending south and west. The proposed building is 2-storey with a ridge height of 7.7m (c.5.2m to eaves) and is proposed to be finished in a mixture of buff and red-multi facing brick, white uPVC windows and dark plain roof tiles.
- 3.2 The application is accompanied by a Design and Access Statement and Health Impact Assessment and sets out that the facility, whilst providing general care for the elderly, will also provide specialised beds for people in need of care and living with dementia.
- 3.3 Each floor has its own ancillary facilities and is split down into two separate units so that each can function totally independently from each other. Day space (Lounges and Dining Rooms) are provided for residents to use outside their own bedroom.
- 3.4 The proposal is accessed via Peterhouse Crescent to the south of the site, parking for a total of 31 cars plus Ambulance space is proposed, a cycle storage area, substation and refuse waste collection point. A secondary controlled pedestrian/cycle access point to the west, which served the former factory, and links to Peterhouse Crescent is proposed to be utilised.
- 3.5 The site is proposed to be bounded by 1.8m high close boarded fencing. There is a small, enclosed garden area to the front of the building near the parking area, the main area of external amenity is located along the east of the site and is proposed to be finished with a patio area with a pergola, golf and petanque area and landscaping. Further planting and areas of small greenspace is also proposed around the perimeter of the site.
- 3.6 Full plans and associated documents for this application can be found at:

[F/YR22/0083/F | Erect a care home \(2-storey 56 x bed\) and associated works, involving the demolition of existing factory | W H Feltham And Son Limited Estover Road March Cambridgeshire PE15 8SF \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-applications/F/YR22/0083/F_Erect-a-care-home-(2-storey-56-x-bed)-and-associated-works-involving-the-demolition-of-existing-factory-W-H-Feltham-And-Son-Limited-Estover-Road-March-Cambridgeshire-PE15-8SF-(fenland.gov.uk))

## 4 SITE PLANNING HISTORY

F/YR21/3129/COND	Details reserved by Condition 03 (Surface Water), Condition 04 (Design Surface Water Drainage), Condition 05 (Construction Management Plan), Condition 06 (Construction Environmental Management Plan) and Condition 10 (Bird/Bat Boxes) of planning permission F/YR21/0284/F (Erect a care home)	Pending
F/YR21/1326/NONMAT	Non-material amendment: Changes to Reception/Entrance Area and 1st floor day room relating to planning permission F/YR21/0284/F (Erect a Care Home)	Approved 10/1/2022
F/YR21/0284/F	Erect a care home (2-storey 56 x bed) and associated works, involving the demolition of existing factory	Granted 10/9/2021
F/YR20/0674/O	Erect up to 9 dwellings involving demolition of existing building (outline application with all matters reserved)	Granted 8/9/2020
F/90/0611/F	Erection of a single-storey office building	Granted 9/11/1990

## 5 CONSULTATIONS

### 5.1 Cambridgeshire County Council Highways

*This response should be read in parallel to that from the County's Transport Assessment Team.*

*In terms of impact upon the public highway, this scheme differs from the previously permitted scheme (ref: F/YR21/0284/F) in relation to the access location. The access proposed for Peterhouse Crescent is of a design suitable for the proposed use. Amending the vehicular access may have some amenity impacts upon Peterhouse Crescent which the LPA may wish to consider.*

*As a vehicular access is no longer proposed from Cawood Close, the existing vehicular crossover should be removed, and a full height footway reinstated. If the applicant wishes to utilise the existing access for construction traffic, then the reinstatement can take place once construction is complete.*

*The re-located access has knock on impacts on the internal site layout. However, the applicant has suitably demonstrated that appropriate turning provision has been maintained.*

*Permeable paving is proposed to drain the external hardstanding. The LHA does not accept the use of permeable paving as a suitable means of surface water drainage. I note on the drainage layout drawing SL(5)500 Revision D, that an ACO drain is proposed to capture surface water, which is welcome, but the ACO should*

*be placed adjacent to the existing boundary with the public highway along Peterhouse Crescent.*

*Provided that the applicant can accommodate the minor amendments to their proposals needed in order to address these comments, then I have no objection to the application. Please append the following conditions and informative to any permission granted:*

**Conditions**

**Binder Course**

*Prior to the first occupation Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on G5107-91 Revision J*

*Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.*

**Closure of Access**

*Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access(es) to Cawood Close including reinstatement of the footway/highway verge as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved details within 28 days of the bringing into use of the new access.*

*Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.*

**Construction Facilities**

*Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.*

*Reason: To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan 2014.*

**Highway Drainage**

*The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity*

*Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014*

**Gates/Enclosure/Access Restriction**

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order):*

*(a) Class A – no gates or other means of enclosure shall be erected across the vehicular access hereby approved;*

*Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.*

**Parking/Turning Area**

*Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity*

*Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.*

**Informatics**

**Works in the Public Highway**

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

**5.2 Cambridgeshire County Council Highways Transport Assessment Team**

*Having looked into this, the application is primarily a change in access location. Given the minimal trips proposed in the peak periods, our comments re the other application stand for this app: "given they are only estimating 8 am and 9 pm vehicular trips we wouldn't wish to comment on the application. Given the type of use and its size, I wouldn't expect lots of vehicles during peak times".*

**5.3 Cambridgeshire Fire and Rescue**

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

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

*Water & Planning Manager  
Community Fire Safety Group  
Hinchingbrooke 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.*

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

*Recommend approval in principle but access preferred via Cawood Close rather than Peterhouse Crescent.*

#### **5.5 Designing Out Crime Officer**

*Thank you for the opportunity to comment on this planning application. 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 the above location and surrounding 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 read the design and access statement (DAS) and there is no mention of crime prevention/security for this proposed development. At this stage, I would like to highlight the NPPF para 130f, which states; "Developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience" With this in mind, I have the following comments for your consideration.*

- External lighting – Our recommendation is that access roads and footpaths, car and cycle parking and loading areas/service yards should be lit by 1.6m columns designed to BS5489-1:2020 or BS EN 12464-:2014. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Security lights both to the front and rear should be dusk to dawn bulkhead LED lights. I would like to see the lighting plan when available including lux levels and calculations.*
- Cycle Storage - Our recommendations are that Cycle/Mobility storage should have LPS 1175 SR2 security doors with access control, be fitted with self-closers along with internal thumb turns for easy egress to ensure people cannot get trapped inside. Sheffield cycle stands as a minimum should be fitted inside and cemented 300mm into the ground.*
- Access Control - It would like to see the proposed access control/visitor entry system when available please.*
- Footpaths - Shared gates on site should be self-closing and access controlled for residents use only. There is a footpath/gate far north/west of the site (close to the reception area). Can it be confirmed what this gate will be used for please?*

- *Landscaping – To ensure that there is sufficient surveillance across the open spaces and footpaths and to reduce possible conflict with lighting, our recommendation is that ground planting and hedging should be kept to a minimum of 1 – 1.2m high and tree crowns raised to 2m.*
- *CCTV – If there are plans to install CCTV on site, it will need to be registered with the Information Commissioners Office (ICO) and signage should be in place that states CCTV is in use, is monitored, for what purpose and who to contact for any further information.*

*Our office would be happy to discuss Secured by Design, which I believe could be achieved with consultation and measures to reduce the risk to vulnerability to crime.*

## 5.6 Anglian Water

### ASSETS

#### Section 1 - Assets Affected

*There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.*

*Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.*

### WASTEWATER SERVICES

#### Section 2 - Wastewater Treatment

*The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows*

#### Section 3 - Used Water Network

*This response has been based on the following submitted documents: Drainage Strategy report. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. INFORMATIVE - Building near to a*

*public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.*

#### **Section 4 - Surface Water Disposal**

*The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.*

*Anglian Water has reviewed the submitted documents (Drainage Strategy Report) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted.*

*Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.*

*<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>*

#### **Section 5 - Suggested Planning Conditions**

*Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.*

#### **Surface Water Disposal (Section 4)**

*No condition required. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.*

#### **Next steps**

*Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.*

*If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>*

*Once submitted, we will work with you in developing a feasible mitigation solution.*

*If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:*

*Surface water:*

*Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:*

*Development hectare size*

*Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.ukuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)*

*Connecting manhole discharge location*

*Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)*

## **5.7 Natural England**

*Natural England has no comments to make on this application.*

*Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.*

*Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.*

*The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.*

*We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>*

## **5.8 Wildlife Officer (FDC) (28/2/2022)**

*Recommend refusal of application on grounds that there is insufficient information to make a recommendation.*

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

*The documents provided within F/YR22/0083/F do not provide sufficient information to ensure that all biodiversity material concerns for the Local Planning Authority can be safely discounted.*

*Following issues require resolution before determination can be provided.*

*1. The Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (IEL, 2020) has been created over 12 months ago. As per the recommendations within paragraph 3.1.3 of said report, the data within the report should be considered out of date without a refresher survey to establish if the data is still relevant.*

*2. The PEA stated within paragraph 5.7 that further survey is required in order to establish if the Poplars on the northern boarder of the site are being used as bat roosts.*

*At this stage without further information on the habitats and species potentially using the site the Local Planning Authority cannot make a decision on the application without risking contravening the NPPF, Local Plan and the Wildlife and Countryside Act 1989.*

*Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*

*Required amendments/information:*

*I would therefore recommend that:*

- A refresh of the PEA is performed to establish if further survey is still required.*
- All further recommended surveys from the PEA refresh are completed and the accompanying data communicated to the LPA through an EclA.*

*The survey reports should then be submitted to Fenlands Council which can then be assured in the positive impact the proposal will have to the local species. Recommendations for mitigation and compensation of the negative impacts of the proposal should then be incorporated into the application documents as described within the ecologists reports.*

*Assessment/Comment:*

*Incorporation of recommendations from survey reports into the proposal will significantly reduce the requirement for pre and post commencement conditions on the granted application. It is possible that these recommendations may have to be included within a Construction and Environment Management Plan (CEMP) this possibility should be discussed with your ecologist. It is highly likely that a CEMP will be requested as a pre-commencement condition in relation to this development. The creation of this document and submission to the proposal will significantly reduce proposal conditions further down the line.*

*Please note that many ecological surveys are constrained by seasonal restrictions, it is highly recommended that the recommended surveys are completed as soon as possible to avoid any significant delays to development. Please see the PEA and your consultant ecologist for survey timings.*

*Planning Policies/Legislation:*

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

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

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

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

*Government Circular ODPM 06/2005 Biodiversity & Geological Conservation: The advice given above takes into account the following guidance:*

*Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned. For European protected species (i.e. those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard”.*

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

*The biodiversity policies relevant to the proposal are:*

*LP19 – The Natural Environment:*

*The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:*

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

## **5.9 Wildlife Officer (FDC)**

*Recommendation:*

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

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

*Pre-commencement Condition(s) –*

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

- a) 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).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

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

*Compliance Condition(s) -*

- 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.*

- 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.*

- The development hereby permitted shall not be occupied until at least 4 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.*

*Assessment/Comment:*

*The Ecological Impact Assessment provides sufficient detail in mitigation and compensation to ensure that the Local Planning Authority has no material concerns surrounding protected species. In addition to this the plans will likely result in no net loss to biodiversity so long as the landscaping and lighting recommendations included within the EIA are incorporated into the landscaping of the development.*

*All of the above can be secured through the recommended conditions attached to this consultation. The two pre commencement documents will ensure that the development will be created in accordance to the Ecological Impact Assessment Recommendations.*

## **5.10 Cambridgeshire County Council Lead Local Flood Authority (28/2/2022)**

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

### *1. Surface water flood risk*

*The site is located in an area of high surface water flood risk and therefore a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services, as per Fenland District Council's Policy LP14 (Part B).*

### *2. Proposed discharge rate of 5l/s*

*In accordance with Section 6.3.8 of the Cambridgeshire Flood & Water Supplementary Planning Document, which has been adopted by Fenland District Council, brownfield (previously developed land) sites must reduce the existing runoff from the site as part of the redevelopment. In order to provide betterment,*

redevelopments should look to reinstate greenfield runoff rates. Please can it be clarified if the greenfield runoff rate is achievable for the redevelopment.

### 3. Statement in relation to discharge via soakaway

Section 4.1 of the Foul and Surface water Drainage Strategy report (FSWDS) states that runoff will discharge via a soakaway. However, the FSWDS states that infiltration is not a viable method of surface water discharge. For the avoidance of doubt please can this section of the report be amended.

### 4. Attenuation storage provided is insufficient

The attenuation volumes that would be provided in the proposed permeable paving subbase and attenuation tank do not appear to provide the required attenuation storage for the proposed development.

As a result, if any above ground flooding is expected for the 1% AEP (1 in 100) rainfall event including the 40% allowance for climate change, a plan showing the volumes, depths, velocities and extents should be mapped onto a topographical plan of the site (levels on the topographical plan should represent the post-development situation). If flooding is extensive the hazard should be considered in line with guidance from CIRIA's Design for Exceedance in Urban Drainage document.

### 5. Impermeable areas

The impermeable areas stated within the FSWDS differ from those provided and used in the Surface Water SuDS Calculations (Appendix F of FSWDS), for example; Section 3.6 specifies the impermeable area as 2862m<sup>2</sup> and Appendix F states 2563m<sup>2</sup>. For the avoidance of doubt, we require confirmation of the correct impermeable area.

The Proposed Impermeable Areas drawing (Appendix B) demonstrates the areas of the redevelopment that make up the impermeable area. However, it seems that the patios and some areas of the footpaths have not been included in the impermeable area figure. In addition to the above confirmation, we require that all hardstanding areas are included in the impermeable area figure.

### 6. Geocellular storage crates and ACO drains with no water quality treatment

The Drainage Layout drawing shows an attenuation tank with no upstream water treatment. We note that the FSWDS states that a downstream defender will be used to provide the necessary water treatment, however it should be noted that the LLFA would object to the use of proprietary drainage systems.

Surface water drainage systems (SuDS) should be used to replicate natural drainage processes as closely as possible and SuDS such as permeable paving, swales, green roofs, attenuation basins and wetlands should be preferred on all development sites ahead of conventional piped drainage measures. Source control is required on all sites, in line with section 6.3.7 of the Cambridgeshire Flood and Water Supplementary Planning Document (SPD). Source control assists in mimicking the natural runoff from the site and provides the first stage of the SuDS Management Train, intercepting surface water at a localised level. As source control can be in the form of bioretention, rain gardens, over paved areas (permeable paving) and on roofs (green roofs) it is possible to fit this in every development around the hard landscaping without taking up much space.

Geocellular storage crates can be considered an element of SuDS, however without other components (swales, filter drains or strips) they do not provide any water quality treatment.

### 7. FSR rainfall data used for all hydraulic calculations

Calculations to show the performance of the system for a range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) should be undertaken. For storm durations less than 1 hour, Flood Studies Report (FSR) rainfall data should be used. For storm durations greater than 1 hour, Flood Estimation Handbook (FEH) rainfall data should be used. FEH data must be used in these longer duration storms as it uses more up to date rainfall data and is more accurate for the purpose of modelling the future storm events over other data sources such as FSR for the larger duration storms.

#### 8. Hydraulic calculations are incomplete

The hydraulic calculations provided as part of Appendix F of the FSWDS document do not include the results for the 1% AEP + 40% climate change storm event for both the building and access road/parking systems.

### 5.11 Cambridgeshire County Council Lead Local Flood Authority (24/5/2022)

At present we are maintaining our objection to the grant of planning permission for the following reasons:

#### 1. Surface water flood risk

As per the email from Tim Erkert (dated 03/05/2022), it is stated that a site specific flood risk assessment is not required as the site is located in Flood Zone 1. It should be noted that flood zones relate to flood risk from rivers and seas and is separate from that of surface water flood risk.

The proposed development is located in an area of high surface water flood risk, as demonstrated on the gov.uk long term flood risk mapping. Therefore, in accordance with Fenland District Council's Policy LP14 (Part B), a site specific flood risk assessment (SSFRA) is still required to be submitted. The SSFRA should demonstrate appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, without reliance on emergency services.

#### 2. Statement in relation to discharge via soakaway

It is noted that the reference to discharging to a soakaway has been removed from Section 4.1 of the Foul and Surface Water Drainage Strategy report (rev. E), however this paragraph still references a below ground soakaway system. For the avoidance of doubt this section of the report should be amended.

#### 3. Attenuation storage provided is insufficient

Based on the 235m<sup>2</sup> area, 0.8m depth and 95% void ratio, the attenuation volumes provided within the geo-cellular crates is 178.6m<sup>3</sup>, which is less than the required volume of 181.3m<sup>3</sup> for the 1% annual exceedance probability (AEP) rainfall event including the 40% allowance for climate change.

As a result, if any above ground flooding is expected for the 1% (AEP) rainfall event including the 40% allowance for climate change, a plan showing the volumes, depths, velocities and extents should be mapped onto a topographical plan of the site (levels on the topographical plan should represent the post-development situation). If flooding is extensive the hazard should be considered in line with guidance from CIRIA's Design for Exceedance in Urban Drainage document.

#### 4. Impermeable areas

The amendments to the plan and table under Section 3.8 of the Foul and Surface Water Drainage Strategy report (rev. E) are noted. However, it appears that the patios and some areas of the footpaths, as shown on the Proposed Impermeable Areas drawing (rev. D), have not been included in the impermeable area figure. As

such, we require that all hardstanding areas are included in the impermeable area figure and the surface water scheme amended to reflect this.

### 5. Hydraulic calculations

The hydraulic calculations submitted appear to show two different versions (dated 07/01/2022 and 03/05/2022) which demonstrated different discharge rates for the proposed development. For the avoidance of doubt the hydraulic calculations should be amended to demonstrate the performance of the most up to date version of the surface water drainage scheme.

In addition, the hydraulic calculations appear to be incomplete, with only shows the results of the 1% AEP + 40% CC allowance provided. As such, we require the results of the 100% and 3.3% AEP to be included.

### 6. Flood exceedance routing plan

As per the Proposed Layout- Flood Exceedance Routing plan (rev. B), exceedance flows are proposed to be directed away from the site, and are shown to flow in the direction of neighbouring properties.

The exceedance flows must be managed in flow conveyance routes that minimise the risks to people and property both on and off site, and should take into account any existing surface water flood risk at the site.

#### Informatics

##### 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.

## 5.12 Cambridgeshire County Council Lead Local Flood Authority

We have reviewed the following documents:

- Flood Risk Assessment, S M Hemmings
- Foul and Surface Water Drainage Strategy, Ward Associates (Consulting Engineers) Ltd, Ref: CE2996 Rev G, Dated: June 2022

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving across the parking areas to drain the access and parking areas. Surface water from the proposed roof of the building will be drained into an attenuation tank before being treated through a downstream defender. Water from each catchment will be limited to 1 l/s per catchment, totalling 2 l/s in all storms up to and including the 100 year plus climate change storm.

We request the following conditions are 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 Foul and Surface Water Drainage Strategy prepared by Ward Associates (Consulting Engineers) Ltd (ref: CE2996 Rev G) dated June 2022 and shall also include:*

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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;*
- b) 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);*
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);*
- d) 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;*
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;*
- f) Full details of the maintenance/adoption of the surface water drainage system;*
- g) Permissions to connect to a receiving watercourse or sewer;*

#### *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.*

#### *Informatics*

##### *OW Consent*

*Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water*

*flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:*

*<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>*

*Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.*

#### **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.*

#### **5.13 Arboricultural Officer (FDC)**

*With reference to the above scheme, my concerns regarding the lack of screening to the rear of properties in Estover Road remain (original comments under application F/YR21/0284/F).*

*However, I note that this does not appear to be a concern for residents in Estover Road and is not generally highlighted as an issue in the objections.*

*I therefore have no further objections to the scheme and accept the species list noted in the Landscape Management and Maintenance Plan.*

#### **5.14 Environmental Health (FDC) (22/2/2022)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. I acknowledge comments previously made by this service on 26.05.2021 in respect of the previous scheme (F/YR21/0284/F) and there is no reason for the stance of this service to differ significantly based on the revised scheme forming this application.*

*Given the size and scope of the proposed development and in the event that planning permission is granted, the following are recommended by this service as conditions in the interests of protecting the amenity of existing nearby residents during the construction phase and on completion of development;*

#### **AMENITY PROTECTION**

*No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.*

*Reason: To protect the amenity of nearby properties*

*No development, enabling works or piling shall commence until a construction noise and vibration impact assessment associated with the development, has been submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with the provisions of BS 5228:2009 Code of*

*Practice for noise and vibration on construction and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents from noise or vibration. The development shall be carried out in accordance with the approved measures.*

*Reason: To protect the amenity of nearby properties*

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

*Reason: To protect the amenity of nearby properties*

*There should be no collections / from or deliveries to the site during the construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the local planning authority*

*Reason: To protect the amenity of nearby properties*

*No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.*

*The CEMP shall include the consideration of the following aspects of demolition and construction:*

- a) Construction and phasing programme.*
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.*
- c) Construction hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.*
- d) Delivery times and collections / dispatches for construction purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority*
- e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.*
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.*
- g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.*

- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition
- i) Use of concrete crushers.
- j) Prohibition of the burning of waste on site during demolition/construction.
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- m) Screening and hoarding details.
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- p) External safety and information signing and notices.
- q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures.
- r) Membership of the Considerate Contractors Scheme.

*This plan should also address the recommendations of the Phase II intrusive investigation by Sub Surface South East Ltd (Report No: SE1581C) which requires a further intrusive investigation after demolition of the existing building has been completed, to ascertain the presence of further contamination, particularly asbestos containing materials*

*Development shall be carried out in accordance with the approved CEMP  
Reason: To protect the amenity of nearby properties*

*This service would also welcome the submission of a light impact assessment due to the scale of the proposals and close proximity to existing residential properties. This should be undertaken by a suitably qualified professional, and the accompanying report would be required to demonstrate to what levels the residential properties will be potential affected by the proposed scheme and what mitigation measures are considered necessary. The report must include an Iso contour plan and demonstrate that any proposed lighting will be within parameters set in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, having regard to the relevant Environmental Zone, that being (E3) Suburban areas.*

E2	Rural	Low district brightness (SQM ~15 to 20)	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations

*Concerning ground contamination, comments made previously by this service still apply and the updated Phase II intrusive investigation (Report No: SE1581C) dated November 2021 by Sub Surface South East Ltd states a requirement for a further intrusive investigation after demolition of the existing building. This is to establish whether any further contamination is present, primarily from asbestos containing materials.*

*It is recommended as with F/YR21/0284/F that the following condition is imposed in the event that planning permission is granted.*

## GROUND CONTAMINATION

*Areas where ground contamination was identified on the site should be stripped to a depth of at least 0.2 metres as recommended in Paragraph 4.7.3 of the Phase II intrusive investigation report by Sub Surface South East Ltd (Report No: SE1581C). Also, any land identified as soft landscape, which could be used for the growing of fruit or vegetables, should be stripped to a depth of at least 0.5 metres and if replaced, with fresh top-soil brought in off-site.*

*Samples of ground, particularly in the vicinity of Trial Pits M1 and TP2 should be taken and kept for a minimum of 28 days and kept at a known location, which is accessible to representatives of local authorities as requested.*

*A remediation strategy, in accordance with Paragraph 4.9 of the Phase II intrusive investigation by Sub Surface SE Ltd., for dealing with such waste should be forwarded to Fenland District Council and approved by them, before any work in connection with this aspect of the development is commenced.*

## ASBESTOS REMOVAL

*Parts of the existing building which consist of asbestos cement materials such as the roof and rainwater goods, should be removed by a licensed asbestos removal contractor and taken to a waste disposal facility, which is licensed to receive such waste. A method statement and work plan should also be submitted to Fenland District Council and approved before any work in connection with this aspect of the development is commenced.*

### **5.15 Environmental Health (FDC) (12/7/2022)**

*Further to our conversation regarding the sub-station proposed at the south-west corner of the site, despite my subjective opinion being that noise breakout is unlikely to adversely impact on the amenity of residential properties, owing to the inclusion of a GRP unit (enclosure), I do agree that because the plans submitted in support of the application state “to be confirmed”, it would therefore be prudent in the interests of amenity protection to impose a condition as follows in the event that planning permission is granted:*

*The sub-station shall not be installed until information is provided that demonstrates its expected noise breakout levels, with the inclusion of the GRP unit specification, as measured at the boundary of the nearest existing residential properties to the south and west. Before commencement of development, the scheme must be approved in writing by the Local Planning Authority, with any specific required noise mitigation measures approved and retained as such.*

*Reason – To ensure the scheme does not adversely impact on the amenity of neighbouring properties as a result of noise in accordance with Policy LP16 - Delivering and Protecting High Quality Environments across the District of the Fenland Local Plan (2014)*

### **5.16 Refuse Team (FDC)**

*As a residential care home the collection and disposal of waste would be chargeable with the type (general waste, recycling, clinical etc), number and frequency of collection dependent on need. The bins store on the plan does appear small for the 56 units however collection frequencies could be arranged as*

*for this not to be an issue. Plans show tracking so as the bin store could be accessed.*

*I would suggest that the refuse strategy outlines what collections the care home would plan to arrange and how these could be accommodated by the bin store provided.*

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

14 objections have been received (13 from Peterhouse Crescent, 1 from Elm Road) in relation to the following:

- Location of the pedestrian access
- Increased traffic
- Congestion at junction with Elm Road
- Double yellow lines have already reduced on street parking
- Not enough on-site parking which will result in on-street parking
- On street parking is already an issue and makes road restricted/obstructed
- Peterhouse Crescent is narrow with sharp/90 degree bends
- Cawood Close entrance more suitable
- Devaluation of property
- Light and noise pollution
- Surface water flooding
- Height will tower over existing properties
- Overlooking/loss of privacy
- Overshadowing
- Loss of wildlife/trees
- Proximity of proposed building to garden
- Anti-social behaviour/crime
- Substation near garden
- Position of bin store and potential for vermin

A 39 signature petition was also received from residents of Peterhouse Crescent.

A representation has been received from Estover Road raising queries regarding the pedestrian access for maintenance and existing access off Cawood Close.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2021**

**National Design Guide 2019**

Context

Identity

Built Form

Movement  
Nature  
Uses  
Homes and Buildings  
Resources  
Lifespan

### **Fenland Local Plan, 2014 (FLP)**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP5 – Meeting Housing Need  
LP6 – Employment, Tourism, Community Facilities and Retail  
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

### **March Neighbourhood Plan 2017**

H2 – Windfall Development  
H3 – Local Housing Need

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

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

## **8 KEY ISSUES**

- **Principle of Development**
- **Access, Parking and Highways Impacts**
- **Scale and Appearance**
- **Residential Amenity**
- **Biodiversity and Landscaping**
- **Drainage and Flood Risk**
- **Other matters**

## **9 BACKGROUND**

Planning permission has already been granted for a 56-bed care home on this site involving the demolition of the exiting factory, in September 2021 with access via Cawood Close. The applicant's agent has advised that it has not been possible to practically deliver the previously approved access and as such access is now proposed via Peterhouse Crescent, the siting, footprint and scale are as previously approved with internal and external alterations to facilitate the revised access and the addition of a substation and mobility store.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The site lies within the built-up area of March; Policy LP3 sets out the spatial strategy for the district, identifying March as a main area for growth with a focus

for delivering housing and commerce to support economic growth. Policy LP6 also seeks to support development where it would enable retention and growth of employment. The proposal would generate some employment needs and visitors to the facility would likely spend within the town thereby assisting the local economy. The principle of a 56-bed care home and loss of the former B2 use on this site has already been established by virtue of F/YR21/0284/F.

10.2 Matters of visual and residential amenity, site constraints; e.g. highway safety, flood risk and contamination and biodiversity considerations are also material to the consideration of the scheme. These aspects are to be balanced against the wider benefits of bringing forward an alternative housing model as promoted in part by Policy LP5 (C) which indicates the need to meet the particular needs of all sectors of the community, such as the disabled and the elderly.

### **Access, Parking and Highways impacts**

10.3 The site has previously been served by an existing access via Cawood Close which has accommodated the commercial use of the site, however it has not been possible to practically deliver the previously approved access as it does not form part of the applicant's registered demise, and therefore they are unable to provide an adequate access from Cawood Close. As such, access is now proposed via Peterhouse Crescent.

10.4 The application is accompanied by a Transport Statement which advises that the proposal would generate 7 two-way vehicle trips in the AM peak hour and 10 two-way vehicle trips in the PM peak hour. The statement refers to the increase over and above the outline planning permission for 9 dwellings on the site (F/YR20/0674/O), however access was not committed, hence this comparison is disregarded. Cambridgeshire County Council Highways do not raise any highway safety concerns, though acknowledge that the revised access may have some amenity impacts on Peterhouse Crescent. However, County Council's Transport Assessment Team has indicated that they do not consider that the proposal would result in significant vehicle movements. Consequently, whilst it is acknowledged that the Cawood Close access would be preferable, the access now proposed via Peterhouse Crescent does not give rise to such significant concerns that would justify a refusal in this regard.

10.5 It is proposed that construction traffic would access the site via Cawood Close in order to minimise impact on existing residents and details can be secured through a Construction Management Plan by way of a condition. Highways have advised that the existing access should then be closed, and a footpath reinstated, however this access is not in the applicant's ownership or control and as such it would not be reasonable to impose a condition in this regard.

10.6 The existing pedestrian access point to the north-west corner of the site which leads onto Peterhouse Crescent is being retained. This access is proposed to be secured via a keypad entrance and remote opening mechanism (details to be agreed) and would enable staff and visitors to access the site directly from Station Road which is close to the railway station and bus stop. It is considered that the provision of the pedestrian access will encourage non-car modes of travel to the site in-line with FLP policy LP15. This is further reinforced with the inclusion of a secure cycle storage area at western side of the site. A pedestrian access for maintenance is proposed via Cawood Close and further details regarding this can also be obtained by way of a condition to ensure that its use is appropriate.

10.7 Policy LP15 and Appendix A set out that developments such as this should provide 1 space per 4 residential units, plus one visitor space per 4 residential units, plus 1 space for each resident member of staff. This equates to a requirement of 28 spaces for this 56-bed care home; the applicant's agent has confirmed that there will not be any resident members of staff, supported by the fact that there is no staff living accommodation detailed on the submitted plans or documentation.

10.8 The layout secures parking for up to 31 cars plus an ambulance space, located in the south-western corner of the site, which exceeds the requirements set out above. The applicant has allowed for 12 spaces for staff (the maximum on site at any one time as indicated in the Transport Statement) and 19 visitor car parking spaces. Notwithstanding this, the applicant anticipates that staff will use other modes of transport, given the site's close proximity to the railway and bus stop and the fact it is within walking distance of the main town centre. It is also acknowledged that residents of this type of facility are not likely to be car owners.

10.9 Whilst concerns raised by residents in respect of highways impacts resulting from the operational element of the development have been carefully considered, there is no evidence to support these concerns and Officers would therefore not be confident that a refusal on these grounds could be justified.

10.10 In summary, it is concluded that the development would provide in excess of the required parking provision, safe and effective access and would encourage sustainable means of travel, whilst prioritising pedestrian access in-line with the aims of Policy LP15 and chapter 9 of the NPPF.

### **Scale and Appearance**

10.11 The proposal is considered against the context of the former structures within the site and the arrangement of residential properties on all four boundaries. Whilst the scale of the proposed building would be approximately 2m to 2.2m higher than the existing warehouse, its scale generally accords with the 2-storey residential properties in the vicinity with a ridge height of 7.7m. The officer report for the previous application referred to precise levels details being secured by way of a condition, however it was subsequently realised that sufficient detail had been submitted with the application (as in this case) to negate such a condition. Whilst the overall massing of the building would be greater than that which exists, the site would comfortably accommodate the development.

10.12 Main views of the development from the public realm would be achieved from Peterhouse Crescent which runs parallel with the southern boundary (particularly now that this boundary would be opened up for the access) and from Cawood Close where the roofline of the development would likely be seen above the bungalows that front onto Cawood Close. Given the presence of the existing factory which accommodates a similar footprint to that proposed, albeit at a lower overall scale, the introduction of the proposed development would not result in significant harm to the character of the area. This conclusion is reached also having regard to the overall style of the building and external finishes – where the use of buff (Ibstock Minster Sandstone Mixture) and red (Ibstock Windsor) facing brick and dark plain roof tiles is acceptable given the mix of finishes on nearby properties, precise details of the roof tiles can be secured by condition. Furthermore, details of the roof-mounted extractor are also recommended to be secured, in the interests of visual amenity.

10.13 In summary, the development would introduce a structure which is compatible with its surroundings in respect of the existing character and appearance of the area and in terms of scale which is similar to the 2-storey properties in the locality. Whilst the massing of the building would be substantial in comparison to buildings in the area, it would not look unduly prominent in the context of the existing structures within the site and the positioning of the building relative to existing boundaries.

10.14 It is considered therefore that based on the detail provided and subject to the aforementioned conditions, the development would positively contribute to the character of the area without adversely affecting the streetscene in accordance with Policy LP16.

### **Residential Amenity**

#### Existing Residents

10.15 Local residents have raised concerns regarding the scale and form of the proposed development and the impact on their properties in terms of overlooking, loss of privacy, overshadowing, light pollution, loss of outlook and noise (pedestrian and vehicular access have been considered in the access section above).

10.16 Matters of scale in respect of visual impacts have been considered above in so far as they relate to the overall character of the area. In terms of the residential amenity impacts associated with the development the facets of the building are generally over 20m from existing dwellings, with the exception of the southern facet which sits around 16m from the properties on Peterhouse Crescent, which are separated from the development in this location by an access road. In this regard, it is considered that outlook from existing properties would not be significantly compromised. It is acknowledged that the building will be in fairly close proximity to the rear boundaries of some dwellings – particularly at the north west (7, 9, 11 and 15 Peterhouse Crescent) and north (21, 23 and 25 Estover Road) where the facet of the building will be around 6m at its closest point. However, given the substantial length of gardens serving these properties and the common presence of outbuildings, trees and hedgerow and the proposed boundary treatments, the development is not anticipated to have any significant adverse impacts in respect of visual dominance and overbearing or overshadowing. Likewise, due to these separation distances and the distance of first floor windows from adjacent boundaries, the development would not compromise the privacy of neighbouring occupiers e.g. through overlooking.

10.17 The proposed site plan indicates 1.8m high close boarded fencing to the site boundaries. Whilst it is acknowledged that c.2m high fencing does already exist around most of the perimeter, the condition of this varies and it is incumbent upon the developer to ensure that their development is adequately screened from public and private views. Hence it is considered necessary to impose a condition to ensure that the fencing is installed prior to the first occupation of the development.

10.18 Residents have also raised concerns over light pollution impacts. Given the aforementioned separation distances – particularly window to window being over 20m, it is unlikely that lighting from within the building would adversely affect amenity. However, it is expected that external lighting will be utilised and details of this should be secured via planning condition, to ensure a suitable scheme is brought forward. This would align with the Council's Environmental Health team's request and also that of the Designing Out Crime Team in respect of site security.

10.19 There is a substation proposed in the south-western corner of the site in close proximity to the rear boundary of 25-29 Peterhouse Crescent. The Environmental Health Team consider that it is unlikely that there would be any adverse impact on residential amenity, however as the plans state 'to be confirmed' it is considered necessary to impose a condition to obtain full details, including noise levels to enable this to be fully assessed.

10.20 Given the scale of the proposed development a construction management plan will be necessary to ensure that the construction phase does not impact upon any existing nearby dwellings, as well as the local highway where practicable. The Council's Environmental Health team has raised the matter of asbestos in relation to the demolition of the existing building, requesting a planning condition to secure a scheme for its safe removal. The building has already been demolished and any asbestos would have needed to be dealt with by a licensed contractor under current Health and Safety Executive (HSE) requirements and controlled through a regulatory regime outside of the planning system.

#### Future Occupiers

10.21 The development would be served with adequate fenestration to enable appropriate levels of natural daylight and outlook. Furthermore, the landscaped garden area proposed would provide a satisfactory private amenity area for residents and visitors and the site is to be bounded by 1.8m high close boarded fencing to provide adequate privacy.

10.22 The Council's Environmental Health team has considered the submitted ground investigations report and are satisfied that it identifies areas of the site with potential contaminants and would be an acceptable form of development, subject to an agreed remediation strategy the details for which could be reasonably secured through planning condition.

10.23 In summary, it is considered that there are no significant issues arising from the scheme with regard to residential amenity, whilst the scheme will obviously alter the outlook for adjacent residents, it is not considered that there would be material grounds on which to withhold consent in respect of residential amenity impacts and it is concluded that the scheme aligns with the Policy aims of LP2 and LP16 with regard to residential amenity.

10.24 A bin store is proposed alongside the service area of the building near the southern boundary. The submitted information indicates that refuse will be collected by a private refuse collection operator, however details have not been provided, as such it is considered necessary to impose a refuse collection strategy condition to ensure that a satisfactory arrangement is achieved.

#### **Biodiversity and Landscaping**

10.25 The applicant has previously undertaken a bat emergence survey regarding the potential for the now removed Poplar trees along the northern boundary to provide habitat. The applicant has submitted an updated ecology survey and a landscaping plan which includes gaps in boundary treatments to enable cross-site commuting of small mammals e.g. hedgehogs. The ecology survey also recommends the inclusion of bat and bird boxes to provide roosting and nesting opportunities and as a way to offset the loss of the trees.

10.26 It is concluded that the updated ecology survey and landscaping scheme provides suitable evidence that the negative impacts on the protected species

and biodiversity of the proposal can be adequately mitigated and compensated through the development, and the required construction environmental management plan (CEMP) will provide assurances to the LPA that all recommendations made within the ecology survey will be competeted and monitored by competent persons.

- 10.27 The proposed landscaping is considered acceptable to the Council's Arboricultural Officer, however he does raise concerns regarding the lack of screening to the properties on Estover Road following the removal of the Poplars. The previous scheme was approved without such screening and as such it would not be reasonable to insist this is provided. The landscaping management and maintenance strategy submitted with the application will ensure that the planting have a good chance of maturing over time thereby reinforcing the biodiversity value of the site and provide further screening.
- 10.28 In summary, the development would incorporate measures to protect and enhance biodiversity in and around the site in accordance with FLP policies LP16 an LP19.

### **Drainage and Flood Risk**

- 10.29 The site lies in Flood Zone 1, however there is a high risk of flooding from surface water for areas of the site. The applicant has updated their drainage strategy following initial concerns raised by the Lead Local Flood Authority. The scheme demonstrates that surface water from the proposed development can be managed through the use of permeable paving across the parking areas to drain the access and parking areas and surface water from the roof of the building will be drained into an attenuation tank before being treated through a downstream defender.
- 10.30 The foul drainage is proposed to be discharged into the existing foul sewer network within Cawood Close, Anglian Water would need to agree to the specific detail but nonetheless have agreed in principle of the strategy and has not requested further detail via planning condition. The Lead Local Flood Authority has however requested that a detailed design of the surface water drainage is provided including any management details for elements not to be adopted by Anglian Water, and also details of how surface water will be managed during construction of the development. Both elements can be reasonably secured via planning condition.

### **Other matters**

#### Fire safety

- 10.31 The Fire and Rescue service has requested that a scheme for fire hydrants is secured. The development would need to be built in accordance with current Building Regulations (BR) and as part of the BR process, the Fire Service would be consulted on the appropriateness and any requirements for dealing with fires and safe access etc.
- 10.32 As set out above the PPG sets out that the planning system should not seek to impose controls (i.e. via conditions/ obligations) where compliance with other regulatory regimes is otherwise required.
- 10.33 As such, given that the development would be overseen and would be required to accord with current Building Regulations, against which the Fire Service would be able to input with their specific requirements, it is not necessary or appropriate for

the LPA to secure a scheme for hydrants in this instance. The applicant will be reminded of this requirement by way of an informative.

#### Pre-commencement conditions

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

10.35 The applicant has reviewed the draft decision notice and has provided written agreement to proposed conditions, specifically the pre-commencement conditions therein.

## **11 CONCLUSIONS**

11.1 This scheme will see the delivery of a bespoke care home establishment which will specifically deliver housing to meet the needs of the elderly, as promoted in Policy LP5 of the FLP and would make effective use of a brownfield site.

11.2 Due regard has been given to the matters raised by neighbouring occupiers with regard to character and amenity concerns, however whilst the outlook and character of the area may change as a result of the proposal, such change is not considered so significant as to render the scheme unacceptable in terms of Policies LP2 and LP16.

11.3 Cambridgeshire County Council Highways do not raise any highway safety concerns, though acknowledge that the revised access may have some amenity impacts on Peterhouse Crescent. However, County Council's Transport Assessment Team has indicated that they do not consider that the proposal would result in significant vehicle movements. The layout secures parking for up to 31 cars plus an ambulance space, which exceeds the requirements set out in Policy LP15 and Appendix A. Hence, whilst concerns raised by residents in respect of highways impacts resulting from the operational element of the development have been carefully considered, there is no evidence to support these concerns and Officers would therefore not be confident that a refusal on these grounds could be justified.

11.4 Securing the recommendations of the Ecology Report through the imposition of relevant conditions will ensure that the scheme delivers appropriate mitigation and enhancements in this respect going forward. Matters of drainage have been duly considered and have achieved a positive recommendation from the LLFA, subject to appropriate conditions.

## **12 RECOMMENDATION**

#### **Grant, subject to the following conditions:**

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	The development shall operate under a C2 use class only with a maximum of 56 bedrooms.

	<p>Reason - To define the permission for the avoidance of doubt and to ensure a satisfactory standard of development.</p>
3	<p>No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.</p> <p>Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
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 Foul and Surface Water Drainage Strategy prepared by Ward Associates (Consulting Engineers) Ltd (ref: CE2996 Rev G) dated June 2022 and shall also include:</p> <ul style="list-style-type: none"> <li>a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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;</li> <li>b) 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);</li> <li>c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);</li> <li>d) 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;</li> <li>e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;</li> <li>f) Full details of the maintenance/adoption of the surface water drainage system;</li> <li>g) Permissions to connect to a receiving watercourse or sewer;</li> </ul>

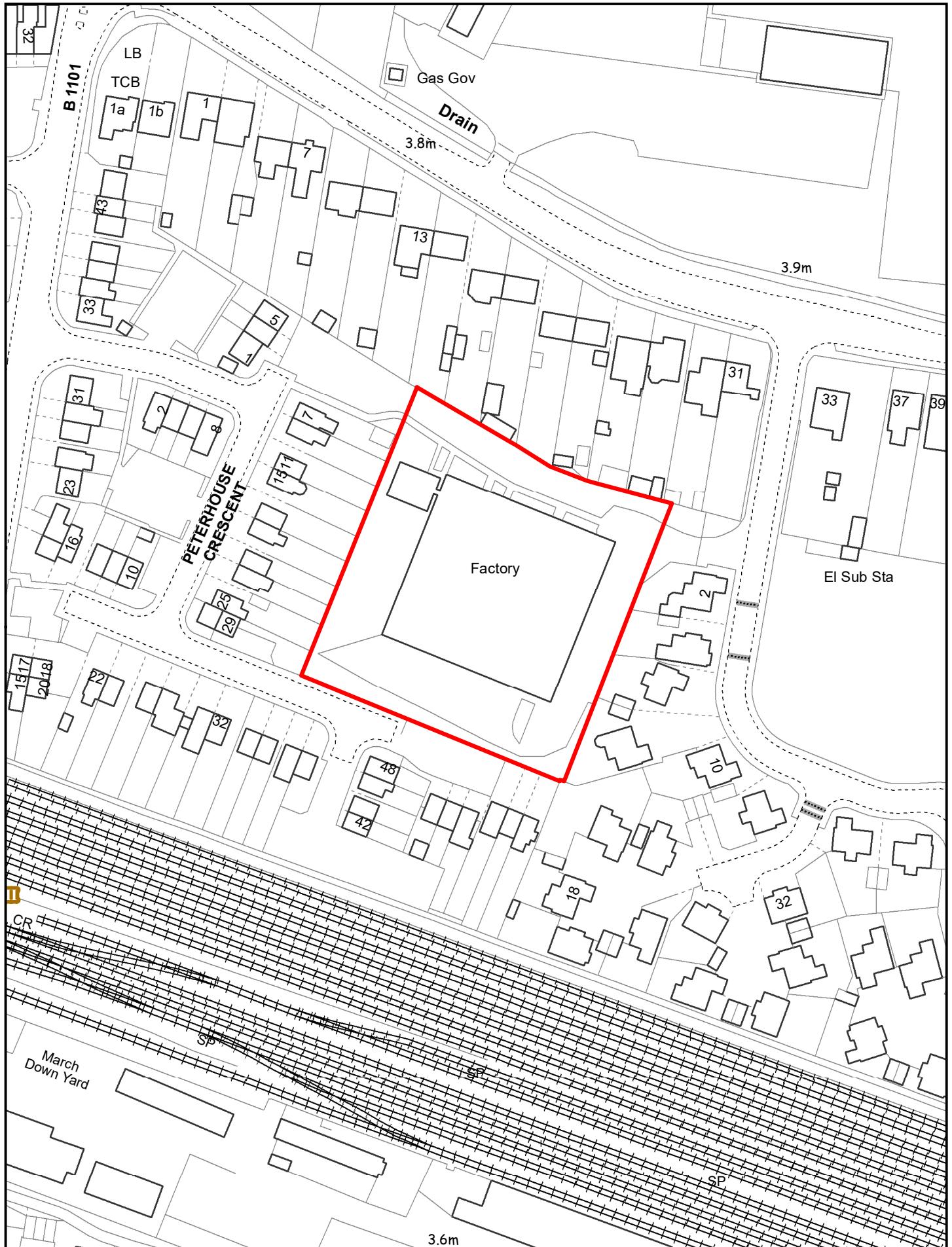
	<p>Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
5	<p>No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.</p> <p>The CEMP shall include the consideration of the following aspects of demolition and construction:</p> <ul style="list-style-type: none"> <li>a) Construction and phasing programme.</li> <li>b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.</li> <li>c) Construction hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.</li> <li>d) Delivery times and collections / dispatches for construction purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority</li> <li>e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.</li> <li>f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.</li> <li>g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.</li> <li>h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition</li> <li>i) Use of concrete crushers.</li> <li>j) Prohibition of the burning of waste on site during demolition/construction.</li> <li>k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.</li> <li>l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.</li> <li>m) Screening and hoarding details.</li> <li>n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.</li> <li>o) Procedures for interference with public highways, including</li> </ul>

	<p>permanent and temporary realignment, diversions and road closures.</p> <p>p) External safety and information signing and notices.</p> <p>q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures.</p> <p>r) Membership of the Considerate Contractors Scheme.</p> <p>This plan should also address the recommendations of the Phase II intrusive investigation by Sub Surface South East Ltd (Report No: SE1581C) which requires a further intrusive investigation after demolition of the existing building has been completed, to ascertain the presence of further contamination, particularly asbestos containing materials</p> <p>Development shall be carried out in accordance with the approved CEMP</p> <p>Reason: To protect the amenity of nearby properties in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>No development shall take place 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> <p>a) Summary of potentially damaging activities.</p> <p>b) Identification of "biodiversity protection zones".</p> <p>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).</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Compliance Condition(s) -</p> <p>o 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.</p> <p>Reason: To ensure that the proposal remains in line with Policy LP19 the Fenland Local Plan 2014</p>
7	<p>A scheme for the provision of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the development and retained and maintained thereafter in perpetuity.</p>

	<p>Reason: In order to ensure adequate safety and security on site in accordance with policies LP2, LP16 and LP17 of the Fenland Local Plan 2014.</p>
8	<p>Prior to works proceeding above slab level, full details of the materials to be used for the roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
9	<p>Full details of the roof-mounted extraction vent as denoted on the approved roof plan ref; G5107 83 revision F shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual and residential amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
10	<p>Prior to works proceeding above slab level, details and locations of a minimum of 4 bird boxes (to cater for Starling, Swift or Sparrow) and a minimum of 2 bat boxes shall be submitted to an approved in writing. The development shall be carried out in accordance with approved details prior to first occupation.</p> <p>Reason: To secure the long-term protection of nesting Bird and roosting Bat potential in accordance with policies LP16 and LP19 of the Fenland Local Plan, 2014.</p>
11	<p>Areas where ground contamination was identified on the site should be stripped to a depth of at least 0.2 metres as recommended in Paragraph 4.7.3 of the Phase II intrusive investigation report by Sub Surface South East Ltd (Report No: SE1581C). Also, any land identified as soft landscape, which could be used for the growing of fruit or vegetables, should be stripped to a depth of at least 0.5 metres and if replaced, with fresh top-soil brought in off-site.</p> <p>Samples of ground, particularly in the vicinity of Trial Pits M1 and TP2 should be taken and kept for a minimum of 28 days and kept at a known location, which is accessible to representatives of local authorities as requested.</p> <p>A remediation strategy, in accordance with Paragraph 4.9 of the Phase II intrusive investigation by Sub Surface SE Ltd., for dealing with such waste should be forwarded to the local planning authority and approved by them, before any work in connection with this aspect of the development is commenced.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety and ensure compliance with Policy LP16 of the Fenland Local Plan 2014.</p>

12	<p>The pedestrian access at the north west corner of the site as detailed on Plan G5107 91 revision J shall be accessible to visitors, staff and emergency services upon first use of the development. This pedestrian access and pedestrian maintenance access on the eastern boundary via Cawood Close shall accord with an access strategy which has first been submitted to and approved in writing by the Local Planning Authority.</p> <p>The strategy shall include;</p> <ul style="list-style-type: none"> <li>- Means of entry/ egress e.g. any security measures, access requirements etc.</li> <li>- Emergency access strategy e.g. for Fire Service access</li> <li>- Signage for users or residents denoting that the access is for use of the care home only</li> </ul> <p>The access shall be maintained in accordance with the details approved for the lifetime of the development.</p> <p>Reason: In order to provide an access which promotes sustainable travel whilst providing the necessary security and emergency access in accordance with policies LP2, LP15, LP16 and LP17 of the Fenland Local Plan, 2014.</p>
13	<p>Prior to the first occupation of the development, the access serving the development from Peterhouse Crescent as detailed on plan ref: G5107 91 Revision J shall be laid out and constructed in accordance with the approved plans and shall thereafter be retained and maintained in perpetuity.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access into the site whilst promoting sustainable means of travel in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
14	<p>The vehicle turning and parking spaces shown on the approved plans shall be provided before the development is brought into use and shall be retained thereafter.</p> <p>Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
15	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity</p> <p>Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan 2014</p>
16	<p>Prior to the first occupation of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity.</p> <p>Reason: To ensure a satisfactory form of refuse collection and</p>

	compliance with Policy LP16 of the Fenland Local Plan 2014.
17	<p>All soft landscape works, shall be carried out in accordance with the approved details, including the ongoing maintenance specification included in the approved Landscape management and maintenance plan (Greenplan Landscape Architects). All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
18	<p>The 1.8m high close boarded fencing to the site boundary, indicated on drawing G5107 91 Rev J shall be completed prior to the first occupation of the development and retained thereafter.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy LP16 of the Fenland Local Plan 2014.</p>
19	<p>The proposed substation shall not be installed until full details, including the GRP unit specifications and expected noise breakout levels measured at the boundary of the nearest residential properties to the south and west, have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details, with any noise mitigation measures approved retained in perpetuity.</p> <p>Reason - To ensure the scheme does not adversely impact on the amenity of neighbouring properties as a result of noise in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
20	The development hereby permitted shall be carried out in accordance with the following approved plans and documents



Created on: 07/02/2022

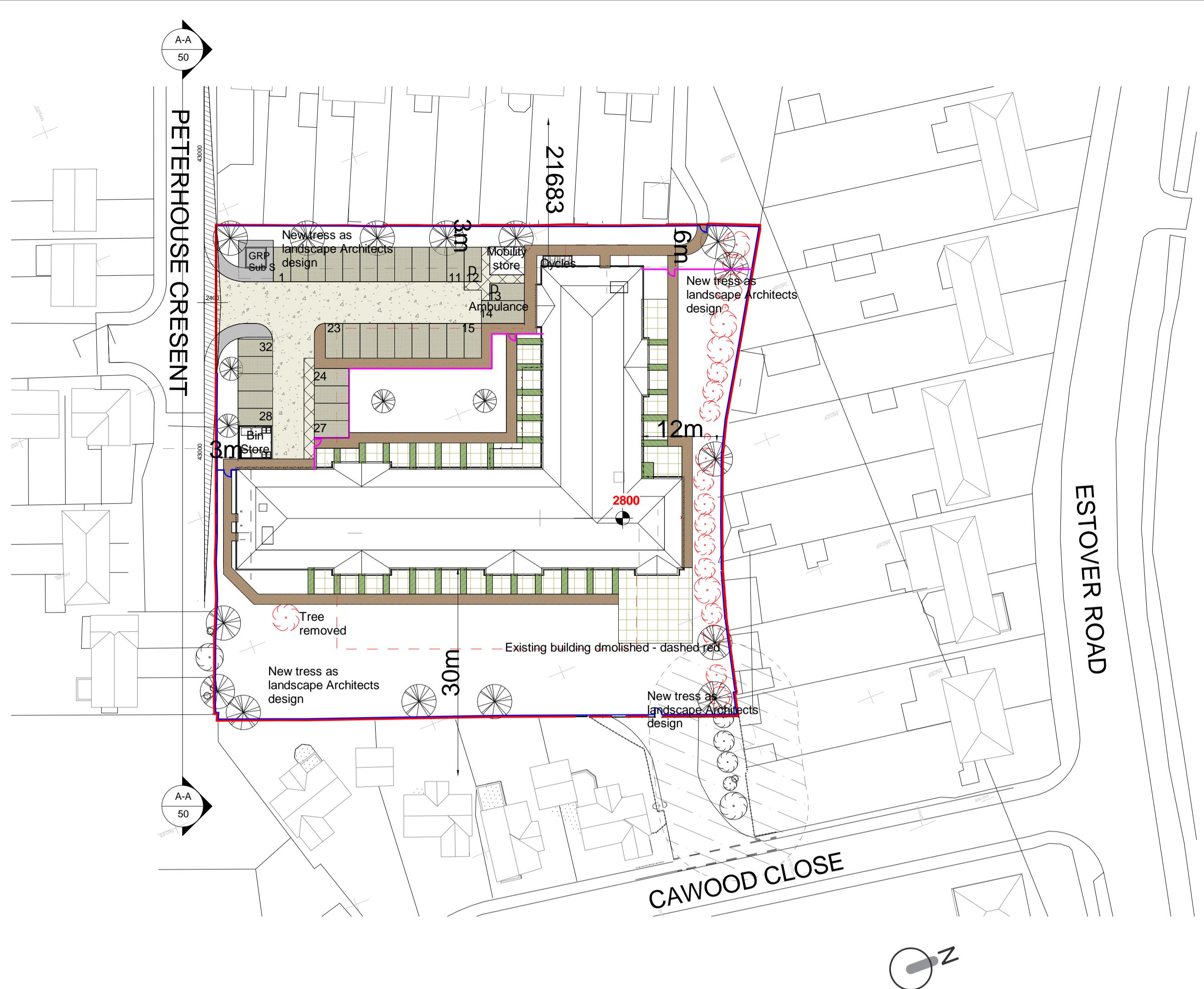
F/YR22/0083/F

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Scale = 1:1,250







**Key plan - Site Sections.**  
1 : 500

DRAWING REVISIONS			
REV	DESCRIPTION	DATE	BY
			CHK

NOTES  
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CLIENT  
Life Property Construction for Glenholme Senior Living

PROJECT  
Proposed Care Home, Cawood Close, March

DRAWING TITLE  
Proposed Streetscene elevation from Peterhouse Crescent

DRAWING STATUS  
**PLANNING**

SCALE  
As indicated @ A1

DATE  
01/19/22

DRAWN BY  
JA

CHECKED BY  
TE

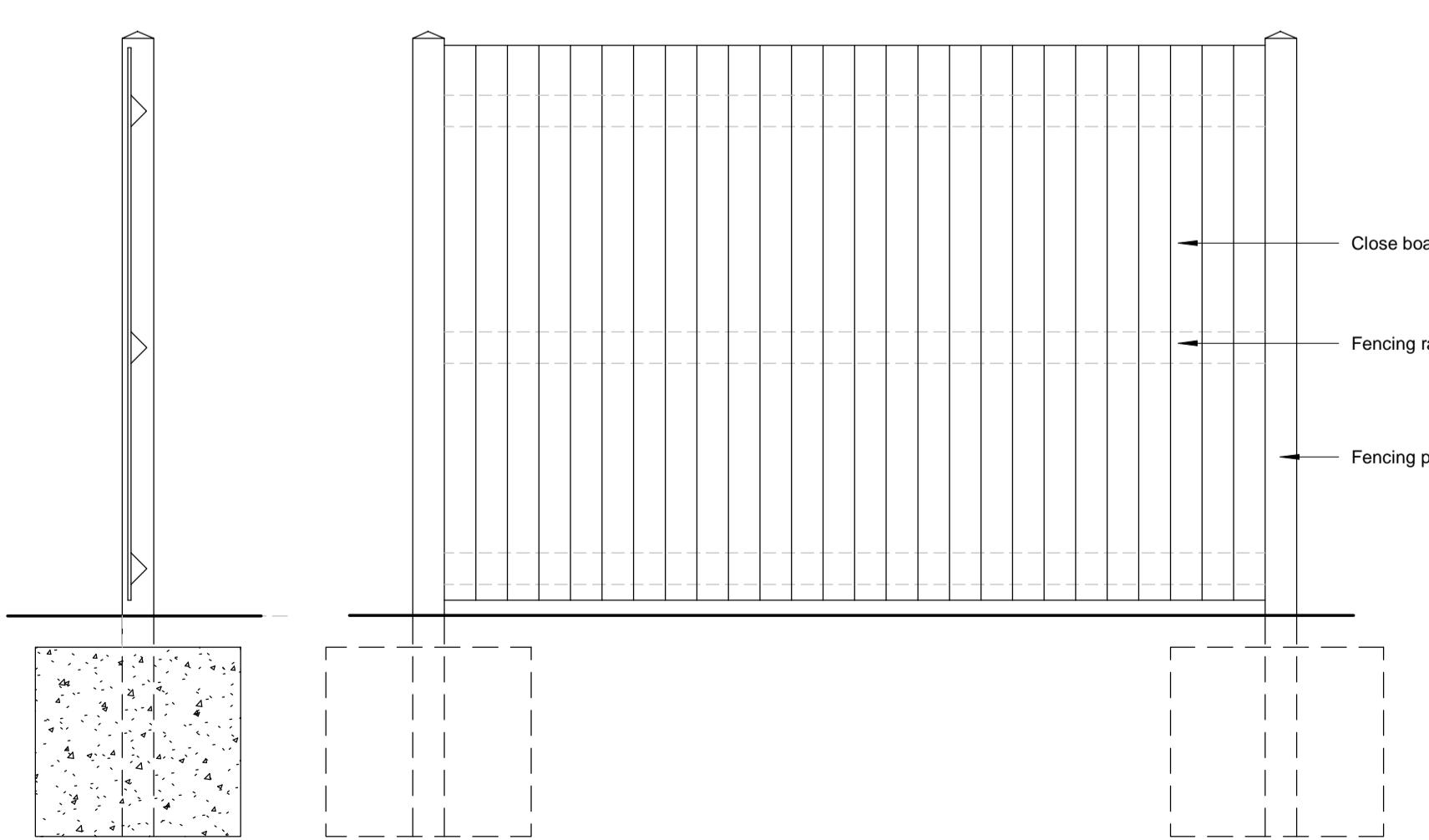
JOB NO.  
G5107

DWG NO.  
50

REV



**Street Scene Section - AA**  
1 : 200



**Fencing details**

1 : 20



(North-West) As Approved under application 21/0284 Drawing G5107:41



DRAWING REVISIONS			
REV	DESCRIPTION	DATE	BY
A	'Do not scale' note omitted for validation Team.	8Mar2021	RT TE
B	Co-ordinated with roof plan to show roof profile accurately.	08July2021	MH TE
C	Amendments to entrance area and end of corridor windows omitted.	16July2021	MH TE
D	Layout/design reverted. End of corridor windows omitted.	05Aug2021	MH TE
E	Entrance amended.	22Sep2021	MH TE
F	Material key added. Brick type amended.	1Nov2021	MH TE
G	Elevations Updated for planning	3Dec2022	MH TE
H	Elevations updated for planning validation to omit obstructing elements and air terminal shown	17Jan2022	JA TE

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CLIENT  
Life Property Construction for Glenholme Senior Living

PROJECT  
Proposed Care Home, Cawood Close, March

DRAWING TITLE  
Proposed Elevations Sheet 2 Planning

DRAWING STATUS  
Planning

SCALE  
As indicated @ A1 DATE  
07/07/21

DRAWN BY  
MH CHECKED BY  
TE

JOB NO.  
G5107 DWG NO.  
42 REV  
H





(South-East) As Approved under application 21/0284 Drawing G5107:41



Proposed (South-East)

1 : 100

- (A) WALLS: Facing Bricks - Ibstock Windsor - Natural mortar - Recessed Joint
- (B) WALLS: Facing Bricks - Ibstock Minster Mixture Stock - Natural mortar - Recessed Joint
- (C) WINDOWS: Proposed White uPVC windows
- (D) ROOF: Proposed Black/Grey concrete plain tiles
- (E) DOORS: Proposed Aluminum entrance doors  
Proposed uPVC Patio and Escape doors
- (F) RAINWATER GOODS: uPVC Self coloured - Black
- (G) FASCIAS - UPVC

DRAWING REVISIONS			
REV	DESCRIPTION	DATE	BY
A	'Do not scale' note omitted for validation Team.	8Mar2021	RT TE
B	Windows omitted from Dayroom 3 and adjacent office following comment from the planning team	14Jun2021	MH TE
C	Co-ordinated with roof plan to show roof plan indicatively	08July2021	MH TE
D	Amendments to entrance area and end of corridor windows	16July2021	MH TE
E	Lavatory omitted. End of corridor windows omitted	05Aug2021	MH TE
F	Entrance amended	22Sep2021	MH TE
G	Material key added. Brick type amended.	1Nov2021	MH TE
H	Elevations Updated for planning	3Dec2021	MH TE
I	Elevations updated for planning validation to omit obstructing elements and air terminal shown	17Jan2022	JA TE

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CLIENT  
Life Property Construction for Glenholme Senior Living

PROJECT  
Proposed Care Home, Cawood Close, March

DRAWING TITLE  
Proposed Elevations Sheet 1 Planning

DRAWING STATUS  
Planning

SCALE  
As indicated @ A1

DRAWN BY  
MH

CHECKED BY  
TE

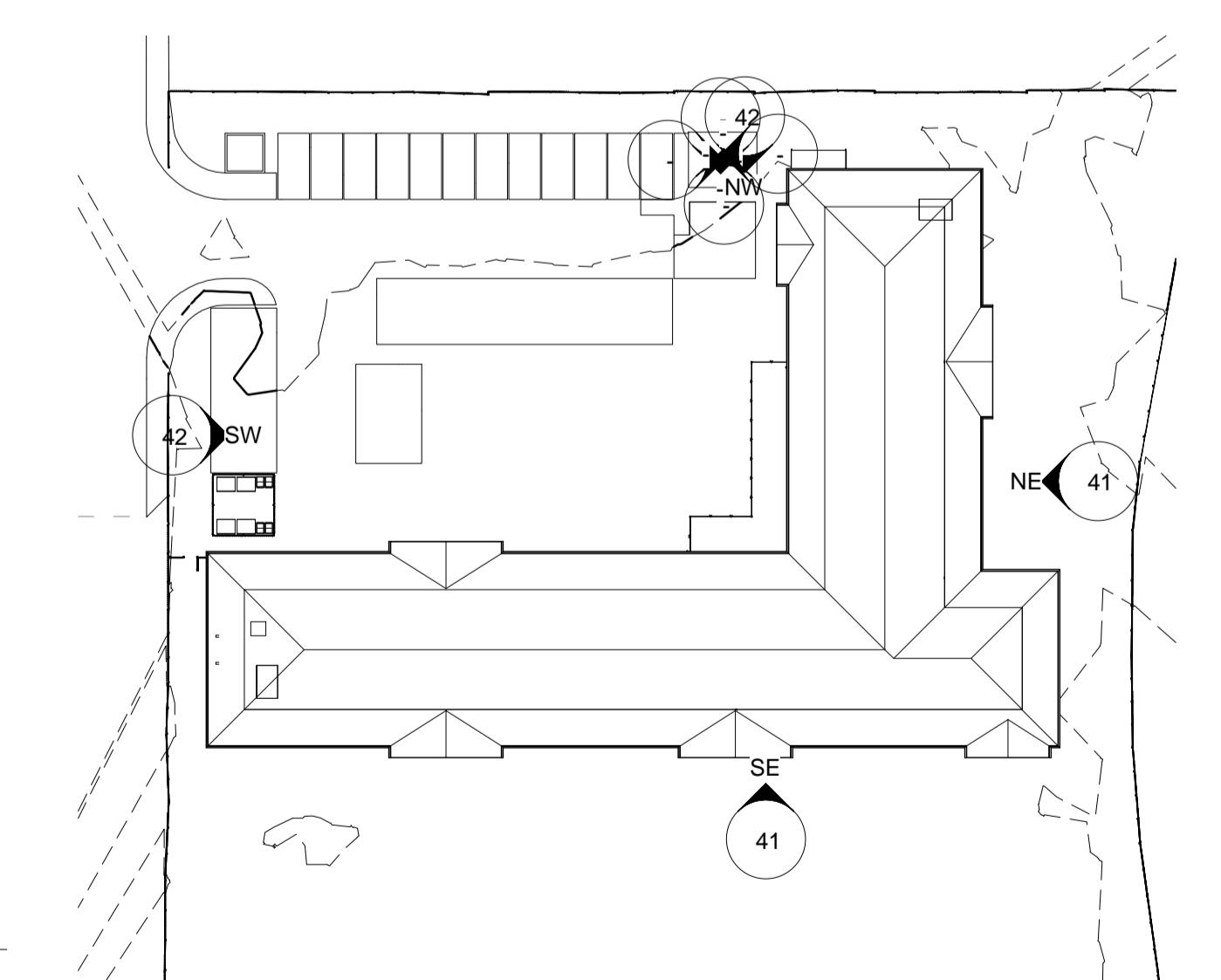
JOB NO.  
G5107

DWG NO.  
41

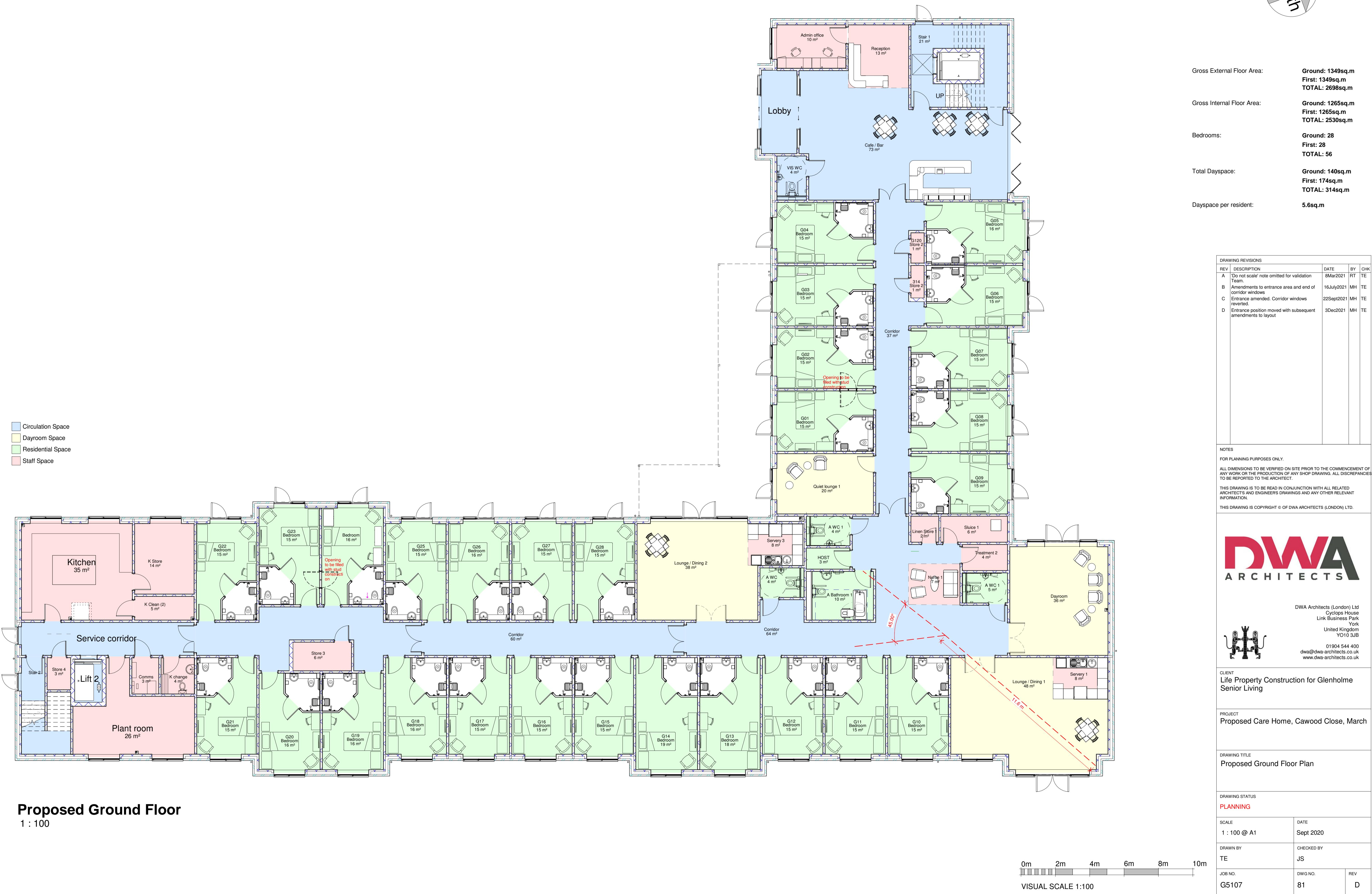
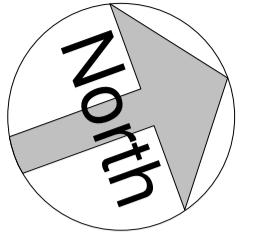
REV  
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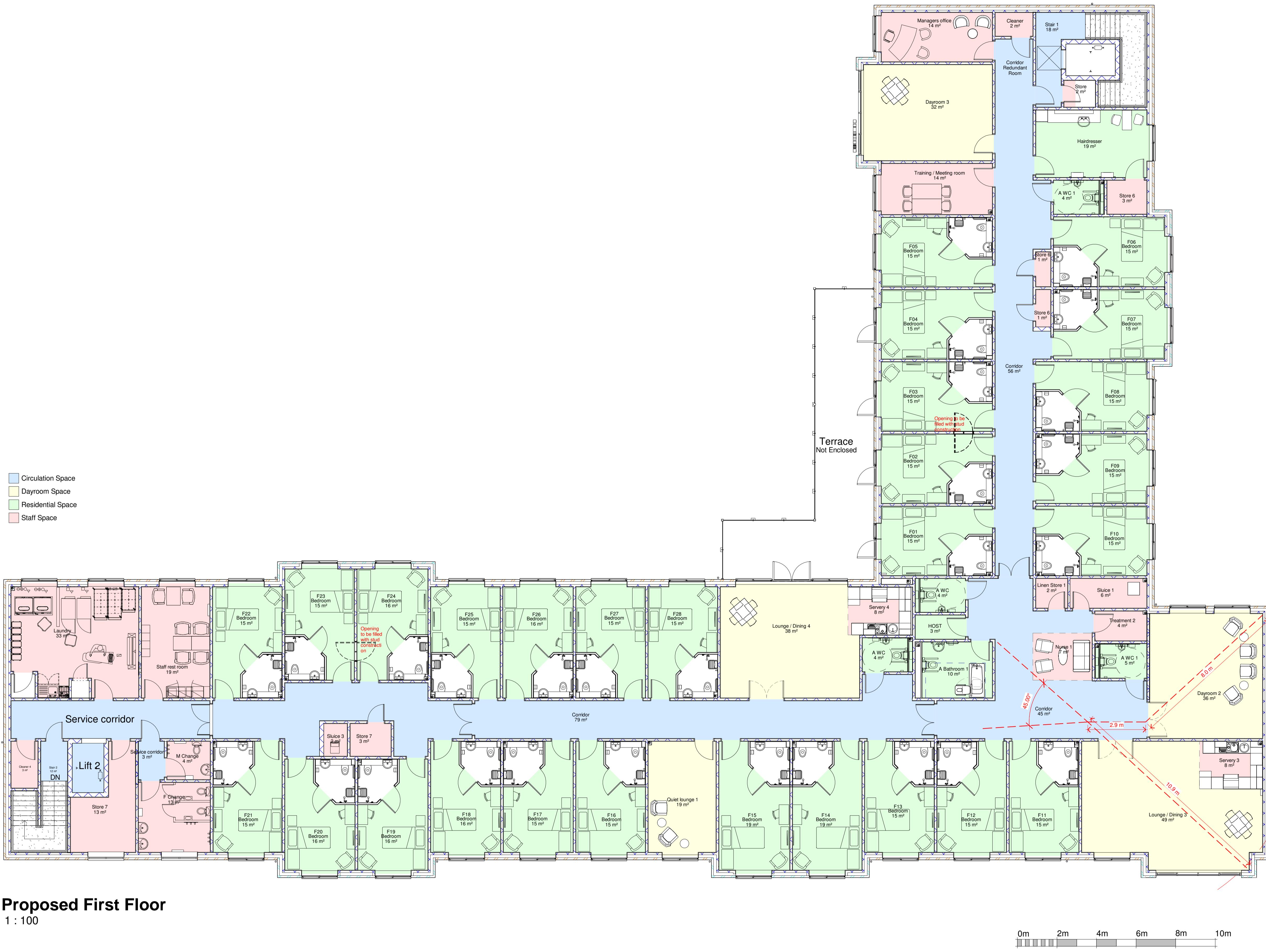


(North-East) facing Estover Road As Approved under application 21/0284 Drawing G5107:41  
Rev.E



Key plan - Elevation  
1 : 500





## Proposed First Floor

1 : 100

A horizontal scale bar with markings at 0m, 2m, 4m, 6m, 8m, and 10m. The scale is marked every 200m, with intermediate tick marks every 100m.

VISUAL SCALE 1:100

DRAWING REVISIONS					
REV	DESCRIPTION	DATE	BY	CHK	
A	'Do not scale' note omitted for validation Team.	8Mar2021	RT	TE	
B	Window omitted from Dayroom 3 and adjacent office following comment from the planning team	14Jun2021	MH	TE	
C	Amendments to entrance area, end of corridor windows and bin store/ mobility store / cycles area	16July2021	MH	TE	
D	Layout/design reverted. End of corridor windows omitted.	05Aug2021	MH	TE	
E	Dayroom 3 amended.	22Sept2021	MH	TE	
F	Entrance position moved with subsequent amendments to layout	3Dec2021	MH	TE	

**NOTES**

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CLIENT  
Life Property Construction for Glenholme  
Senior Living

PROJECT  
Project Overview, Scope, and Change Management

DRAWING TITLE  
**Proposed First Floor Plan**

## DRAWING STATUS

SCALE	DATE
1 : 100 @ A1	Sept 2020

DRAWN BY	CHECKED BY
TE	JS

JOB NO.	SW. NO.	REV.
G5107	82	F

F/YR22/0240/F

**Applicant: Mrs B Smith**  
**Smith Percy Ltd**

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

**Land West Of, 1 King Edward Road, Chatteris, Cambridgeshire**

**Erect 2 x 2-storey 3-bed dwellings and 1 x 2-bed flat above triple garage and front boundary wall with 1.3m high piers**

**Officer recommendation: Refuse**

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

## 1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for 2 x semi-detached, 2-storey 3 bed dwellings and a triple garage with 2-bed flat above, also proposed is a 1.3m high (max) brick boundary wall to King Edward Road.
- 1.2 The principle of development is supported, and the application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward.
- 1.3 The design and appearance of the proposal is broadly acceptable, would not have a significant detrimental impact on the character of the area and it is not felt that there is additional impact over and above the previously approved scheme on surrounding heritage assets.
- 1.4 Overall however, the proposal is considered to be an overdevelopment of the site which results in a significant detrimental impact on the residential amenity of surrounding dwellings, would not create a high quality living environment for future occupants and results in inadequate parking provision and vehicle manoeuvring. The proposal is therefore considered contrary to Policy LP2, LP15 and LP16 of the Fenland Local Plan 2014, para 130 of the NPPF 2021 and I2, B2, M3, H1 and H2 of the NDG 2021.
- 1.5 The proposed development is considered to be unacceptable and as such the recommendation is one of refusal.

## 2 SITE DESCRIPTION

- 2.1 The application site lies in the town centre of Chatteris and comprises an irregular shaped piece of land on the south side of King Edward Road. The former dilapidated barn has been demolished and the site partially cleared, though a small brick outbuilding has recently been constructed and opens into the site (this is understood to relate to 1 King Edward Road). There is a close boarded fence to the west and brick wall to the south and east (which required some repair when the site was visited) and presently Heras fencing/hoarding to the north (front) of the site.

2.2 The area adjoins the Chatteris Conservation Area and a number of Grade II Listed Buildings can be clearly seen to the east and south east from the site fronting the corner of King Edward Road and leading round along High Street/Market Hill. The buildings immediately either side of the site are more modern in design with No.1 King Edward Road (east) of late 20th Century/ early 21st Century build and the Conservative Club (west) or more mid to late 20th Century design. The site lies in Flood Zone 1.

### **3 PROPOSAL**

3.1 The application seeks full planning permission for 2 x semi-detached, 2-storey 3 bed dwellings and a triple garage with 2-bed flat above, also proposed is a 1.3m high (max) brick boundary wall to King Edward Road.

3.2 The semi-detached properties on the site frontage (plots 1 and 2) measure a maximum of 14.1m x 10.4m and 7.6m in height, accommodation for each dwelling comprises lounge, kitchen/diner, WC, hall and store at ground floor level and 3 bedrooms and bathroom (plot 2 also features an en-suite) at first floor level.

3.3 The triple garage with flat above to the rear of the site (plot 3) measures 11.05m x 6.6m and 7.8m in height, the ground floor providing 3 garages, access to the flat and under stairs storage. The first floor flat comprises living/dining room, kitchen, 2 bedrooms and a bathroom

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

[F/YR22/0240/F | Erect 2 x 2-storey 3-bed dwellings and 1 x 2-bed flat above triple garage and front boundary wall with 1.3m high piers | Land West Of 1 King Edward Road Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fylkeweb.fenland.gov.uk/online-applications/F/YR22/0240/F)

### **4 SITE PLANNING HISTORY**

F/YR19/0523/O	Erect 1 x dwelling with detached garage (outline application with matters committed in respect of access, layout and scale) involving part demolition of existing building	Granted 138/2019
F/YR19/0213/O	Erection of 2no dwellings (outline application with matters committed in respect of access, layout and scale) involving part demolition of existing building	Withdrawn
F/YR16/1138/O	Erection of 2 no dwellings (Outline with matters committed in respect of access, layout and scale) involving part demolition of existing building	Refused 28/2/2017
F/YR16/0482/O	Erection of 2no dwellings (Outline with matters committed in respect of access and layout) involving part demolition of existing building	Dismissed on Appeal 16/10/2017
		Refused 11/08/2016

History under current local plan only, there are previous application for residential development on this site.

## 5 CONSULTATIONS

### 5.1 Town Council (27/4/2022)

*Support*

### 5.2 Town Council (10/6/2022)

*With reference to the revised application F/YR22/0240/F (erection of 2 x 2-storey, 3-bed dwelling and 1 x 2-bed flat at land west of 1 King Edward Road, Chatteris) – Chatteris Town Council has no further comments and continues to support the application.*

### 5.3 Cambridgeshire County Council Highways (5/5/2022)

*There is a secondary existing crossover east of the site which is not on the plan. This should be added to the plan. This redundant, secondary crossover should be reinstated back to full height footway.*

*The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

*Informatics*

*Works in the Public Highway*

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

### 5.4 Cambridgeshire County Council Highways (13/7/2022)

*Comments have been taken into consideration and thus Highways have no objections to this application.*

*Conditions*

*1. Prior to the first occupation of the development (or prior to the commencement of the first use) the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

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

*Informatics*

*Works in the Public Highway*

*This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

## 5.5 Conservation Officer (FDC) (26/4/2022)

*This application seeks to erect 3 x dwellings (2 x 2-storey 3-bed and 1 x 2-bed flat) and front boundary wall with 1.3m high piers. It replaces an approved outline scheme that was granted permission under F/YR19/0523/O for 1 dwelling with detached dwelling. My comments in relation to that application give a summary of relevant planning history.*

*The scheme now submitted is on a similar footprint and layout to that previously submitted, but with an increased scale and massing, and now with the addition of a triple garage to the rear with living accommodation above.*

*The site sits adjacent to the conservation area, and a number of listed buildings are visible from the front of the site in particular.*

*The current scheme could be reduced in scale. In particular, the ridge height and should aim to be no higher than No. 1 Kind Edward Road, rather than the adjacent Conservative Club.*

*Apart from this detail, given that the principle of development on this site has long since been granted, and given the similarity of the scheme in terms of footprint and layout, and the retention of a boundary wall, it is not felt that there is additional impact on the setting of either the conservation area or the listed buildings. The choice of materials is good for the location, the solar panels are facing away from the street frontage, the introduction of an zinc surround bay window is unusual but not unacceptable, and the garage to the rear is sited far enough back not to impact on either asset, nor is it felt that the scheme will impact on the setting of The George to the rear of the site.*

*I would welcome an amendment to the scheme to reduce the scale, but have no principle objection to the scheme.*

## 5.6 Conservation Officer (FDC) (22/6/2022)

*The amendments with regards to the ridge height have been noted and are welcome. The materials are acceptable.*

*It is noted that the weatherboarding to Plot 3 to the rear is to be agreed with the local authority, so this ought to be covered by condition, unless information is forthcoming as part of this application.*

## 5.7 Cambridgeshire County Council Archaeology (1/4/2022)

*Thank you for your consultation with regard to the archaeological implications of the above referenced planning application.*

*The development plot lies within the historic core of the town of Chatteris and less than 150m to the north of the former precinct of Chatteris Abbey (Cambridgeshire Historic Environment Record reference 03700) which would have provided an important focus for the growth and development of the settlement. The island of dry ground on which the modern town is sited was extensively settled/ exploited during the Iron Age and Roman periods and excavations to the east of the proposed development, adjacent to the 14th century Church of St. Peter and St. Paul, produced evidence of Bronze, Iron Age, Roman-British and Anglo-Saxon settlement and occupation (ECB3219, CB15323, MCB18461, MCB18462 MCB18463, MCB18464). In addition, in 2006 archaeological investigations 100m to the north east at New Road revealed further evidence of Iron Age settlement and burials (MCB17496).*

*We have commented on this site previously. We would recommend that the same archaeological standard condition is placed on the development as was included on permission granted to prior application F/YR19/0523/O within the same bounds, that is:*

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

*Archaeology Condition*

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

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

*REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).*

*Informatics:*

*Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.*

*Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.*

**5.8 Cambridgeshire County Council Archaeology (13/4/2022 and 10/6/2022)**

*Thank you for consulting us again in relation to this scheme following the submission of amended plans to account for the change in site redline and adjacent outbuilding under construction.*

*...the amendments do not appear to affect our previous recommendations made on the 1<sup>st</sup> April in relation to this scheme..*

**5.9 Environmental Health (FDC) (31/3/2022, 14/4/2022 and 16/6/2022)**

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

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

*As there was previously a structure on the proposed site, we ask for the following condition to be imposed in the event planning consent is granted;*

#### **UNSUSPECTED CONTAMINATION**

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

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

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

1 objection has been received from King Edward Road in relation to direct overlooking of their garden and bedroom.

6 Supporting comments have been received (2 from High Street, 2 from Birch Avenue, 1 from Sycamore Crescent and 1 from Treeway, all Chatteris), in relation to the following:

- High demand for good quality affordable homes
- Improve the street scene
- Redevelopment will prevent anti-social behaviour

1 representation has been received from Juniper Drive, Chatteris advising that they agree with the request for an archaeological assessment due to the potential historic importance of the site.

#### **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).

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

#### **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2021**

Context – C1, C2

Identity – I1, I1  
Built Form – B2  
Movement – M3  
Homes and Buildings – H1, H2, H3

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development  
LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
LP4 – Housing  
LP10 – Chatteris  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP18 – The Historic Environment

## **8 KEY ISSUES**

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

## **9 BACKGROUND**

9.1 There have historically been applications for residential development on this site, however only those within the current plan period are referred to here:

9.2 A scheme for a pair of semi-detached dwellings (F/YR16/1138/O) was refused and dismissed at appeal (APP/D0515/W/17/3180292) on the grounds that the loss of boundary treatment and sense of enclosure to the lane and the dominance of parking for four cars on the open frontage of the site would materially harm the character and appearance of the conservation area and the setting of the listed buildings.

9.3 A further outline application (F/YR19/0213/O) was submitted for a pair of semi-detached dwellings but was withdrawn as the LPA was unable to support the scheme without any on-site parking provision.

9.4 Subsequently application F/YR19/0523/O was granted for 1 x 2-storey detached dwelling and a detached garage, involving partial demolition of the existing building with matters committed in respect of access, layout and scale. This was located on a slightly smaller site as the area of the currently proposed access, neighbouring outbuilding and land beyond was excluded. The proposed dwelling was set back approximately 3m from the back edge of the footpath following the building line of 1 King Edward Road and the closest element of the Conservative Club, with the garage being set back behind parking spaces. The detailed design of the dwelling was a reserved matter however concerns were raised regarding the potential impact on Bramley Cottage on the opposite side of King Edward Road and the following informative was included on the Decision Notice:

*'Due to the restricted width of King Edward Road, consideration should be given to the "back to back" distance between the proposed dwelling and*

*Bramley Cottage, specifically, the orientation of the first floor rooms and the use of obscure glazing where appropriate'*

- 9.5 The dilapidated barn has since been demolished and partially rebuilt, neither element forms part of this current application.
- 9.6 As is evidenced above this site has been the subject of a number of applications and significant negotiation to achieve an acceptable form of development on this prominent site.
- 9.7 The current scheme is for 2 x 2-storey dwellings and a triple garage with a flat above, a significant increase on the previously approved scheme. The applicant's agent was advised that this was considered overdevelopment and that with amendments the site could accommodate 2 dwellings, they declined to amend the scheme in this regard, citing viability, however no evidence has been provided to support this claim.
- 9.8 The scheme has been altered to reduce the height of the buildings, close and reinstate the western access point and provide further information regarding parking and manoeuvrability.

## **10 ASSESSMENT**

### **Principle of Development**

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

### **Heritage, Design and Visual Amenity**

- 10.2 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area and achieves high quality environments by protecting and enhancing heritage assets and their settings. Policy LP18 also seeks to protect the historic environment.
- 10.3 Consideration has been given to the impact of the proposal on the architectural and historic interests of the listed buildings with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4 Consideration has also been given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.5 The application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward. The character of the area is eclectic with a variety of architectural styles, eras and materials, single and 2-storey buildings, and ranging from development

on the back edge of the footpath to being set much further back with the plot. Boundary walls are predominant, creating a feeling of enclosure along the road.

- 10.6 Plots 1 and 2 are predominantly traditional in nature with architectural detailing and sash windows and more modern zinc clad oriel windows, the lowering of the roof has reduced the bulk and the design is considered appropriate for the setting. The materials proposed are TBS Aldwick Blend bricks (red multi) and Wienerberger Britlock Graphite roof tiles which are considered acceptable. The dwellings are set further forward than the previously approved scheme, which brings them forward of the building line, this is considered a diminishing step, however is not considered to have a significant impact on the character of the area or the surrounding heritage assets.
- 10.7 The triple garage with flat above (plot 3) is located to the rear of the site, however would still be prominently visible in the street scene due to the open nature of the surrounding car parks, this is more modern and utilitarian in design and is slightly higher (0.2m) than the frontage properties, this is not ideal, however given the distance properties and the nature of the surrounding buildings and uses (Conservative Club, Working Men's Club and Telephone Exchange) this is not considered significantly detrimental. The materials proposed are TBS Birkdale Blend (a red multi with lighter elements) and Wienerberger Britlock Graphite roof tiles which are considered acceptable with the lighter brick elements reflecting the buff bricks of the buildings on Station Street to the south. Also proposed is weatherboarding, which does not appear characteristic of the area, render does feature and is considered more appropriate for the setting, however full details of the materials for this building can be secured by condition to ensure an appropriate finish is achieved.
- 10.8 The provision of a front boundary wall is welcomed and reflective of the surrounding area. Overall, the design and impact on visual amenity is considered acceptable and it is not felt that there is additional impact over and above the previously approved scheme on the surrounding heritage assets.
- 10.9 The site lies within the historic core of the town of Chatteris; Cambridgeshire County Council have advised that whilst they do not object to the scheme, a programme of archaeological investigation is required due to its potential and this can be secured by way of a condition.

### **Residential Amenity**

- 10.10 To the north of the site on the opposite side of the road is the 2-storey dwelling of Bramley Cottage, this is set on the edge of the road as there is no footpath on the northern site, with a walled garden to the west. This property features 5 windows and entrance door on the front elevation and patio doors and window on the western side elevation. Plots 1 and 2 are located 7m away from Bramley Cottage itself and approximately 8m from its garden, there are 4 first-floor windows in the proposed dwellings facing towards it, all serving bedrooms therefore affording views and creating direct overlooking. It has previously been acknowledged that the relationship between any proposal on the application site and Bramley Cottage is paramount to its acceptability, given the narrowness of King Edward Road and proximity of Bramley Cottage to this and was referred to in the previous officer report and by way of an informative on the Decision Notice (F/YR19/0523/O). The proximity and design of plots 1 and 2 is such that there would be a significant detrimental impact to the residential amenity of Bramley Cottage, in relation to direct overlooking and loss of privacy in particular in relation to the most westerly bedroom and garden, contrary to Policies LP2 and LP16 (e) of the Fenland Local

Plan 2014, which seek to avoid adverse impacts on the amenity of neighbouring users. It is also acknowledged that Bramley Cottage would experience a loss of outlook and light and overshadowing as a result of the proximity of the proposal and its orientation to the south, however these aspects are not considered to be significantly adverse.

10.11 To the east of the site is the 2-storey dwelling of 1 King Edward Road, which also has an outbuilding adjacent to and opening onto the site. The proposed triple garage with flat above (plot 3) is located approximately 10.5m from the garden serving No.1 at the closest point, there are 3 first-floor windows which face towards No.1 serving bedrooms and the living room, these would afford a level of overlooking and therefore loss of privacy, however this is not considered to be significantly detrimental given the separation distance and the fact this would impact the rear most part of the garden away from the dwelling. Plot 2 is located approximately 7.5m from No.1 and there are both ground and first-floor windows facing towards it, there may be a level of overlooking to the garden, albeit of an oblique nature, however the single-storey extension and outbuilding mitigate this. Loss of outlook, light and overlooking is not considered to be significantly detrimental. Of concern however, is the fact that there is a ground floor window serving a habitable room which faces into the site, opposite the dining room window of the proposal and in close proximity to the shared access, as such this would be subject to a loss of privacy and noise and disturbance which would have a significantly detrimentally impact on the residential amenity of No.1, contrary to Policies LP2 and LP16 (e) of the Fenland Local Plan 2014, which seek to avoid adverse impacts on the amenity of neighbouring users. It is acknowledged that planning permission has been obtained for a dwelling on the application site, however the strip of land alongside No.1 was not incorporated within the application and the proposed site plan indicates a new boundary treatment to be provided separating the two (subject to reserved matters).

10.12 To the west, south and south east of the site are car parks serving the Conservative Club and The George Hotel, these are not considered to be significantly adversely affected by the proposal.

10.13 Plots 1 and 2 are afforded in excess of a third of the plot in accordance with Policy LP16 (h), however due to the layout of the site the garden to plot 2 in particular is somewhat awkward in shape. There are no windows in the western side of plot 1 which could be overlooked by the first-floor windows in the side of the Conservative Club, however the garden would be directly overlooked at a distance of approximately 12.4m. Plot 2 would experience direct overlooking from the windows of Bramley Cottage opposite. Plot 3 is located on the western boundary with a small amount of amenity space to the south, this is plot is bounded by car park and as such there is potential for noise and disturbance from its use due to the proximity, furthermore, the car parking information provided indicates that plot 3 would not have a garage and as such there would be no secure internal storage afforded to this plot. Overall, the proposal is considered to be an overdevelopment of this modest plot which as a result does not provide a high-quality living environment, contrary to Policy LP16 of the Fenland Local Plan.

### **Highways/parking**

10.14 The development proposes a shared access to the east of the site with 1.5m x 1.5m pedestrian visibility splays and the closing and reinstating of the second access to the west of the site, this is considered acceptable subject to relevant conditions.

10.15 The access within the site experiences a 'pinch point' of 3.4m wide due to the presence of the neighbouring outbuilding, at this point it would not be possible for vehicles to pass, with potential for conflict, though it is acknowledged that there are wider sections either side to enable vehicles to wait and pass.

10.16 Policy LP15 and Appendix A of the Fenland Local Plan require the provision of 2 parking spaces per 3 bed dwelling (plots 1 and 2) and 1.5 spaces per flat with more than 1 bedroom (plot 3), this equates to a requirement of 5.5 spaces. The proposal incorporates a triple garage for parking to plots 1 and 2, however in order for a garage to be considered a parking space it would need to have internal measurements of 3m x 7m. The proposed garages have internal measurements of approximately 3m x 6m which falls short, and these cannot therefore be considered to contribute towards the required provision. It is acknowledged that if the required parking provision is achievable elsewhere on a site, and therefore the garage does not need to count towards this, a lesser dimension may be accepted so long as it is still useable. However on this site this is not the case, and as such the site is considered to have inadequate parking. Furthermore, the layout of the site is such that the Officers are unconvinced that the parking and turning area are functional and that cars would be unable to turn if there are vehicles parked which could result in then having to reverse along the narrow access. Tracking was requested from the agent to evidence vehicles could successfully manoeuvre, however this was not provided, with the agent advising that 'traditional tracking is too rigid', seeming to further support this case.

10.17 The site is in a sustainable town centre location and Appendix A does advise that in such locations a reduction in car parking provision may be negotiated, however parking is indicated on site and it is necessary to ensure that the parking and turning arrangement put forward is acceptable. Furthermore, it is acknowledged that King Edward Road is narrow with double yellow lines and therefore no opportunity for on street parking, as such any shortfall would force the burden elsewhere. Overall, the proposal is considered to be an overdevelopment of the site, which results in inadequate parking and manoeuvring, contrary to Policy LP15 and Appendix A of the Fenland Local Plan.

### **Flood Risk**

10.18 The application site is located within Flood Zone 1 (low risk) and there is a very low risk of surface water flooding, as such the proposal is considered to be appropriate development. Issues of surface water will be considered under Building Regulations; accordingly, there are no issues to address in respect of Policy LP14.

## **11 CONCLUSIONS**

11.1 The principle of development is supported, and the application site is located in a prominent town centre location, it is currently vacant, underutilised and its redevelopment has the potential to have a positive impact on the character of the area subject to a suitable scheme being put forward.

11.2 The design and appearance of the proposal is broadly acceptable, would not have a significant detrimental impact on the character of the area and it is not felt that there is additional impact over and above the previously approved scheme on surrounding heritage assets.

11.3 Overall however, the proposal is considered to be an overdevelopment of the site which results in a significant detrimental impact on the residential amenity of surrounding dwellings, would not create a high quality living environment for future occupants and results in inadequate parking provision and vehicle manoeuvring.

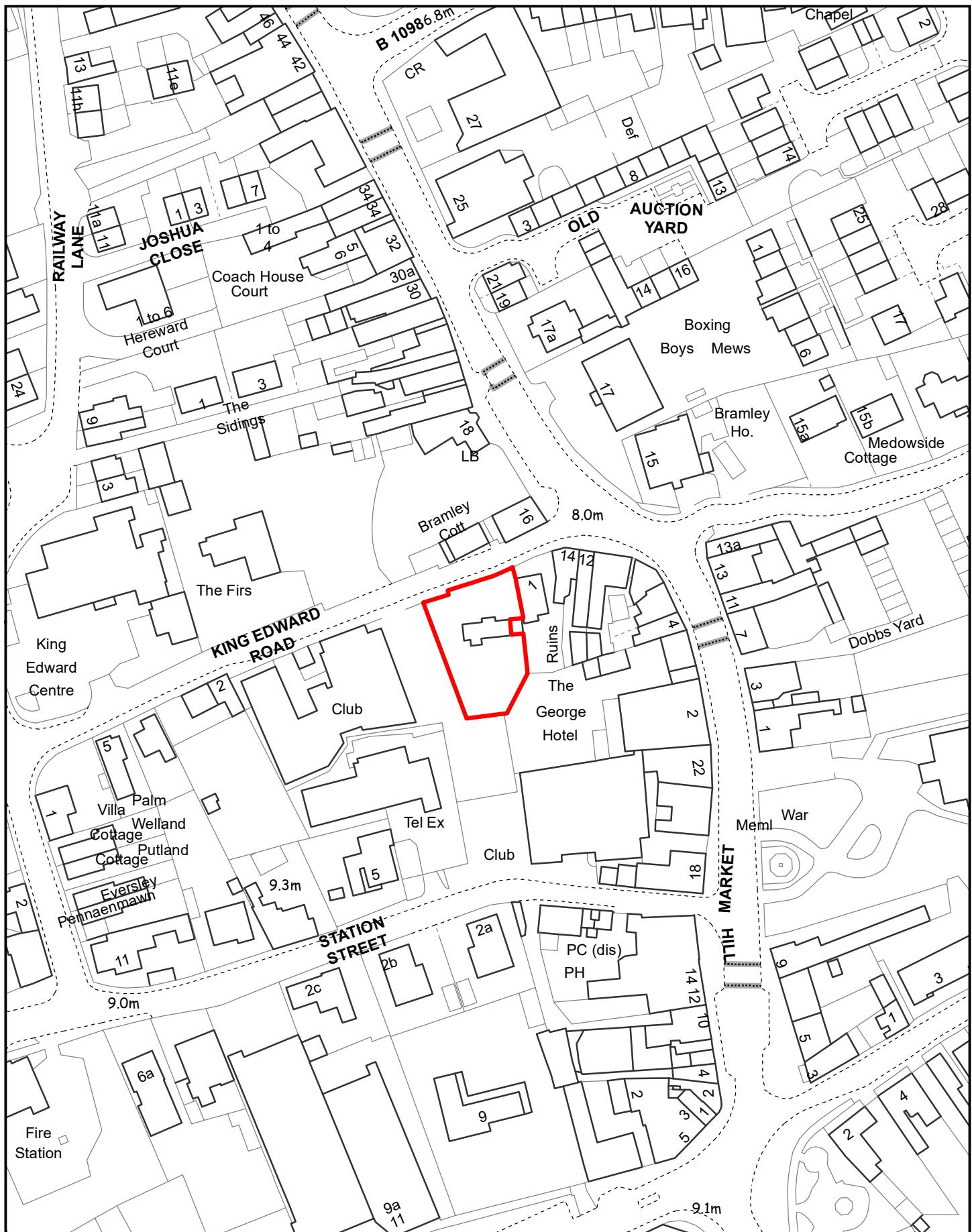
The proposal is therefore considered contrary to Policy LP2, LP15 and LP16 of the Fenland Local Plan 2014, para 130 of the NPPF 2021 and I2, B2, M3, H1 and H2 of the NDG 2021

## 12 RECOMMENDATION

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

1.	Policy LP2, LP15 and LP16 of the Fenland Local Plan 2014, para 130 of the NPPF 2021 and I2, B2, M3, H1 and H2 of the NDG 2021 seek to ensure that developments promote health and wellbeing, provide high quality environments, avoid adverse impacts on residential amenity and provide adequate, well designed and functional parking provision.
----	--

The proposal is considered to be an overdevelopment of the site which results in a significant detrimental impact on the residential amenity of surrounding dwellings, would not create a high-quality living environment for future occupants and results in inadequate parking provision and vehicle manoeuvring, contrary to the aforementioned policies.



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 Fenland  
CAMBRIDGESHIRE  
Fenland District Council



REG NO: 0654801



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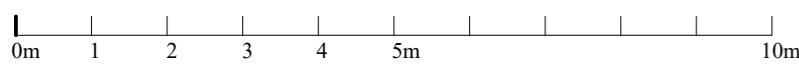
Land west of 1 King Edward Road, Chatteris,  
Cambridgeshire

Project Smith Percy Lt

## Proposed Site Plan

Rev D	May. 22	Highway comments added to Site Plan.	L B
Rev C	Apr. 22	Roof plan amended to suit new roof pitches.	L B
Rev B	Mar. 22	Existing building to 1 King Edward Road shown.	L B
Rev A	Nov. 21	Amendments made to access and boundary wall	L B
Scale	Date	Drawn	Checked
1:200 @ A3 1:50 @ A3	April 2021	L B	
Drawing Number			Revision
CH21/LBA/571/FP-1-101			D

Scale: 1:100



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Rev B Apr. 22 Roof pitch amended from 45 degrees to 35 degrees and ridge height reduced by 1.02m following discussions with Conservation Officer.

L B

Rev A Mar. 22 Existing building to 1 King Edward Road shown.

L B

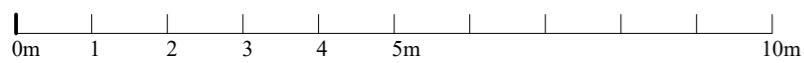
**L BEVENS ASSOCIATES LTD**  
**ARCHITECTS**  
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Tel: 01354 693969  Mob: 07739 562818

Project Land West of 1 King Edward Road, Chatteris, Cambridgeshire.

Title Proposed Street Elevation

Scale 1:100 @ A2 Date Nov. 2021 Drawn L B Checked

Drawing Number CH21/LBA/571/FP-1-200 Revision B



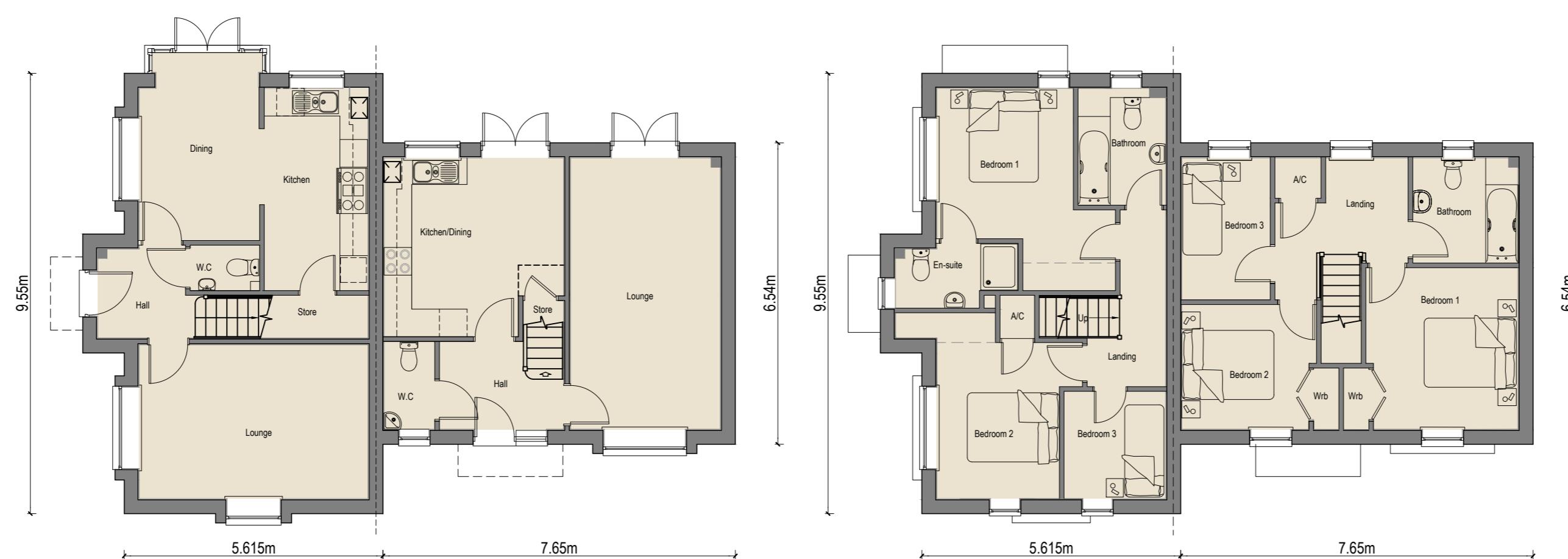
Front Elevation

Side Elevation



Rear Elevation

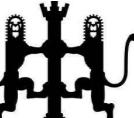
Side Elevation



Ground Floor Plan

First Floor Plan

Rev A Apr. 22  
Roof pitch amended from 45 degrees to 35 degrees and ridge height reduced by 1.02m following discussions with Conservation Officer.



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DRAWING STATUS PRELIMINARY  CONSTRUCTION   
PLANNING  FILE COPY

CLIENT  
Smith Percy Ltd

PROJECT  
Land west of 1 King Edward Road,  
Chatteris, Cambridgeshire

DRAWING TITLE  
Plots 1 & 2  
Proposed Floor Plans & Elevations

PLANNING SUBMISSION

SCALE DATE DRAWN CHECKED  
1:100 @ A2 April 2021 LB

DRAWING NUMBER CH21/LBA/571/FP-1-102

REVISION A

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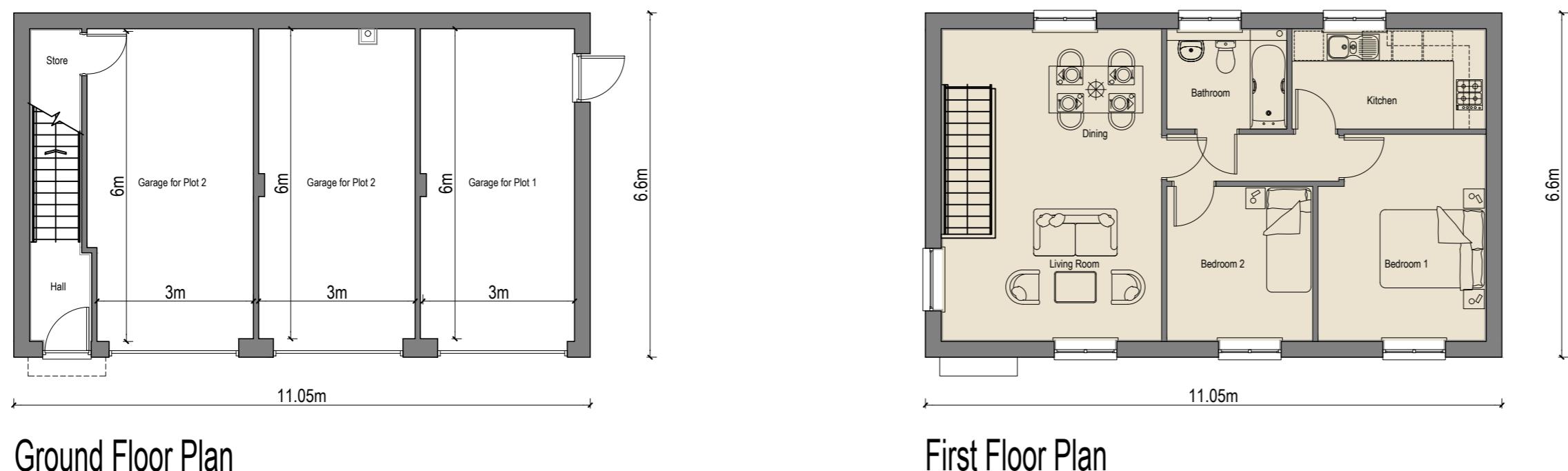
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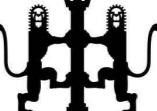
IT IS THE CONTRACTORS RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.



Rev C Jun. 22 Numbers amended to parking spaces in garage

Rev B May. 22 Additional dimensions added to Ground Floor Plan.

Rev A Apr. 22 Roof pitch amended from 40 degrees to 35 degrees and ridge height reduced by 0.5m following discussions with Conservation Officer.



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PLANNING  FILE COPY

CLIENT  
Smith Percy Ltd

PROJECT  
Land west of 1 King Edward Road,  
Chatteris, Cambridgeshire.

DRAWING TITLE  
Plot 3  
Proposed Floor Plans & Elevations

PLANNING SUBMISSION

SCALE DATE DRAWN CHECKED  
1:100 @ A2 April 2021 LB

DRAWING NUMBER CH21/LBA/571/FP-1-103

REVISION C

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F/YR21/0713/F

**Applicant: Jordan And Steven Davies**      **Agent : Joseph Jones**  
**BFSGC**

**Cedar Rose Stables, Horsemoor Road, Wimblington, Cambridgeshire**

**Change of use of land for the use of travellers including siting of 3no static and 3no touring caravans, water treatment plant and keeping of horses and part use of existing stables as day room**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council comments contrary to Officer recommendation**

## 1 EXECUTIVE SUMMARY

- 1.1 Sufficient information has been submitted to demonstrate that the applicant and proposed occupiers of the site meet the definition of gypsy/traveller as set out in the PPTS.
- 1.2 The proposal is assessed to have an acceptable impact upon the character and appearance of the area and together with the approved Spinney traveller site to the west, is tipping into the limit of scale of such development such that it has potential to dominate the nearest settled community. However, the size of site compared to pitches and suitable landscaping help to reduce such impact. As this matter is finely balanced, the personal circumstances of the applicant and family have been taken into account and are found to outweigh any issue of dominance in this particular case.
- 1.3 The site is located in flood zone 3 but there are no sites allocated within the Fenland Local Plan and the local authority does not have an up-to-date gypsy and traveller needs assessment. It is therefore considered that the Sequential Test with regard to flood risk is passed. The provision of additional traveller/gypsy accommodation does bring wider public benefits and the development can be made safe over its lifetime.
- 1.4 The application accords with the relevant policies of the development plan and there are no other material considerations which weigh against the proposal.

## 2 SITE DESCRIPTION

- 2.1 The application site comprises a roughly rectangular parcel of land measuring approximately 1158 square metres. The site lies within the countryside and is within flood zone 3 which is the area at most risk of flooding. Only the area comprising the access and location of the caravans and stable building are included in the red line site boundary, however, the remainder of the land is edged blue as it is owned by the applicant and used as private recreation land by the

occupiers of the site. To the north the site is bordered by a large drainage ditch and open fields, to the west by The Spinney traveller site (granted on appeal), to the south by Horsemoor Road and sporadic development and open fields and to the east by other traveller sites which presently do not have the benefit of planning permission and are subject of other pending applications as the time of writing this report. The front boundary of the site (blue edged land) where it adjoins the highway is bounded by a post and rail fence. The west boundary contains tall conifers which have been planted on the Spinney side of the boundary. The rear/north boundary is quite open to the fields beyond but there is some hedgerow. The east boundary (of the blue edged land) comprises a close boarded fence which has been erected on the other side of the boundary.

- 2.2 A stable building sits to the rear western corner of the site. This was approved for recreational horse stabling under application F/YR19/0497/F on 2<sup>nd</sup> August 2019.
- 2.3 Access to the site is direct from Horsemoor Road and is situated to the southwest corner and runs along the western boundary of the site.
- 2.4 To the other side of Horsemoor Road and in the near vicinity of the site is builders' storage yard, granted planning permission under F/YR19/0740/F and a residential and storage site for travelling showpeople which includes 3 residential caravans, which was granted planning permission under F/YR14/0213/F. Travelling west along Horsemoor Road, particularly after the sharp bend into Hook Road, there are a few sporadic residential properties to either side of the road then upon reaching Eastwood End, there are residential streets in what would be called a settlement even though not a village in its own right but part of Wimblington. This area is segregated from the main settlement of Wimblington further to the west by the A141. The area of land to the north, east and south of the traveller sites, of which this application is one, is otherwise very open, flat and typical of the Fenland landscape.

### **3 PROPOSAL**

- 3.1 The proposal is for change of use of the land to a mixed use for residential and keeping of horses to include three static caravans and three touring caravans for a Romani Gypsy extended family and hardstanding, water treatment plant and associated development. The application was not retrospective at the time it was made but the development has since taken place. At least part of the stable building on site is being used as a day room.
- 3.2 The hardstanding and location of the caravans is in the immediate vicinity of the stable building i.e. set to the rear of the site. The rest of the land in the ownership of the applicant is grassed.

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

### **4 SITE PLANNING HISTORY**

- 4.1 F/YR19/0497/F – Stable block and use of land for keeping horses (recreational only) – approved 02/08/2019.
- 4.2 The Spinney (traveller site to the immediate west)

F/YR14/0854/F – Change of use to traveller site to include 5 static caravans and 1 tourer, allowed on appeal 13/05/2016.

F/YR17/0349/VOC – Amended conditions attached to appeal decision for five pitches to allow 8 pitches and up to 5 tourers – permitted 10.10.2019.

## 5 CONSULTATIONS

- 5.1 **Wimblington Parish Council** – *No objections to 3 static caravans but object to 3 touring caravans due to poor access and highway difficulties. This would lead to more traffic using the road with no passing places. There are already many more vehicles to other sites using the single track lane. This would change the character of the surrounding area and adversely affect neighbours*
- 5.2 **CCC Highways** – *The previous comments sent have been amended in the plans. Highways have no further objections to the application*
- 5.3 **Environment Agency** – No objection but comment that the site is in flood zone 3 and it is assumed that the LPA has applied the sequential test and the development has passed it. The main source of flooding is via the watercourses under the jurisdiction of the IDB and as such the EA has no objections on the ground of flood risk. Advice is provided to the applicant re flood mitigation and flood warning measures and with regard to the potential requirement for an EA permit for non mains drainage foul sewage treatment package. The LPA may wish to append a condition to permission if granted about a flood plan.
- 5.4 **Middle Level Commissioners** - No comments received.

### 5.5 Local Residents/Interested Parties

Three letters have been received from three residential households in the vicinity of the site who support the application and comment on how the family has integrated and is respectful and how tidy the site is kept.

A letter has been received from a close relative to one of the occupiers of the site which sets out why the family wish to stay in Fenland, details the history of family and connections in the area and also the health and educational needs of some members of the family

## 6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 7 POLICY FRAMEWORK

### 7.1 Planning Policy for Traveller Sites August 2015

Policy B – Planning for traveller sites  
 Policy C – Sites in rural area and the countryside  
 Policy H – Determine planning application for traveller sites  
 Policy I – Implementation

### 7.2 National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.  
 Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development  
 Para 11: Presumption in favour of sustainable development  
 Para 12: Conflict with an up-to-date plan should not usually be granted  
 Para 80: Avoid the development of isolated homes in the countryside unless specified exceptions apply  
 Para 119: Promote effective use of land  
 Para 123: Take a positive approach to alternative land uses  
 Para 124: Making efficient use of land (density - need & character)  
 Para 159: Development should be directed away from areas at highest risk of flooding.  
 Para 161: Need to apply the sequential and exceptions tests.

### 7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development  
 LP2 – Facilitating Health and Wellbeing of Fenland Residents  
 LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside  
 LP5 – Meeting Housing Need  
 LP12 – Rural Areas Development Policy  
 LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
 LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
 LP16 – Delivering and Protecting High Quality Environments across the District

## 8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Impact on Settled Community**
- **Sustainability re transport, highway safety and utilities**
- **Flood Risk**
- **Other Issues**
- **Personal Circumstances**

## 9 BACKGROUND

- 9.1 The site is adjacent to the site at The Spinney which has planning permission for up to 8 pitches (as set out in the planning history section above). This application, together with this adjacent site would create a continuous use of land, albeit in separate family occupation for up to 11 traveller pitches.
- 9.2 There are two further pending retrospective applications for change of use of land to create traveller pitches on land to the east of Cedar Road Stables. Application F/YR21/0356/F is for 5 pitches and application F/YR21/0768/F is for 1 pitch.

## 10 ASSESSMENT

### Principle of Development/Need for pitches

- 10.1 The site is outside the built-up area of a settlement and therefore, in planning policy terms it is in an area which is considered to be in the countryside whereby local plan policies for 'Elsewhere' locations apply. Except on statutorily designated Green Belt land (not applicable anywhere in Fenland) the Planning Policy for Traveller Sites (PPTS) published in August 2015 is not opposed in principle to Traveller sites in the countryside. It does however state in Policy H (paragraph 25) that Local Planning Authorities (LPAs) should "very strictly limit" new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- 10.2 Furthermore, paragraph 25 states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure. In its recent decisions the Council has accepted that planning permission can be granted on sites in the countryside, acknowledging that the identified need will not be met by land within existing towns and villages.
- 10.3 Policy A within the PPTS sets out at c) that local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy B states that in producing their Local Plan, local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. They should identify a supply of specific, deliverable sites, or broad locations for growth, for years 6 – 10 and, where possible, for years 11 – 15. To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with realistic prospect that development will be delivered on the site within 5 years. To be developable, sites should be in a suitable location for traveller site development and there should be reasonable prospect that the site is available and could be viably developed at the point envisaged. The last Gypsy and Traveller Needs Assessment (GTANA) was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, at least 40 pitches have been granted. However, the GTANA is not up to date and there is presently no evidence of what the need is in Fenland for gypsy and traveller pitches. A new GTANA was commenced in 2019 but this is not yet completed and there is no available up to date empirical evidence, at the time of writing this report that could assist with this issue.
- 10.4 Policy LP5 Part D of the local plan states that there is no need for new pitches as per the findings of the Fenland GTANA update in 2013. However, an appeal decision received in April 2020 (APP/D0515/C/19/3226096) identified that there

was an unmet need within Fenland which was a matter of common ground between the LPA and the appellant.

10.5 Policy H of the PPTS re-affirms the provision of Section 38(1) of the Planning and Compulsory Purchase Act 2004 i.e. that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Fenland Local Plan identified no need for pitches (policy LP5) in Fenland based on the evidence contained in the GTANA of 2013 and no pitches were allocated. The GTANA of 2013 and the subsequent policy position in LP5 of there being no need for pitches, is now out of date. Policy LP5 goes on to state that the Council will be prepared to grant permission for sites in the countryside, provided that there is evidence of a need as identified in the local assessment, that the occupiers meet the definition of Gypsy and Travellers or Travelling Showpeople and that the criteria set out in policy LP 5 (a) to (f) are met. The lack of an up to date needs assessment based on up-to-date evidence and the PPTS which was published in 2015 are material considerations to weigh alongside the development plan policy. It is clear that at present, the Council would not be able to sustain an argument that there is no need for pitches within Fenland and nor can it be confirmed with evidence that there is an identified need. Therefore, it is not reasonable, at present, to refuse traveller site applications on the premise that there is no need.

10.6 Policy LP5 states that permission for sites in the countryside would depend on evidence of a need for such provision. However, this policy conflicts with the PPTS (post Local Plan adoption) Paragraphs 11 and 24, which endorse criteria-based policies where there is no such need, and Paragraph 25 which expects sites to be located in the countryside, albeit with restrictions, but without any precondition of evidence of need.

10.7 The Council's Senior Community Support Officer confirmed (on 8<sup>th</sup> June 2022) that there are no available pitches on any of the Council run sites within Fenland and that there are 46 people on the waiting list.

10.8 The Council's Traveller and Diversity Manager visited the site and advises that the occupiers of the application site were living on a friend's site that was sold, thus they had to move and wanted to stay in the area for health reasons and to maintain the children's education. The case officer visited the site and learned that the applicant and his family have historical connections to the area, and they attend church in Fenland.

10.9 Annex 1, Glossary to the PPTS defines Gypsies and Travellers for the purpose of applying this policy as;

- whether they previously led a nomadic habit of life
- the reasons for ceasing their nomadic habit of life
- whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances

10.10 The Council's Traveller and Diversity Manager is satisfied, based on the information he obtained at his site visit, that the occupiers of the site meet the PPTS definition of a Gypsy or Traveller.

10.11 Given the lack of up-to-date evidence as to the need for pitches and that the applicant/occupiers meet the definition of Gypsies and Travellers, the principle of the development in this countryside location is acceptable. Regardless of need, policy LP5 requires proposals to also meet the criteria set out within the policy and

this is applicable whether up to date need is identified or not and shall be applied on a case-by-case basis. Despite there being a degree of tension/conflict between the application of criteria based policy to determine applications in paragraphs 11 and 24 of the PPTS (ie apply where there is no need) and policy LP5 (apply whether there is a need or not), the criteria set out in Part D of policy LP5 generally reflect other policies of the local plan and concern issues of acknowledged importance such as visual appearance, flood risk, impact on the environment and amenity. They also generally reflect issues referred to in the PPTS. Compliance with this criteria is considered in the following sections of this report but in terms of the principle of the development, the proposal is acceptable.

## **Character and Appearance**

10.12 Part D of policy LP 5 of the local plan, sets out the following criteria against which applications for Gypsy and Traveller (and Travelling Showpeople) caravan sites and associated facilities will be assessed;

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- (b) the site should provide a settled base and be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school; and
- (c) the location, size, extent and access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community; and
- (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
- (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, the health or wellbeing of any occupiers of the site, or the appearance or character of the area in which it would be situated; and
- (f) the site should be served by, or be capable of being served by, appropriate water, waste water and refuse facilities whilst not resulting in undue pressure on local infrastructure and services

10.13 Policy LP 16 requires all new development to;

- (c) retain and incorporate natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies
- (d) Make a positive contribution to local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provides resilience to climate change, reinforce local identity and does not adversely impact , either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.

10.14 Policy H, Paragraph 24 (d) of the PPTS states that local planning authorities should consider this issue (amongst others) when considering planning applications for traveller sites;

“that the locally specific criteria used to guide the allocation of sites in plans or which forms the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.” (it is

noted that this wording assumes that where there is a need for sites that these will be allocated)

10.15 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.....sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure.

10.16 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters;

- (a) effective use of previously developed (brownfield), untidy or derelict land
- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

10.17 The fen area in which the site is located can be characterised as follows;

- Large scale, flat and open landscape with extensive views and large skies
- Largely unsettled, arable landscape with isolated villages and scattered individual properties
- Individual properties often surrounded by windbreaks including numerous conifers
- Rectilinear field structure divided by pattern of artificial drainage ditches
- Very few hedgerows in landscape
- Productive and functional landscape with few recreational uses
- Long straight roads, elevated above surrounding fields but locally uneven

10.18 As one moves west along Hook Road, the landscape character changes and field patterns become smaller, older roads are more winding, there are some unsympathetic industrial structures at the edge of settlements but there are open panoramic views across Fens.

10.19 There are notable large agri/industrial buildings to the west near the bend in Hook Road but although these are large, they are separated from the site and the case officer considers they are not seen as being in the same viewpoint context as the site when travelling in the vicinity.

10.20 Given that caravans are nearly always white or cream in colour, it is quite difficult to ensure that they do not have an unacceptable impact on the appearance or character of an area, especially an area that is so flat and open to long distance views as characterised above. The location of the site within the landscape, the placement of the caravans within the site and the boundary treatment will be important to ensure that the caravans do not appear as stark incongruous features within the landscape setting. There is also a balance to be struck with criteria (c) of policy LP5 of the local plan and with paragraph 26 (d) of the PPTS which advise against having too much hard landscaping or high walls or fences around a site.

10.21 In this particular instance, the size of the site (the overall land area edged red and blue on the location plan) compared to the number of static and touring caravans proposed is generous. The caravans are located towards the rear of the land

adjacent to the stable building (now partly used a day room). The majority of the land, approximately two thirds of its area, is given over to grass for recreational purposes for the occupiers of the site. The western boundary contains high conifer hedging on the adjacent authorised traveller site The Spinney; thus, views of this application site are restricted when approaching from the west along Hook Road. When travelling south along Horsemoor Road, the land to the east of this site, at the corner is highly visible and the caravans within the other two presently unauthorised sites are visible from some distance. The caravans on this application site are not highly visible because they are not located on the corner, and they are partially screened by the existing stables and other hedgerows. Should the other unauthorised caravan sites be removed then this site may become more visible from the corner to the east. It is considered that this could be resolved with appropriate planting in the form of native hedgerow to the east boundary of the site. This site does not diminish the landscape character of the area either when close up to the site or when viewed from a long distance, especially from the east and north when approaching from Horsemoor Road. The existing post and rail fence to the front of the land is appropriate to this rural setting and the positioning of the caravans to the rear of the site assists with them being both as discreet as caravans can be whilst not being segregated by tall fencing and/or brick walls. As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area, subject to some additional landscaping which can be conditioned. It would therefore comply with policy LP5 (a) and (e) and with paragraph 26 (b) and (d) to which local planning authorities are required to attach weight.

### **Impact on Settled Community**

10.22 Policy L5, Part D criteria (e) states that the site should enable development which does not have any unacceptable adverse impact on the amenities of occupiers of other nearby properties. Policy C of the PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Policy H states that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.

10.23 This matter was recently addressed in a decision on application F/YR21/0487/F regarding provision of 10 plots at Land South of Greenbanks, Garden Lane, Wisbech St Mary. Reference was made to appeal decision APP/L2630/C/20/3250478 in South Norfolk where the Inspector determined that the nearest settled community was a different concept to nearest settlement. In that case the nearest settled community consisted of a scatter of houses and farms that lay within 1km of the site. In that instance, the pattern of development within 1km of the site consisted of a scatter of houses and farms. In the case of the Greenbanks site it was considered that a 0.5km radius was appropriate for gauging impact on the nearest settled community. A 1km radius would have included the outlying parts of Wisbech St Mary which had a very different settlement pattern, density and character to the development in the countryside in which the application site was situated. It is considered that this is also the case with regard to this application. A 1km radius would include properties in Eastwood End which is the edge of the built-up area of Wimblington and has a very different settlement pattern, density and character to the site and the scattered dwellings within its vicinity. However, it also needs to be kept in mind that (a) taking a radius approach to establishing what comprises the nearest settled community is not set out in the development plan policy and the size of

the radius is subjective; and (b) in rural areas within Fenland, the settled community is likely to contain few scattered houses. In such instances, many traveller sites might be considered to dominate the nearest settled community because the numbers of dwellings will be low.

- 10.24 There are approximately 12 properties within a 0.5km radius of the site, excluding traveller plots and these properties are all located to the west along Hook Road. To the north, east and south of the site there are only isolated farm houses at the edge of a 1km radius of the site.
- 10.25 This proposal would take the total number of authorised traveller pitches in the immediate vicinity of the site to 12 – this includes the authorised 8 pitches at The Spinney and the one pitch at the authorised Travelling Showperson site to the other side of Hook Road/Horsemoor Road (near to the corner). Therefore, the issue to consider is whether an increase from 9 pitches to 12 pitches at this particular location, would begin to dominate the nearest settled community.
- 10.26 If just looking at numbers i.e. a total of 12 traveller pitches in the vicinity compared to approximately 12 dwellings within the 0.5 km radius of the site, it could be argued that the number of pitches could dominate the nearest settled community. Taking this application on its merits i.e. that it involves an increase in only 3 pitches and that those pitches are set within a spacious site that is well landscaped, the argument of dominance becomes more finely balanced. It is not considered that the appearance of the site in addition to the neighbouring site at The Spinney creates an environment that feels like it over dominates the settled community. This appears to be borne out by the lack of objection to this particular site from the Parish Council and local residents.
- 10.27 As this matter is finely balanced although potentially a single reason for refusal, it is reasonable and necessary to weigh alongside this issue consideration the personal circumstances as set out in the section below at paragraph 10.45

### **Sustainability re transport, highway safety and utilities**

- 10.28 With regards to the vehicular and pedestrian access, the site is served by a 5-metre wide gravelled vehicular and pedestrian access which is set in from the western boundary. Visibility when exiting the site is good in both directions. Amended plans were received which show visibility splays, following comments from the local highway authority (LHA) who also require the first 10 metres of the access to be sealed and to drain away from the highway. It is considered that subject to a condition requiring the sealing and draining of the access and maintenance of the visibility splays, that the proposal complies with policy LP5, Part D (d). The site also provides adequate parking and turning space.
- 10.29 The appeal Inspector in his decision to allow the The Spinney traveller site adjacent to this proposal commented as follows;  
  
“Nothing in the NPPF or PPTS that says traveller sites have to be accessible by means other than a private car. In fact, both recognise that the lifestyle of travellers must be factored into the planning balance.”
- 10.30 Although the site is in the countryside, Wimblington, Doddington and March are only a short drive away from the site and each provides access to primary schools, medical facilities and other services. The Spinney site was found to be

acceptable with regards to it being a sustainable location and it must follow that this site is also sustainable in this regard and in compliance with policy LP5, Part D (b). Taking into consideration that sites will be acceptable in the countryside, it would be unusual for such sites to be served by pavements.

- 10.31 The foul water drainage at the site is via a non mains wastewater treatment package plant as there is no available connection to the mains sewage system. Surface water drains to the ditch. The Environment Agency has raised no objections to the proposal but confirms that the foul drainage may also need an Environmental Permit from the EA. It is therefore considered that the detail in this regard can be adequately controlled through the permitting system as required. It is noted that in the above-mentioned appeal decision regarding the adjacent Spinney site, no details were known about utilities and the Inspector was content to deal with these matters by conditions. The agent has confirmed verbally that the site was connected to mains water prior to the occupiers moving onto the land to live.
- 10.32 It is considered that the site has adequate pedestrian and vehicular access, is within a short drive to the nearest settlements where schools and services are located and is or is capable of being served by mains water and adequate foul and surface water drainage. The application is therefore in compliance with policy LP5, Part D (b), (d) and (f).

### **Flood Risk**

- 10.33 The site lies within flood zone 3 (defended) and is highly vulnerable development. The site is accompanied by a Flood Risk Assessment (FRA). The EA has not objected to the application on the grounds of flood risk but has assumed that the local planning authority has applied the sequential test and has offered advice regarding flood warning. The EA states that the main source of flood risk associated with this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB), who should be consulted with regard to flood risk and residual flood risk associated with watercourses under their jurisdiction and surface water drainage proposals. The IDB has been consulted and no response has been received.
- 10.34 In determining the appeal for the adjacent Spinney site, the Inspector stated the following in relation to flood risk;

*“The site is located within an area designated as lying within Flood Zone 3. A Flood Risk Assessment (FRA) carried out for the appellant concluded that the site has the benefit of defences designed to withstand a 1 in 100 year event, including climate change, and that with these defences in place the flood risk to the site is identical to a site in Flood Zone 2.*

*The FRA concluded that as the nearby drainage ditches were substantially below the level of the site, surface water would either be collected in the ditches or, if they were overwhelmed, it would flood lower land to the north. These conclusions are consistent with the findings of a FRA carried out for a Travelling Showperson’s site to the opposite side of the road, and neither the Environment Agency nor the Internal Drainage Board raised objection to the appeal proposal and, in the case of the Travelling Showperson’s site the Council were satisfied that the wider sustainability benefits and the lack of evidence of more suitable sites outweighed flood risk considerations*

*With regard to the sequential test, the Development Plan does not identify any deliverable land for gypsy sites and there are no “reasonably available” appropriate sites with a lower risk of flooding. The site specific FRA demonstrates that the proposal would be safe from flooding for the lifetime of the development. However, to provide additional assurance and safeguards, the production of a Flood Plan for evacuation of the site can be required by condition.”*

- 10.35 The Fenland Local Plan does not identify any deliverable land for gypsy sites. This, couple with the fact that the majority of the land outside of towns and villages will lie within flood zones 2 or 3, lead to a conclusion that there are no reasonably available sites with a lower risk of flooding. It is therefore considered that the sequential test will be passed.
- 10.36 Following successful completion of the sequential test, the exception test must be met which requires (a) development to demonstrate that it achieves wider community sustainability benefits having regard to the District's sustainability objectives, and (b) that it can be made safe for its lifetime and will not increase flood risk elsewhere ('flood risk management').
- 10.37 Wider community sustainability benefits - The District's sustainability objectives are outlined under 2.4 of the FLP and, relevant to this application includes the aim to thrive in safe environments and decent affordable homes (6.1) and redress inequalities related to age, gender, disability, race, faith, location and income. In respect of the proposal, it would assist in addressing a shortfall of accommodation needs for the Traveller community where an inadequate supply of housing currently exists.
- 10.38 The FRA has outlined the historic flood events in recent years, including the floods of 1998 and works undertaken or being undertaken by the EA and the IDB which ensure that water is pumped away via pumping stations and the drainage channels. Risk of actual flooding to the site, due to the defences in place, is considered to be minimal. The proposed mobile homes would be raised off the ground by 450mm above existing ground level. If flooding did occur, the FRA states there would be an acceptable evacuation route to higher ground and that the development would not exacerbate flooding elsewhere. The applicants are happy to subscribe to the EA telephone warning service and to produce a Flood Evacuation Plan for the site which could be required by condition.
- 10.39 Taking the above into account, it is considered that with regards to flood risk, the proposal is acceptable, subject to condition and complies with policy LP5, Part D (a) of the local plan. It is recognised that the PPTS, paragraph 13 (g) advises local planning authorities not to locate sites in areas of high risk of flooding, but the local circumstances of Fenland district must be taken into account, given the amount of land in the district that is at a higher risk of flooding. As already stated, the Inspector for the Spinney site took a pragmatic view on this matter.

## **Other Issues**

### **10.40 Residential Amenity**

The development is sufficiently separated from the adjacent Spinney site and other dwellings, of which there are few in the vicinity, so as not to impact on residential amenity in terms of loss of privacy, loss of light etc. Over dominance has already been assessed above.

#### 10.41 Heritage Assets

There are no heritage assets in the vicinity of the site.

#### 10.42 Natural Environment

The submitted biodiversity checklist does not point to protected species being present on the site. A short report has been submitted but it is not written by a qualified ecologist so has limited value. However, from historical aerial photographs, the previous use of the site was for grazing and the land was covered in open grass. Hedgerows have not been removed to enable the development to take place and there is scope to provide additional native hedgerow planting to improved the screening of the site and to provide improved biodiversity. As the development has already taken place it is not possible to say with certainty that no protected species were affected by the development, however, impacts can be limited in the future. It was noted that there is external lighting in place during the site visit and a condition will be imposed requiring details of external lighting and to ensure that luminance is minimised.

#### 10.43 Contaminated Land

There is no evidence to suggest that the site is contaminated.

#### 10.44 Agricultural Land Quality

The Natural England land classification map shows the site to be grade 2, very good quality agricultural land. The majority of land within the district outside of the built up areas will be either grade 1 or grade 2 land. Given that there are no available alternative sites available, the proposal is acceptable in this regard.

### **Personal Circumstances**

10.45 The Council's Traveller and Diversity Manager has assessed the personal circumstances of the occupiers of the site and concludes that there are benefits to the occupiers to being able to remain at this settled base. This includes being able to provide stable schooling opportunities for the children. The issue of a potential for this site in cumulation with the existing authorised sites to dominate the settled community has required these personal circumstances to be weighed in the planning balance. The issue of dominance is quite finely balanced in this particular situation. There are both educational and health needs of children and health needs of adults to be taken into consideration. These weigh in favour of the proposal and in this instance outweigh any concern about over dominance, such that the proposal is acceptable.

## **11 CONCLUSIONS**

11.1 In conclusion, the existing policy framework surrounding the development is such that the Local Planning Authority is unable to demonstrate that it has an adequate supply of sites for the accommodation of the gypsy and traveller community. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the Planning Policy for Traveller Sites (2015) document and on that basis the principle of the development is considered to be acceptable.

- 11.2 Impact on the character and appearance of the area is acceptable due to the location of the site, position of the caravans within the site and existing boundary screening. However, hedgerow planting should be provided to the eastern boundary but this can be conditioned. Details of external lighting shall also be conditioned.
- 11.3 The proposed access and parking are acceptable, and the site is located within an acceptable distance of settlements that provide services. Details concerning the requirement to seal and drain the first 10 metres of the access will be conditioned as will the requirement to maintain visibility splays.
- 11.4 Although the site is located in Flood Zone 3, the EA has not raised objections and due to a lack of other suitable alternative sites in areas at lower risk of flooding, the sequential test is passed. There are sufficient community benefits to this site being permitted to pass the exceptions test. Notably, flood risk was not a concern to warrant dismissal of the appeal which allowed the Spinney site on the adjacent land.
- 11.5 Due consideration has been given to the Human Rights Act 1998 and the Equality Act 2010. The issue of a potential for this site in cumulation with the existing authorised sites to dominate the settled community has required these personal circumstances to be weighed in the planning balance. The issue of dominance is quite finely balanced in this particular situation. There are both educational and health needs of children and health needs of adults to be taken into consideration. These weigh in favour of the proposal and in this instance outweigh any concern about over dominance, such that the proposal is acceptable.
- 11.6 In all other respects, the proposal is considered to be acceptable and subject to the conditions to be imposed complies with policy LP5 of the local plan (which also reflects other policies of the plan)

## 12 RECOMMENDATION

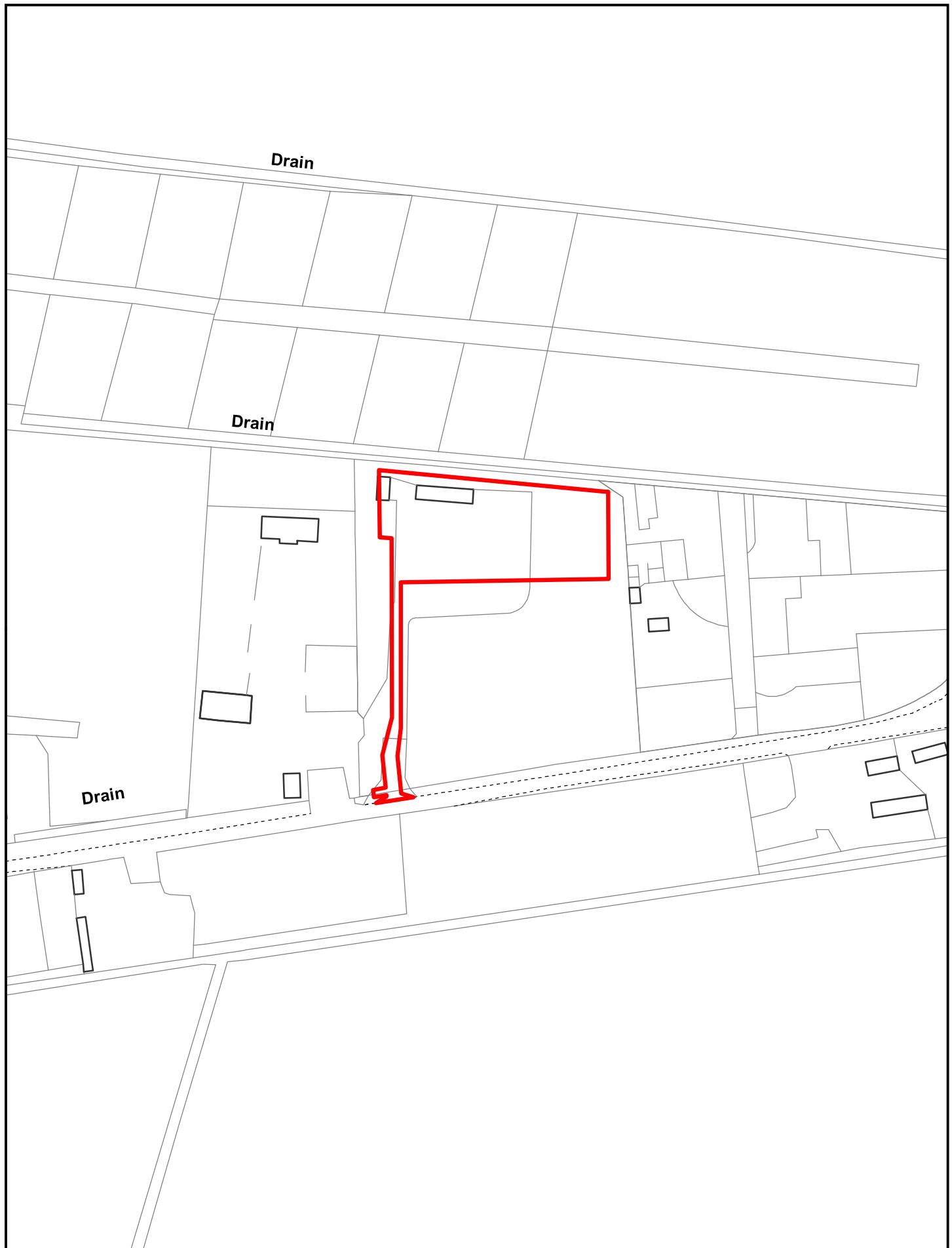
**Grant;** subject to the following conditions:

1	The site shall not be occupied by any persons other than gypsies and travellers as defined in annex 1 of Planning Policy for Traveller Sites (DCLG August 2015)
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Reason: The application is only approved due to the applicants meeting this definition and to clarify what is hereby approved.

2	<p>No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravans) shall be stationed at the site at any time. The caravans shall only be stationed within the land edged red on the approved location plan and shall not be stationed in the land edged blue on the approved location plan.</p> <p>Reason: To clarify what is hereby approved and to ensure that the stationing of the caravans does not have an adverse impact on the character or appearance of the area in accordance with policy LP5 of the Fenland Local Plan</p>
3	<p>No more than one commercial vehicle shall be kept for use by the occupiers of each plot and shall not exceed 3.5 tonnes in weight.</p> <p>Reason: In order to control commercial activity at the site and the visual appearance of the land in accordance with policy LP5 of the Fenland Local Plan</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason: In the interests of the visual appearance of the land and area in accordance with policy LP5 of the Fenland Local Plan</p>
5	<p>Within 3 months of the date of this decision, the access to the site shall be constructed and sealed for the first 10 metres from the highway edge and drained away from the highway in accordance with the details shown on the approved highway access drawing HWACS - 02-2022. The visibility splays shall be provided concurrently with the works to seal and drain the access as shown on this approved drawing, and retained as such thereafter and kept clear of any object above 0.6 metres in height.</p> <p>Reason: In the interests of highway safety in accordance with policy LP5 of the Fenland Local Plan</p>

6	<p>Within 2 months of the date of this decision, the following information shall have been submitted to the Local Planning Authority for approval;</p> <ul style="list-style-type: none"> <li>- Details of a scheme to plant a mixed native hedgerow to as a minimum, the eastern side boundary of the land edged blue on the approved location plan. This shall include a plan, planting specification and timetable for planting. The approved scheme shall be implemented in full in accordance with the approved timetable. Should any of these plants die, become diseased or are removed within the first 5 years of planting, they shall be replaced by similar native species within the next available planting season. The hedgerow shall be retained thereafter.</li> <li>- Details of all existing and proposed external lighting including luminance levels and measures to avoid light spillage. Within 4 weeks of the approval or refusal of the lighting scheme from the local planning authority, all unauthorised lighting shall be permanently removed from the site, including the land edged blue on the approved location plan. Thereafter, only external lighting that accords with the approved lighting scheme shall be erected.</li> <li>-Details of a flood evacuation scheme. Within 2 weeks of approval of the scheme by the local planning authority, the scheme shall be implemented in full and in retained in perpetuity</li> </ul> <p>Reason: In the interests of the visual appearance of the site, biodiversity and the safety of the occupiers of the site in accordance with policy LP5 of the Fenland Local Plan</p>
7	<p>With the exception of the post and rail fencing existing at the front of the land edged blue on the approved location plan and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no other gates, fences, walls or other means of enclosure shall be erected on the site or on the land edged blue on the approved location plan, unless planning permission has first been obtained from the local planning authority.</p> <p>Reason: In the interests of the visual appearance of the site in accordance with policy LP5 of the Fenland Local Plan</p>



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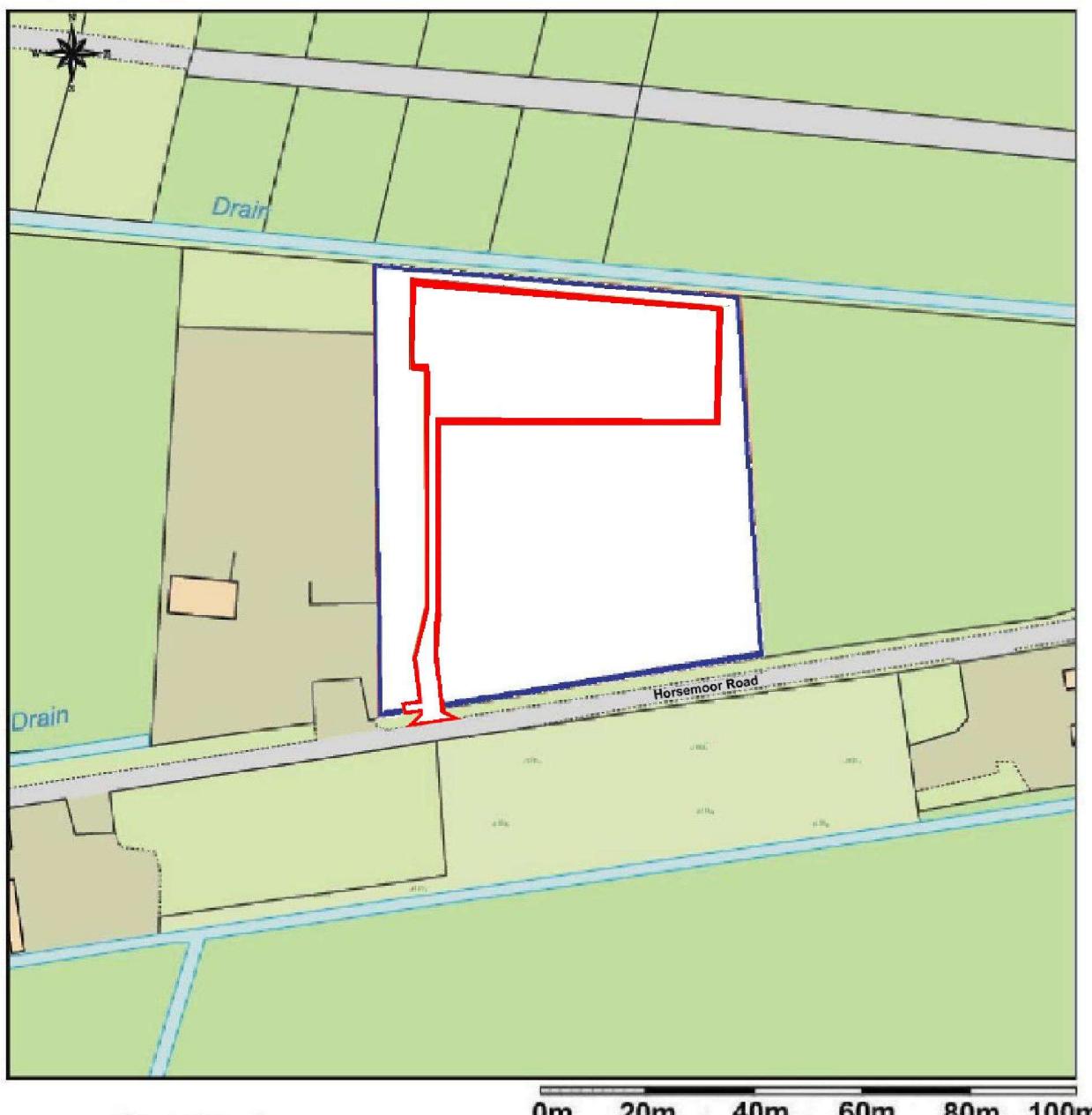
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Scale = 1:1,250



  
Fenland  
CAMBRIDGESHIRE  
Fenland District Council

# Location Plan



May 2022

Scale 1:1250 @ A4

Drawing No.: LP-02-22

The Spinney  
Hook Rd - Horsemoor Rd  
Wimblington  
March  
PE15 0QL

Joseph G Jones  
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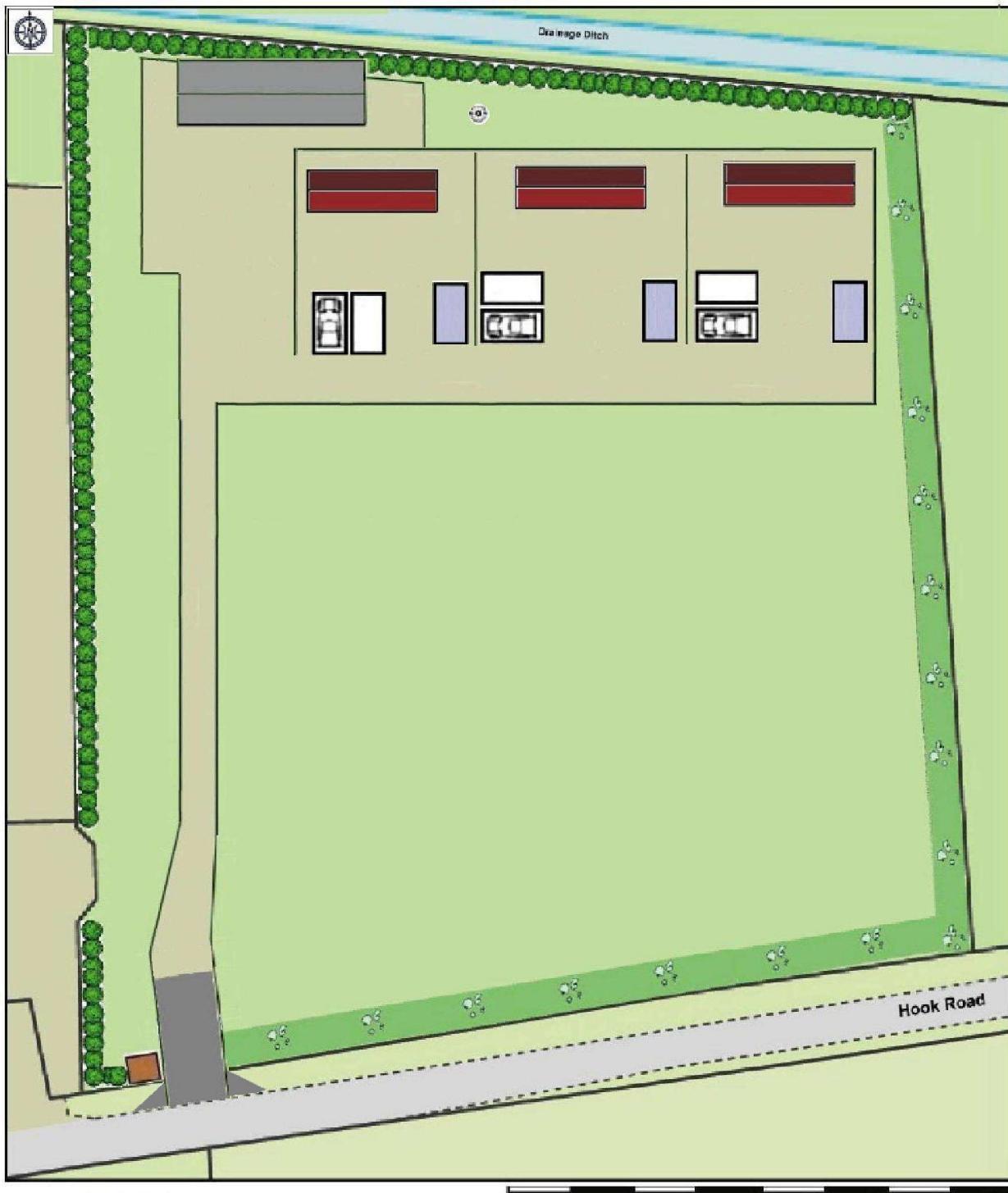


Drawing No.  
BP-01-2020

**site**  
plans

Prepared by: J Jones, 02-03-2021

# Block Plan



February 2022

Scale 1:500 @ A4

Drawing No.: BP-02-2022



KEY	
	Static Caravan
	Touring Caravan
	Parking
	Waste & Recycling
	Planting
	Stable
	Hardstanding Shingle
	Grass
	Water Treatment Plant
	New Screening
	Tarmac/Block Pave

Cedar Rose Stables  
Horsemoor Rd  
Wimblington  
March  
PE15 0QL



Drawing No.  
BP-01-2022

**site  
plans**

Prepared by J. Jones, Page 133



## Proposed Highway Access

Drawing No.: HWACS-02-2022

February 2022

Precast Concrete  
Edging

Tarmac

Tarmac

Dropped kerbing (granite sets-150mm x 75mm)  
or precast concrete kerb (125mm x 150mm)

Horsemoor Road

10m

5m

2m

2.75m

The access drains  
south to north  
(away from the highway)



Scale 1:50 @ A4

0 1 2



Project:  
Title:  
Client:  
Drawing  
Title:  
**Cedar Rose Stables**

Design:  
Sage Ct, Unit 3 Stileys Rise,  
South Heath, Bucks, HP16 9QG  
Tel: 07756 917937

All building works to comply with the  
relevant British standards and/or codes  
of practice.  
This drawing & design are  
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F/YR21/1440/VOC

**Applicant:** Mr Mike Zamorski  
FLM Developments Ltd

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

**Site Of Former Christchurch Memorial Hall, 11 Church Road, Christchurch,**

**Variation of conditions 6 (Archaeology), 10 (Chain-link Fence) and 18 (list of approved drawings), and removal of conditions 2 (Materials), 3 (Landscaping), 13 (External Lighting), and 14 (Fire Hydrants) of planning permission F/YR12/0630/F (Erection of 9 x 2-storey dwellings comprising of: 2 x 2-bed, 3 x 3-bed and 4 x 4-bed dwellings with garages involving demolition of existing hall and buildings)**

**Officer recommendation:** Grant

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

---

## 1 EXECUTIVE SUMMARY

- 1.1 This is an application to remove and vary conditions imposed on permission F/YR12/0630/F granted for the erection of 9 dwellings. The approved development is capable of being built out, therefore the matters to be considered are the differences between the approved and the proposed scheme. The revised plans are not significantly different to the approved scheme and will not result in any further significant impact on the surrounding area, historic environment or neighbours. The opportunity has been taken during the assessment of this application to update all relevant conditions and ensure that no further submissions will be required.
- 1.2 The development as proposed is acceptable and recommended for approval subject to updated conditions to reflect the revised plans and submission.

## 2 SITE DESCRIPTION

- 2.1 The site is an L shaped parcel of land which contained the former Christchurch Memorial Hall and a further small building (from previous aerial photography). These buildings are now demolished and cleared. The site is accessed off Church Road. It wraps around the side and rear of the detached Old School House which is a single residential property. The remaining western boundary to the site borders the grounds of the Christ Church which is a grade II listed building. The eastern boundary borders the curtilage of established residential properties which are accessed off Green Lane. The north boundary borders Church Street. To the south and southwest is open land.
- 2.2 The site is not within, nor does it abut a conservation area. It is within flood zone one which is the area at least risk of flooding.

## 3 PROPOSAL

- 3.1 This is an application to vary and remove conditions attached to planning permission F/YR12/0630/F. Overall, the proposed development is very similar to that approved under this previous planning permission and the development proposed still accords with the original description of the development. Planning permission was granted for the erection of 9 two storey dwellings comprising 2 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings with garages, involving the demolition of the existing hall and buildings.
- 3.2 The application proposes the following changes to the conditions attached to F/YR12/0630/F (some of which were discharged or partially discharged – see site history below) and to the approved plans which were listed under condition 18;

#### Condition 2 – Materials

Detailed within the submission so that the condition can be varied become a compliance condition

#### Condition 3 - Landscaping

The submission details the items under a – k of condition 3, therefore it can be varied to become a compliance condition

#### Condition 6 - Archaeology

The full excavation works have taken place and the final report is submitted with this application. It is proposed the condition can be removed.

#### Condition 10 – Boundary treatment

Detailed within this submission. Proposed to vary the condition to become compliance with submitted details.

#### Condition 13 – Lighting

The proposed bollard lighting is submitted with this application. The condition is proposed to be varied to be compliance with the submitted details

#### Condition 14 – Fire Hydrants

The agreed fire hydrant position is shown on the submitted site plan. It is proposed to vary the condition to become a compliance condition. It is proposed to require the hydrant to be provided an operational prior to first occupation of any dwelling or otherwise in accordance with a timetable which shall have been submitted and approved by the local planning authority.

#### Condition 18 – list of approved plans

A revised set of drawings has been submitted which includes the following changes from the scheme as approved;

House Types:

- Removal of false chimneys leaving just a single chimney on each house type

- Removal of ridge tile detail
- Removal of tudor boarding detail to dormer windows and porches and replacement with horizontal cladding
- Removal of ground floor bay window on side elevation of house type A (plots 1 and 6)
- Change of window colours from white to grey (Everest windows olive grey and cedar grey)
- False chimney on house type E made into one single false chimney on ridge line. Front door and window swapped around
- All kitchen window sill heights raised as were shown too low on approved scheme

**Garages:**

- Double garage – removal of 4-sided hipped roof and and gable ends added (so that double garage matches single garage)

**Site Plan:**

- Amendment to fencing detail to side of plot 2 and front/side of plots 6, 7 & 9 (to black estate railings)
- Slight amendment to position of plot 7
- Correction of error on plot 6 – house type A was shown too narrow and has been adjusted
- Amendment to driveway/parking to plot 8
- Change column street lighting to bollard lighting
- Added buried LPG tanks in corner of site nearest plot 6
- Change from green chain link to green weld mesh fencing to west and south boundaries where adjoining churchyard and countryside.

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

## **4 SITE PLANNING HISTORY**

### **4.1 Relevant site history is as follows;**

F/YR12/0630/F - The erection of 9 two storey dwellings comprising 2 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings with garages, involving the demolition of the existing hall and buildings- approved 23/09/13

F/YR15/3098/COND – Details reserved by condition 6 – approved 07/12/15

F/YR16/3053/COND – Details reserved by conditions 2, 3, 6, 10, 12, 13 and 14 – approved 27/07/16

## **5 CONSULTATIONS**

### **5.1 Christchurch Parish Council – No objections**

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

### 5.3 **Objectors**

The following comments have been received from 7 neighbouring households (six on Church Road, one from Padgetts Road);

- At the time the original building development was proposed, issues were raised about lack of infrastructure in the village to support the development. The shop has been closed and there is no bus service. At that time the development was considered “borderline” and now more than 25 new properties have been built in the village
- Increase in traffic onto Church Road
- There are bat colonies frequenting the site and fox and badger setts bordering the site
- There are several historic buildings bordering the site, namely The Church, The Old School, The Old School House and Hill Farm. All these properties only have step footings. Any piling for foundations would need to be augered and not hammer driven
- The dwellings side facing onto Church Road are out of keeping with the front facing character of Church Road
- Access to the rear of my property (No. 17 Church Road) has been resolved. The access gate into the rear of No. 15 is not necessary
- Proposals for a fence along the eastern boundary wall of The Old School House are unnecessary and impractical as it would prevent any access for maintenance of the boundary wall
- The rotation of Plot 1 is out of keeping with the street scene of Church Road where every other property faces the street
- There have been recent flooding issues, notably most recently in September 2021. Surely no further permissions can be granted until this issue has been resolved?
- The pumped mains sewage system put in place in Christchurch nearly 10 years ago is not fit for purpose

### 5.4 **Representations**

The owners of The Old School House comments as follows;

- No objections to the proposed changes and layout as outlined in the most recent consultation (11.05.22)
- The boundary wall belongs to us and in part extends to form the outside wall of two outbuildings in daily use as offices. We have a condition in our house deeds that we are supposed to maintain this wall but how are we meant to do this as some of the buildings are planned to be built very close to our wall. We are concerned that this wall could be damaged during construction works and that any structures put in by householders could damage the wall. We would like to see a covenant put into the deeds for the new houses to protect our wall.
- One of the office windows to our outbuilding has a clear window which looks into the site/new properties, and this presents privacy and security issues for us. When we brought the Old School House in August 2021 it was stated that the developers had to consider options for this clear window but we have not heard anything on this and would be happy to enter into discussions on these points.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Paragraph 135 – Local planning authorities should ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Paragraphs 199 – 203 – Consideration of impacts of development on heritage assets

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

Determining a Planning Application

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

LP16 – Delivering and Protecting High Quality Environments across the District  
LP18 – The Historic Environment

## **8 KEY ISSUES**

- Impact on the design and appearance of the scheme as a result of the proposed changes;
- Impact on residential amenity as a result of the proposed changes;
- Impact on the historic environment as a result of the proposed changes

## **9 BACKGROUND**

- 9.1 Full planning permission for the development of the site to provide 9 dwellings has been established through the granting of planning permission under F/YR12/0630/F. The only way of formally determining whether the development was lawfully commenced is via a Certificate of Lawfulness, however, it is not mandatory that the applicant must submit such an application. The agent has provided sufficient information to show that the development was on the balance of probabilities, lawfully commenced. This represents a fallback position in that the approved scheme could be built out and completed. The current application is for changes to the approved scheme as set out above. In this case, only the difference between the approved scheme and the current proposed scheme is being considered and not the principle of building 9 dwellings on the site nor the layout or design issues already approved. These matters have already been established.

## 10 ASSESSMENT

### Design and Appearance

- 10.1 The proposal provides for a total of nine two storey dwellings, all of which are detached except for a pair of semi-detached dwellings at plots 2 and 3, which are of the same scale as those previously approved. There are what are considered to be minor changes in design (as listed above) and a slight repositioning of plot 7. Otherwise, the proposed dwellings are in the same positions within the site as previously approved. This includes Plot 1 which was approved with its side elevation facing Church Road.
- 10.2 Some of the design detailing is being removed from what was originally approved. This includes removal of the second false chimney to each plot, retaining one chimney for each detached dwelling and a “shared” central chimney to the pair of semi-detached dwellings. The decorative ridge detail is also proposed to be removed. The approved brick types are proposed to be changed albeit to similar bricks, due to the lack of availability of the approved bricks. Instead of white UPVC windows, two shades of grey are now proposed.
- 10.3 Noting the requirements of paragraph 135 of the NPPF (set out above) it is not considered that these changes overall will reduce the quality of the proposed development. The development will remain a high-quality development in accordance with policy LP16 of the Local Plan.

### Residential Amenity

- 10.4 Except for a slight repositioning of plot 7, which makes no material difference to any neighbour, the proposed dwellings are in the same locations and same orientation as originally approved. The proposed revisions to the house type designs (described above) does not result in any additional impact on terms of overlooking than the approved scheme. The proposed double garages are revised from full hipped roofs to a dual pitch which results in the double garage to plot 3 having a gable end rather than a hipped roof facing the side of the adjacent bungalow, “The Shires” off Cobwebs. This results in a slightly worse impact to this property but is not significant and does not warrant refusal of the application for this reason.
- 10.5 The part of the site that abuts the rear boundary to The Old School and The Old School House, has been revised to take into account the need for rear access to these properties to serve an existing septic tank. The boundary treatment is to remain as existing in this location. To the corner of the site in this vicinity, it is proposed to add an LPG compound which comprises 2 x 4000L tanks enclosed by a close boarded fence. The tanks have been positioned in this location to avoid the root protection area of the nearby trees and to enable them to be accessed via the access strip which shall also serve the existing septic tank within the neighbouring property. The agent has confirmed that the LPG tanks will be buried.
- 10.6 These changes appear to have resolved the neighbour’s concerns about the sceptic tank, although issues of private access and maintenance are private legal matters and not planning issues. Any matters concerning deeds to properties is not a planning consideration but an issue between the parties concerned.

- 10.7 There is a small clear glazed window to the outbuilding which is used as an office within the curtilage of The Old School House. The previous application was approved with this window in place. It is not considered to be a primary habitable room and measures could be taken to secure any issue of privacy such as obscure glazing or blinds. Any discussions between the owners and third parties during the process of a house purchase are not material planning considerations.
- 10.8 It is considered that the changes from the approved scheme to that proposed under this application do not result in any significant harm to residential amenity and as such the proposal complies with policy LP16 of the Local Plan.

### **Historic Environment**

- 10.9 The western boundary of the site abuts the curtilage of the grade II listed Christchurch and the grade II listed War Memorial. The impact of the development on the setting of these heritage assets was assessed and considered acceptable at the time the original application was approved. It is considered that the proposed minor alterations to the dwellings will have no impact upon the setting of the listed buildings.
- 10.10 The western boundary was proposed to be bounded by a chain link fence which was agreed under the discharge of condition 10. The current proposal proposes replacement of the chain-link fencing with a 1.8-metre-high green weldmesh fence to the west and southern boundaries of the site. It would be planted on the site side with a mixed native hedgerow. Whilst a weldmesh fence may be considered slightly more utilitarian than a chain link fence, once the planting has established it should soften the appearance of the fence. A weldmesh fence is more secure and should require less maintenance than a chain link fence (which could be cut and climbed). It is considered that the proposed green weldmesh fence and hedge planting compared to the fall-back position of the chain link fence and planting will cause no harm to the character and appearance of the setting of the adjacent listed buildings.
- 10.11 The proposed LPG tank compound lies adjacent to the curtilage of the listed buildings. The proposed tanks will be buried and enclosed by a 1.8 metre close boarded fence, however, the boundary to the church yard will comprise the proposed green weldmesh with native hedgerow. It is considered that this element of the proposal will not harm the setting of the listed buildings.
- 10.12 In assessing this proposal, compared with the approved development, special regard has been had with regard to preserving the special interest of the listed buildings and their setting. It is considered that the revised proposal complies with policy LP18 of the Local Plan and paragraphs 199 – 203 of the NPPF.

## **11 CONCLUSIONS**

- 11.1 The variation and removal of conditions, as set out above, to include revisions to the approved plans are considered to be acceptable. The case officer has taken this opportunity to review all the conditions and to update them where applicable to ensure compliance with details already previously approved or submitted and detailed above, as part of this application.

## 12 RECOMMENDATION

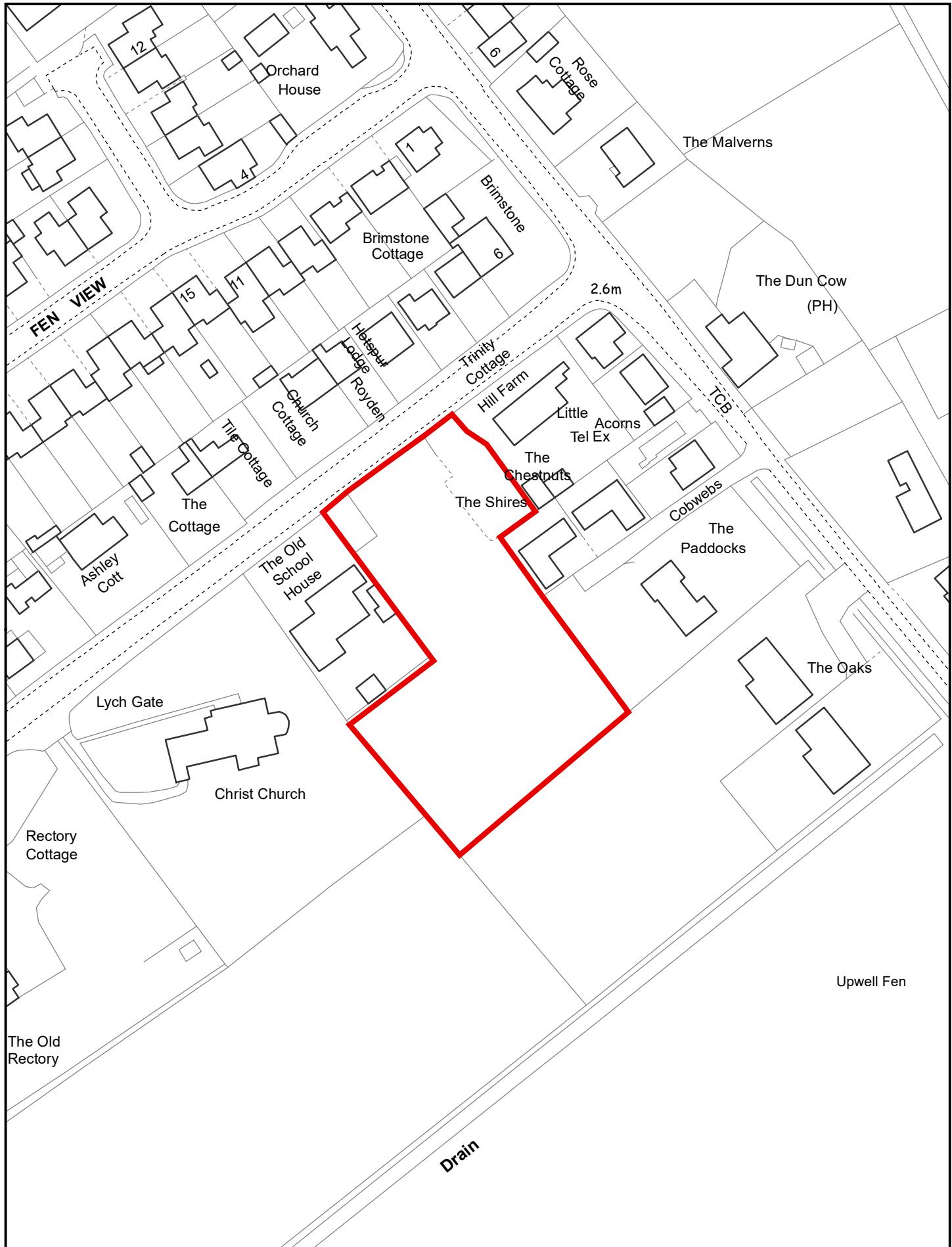
Grant; subject to the following conditions

1	<p>The materials used for the external walls and roofs of the dwellings and garages and the materials used to surface the proposed access road shall be in complete accordance with the details shown on the approved site plan drawing 08M submitted on 06.07.2022 and shall be retained as such thereafter</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan (2014)</p>
2	<p>The hard and soft landscaping of the development, including the following details;</p> <ul style="list-style-type: none"><li>a) proposed finished levels</li><li>b) means of enclosure</li><li>c) car parking layout</li><li>d) vehicle and pedestrian access and circulation areas</li><li>e) hard surfacing, other hard landscape features and materials</li><li>f) existing trees, hedges or other soft features to be retained</li><li>g) planting plans, including specifications of species, sizes, planting centres number and percentage mix</li><li>h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</li><li>i) details of siting and timing of all construction activities to avoid harm to all nature conservation features</li><li>j) location of service runs</li><li>k) management and maintenance details</li></ul> <p>shall be carried out in full and in complete accordance with the details shown on the following approved plans and documents;</p> <p>Site Plan 08M submitted on 06.07.2022 MTC 1216-05 (Drainage Plan 1 of 2) MTC 1216-06 (Drainage Plan 2 of 2) MTC 1216-09(Levels) Biodiversity Measures Statement June 2022 Site Development Programme and ongoing Maintenance Statement</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.</p>

3	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.</p>
4	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.</p>
5	<p>Prior to first occupation of the development the visibility splays at the site entrance as shown on the submitted plan 1216-11 shall be provided and maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interests of highway safety</p>
6	<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> <ul style="list-style-type: none"> <li>a) enter, turn and leave the site in forward gear;</li> <li>b) park clear of the public highway;</li> <li>c) load and unload;</li> </ul> <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.</p>
7	<p>Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5.0 metres for a minimum distance of 10.0 metres measured from the near edge of the highway carriageway and thereafter maintained in perpetuity.</p> <p>Reason - In the interests of highway safety</p>
8	<p>The 1.8-metre-high green weldmesh fencing to be erected along the</p>

	<p>rear/side boundaries of Plots 6, 8 and 9 (as shown on the approved site plan 08M) shall be erected prior to the first occupation of any of the dwellings which it serves and retained as such thereafter. The native hedgerow planting along the same boundaries shall be carried out in accordance with the soft landscaping requirements of condition 4 and retained as such thereafter.</p> <p>Reason - In the interests of crime prevention and visual amenity</p>
9	<p>Prior to the first occupation of each dwelling at least one sparrow box shall be erected on a non-south facing gable wall of each dwelling in accordance with the details shown in the approved Biodiversity Enhancement Statement June 2022. Upon completion of the final dwelling to be built a total of at least 10 sparrow boxes comprising at least 5 sparrow terraces and 5 sparrow boxes shall have been provided across the site. The sparrow boxes (including any replacements) shall be retained in perpetuity and shall be replaced like for like if for any reason a box becomes unfit for purpose.</p> <p>Reason - In the interests of biodiversity and nature conservation.</p>
10	<p>Prior to the commencement of any works or storage of materials on the site, all trees that are to be retained, including the canopy of trees which are located off site, shall be protected in accordance with the tree protection measures set out in the Tree Protection report dated June 2022. The tree protection measures shall be carried out and maintained at all times throughout the period of the development.</p> <p>Reason - To ensure that retained trees are adequately protected.</p>
11	<p>The approved bollard lighting as shown on the approved site plan 08M (Rincon Bollard or similar) shall be installed prior to the first occupation of the dwellings which it serves. Prior to the occupation of the final dwelling, all the approved bollard lighting shall have been installed. The lighting shall thereafter be retained in perpetuity.</p> <p>Reason – In the interests of crime prevention and reduction in impact on the surrounding countryside.</p>
12	<p>The proposed fire hydrant shown on the approved site plan 08M shall be provided prior to the first occupation of the development or otherwise in accordance with a timetable that shall have been submitted to and agreed in writing by the local planning authority prior to the construction of the first dwelling above roof plate level. The fire hydrant shall be retained in perpetuity.</p> <p>Reason - To ensure a satisfactory form of development.</p>
13	<p>No additional window openings shall be inserted at first floor level in the west elevation of Plot 3, the north elevation of Plot 6 and east elevation of Plot 8 of the development hereby approved. Where window openings are shown at first floor level on these elevations, they shall be glazed with obscure glass and fixed shut to a height of 1.7m and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.</p>

14	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <ul style="list-style-type: none"> <li>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</li> <li>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);</li> <li>iii) alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</li> <li>iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);</li> </ul> <p>Reason - To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area in which it is set and to prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.</p>
15	Approved plans



Created on: 15/12/2021

**F/YR21/1440/VOC**

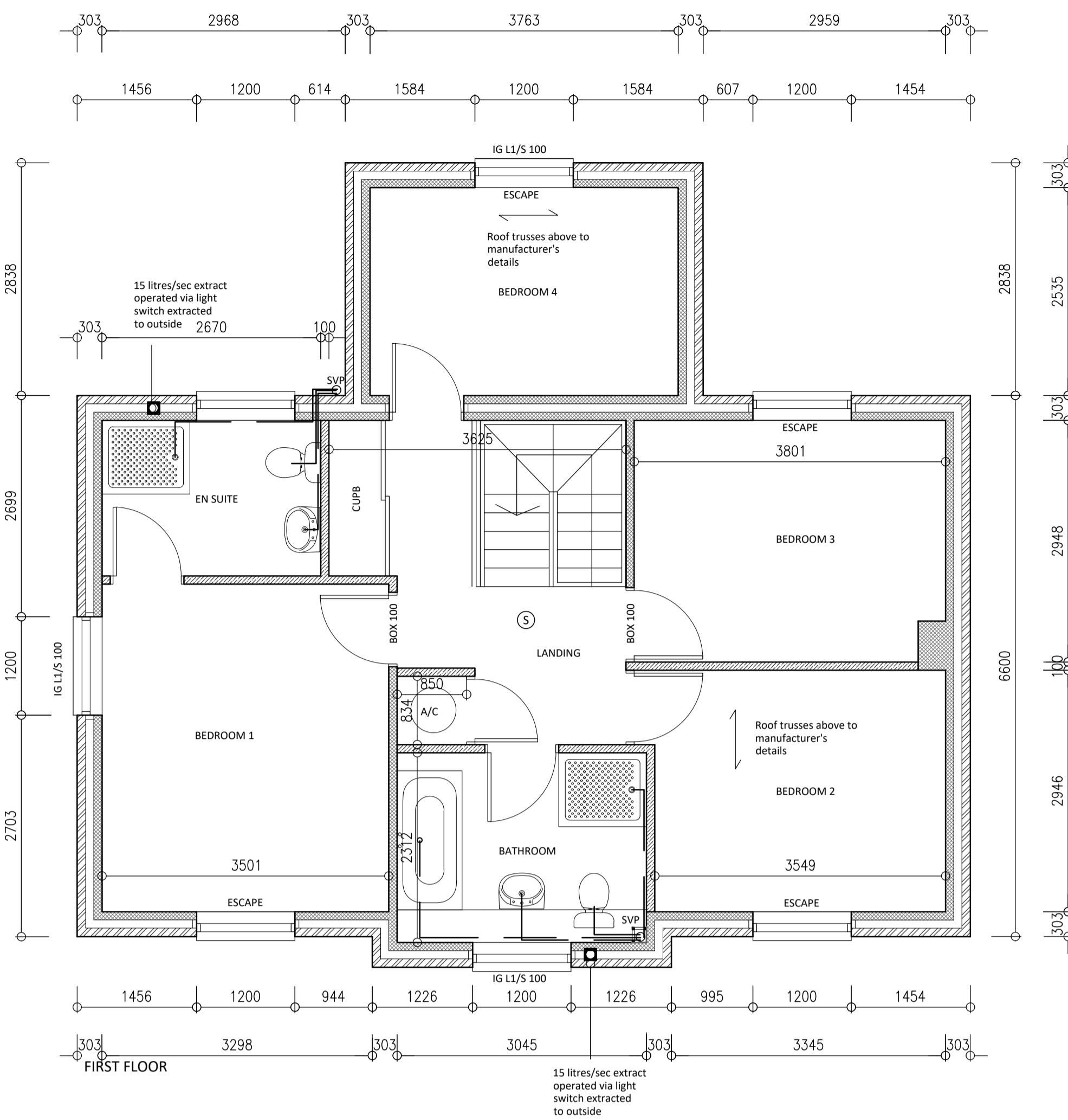
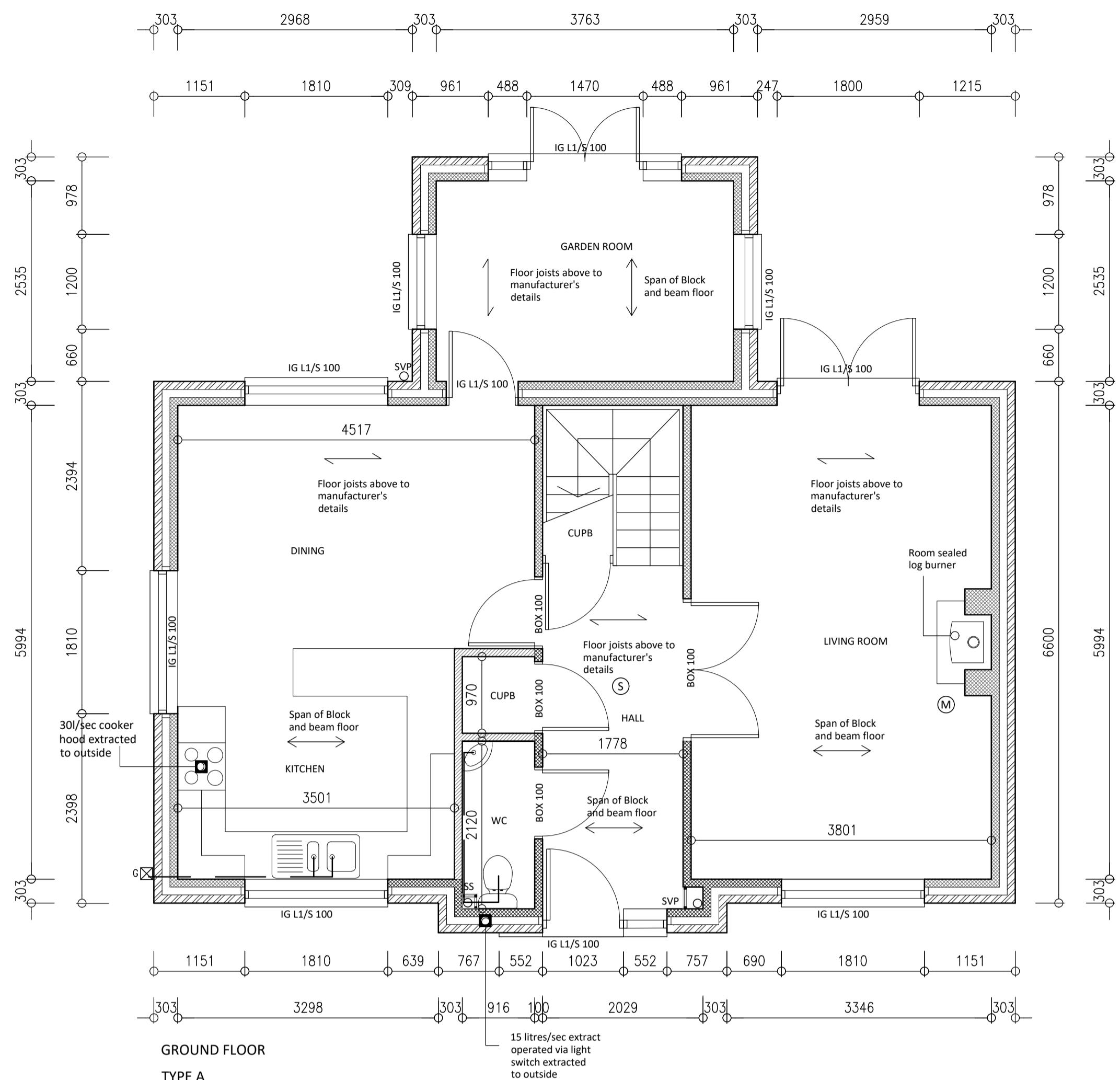
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**Fenland**  
CAMBRIDGESHIRE  
Fenland District Council

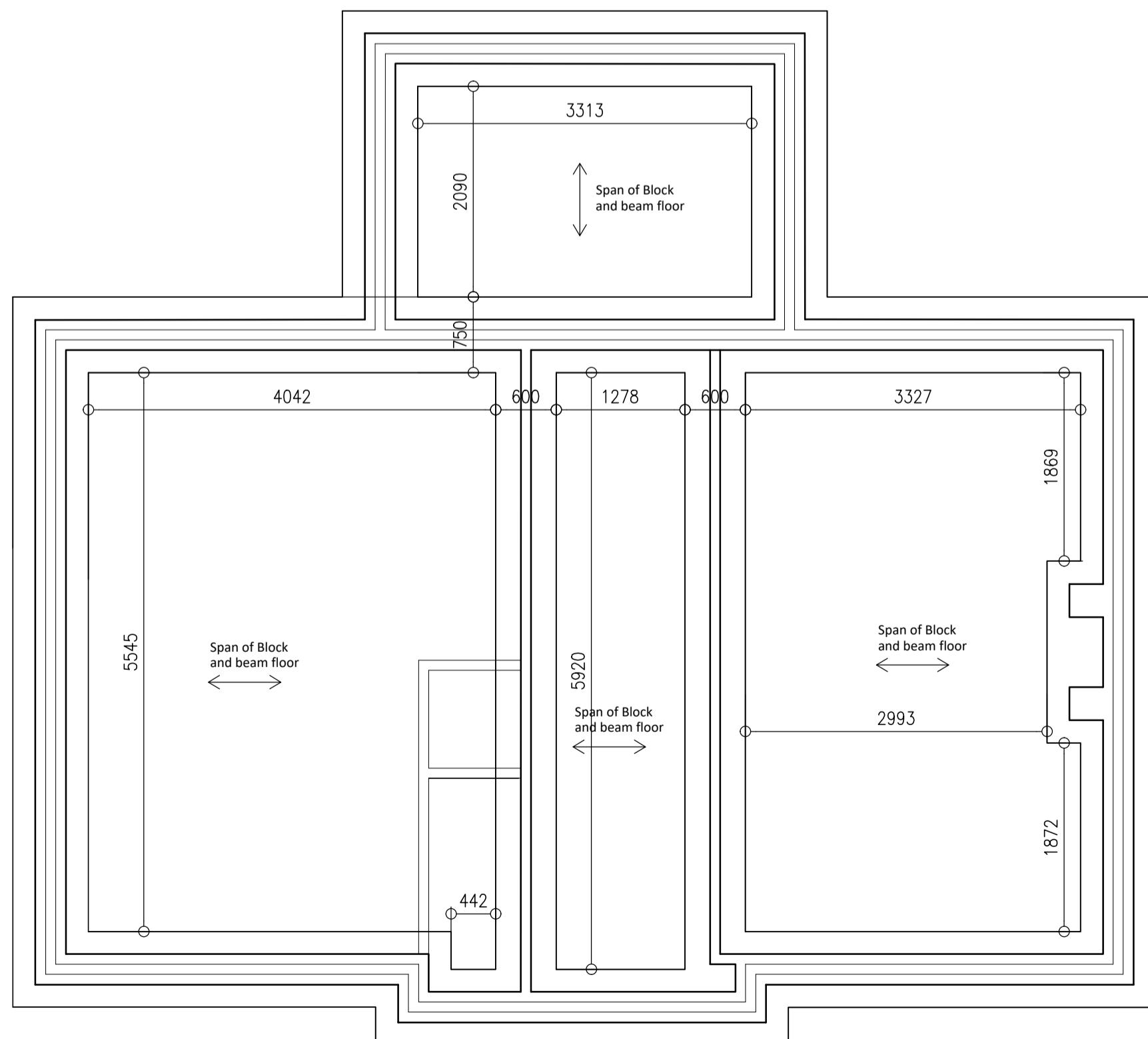




LEGEND

w.m.	Washing machine
(S)	Smoke Detector
(HD)	Heat Detector
(M)	Carbon Monoxide detector
/	Span of floor joists

THIS DRAWING TO BE READ  
WITH SPECIFICATION NOTES,  
STRUCTURAL ENGINEER'S AND  
MANUFACTURER'S DETAILS



A-  
REVISIONS

**PHA**

PETER HUMPHREY  
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CLIENT

FLM DEVELOPMENTS LTD

PROJECT

PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

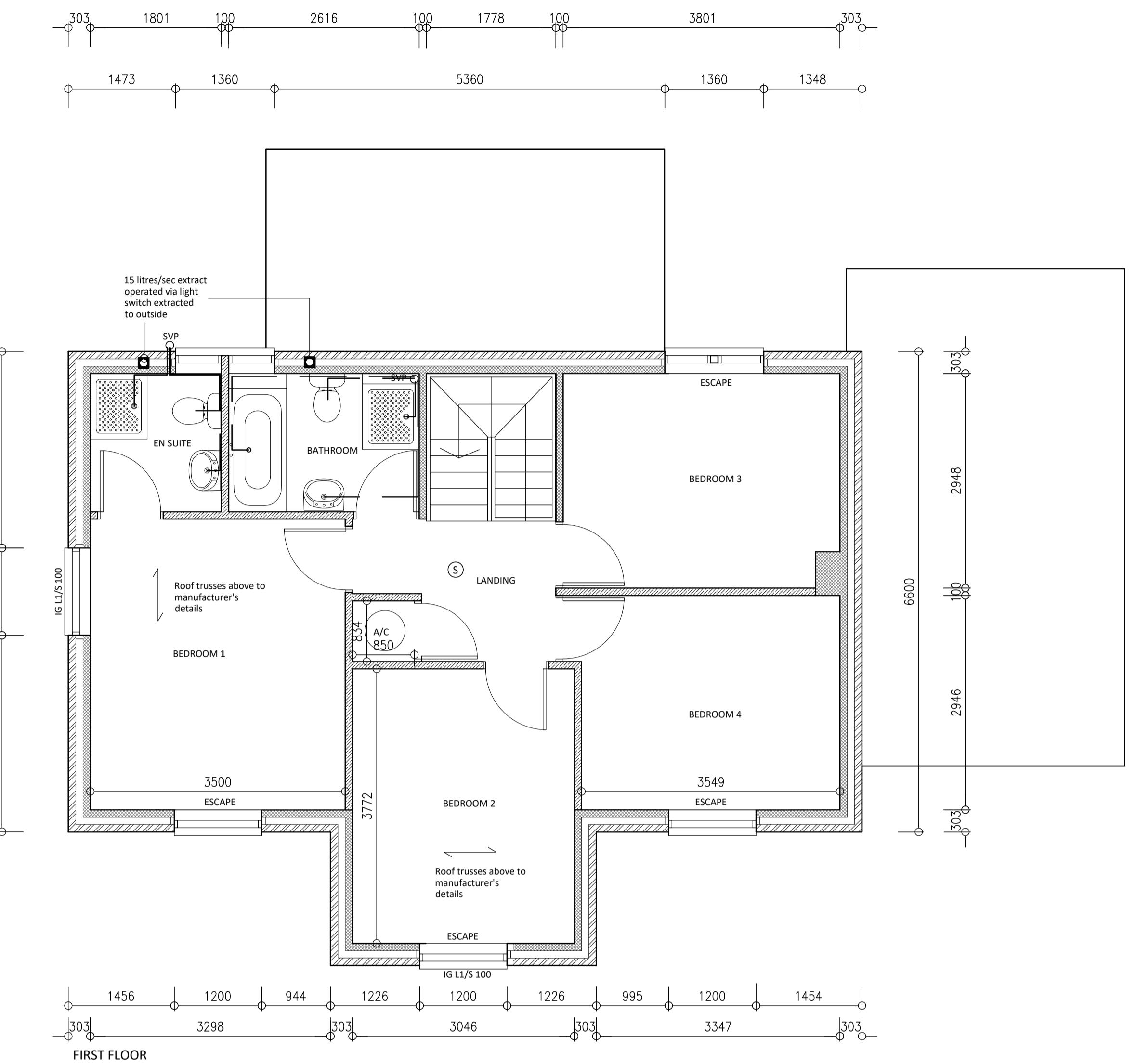
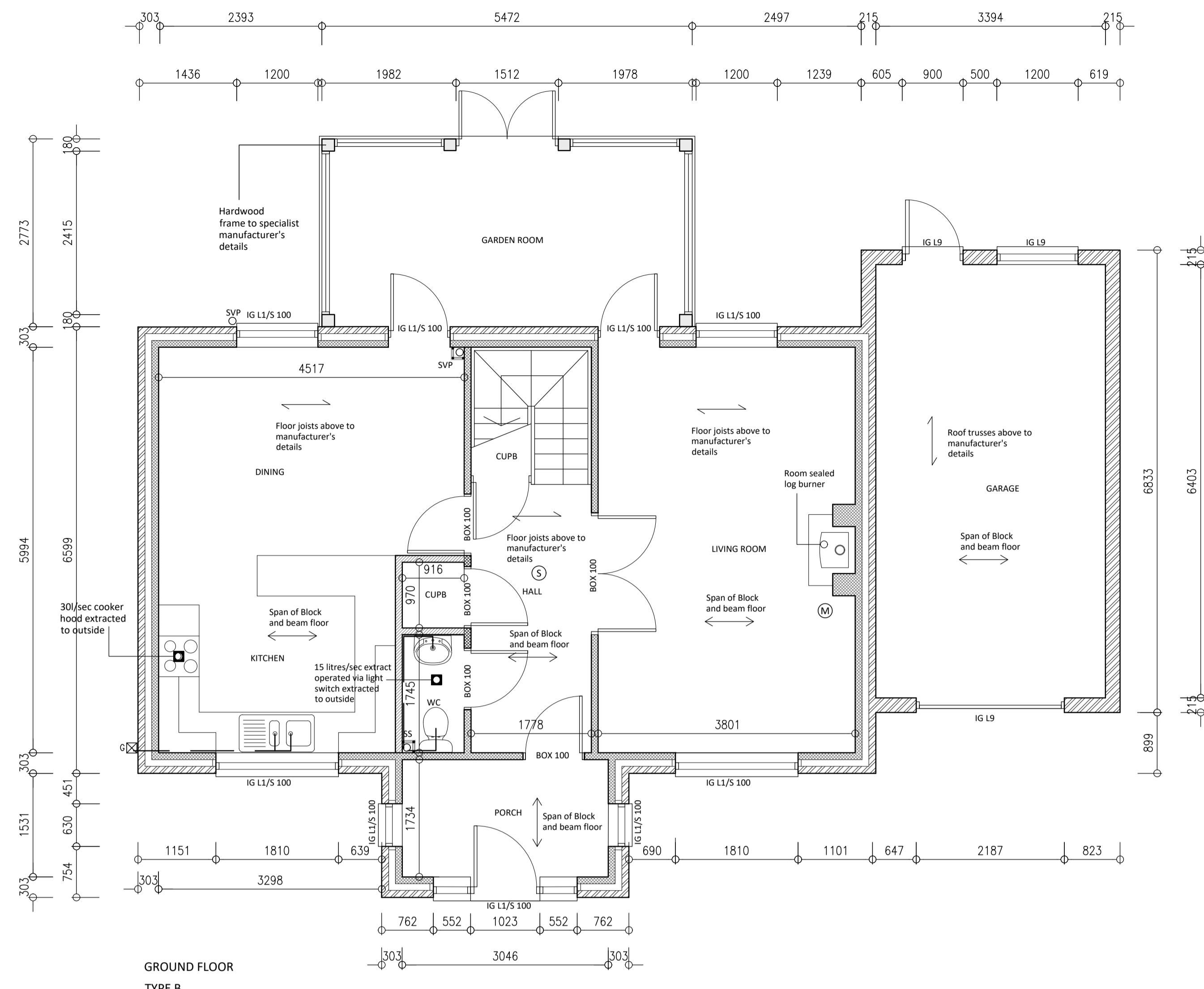
DRAWING  
HOUSE TYPE A

JOB NO. 6137/06B PAPER SIZE A1 DATE SEPT 2021

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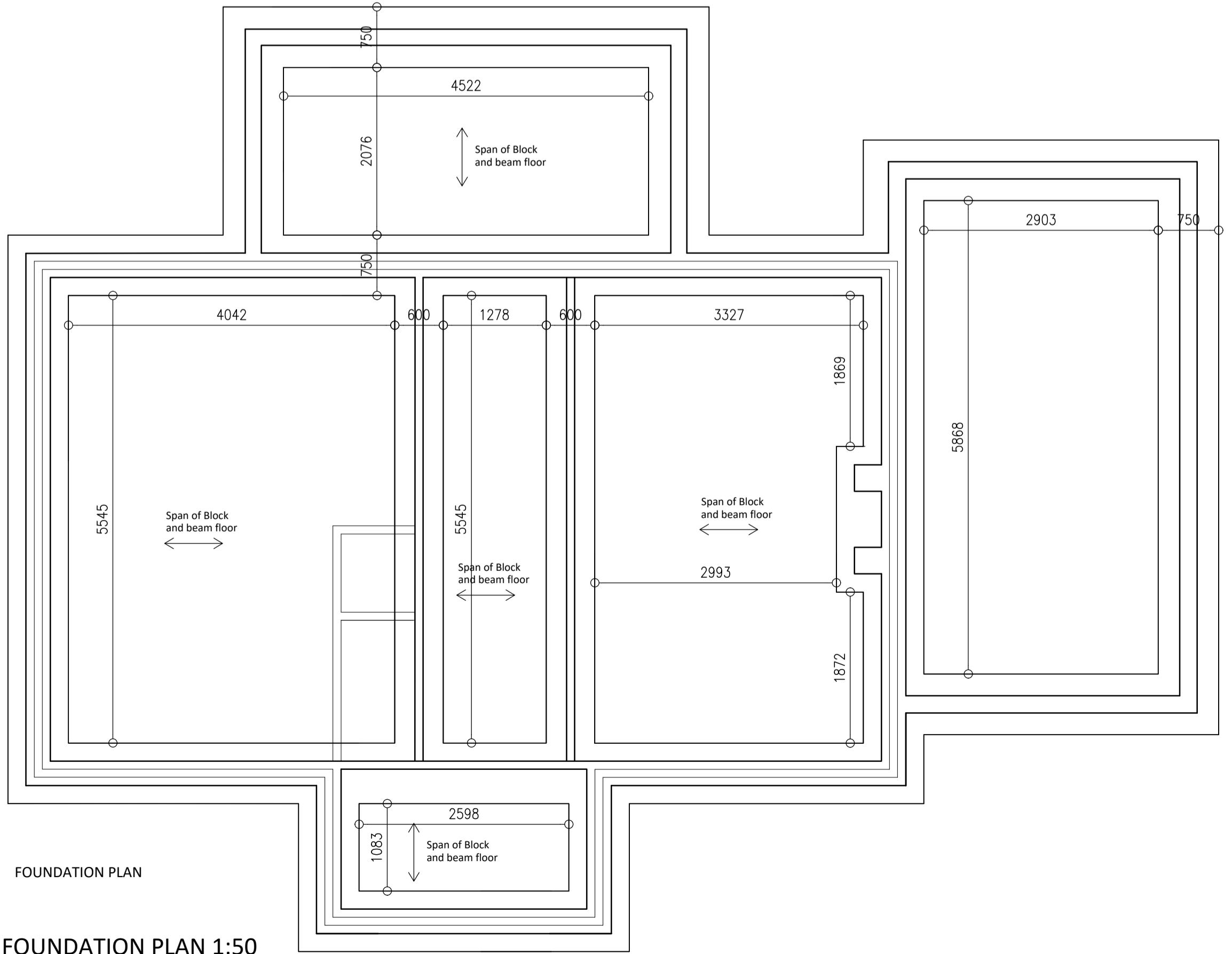
The Construction (Design and Management) Regulations 2015  
Peter Humphrey Associates form of appointment with the client covers whether their agent acts as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the designer has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified during the routine construction operations that would not already been apparent to a competent contractor.



LEGEND

w.i.m.	Washing machine
(S)	Smoke Detector
(HD)	Heat Detector
(M)	Carbon Monoxide detector
1	Span of floor joists

THIS DRAWING TO BE READ  
WITH SPECIFICATION NOTES,  
STRUCTURAL ENGINEER'S AND  
MANUFACTURER'S DETAILS



**PHA**

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CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

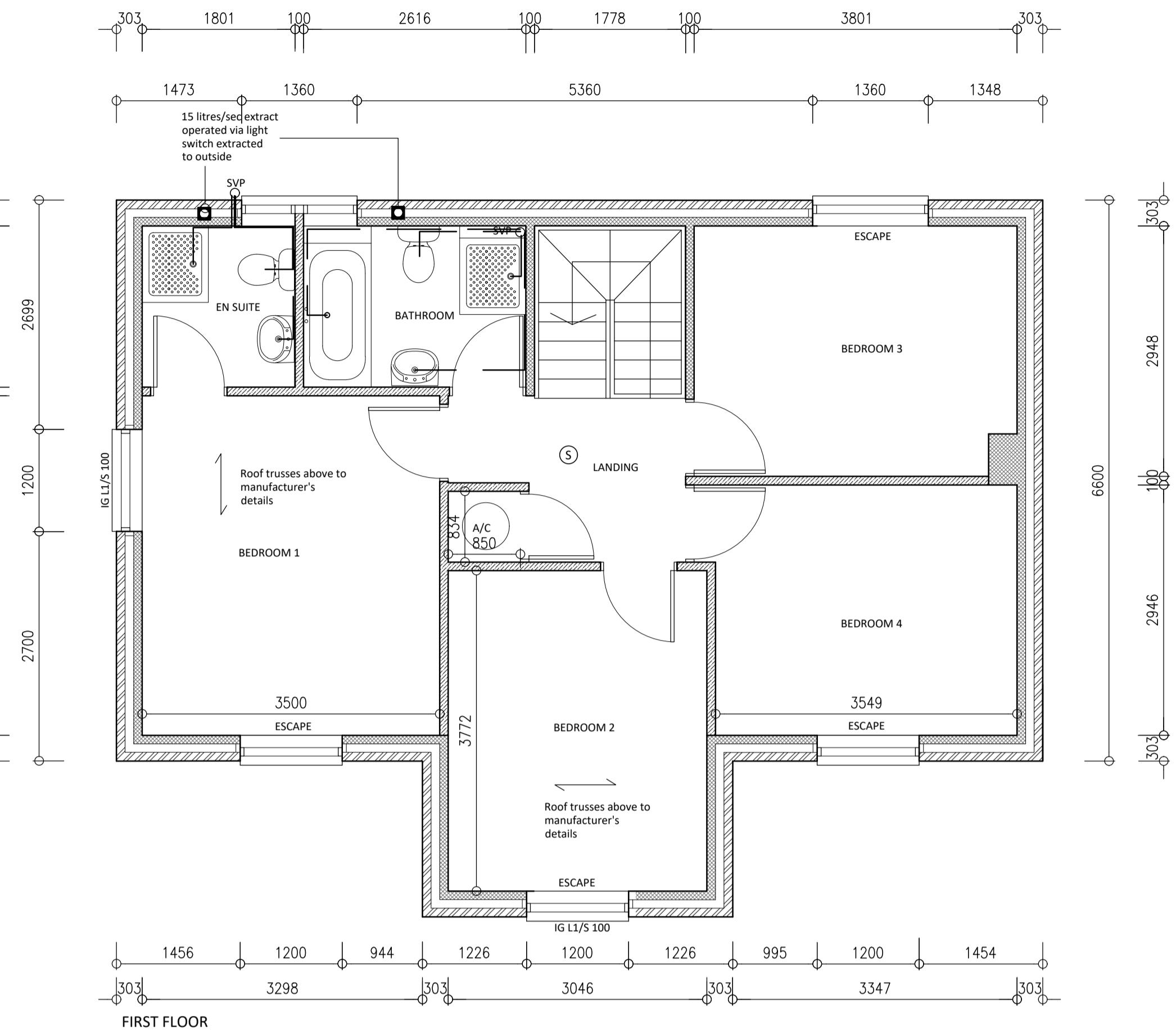
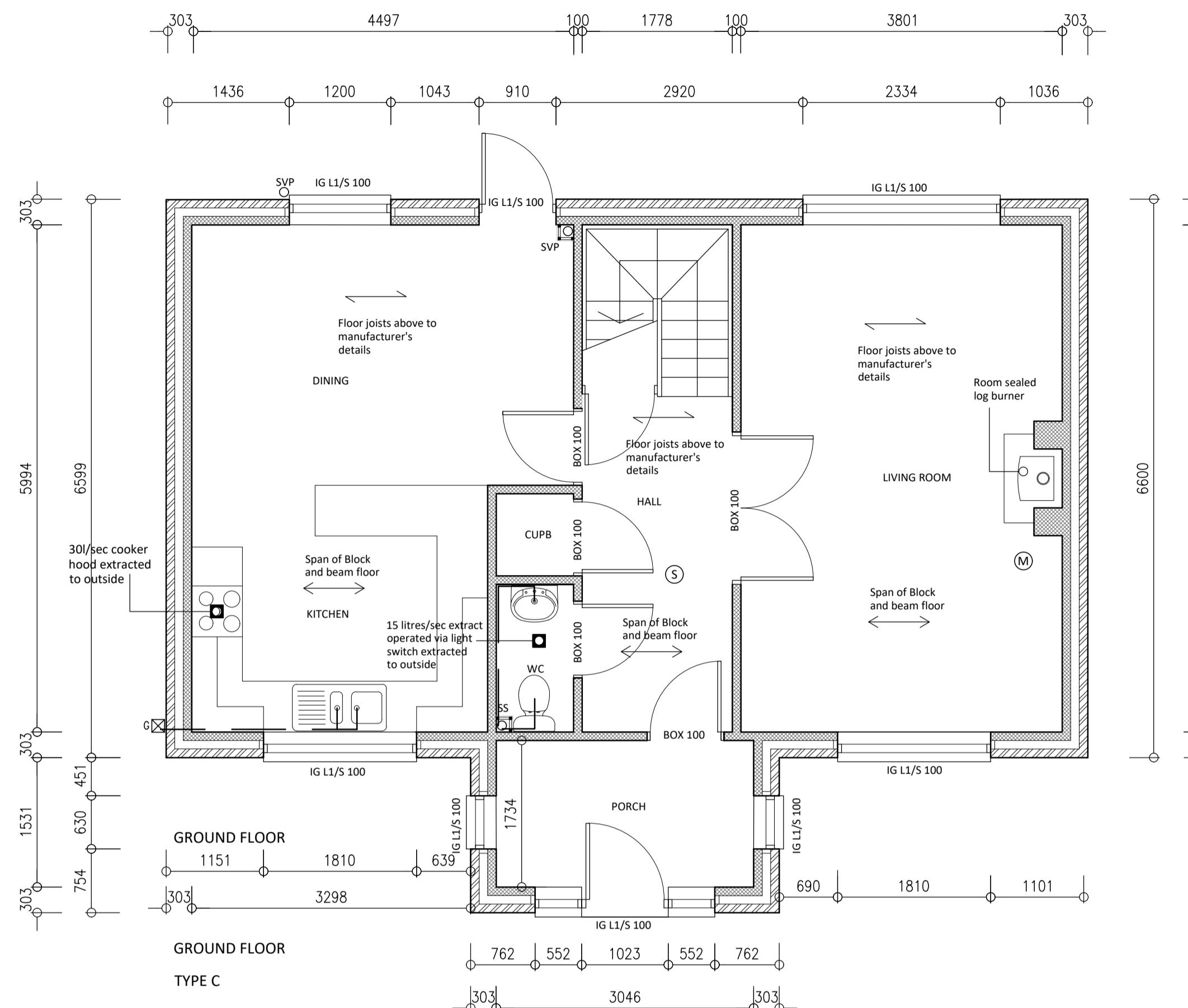
DRAWING  
HOUSE TYPE B

JOB NO. 6137/05B PAPER SIZE A1 DATE SEPT 2021

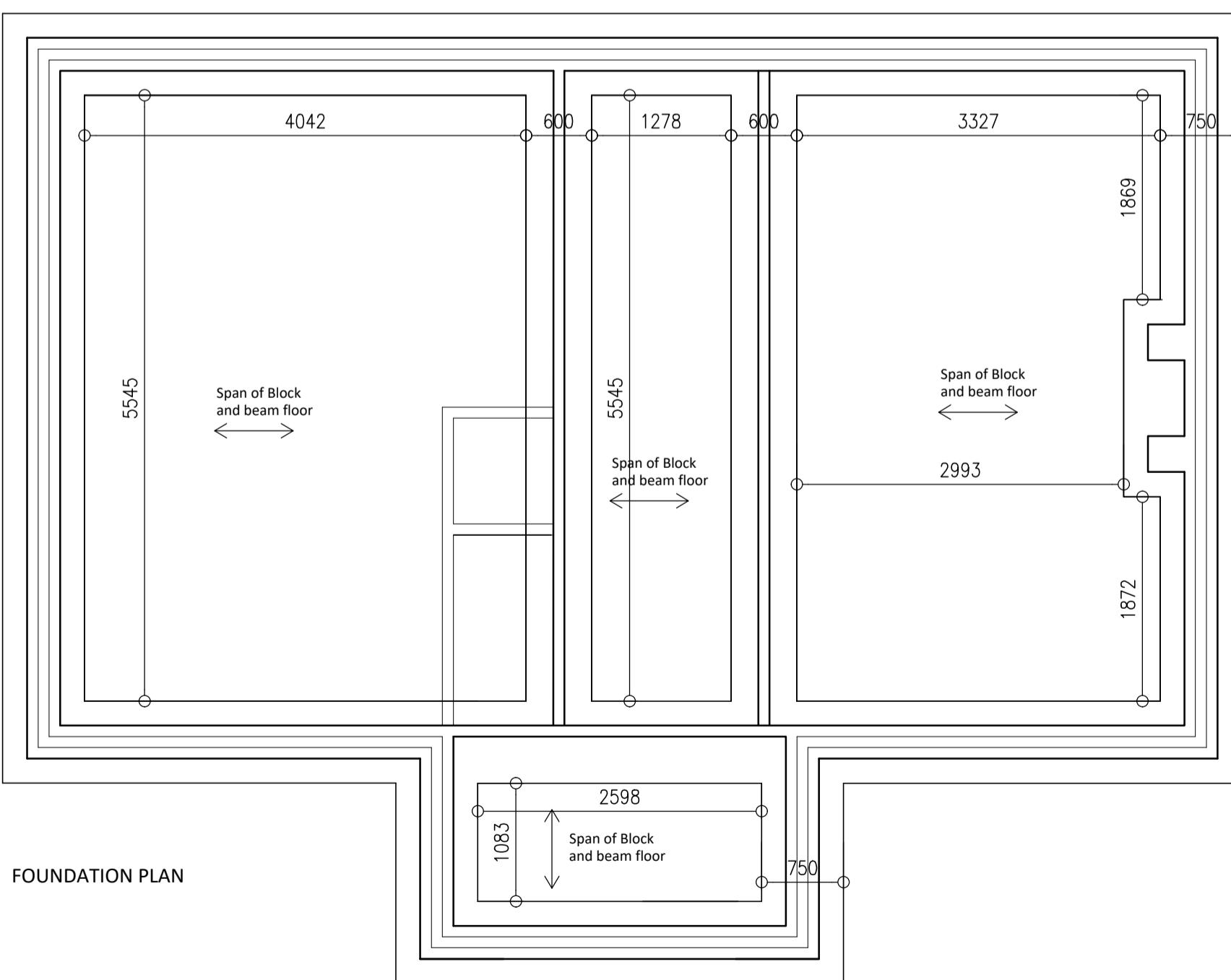
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The Construction (Design and Management) Regulations 2015:  
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regulations. The agent's role is to design the dwelling and take due  
consideration for the safety during construction, occupation and maintenance of  
the finished project. No extraordinary hazards or risks were identified outside of  
the routine operations that would not already be apparent to a  
competent contractor.



THIS DRAWING TO BE READ  
WITH SPECIFICATION NOTES,  
STRUCTURAL ENGINEER'S AND  
MANUFACTURER'S DETAILS



**FOUNDATION PLAN 1:50**



**PH**  
**PETER HUMPHREY**  
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TELEPHONE: 01945 469866  
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WEB: www.peterhumphrey.co.uk

CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

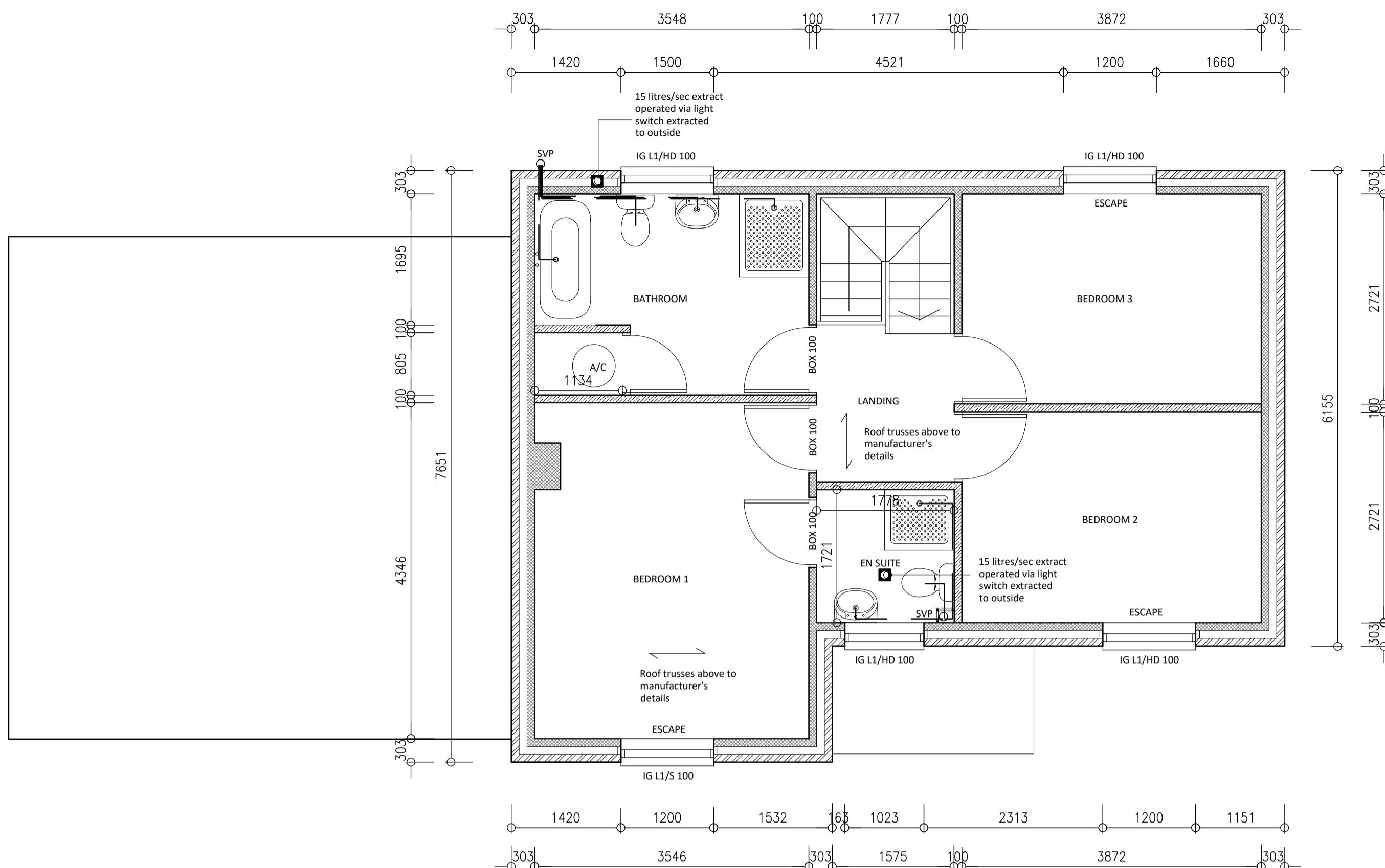
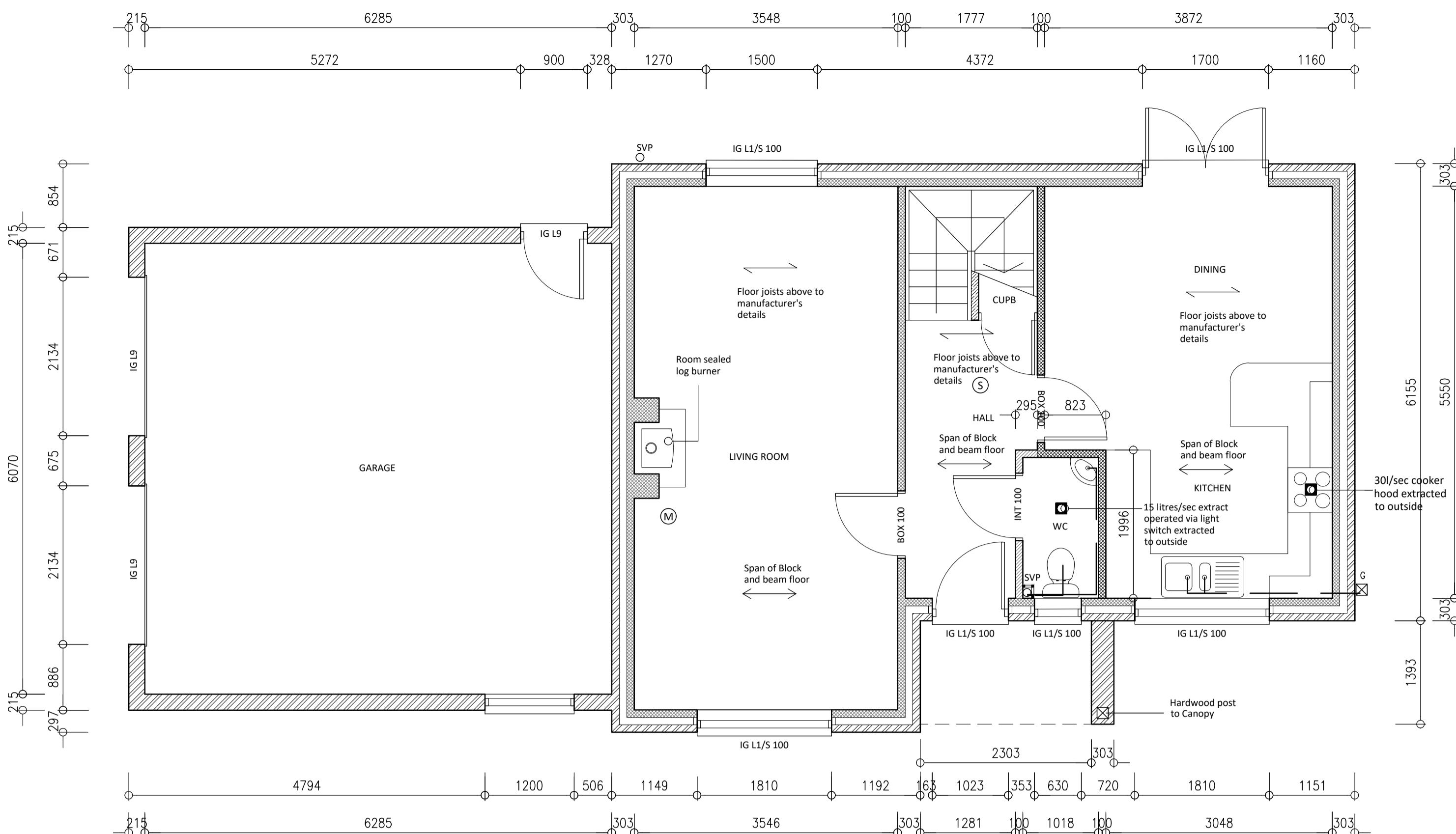
SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

DRAWING  
HOUSE TYPE C

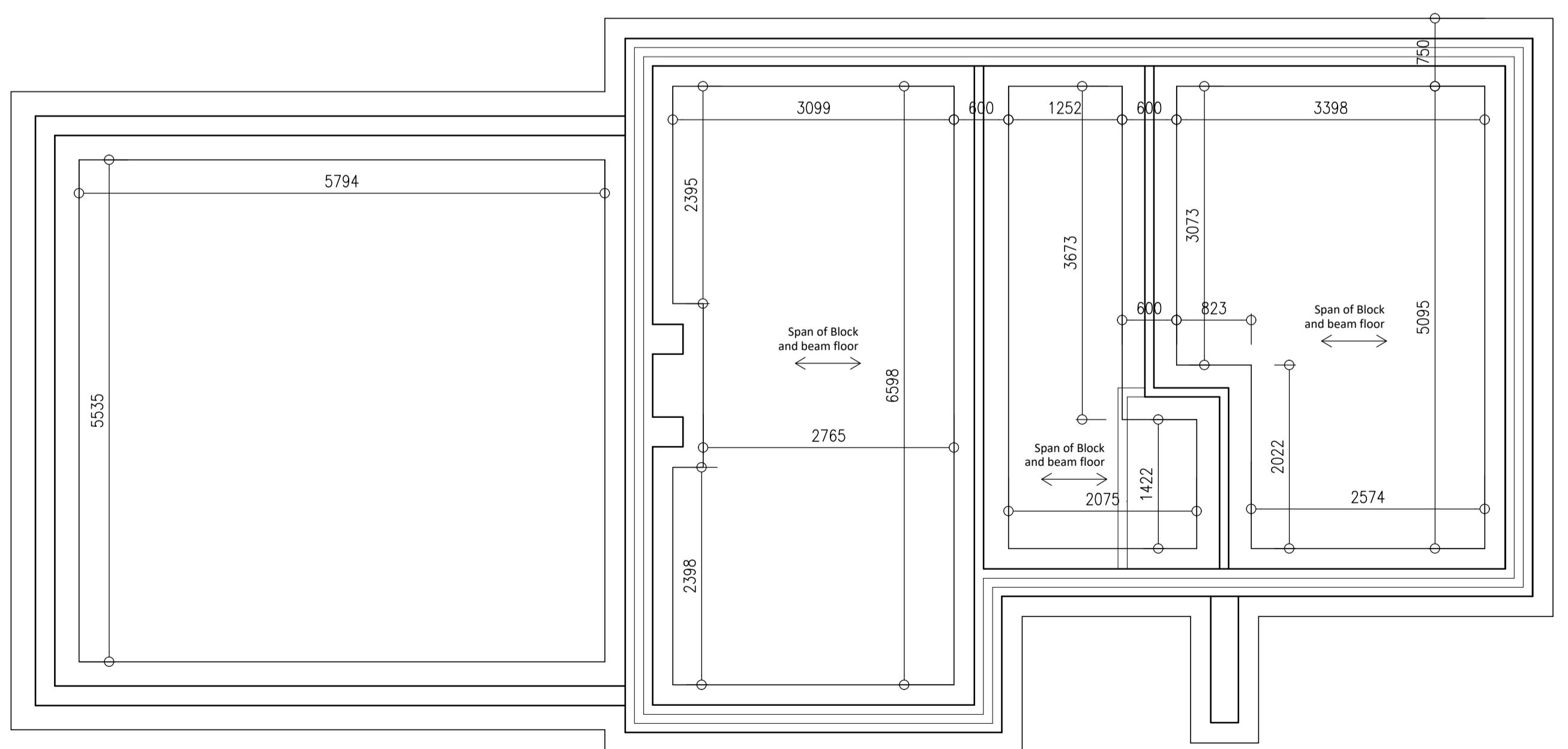
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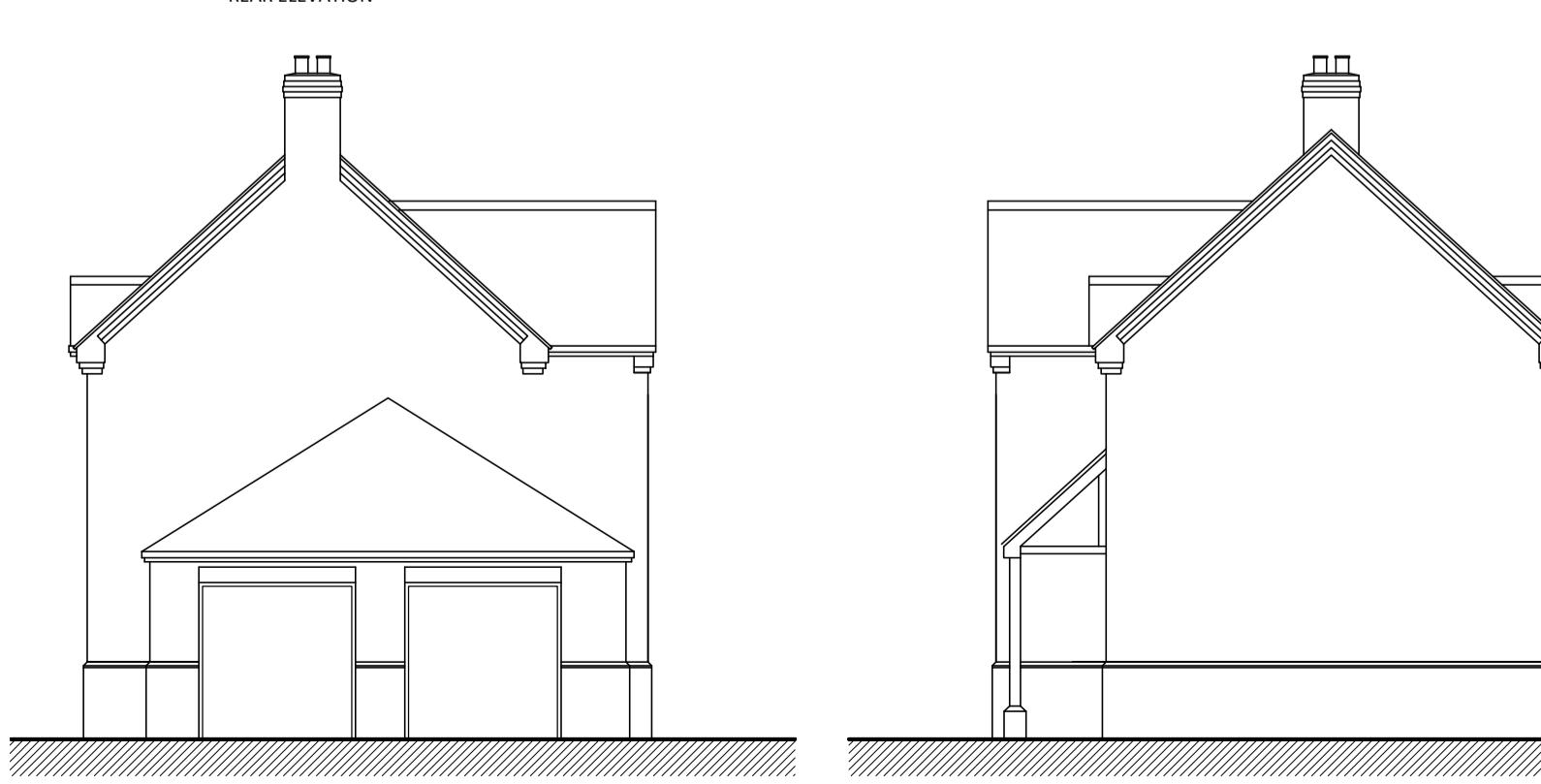
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the finished project. No extraordinary hazards or risks were identified outside of  
the routine construction operations that would not already been apparent to a  
competent contractor.



w.m. Washing machine  
 (S) Smoke Detector  
 (HD) Heat Detector  
 (M) Carbon Monoxide detector  
 / Span of floor joists



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MANUFACTURER'S DETAILS



ELEVATIONS 1:100

**PHA**  
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CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

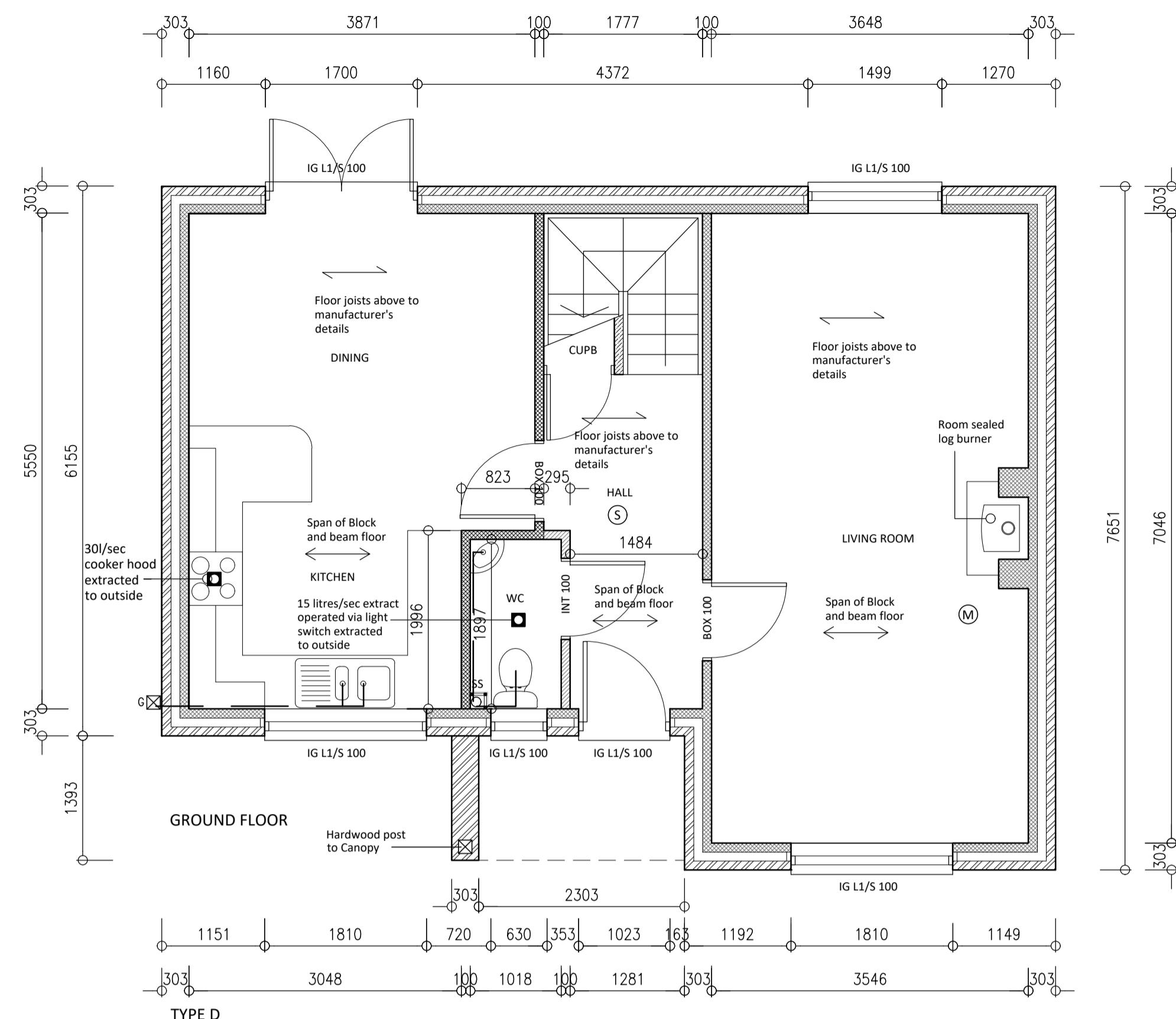
DRAWING  
HOUSE TYPE D - WITH GARAGE

JOB NO. 6137/02B PAPER SIZE A1 DATE SEPT 2021

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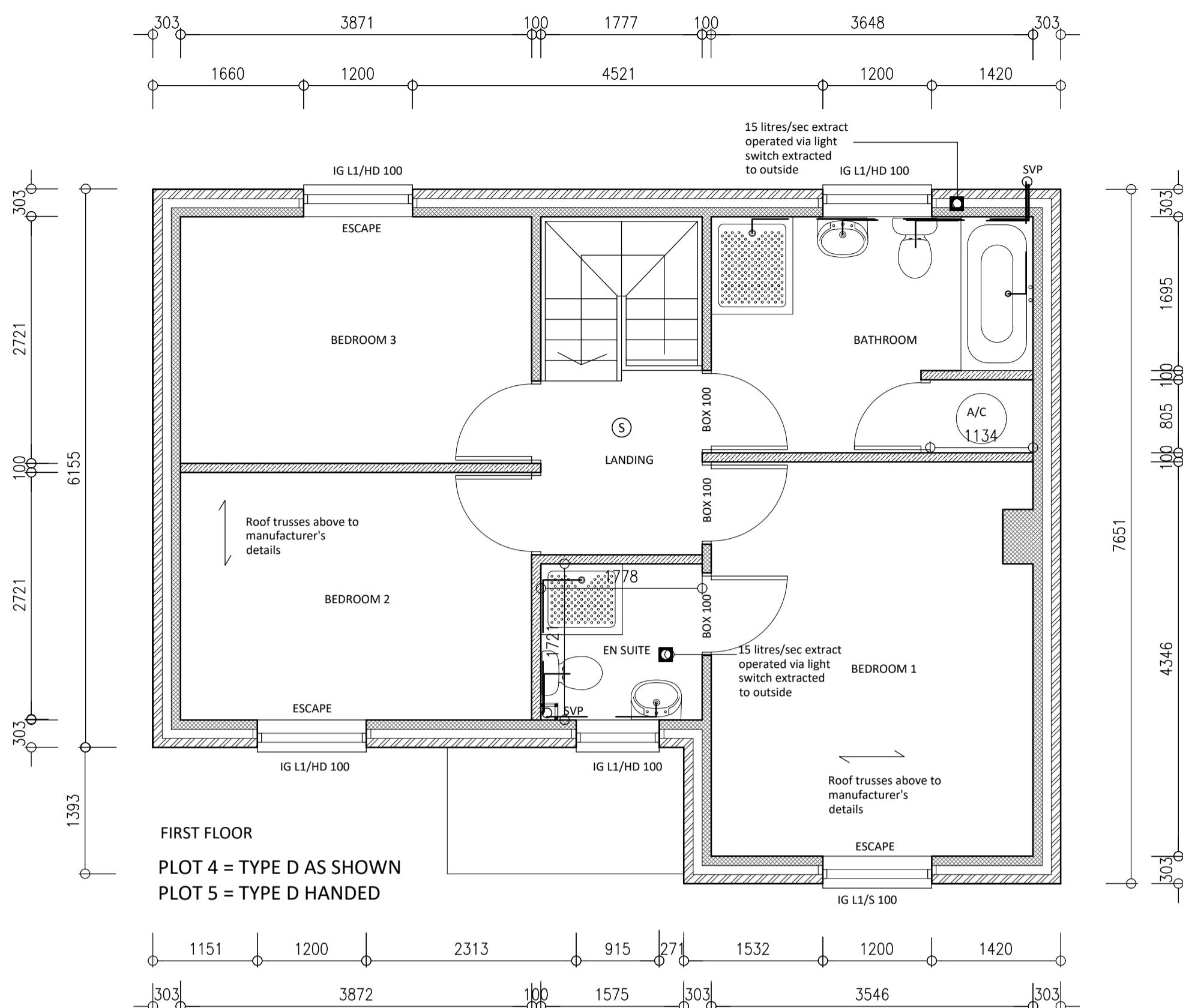
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regulations. No engineering design has been carried out with due  
consideration for the safety during construction, occupation and maintenance of  
the finished project. No extraordinary hazards or risks were identified outside of  
the routine construction operations that would not already been apparent to a  
competent contractor.



FLOOR PLANS 1:50

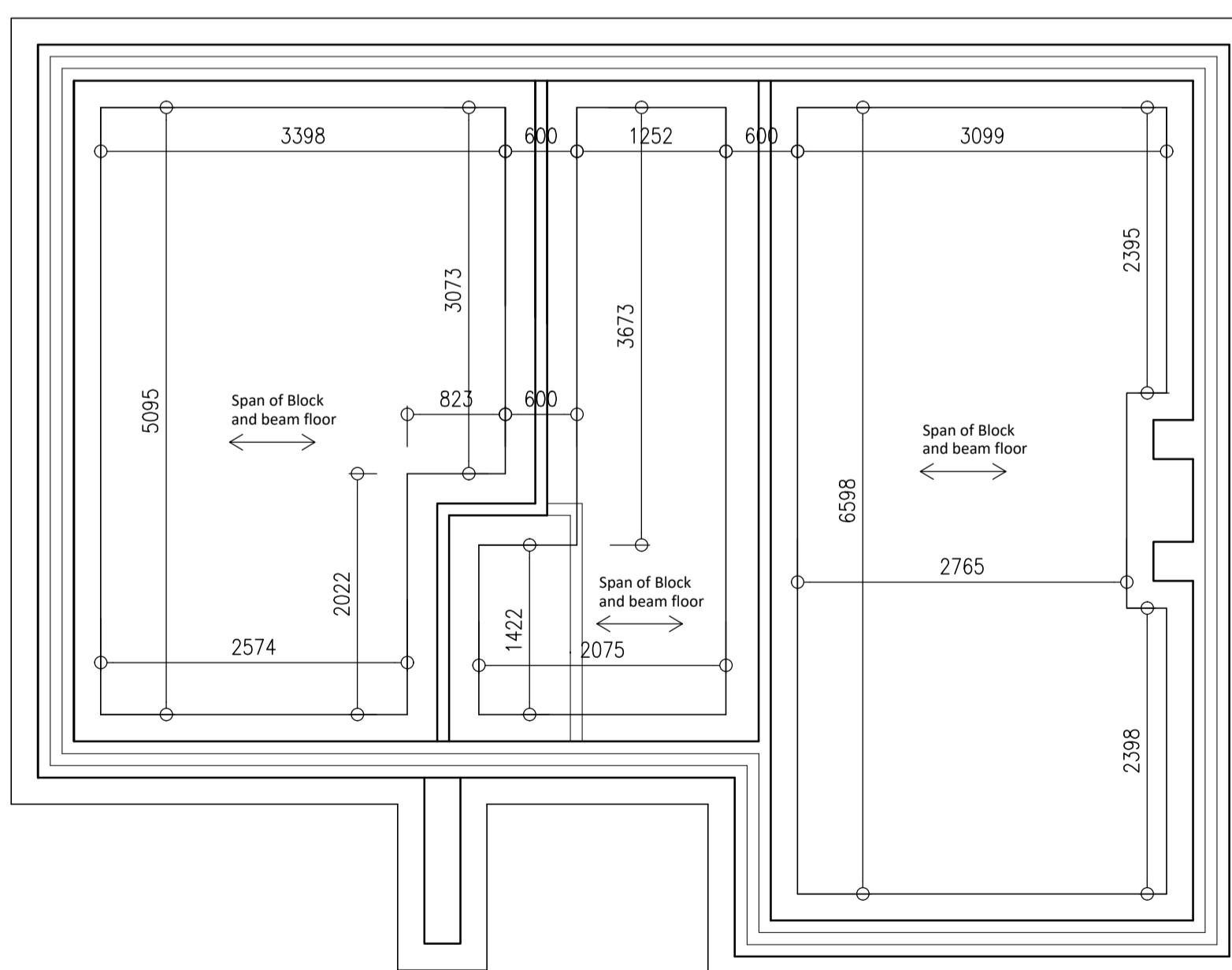
PLOT 4 = TYPE D AS SHOWN  
PLOT 5 = TYPE D HANDED



PLOT 4 = TYPE D AS SHOWN  
PLOT 5 = TYPE D HANDED

w.m. Washing machine  
S Smoke Detector  
HD Heat Detector  
M Carbon Monoxide detector  
Span of floor joists

THIS DRAWING TO BE READ  
WITH SPECIFICATION NOTES,  
STRUCTURAL ENGINEER'S AND  
MANUFACTURER'S DETAILS



FOUNDATION PLAN 1:50

PLOT 4 = TYPE D AS SHOWN  
PLOT 5 = TYPE D HANDED



ELEVATIONS 1:100

A -  
REVISIONS  
**PHA**

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CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

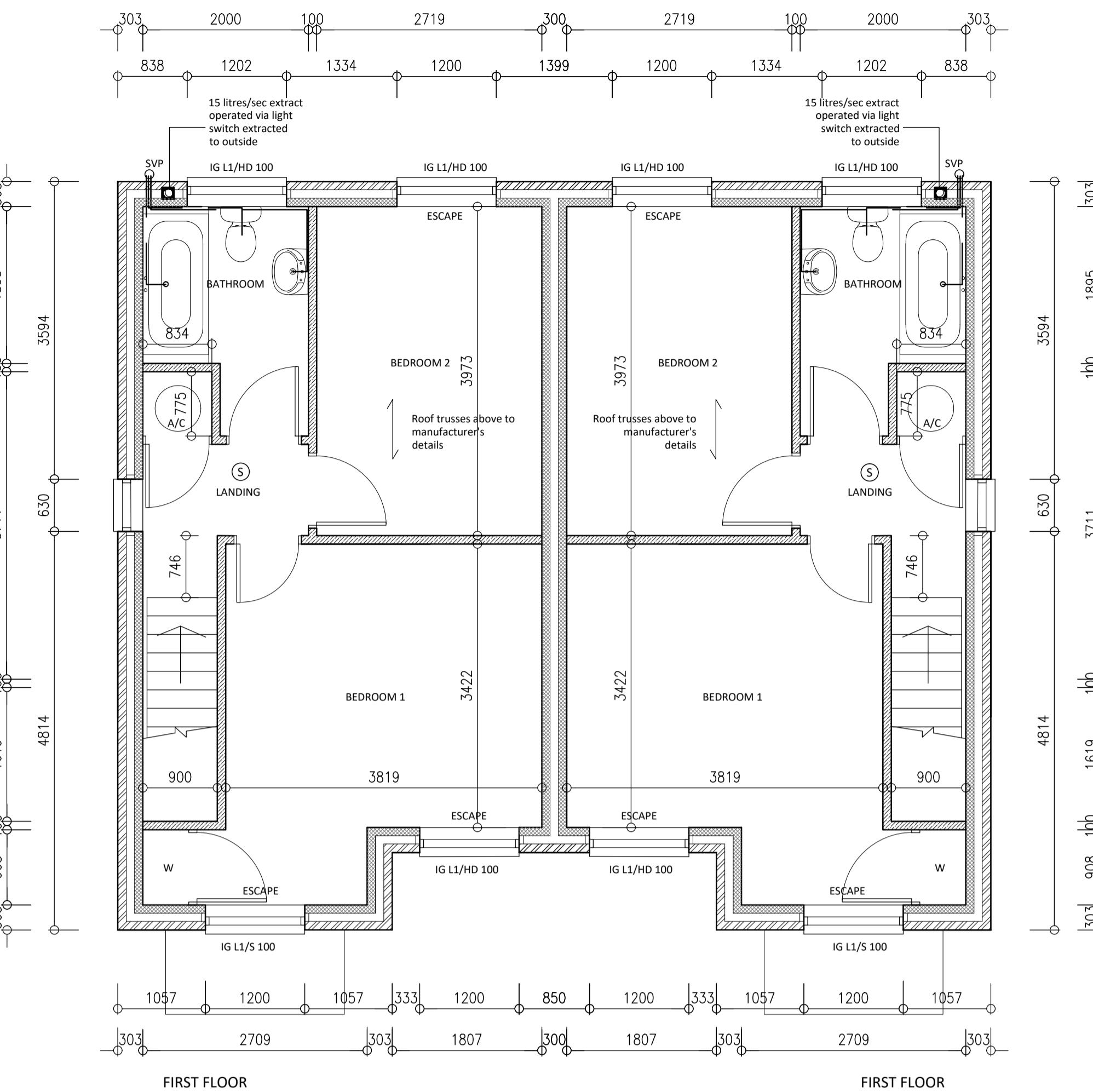
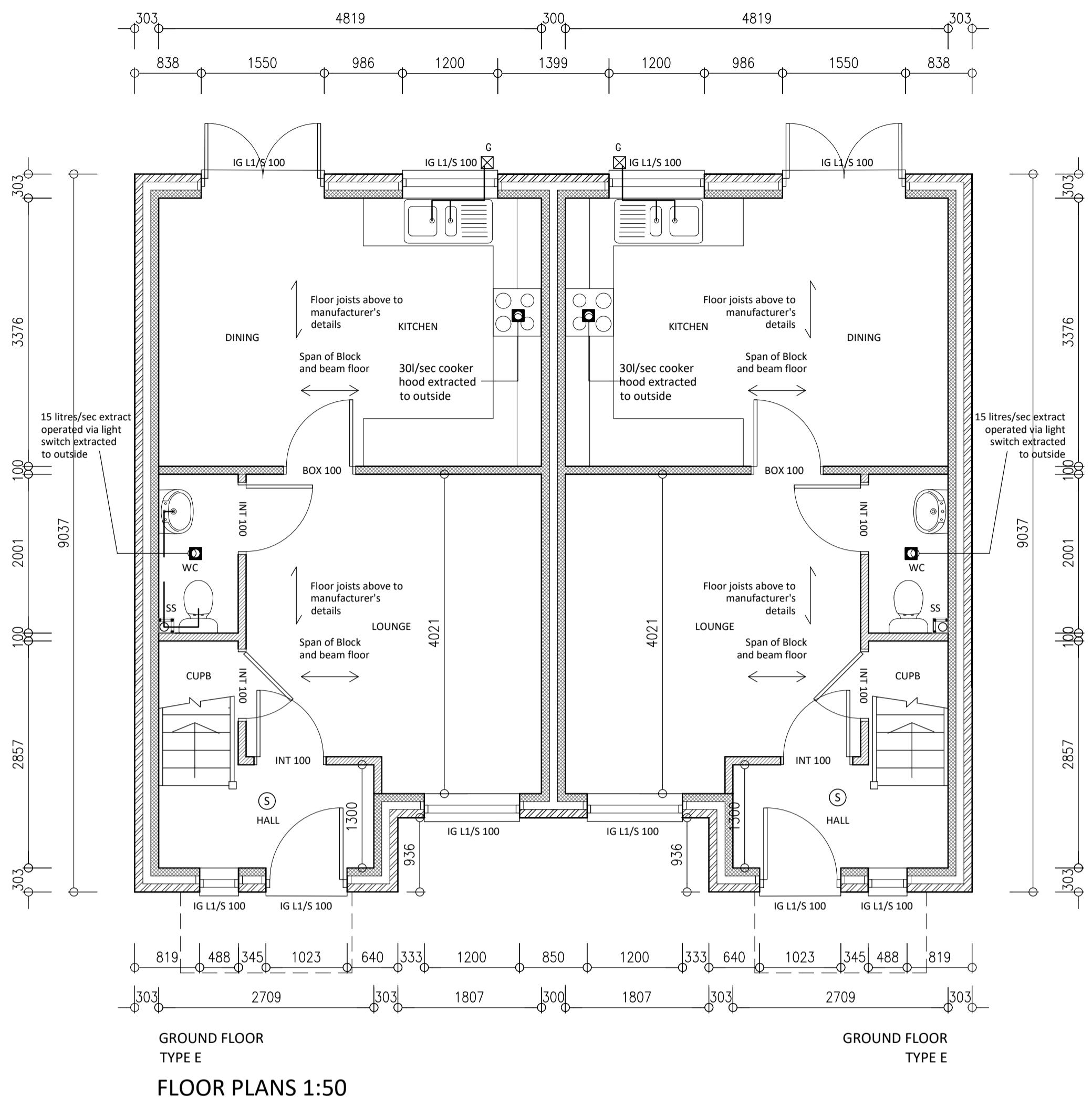
DRAWING  
HOUSE TYPE D - WITHOUT GARAGE

JOB NO. 6137/03B PAPER SIZE A1 DATE SEPT 2021

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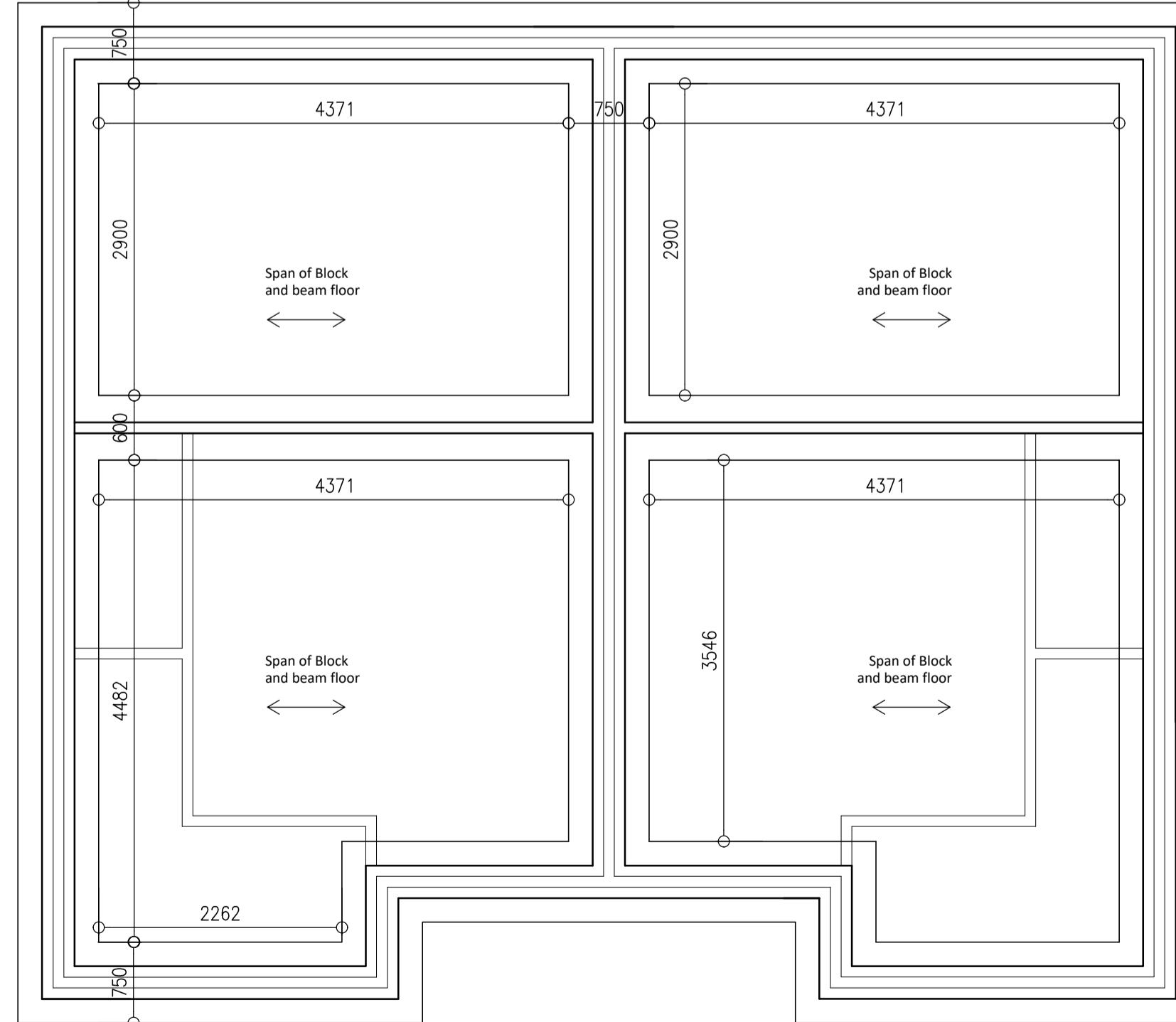
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LEGEND

- w.m. Washing machine
- (S) Smoke Detector
- (HD) Heat Detector
- (M) Carbon Monoxide detector
- / Span of floor joists

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WITH SPECIFICATION NOTES,  
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A -  
REVISIONS

**PHA**

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CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

DRAWING  
HOUSE TYPE E

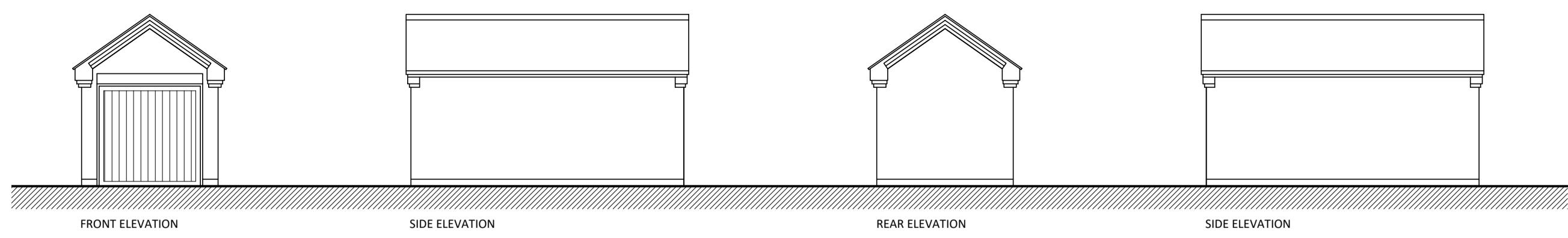
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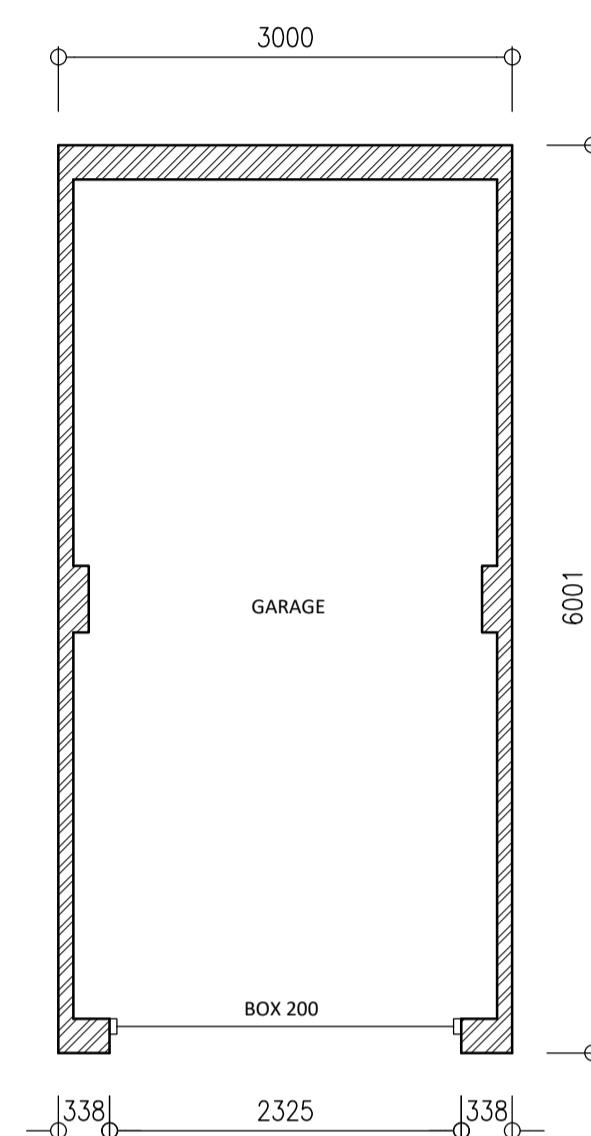
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SINGLE GARAGE 1 - PLOT 6

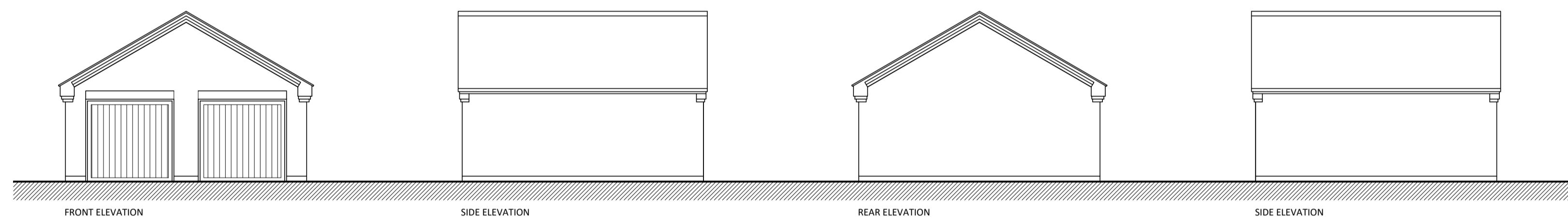


ELEVATIONS 1:100

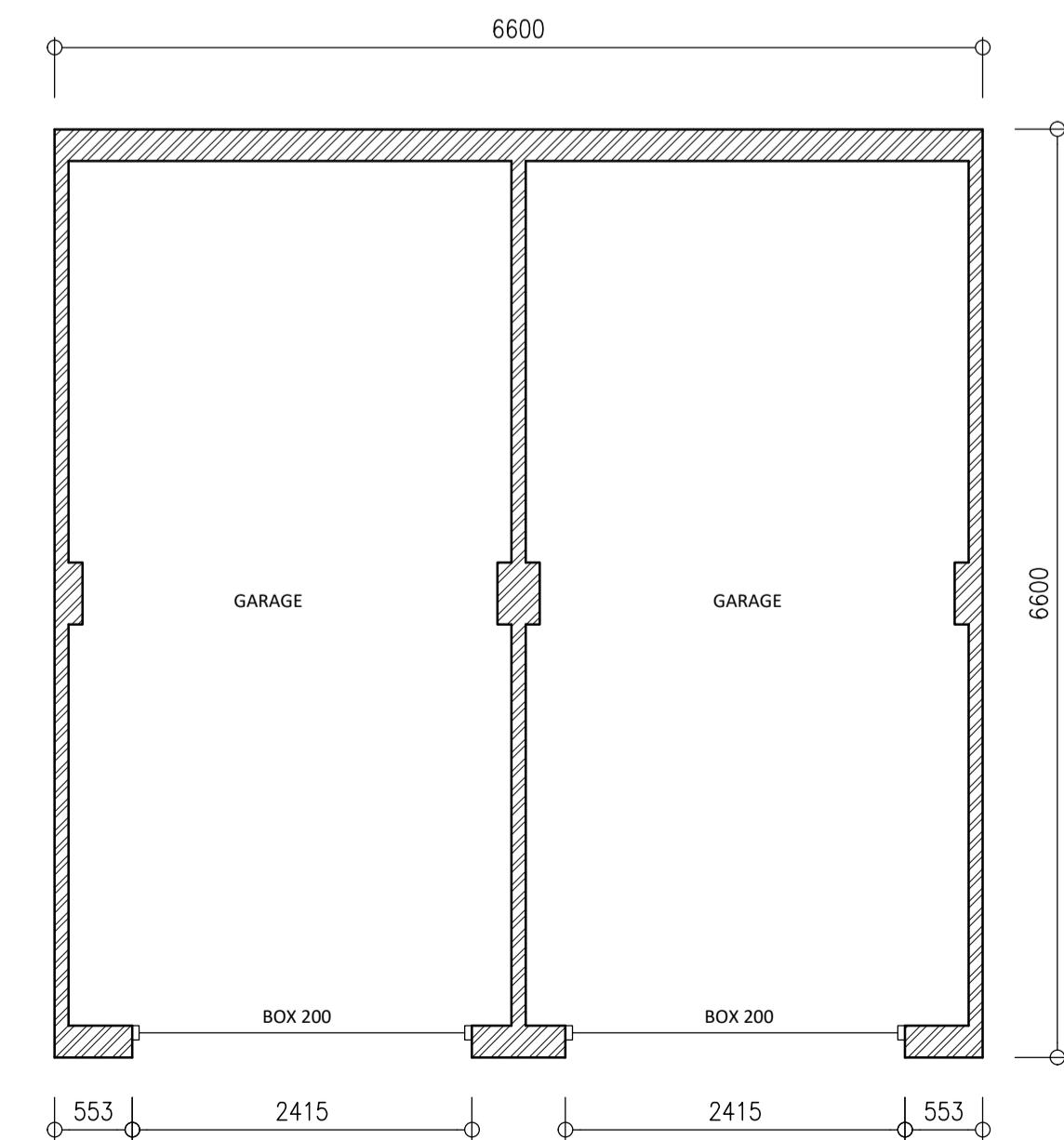


FLOOR PLAN 1:50

DOUBLE GARAGE 2 & 3 - PLOTS 1,2,3,4,5,7  
(See material schedule for change in materials between type 2 & 3)



ELEVATIONS 1:100



FLOOR PLAN 1:50

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STRUCTURAL ENGINEER'S AND  
MANUFACTURER'S DETAILS

A-  
REVISIONS

**PHA**

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CLIENT  
FLM DEVELOPMENTS LTD

PROJECT  
PROPOSED DWELLING

SITE  
LAND AT 11  
CHURCH ROAD  
CHRISTCHURCH  
WISBECH  
PE14 9PQ

DRAWING  
GARAGES

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F/YR22/0565/O

**Applicant: Mrs L Fountain**

**Agent : Mr Nigel Lowe**  
**Peter Humphrey Associates Ltd**

**Land To The West Of 167, Gaul Road, March, Cambridgeshire**

**Erect up to 2 dwellings (outline with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1 The site is well related to the primary market town of March to which new development should be directed as set out in the settlement hierarchy of policy LP3 of the Fenland Local Plan. It also provides an access which would be suitable subject to conditions had the recommendation been for approval. However, the site lies within flood zone 3 which is land at the greatest risk of flooding. No evidence has been submitted as to why this site should be developed as sequentially no other more suitable land at less risk of flooding is available. As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.
- 1.2 The development has a poor visual relationship to the local area due to its separation and isolation from the built edge of March and appears randomly placed. This results in an incongruous form of development contrary to policy LP16(d) of the Local Plan and paragraph 130 of the NPPF.
- 1.3 Therefore, the application is recommended for refusal for this reason.

## **2 SITE DESCRIPTION**

- 2.1 The site is part of a larger area of open scrub land and is situated approximately 40 metres to the west of the nearest dwellinghouse, 167 Gaul Road. The site measures approximately 25.5 metres wide x 22.5 metres deep and has an area of approximately 0.06 hectares. The site fronts onto Gaul Road and is served by an existing footpath cycleway which is separated from the road by a small grass verge. The residential development to the west (of which No. 167 is a part) was originally approved in 2009 with amendments since then. This development stops abruptly where it adjoins the wider land in which this current application site is located.

2.2 To the west of the site is a run of overhead electricity power cables mounted on pylons. The site lies wholly within Flood Zone 3 which is the area at greatest risk of flooding.

### **3 PROPOSAL**

3.1 This is an outline application with all detailed matters reserved for future consideration except for access which would be provided to the eastern side of the site direct off Gaul Road. An indicative site layout shows that it would serve a parking area of four spaces, two for each dwelling and would provide a continued access to the field at the rear. The indicative plans show that the dwellings would be two storey and semidetached but this is not being considered as part of this application.

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

### **4 SITE PLANNING HISTORY**

F/YR13/0283/F – 3 storey dwelling refused 31.07.2013 (unsustainable location and flood risk)

F/YR15/0991/O – 90 dwellings on wider site refused 28.06.2016 (flood risk)

Historic maps show that there were buildings in the location of this application site, at least up to the 1980s. However, the buildings are no longer present and have been demolished. That there were buildings on site historically does not carry weight towards approving the application because they are gone.

### **5 CONSULTATIONS**

5.1 **March Town Council** – Recommend approval (no reasons)

5.2 **CCC Highway Authority** – No objections subject to the access being splayed to enable ease of access from the highway given 40mph speed limit.

5.3 **Environment Agency** – No objections as the main source for potential flooding are drains within the control of the IDB. It is for the LPA to determine if the sequential test is passed. Section 162 of the NPPF states that development should not be permitted where there are reasonably available sites in areas at lower risk of flooding.

5.4 **FDC Environmental Health** – No objections subject to imposition of unexpected contamination condition

5.5 **Middle Level Commissioners**- No response received

5.6 **Local Residents/Interested Parties**

16 letters have been received in support of the application (eight from residents of Gaul Road, two from Damson Drive, one each from Ellingham Avenue, Burnet Gardens, Eastwood Avenue and Millfield Close, all in March, as well as from residents of Benwick and Ramsey Heights), for the following reasons as summarised;

- There was once a house on this site and it would be good to see two new houses in a fantastic location
- More family homes on Gaul Road would enhance the area
- It would be a shame to see this land get overgrown again and uncared for
- It is close to the town centre and has a new footpath with street lighting that goes straight to the town centre
- There is a lack of self-build plots in the area
- This will offer jobs to local people in the building trade
- Will provide the town with much needed housing
- The access/visibility is good and there is a speed limit in place
- Close to primary school
- In keeping with new properties next to it
- Completing development out to the bypass is long overdue

## **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)**

Paragraph 11 – approving developments that accord with an up-to-date development plan without delay

Paragraph 12 – Presumption of favour of sustainable development does not alter statutory status of development plan as starting point for determination of applications

Paragraph 162 – Sequential test and aim to direct development first to areas at lower risk of flooding

Paragraph 163 – Exceptions test – where it is not possible to locate development at areas of lower risk of flooding

### **7.2 National Planning Practice Guidance**

Flood Risk and Coastal Challenge sequential approach

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

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

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

H2 – Windfall Development

## 8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Access and highway safety**
- **Other**

## 9 ASSESSMENT

### **Principle of Development**

9.1 Policy LP3 of Fenland Local Plan (the local plan) contains the spatial strategy and settlement hierarchy for the district. March is a primary market town (along with Wisbech) and other market towns are Chatteris and Whittlesey. The majority of the district's new housing and other growth should take place in these settlements.

9.2 Whilst this site lies beyond the built edge of March in regard to development to the east and to the north of Gaul Road, it is noted that the site is opposite the strategic allocation for West March whereby this land is allocated for up to 2000 new dwellings in policy LP9 of the Local Plan. The site is separated from 167 Gaul Road by a gap of approximately 40 metres. It is likely that had the site been allocated in the local plan, a more comprehensive development proposal would have come forward which would join the existing development. However, it is not reasonable to suggest the site is not well related to March and it is considered that in terms of its relationship to the town centre and distance to services and schools, the site is considered to be in a sustainable location (except for flood risk which is considered separately below).

9.3 Historical maps show that the site was previously occupied by buildings. Supporters of the application consider that as there was previously a dwelling at the site, then new dwellings should be acceptable. However, the previous building has been demolished and the site has blended into the landscape. It is considered that the site does not constitute previously developed land for this reason (and as set out in the glossary to the NPPF). Policy LP12 of the local plan refers to replacement dwellings on land outside the developed footprint of a settlement and for a development to be considered a replacement dwelling, the residential use of the originally dwelling must not be abandoned. In this case, the residential use has long since been abandoned and it is considered that no weight can be attached to the fact that a dwelling or building once stood on the site.

9.4 The site is well related to March and in terms of position/location in relation to the town centre and services would be acceptable and accord with the settlement hierarchy set out in policy LP3

### **Flood Risk**

9.5 Policy LP14 Part B of the local plan states that the granting or refusing of planning permission will be informed by local and regional flood risk studies and guidance which are set out in the policy and any national advice in force at the time. All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test

where necessary and an except test if necessary; through suitable demonstration of meeting an identified need and through the submission of a site-specific flood risk assessment.

- 9.6 Policy H2 (c) of the March Neighbourhood Plan states that windfall development will only be acceptable where the site is at a low risk of flooding i.e. not within flood zones 2 or 3.
- 9.7 Paragraph 167 of the NPPF states that development should only be allowed in areas at higher risk of flooding where if necessary the sequential test and exceptions test have been met and then only where the proposal meets site specific criteria/standards.
- 9.8 The National Planning Practice Guidance sets out when the sequential test should be applied and by who. It states "It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere."
- 9.9 The site lies within flood zone 3 which is an area at greatest risk of flooding. The proposal is not minor development in terms of applying the sequential test, therefore it must be applied to assess if the development could be directed to areas at lower risk of flooding. The applicant has provided no evidence to demonstrate that any search for areas at lower risk of flooding was made prior to making the application. There is a large strategic allocation immediately to the south of the site which is in an area at lower risk of flooding. There will be smaller sites available within March which are at a lower risk of flooding. As such, the sequential test is not passed.
- 9.10 The exceptions test need only be applied if the development passes the sequential test and no areas at less risk of flooding can be found. In this instance the development has not passed the sequential test. However, for information, it is considered that the proposal would not have passed the exceptions test as the development does not bring wider community benefits. It proposes market housing, and the local authority can demonstrate a 6.69 year housing land supply (report September 2021) and a Housing Delivery Target of 95% as of January 2022. Therefore, the proposed development is not meeting an identified need as that need is being met elsewhere.
- 9.11 Although the Environment Agency has not objected, they point out the responsibility for determining if a site meets the sequential test, rests with the local planning authority.
- 9.12 The development is therefore contrary to policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG.

## **Access and Highway safety**

- 9.13 Access is being considered in detail as part of this application. The point of access is shown on the submitted location plan and on the indicative site plan. The application does not include further detailed design of the access, but it is considered that the position of the access is clear and that if the application were being recommended for approval, detailed design could be conditioned.
- 9.14 The indicative site plan shows that the site is capable of providing two parking spaces per dwelling which would be adequate for dwellings of up to 3 bedrooms in size. It must, however, be reiterated that detailed design and layout is not being considered as part of this proposal. Nevertheless, the potential of the site to accommodate and meet the needs of future occupiers should be considered at this stage.
- 9.15 The local highway authority has raised no objection subject to conditions being imposed regarding design of the access. As such the proposal complies with policy LP 15, Part C of the Local Plan.

### **Appearance**

- 9.16 Paragraph 130 of the NPPF requires, amongst other things, that development will add to the overall quality of the area and be visually attractive as a result of good architecture and layout. It should be sympathetic to local character, including the surrounding built environment and landscape setting.
- 9.17 Policy LP16 of the Local Plan requires, amongst other things, that development 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 and does not adversely impact in design or scale terms on the street scene, settlement pattern and landscape character of the surrounding area (criteria d).
- 9.18 The proposal would result in a pair of dwellings which are situated within an open street frontage and separated from the built edge of March which lies approximately 40 metres to the east of this application site. The dwellings will appear as if they have been randomly positioned in this isolated position and will appear incongruous in the street scene. There appears to be no logical reason in terms of layout and positioning of the proposed dwellings as to why they would be placed at this location, other than the matter of land ownership.
- 9.19 As such the proposal will result in development that appears incongruous in this location and the street scene, contrary to policy LP16 (d) of the Local Plan and the advice contained in paragraph 130 of the NPPF.

### **Other Issues**

- 9.20 The applicant has submitted a biodiversity checklist which shows the site does not contain protected species. Given the location of the site and its coverage, it is most likely that this is the case.
- 9.21 The site and the wider land is covered by scrub. It is not accepted that development should take place on the land simply to tidy it up. This does not override the fact that the site lies within flood zone 3 and would mean that wherever there is any untidy land, through deliberate neglect or otherwise, that it is suitable for development, which is clearly not the case.

9.22 All proposals must be considered on their merits but nevertheless, appeal Inspectors look for consistency in planning authority decision making. Should this application be approved, it would make refusal of further piecemeal development of this land west of 167 Gaul Road, more difficult to justify on appeal. Whilst this is not reason to refuse this planning application, the position of the authority at future appeals in terms of consistency and upholding the development plan is an issue to be mindful of. It should also be noted that the site has been refused permission for development twice within the past 8 years for flood risk reasons. The most recent decision on F/YR15/0991/O was taken against the current adopted development plan.

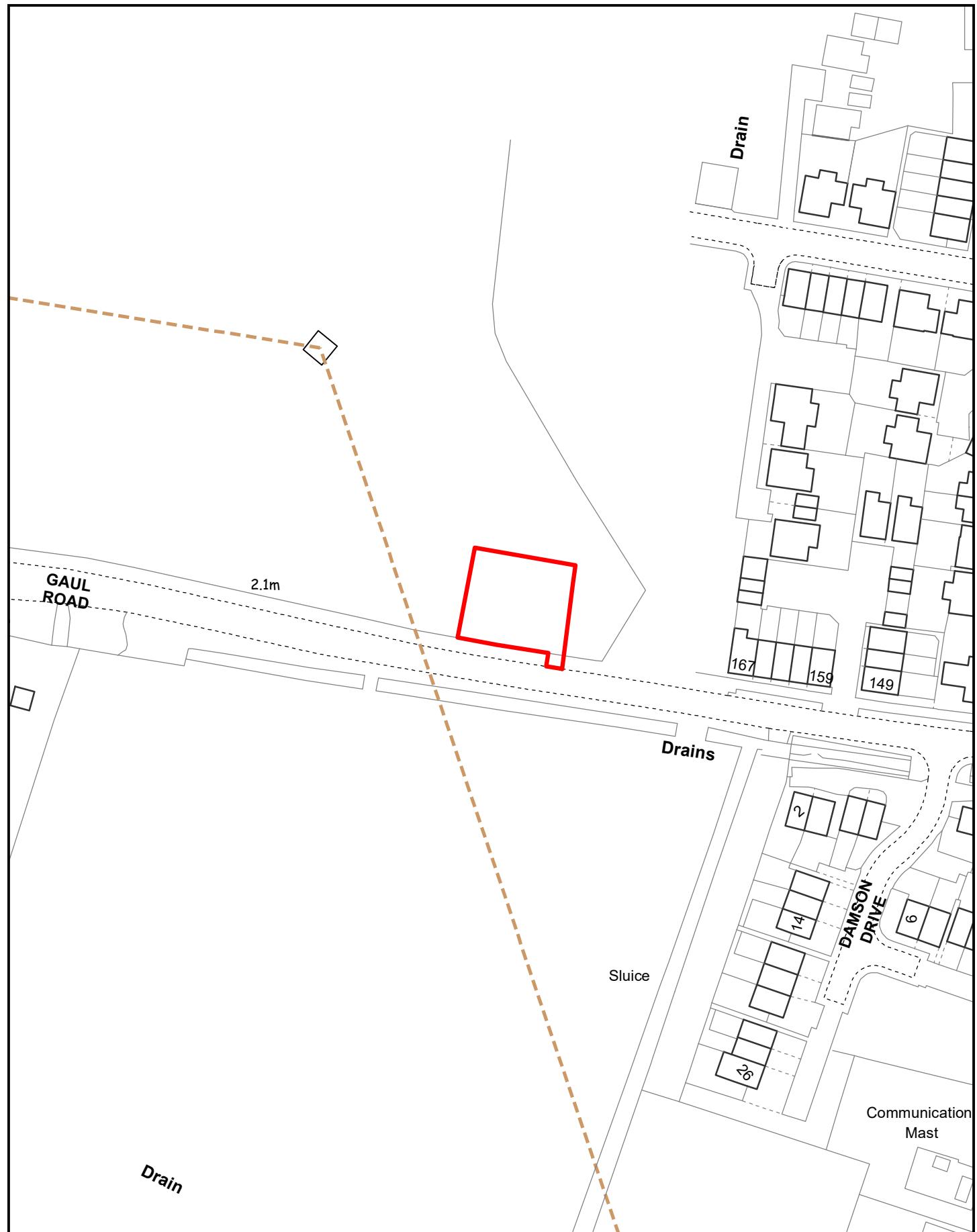
## 10 CONCLUSIONS

- 10.1 The site lies within flood zone 3 which is land at the greatest risk of flooding. No evidence has been submitted as to why this site should be developed as sequentially no other more suitable land at less risk of flooding is available. As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.
- 10.2 The development has a poor visual relationship to the local area due to its separation and isolation from the built edge of March and appears randomly placed. This results in an incongruous form of development contrary to policy LP16(d) of the Local Plan and paragraph 130 of the NPPF.

## 11 RECOMMENDATION

**Refuse;** for the following reasons:

1	The site lies within flood zone 3 which is land as the greatest risk of flooding. No evidence has been submitted as to why this site should be developed as sequentially no other more suitable land at less risk of flooding is available. As such the proposal fails the sequential test and is in conflict with policy LP14, Part B of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD, policy H2(c) of the March Neighbourhood Plan, paragraph 167 of the NPPF and guidance on the Sequential approach to flood risk set out in the NPPG, which seek to direct development first to areas at lowest risk of flooding.
2	The proposed dwellings will appear isolated in this location and divorced from the nearby development and consequently will appear as somewhat random and incongruous features, within the street scene contrary to policy LP16(d) of the Fenland Local Plan and paragraph 130 of the NPPF which require development to respond positively to the local setting and character of the area.



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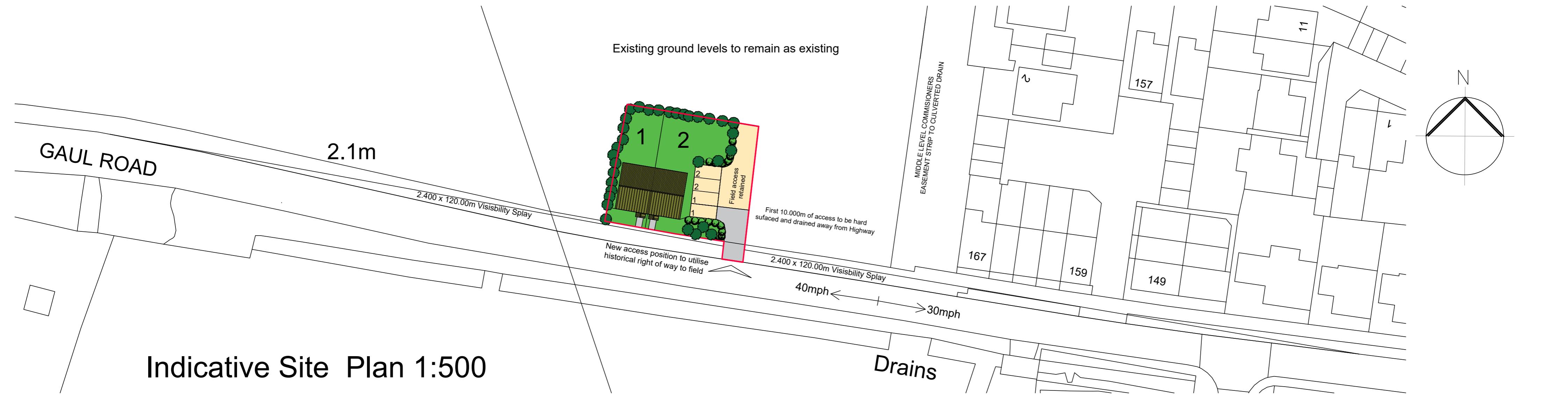
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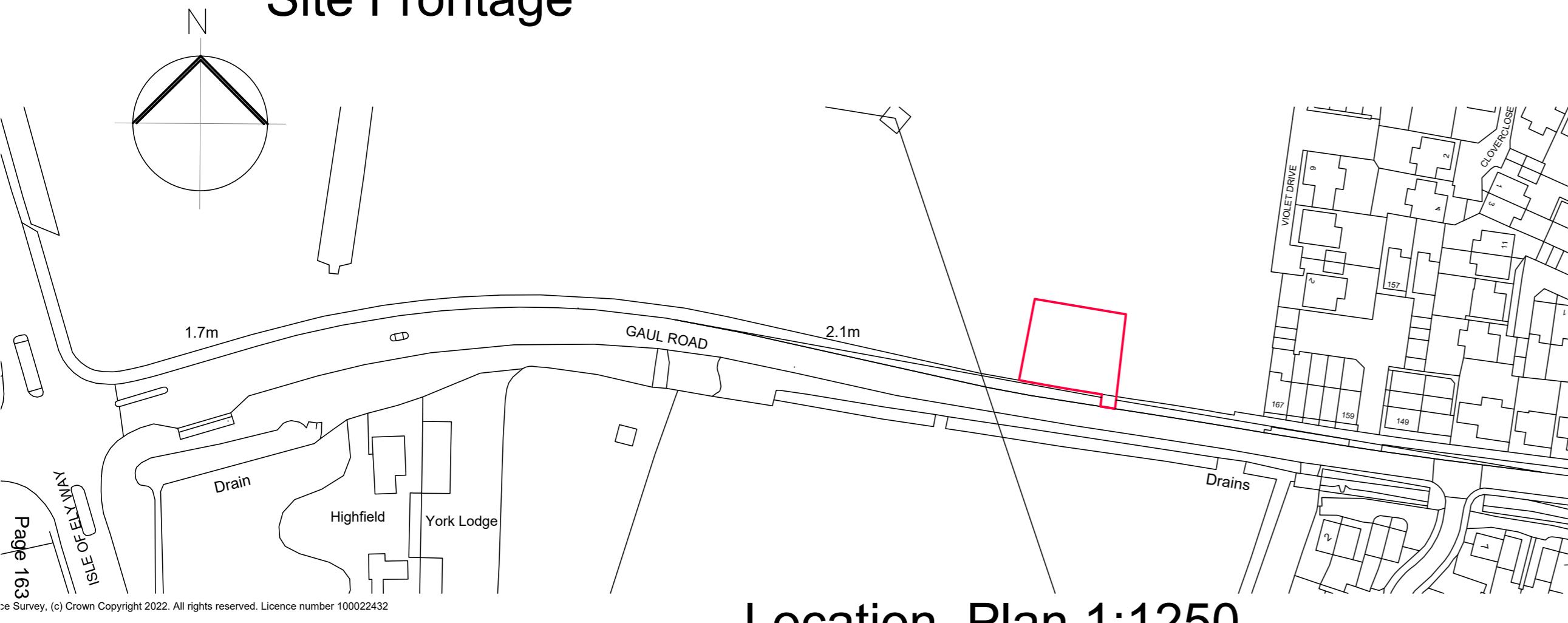
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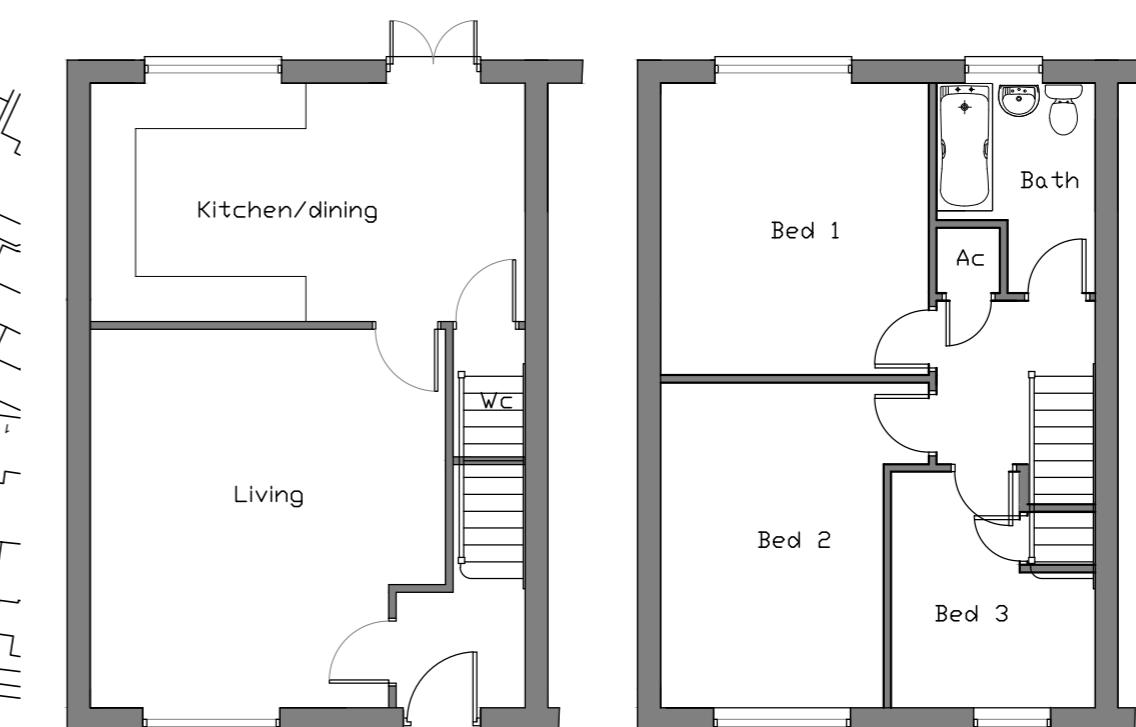
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CAMBRIDGESHIRE  
Fenland District Council



Site Frontage



Indicative Elevation 1:100



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CLIENT  
MR K FOUNTAIN

PROJECT  
PROPOSED SEMI's

SITE  
ADJ. 167 GAUL ROAD  
MARCH

DRAWING  
Planning Drawing

JOB NO.	PAPER SIZE	DATE
6544 PL01	A2	MARCH 2022

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The Construction (Design and Management) Regulations 2015:  
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already been apparent to a competent contractor.

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F/YR21/1439/O

**Applicant: Mr R Hirson**

**Agent : Jordan Trundle**  
**Peter Humphrey Associates Ltd**

**Land West Of 78-88, Station Road, Manea, Cambridgeshire**

**Erect up to 4no dwellings (outline application with all matters reserved)**

**Officer recommendation: Refuse**

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

---

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks a determination of the principle of residential development for up to 4 dwellings (outline application) with all matters reserved for future consideration. The proposal site is located at the junction of Station and Wimblington Roads in Manea.
- 1.2 The application site is located within Flood Zone 3, an area at the highest risk of flooding but the applicant has not demonstrated conclusively that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and not shown any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests.
- 1.3 No ecology information has been submitted with the application to allow consideration of the impacts on protected species, despite the site being bordered by ditches on three sides and the indicated access to the development being across one of these.
- 1.4 The recommendation is therefore for refusal of planning permission.

## **2 SITE DESCRIPTION**

- 2.1 The proposal site consists of a 0.46ha parcel of land located at the corner of Station and Wimblington Roads in Manea. The site is currently agricultural land but has residential development to the North, East and to the South, with scattered agricultural buildings. The site is generally flat and has no trees. There are surface water drains located on the site
- 2.2 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency maps.

## **3 PROPOSAL**

3.1 The application proposes the erection of up to 4no dwellings (outline application with all matters reserved)

Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=R0EJTRHE0I900>

#### 4 SITE PLANNING HISTORY

No formal planning history.

#### 5 CONSULTATIONS

5.1 **Parish Council:** *No Objection. Please seek s106 benefits.*

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

5.3 **CCC Highways:** *I have no objections subject to the developer being able to demonstrate that visibility splays of 2.4m x 120m are achievable. The 59m splay is not appropriate unless the developer has supporting speed survey results that 85% percentile speeds are 37mph.*

5.4 **Environment Agency:** *We have no objection to the proposed development but wish to make the following comments.*

*We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals. We have no objection but strongly recommend that the development be carried out in accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and the following mitigation measures it details:*

- Finished floor levels shall be set no lower than 800 mm above existing ground level.*
- Flood resistant measures will be incorporated up to 600 mm above finished floor levels.*
- There shall be no ground floor sleeping accommodation.*

##### *Advice for the LPA*

*In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk 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 as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and theability of the*

*emergency services to access buildings to rescue and evacuate people. 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. We strongly recommend that you consult your Emergency Planner on the above issues.*

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

*Our records indicate there is unlikely to be a presence of contamination at the application site, but a condition is recommended.*

**5.6 Middle Level Commissioners:** No response received

**5.7 Local Residents/Interested Parties**

Three objections have been received from residents of Short Drive and Station Road contending:

- that the development would cause flooding
- result in a loss income,
- prejudice highways safety,
- would disrupt electricity and broadband,
- overwhelm drainage and
- affect wildlife.

**Supporters**

Nine responses have been received in support of the application (three from residents of Horseway, two from Old Dairy Yard and one each from Cox Way, Westfield Road, high Street and Parkview Lane) on the following grounds:

- beneficial to the Village,
- increase the appeal of the village,
- would be in keeping with the residential character of the area,
- access to the train station,
- would bring more families to help sustain the village.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**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
- LP4 - Housing
- LP5 – Meeting Housing Need
- LP12– Rural Area Development Policy
- LP13 – Supporting and Mitigating 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

Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)

## **8 KEY ISSUES**

8.1 The key issues to be addressed are:

- Principle of Development
- Visual Impact
- Residential Amenities
- Highway Safety
- Flooding
- Ecology
- Other Considerations

These are considered in turn below.

## **9 BACKGROUND**

9.1 Pre-application advice was sought in relation to this development in 2019. Officers advised that the site was in Flood Zone 3 and that a sequential test would be required to be undertaken; access via an additional culvert of the drain was perhaps not appropriate; and that the site was at a prominent entrance to the village and that consideration would need to be given to appropriate and sympathetic design.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Local Plan Policy LP3 defines Manea as a Growth Village where more limited development and service provision than that which is appropriate to the Market Towns would be suitable, however this would be acceptable in the form of small village extensions. Policy LP12 Part A sets out where such development may be acceptable such as it being in or adjacent to the developed footprint of the settlement, not adversely impacting the character of the countryside and being in keeping with the core shape of the settlement. In addition, Local Plan Policy LP12 also seeks to involve the community in planning decisions by requiring clear evidence of community support for development exceeding the specified threshold. Part A of LP12 of the Local Plan, clearly states that if a proposal within or on the edge of the village would, in combination with other development, built or committed to be built since April 2011 increase the number of dwellings in a growth

village by 15% or more, the proposal should demonstrate evidence of clear local community support for the scheme generated through a proportionate pre-application consultation exercise. This 15% threshold has clearly been exceeded for Manea owing to the number of consented dwellings since April 2011.

- 10.2 The application site forms part of an agricultural field at the entrance to the settlement, bounded to the north by the workplace home development of Charlemont Drive. To the south on the opposite side of Wimblington Road is a group of commercial buildings with further linear residential development to the south. On the opposite side of Station Road is loose knit linear residential development. Consequently, it is considered that while the site forms an attractive entrance to the village it would be difficult to argue that the principle of residential development was unacceptable, given these surroundings.
- 10.3 Policy LP12 further provides that if additional number of dwellings built since 2011 within or on the edge of a growth village is 15% or more, then the proposal should have demonstrable evidence of clear local community support for the scheme. Manea has already exceeded its 15% but no deliberate community support exercise has been submitted which would be contrary to LP12. However, an appeal decision received in respect of an application that was refused purely on this basis (F/YR14/0838/O) indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused. Against this backdrop the absence of a deliberate community support does not render the scheme unacceptable in planning terms.
- 10.4 As such the principle of this development is considered to be supported by Policies LP3 and LP12 of the Fenland Local Plan (2014).

### **Visual Impact**

- 10.4 Paragraph 126 of the National Planning Policy Framework 2021 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is further reflected in Local Plan Policy LP16 which seeks to deliver and protect a high-quality environment for those living and working within the district.
- 10.5 It is considered that the development of the site would visually read as part of the existing village and not appear incongruous or as an encroachment into the countryside. As described above the site is considered to form an attractive entrance to the village and a such a well-designed scheme incorporating sympathetic landscaping would be required to ensure the quality of this gateway is maintained.
- 10.6 Therefore, subject to appropriate design, layout, and landscaping which would be addressed at the Reserved Matters stage, the visual impact could be acceptable in accordance with Policy LP16 and the NPPF (2021).

### **Residential Amenity**

- 10.7 Local Plan Policy LP16 seeks to provide and protect comforts that the general environment provides and to this end ensures that development does not adversely impact on the amenity of neighbouring users owing to noise, light pollution, loss of privacy and loss of light.
- 10.8 The proposed development is in outline form with all matters reserved but from the submitted indicative plan, it would appear that the development, subject detailed design and layout, would relate appropriately with the dwellings around it. The

scale and external appearance of the scheme is subject to subsequent approval, but it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate this level of development in this location without compromising residential amenity.

- 10.9 The proposal allows for the provision of adequately sized garden areas to serve each dwelling unit together with some communal greenspaces at the front of the development to provide soft landscaping.
- 10.10 Therefore, subject to detailed design and layout, the scheme would provide adequate residential amenities for future occupiers and protect those enjoyed by existing neighbouring occupiers in accordance with Policy LP16 and

### **Highway Safety**

- 10.11 Fenland Local Plan Policy LP16 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.12 The Highway Authority have no objection to the proposed scheme subject to the provision of appropriate visibility splays. There is also adequate space on the site to accommodate a 5m wide access and sufficient space within the site to provide adequate parking and turning facilities.
- 10.13 The scheme therefore is considered acceptable and complies with Policy LP15 in this regard.

### **Flooding**

- 10.14 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the same vein, Local Plan Policy LP14 recommends the adoption of sequential approach to flood risk from all forms of flooding and this is reinforced by the Cambridgeshire Flood and water SPD.
- 10.15 The applicant submitted a flood risk assessment undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The EA recommends that the development be carried out in strict accordance with the submitted flood risk assessment undertaken by Ellingham Consulting Ltd, (ref: ECL0561/Peter Humphrey Associates, dated September 2021) and that the Middle Level Commissioners (MLC) be consulted. The MLC were consulted but no response has been received. The EA also set out that it is for the Local Planning Authority to be satisfied by the Sequential and Exception Tests.
- 10.16 The submitted Flood Risk Assessment does not provide any sequential test instead referring to the site being “protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Maps”. When the Middle Level Barrier Bank is considered, the applicant contends that the development would pass the sequential test. Clearly this is not sufficient to comply with the Cambridgeshire Flood and Water SPD which is explicit in setting out that flood defences should not be taken into consideration when undertaking the Sequential Test. The application is therefore considered to have failed the Sequential Test on this basis.

10.17 As the application does not pass the Sequential Test the Exception Test is not applicable. However, for the sake of completeness, it is considered that an assessment of the submitted information in this regard should be undertaken. The applicant has merely quoted the number of housing units that are required over the Local Plan period and concluded that the proposed dwellings would contribute towards achieving that target. The applicant claims that this is the wider benefit of this development. Again, the Cambridgeshire Flood and Water SPD is clear, that the general provision of housing by itself would not be considered a wider sustainability benefit. Therefore, as well as failing the Sequential Test this application would also not pass the Exception Test.

10.18 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and has not demonstrated any wider community benefits of the development and therefore the development fails the Sequential and Exception Tests and allowing the development would be contrary to Local Plan Policy LP14, the adopted SPD and paragraphs 159 and 162 of the NPPF(2021)

## **Ecology**

10.19 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.

10.20 The application site comprises an agricultural field bounded by a hedgerow to the north and ditches to three sides and the access to the development is indicated as being across one of these ditches.

10.21 Ecological surveys and if necessary, species surveys, are required to be carried out pre-determination. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less impact), adequately mitigated or as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposals.

10.22 Policy LP19 of the local plan states that planning permission should be refused for development that would cause a demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation, or compensation measures can be secured to offset the harm.

10.23 No ecological surveys have been undertaken and submitted with the application, and the bio-diversity checklist submitted with the application has answered 'no' to the questions regarding the proposal affecting a ditch, which the development clearly would. It is therefore not possible, for the local planning authority to

undertake its duty to conserve biodiversity due to a lack of information. The application should be refused for this reason.

### **Other Matters**

10.24 The Parish Council have made reference to seeking Section 106 benefits. However the number of dwellings proposed falls below the number of dwellings (10) required to trigger the consideration of such an agreement.

## **11 CONCLUSIONS**

11.1 The proposed development would be of a scale that is in keeping with the area and, subject to layout, design and finishes, would not detract from the character of the site and the area. However, the site is located within Flood Zone 3 and the applicant has not shown that the development is Sequentially acceptable or of wider community benefit.

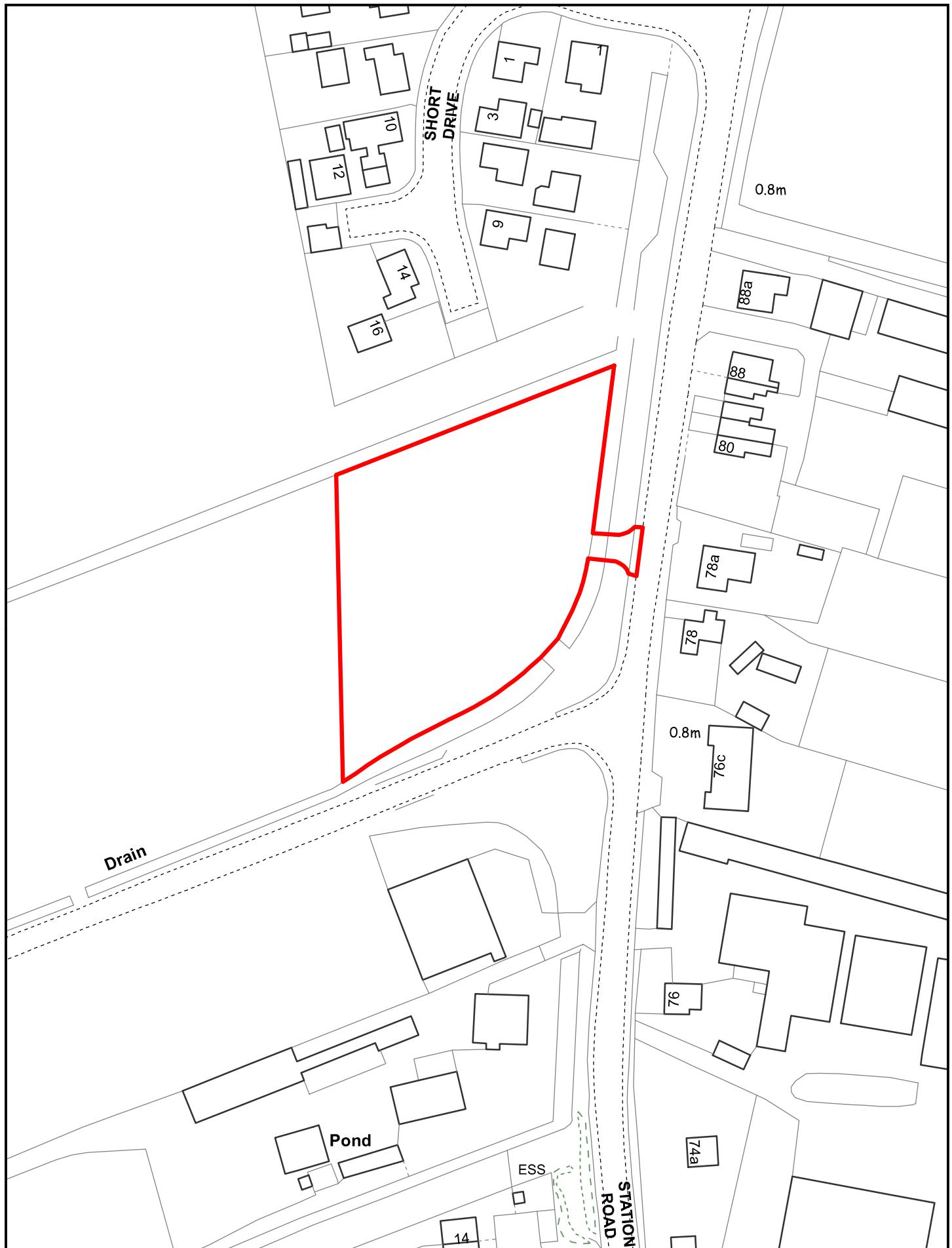
11.2 In addition, no ecological information has been submitted to allow an informed decision to be made as to whether protected species would be impacted by the development or any mitigation that may be required as a result.

11.3 As such the application is considered to conflict with the NPPF, policies of the Local Plan and the Flood and Water SPD

## **12 RECOMMENDATION**

**Refuse;** for the following reasons:

1	The site is located within Flood Zone 3 where there is a high probability of flooding. The Sequential test for flood risk has not been adequately applied or met and consequently, the application fails to demonstrate that there are no other reasonably available sites with a lower probability of flooding that could accommodate the development. In addition, the Exception Test has also not been passed. Allowing the proposed development could therefore place people and property at an increased risk, with no justification, of flooding contrary to Policy LP14 of the Fenland Local Plan (2014), NPPF(2021) and Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016).
2	The application site is bordered on three sides by ditches which are identified as having the potential to be habitat for protected species and indicates access to the development over one of these. No ecological surveys or evaluation have been undertaken to accompany the application. As such the local planning authority is unable to undertake its duty to conserve biodiversity due to this lack of information. The application is therefore contrary to policies LP16 (b) and LP19 of the Fenland Local Plan which seek to ensure that new development protects and enhances biodiversity including protected species and their habitats.



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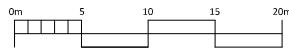
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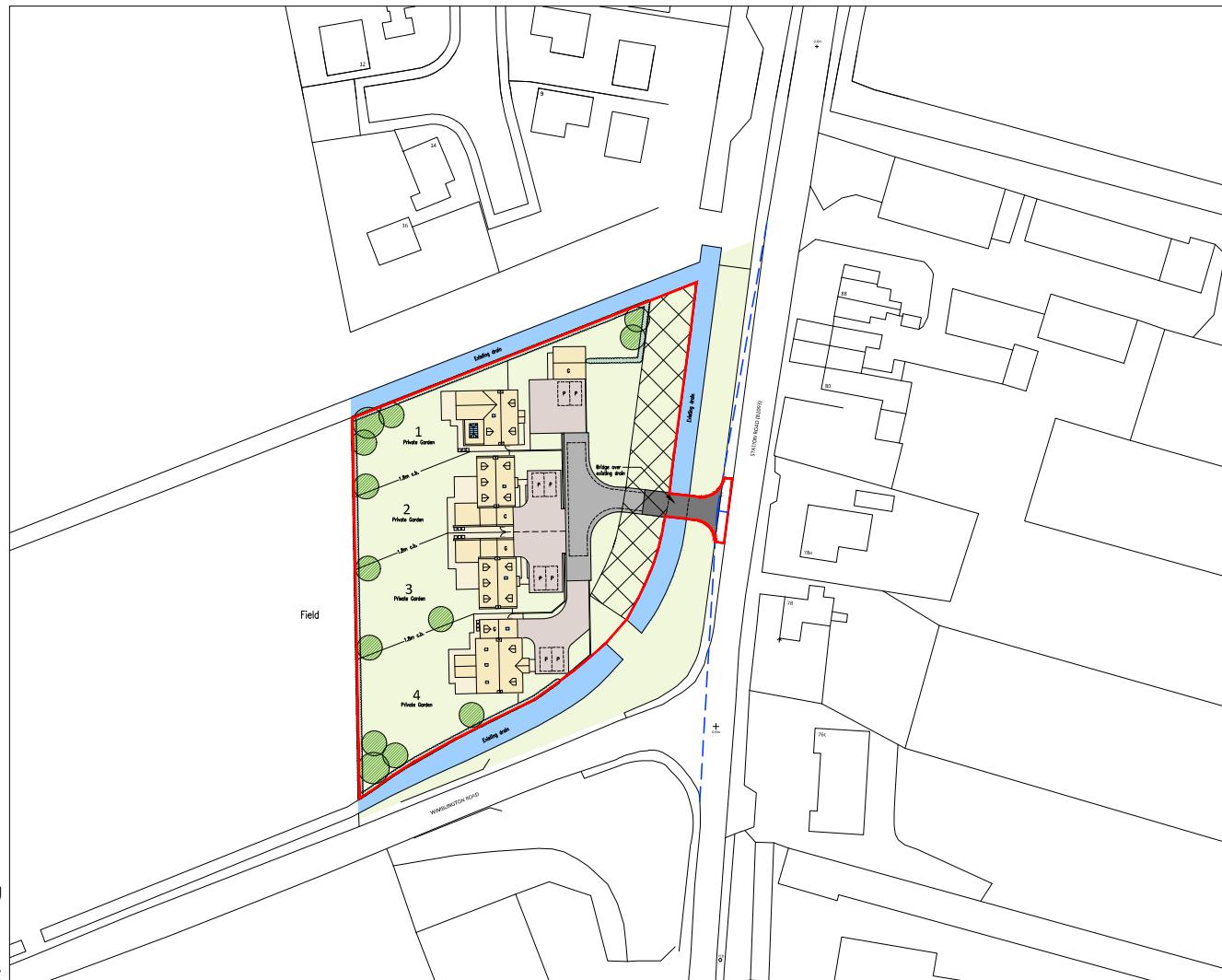
  
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STREET SCENE 1:200

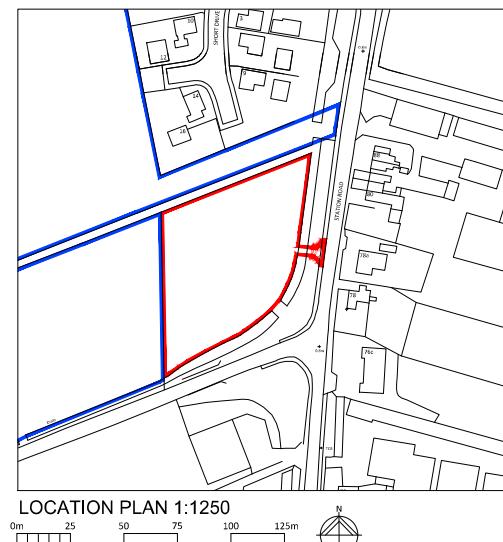


INDICATIVE ONLY

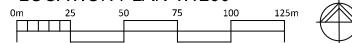


SITE PLAN 1:500

INDICATIVE LAYOUT ONLY



LOCATION PLAN 1:1250



KEY	
1.8m Close Boarded Fence	1.8m Close Boarded Fence
1.2m Post and Rail Fence	1.2m Post and Rail Fence
5.0m Access to CCC Specification	5.0m Access to CCC Specification
Hardstanding Areas	Hardstanding Areas
Parking and Turning Areas	Parking and Turning Areas
Proposed Trees	Proposed Trees
Wheeled Bin Positions	Wheeled Bin Positions
9m IDB Maintenance Strip	9m IDB Maintenance Strip
Paving Slabs	Paving Slabs
2.4m x 59m Visibility Splay	2.4m x 59m Visibility Splay
P	Parking Space
G	Garage

D-2011/21-1 Update for amended  
D-2011/21-2 Minor site amendments following planning application comments.  
A-17/06/21-1 Plan updated and amended for outline planning application.  
Re:app

**PHA**

**PETER HUMPHREY  
ASSOCIATES**

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CLERK  
MR R HIRSON

PROJECT  
RESIDENTIAL DEVELOPMENT

DATE  
LAND WEST OF 78-88  
STATION ROAD  
MANEA  
CAMBS

DRAWING  
PLANNING DRAWING 1

REF NO: 6017/PL01D PAPER SIZE: A1 DATE: MAY 2021

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SCHEDULE OF SITE					
Plot	Unit Type	Bedrooms	Floor Area	Rear Amenity	Notes
1	Market	5	260m <sup>2</sup>	336m <sup>2</sup>	Double Garage
2	Market	5	242m <sup>2</sup>	347m <sup>2</sup>	Single Garage
3	Market	5	242m <sup>2</sup>	427m <sup>2</sup>	Single Garage
4	Market	5	283m <sup>2</sup>	590m <sup>2</sup>	Single Garage

Floor areas exclude garages.

F/YR22/0453/F

**Applicant:** Mr Andrew Bennet  
ARB Commercial Enterprises Limited

**Agent :** Mr Christopher Jordan  
ATP Architects + Building Surveyors Ltd

**Rift Bar, Horsefair, Wisbech, Cambridgeshire PE13 1AR**

**Change of use from restaurant/bar and alterations to existing flat to create to 1no retail units and 6no flats (5no 2-bed & 1no 3 bed)**

**Officer recommendation:** Refuse

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

## 1 EXECUTIVE SUMMARY

- 1.1 The site is located within a fringe town centre location off Horsefair and comprises a two storey building last used as a restaurant/bar and a clinic facility before that, but which currently stands vacant.
- 1.2 The existing building on the site currently has extant planning permissions to form 3 no. ground floor retail units (F/YR19/0926/F) and 3 no. additional first floor flats (F/YR20/0369/F) respectively.
- 1.3 The proposal would introduce in part a non-conforming use to the ground floor of this vacant two storey building whereby the retail section of Policy LP6 makes it clear that existing commercial uses at ground floor level within Town/District Centre boundaries will normally be expected to be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified. It is considered that no convincing evidence has been put forward by the applicant to demonstrate why the ground floor of the building premises should not still be made available for commercial use in its entirety at this location, particularly in light of the extant planning permission which exists for the change of use of the ground floor of the building to 3 no. retail units (F/YR19/0926/F) whereby the proposal would be contrary to Policy LP6 of the Fenland Local Plan (adopted 2014).
- 1.4 Future occupants of the flats, particularly those occupying the proposed ground floor flats, are likely to be subject to general noise and disturbance from the various noise sources at this edge of town centre location, including during the day from the proposed retail unit to be formed within the fabric of the existing building behind the ground floor flats and also during the evening/potentially late evening from customers using the taxi layover which exists immediately in front of the building. It is considered from this that the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan.

## 2 SITE DESCRIPTION

- 2.1 The site comprises a building last used as a restaurant/bar, and a clinic facility before that, but which currently stands vacant, which lies adjacent to the Wisbech Conservation Area on the cusp of the Horse Fair Shopping Centre, a primary shopping area designation, and within a Flood Zone 1 designation. A Fenland Licensed Hackney Carriage white lined 'taxi layover' parking apron with plated parking restrictions exists to the immediate front of the building within the indicated 'red line' site. The building is still internally laid out in the form of its last previous use and is understood to have been vacant for several years since its last use.
- 2.2 The former Empire Theatre, a Grade II\* listed building now used as a bingo hall (1 Blackfriars Road), stands opposite the site to the immediate south (front), whilst the Churchill Road relief road runs to the immediate east. A recessed loading bay for Argos exists behind and to the side of the site on its north-eastern side, whilst a rear service yard serving those shops fronting onto Horse Fair exists on the site's south-western side. The site is accessed via Blackfriars Road which serves as a loop road off Falcon Road.
- 2.3 The building on the site is of 1980's construction of rather plain appearance and is two storied with a flat roof with part basement incorporating a 2-bed manager's flat at first floor level. The building is 'dual aspect' with its principal elevation facing onto Blackfriars Road and a side elevation facing onto a walkway which connects the site with Horse Fair. The building is externally clad in predominately cream render and buff brick, but with some grey/black boarding, and has a series of full height windows designed in uniform fashion at both ground and first floor level on its front (principal) and flank elevations.

### **3 PROPOSAL**

- 3.1 This full application relates to the change of use of this vacant premises site from Class E(b) restaurant/bar use to a mixed use comprising 1 no. Class E(a) (formerly Class A1) retail unit and 6 no. Class C3(a) self-contained market housing flats (5 no. 2-bed and 1 no. 3 bed).
- 3.2 The proposed retail unit would be located within the rear section of the existing building with public access gained via a newly formed shop entrance on the west side of the building facing onto the existing walkway connecting with Horsefair. Two of the proposed 2-bed flats would be formed within the majority of the remainder of the ground floor of the building to the front, which would have separate frontage entrances, together with sub-divided internally created gardens to serve Flats A and B within the centre of the building itself, and also two communal refuse stores.
- 3.3 Existing separate staircase entrances to the sides of the building would serve to provide access to the three remaining proposed 2-bed flats (Flats C, D and E) to be formed above at first floor level, including retention of the existing manager's flat, and also the proposed 3-bed flat (Flat F), together with balconies to serve Flats C, D and E to be formed above the aforementioned sub-divided gardens below within the centre of the building. The existing basement would be sealed off.
- 3.4 Various cosmetic and fenestration changes would be carried out to the exterior of the building to adapt it to combined retail and residential use, including provision of 2 no. new aluminium shopfronts to the building's west (flank) elevation, new matching white uPVC windows to new openings principally to the front elevation,

bricking up of existing window openings principally for rear and flank elevations, new louvred doors to the proposed refuse stores, new rear retail unit fire exit door and minor external making good works. It is stated that acoustic triple glazed windows would be provided to all elevations to reduce noise levels by a minimum of 40dB.

- 3.5 It is stated that trading hours for the proposed retail unit would be 08.00 - 19.00 Mondays to Fridays, 08.00 – 19.00 on Saturdays and 08.00 – 16.00 on Sundays, Bank and Public Holidays.
- 3.6 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

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F/YR20/0369/F Change of use of part first floor from ancillary floorspace for restaurant/bar to form additional 3 x 3 bed flats Granted 16.10.2020

F/YR19/0926/F Change of use of ground floor of premises from restaurant/bar (A3) to 3 x retail units (A1) involving 3 x shop-fronts to front elevation Granted 16.12.2019

F/YR07/0209/A Display of 7 no. adverts Granted 05.04.2007

F/YR06/0999/F Change of use from clinic to A4 use with awnings to roof terrace Granted 13.10.2006

- 4.1 It will be noted from the above planning history that the planning permissions for F/YR20/0369/F (first floor flats) and F/YR19/0926/F (ground floor retail) remain extant.

## 5 CONSULTATIONS

### 5.1 Wisbech Town Council:

Support application.

### 5.2 Historic England:

*No comments. Refer to your own heritage advice.*

### 5.3 CCC Highways:

*Highways have no objections to the application in principle. However, there is no parking provision for this site whereby the current arrangement is for Taxis. Where is the provision for residents? Parking should be provided that meets the FDC parking standards.*

#### **5.4 FDC Conservation Officer:**

*Thank you for the consultation on the above application. I had provided pre-application advice on this site (21/0081/PREAPP) and concluded that the four storey conversion initially proposed would have some impact on the historic environment requiring justification, but that a residential conversion on the existing footprint and square footage, would likely not. The historic environment includes Wisbech Conservation Area, and the Grade II\* listed Empire Cinema, which the site is adjacent to. Therefore, the setting of these designated heritage assets should be given due regard when considering this application. The application site does not currently contribute positively to the setting of these assets. However, the proposed alterations to fenestration and openings could fail to achieve a neutral outcome. Choice of materials, finish, detailing and use of roller shutters, could cumulatively, detract overall from the street scene(s). More careful consideration needs to be given to the detail, positioning and products used for doors and windows. Can a neutral impact be achieved by retaining existing openings? The retention of a single retail unit in the north west corner of the site would also seem unnecessary in this instance and a complete conversion to residential may allow more freedom in a rearrangement of the floor plan to lessen the changes to the exterior fenestration and doors. These comments are advisory only. Taking a balanced view, this particular site location (blank side or rear facades of surrounding commercial buildings) is not particularly sensitive and provided that careful consideration is given to window products and wall finishes (e.g. matching brick and render etc.,), there should be no overall negative impact, and there is no objection from a conservation perspective.*

#### **5.5 FDC Environmental Health officer:**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination. I had previously raised concerns about the potential for future residents of a scheme at this location to be adversely affected by existing nearby noise sources and having studied the Environmental Noise Survey and Noise Impact Assessment Report (28017/NIA1 Rev1) provided by Hann Tucker Associates, I note and accept the findings. Mention is given to mitigation measures to ensure that any noise currently in excess of accepted thresholds is brought down to accepted levels. Going forward, this service will therefore require details of exactly what has been agreed and implemented to ensure compliance, prior to any occupation of residential parts of the proposed scheme.*

## **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).

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.

## 7.0 POLICY FRAMEWORK

### National Planning Policy Framework (NPPF)

Paragraph 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions;

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development;

Paragraph 12 – The development plan is the starting point of decision taking, although LPA's may take decisions that depart from the development plan where material considerations indicate otherwise;

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

Chapter 5 – Delivering a sufficient supply of homes;

Chapter 6 – Building a strong, competitive economy;

➤ Paragraph 81 – Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development;

Chapter 7 – Ensuring the vitality of town centres;

➤ Paragraph 88 – When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre;

Chapter 11 – Making effective use of land;

➤ Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions;

Chapter 12 – Achieving well-designed places;

➤ Paragraph 130 – Planning policies and decisions should ensure that developments are well-designed;

Chapter 16 – Conserving and enhancing the historic environment.

### National Planning Practice Guidance (NPPG)

#### National Design Guide 2019

##### Context

C1 – Relationship with local and wider context

C2 – Value heritage, local history and culture

##### Built Form

B1 – Compact form of development

##### Identity

I1 – Respond to existing local character and identity

##### Public Spaces

P2 – Provide well-designed spaces that are safe

##### Uses

U1 – A mix of uses

## **Fenland Local Plan 2014**

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP6 – Employment, Tourism, Community Facilities and Retail
- LP8 – Wisbech
- LP14 – Responding to Climate Change And Managing the Risk of Flooding ;in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP17 – Community Safety
- LP18 – The Historic Environment

## **8 KEY ISSUES**

- **Principle of development, including application of Policy LP6**
- **Heritage, character and designing out crime**
- **Highways, access and parking**
- **Residential amenity**

## **9 ASSESSMENT**

### **Principle of development**

9.1 The National Planning Policy Framework (as revised) at Chapter 11 promotes an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions and in doing so promotes and supports the development of under-utilised land and buildings.

9.2 Policy LP6 of the adopted Fenland Local Plan (LP) states that retail development will be encouraged to maintain and enhance the vitality and viability of centres, with a requirement that the nature and scale of any retail development should be appropriate to the role and function of the centre in which it would be situated. Policy LP6 adds that for retail the Council will;

- embrace a strong ‘town centre’ first message when considering the most appropriate locations for retail and leisure developments in the towns;
- support, and regenerate where necessary, existing Town...Centres to ensure they continue to cater for the retail needs of communities that they serve;
- apply, in decision making, the national policy approach of the NPPF.

9.3 Policy LP6 states that future retail development will be directed [in the first instance] to the Primary Shopping Frontage (PSF), [then] to the Primary Shopping Area (PSA) and [finally] to within the Town Centre Boundary. The preamble to Policy LP6 states that the Council will consider the impact of any non-retail proposal in the above town centre defined locations, but is mindful that in order to retain a good retail offer that it is also important that retail uses predominate in particular areas.

9.4 Policy LP6 adds that existing commercial uses at ground floor level within the Town/District Centre boundary will normally be expected to be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified, adding that development generally of an appropriate scale that enhances the retail offer of the primary centres of the district will be supported, although it is noted that the preamble to Policy LP6 at paragraph 3.5.24 states that '...but in the main, non-retail uses appropriate to a town centre will be expected to be located within the Town Centre Boundary, but outside the PSA and the PSF.

9.5 While it is accepted that the changes to the Use Classes Order introduced in 2020 do somewhat undermine the aspirations of LP6 in as much as retail uses are now within Class E alongside other commercial uses and as such may change to these other uses without the need for planning permission, such movement would however retain commercial usage and therefore be consistent with the wider aspirations of LP6 in retaining commercial usage within town centre locations.

9.6 Application F/YR19/0926/F for the change of use of the ground floor of the building on this former restaurant/bar site from an A3 use to an A1 use (3 no. retail units) was approved as the Council considered that "*The premises are directly adjacent to the primary shopping area and within the town centre boundary. As such, the proposal clearly aligns with the aims of Policy LP6 and accords with the general aims of the NDG in that it will integrate with the existing centre in a convenient location for users. Locating additional retail opportunities adjacent to the established primary shopping area furthers the aims of the NDG which identifies that compact forms of development bring people together (Para. 63 – B1)*". The report concluded that; "*The bringing back of these vacant premises to a retail use to support the established town centre is welcomed*".

9.7 The current application proposes to change the use of the ground floor of the building to a mixed use of retail as an indicated single retail user ('Retail Shop 1') and 2 no. ground floor flats. The stated floorspace of the retail user would be 180 sqm, whilst the two ground floor flats combined would have a calculated floorspace of approximately 180sqm also. The retail element of the proposal would again clearly align with the aims of Policy LP6 as with approved application F/YR19/0926/F and this element of the application would therefore be acceptable in principle at this sustainable location. However, the inclusion of the residential element for the ground floor of the building would not align with this retail policy as a non-retail/non-commercial use and therefore represents a non-conforming use of the site.

9.8 Policy LP6 requires that in two locations within the stated policy that a marketing exercise is stipulated as being required to establish that the most recent use is no longer viable and that an appropriate marketing exercise has been carried out. This requirement would seem to apply specifically to the protection of tourism and retention of community facilities and not to the protection of existing commercial uses at ground floor level within the Town/District Centre boundary outside of the PSA/PSF, although LP6 makes it clear as set out above that evidence is required to indicate why the retention of an existing commercial use at ground floor level within the Town Centre boundary can no longer be justified. It is interpreted from this that the merits of such a change of use proposal will be dependent upon various influencing factors, including the level of information submitted with a planning application to justify the change of use.

9.9 It is stated in the Design and Access statement for the current application that; *“Following an ongoing review and the previous use failing as a business, the property became vacant and the Client has decided that the overall property would benefit from more residential and retail use.* The Conclusion section of the statement concludes that; *“By its nature, design and location, the proposal is considered appropriate for the building and is making economic use of the facility and will further provide additional commercial space in great demand throughout the district generally. We consider that in the context of Wisbech [that] the proposed change of use represents a small change, but will have an overall positive impact to the Town Centre. The proposed change of use will provide a positive use to a currently vacant unit.*

9.10 The justification made within the submitted planning application for the change of use of this redundant building on the east side of Horse Fair is noted, particularly with regard to the failure of the previous use as a local hospitality venue. However, the proposed mixed use nature of the current application to combined Class E(a) retail and Class C3(a) residential is such that the introduction of 2 no. flats on the ground floor as proposed would utilise approximately 50% of the ground floorspace of the building and therefore by implication would remove up to 50% of available floorspace which could be used for retail/commercial purposes. This situation is considered regrettable, particularly from the statement made by the applicant that the proposal will *“further provide additional commercial space in great demand within the district generally”*, (it is assumed that this reference is not made in the context of commercial rent for the proposed flats) and therefore poses the question as to why the entirety of the ground floor of the building could not be utilised for retail/commercial purposes as approved.

9.11 The site already has an extant 2019 planning permission for the change of use of the ground floor of the building to form 3 no. retail units (F/YR19/0926/F) and a subsequent extant 2020 permission also to change part of the first floor of the building to form 3 no. flats alongside an existing manager's flat where it should be noted that these applications were submitted by the same applicant/agent as for the current application. The extant permission to change the ground floor of the building to 3 no. retail units utilising the entirety of the ground floor floorspace still has until 15 December 2022 to be lawfully implemented, although whether this is a reasonably likely expectation or not remains unknown. However, no detailed information has been submitted with the current application to explain the market reasons as to why this extant retail permission has not been implemented to date whereby it is considered that such information could have been forthcoming to help justify the applicant's case, particularly given the same nature of applicant/agent.

9.12 In addition to the above, the proposed retail unit would be side facing onto the existing walkway which connects Horse Fair to the site. Whilst it is accepted that the public would be able to view the retail unit from Horse Fair, the unit would not be so publicly visible from Blackfriars Road as it would not also be directly facing onto this street within the limits of the Town Centre boundary.

9.13 For the aforementioned reasons, the application is considered contrary to Policy LP6 of the FLP (2014) and is considered unacceptable in principle. It should be noted that the proposed change of use element of the submitted scheme relating to the first floor of the building to form 3 no. flats alongside the existing managers flat still remains acceptable against Policy LP6 from approved application F/YR20/0369/F (see officer's report) whereby this would continue to make more effective use of the currently vacant first floor of the building within a sustainable location (Chapter 11 of the NPPF).

9.14 The site is located within Flood Zone 1 and as such is sequentially preferable for residential use. Accordingly, there are no flood risk issues to reconcile with regarding Policy LP14 of the FLP (2014).

### **Heritage, character and designing out crime**

9.15 The building on the site is utilitarian in character and form and as such is considered to have no heritage value, albeit it forms an established feature of this location as identified in the officer report for application F/YR19/0926/F. The external alterations proposed for the building to facilitate the new uses would have a neutral impact on the character of the existing building and on the localised heritage environment whereby it is noted that Historic England have not raised any comments and requesting that heritage advice be sought by the Council's own Conservation Officer. The comments from the Conservation Officer have now been received who has not raised any objections in principle to the submitted scheme, although has questioned the level of fenestration treatment and has suggested that a full residential conversion of the building rather than incorporating a retail unit at the rear of the building may lead to a better more balanced scheme.

9.16 It is considered from the comments received that there are no heritage impacts in principle associated with the development. As such, the proposal is compliant with Policy LP18 of the FLP (2014) and national policy advice relating to heritage noting the design queries raised by the Conservation Officer.

9.17 It should be noted that concern was expressed by officers for approved application F/YR19/0926/F regarding the use of aluminium security shutters for the proposed shopfronts for the proposed retail units given the site's location adjacent to a conservation area where it had been suggested that such shutters had been actively resisted previously within the locality. An open grille design to be integrated into the design of the shopfronts was therefore suggested. It is stated for the current application that the external shutter design would be a combination of solid at the base with the remainder of the shutters being open with punched open laths to maximise security, whilst maintaining a degree of openness, whereby the roller shutters would not project forward of the shop frontage. It is considered that this design is acceptable.

9.18 The entry points to all of the flats for this proposal are afforded high levels of natural surveillance, sited as they would be within the principal elevation of the building for the ground floor flats and at each end of the building within existing staircase points for the first floor flats. The proposal therefore represents no issue in terms of designing out crime and accords with Policy LP17 of the FLP (2014).

### **Highways, access and parking**

9.19 As noted for the officer reports for submitted applications F/YR19/0926/F and F/YR20/0369/F, the site is considered to be within a sustainable location relative to the Town Centre with good access to public transport and public car parks, whilst there is also on-street parking within the locality. As identified for the previous applications, an established Fenland licenced taxi layover parking apron exists to the immediate foreground of the building on the site. However, this town centre facility would be unaffected by the proposal and there is no suggestion that the proposed shop unit would have any operational impact on this facility.

9.20 As with application F/YR20/0369/F for flats provision at first floor level for this building, the current application proposal for additional flats would have zero on-site parking provision as noted by the Highways Officer in his consultation response, who does not otherwise object to the proposal in principle. Appendix A of the Fenland Local Plan allows for a reduced car parking provision and in special circumstances a nil parking provision where sites are centrally located within Market towns and benefit from good public transport links. The special circumstances in this case are deemed to be the re-use of a redundant existing building situated within a sustainable location within one of the Primary Market Towns of the District, notwithstanding the aforementioned policy objection in principle under Policy LP6 to this scheme. It is considered therefore that there is appropriate justification for showing nil parking provision for the proposal which is considered compliant with Policies LP15 and LP16 (in this respect) of the FLP (2014).

### **Impact on residential amenity**

9.21 The area is predominately commercial in character and due consideration therefore has to be given to the residential amenity of future occupiers of the flats element of this mixed use proposal. The EP team have indicated in their consultation response that they have previously raised concerns about the potential for future residents of a flats scheme at this location to be adversely affected by existing nearby noise sources. However, they have studied the Environmental Noise Survey and Noise Impact Assessment Report (28017/NIA1 Rev1) submitted with the application and have noted and accepted the findings. They have commented that the mitigation measures highlighted to ensure that any noise currently in excess of accepted thresholds is brought down to accepted levels through the use of triple glazing for all of the proposed windows to the flats be subject to details being submitted of exactly what has been agreed to be implemented to ensure compliance prior to any occupation of residential parts of the proposed scheme.

9.22 The comments from the Council's EHO have been noted. However, it is considered that future occupants of the flats, particularly those occupying the proposed ground floor flats, are likely to be subject to general noise and disturbance from various noise sources at this edge of town centre location, including during the day from the proposed retail unit to be formed within the fabric of the existing building behind the ground floor flats and also during the evening/potentially late evening from customers using the taxi layover which exists immediately in front of the building. It is considered from this that the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan.

## **10 CONCLUSIONS**

10.1 The proposal has been considered against the policies contained within the Fenland Local Plan 2014, the NPPF as revised and associated practice guidance (NPPG).

10.2 The proposal is considered contrary to Policy LP6 of the Fenland Local Plan (adopted 2014) as it would introduce in part a non-conforming use to the ground floor of this vacant two storey building premises last used for commercial purposes situated within the Wisbech Town Centre boundary close to an existing Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) whereby the retail section of Policy LP6 makes it clear that existing commercial uses at ground floor

level within Town/District Centre boundaries will normally be expected to be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified.

10.3 The justification made within the submitted application for proposed mixed use of the building at ground floor level is noted, particularly with regard to the stated failure of the previous commercial use. However, it is considered that no convincing evidence has been put forward by the applicant to demonstrate why the ground floor of the building premises should not still be made available for commercial use in its entirety at this location, particularly in light of the extant planning permission which exists for the change of use of the ground floor of the building to 3 no. retail units with ancillary accommodation above under approved application F/YR19/0926/F so as to persuade the local planning authority to arrive at a different decision for the current application submission.

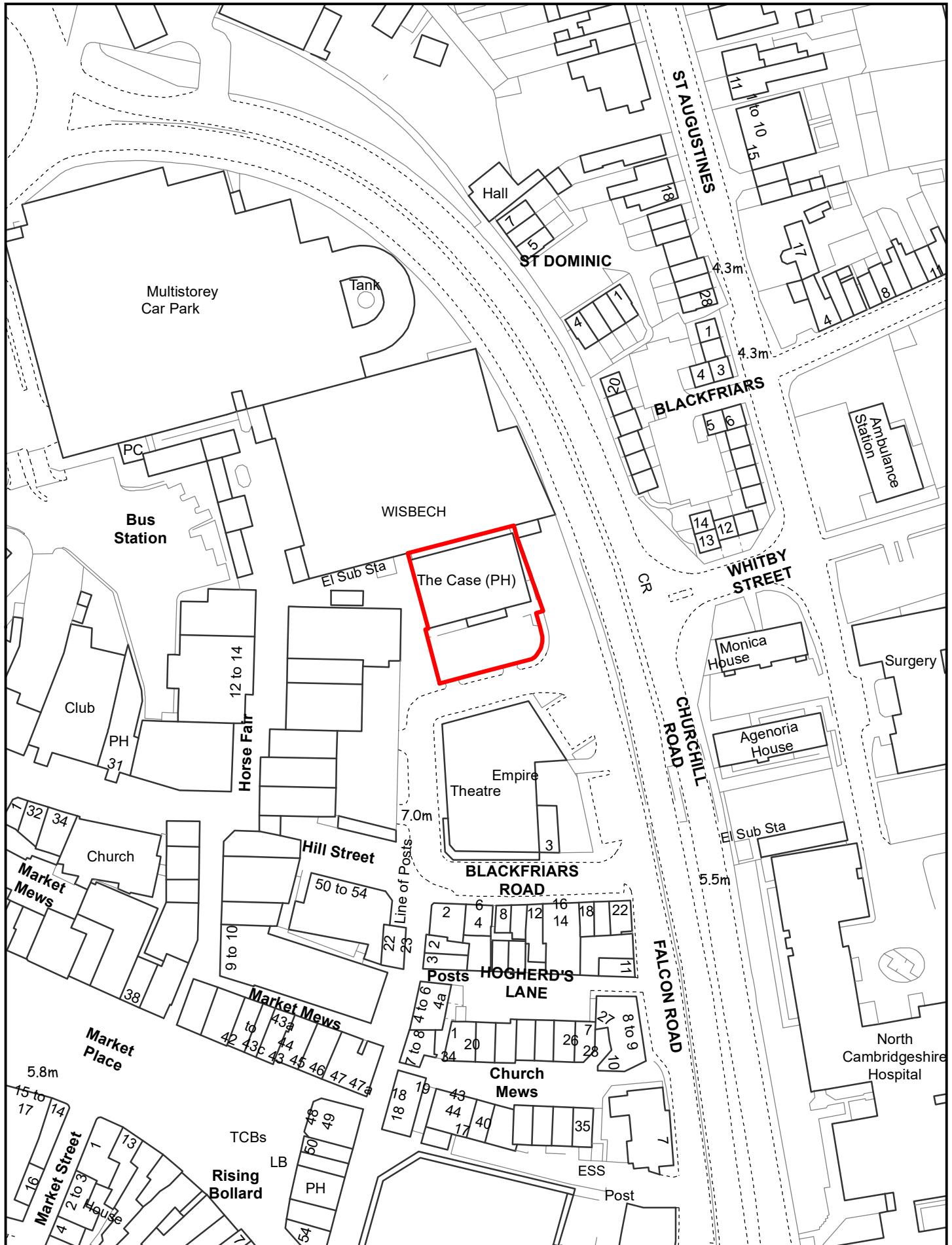
10.4 The proposal by reason of the site's predominately commercial location and also by the mixed retail/housing nature of the proposal would have an adverse effect on the residential amenities of the occupants of the proposed flats for this mixed use scheme.

## 11 RECOMMENDATION

**Refuse;** for the following reasons:

1	<p>The proposal is considered contrary to Policy LP6 of the Fenland Local Plan (adopted 2014) as it would introduce in part a non-conforming use to the ground floor of this vacant two storey building premises last used for commercial purposes situated within the Wisbech Town Centre boundary close to an existing Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) whereby Policy LP6 makes it clear that existing commercial uses at ground floor level within Town/District Centre boundaries will normally be expected to be retained for an appropriate commercial use unless evidence indicates why this type of use can no longer be justified.</p> <p>The justification made within the submitted application for proposed mixed use of the building at ground floor level is noted, particularly with regard to the stated failure of the previous commercial use. However, it is considered that no convincing evidence has been put forward by the applicant to demonstrate why the ground floor of the building premises should not still be made available for commercial use in its entirety at this location, particularly in light of the extant planning permission which exists for the change of use of the ground floor of the building to 3 no. retail units with ancillary accommodation above under approved application F/YR19/0926/F so as to persuade the local planning authority to arrive at a different decision for the current application submission.</p>
2	<p>It is considered that future occupants of the flats, particularly those occupying the proposed 2 no. two bedoomed ground floor flats, are likely to be subject to general noise and disturbance from various noise sources at this edge of town centre location, including during the day from the proposed retail unit to be formed within the fabric of the existing building behind the ground floor flats and also during the evening/potentially late evening from customers using the taxi layover</p>

which exists immediately in front of the building. It is considered from this that the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan.



Created on: 05/05/2022

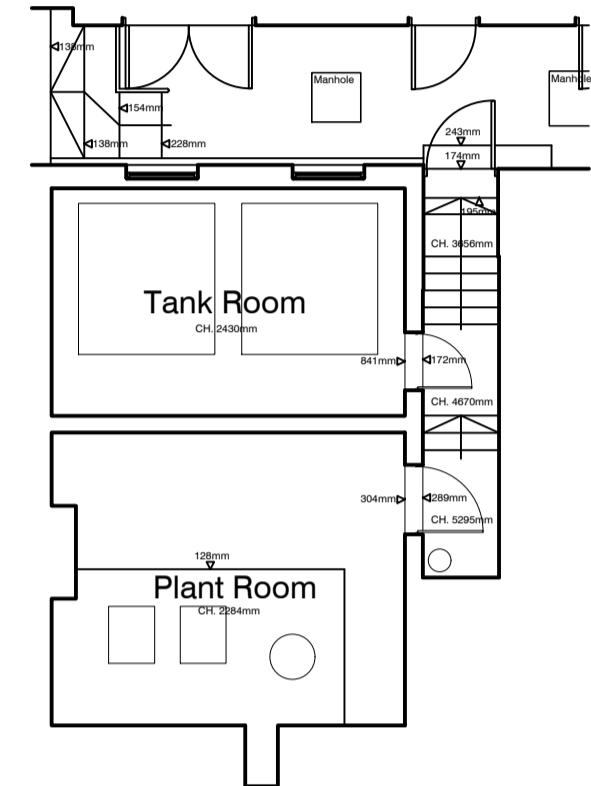
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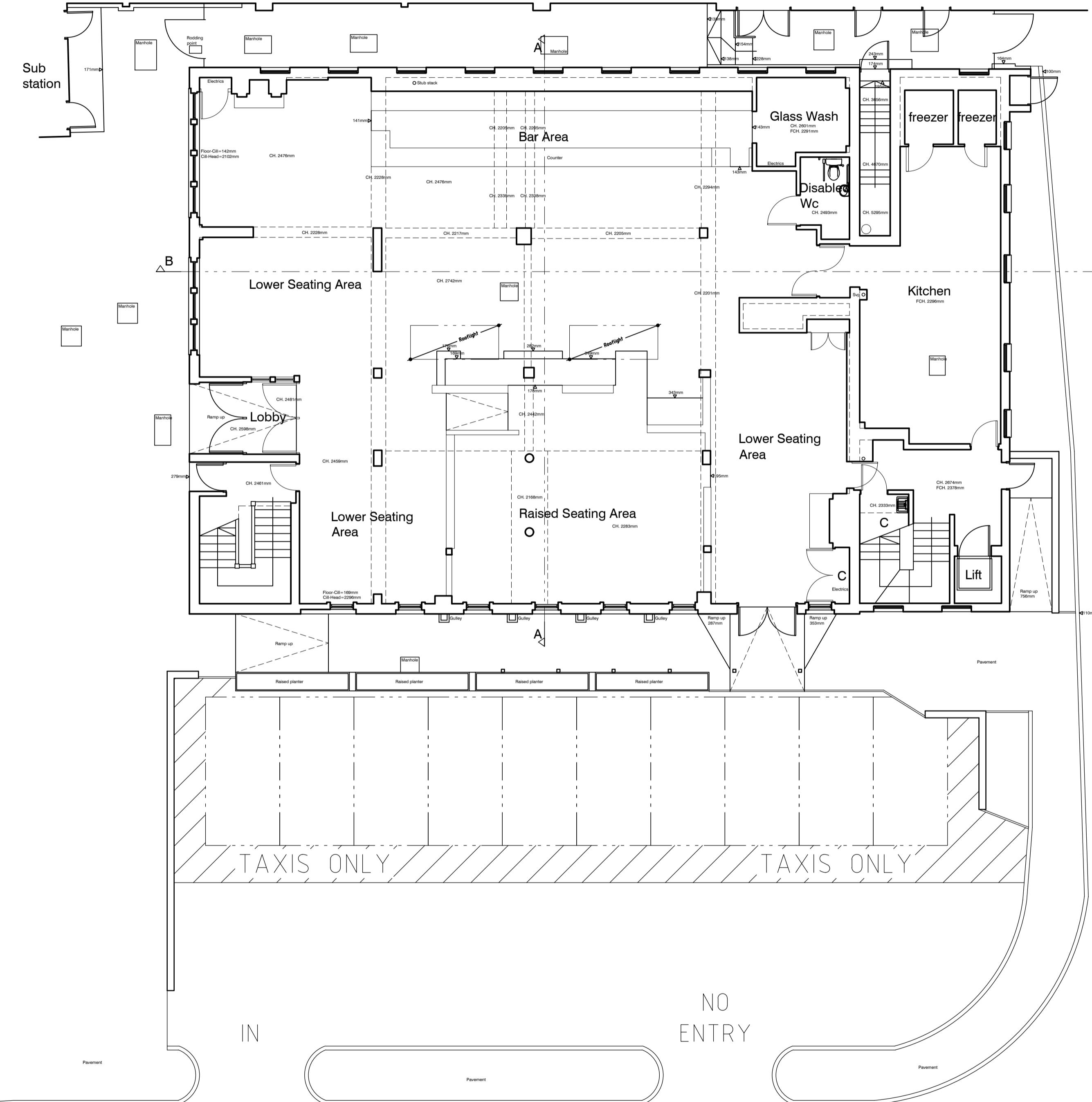
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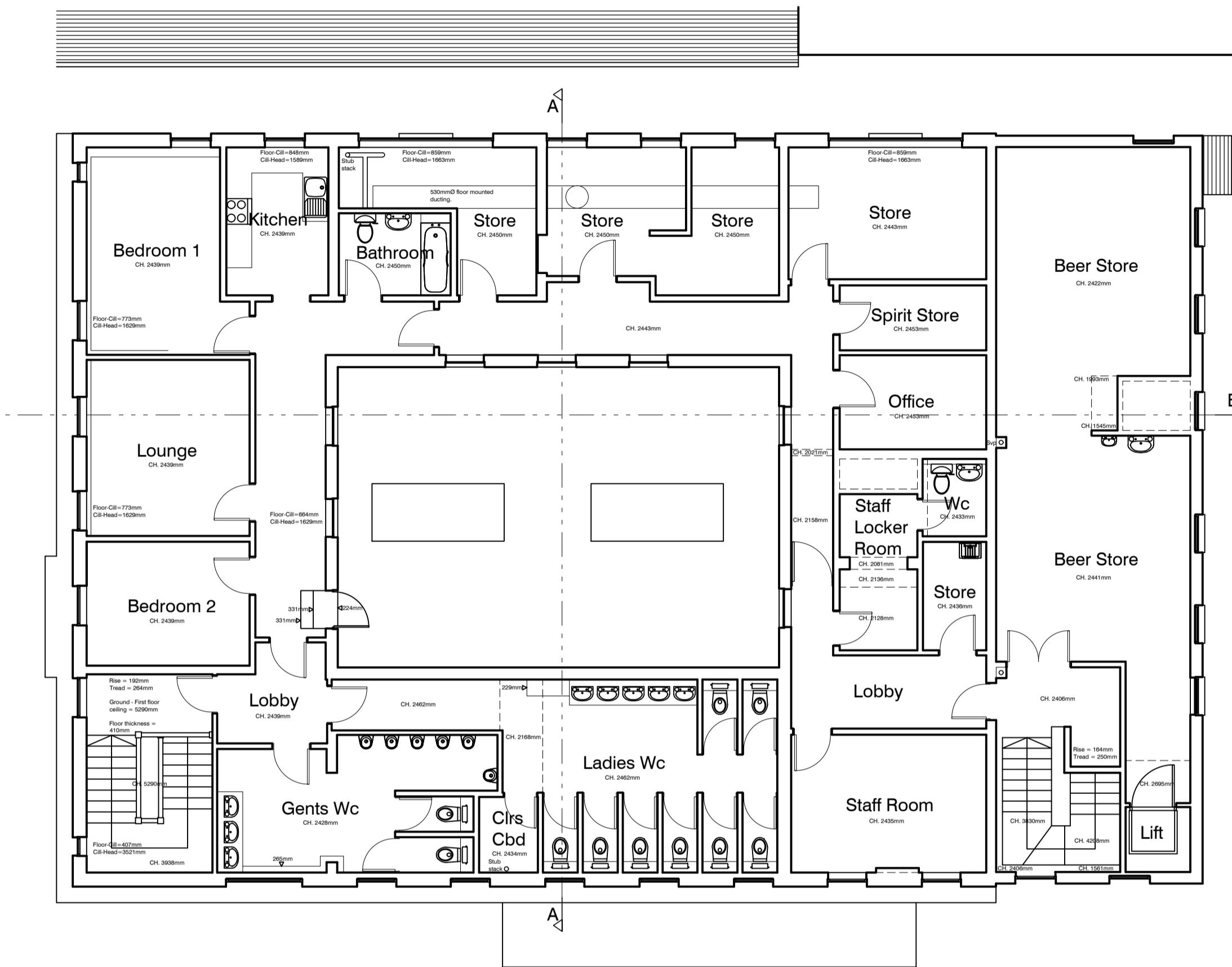
  
Fenland  
CAMBRIDGESHIRE  
Fenland District Council



BASEMENT FLOOR PLAN



GROUND FLOOR PLAN



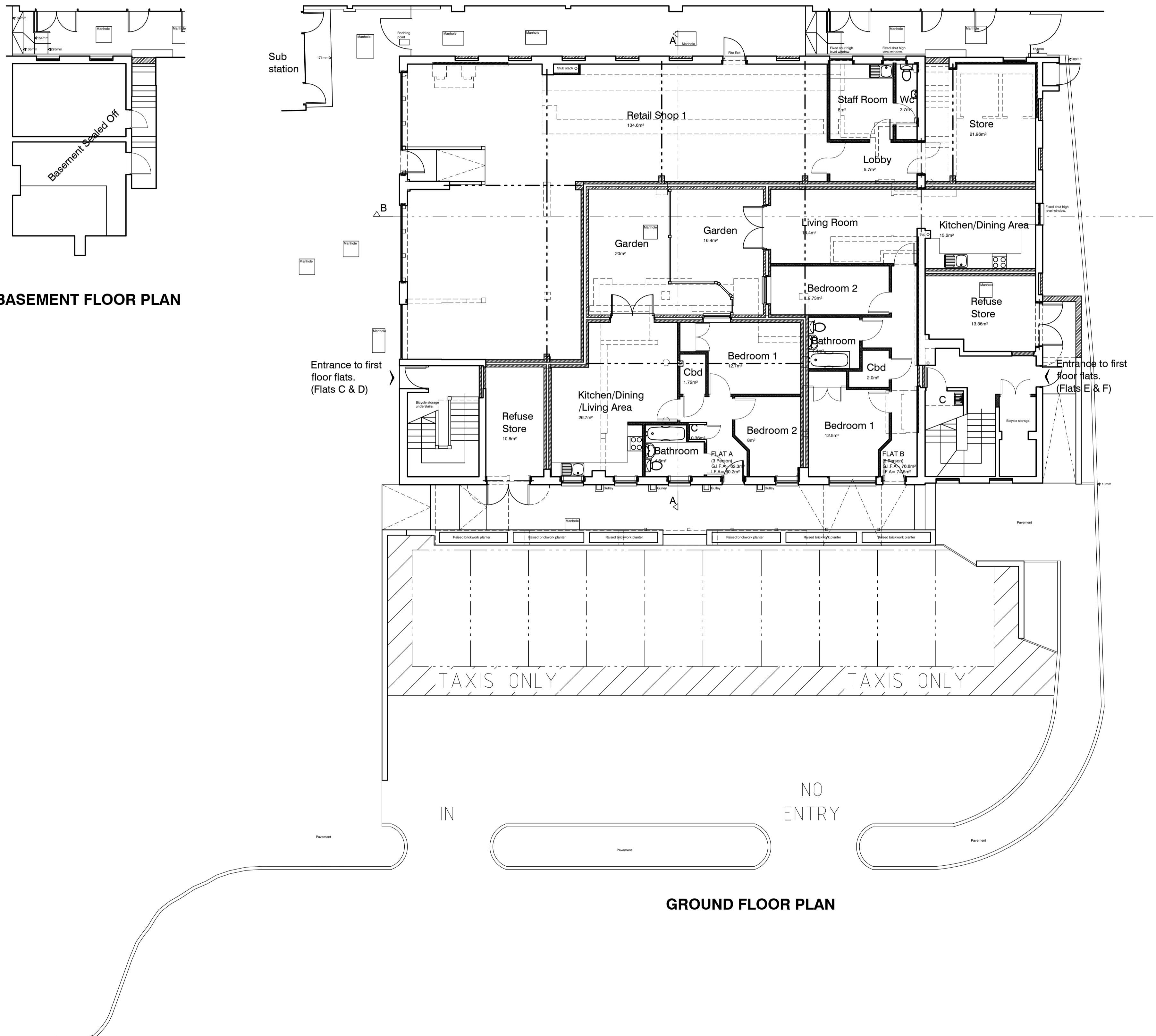
FIRST FLOOR PLAN

CONTRACT  
Rift Bar, Horsefair  
Wisbech, Cambridgeshire  
PE13 1AR

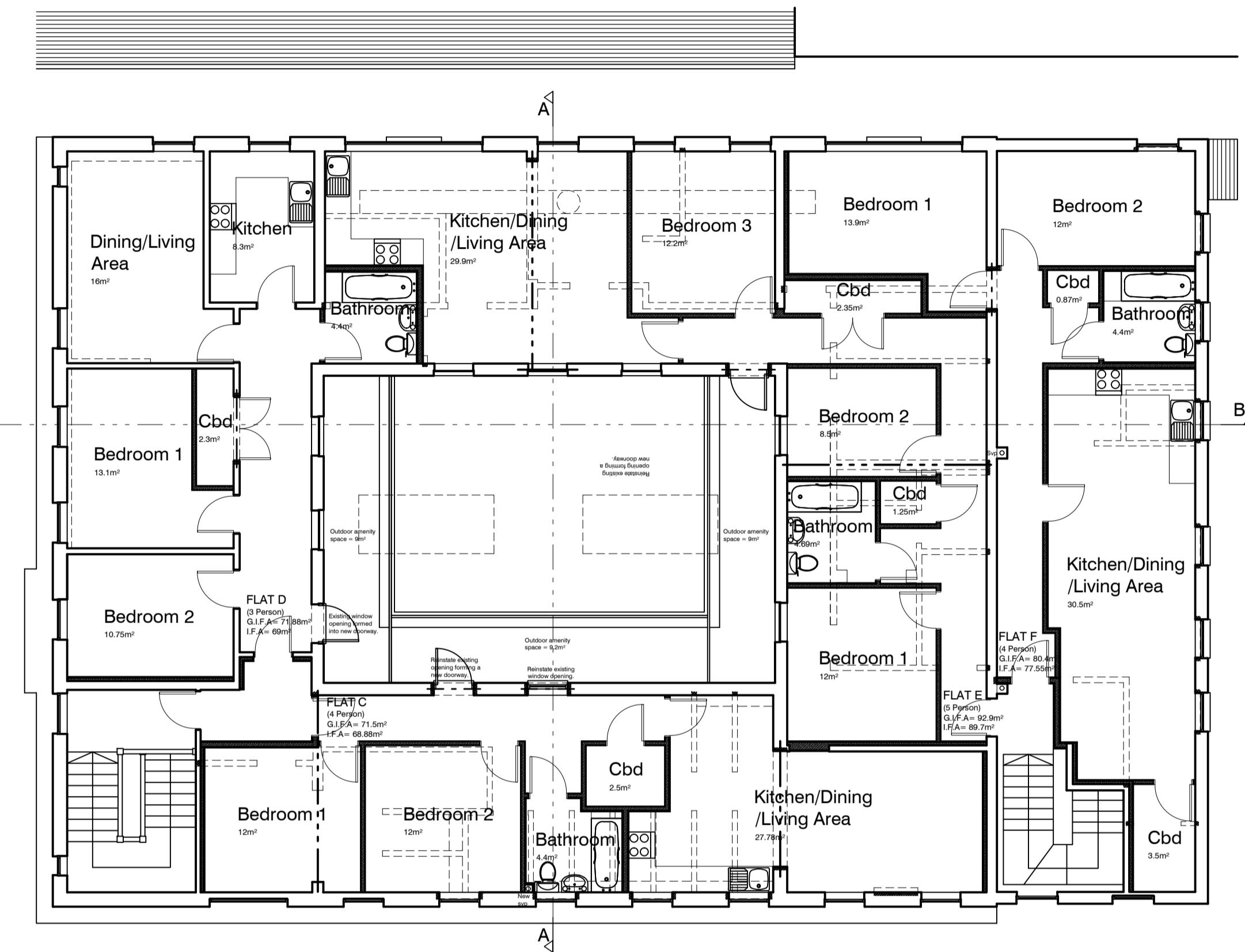
SCALE 1:100  
DATE April 2021.  
DRAWN C.J.  
CHECKED

TITLE Existing Floor Plans.

DRAWING No 19216\_100.  
REVISION A.



## GROUND FLOOR PLAN



## **FIRST FLOOR PLAN**

## **PLEASE NOTE**

Everest acoustic triple glazed windows are to be provided to all elevations to reduce noise levels by minimum 40dB.

Provide Rytons Super Acoustic Controllable Look Ryt Aircore, for fresh air mechanical ventilation to all bedrooms and lounges on the external walls.

CONTRACT  
Rift Bar, Horsefair  
Wisbech, Cambridgeshire  
PE13 1AR

## Proposed Floor Plans.

SCALE 1:100

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DATE April 2021.

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DRAWN C.J.

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CHECKED

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DRAWING No

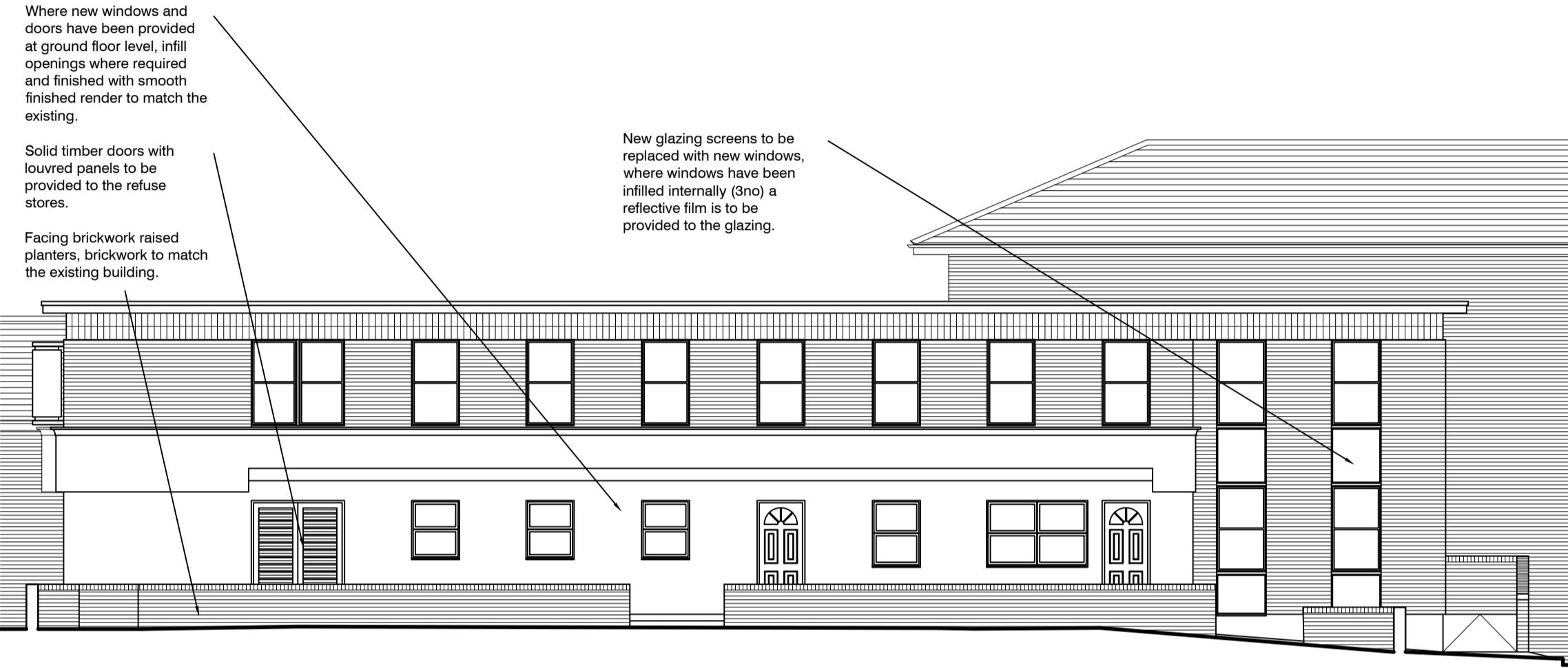
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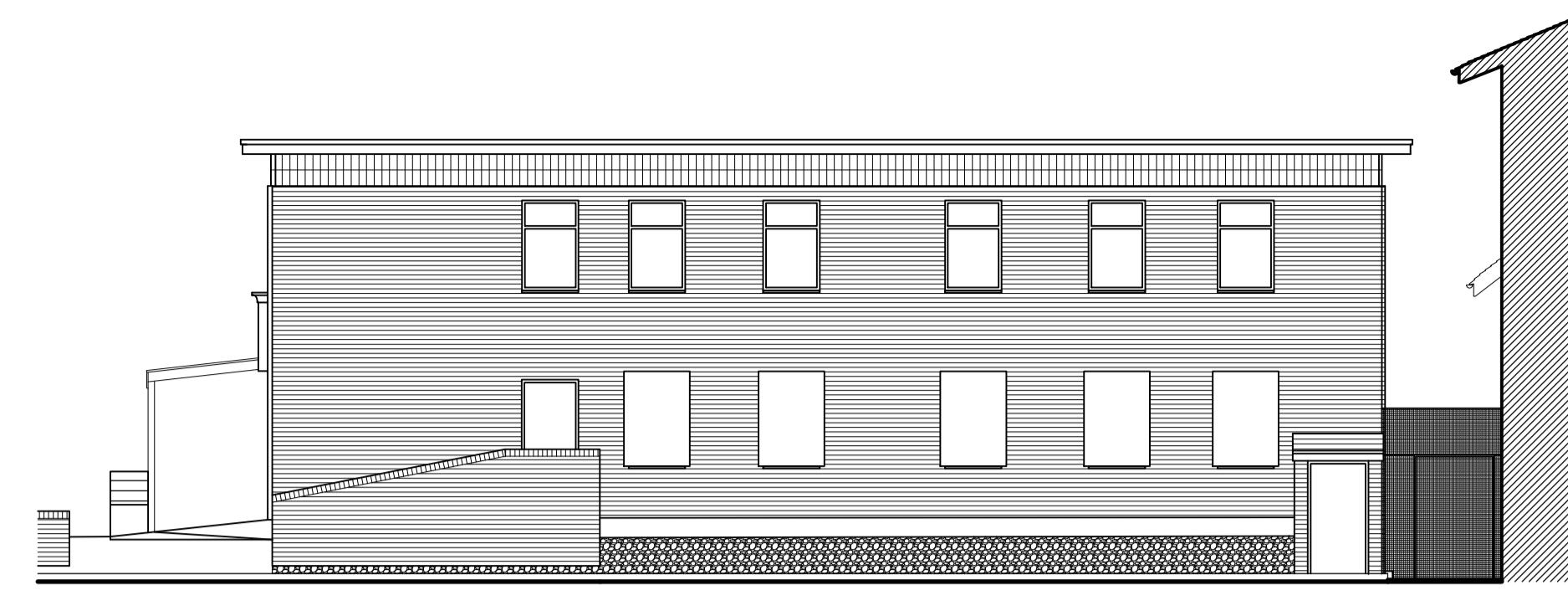
REVISION C



EXISTING FRONT ELEVATION



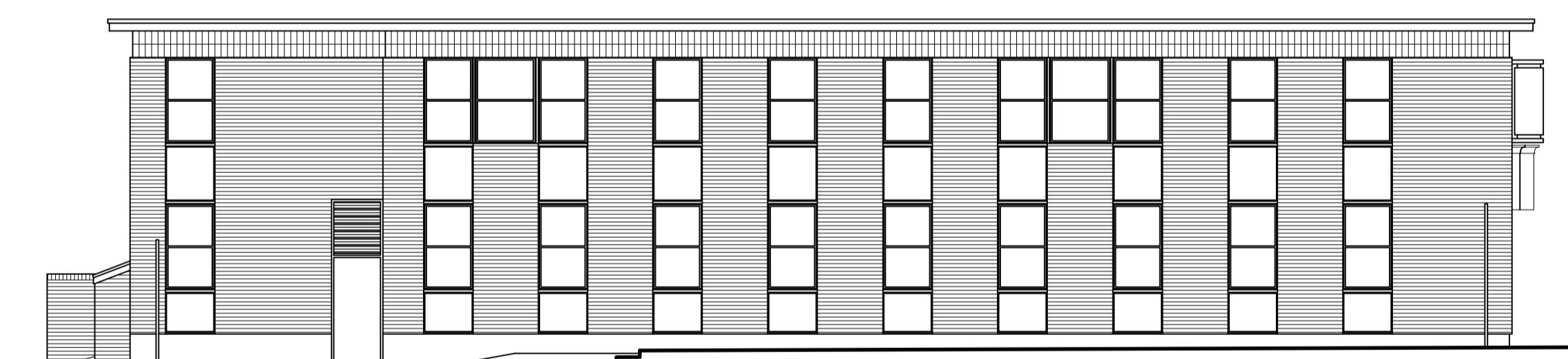
PROPOSED FRONT ELEVATION



EXISTING SIDE ELEVATION



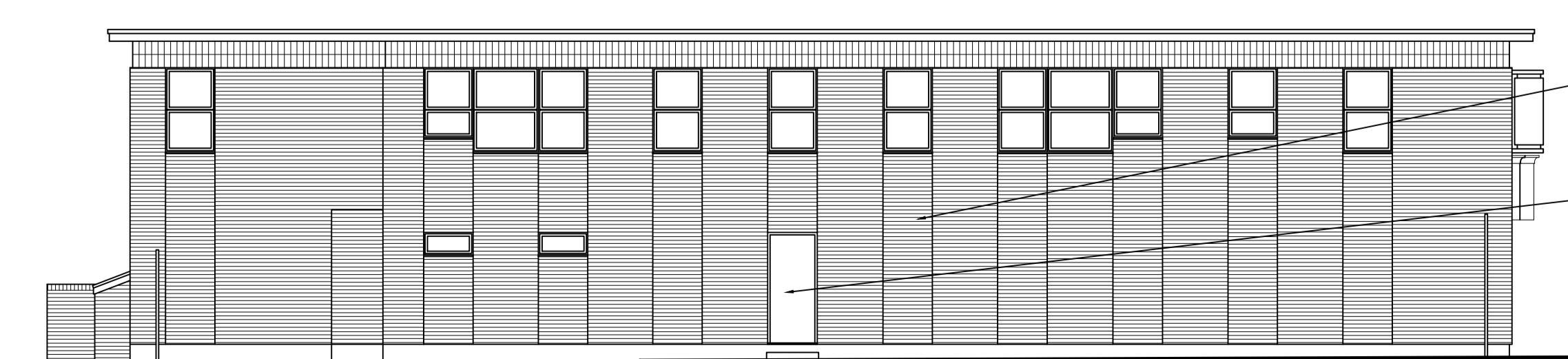
PROPOSED SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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F/YR22/0550/F

**Applicant: Mr Barrett**

**Agent: Mr G Boreham  
Morton & Hall Consulting Ltd**

**Land North Of, 98 - 101 West End, March, Cambridgeshire**

**Erect 1no dwelling (2-storey, 3-bed) and formation of a public layby**

**Officer recommendation: Refuse**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application proposes the erection of 1no. 2-storey, 3-bed dormer-style bungalow which would be finished in materials to match the character of the area.
- 1.2 The proposal site is accessed by way of a narrow private track from Elliott Road which marks the eastern boundary of the site and currently serves 98 – 101 West End. Thus, the scheme includes the formation of a layby to ease vehicular access for those affected.
- 1.3 The western boundary of the site is also marked by another private track from Elliott Road and the footprint of the proposed dwelling would stretch between the two tracks resulting in a cramped form of development which is uncharacteristic of this area .
- 1.4 The dwelling is designed so that the principal elevations would be on the gable ends and all principal fenestrations would face the parking area, the small garden to the south or the conifer trees to the west. The proposed windows would not cause any direct overlooking. However, owing to the layout between two tracks, and lack of any side garden space the development would result in a poor outlook for any future occupiers of the development.
- 1.5 The scheme makes provision for two parking spaces on the northern end of the site, but there is inadequate space behind these spaces to allow vehicles to enter and leave the site in forward gear.
- 1.6 The development is located within Flood Zone 2 as defined by the Environment Agency maps but the application has provided no assessment as to whether the site is sequentially acceptable in flood risk terms (ie. there are no sites available within March at a lower risk of flooding).

1.7 The recommendation is therefore for refusal of planning permission

## 2 SITE DESCRIPTION

2.1 The proposal site is located within the built-up area of March. The site consists of a rectangular plot of land set to the rear of 14-16 Windsor Drive, 98-101 West End and to the side of 33 -35 Waveney Drive. The site is marked by two very narrow tracks, one on the western boundary and the other, truncating the site close to the eastern boundary and running south from Elliott Road towards 98-101 West End, and which provides access to the site. The site is also marked on the northern boundary by very high conifer trees and the south boundary is open with views towards the rear of 98-101 West End.

2.2 Much of the proposal site is located within Flood Zone 2 whilst the southern part is located within Flood Zone 3 as defined by the Environment Agency Maps.

## 3 PROPOSAL

3.1 The application proposes the erection of 1no 2-storey, 3-bed dormer-style bungalow consisting of Lounge, kitchen/diner, entrance hall, toilet and office on the ground floor and 3 bedrooms and a bathroom in the roof. The scheme also proposes the formation of a layby to the access track to the development adjacent to the eastern elevation of the proposed dwelling.

3.2 Full plans and associated documents for this application can be found at:  
<https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RB22E1HE0D800>

## 4 SITE PLANNING HISTORY

F/YR02/0300/O      Erection of a dwelling      Refused 31.5.2002

## 5 CONSULTATIONS

5.1 **Town Council:** Support

5.2 **Environment Agency:** *The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.*

5.3 **Highways:** *The approach road even though private is considered to be inadequate to serve the development proposed, by reason of its substandard construction.*

*Furthermore, the proposal would lead to an intensification of use of an access onto Elliott Road.*

*Also, this application does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*

**5.4 Environmental Health:** *The Environmental Health Team note the submitted information and have 'No Objections' to the proposal as it is unlikely to or be affected by the existing noise or air climate.*

*Given the absence of any records to suggest former development use of the application site, contamination is unlikely to be an issue at this location.*

**5.5 Local Residents/Interested Parties**

**Objectors**

Sixteen letters of objection (six from West End, six from Windsor Drive, two from Waveney Drive, all March, and one each from residents of Coates and Pondersbridge) have been received on the following grounds:

- There is inadequate access to serve the development.
- The site floods
- The development would be out of character with the area, would block out light, cause overlooking and cause foul drainage problems
- Pre-application works have adversely impacted wildlife
- Increase in traffic/congestion, parking problems and associated noise,
- Soakaway is not suitable for this site.

**Supporters**

Six letters have been received supporting the development (two from Upwell Road, one each from Elliott Road, Creek Road, Badgeney Road and Kingswood Road, all March) because:

- The development is suitable for local people
- Will provide work for local trades
- Will provide much needed housing for the area
- Will improve a wasteland
- The development is in keeping with the area, and;
- The layby will improve access

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

**National Design Guide 2019**

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP9 – March

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

### **March Neighbourhood Plan 2017**

H3 – Local Housing Need

## **8 KEY ISSUES**

8.1 The key issues for the assessment of this application are:

- Principle of Development
- Design, Appearance and Impact on the Area
- Residential Amenities
- Parking, Access and Highway Safety, and
- Drainage and Flooding Issues

These are considered in turn below.

## **9 BACKGROUND**

9.1 A Planning application (F/YR02/0300/O) for a dwelling on this site was refused in May 2002 citing:

- 1) Its siting, proximity to neighbours and access would be harmful to the character of the area and to the use of the access, and;
- 2) Inadequate access

Even though there has been a significant passage of time, a shift in development paradigm and evolution in policy, the physical constraints associated with the site have not changed.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The proposal site is located in the built-up area of March where the principle of residential development is considered as broadly acceptable. In the context of residential development within the built-up area, there are no development plan policies indicating that the development is not acceptable in principle. The development also contributes to local housing need as set out in Policy H3 of the March Neighbourhood Plan. It should be noted however, that this is subject

to broader planning policy and other material considerations which are discussed in more detail in the following sections.

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

10.2 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.

10.3 The application proposes the erection of a 3-bedroom dormer-style bungalow designed with a simple rectangular shape oriented in a north/south direction with the access from the car park and garden located on the gable ends. There would be minimal ground floor openings on the sides facing the track that borders the western boundary of the site and the other that truncates the site near the eastern boundary. The building would be finished in facing brick to match similar bungalows to the west of the site. Therefore, the proposed development, owing to scale, design and finishes would visually be in keeping with the character of the surrounding properties.

10.4 In terms of the layout of the development, the development is designed and laid out on the site so as to stretch the entire width of the truncated site. Whilst the site also includes some land to the east of the proposed bungalow but separated from the rest of the site by the track and proposed layby, this orphaned piece of land would not appear as part of the wider site. For this reason, the proposal would appear as a cramped form of development which is uncharacteristic of this area.

10.5 The applicant also proposes the formation of a layby which would be located opposite the eastern elevation of the bungalow. However, other than further alienating the eastern edge of the site, building the layby would not have any adverse impact on the character of the site or the wider area.

10.6 The proposal site is located on backland and thus the development would not be visible from wider public vantage points but would still be seen from the surrounding properties.

10.7 Based on the above assessment, it is considered that the proposed development, owing to scale, design and contrived layout, would result in a cramped form of development set between two access tracks which is uncharacteristic of this area contrary to local Plan Policy LP16 and NPPF(2021) which seeks to ensure that development is of a high standard and acceptable to the local community.

### **Residential Amenities**

10.8 Local Plan Policy LP16 seeks to ensure that new development safeguards appropriate and acceptable levels of amenity for existing and future residents.

10.9 The scheme proposes a dormer-style bungalow which would be set between two tracks. The main fenestration on the ground floor is proposed on the gable ends facing the parking area to the north and the garden to the south with some secondary windows facing the tracks. Dormer windows are proposed within the roof to serve the bedrooms facing west towards the front gardens of 33 -35 Waveney Drive. However, any views from these windows would be obscured by the existing very high conifer trees on the eastern boundary of the said properties. Therefore, no overlooking would occur. In addition, there will be rooflights facing upwards towards the east and thus not cause any loss of privacy for the occupiers of 14, 16 and 18 Windsor Drive.

10.10 Disregarding the segregated part of the site, the scheme proposes about 38 per cent of the remaining site as private amenity space. This would accord with the provisions of the local plan which prescribes 33 percent as the minimum for private amenity space.

10.11 The scale and location of the development in relation to nearby properties implies that the development would not cause overbearing, overshadowing or overlooking effects. However, notwithstanding this, future occupiers of the development are likely to have a poor outlook and suffer noise and noise and disturbance from vehicles passing on both the eastern and western elevations of the proposed dwelling. This effect would also be apparent within the private amenity space, the garden, located on the southern end of the site. The development would therefore be likely to result in harm to the residential amenities of the future occupier's contrary to Local Plan Policy LP16.

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

10.12 Fenland Local Plan Policy LP16 states that new development will only be permitted if, among other things, 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. In addition, appropriate levels of parking provision should be provided in accordance with the Council's defined parking standards as set out in Appendix A of the Local Plan.

10.13 The applicant proposes a 2-bedroom dwelling with a provision of two parking spaces at the northern end of the site measuring 2.7 x 5.5m which are considered to be acceptable. However, one of these spaces does not have the required 6m clearance to the rear to allow a car to reverse and manoeuvre.

10.14 The development would be served by the track on the eastern side of the proposed dwelling which currently provides access to four properties on West End. This track, albeit private, is considered to be inadequate to serve the development proposed, by reason of its substandard construction and width of approximately 2.2m. While a layby is proposed to this, as part of the application, this is located adjacent to the proposed dwelling and would still leave a distance of approximately 125 metres of a single width to the junction with Elliott Road. Furthermore, the proposal would lead to an intensification of use of this access onto Elliott Road.

10.15 Therefore, based on the submitted details, the proposed development would result in the intensification of the use of a very narrow track considered to be inadequate to serve the development by reason of its substandard construction and consequently escalate the use of the access onto Elliot Road. In addition, the development, by reason of layout, would not be able to provide adequate facilities to enable a vehicle to enter and leave the site in forward gear. The Highway Authority have objected to the application on these grounds. The development would therefore be contrary to Local Plan Policy LP15.

### **Drainage and Flooding Issues**

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

10.17 The NPPF (2021), LP14 and LP12 (j) seeks to ensure that development does not put people or property in danger from identified risks such as flooding by steering development to areas with the lowest probability of flooding. The scheme proposes the erection of 1 dwelling on a site which is located within Flood Zone 2. The applicant submitted a flood risk assessment (ECL0730/Morton & Hall Consulting Ltd undertaken by Ellingham Consulting Ltd in support of the development which was considered by the Environment Agency (EA). The Agency advises that the planning application falls within the EA's Flood Risk Standing Advice, and it is for the LPA to respond on behalf of the Agency in respect of flood risk related issues.

10.18 According to the Flood Risk Vulnerability Classification, residential development is considered as "more vulnerable" and should not be allowed in an area at the risk of flooding unless it can be evidenced, by a sequential assessment, that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. As the site is within the built-up area of March, the scope for the sequential test would need to be the rest of the March. The submitted FRA states that,

*"Large parts of Fenland District Council between the River Nene and River Great Ouse, around the towns of March and Chatteris, lie in Flood Zone 3. As such there are limited opportunities to undertake the development at an alternative site with a lower flood risk."*

*The site is protected by the Whittlesey Washes Barrier Bank and the Ouse Washes Barrier Bank which were not considered during the preparation of the Environment Agency Flood Maps. When the Whittlesey Washes Barrier Bank and the Ouse Washes Barrier Bank are considered, the site has a low probability of flooding and therefore the development passes the Sequential test"*

10.19 This is not enough in accordance with Section 4.4 of the adopted Cambridgeshire Flood and Water SPD which sets out the stages that are required to be undertaken in order to pass the test. That is, the developer is required to identify and list reasonably available sites which may be appropriate for this development within the search area irrespective of land ownership and compare the flood risk of all the listed sites. This identification and comparison of sites has not been undertaken and instead the applicant's Flood Risk Assessment (FRA) considers the general risk status of much of the district, being in Flood Zone 3, suggesting that any other site is likely to have the same flood risk status as the proposal site. However, there are other sites within March, which are clearly at very low risk of flooding (Flood Zone 1) and have not been considered. The development therefore fails the sequential test.

10.20 As the site is within Flood Zone 2, the Exception Test does not need to be applied.

10.21 Based on the above assessment, the applicant has been unable to show that there are no other reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding and therefore the development fails the Sequential Test and allowing the development would be contrary to Local Plan Policy LP14 and paragraph 159 and 162 of the NPPF(2021)

## 11 CONCLUSIONS

11.1 The proposed development, owing to scale, design, layout and appearance would result in a cramped form of development uncharacteristic of the area, with poor outlook which would intensify the use of a substandard track and access onto Elliott Road to the detriment of highway safety and would fail to meet policy requirements in terms of flooding.

## 12 RECOMMENDATION

**Refuse;** for the following reasons:

1	The proposed development, owing to scale, design and contrived layout, would result in a cramped form of development set between two access tracks which is uncharacteristic of this area, and which would create a substandard residential environment for future occupiers owing to limited outlook, and general noise and disturbance. This would be contrary to Local Plan Policy LP16 and NPPF(2021) which seeks to ensure that development is of a high standard.
2	The proposed development would result in the intensification of the use of a very narrow private track which is considered to be inadequate to serve the development by reason of its substandard construction and allowing the development would consequently escalate the use of the access onto Elliot Road to the detriment of Highway safety and contrary to Local Plan Policy LP15.

3	<p>The development, owing to the cramped nature of the site and the proposed layout, is unlikely to provide adequate facilities to enable a vehicle to enter and leave the site in a forward gear and allowing the development would result in reverse manoeuvres into and out of the parking spaces onto a narrow lane devoid of any footpath and with limited visibility for pedestrians. The development would be contrary to Local Plan Policy LP15.</p>
4	<p>The application is not accompanied by a satisfactory Sequential Test as this provides no identification or assessment of any alternative sites which may at a lower risk of flooding. Consequently, the development fails the Sequential Test and to permit the scheme would be contrary to Local Plan Policy LP14, the Cambridgeshire flood and Water SPD and paragraphs 159 and 162 of the NPPF.</p>



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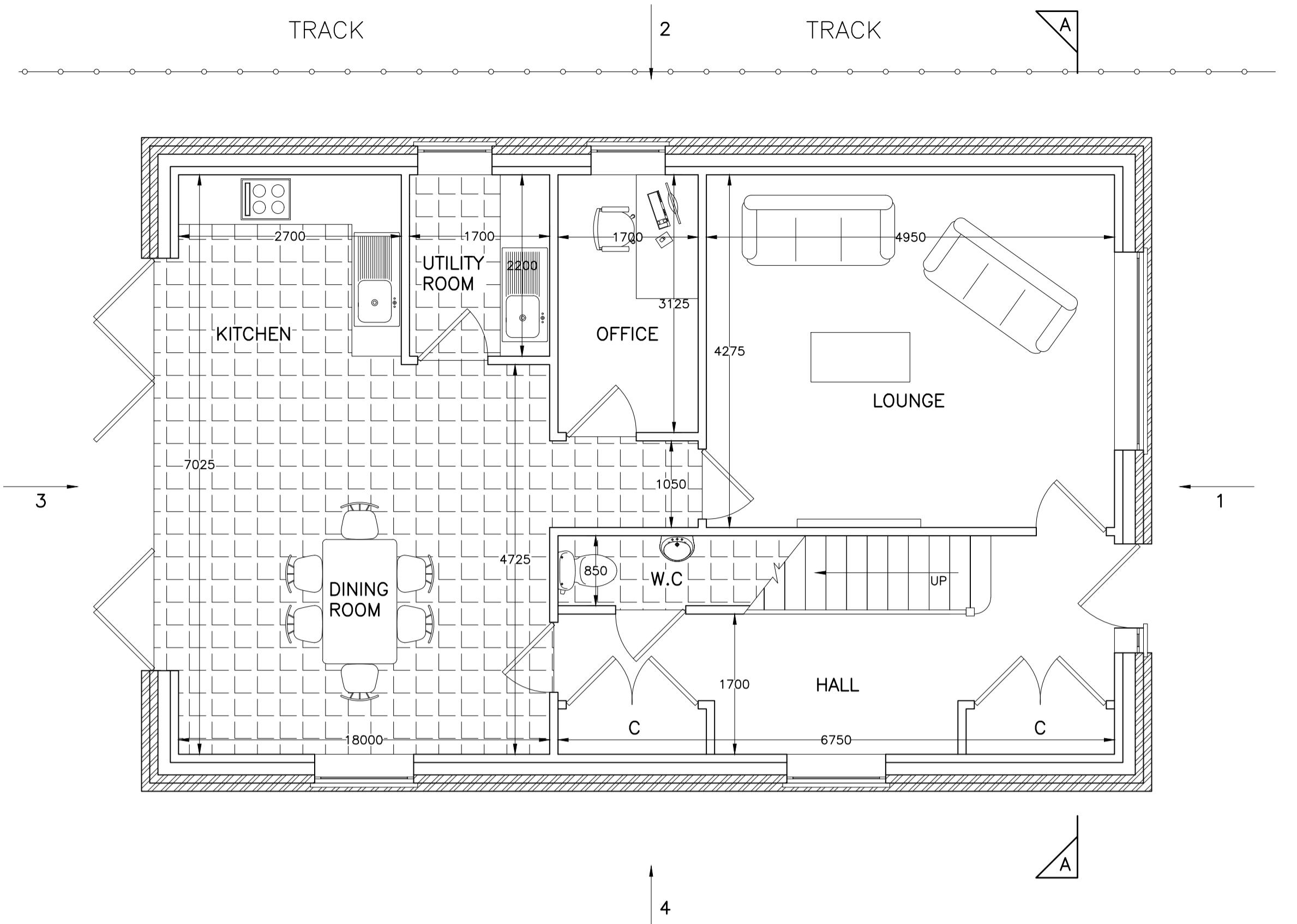
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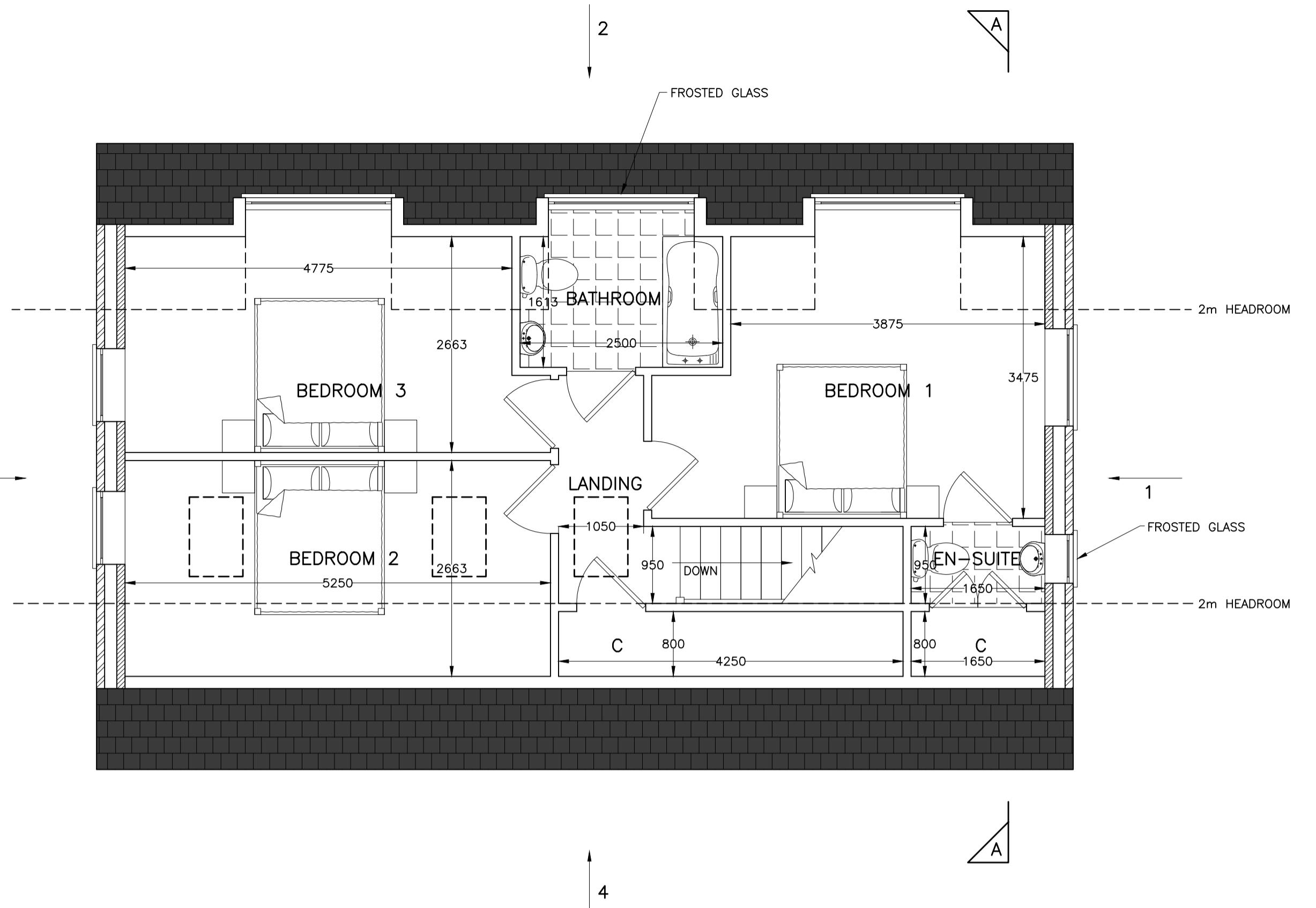


  
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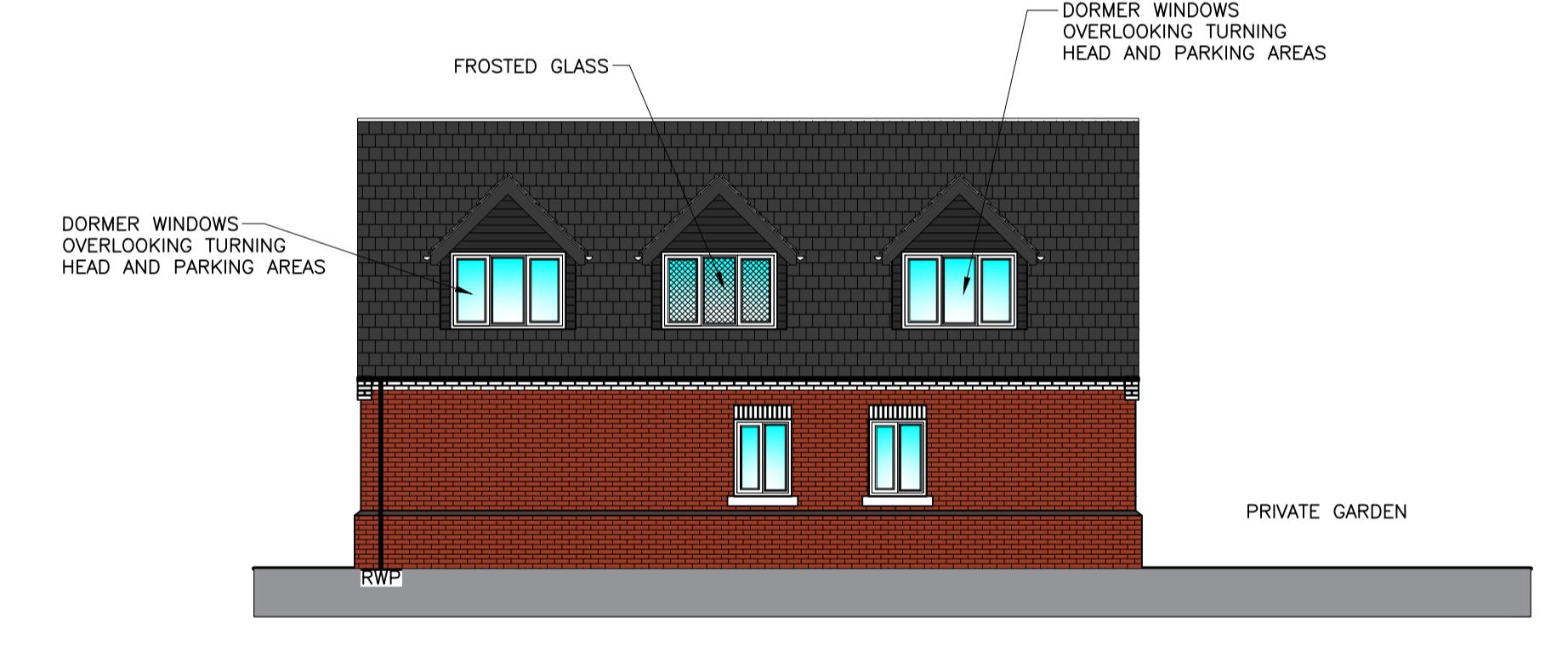
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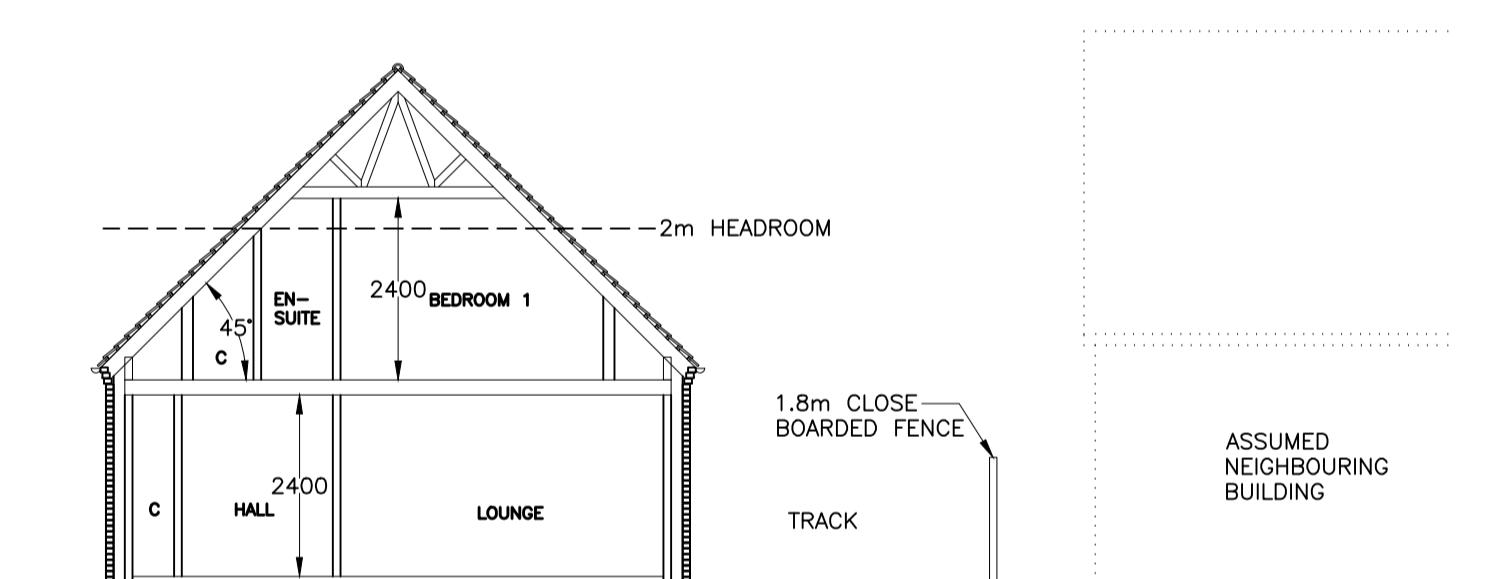
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(1)



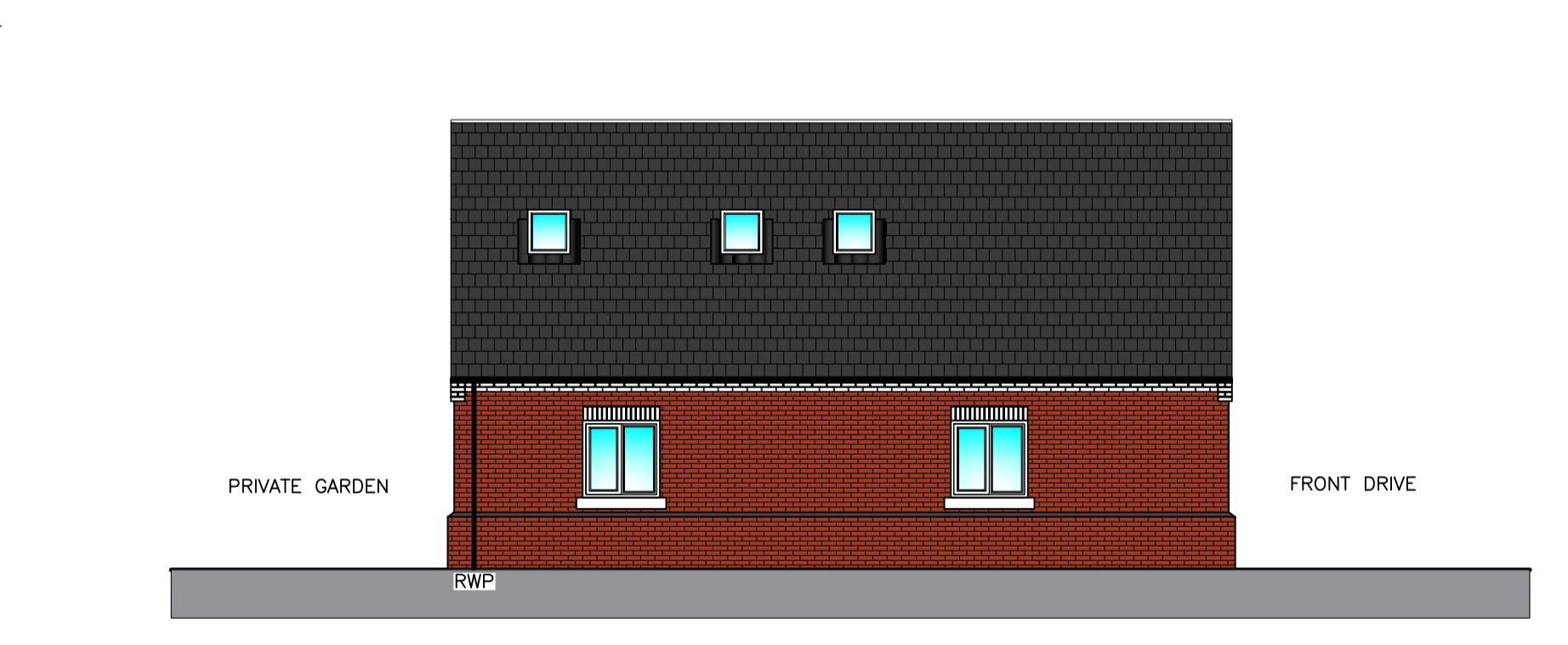
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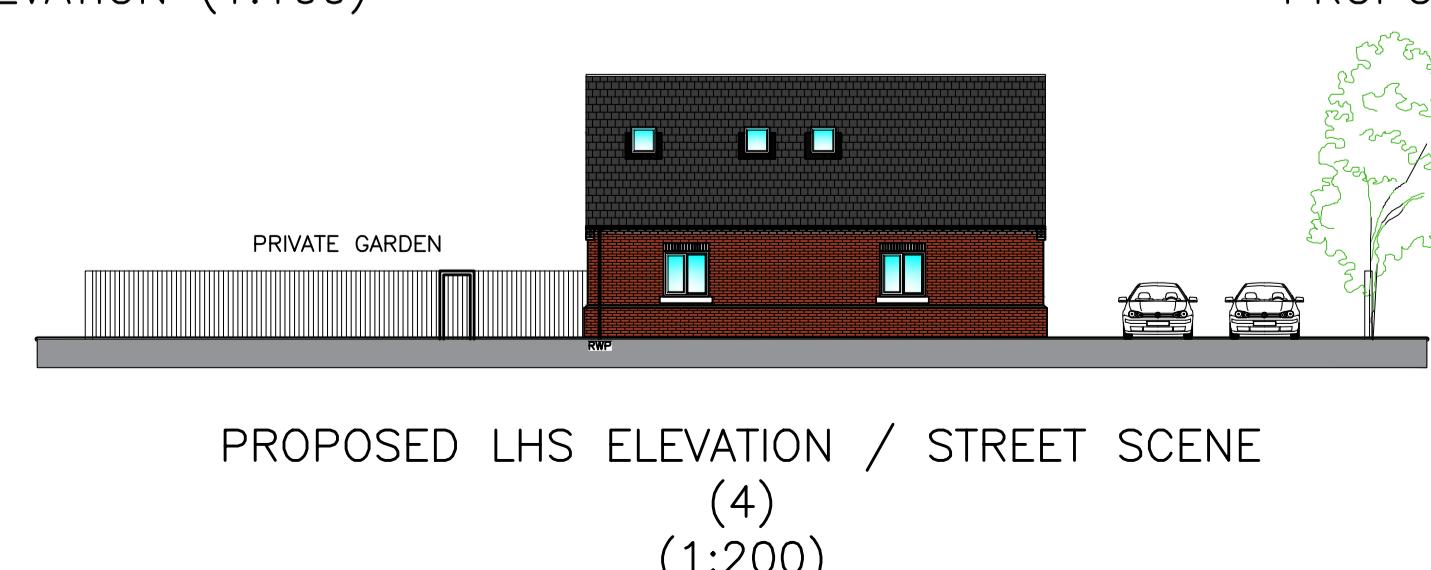
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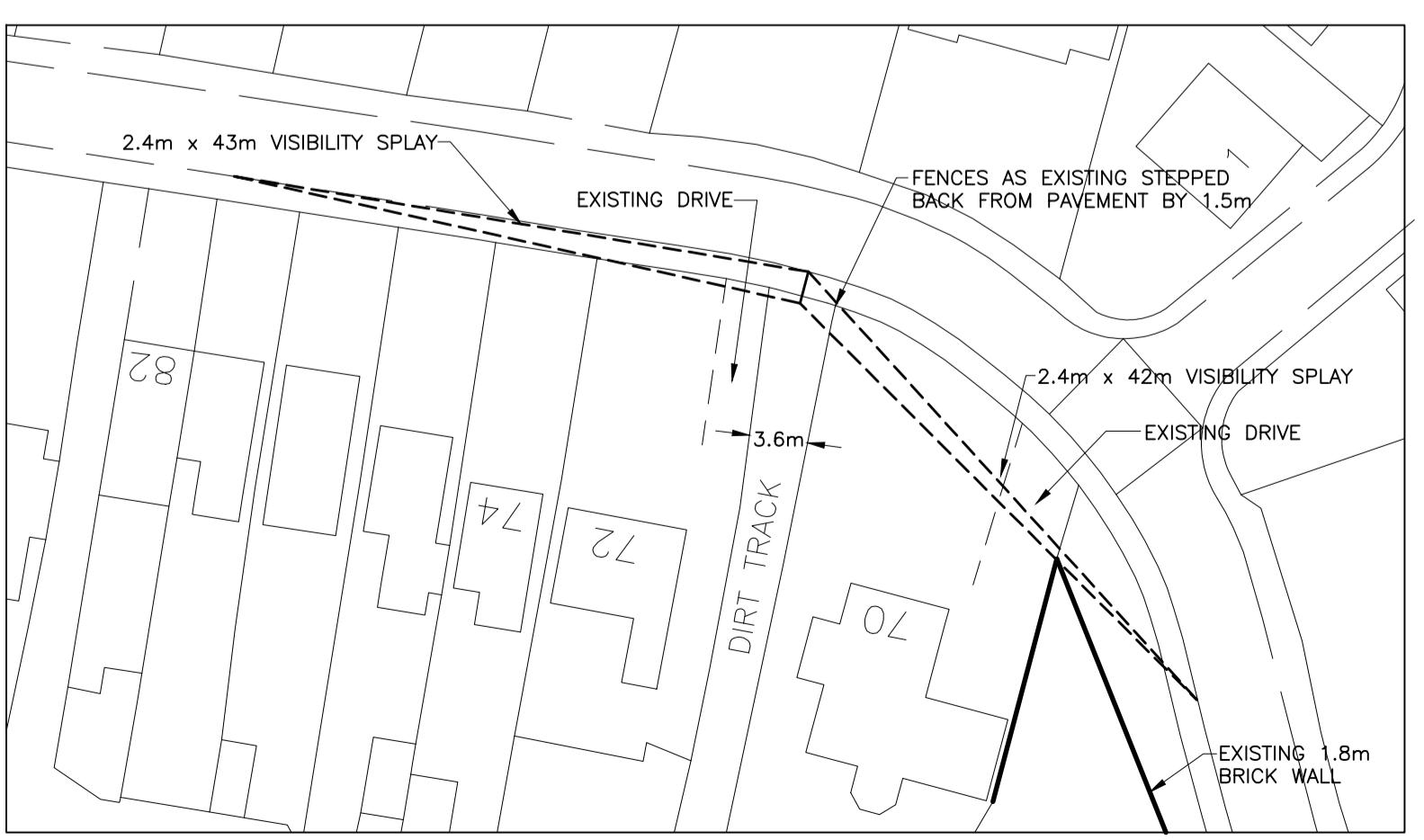
PROPOSED REAR ELEVATION (1:100)  
(3)



PROPOSED LHS ELEVATION (1:100)  
(4)



PROPOSED LHS ELEVATION / STREET SCENE  
(4)  
(1:200)



VISIBILITY SPLAYS  
(1:500)

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Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they shall be of the standard appropriate to the work and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the LABC (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details

REVISIONS	DATE
<b>MORTON &amp; HALL CONSULTING LIMITED</b> CONSULTING STRUCTURAL ENGINEERS 1. Gordon Avenue, March, Cambridgeshire, PE15 8AJ Tel: 01354 655454 Fax: 01354 660467 E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk	
	
	
<b>Mr B Barrett</b>	
<b>PROJECT</b> Land off Elliot Road, Lying North of West End March, Cambridgeshire PE15 8DH	
<b>TITLE</b> Proposed plans, Elevations And Section	
DRAFTER	DATE OF ISSUE
G.Boreham	
CHECKED	
DATE	Mar 2022
SCALE	As Shown
DRAWING NUMBER	H8216/02

F/YR22/0654/O

**Applicant: A Curtis**

**Agent : Mr Nigel Lowe**  
**Peter Humphrey Associates Ltd**

**Land North East Of East View, Gote Lane, Gorefield, Cambridgeshire**

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

**Officer recommendation: Refuse**

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

## **1 EXECUTIVE SUMMARY**

- 1.1** This application seeks outline planning permission for the erection of one dwelling on existing garden land in association with 'East View'. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 1.2** 'The Rhodam' and 'East View' are clearly separated from the continuous built form of Gorefield by agricultural land and therefore the application site would be located in an elsewhere location. There is nothing within the submitted documents to justify a dwelling in this location. As such the proposal would be contrary to Policies LP12, LP3 and LP16 of the Fenland Local Plan 2014.
- 1.3** The submitted Flood Risk Assessment is considered unacceptable as it incorrectly assesses the sequential test based on the site being within the Gorefield developed footprint. As the site is within an elsewhere location the sequential test should be considered on a district wide basis. Therefore, the proposal would be contrary to policy LP14 of the Fenland Local Plan 2014 and Paragraph 161 of the National Planning Policy Framework 2021.
- 1.4** A new dwelling on the site would be out of keeping with the rural location and character of the area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan 2014 and the aims and objectives of the National Planning Policy Framework 2021.
- 1.5** Thus, given the following consideration of these planning policies, the proposal is considered unacceptable in principle and is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1** The site is located to the northwest of Gote Lane outside the developed footprint of Gorefield approximately 350 metres from the centre of the village. The Gorefield developed footprint terminates about 100 metres to the southwest of the site. There is a residential dwelling to the northeast (The Rhodam) and agricultural land to the northwest. To the south all the land is open countryside in agricultural use.

- 2.2 The area of development is approximately 0.06 hectares in size and forms part of the garden area associated with 'East View'.
- 2.3 The site is located within Flood Zone 2 (medium risk).

### **3 PROPOSAL**

- 3.1 The application seeks outline planning permission for the erection of a single dwelling. The application is made with all matters reserved for later approval.
- 3.2 The application relates to land which lies immediately to the north of 'East View' and south of the neighbouring bungalow (Rhodam). The site has a frontage of approximately 18 metres and a depth of approximately 52 metres.
- 3.3 The indicative plans submitted show a two-storey dwelling in line with 'East View' and 'Rhodam' and a detached garage set back in the site with parking and turning area. Access would utilise one of two of the existing accesses to 'East View' along the front of the site, with the other retained for East View.
- 3.4 Full plans and associated documents for this application can be found at:

[F/YR22/0654/O | Erect 1no dwelling \(outline application with all matters reserved\) | Land North East Of East View Gote Lane Gorefield Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/planning-applications/online-applications/F/YR22/0654/O)

### **4 SITE PLANNING HISTORY**

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR17/1096/O	Erection of a dwelling (Outline application with all matters reserved)	Refused	12 Jan 2018
F/YR05/1434/F	Erection of a building for use as hairdressing salon	Granted	15 Mar 2006
F/YR04/4196/F	Erection of a building for use as hairdressing salon	Refused	21 Dec 2004

### **5 CONSULTATIONS**

#### **5.1 Gorefield Parish Council**

*The Parish Council support this application as an infill plot.*

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

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

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

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

#### **5.4 Environment Agency**

*Thank you for your email. The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government*

*guidance, your council will be required to respond on behalf of the Agency in respect of flood risk related issues.*

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

### **Objectors**

1 letter of objection received from neighbouring residents along Gote Lane.

Objection regarding:

- - Access
- - Design/Appearance
- - Devaluing property
- - Light Pollution
- - Loss of view/Outlook
- - Noise
- - Out of character/not in keep with area
- - Overlooking/loss of privacy
- - Parking arrangements
- - Shadowing/loss of light
- - Loss of Trees
- - Visual Impact
- - Would set a precedent

### **Supporters**

10 letters of support received from residents within Gorefield Parish (Gote Lane, Churchill Road, The Barracks, High Road). Reasons given were in character, sustainable location and infill plot.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

Paragraph 2 Application to be determined in accordance with the development plan unless material considerations indicate otherwise

Paragraph 11 Sustainable development

Paragraph 130 Achieving well-designed places

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

Paragraphs 174 and 180 Conserving and enhancing the natural environment

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

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

C1 – Context – How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character

H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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

LP1 – A Presumption in Favour of Sustainable Development

- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

## 8 KEY ISSUES

- **Principle of Development**
- **Character and Elsewhere location**
- **Residential Amenity**
- **Flood Risk**
- **Biodiversity**
- **Access**

## 9 BACKGROUND

In January 2018 an outline application was refused for a single dwelling on the site when the Council was unable to demonstrate a 5-year land supply and the tilted balance in favour of development was in place. The reasons for refusal were as follows:

1. *The proposed development would result in an additional dwelling located in the open countryside with no direct correlation with any main settlement and as such the household would largely have to rely on private modes of transport to access goods and services. Similarly there would be no opportunities for community cohesion given the location of the site outside a settlement. Therefore the proposal is considered unsustainable development contrary to the aims and objectives of the NPPF.*
2. *Policy LP16 (d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impact on the street scene, settlement pattern or the landscape character of the open countryside. The development proposal indicates development that appears out of keeping with the rural location and its immediate setting and the loss of existing screen planting would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan and aims and objectives of the NPPF.*
3. *The site is located within Flood Zone 2 where there is a medium probability of flooding. The Sequential Test and Exception Test have not been applied. It has not been demonstrated that there are no alternative sites in the area with a lower probability of flooding, that the development provides wider sustainability benefits to the community which outweighs flood risk and that the development would be safe during its lifetime. The proposal would therefore not meet the requirements.*

## 10 ASSESSMENT

### Principle of Development

10.1 The foot notes of LP12 of the Fenland Local Plan 2014 define the developed footprint of a settlement. Given the application site is separated from the main built form of Gorefield by approximately 100m of agricultural land it is not considered to be within the settlement for the purposes of LP3 of the Local Plan

10.2 Policy LP3 considers the site to be an 'elsewhere' location within open countryside where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services. No justification has been included within the submission to illustrate that the dwelling is required to support such an enterprise and there has been no change since the refusal of planning application F/YR17/1096/O.

10.3 Thus the principle of the development of the site is not supported as the site is not within the developed footprint of Gorefield and is therefore in an elsewhere location and not required for the established uses set out within Policy LP3 of the Fenland Local Plan. The requirements relating to Policy LP3 and LP12 have not been met.

### **Character and Elsewhere location**

10.4 Policy LP16 of the Fenland Local Plan 2014 states that the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area (LP16(d)).

10.5 A dwelling on the proposed site would be located on existing garden land associated with 'East View', in between 'East View' and 'The Rhodam'. 'East View' is a 2-storey detached dwelling rendered white/cream located on a large plot and the property to the northeast 'The Rhodam' is a single storey red brick bungalow on a large plot. The properties are both considered to be located in an elsewhere location in the countryside surrounded by agricultural land. The properties along Gote Lane outside the developed footprint of Gorefield are sporadically located on large plots, contributing to the general open and verdant character of the area.

10.6 A dwelling on the proposed site would significantly reduce the plot size of 'East View' which would not be in character with the sporadic dwellings positioned on large plots along Gote Lane or the countryside location. The erection of a dwelling on the site would seem cramped in relation to the spacious plot sizes and setting of neighbouring dwellings.

10.7 The development of the site and the loss of existing screen planting would also result in unacceptable changes to the area which would fail to enhance its local setting and adversely impacts on the landscape character of the surrounding area contrary to Policy LP16.

10.8 The introduction of a new dwelling in the countryside would not be in character with the rural location and would be contrary to policies LP3, LP12 and LP16 of the Fenland Local Plan 2014.

### **Residential Amenity**

10.9 LP16(e) also seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. As this is an outline application plans are indicative only and

a detailed assessment of amenity would need to be undertaken at reserved matters stage, should outline permission be granted.

10.10 Therefore, the proposal is considered contrary to Policy LP16 of the Fenland Local Plan 2014.

### **Flood Risk**

10.11 The site is located within Flood Zone 2 and within the Flood Warning Area. Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary.

10.12 The Sequential test submitted is inadequate as it considers the site as being within the settlement of Gorefield rather than an 'elsewhere' location and therefore the sequential test should assess available land within the district not just within Gorefield. Notwithstanding this, the submitted sequential test relies on a search of Right Move and Zoopla to identify available land. Planning policy (especially the Flood and Water SPD) makes clear that there are a number of sources of available sites, including extant planning permissions. Consequently, even if the site to be considered within the settlement the sequential test is considered to be inadequate.

10.13 Therefore, the proposal and submitted Flood Risk Assessment is contrary to Policy LP14 of the Fenland Local Plan 2014, the Flood and Water SPD and paragraph 161 of the National Planning Policy Framework

### **Access**

10.14 Access to the site is proposed to be directly off of Gote Lane. The indicative plan suggests the site would use the existing second access to East View.

10.15 It is also noted that East View has an existing business running from an outbuilding to the rear which was approved with sufficient parking and access existing on site. The parking area and access at 'East View' would obviously be reduced should an application be approved on site.

## **11 CONCLUSIONS**

11.1. On the basis of the consideration of the issues of this application, conflict arises mainly through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.

11.2. Such policy, both national and local, seek to ensure that only essential development is located within the open countryside and that should residential development be proposed to support such 'essential' development, there should be a clear functional need demonstrated for its provision. The applicants have failed to justify a functional need for the proposal to be located within an elsewhere location as required by LP3 of the Fenland Local Plan 2014.

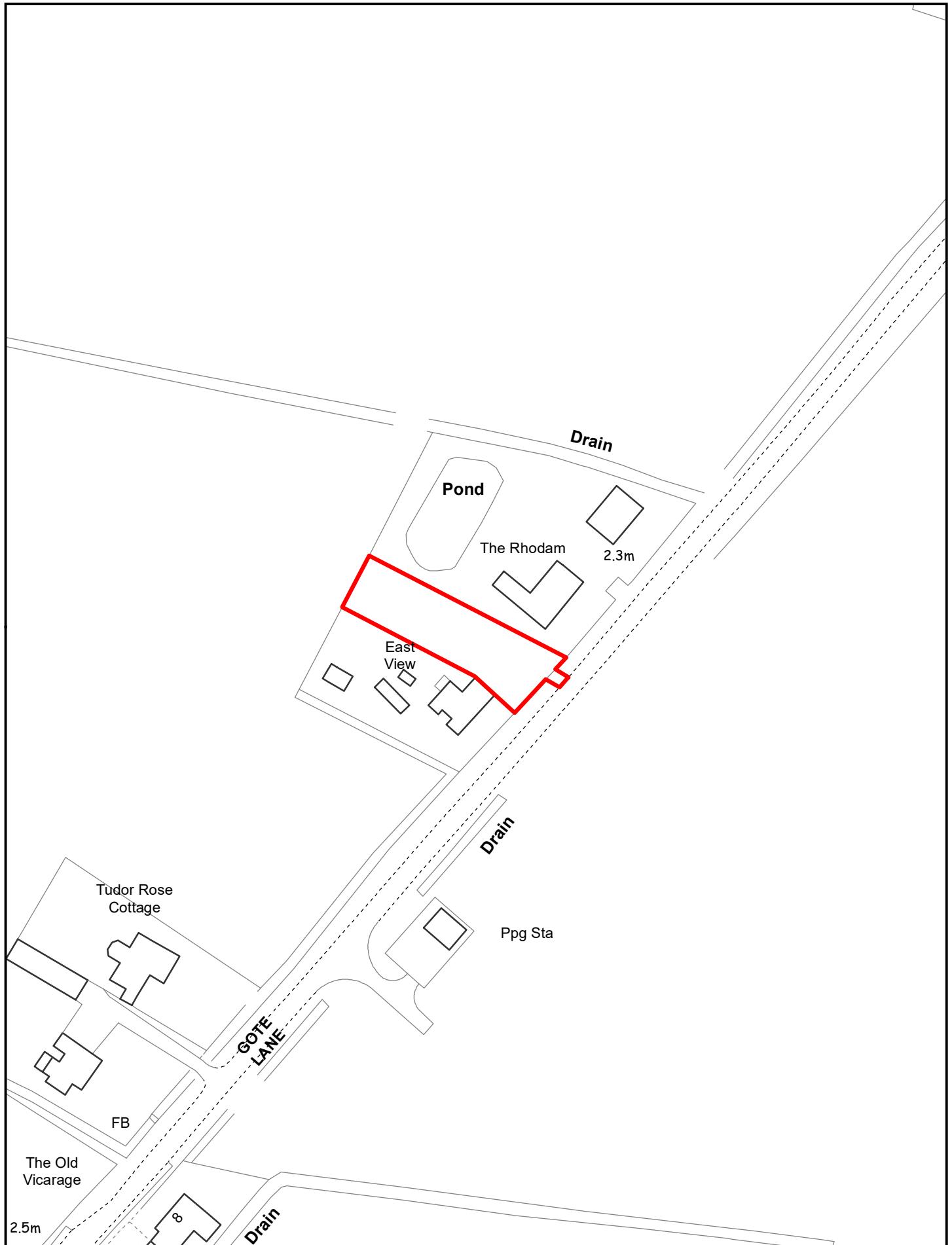
11.3. Policy LP14 of the Fenland Local Plan 2014 and Paragraph 161 of the National Planning Policy Framework require a Sequential test to be passed for new dwellings located within Flood Zone 2. The submitted Flood Risk Assessment has failed to pass the sequential test requirements.

11.4. Based on the above evaluation the only recommendation must be one of refusal as there are no material considerations identified that would outweigh planning policy relating to non-essential development within this rural location.

## 12 RECOMMENDATION

**Refuse**, for the following reasons.

1.	Policy LP3 requires development in areas away from market towns and villages to be <i>essential</i> to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP12 Part D states proposals for new dwellings in such locations will be supported where the application addresses the <i>functional need</i> for a dwelling in this location and that there is no availability of other suitable accommodation on site or in the area. There has been no attempt at setting out a functional need for the development on site. Thus, the proposal is considered contrary to the above aforementioned local and national planning policies and cannot be supported.
2.	Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) require development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The area is agricultural and verdant in character with sporadic residential development, typically in large spacious plots. The development proposed would result in a more cramped form of development on the site with the ensuing loss of the site's inherent character and a consequent detrimental impact on the wider character and appearance of the area. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
3	Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The sequential test has not been passed. It has not been demonstrated that there are no alternative sites within Fenland with a lower probability of flooding. As such the proposal would be contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, Paragraph 161 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document.



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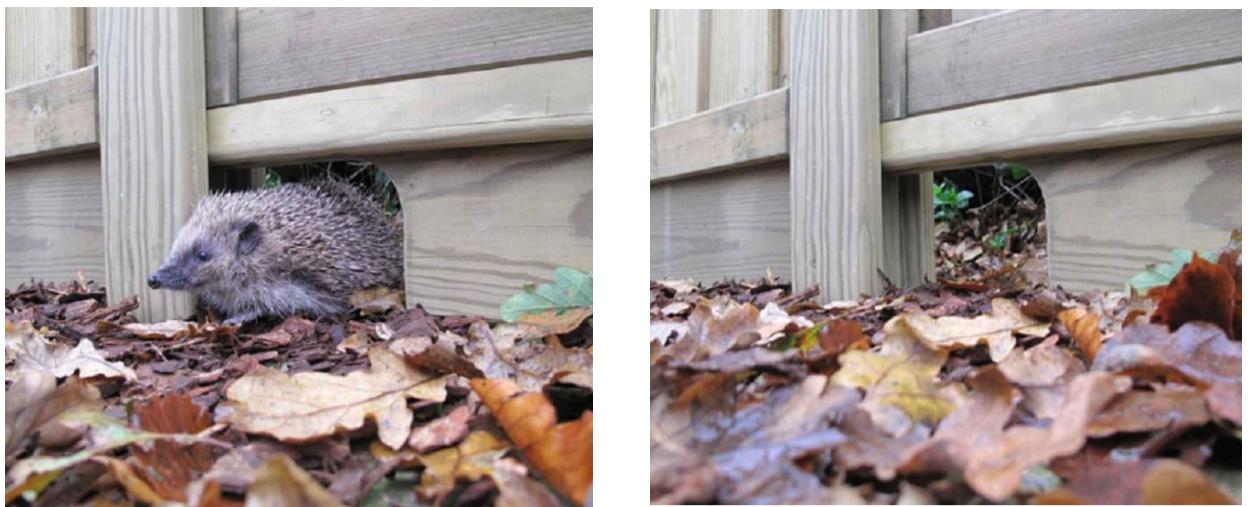
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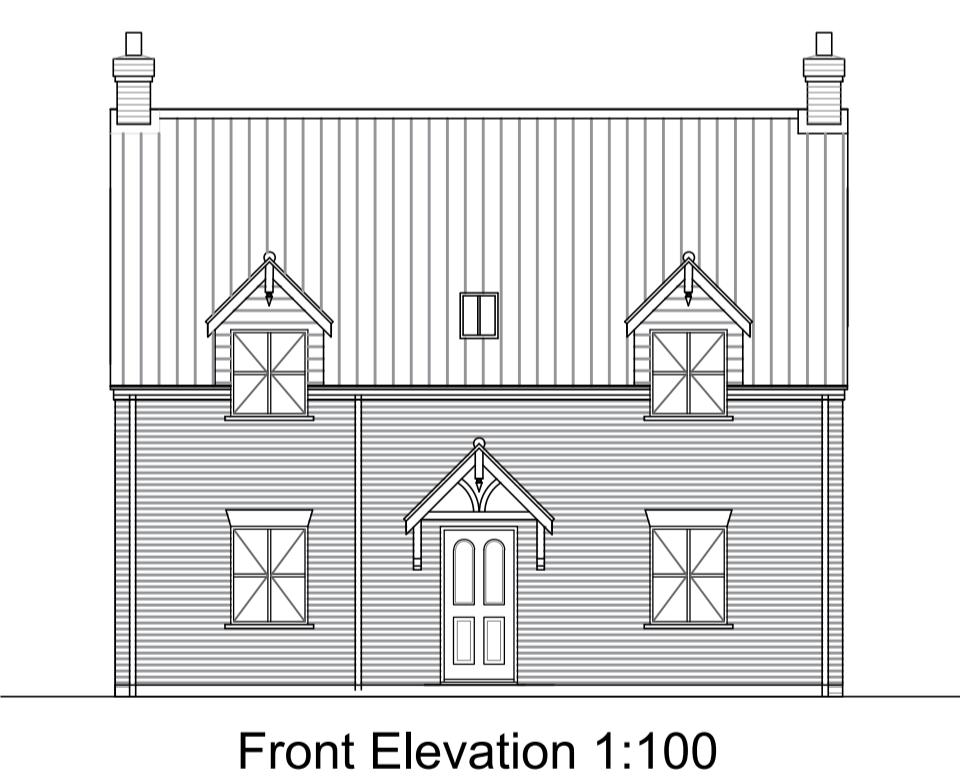
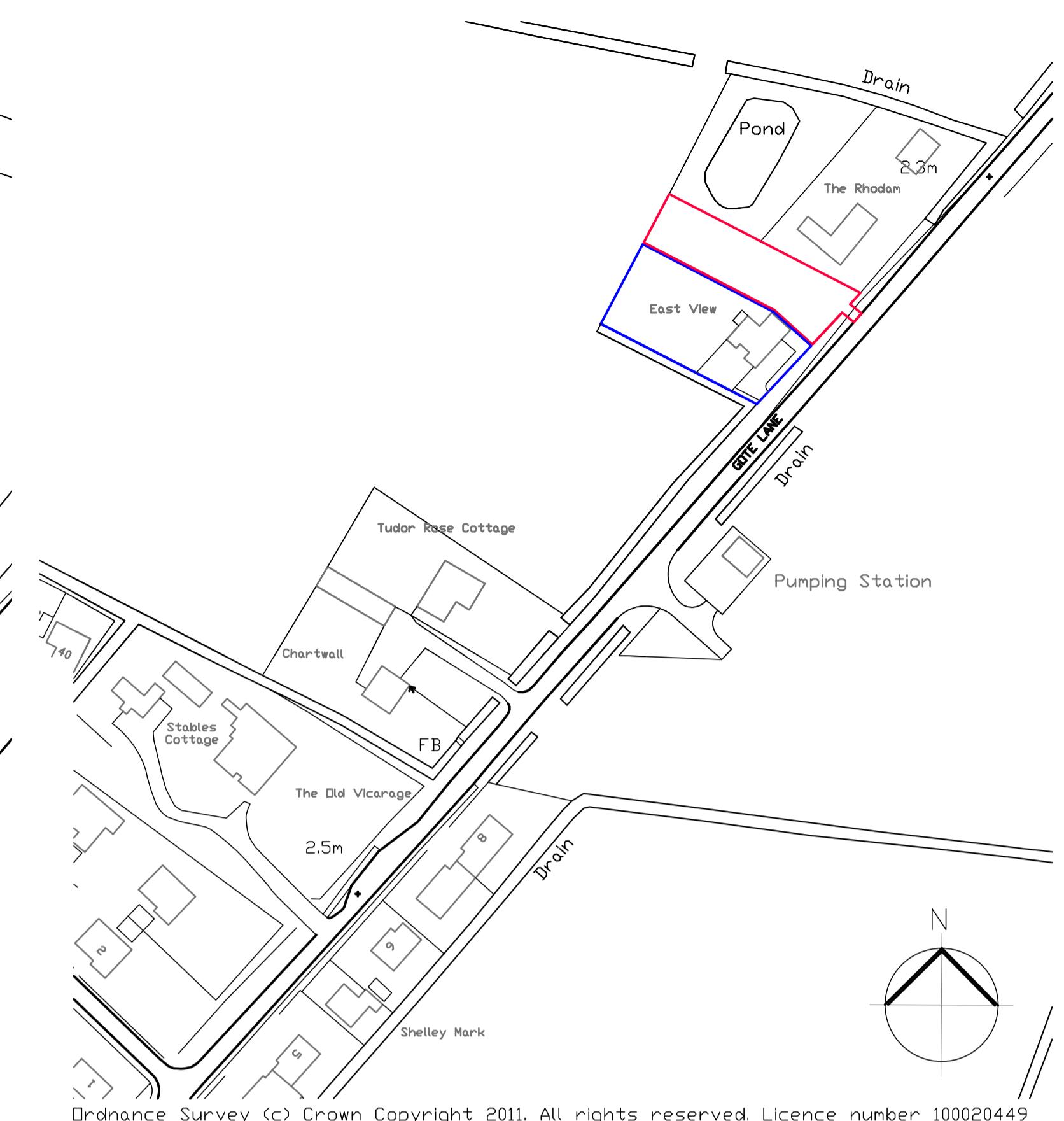
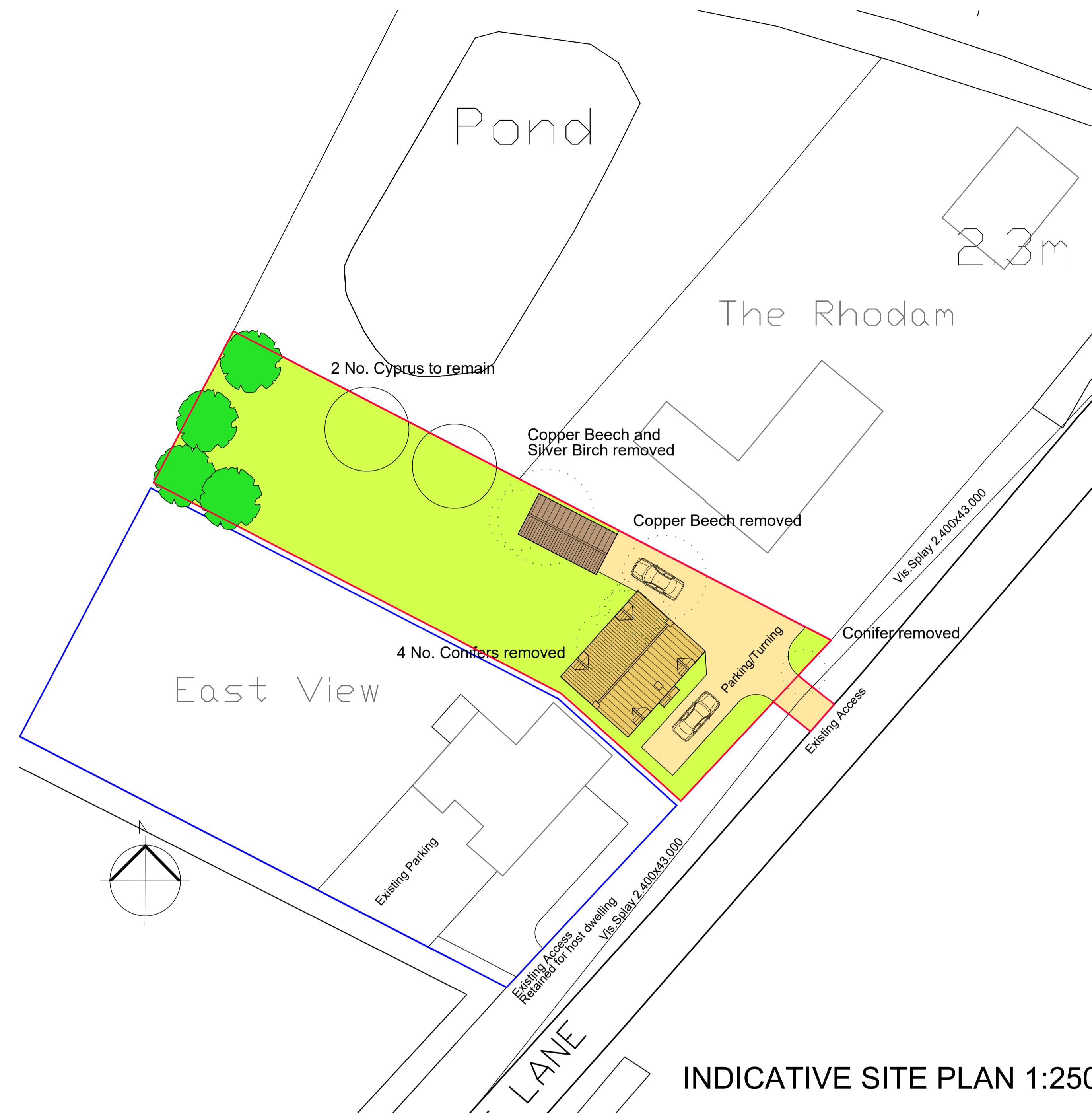
  
Fenland  
CAMBRIDGESHIRE  
Fenland District Council



Boundary fence to have 1 hedgehog gravel board to each boundary

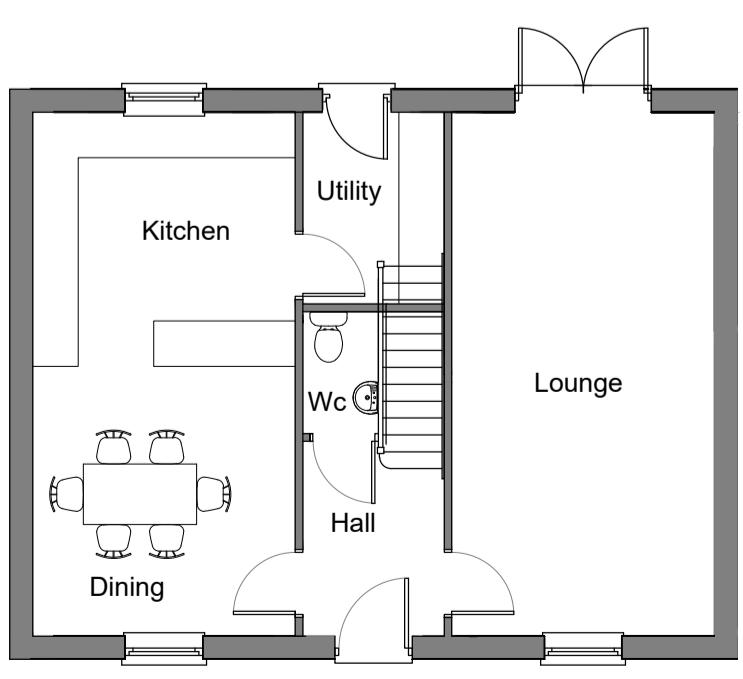


Woodstone Sparrow nest box  
1 to North East elevation

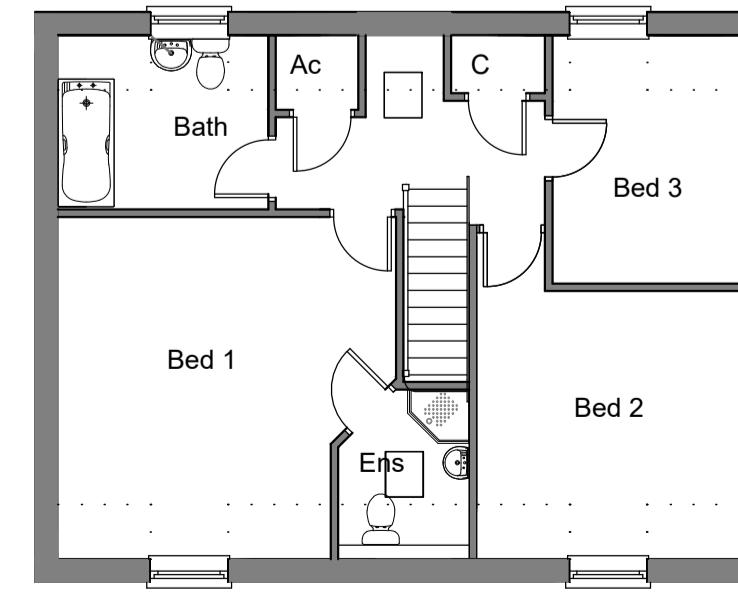


Front Elevation 1:100

### Indicative Plans and Elevation



Ground Floor Plan 1:100



First Floor Plan 1:100



**PHA**  
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CLIENT  
A.Curtis

PROJECT  
PROPOSED DWELLING

SITE

LAND ADJ.EAST VIEW  
GOTE LANE  
GOREFIELD  
PE134NJ

DRAWING  
PLANNING

JOB NO: 6572 PL01 PAPER SIZE: A1 DATE: APRIL 2022

Notes:  
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All dimensions shown on the drawings are in metres unless stated otherwise. If dimensions are given in millimetres, the drawing is in metres. It is the responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

The Construction (Design and Management) Regulations 2015:  
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. The agent's responsibilities will be to ensure the safety of the site and due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operation that would not already be apparent to a competent contractor.

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# Agenda Item 16

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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