

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 24 AUGUST 2022

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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Whilst this meeting will be held in public, we encourage members of the public to view the meeting via our YouTube channel:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 30)

To confirm and sign the minutes from the previous meeting of 27 July 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/YR22/0381/F
Land South of 88 West Street, Chatteris
Erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings (Pages 31 - 68)

To determine the application.

- 6 F/YR22/0731/F
The Dolls House, High Road, Wisbech St Mary
Erect 1 x dwelling (2-storey, 5-bed), detached double garage with storage above and attached hobby room together with the temporary siting of a caravan during construction (Pages 69 - 82)

To determine the application.

- 7 F/YR22/0746/O
Land East of Allenby Farm, Broad Drove West, Tydd St Giles
Erect up to 2 x dwellings (Outline application with all matters reserved) (Pages 83 - 96)

To determine the application.

- 8 F/YR22/0309/F
5 Bedford Street, Wisbech
Erect 8 x residential units (1 x 3-storey block of 1-bed flats) involving demolition of existing building (Pages 97 - 116)

To determine the application.

- 9 F/YR22/0585/F
143 Barton Road, Wisbech
Erect a first-floor side extension and an attached garage with storage above to front of existing dwelling (Pages 117 - 126)

To determine the application.

- 10 F/YR22/0632/RM
Land North of 15 Sandbank, Wisbech St Mary
Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0702/O to erect 1 x dwelling (2-storey 4-bed) and the formation of a new access (Pages 127 - 140)

To determine the application.

- 11 F/YR22/0722/PIP
Land East of Meadowgate Academy, Meadowgate Lane, Wisbech,
Residential development of up to 9 x dwellings (application for Permission in Principle) (Pages 141 - 154)

To determine the application.

- 12 F/YR22/0338/F
Land West of Seadyke Caravan Park, Seadyke Bank, Murrow
Change of use of land to a traveller's site involving the siting of 1 x mobile home and 1 x touring caravan, the erection of 1 x Day Room and the formation of an access (Pages 155 - 170)

To determine the application.

13 F/YR22/0755/O

The Piggeries, Flaggrass Hill Road, March

Erect up to 4 x single storey dwellings involving demolition of existing buildings (outline application with matters committed in respect of access) (part retrospective) (Pages 171 - 184)

To determine the application.

14 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 185 - 220)

To determine the conditions for the applications.

15 F/YR22/0390/F

Land North of 5-7 Askham Row, Benwick Road, Doddington

Change of use of land to domestic purposes including erection of chicken run and formation of a pond (retrospective) (Pages 221 - 236)

To determine the application.

The appendix to this report comprises EXEMPT INFORMATION which is not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

16 Items which the Chairman has under item 3 deemed urgent

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

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PLANNING COMMITTEE



WEDNESDAY, 27 JULY 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, 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.

APOLOGIES: Councillor M Cornwell.

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

P23/22 PREVIOUS MINUTES

The minutes of 29 June 2022 were confirmed and signed as an accurate record.

**P24/22 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**

David Rowen presented the report to members and informed members that 25 letters of support for the application had been received due to the perceived improvements to the appearance of the site from residents of March, Doddington, Wimblington and Chatteris.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Councillor Gowler of Chatteris Town Council. Councillor Gowler stated that Chatteris Town Council support this application and was delighted to see positive action regarding this property which is on the main route into the Town Centre and has been in decline for decades becoming an embarrassing eyesore to any visitors to the town. He expressed the view that it is visibly in a dangerous state of repair and is a major concern to neighbours of which one has submitted a comment on the Planning Portal requesting that urgent attention is given to action being taken to ensure the safety of their family.

Councillor Gowler expressed the opinion that the current owners of the property have made well documented efforts to renovate the property in conjunction with officers including offering to demolish the building and re-build it back to its original state, but this was deemed to be unacceptable. He expressed the view that the owners have invested considerable time and money into this project only to meet with what appears to be a wholly inflexible approach by officers.

Councillor Gowler stated that whilst the efforts of the Conservation Officer are fully appreciated and they have rules and regulations to adhere to the suggestions for the building appear, in his view, to be micro-managing potential renovation rather than considering the application presented. He feels the reply from the Council's Architecture displays a precise explanation and in some cases rebuttal of the Conservation Officer's comments and his professional assessment of the building should, in his opinion, be seriously considered.

Councillor Gowler expressed the view that consideration should also be given to the comments on the delays on any progress to this proposal, with Covid having a severe impact on the whole world and on many construction projects. He stated that the building has been deteriorating for the best part of 30 years despite attempts by the owners to start the renovation which has been disappointedly met with various obstructions and roadblocks by the Council.

Councillor Gowler stated that a major concern relating to this application is the potential message it portrays to anybody considering renovating any property within the Conservation Area in Chatteris and across Fenland, with these renovations needing to be highly encouraged and not discouraged as there are many properties in a similar condition across the District. He made the point that whilst enforcement action could be taken by the Council he feels it is obviously the case that it is impractical due to the sheer number of dilapidated buildings in the area, all of which will fall into further disrepair as months and years go on with the inevitable outcome for them to deteriorate beyond any potential possibility of recovery.

Councillor Gowler stated that the Town Council consider the application to be acceptable in terms of renovating the property which will result in giving it a practical purpose while maintaining its external aesthetics within the Conservation Area of Chatteris. He stated that the Town Council welcomes the resolution of this blot on the landscape in the Town and urged members to take this into consideration when making their decision.

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

- Councillor Murphy stated that everything he says is his opinion and thoughts only. He expressed the opinion that this shop/dwelling is classed as a Listed Building, but he would call it listing as the walls are only one brick thick and are all bowed outward so it is very unsafe as is the roof which is almost totally dilapidated beyond repair and the insignificant house attached to this building is also classed as Listed because of its attachment, but he wonders what would have been the outcome if it had been an outside loo attached. Councillor Murphy stated that the shop was owned by Miss Wool but in its later years was rammed in the front by a vehicle and was so damaged it was never any good. He made the point that the NPPF defines a heritage asset as a building, monument and an area or landscape as having a degree of significance, which he agrees with, but, in his view, this site does not comply with these three conditions at all. Councillor Murphy referred to the report containing 9 pages of comments from the Conservation Officer on why this application should be refused but there is not one paragraph helping to alleviate or helping to bring a positive conclusion, which he feels should work both ways. In his opinion, the building needs to be demolished and replaced with a modern dwelling to enhance the area and he agrees with Chatteris Town Council's recommendation for approval. Councillor Murphy expressed the opinion that the Council must be seen to be doing something positive in Chatteris or there will be eyesores in every road such as now in High Street, Bridge Street, Ash Grove, London Road and Victoria Street. He supports the proposal for reasons of visual impact, scale, character and appearance and referred to parts of the NPPF, 185C the desirability of new development making a positive contribution to the local character and distinctiveness, 191 he does not believe there is evidence of deliberate neglect or damage as developers are not going to throw money protecting this type of site not knowing if the outcome stands a change of fruition; 192c the desirability of new development making a positive contribution to local character and distinctiveness; 195b no viable use of the

heritage asset itself can be found in the medium term and 195d the harm or loss is outweighed by the benefit of bringing the site back to use. Councillor Murphy stated that he will be recommending the proposal for approval.

- Councillor Benney echoed and agreed with the comments of Councillor Murphy. He stated that he has said at committee many times before that conservation gets in the way of conserving things and if these applications are not approved today this will be another building that is left until it falls down and if it does it could end up being a problem to the Council and he feels there is a positive application before members that will bring about a conclusion to a building that has been in a very poor state of repair for many years. Councillor Benney expressed the view that this is an opportunity to take this building off the At Risk Register as somebody has come forward with a scheme and is prepared to put their money into it and the Council should be supporting it. He feels that more of an earlier intervention would stop some of the latter intervention that this Council has to pick up and foot the bill for and he will be joining Councillor Murphy in supporting both applications for approval.
- Councillor Sutton stated that he does not fully disagree with either of the previous speakers but there are guidelines within the NPPF and the committee cannot be seen to be making decision against the law. He stated that having read through the report and information on the Planning Portal there has been the olive branch shown by the Council's officers for something better and that has not been taken up by the applicant or agent so he does not think he can vote to overturn officer's recommendation but would suggest the application is deferred to hang the olive branch out one last time and if they do not take it he feels it would have to be refused.
- Councillor Mrs French stated that she is glad to see that someone has come up with a planning application to actually bring a building back into use.
- Nick Harding stated that he has met with the building owner a number of times as has the Conservation Officer, even before the current owner the Conservation Officers were working hard to secure a positive future for this building and members can see from the report that officers have provided advice and guidance on making the property wind and water tight, making it safe, how an application could come forward and how this application could be revised to make it more acceptable and what change to the information submitted with the application is needed in order to look at it more positively so officer's have attempted to assist. He acknowledged that in terms of making the property wind and water tight work has been undertaken over what was required but the tarpaulin over the roof has not been adequately maintained and, in his view, there is a clear evidence base of the building having not been looked after appropriately and the national policy is quite clear that the dilapidation of the property should not be taken into account given that a fair degree of it has been deliberate. Nick Harding made the point, as detailed in the report, there is clear process that has to be gone through in the consideration of a development proposal in relation to this Listed Building before consideration is given to other aspects of the scheme. He referred to one particular issue which is the demolition of part of this structure being justified purely on the basis of it being needed for car parking and that does not satisfy the legislative requirements that officers have to work towards. Nick Harding made the point that the recommendation to the committee is not ill-considered or unfounded, officers have to set out quite clearly the national legislative and policy approach to this application.
- Councillor Mrs Mayor stated that she does not support deferring this application due to the amount of work already gone into this proposal by officers and they cannot keep going back and forwards asking the applicant to do more work and the proposal needs a decision.
- Councillor Benney made the point that the report talks a lot about the significant loss but that significant loss is a subjective view and, in his opinion, the loss of part of this building is going to save the rest of it and inaction will mean this will drag on for years and it will deteriorate more until it comes back with a demolition order on it. He expressed the view that the site will be conserved by approving the application, there is someone who is prepared to pay for the development and to find people who are willing to take on a Grade II Listed Building to the grade of a Grade II Listed Building comes at a great cost and is

prohibitive and this applicant has invested time and money getting to this point which means he will go forward with its redevelopment. Councillor Benney stated that he would rather see a positive development like this one is than let the opportunity go as the building could be lost forever.

- Councillor Sutton referred to Councillor Benney's comments about the applicant investing time and money and whilst he recognises they have it does not always give the right outcome as on Ash Grove committee overturned officer's recommendation there and that property still stands as it is and nothing has happened so it does not mean to say that if this proposal is approved today that the development will take place.
- Councillor Connor stated that he does tend to agree with Councillor Murphy's and Benney's comments and he can see Councillor Sutton's point but there are not many applicants that are going to bring these Grade II Listed Buildings back into use as they do cost lots of money and if the finances do not stack up nothing is going to happen. He queried what would happen if nothing were done and, in his view, it would be nice to conserve these buildings, but the applicant is trying to make an effort and if nothing is done it will deteriorate and fall down eventually. Councillor Connor stated on balance he is going to go against officer's recommendation.
- The Legal Officer pointed out that given the shortcomings as highlighted in the report of the heritage assessment that should members approve the applications, and should somebody challenge that approval there is a risk of a legal challenge which would involve time and costs.
- Councillor Sutton expressed the opinion that this is good advice from the Legal Officer, and this is the exact reason why he does not think the applicant has given fair play in refusing to look at what officers are suggesting and why he thinks a deferral would be best way forward.
- Councillor Murphy stated that he is against a deferral as the issue has been going on for 30 years now, another period of time will make no difference and it needs approving now.
- Councillor Marks questioned why, if the Council could be legally challenged in approving the application, has no one legally challenged why the building has stood there and gone derelict over a long period of time? He expressed the view that the building is an eyesore, it is not going to get any better and expressed disbelief why the committee is discussing it. Claire Fidler, the Conservation Officer, responded that there is no legal duty on an owner to maintain their building and when a building reaches the condition such as this property has the Council does have statutory powers where they can take action but this inevitably comes with cost and resource which is something the Council would have to agree to. She made the point that officers would always wish to work more proactively with an owner, which has clearly been demonstrated in this case and over the past 30 years the Council has funded the internal propping that is there and provided endless advice and guidance as to a positive way forward. Claire Fidler advised that the owner was threatened with legal action in order to get the tarpaulin over the roof after it was stripped under a Building Control Notice and that is something the Council would rather have not done but it came to this just to make the building wind and weather tight, which has not been maintained. She stated that the Council never wants to take legal action as it is not a friendly or proactive way of approaching things, officers encourage a Listed Building Consent application which has taken a significant amount of time to be submitted.
- Councillor Marks accepted the comments made by the Conservation Officer but stated that it is now four years down the line and if the money had been spent at that time it would probably cost less than if this is approved now. Claire Fidler responded that costs for legal action are significant and there are reports showing those indicative costs if members wish to see them at another time.
- Councillor Mrs French stated that the committee took tough action last month to serve Section 215 and 216 notices and she said at the time it is well before time that the Council started doing this instead of these building falling into disrepair, lets put Section 215 and 216 notices on these properties and the owners might start doing something with them before they get into a dreadful state. Nick Harding responded that he welcomes this

approach but has no budget for this action. Councillor Mrs French expressed the view that he needs to speak to the Portfolio Holder who is sympathetic to this issue.

- Councillor Purser made the point that the building is dilapidated and if the building is taken down safely that is the best way forward, if it is left as it is it could damage the properties around it or be a danger to people. Nick Harding reiterated that officers have worked with or tried to work with the applicant, along with colleagues from CNC Building Control, to make the building safe and stop further dilapidation and not all of that has been successful.

F/YR22/0217/LB

Proposed by Councillor Murphy, seconded by Councillor Benney and agreed that the application be GRANTED against officer's recommendation. with authority delegated to officers to apply suitable conditions in association with Councillors Connor and Murphy.

F/YR22/0218/F

Proposed by Councillor Murphy, seconded by Councillor Benney and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply suitable condition in conjunction with Councillors Connor and Murphy.

Members do not support officers recommendation of refusal as they feel the proposal is not contrary to the NPPF as the new development will make a positive contribution to the local character and distinctiveness, there is no viable use of the heritage asset in the medium term, the harm and loss is outweighed by the benefit of bringing the site back into use and there is not evidence of deliberate neglect or damage as a developer would not spend money on a site not knowing if the outcome stands a chance of fruition.

(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)

(Councillor Mrs French clarified that, due to comments that had been received in relation to observations she had made at a previous Planning Committee meeting in relation to this building, she was not pre-determined and would be approaching the applications with an open mind)

P25/22

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

Nikki Carter presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Liam Shelton on behalf the applicant. Mr Shelton stated that the applicant is pleased to receive the support of the Planning Team in respect of this application for a new 56-bed care home and accept all the pre-commencement conditions therein. He made the point that approval for a 56-bedroomed care home on the site has already been given under F/YR21/0284/F and this application changes the vehicular access from Cawood Close to Peterhouse Crescent, with the building being otherwise identical in footprint, scale, location and features.

Mr Shelton stated that this new application allows direct access into the care home from Peterhouse Crescent in contrast with the right of way access that they have over the land to the entrance of the site from Cawood Close, with the revision giving them full authority and rights over the entrance to the site ensuring that the boundary, entrance and roadway outside the home remain safe and free from disruption. He made the point that they had limited right over the

entrance to Cawood Close and Peterhouse Crescent entrance will allow them to monitor the safety and well-being of neighbours and residents at all times.

Mr Shelton explained that pre-application advice was sought from the Council and the Highway Authority prior to submission of the application in December 2021, with the new entrance providing a more welcoming space with increased visibility and provides easier access to public transport links on Station Road. He stated that the proposed care home replaces the previous unsightly portal frame asbestos clad building already demolished and whilst trees will be removed as part of the preliminary works under the previous permission, there will be an ecological assessment to ensure that there is a bio-diversity net gain to the site once complete.

Mr Shelton stated that the scheme has received positive comments from all statutory consultees and throughout the application they have updated the design to reflect any comments made by each of the parties including the local drainage board, Middle Level, as well as Anglian Water and the Local Flood Authority. He expressed the opinion that they have attempted to pre-empt issues that neighbours of Peterhouse Crescent would raise and during the application have duly responded to the collective concerns, including:

- 'risk of devaluing neighbouring properties'. He does not believe the modern contemporary design of the new care home will devalue neighbouring properties and feels the opposite will occur with removal of the previous cladded warehouse.
- 'increased disruption from construction traffic'. He stated that it is their intention to utilise the rights of way they have over the Cawood Close entrance as its construction entrance for all activities other than a few activities that affect the Peterhouse Crescent boundary, therefore, mitigating any nuisance.
- 'there is insufficient parking and there will be an increase in traffic'. He referred to the transport statement provided in the application, which concludes an insignificant impact on Peterhouse Crescent from the care home activities, but he does recognise neighbours' concerns. He stated that the new entrance will allow them to have far greater authority over the access and to deal with any parking and traffic infringements that may very occasionally occur, with the building and car park being under 24/7 CCTV surveillance and the management and maintenance team will ensure the neighbours' concerns are addressed in the event they are ever raised. He made the point that number of car parking spaces now available for staff and visitors is far greater than would be typically expected of a care home.
- 'security at Cawood Close'. He reiterated that the site will have 24/7 CCTV covering the boundary and to alleviate this concern they will ensure the previous entrance is covered by the security system, with the CCTV layout to be agreed with planning officers and registered with the Police prior to completion.
- 'greater impact on local facilities'. He made the point that a care home in its nature provides care for the local residents and it is their intention to provide the town with a facility where its elderly residents are taken care of, and in doing so, reduce the likelihood of trips to the surgeries.

Mr Shelton expressed the opinion that the new entrance at Peterhouse Crescent will increase likelihood of its use by local residents and staff when travelling to the home by foot or cycle as the distance is significantly shorter than the previous route and the management team will promote commuting to work by walking or cycling aided by keeping the existing pedestrian entrance at the north-west of the site. He feels the care home itself presents a valuable opportunity for employment in the town with varying job opportunities available across the care, management, catering and maintenance teams, with it being their intention to work closely with the immediate and wider town to ensure that the services the care home can provide are utilised not only by its residents but by their families and friends.

Mr Shelton believes that the new care home offers March the opportunity for its elderly residents to be cared for in a modern, warm and caring environment that is reflected by the design and construction of a state of the art facility run by local professionals who have investment in the town.

Members asked questions of Mr Shelton as follows:

- Councillor Mrs French asked for assurances that when this development starts and is constructed that vehicles delivering materials will not be permanently parked on Peterhouse Crescent, Cawood Close or even Elm Road. Mr Shelton responded that he has reached out to the football club on Estover Road and is trying to arrange parking for construction traffic there, with deliveries to be made via Cawood Close at all times apart from the occasional one via Peterhouse Crescent. Councillor Mrs French stated that she hopes this is the case as they have just started building 118 homes in Wisbech Road and there have been 10 lorries on Wisbech Road causing havoc over the last few days and she would hate this to happen for the residents who live in Peterhouse Crescent and Cawood Close.

Members asked questions of officers as follows:

- Councillor Mrs French asked if it is possible to have a condition attached to this application to ensure that residents do not suffer what has occurred in Wisbech Road this past week, not only has there been the hold up in the traffic, bearing in mind the whole of March has been gridlocked due to roadworks, but there has also been an issue with dust. She made the point that there are elderly residents in Peterhouse Crescent, Cawood Close and Elm Road and she would not like them to suffer what the residents of Wisbech Road have. Nick Harding responded that they are unable to lawfully impose any planning conditions that conflict with matters off-site such as the use of the public highway, with the only exception being vehicle routing agreements. He stated that, notwithstanding what the agent has said, a planning condition cannot stop people from parking on the highway in a lawful way so you may get a stack of vehicles queuing to enter the site which is unfortunate but cannot be controlled through a planning condition.
- Councillor Connor referred to Councillor Mrs French mentioning dust and dust is a big problem in Bellmans Avenue, Bellmans Road and Diana Close in Whittlesey and he has had numerous complaints about it and asked if a condition could be applied that a bowser or water supply is required to stop the dust. Nick Harding responded that dust suppression is part of the construction management plan and what often happens is there is a period of dry weather dust starts to become a problem and officers have to remind the operators of the site that they need to deal with their dust suppression as per their plan. He stated that if there is a report of dust the operator is not complying with their construction management plan and if this is a significant ongoing issue on site a breach of condition notice can be served.
- Councillor Connor referred to issues with mud on the road, which happened outside the Taylor Wimpey site in Whittlesey and Highways accompanied him to the site asking them to take action, but this Council's Enforcement Officer said the conditions on the site were not strong enough, which he found concerning. Nick Harding responded that there is a wheel wash/road sweeping condition but again more often than not it is a case of reminding the site operator that they need to put this in operation and the poorly worded condition issue has been addressed.
- Councillor Mrs French stated that as long as conditions are applied regarding dust and mud on the road she is satisfied. Councillor Connor expressed the opinion that these conditions should be worded in the strongest possible terms.
- Councillor Mrs Davis asked, whilst looking at a construction plan, should there not be set times when they can work due to the residential properties surrounding the site as a lot of these sites start at 6, 6.30, 7am which is not fair to the residents. Nick Harding responded that the work hours are standardised throughout the country and that would be applied to the construction management plan condition. He stated that members will be aware through the training he has provided that one of the Covid measures the Government put in was to allow working up until either 9 or 10pm on six days a week but this has now come to an end.

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

- Councillor Mrs French stated that this site lies in her County Council area, and she will be

monitoring it very carefully but she is more than happy to support the application.

- Councillor Topgood expressed the view that officer's have the recommendation completely right on this application and he will be supporting it as care homes are needed.
- Councillor Mrs Davis stated that she will be supporting the application, there is an increasing elderly population and not all can be cared for by their family and she also does not think the proposal would be detrimental to the area.

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

(Councillor Connor declared that his son owns a property in Peterhouse Crescent, but this would make no difference to his decision making and he would approach this application with an open mind)

(Councillor Skoulding declared that he owns a retirement home and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Sutton declared that he owns a property in Peterhouse Crescent and retired the meeting for the duration of the discussion and voting thereon)

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

P26/22

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

Nikki Carter presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Councillor Gowler of Chatteris Town Council. Councillor Gowler stated that Chatteris Town Council support this application as this piece of land just off the Town Centre has been an eyesore for many years, with the proposal providing two good quality houses, a flat and garages in a prime location in town. He stated that the Town Council did not consider this proposal to be overdevelopment, which they feel is a subjective opinion.

Councillor Gowler expressed his surprise that parking is being taken into consideration within a Town Centre location when in many cases, despite concerns raised by the Town Council, little to no consideration is made with other applications including the very recent acceptance of an application on the former Baptist Chapel in West Park Street to convert it into flats with little to no provision being made for the many vehicles that will inevitably result from it. He asked members to take these observations into account when making their decision on the application.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent, and Darren Smith, the applicant. Mr Bevens stated that he has been working on this site now for 8 years with different proposals for the site from various clients but no application to date has been implemented for good reason. He expressed the view that the main reason is due to the associated costs with getting a scheme that is financially viable to implement as not only are there associated costs with the former barn on site and regular anti-social behaviour until the site was more recently secured, but also additional costs associated with

archaeology and contamination both of which have yet to be carried out as well as escalating costs of materials and labour.

Mr Bevens made the point that there is extant consent for a 4-bedroomed detached dwelling with detached garage on the site, but, in his view, this is the wrong site for this type of property in the centre of town where you would expect smaller properties and goes against National Planning Policies including the NPPF in not making the best use of land. He expressed the opinion that this application makes the best use of the site and is not overdevelopment as it makes best use of the land available and will make this eyesore of a site attractive to live at, offer a good variety of housing types, provide passive surveillance to both King Edward Road and the car parks at the Conservative Club and the George Hotel and an overall positive contribution to the town.

Mr Bevens expressed the view that the proposed development will make a positive impact on the character of the area both visually, economically and sustainably being in the centre of town with access to public transport and local shops and amenities. He referred to officers suggesting that there are additional impacts on surrounding heritage assets over and above the extant scheme, but he feels there are no heritage assets affected by the proposal either by overlooking or visual impact, with 12 and 14 High Street being completely out of view and Chatteris House being largely obscured by Bramley Cottage and Spectacular Opticians and made the point that the Conservation Officer has made no objections to the scheme or raised concerns against heritage assets.

Mr Bevens referred to officers stating that there is inadequate parking provision but made the point that there are 5 parking spaces provided on site, which he feels is more than sufficient for this type of development and more than some recently approved schemes such as the Baptist Church and South Park Street which are further away from local amenities and public transport. He stated that his client could have challenged the parking provision but felt it was better for the residents and locals if parking was secured on site and a diagram was provided which showed that there was sufficient manoeuvrability on site for the proposed parking as tracking diagrams offer little flexibility for irregular shaped sites such as this.

Mr Bevens stated that the vast majority of comments online and from locals have been positive about the proposal, including the Town Council, and it will see low-cost housing delivered into the centre of Town which will support the local economy and meet the aspirations of local people looking to get onto the property ladder. He does not agree that the proposed scheme is contrary to any Local Plan, NPPF or National Design Guide policies but in fact embraces them and asked members to reject the officer's recommendation and approve the scheme.

Mr Smith stated that his grandfather, Percy Smith, and his father, Trevor Smith, ran a building company Percy Smith (Chatteris) Ltd for over 40 years building maintaining houses, schools and Council buildings in Chatteris and the surrounding areas but he did not join the family business when he left school much to their disappointment. He expressed the opinion that, 30 years on after building up his own company, Agrimech Ltd, he now has the opportunity to do them proud by building quality homes in his home town to help local people remain within Chatteris.

Mr Smith stated that he is also moving his company from West Norfolk into Cambridgeshire.

Members asked questions of Mr Bevens as follows:

- Councillor Sutton referred to their being zinc surround on the bay windows and asked what a zinc surround is? Mr Bevens responded that it is adding a slightly contemporary detail and visual interest to the houses, with it being a form of cladding to those bay windows, with zinc being a sustainable material and long lasting.

Members asked questions of officers as follows:

- Councillor Mrs Davis asked for confirmation that the amenity space for the flat and the two houses meets the requirements? Nikki Carter responded that the amenity space for the

houses does meet the requirements albeit in an awkward configuration due to the design but there is no set amenity space for the flat, however, without a garage serving that plot it has no internal storage it just has a small external amenity area.

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

- Councillor Murphy stated that he does know this site and lived 30 yards away from it for over 60 years. He feels the request for an archaeological dig is ridiculous and unnecessary as it puts the costs up and makes the site unviable to develop and is why various sites across Chatteris remain undeveloped. Councillor Murphy stated that personally he would have preferred to see 2 dwellings on this site and made the point that the previous owner when he put in an application had an argument with the officer because he wanted the gardens at the front and the 2 properties at the back but everything along that road is frontage so officers wanted it the other way around and the previous owner would not accept this so it never got developed. He expressed the view that 3 is slightly too many and made the point that 'buyer beware' as if you buy a property like this you know exactly what is next to it, which is car parks essentially, but people do buy and live in these places. Councillor Murphy stated that whilst he has reservations he is erring on the side of approval as it is a Town Centre location.
- Councillor Mrs French expressed the view that it is a bit cramped but her issue is parking as the Council is trying to introduce Civil Parking Enforcement and it is all very well saying you do not need parking in a town centre location but it is going to get to a stage where all town centres are not going to have enough car parking with Fenland having free car parking across the district and will continue to do so unless the Government make local authorities provide paid parking but there is a limit on what the Council can afford to maintain as car parks and it is not the Council's statutory duty to supply free car parking for people who build in and around the town centre. She stated she is concerned about overdevelopment and is not sure she is able to support the application.
- Councillor Topgood stated that he is torn between two choices on this proposal as whilst he would like to see lots more new houses built as there is the need he does think this does constitute too many on the plot, with 2 being preferable.
- Councillor Sutton agrees that the plot would suit 2 much better than 3, which seems to be the general consensus. He does not like the design of the rear gardens and if there were 2 properties the gardens would be better designed with plenty of parking and on balance thinks it is overdevelopment and he does not like the relationship between one of the dwellings close to the car park of the Conservative Club.
- Nick Harding stated that the concerns with this scheme can be narrowed down to the relationship of the plots on the front to those opposite, so the impact on its neighbour not the other way round so the 'buyer beware' issue does not quite apply in this instance and also in relation to the car parking the point made by the Case Officer is the internal sides of the car parking garages is below the standard that is required so what is the point of providing a car parking space if you cannot park a car in it.
- Nikki Carter added that also in respect of the car parking the agent did provide a plan that indicated allocated spaces for each plot but there is no guarantee that this would be adhered to and with more cars parked within that parking area there is a concern that you are unable to manoeuvre within the area or turn to get out of the narrow pinch point of the access successfully.

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

(Councillor Benney declared that the applicant is known to him and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Marks declared that the applicant is known to him through his role as a company director and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but take no part in Planning Matters)

P27/22

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

In the absence of the Chairman and Vice-Chairman, it was proposed by Councillor Mrs French, seconded by Councillor Purser and agreed that Councillor Mrs Mayor chaired the meeting for this item.

Theresa Nicholl presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Joseph Jones, the agent. Mr Jones stated that he has engaged with the Council to put together an application which they hoped would be acceptable and have redesigned the layout of the site after consulting with the Council. He expressed the view that as there is unmet need in the District the consent here would be a positive initiative mitigating against the unmet need.

Mr Jones referred to the NPPF in its policy for travellers' site which is supportive of gypsy sites in certain circumstances as in this case and is the officer's recommendation. He feels there are no significant objections locally to the application.

Mr Jones expressed the view that there a number of material considerations when taken separately or together which can outweigh harm, policy issues or other considerations and this case includes primacy of a child which has to be taken into consideration, the applicants are travellers and have gypsy status for planning purposes, there is an unmet need for more pitches in the District and within the region which carries significant weight, the proposed applicants need a place to live and the Council needs to balance its duty of care, the unmet need, targets for pitches in the area and residual obligations carried forward from the Housing Act. He expressed the opinion that the Equality Act 2010 and Human Rights Act are also engaged in the situation and need to be given weight as well as consideration to the necessary five year supply of land for the gypsy/traveller community and if the local authority cannot demonstrate an up-to-date five year supply of deliverable sites then the NPPF says consent should be granted, with those targets being reviewed annually but, in his view, at the moment this is a policy failure.

Mr Jones expressed the view that the site is sustainable, any new site in the area is going to be in the open countryside and the application has limited impact and additional screening can be carried out. He stated that there are no objections in policy terms that are not outweighed by the personal circumstances or considerations and planning guidance says that if a condition can address concerns raised by a planning application then consent should be granted with the relevant condition, with the conditions proposed for the application being reasonable and acceptable to the applicant.

Mr Jones concluded that the site is available, deliverable and sustainable and he urged the committee to look favourably on their planning application.

Members asked questions of Mr Jones as follows:

- Councillor Mrs French referred to 5.1 of the officer's report that says the Parish Council have no objection to the static caravans but object to the 3 touring caravans and asked how often these touring caravans will be back and forwards on the site? Mr Jones responded that the touring caravans are not taken off site very often but to maintain gypsy/traveller status the applicant will be required to travel annually, but when people go off site they do not go off in the morning and come back in the evening, they have to travel for a minimum of 3 months so may only come back a few times so movements for the touring caravan would be minimal.
- Councillor Marks asked if the touring caravans are owned by the static caravan owners or are they separate families? Mr Jones responded that one pitch is normally regarded as one static and one tourer for one family and sometimes they are used as an additional bedroom for children and when people go travelling they do not always take their wife and children with them.
- Councillor Marks asked that the applicant is not looking to run 7.5 tonne lorries or anything bigger out of the site as the road and road links in this location are tight. Mr Jones responded that this would not be the case.
- Councillor Sutton stated that one concern he has is the proposal to plant hedgerow adjacent to the ditch due to its maintenance and it is in the applicant's own interest to keep that ditch clear as well as the general area. He made the point that the stable is also quite close, and could it be confirmed that the applicant can get by this for maintenance. Mr Jones responded on a personal note he has known this family for in excess of 15-16 years and they are fastidious in their lifestyle and approach to living, they are tidy by nature and he can guarantee they will look after the site as they want to create a nice home for themselves and their children which can be a once in a lifetime event. Councillor Sutton thinks it has been taken on board that the applicant needs to understand the issue of drainage in the area. Mr Jones stated that there is a landscaping plan that will accompany the application and made the point that the hedge will be maintained appropriately, and it would be in no-one's interest for it to impinge on the drainage ditch.

Members asked officers questions as follows:

- Councillor Mrs French stated that drainage is a great concern to her and she does sit on the Lead Local Flood Authority at County and five drainage boards across Fenland and with regard to the ditch she presumes it is a riparian dyke and she does not know who owns the other part of it but the County Council after the floods of December 2020 have mapped the whole of March and are doing the rest of the county, with them taking a tough line with the dykes and ditches that have been filled requiring the owners to dig them out and maintain them properly. She asked if officers are satisfied with the requirements on a Flood Zone 3 site? Theresa Nicholl responded that no objections were received from the Environment Agency, and they did not get a response from the drainage board. She stated that there is a landscape condition, which is not primarily aimed at putting landscaping at the bottom of that site along the ditch, but more aimed at the front and the side. Councillor Mrs French stated in relation to the Environment Agency there was a planning training session a few weeks ago and the Environment Agency basically said it was down to the local drainage boards and they were not interested.
- Councillor Sutton stated that the recommendation is to approve an application for mobile homes, which are the most vulnerable dwellings, in Flood Zone 3 and there are 2 applications later in the agenda for dwellings in Flood Zones 2 and 3 for refusal. He noted that no objections has been received from the Environment Agency, the Inspector overturned the site next door and said Flood Zone 3 was not a problem so asked if officers can understand the frustration of members, the agents, the developers and general public where the committee is potentially going to grant permission for this proposal in Flood Zone 3 and potentially turn down other applications in the same flood zones. He stated that millions of pounds has been spent on the Leam and Ouse Barrier Banks in recent years, the Middle Level has approved raising the bank on Bedford Bank and he feels that Fenland is the most safest area in Cambridgeshire as far as protection is concerned so again reiterated

that are officers as frustrated as members that there is this barrier put in front of applications time and again when even the Environment Agency say that because of the defences Fenland has the area is not at risk. Nick Harding responded that you have to compartmentalise what are three different situations:

- firstly, if you look at the principle of flood risk the Government policy is quite clear in that you should develop in flood risk areas as a last resort
- secondly in the context of the Wisbech situation the Government acknowledges that there are certain major settlements, such as Boston that are underwater flood risk wise and in that scenario you cannot have a situation whereby no development is allowed in the whole of that town ever again as that would see the ruination of that town and for this same reason officers have taken the approach for the existing urban extent of Wisbech where there is a redevelopment proposal and the fact that it is a redevelopment site and already in the middle of Wisbech then officers are accepting development should take place if appropriate
- thirdly where you are talking about general residential development outside of a settlement or within a small-scale settlement, officers are following Government policy that says that if it is not a specific allocated site a sequential test is required, which is the policy adopted by this Council as well as being national policy. When it comes to gypsy/traveller sites the Inspector has assessed the difficult position that the local authority is in relating to its out of date GTANA and inability to demonstrate that it has got sites allocated for gypsy/traveller plots plus the flood risk issue and has determined on that previous appeal that, notwithstanding the flood risk situation, in their view the sequential test has been passed.

Nick Harding stated that he recognises that there is an issue of inconsistency, but members need to focus on the fact that the gypsy/traveller position is more unique than the case for general residential development.

- Councillor Sutton stated that this response was pretty much what he expected and what he already knows but his question was are officers as frustrated as members? Nick Harding stated that personally he is not frustrated.

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

- Councillor Topgood stated that once again he thinks the officers have got this recommendation right, it is a nice site, and the families will have a nice place to live, and he wholly supports the proposal.
- Councillor Mrs French agreed with these comments.

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

(Councillors Connor and Mrs Davis declared that they were pre-determined on this application, and retired from the meeting for the duration of the discussion and voting thereon)

P28/22

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)

Theresa Nicholl presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Mrs French made the point that the original application was approved in 2012 which was 10 years ago and asked if anything has actually happened on site since then or does this actually require a full application rather than a change of conditions? Theresa Nicholl responded that she did investigate this, and she received confirmation from Building Control that the foundations for one of the garages had been laid in 2016 following discharge of the relevant conditions and also some of the buildings on site have been demolished and on the balance of probabilities her assessment was that the development had commenced.
- Councillor Sutton agreed with the comments of officers and does not understand why there is any doubt about it as the 2012 permission was for the erection of 9 dwellings involving demolition of the existing buildings so as soon as the former buildings were demolished the development had commenced and he knows for a fact, as he spoke to the builder, that the garage base on plots 2 and 3 was put in at that stage as he walked on site and spoke to him so he can confirm that there is no issue with commencement. He referred to the latest iteration of the plan and officers, in his view, have worked with the agent very generously to accommodate the request of the Old School House and the Old School to be able to access their cesspit for emptying and on the original 2012 plan there was just a very narrow 1 metre wide pathway and through negotiation the applicant and agent have made it better so they can reverse down and get closer to it. Councillor Sutton referred to plan 08N and expressed the view that there is a discrepancy between that and MTC's plan and if officers are saying the development has to be built to comply with 08N, in his opinion, it cannot because 08N shows the services going from the road down to the back of the site and going right through the attenuation cage so he thinks before permission could be given 08N needs revising unless he is told that this is a minor issue. Theresa Nicholl responded that the plan has changed considerably as she has been working with the agent to try and clear up the outstanding conditions and she had not picked this up on the most recent plan, however, she thinks that as this is below ground services she believes it could be de minimus and it could be dealt with later as it does not change the appearance of the development and is more of a building control issue.
- Councillor Skoulding thanked officers in assisting with a fantastic design but asked if there will be a ransom strip on the south boundary or will it go to the boundary as shown questioning whether there would be any further development? Theresa Nicholl responded that it is not really for consideration as part of this application because members should be considering what is in front of them and she does not know but it would be for future consideration and whether a ransom strip is built into the scheme is up to the applicant and is not a planning issue. She stated that she does not take any credit for the design as it was approved previously and has only been tweaked slightly.

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

- Councillor Skoulding expressed the opinion that officers have got this recommendation right.
- Councillor Sutton expressed the view that from where this application started the revisions are an excellent result of working in partnership which is credit to both officers and the agent. He does think there are some negatives but some positives as well, such as the new fencing which is a big improvement on the proposed chain link fence and the bollard lighting which is much better ecologically with the negatives being removal of the nice finials on the roof but he acknowledges that they are expensive and the false chimneys did balance out design nicely but he does not think that takes that much away from the development to make it unacceptable. Councillor Sutton expressed the view that the applicant has listened to the residents and there have been some residents complaining about the development in the whole, but this is too late as it already has extant permission. He congratulated

everyone involved and hoped to soon see work start on the site.

Proposed by Councillor Skoulding, seconded by Councillor Sutton and agreed that the application be GRANTED as per officer's recommendation.

(Councillor Sutton advised that when this application had been discussed at previous Planning Committee meetings the site had been owned by a friend and he had declared an interest and left the meeting. He stated the land has now changed ownership and he now feels that he does not have an interest and can make an open-minded decision on the application)

**P29/22 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)**

Theresa Nicholl presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater on behalf of the agent. Mr Slater stated that the officer recommends refusal on two grounds, which he will address, and it is pertinent to note that there is significant local support for the scheme, with 16 letters of support and non in objection, and the Town Council is supportive. He feels the site is a sustainable and accessible location on the edge of March, with it having good access by road, cycle and footpath links to the Town Centre.

Mr Slater expressed the opinion that the new Gaul Road cycle way passes immediately to the south of the site giving enhanced and sustainable access to the town and is closer and more accessible to the Town Centre than much of the existing town itself. He expressed the view that the adopted Local Plan enables new development on the edge of the town under the provision of LP3 and LP4, with LP4 noting that development of up to 249 dwellings can be acceptable on the edge of market towns on unallocated land.

Mr Slater stated that the application site sits close to the established developments north of Gaul Road and adjacent to the allocation and Broad Concept Plan area to the south of Gaul Road. He made the point that it is common ground with the officer that there was at least one dwelling and associated outbuildings on the site until comparatively recently, with the 1999 Google earth view of the site showing this and whilst the site has been cleared in the interim it remains previously developed land, it is not agricultural land nor does it form part of a wider land ownership of the land between Gaul Road and the river.

Mr Slater contended that the historic presence of a dwelling on site is material as it provides an indication of the built form of development along Gaul Road and shows that along Gaul Road, as is common with many Fenland roads, the characteristic built form is sporadic homes, with the planning weight to be given to this fact a matter for the committee. He stated that the application was accompanied by a site-specific Flood Risk Assessment as stipulated by the Council's validation requirements and the Environment Agency raises no objection to the scheme and there is no consultation response from Middle Level on file.

Mr Slater made the point that whilst the site lies in land shown as Flood Zone 3 on the Environment Agency maps, members will be aware that this mapping is based on the assumption that the land is undefended in that flood defences are not taken into consideration. He expressed the opinion that the Fens are the oldest, best understood, best defended and best managed river system in the country and consequently the actual risk from flooding is not reflected in the

Environment Agency's mapping, with the site in common with most in Fenland being subject to layered engineering and management defences.

Mr Slater expressed the view that the Flood Risk Assessment submitted sets out clearly the risks and mitigation and confirms that the site is within a defended area benefitting from several engineering defences that offer layered protection to the site, such that the site can be made safe from the threat of flooding for its life span that is a 1 to 100 year event taking into account climate change. He feels the Flood Risk Assessment makes it clear that the watercourses that put the site in Flood Zone 3 are protected by Whittlesey Washes barrier bank and Mid Level barrier bank and these defences provide protection in excess of a 1 to 100 year eventuality, which shows the site is not at a significant actual risk from flooding.

Mr Slater expressed the opinion that there is significant local support for the proposal as set out in the officer's report and these neighbour comments set out a number of reasons why the proposal is beneficial and could be approved. He concluded that the scheme is a small residential proposal seeking a beneficial use for a residual residential plot on the edge of March Town and it is not considered that it will be harmful to the local visual amenity and matters of flood risk are accounted for.

Members asked questions of Mr Slater as follows:

- Councillor Mrs French asked that, if this application is approved, how the link up would be for the sewerage, would it be a cesspit or to the mains? Mr Slater responded that this has not been decided at this time.
- Councillor Mrs French asked if he is aware that the land to the north and west of this site is planned to be handed over to the Council for the extension of West End Park? Mr Slater responded that he is aware that this is a proposal in the emerging Local Plan. Councillor Mrs French pointed out that it is not the emerging Local Plan it is going to happen as the condition was placed on Cannon Kirk's development in 2003/2004.
- Councillor Sutton requested clarity on Mr Slater saying that there used to be a dwelling on the site. Mr Slater responded in the affirmative, it was knocked down some time ago. Councillor Sutton stated that he does not remember one but is not saying there was not but asked if he agreed that the accommodation had been abandoned? Mr Slater reiterated that the property was demolished some time ago.
- Councillor Mrs French stated that she moved to March in 1984 and the property was definitely in existence until at least the late 80's and she believes it was an old cottage.

Member asked questions of officers as follows:

- Councillor Mrs Davis referred to Mr Slater negating the need for a sequential test by virtue of the systems Fenland has in place and despite what he says asked officers to confirm that the sequential test is still required, and it is not a matter of opinion? David Rowen responded that the Cambridgeshire Flood and Water Supplementary Planning Document states "the presence of existing defences should not be taken into consideration when undertaking the sequential test. The maintenance of the defences may change over time and climate change will have an impact on the level of protection that they offer, particularly in low-lying areas noted for their organic substrata. These are generally peaty areas which are prone to desiccation and shrinkage" so it is adopted planning policy that the existence of flood defences should not be taken into consideration.
- Councillor Sutton read from the Environment Agency comments on one of these applications that because of the defences Fenland has it lowered the flood risk into the one below it and the Environment Agency seem to be having a more relaxed opinion than they have previously and asked officers if they agreed? Theresa Nicholl responded that the response on this application was that the Environment Agency said they had no objections, but they are not the body that are tasked with applying the sequential test so there was no objections subject to the Council being assured that the sequential test is passed, and this is the Council's responsibility.

- Councillor Mrs French referred again to a training session that was held for members and the Environment Agency stated that it is the internal drainage boards, such as Middle Level, who matter on these issues, and they are not interested. She made the point that she has known this site for many years, and she has never known that site to flood even when the floods of 2020 occurred.
- Councillor Mrs French stated that there are 16 letters of support, with half of them not being from residents in the area, and asked why are these being taken into consideration when it was agreed years ago that letters from only that particular ward or neighbouring ward would be taken into consideration? David Rowen responded that the Scheme of Delegation does distinguish between representations from the ward or adjacent ward in terms of triggering an application coming to committee, however, if a representation is received on a planning application it has to be considered and that is why they are listed within the report. Councillor Mrs French expressed the view that the Council, and she thought it was in a policy document, would not take these letters into consideration, which applies to members calling in an application that they can only do this for their own ward or neighbouring ward so asked why is it different for local residents, especially as letters of support have been received from Benwick and Ramsey Heights. Nick Harding responded that the one of the triggers for an application coming before committee does include the number of local representations and the Council received sufficient number of local representations contrary to the recommendation and as well as hitting that trigger of the number of local representations there were others that fall geographically outside the area but as David alluded to the Council has to report and consider all representations no matter where they are from in the determination of an application.

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

- Councillor Skoulding stated that this site lies in his and Councillor Mrs French's ward and he has never known this site to flood, further north-west in the corner yes, so he cannot understand why this site is in Flood Zone 3 and cannot see any problem here.
- Councillor Mrs Davis stated that her concern is that applications are being submitted without doing the sequential test and whatever people think that is the current way in which an application is supposed to be looked at and approaching it by saying it has never been known to flood is not acceptable.
- Nick Harding stated that Councillor Mrs Davis has made a very good point as there is a process that has to be followed even if it is not necessarily agreed with, which is enshrined in national policy as well as local policy that this Council has adopted. He referred to the issue of the site being previously developed and the Case Officer in the report makes it quite clear that this site is not a brownfield site because the building has long since gone and the site has been assimilated into the countryside and this definition is clearly set out within the NPPF.

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

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

**P30/22 F/YR21/1439/O
LAND WEST OF 78-88 STATION ROAD, MANEA
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site

Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater on behalf of the agent. Mr Slater stated that Manea is identified in the adopted Local Plan as a growth village reflecting the range of local services and facilities as well as access to the railway station. He expressed the view that Station Road is essentially a linear extension of the village which links the historic core of the village to the railway station and over the past 20 years the extent of this development has increased such that there is now continuous development to the station on one side or the other of Station Road for its entire length.

Mr Slater expressed the opinion that this proposal is entirely consistent with this approach and is in keeping with the linear form of development which characterises Manea. He feels the proposal is to all intents and purposes an infill development within an otherwise unbroken form of development along the western side of Station Road and made the point that the officer's reasons for refusal do not refer to the principle of development nor the design details, but confirm that the proposal is consistent with LP3 and LP12 in terms of spatial principles of the development and could be made consistent with LP15 in terms of design and impact.

Mr Slater stated that the application is accompanied by a site-specific Flood Risk Assessment and whilst it is accepted that the land lies in Flood Zone 3 of the Environment Agency maps he reiterated that members will be aware that this mapping is based on the assumption that the land is undefended, which he feels is clearly not the case. He highlighted again that, in his view, the Fens is very well defended, understood and the best managed river system and the actual risk from flooding is not reflected in the Environment Agency's maps as the site, in common with most of Fenland, is subject to layered engineering and management defences, with the Mid Level barrier bank providing a 1 to 100 year protection further reduced by freeboard in the Manea and Welney District Drainage Commissioner's system.

Mr Slater expressed the view that the Flood Risk Assessment sets out clearly the risks and mitigation and confirms that the site is within a defended area benefitting from several engineered defences that offer layered protection to the site so that the risk of flooding can be made safe from the threat of flooding for its life span at 1 to 100 years plus climate change, which is what the Environment Agency's processes aim to do. He made the point that the Environment Agency raises no objection, and the applicant is accepting the advice provided by the Environment Agency regarding flood warning and foul drainage which could be added as informatives to any permission.

Mr Slater referred to ecology, which he notes was a matter of concern to the committee at the last meeting but made the point that as this application has been 'live' since November 2021 and this issue was only evident last week when the agenda was published, the agent has not been in a position to respond or address the matter. He expressed the view that once an application is validated it is an acceptance by the Council that it has all the information it needs to consider the application, which is the purpose of the validation process although there is provision for a further period of time for additional information to be requested following receipt of consultation responses.

Mr Slater stated that the application was accompanied by the Council's Ecology Proforma and in January 2022 Natural England provided a formal consultation response stating no objection. He stated that the agent has been in contact with the Council on an almost monthly basis with correspondence in relation to how to address the flood risk and seeking updates as to the progress of the application and at no point was it made clear during the correspondence that the matter of ecology had been raised, with it not being clear how the conclusion in reason for refusal 2 has been reached given that there is nothing on file to suggest that another ecological officer or expert body has been consulted to overrule the comment of Natural England.

Mr Slater expressed the view that the agent was only aware of the reason for refusal in respect to ecology when the agenda was published and if this matter remains of concerns to members he asked for, in the interest of fairness, the application to be deferred to enable an appropriate ecological assessment to be carried out. He concluded that, in his opinion, the application is acceptable in principle as accepted by the officer's report, the matter of flood risk is in accordance with the 1 to 100 years plus climate change eventuality and made the point that the only consultation response in relation to ecology indicates that the proposal is acceptable.

Members asked questions of Mr Slater as follows:

- Councillor Murphy referred to Mr Slater indicating that the sequential test had been undertaken but in the reasons for refusal it states, "the sequential test for flood risk has not be adequately applied or met and consequently the application fails to demonstrate there are no other reasonable available sites" and "In addition, the Exception Test has not also been passed". Mr Salter responded that he is aware that this is the opinion of the Planning Officers that they consider the risk has not been adequately addressed. Councillor Murphy asked if anything was going to be done about this? Mr Slater stated that he is not in a position to do anything about it at this committee, if members wanted to defer the application they could go away and do the work. Councillor Murphy made the point that they have had time to address this issue but have not.
- Councillor Mrs Davis made the point that pre-application advice was provided, and it says that there was the need for the sequential test and for the ecology report so if the application is deferred the agent would need to come back with both of those items addressed. Mr Slater responded that this is understood.

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

- Councillor Mrs French stated that when the floods occurred in December 2020 many properties flooded, and she would like more information on this issue. She would be happy for the application to be deferred so that the agent can come back with the proper information that is required.
- Councillor Connor stated that he is not against this application being deferred, although he does not like to defer applications, but if there is some more information required it needs to be obtained before a decision is made.
- Nick Harding stated that it is within committee's gift to defer the application, but in terms of consistency earlier today members refused an application on the absence of a sequential test and at last month's meeting refused an application because it did not include the relevant ecology information.
- Councillor Mrs Mayor questioned that if this application is refused the applicant can re-submit the scheme? Nick Harding confirmed this to be the case.
- Councillor Mrs French queried this fact that as when planning applications are being resubmitted, officers are refusing to make a decision on them, so members need to be careful when the committee refuse applications or suggest to the applicants to resubmit after a refusal. Nick Harding responded that in the vast majority of cases having had an application refused an applicant can resubmit, however, in planning legislation there is provision for the local authority to decide not to accept an application and that process is all about applicants coming in repeatedly to try and thwart the enforcement process and twin track planning applications, which are exceptional cases.
- Councillor Murphy expressed the view that the application should be deferred for the applicants to do the work and come back as soon as possible.
- Councillor Mrs Davis referred to the comments of Nick Harding in that the committee refused an application today for lack of a sequential test and feels that this application cannot, therefore, be approved.
- Councillor Benney made the point that although an application has been refused today all applications should be treated individually and taken on their own merit and he does not see why it cannot be deferred.

Proposed by Councillor Skoulding, seconded by Councillor Murphy and agreed that the application be DEFERRED to allow for a sequential test and ecology assessment to be submitted.

(Councillor Marks declared that the applicant is known to him and was his doctor, and retired from the meeting for the duration of the discussion and voting thereon)

**P31/22 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)**

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Topgood stated that the plan shows the red line going around the taxi rank as well but it is his understanding that this area does not belong to the applicant so questioned whether it should be included on the plan? David Rowen responded that on the location plan that has been submitted this does appear to be the case but he is not aware of what the ownership arrangements of this area is and whether it is actually part of the application and officers may need to seek clarification on this depending upon the outcome of the application.

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

- Councillor Benney expressed the view that there are 3 flats that already have established planning use so he feels that all members are looking at is another 3 flats. He made the point that there is an abundance of surplus retail space, which will only rise as there is more online shopping and the cost of running businesses from expensive places such as a shop or a restaurant goes up, and these buildings are going to stand empty and the Government does not want empty buildings but there is a shortage of housing and to him this development falls well within that policy. Councillor Benney recognises this policy is not within the Local Plan policy but referred to Peterborough where spaces above retail units have been converted into flats or are being converted and, in his view, this is progress, the way forward and the market should not be blocked on this, the market is saying this is where this proposal needs to go as there are empty properties, empty shops and there will be more of these to come. He made the point that planning is about land usage and, in his opinion, the loss of a pub/restaurant, which is an expensive business to run, and turning it into a smaller shop is not taking away the full commercial aspect of the property but will enable the owner to generate revenue. Councillor Benney expressed the view that if an owner does not make money out of these buildings they will fall into disrepair and this proposal will ensure this building stays in good order.
- Councillor Mrs Davis stated that she agrees broadly with Councillor Benney and when members visited the building it was difficult to see what businesses would be successful there as it is set way back from the Town Centre and better use of the building may be made by having more flats.
- Councillor Sutton stated that he agrees to a certain extent with the previous speakers but he does not think he can support this proposal in its current form due to some of the bedrooms being right on the taxi rank, which he feels would be a dereliction of members duty to allow that to go ahead and put people in a position where they have to sleep there with 10 taxi ranks.
- Councillor Mrs French expressed the opinion that members need to know who these

parking spaces and land belong to as the Council is working on Civil Parking Enforcement and she wants to know whether those space belong to Fenland or is it in private ownership. She agrees with the comments of Councillors Benney and Mrs Davis in the way that people trade today they cannot afford large retail businesses and the country has just got over Covid and is now going into recession so the committee should be thankful that someone wants to do something with this building.

- Nick Harding stated that from the presentation members would have seen that the taxi rank is unchanged and having checked the application form the applicant did serve notice on Fenland District Council as landowner. He stated that in terms of the conversion of the ground floor to residential, if the issue of noise and disturbance at ground level to those ground floor flats is put to the side, from a planning officer perspective there is sympathy with the view of Councillor Benney in that there is more than likely going to be a surplus of vacant floor space in Wisbech but made the point that this has not been provided to officers in the set of current information on the amount and location of vacant floor space so if officers were to let this go to an alternative use it would not be on the knowledge, notwithstanding the fact that it is contrary to policy, it is not going to cause any harm.
- Councillor Mrs French requested clarification that the car parking does belong to Fenland District Council as it would be Fenland who would decide further along the road if it wanted to put a traffic regulation order here and change these taxi spaces. Nick Harding responded that he is not aware of the exact extent of the Council's ownership but he does know that the Council was served notice.
- Councillor Mrs French asked if the application could be deferred for the applicant to clarify their justification for the loss of the retail space? Councillor Connor made the point that it is up to committee on how to proceed although he is not keen on deferrals.
- Councillor Sutton stated that there is no doubt that the car parking spaces are either Fenland's or County's as there was big issue about moving the taxi ranks from Horsefair to its current position and the building did belong to the County Council at one time. He referred to his original point that with the current layout with the bedrooms close to those taxi ranks he cannot support the proposal.
- Councillor Connor expressed the opinion that it is an empty building, the whole commercial aspect is not being removed, triple glazing is going to be installed and whilst it is not ideal it will bring the whole of the building back into use bringing well needed accommodation to the people of Wisbech. He stated that it makes no sense to him to refuse this application.
- Councillor Benney made the point that there may be taxis outside the window but he and Councillor Murphy both lived on the High Street at times and there were cars pulling up outside all the time and he feels that wherever you build there will be noise wherever there are cars and people and he agrees with the Chariman that this proposal does bring back a building into use.
- Councillor Murphy agreed, he feels that wherever a dwelling is placed someone will always live in it and this proposal is right in the middle of Wisbech, it is going to be busy and noisy but someone will occupy those flats of their own accord.
- Councillor Connor expressed the view that if the flats go up for sale or rent there will be numerous people wanting them and there will be no problem with people wanting to occupy them.
- Councillor Marks referred to the first application determined at the committee meeting which saw a proposal for a derelict building and if this building is left committee in 2-3 years time will be in the same position discussing some type of scheme for a derelict building to try and make it better. He feels this proposal immediately answers a question of homelessness or housing need and it should not be left empty.
- Councillor Mrs Mayor stated that this application is asking for one retail unit and asked if this is being excluded or are committee being asked to go with the application as presented? Councillor Connor responded that the committee needs to decide on the application as presented.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the

application be GRANTED against officer's recommendation with authority delegated to officers to apply appropriate conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that Central Government's Policy is to bring empty properties back into use which this proposal does, the noise and disturbance from the taxi rank can be mitigated by triple glazing and the possible introduction of acoustic glass and the flats will satisfy a housing need that exists.

**P32/22 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**

This agenda item had been withdrawn.

**P33/22 F/YR22/0654/O
LAND NORTH EAST OF EAST VIEW, GOTE LANE, GOREFIELD
ERECT 1NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Allison Curtis, the applicant. Ms Curtis advised members that she lives at East View, Gote Lane which has been her home for over 20 years and previously belonged to her former in-laws. She expressed the view that she has been lucky enough to bring up her three children here and has an abundance of memories contained in her home.

Ms Curtis stated that in 2005 her then husband was involved in a horrific RTA which left him with severe head injuries and led to the unfortunate break down of their marriage in 2008, finding herself a single mum of 3 children living in a large house with an even larger garden which she cannot cope with on her own. She stated that she has always worked two jobs to keep afloat, with one of them being a small business which she runs from home, and she would lose this if she is forced to sell her home to downsize.

Ms Curtis referred to one of her clients, who had become a close family friend, being a councillor and he suggested that she apply for planning for an infill plot, which would cut down her workload and make her garden look better under control when her clients visited. She stumbled through the process at that time only to get her application refused, it is now a few years on, and she has a little more understanding as to why her original application was refused, but with that limited understanding comes her reasoning for disagreeing with the recommendation at this time.

Ms Curtis stated that she is unable to see why this development is not acceptable in principle, it is well within the village sign this being about 30 metres away from the property and after this there is quite an open area but not so much before this. She has always considered that she lives very much in the heart of the village being just about 350 metres away from the centre within easy walking distance of every amenity on offer and she used to walk her children to Gorefield Primary every day and they then walked to end of the lane to get the bus to High School.

Ms Curtis expressed the view that she stills walks to the post office, the butchers, to the beer fest at the Pavilion and also walks her granddaughter to the playing field when she is visiting and feels she is lucky to live in Gorefield. She stated that her house and intended plot is not on agricultural

land but on her garden and is to her mind a logical infill plot, it is far from an open space currently due to the trees being so dreadfully overgrown, another issue from her limited gardening skills, and they are getting to the point of becoming dangerous and she has approached a local company to cut them down before high winds come again.

Ms Curtis expressed the opinion that there were no other plots available in the village and currently only 5 properties for sale in the whole of Gorefield. She feels strongly that Gorefield is a wonderful up and coming village in which to raise a family and she would love to give someone the opportunity to build their own dreams there.

Ms Curtis stated that she has submitted 10 letters of support from people in the village, with offers from several more, and the Parish Council are in support of the application, which she feels means they can see the same potential as her that another property in this location would add sustainability to the village and can only bring positive outcomes to all parties involved. She expressed the opinion that the plot is a decent size, 18 metres wide by 52 metres deep, and has been reliably informed that this is a larger than average plot.

Ms Curtis stated that whilst she does not profess to understand all the ins and outs of planning applications, committees, summaries and frameworks, she felt the need to explain why she is continuing with this application. She is unable to cope with her land but she cannot bear to have to sell her house and downsize, she does not want to give up the happy memories she has fought so hard to resurrect, the home she single-handedly fought to keep so that her children not only had a roof over their head but had an amazing village and community to give them the idyllic childhood they deserved despite the circumstances they found themselves in, with the small business she runs being her lifeline and is continuing to build again following the devastation that was Covid.

Ms Curtis recognises her reasons are emotional and not particularly procedural, but feels they are equally valid, and she hopes due to the whole package members would be able to grant approval of this application.

Members asked questions of Ms Curtis as follows:

- Councillor Benney asked what kind of business is run from her home? Ms Curtis responded that she has a log cabin which she runs a hairdressing business out of. Councillor Benney asked if she would be able to continue with the business if she has to sell and move? Ms Curtis responded that if she could find a suitable property with room but she would have to apply for appropriate planning. She stated that at the moment she has a log cabin and has lots of clients in the village and from the outskirts of the village who probably would not be able to travel elsewhere and there are few appropriate properties in the village to remain there so it would effectively mean her business would close.

Members asked questions of officers as follows:

- Councillor Skoulding expressed the view that looking at the plan the proposal looks like infill to him, there are houses to the side and opposite, and he cannot see it being anything else but infill. David Rowen responded that from an officer point of view the site is outside the continuous built form of the settlement as defined in the relevant policies of the Local Plan and whether it is between two existing properties or in isolation or whatever scenario the principle of a residential development in that location is not acceptable and conflicts with policy.
- Councillor Mrs French expressed the view that it is all down to interpretation, what councillors feel is infill and what officers do and there is often disagreement between the two. In her view, looking at the plan, it looks like infill.

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

- Councillor Topgood echoed what other councillors have expressed that, in his view, the site is infill and there is a natural line going towards the village. He personally does not have an

issue with the application, in his opinion, it will be a lovely house for somebody to live in, a nice location and the amenities are far beyond what some people get in towns. As far as public transport is concerned, Councillor Topgood expressed the opinion that this has been spoken about at committee time and again, it is a rural community people are going to need cars and you are never going to get cycleways and buses at people's doors. He considers it infill and would go against officer's recommendation.

- Councillor Benney stated it looks like an infill to him and this is an applicant who has a business here and if she has to move out of the area this would affect the residents who live there and use her business. He expressed the view that there has been debate before about where officers feel boundaries stop and this is in walking distance of the village, so he is inclined to support the application.
- Councillor Sutton stated that he agrees with some of the comments of other members but asked how the committee gets over the sequential test issue. He made the point that the committee has just refused an application due to the sequential test, deferred another and this is another one that has not fulfilled the requirement for a sequential test and how would it look if this one is approved. He feels the only option in this case is to do the same as for a previous application and defer the application for a sequential test to be undertaken.
- Councillor Murphy stated he was going to raise this issue as it cannot be requested on one and not another one. He would like it to come back straight away with the sequential test but expressed the view the situation is getting ridiculous as if applications are supposed to have a sequential test or any other assessment and it is not submitted it should be immediately rejected.
- Councillor Marks asked if it states on the application form that they have to produce a sequential test before putting an application in?
- Councillor Mrs French expressed the opinion that this keeps happening month after month, she did ask a question previously about the checklist of requirements and was told by officers that they cannot force the applicants to do it and the wording of the response was woolly.
- Nick Harding stated that for validation checks on an application there is a list that applicants need to work to and advice and guidance on the website about whether or not a particular item on the checklist is relevant to their application. He stated that if an application is submitted with a tick to say Flood Risk Assessment and Sequential Exceptions Test a document that purports to cover those items should be submitted and the application starts to be processed. He made the point that it is when the Case Officer reads the document and feels the content is somewhat light or non-existence there is an issue.
- Councillor Marks asked if it says you need to submit this document, yes or no or is it left woolly? Nick Harding responded that the Flood Risk Assessment with a sequential test was submitted in this instance, but the content was light. He referred to an example if he submitted an application for 50 homes that would trigger the need for a transport assessment and if a document entitled transport assessment was submitted and its content said "not many cars or buses would come to this site, everything is going to be fine" this is not adequate in terms of content but a document entitled transport assessment has been submitted. Councillor Marks recognised that it is professionals in the main that are submitting applications but questioned whether it was clear on what is required rather than an overview, which he feels is woolly, and is why, in his view, committee is in this situation today. Nick Harding responded that the advice is really clear, it is contained within the adopted Supplementary Planning Guidance as to what is required when submitting a sequential test.
- Councillor Mrs French expressed the view that in one hand there is not a sequential test but in the other hand there was a sequential test but it was not sufficient so it is interpretation, and it is up to this committee to determine if it has been undertaken or not and whether the application can be approved or not.
- Councillor Mrs Davis made the point that she does not have the technical ability to know whether it was undertaken properly. Nick Harding responded that David Rowen's presentation outlined to members that the sequential test submitted was a quick check on

Zoopla. David Rowen read the relevant section of the committee report at 10.12 relating to this issue.

- Councillor Sutton expressed the opinion that the reason as to why members are in this situation rests squarely on the committees' shoulders because time again the sequential test has been ignored, citing an example near Wisbech St Mary, and it is no surprise that agents and applicants watch the committee and see them overriding the sequential test and saying it does not matter and it is no surprise that these applications are being submitted with no sequential tests or inadequate ones as it is felt the committee is going to pass them anyway.
- Councillor Murphy made the point that it is not up to the committee to discuss this issue, it is up to the agents to get it right and if they cannot be bothered to complete the checklist properly it is the agents fault. He feels they are trying to get away without doing the work and this should not be allowed to continue.
- Councillor Mrs French said she has been making these comments for years, if not all the information or documents are there it should not be validated, and she has discussed this with the portfolio holder and she has been told that things are going to change. She made the point that officers are not there to do agents work and she hoped that the portfolio holder was listening, and the issue could be addressed as soon as possible.
- Councillor Sutton stated that whatever happens here members need to refer to the comments he made at the last meeting if the application is being refused, is it being refused for all the reasons for refusal as if members say they do not believe it is in the countryside but in Gorefield village they need to say this now. He feels that the committee need to look at the refusal reasons and see which ones they agree with, many people of Gorefield believe this site is in Gorefield and he questioned who are members to disagree but members need to be clear.
- Councillor Connor stated that he tried to steer the refusal at that last meeting following Councillor Sutton's comments and would like the committee to take these comments on board and would like to steer this in that direction if committee agree.
- Councillor Mrs Davis stated that members may need some advice from officers because if it is agreed that the committee does not believe it is an elsewhere location then that changes the sequential test, so to be fair to Ms Curtis she needs to be told what she needs to do.
- Councillor Benney agreed with the comments of Councillor Sutton, members need to define the reasons for refusal, referring to another application where not all the reasons for refusal were agreed with, and whether the committee wants to refuse this application on all the reasons. In his view, it is not in an elsewhere location and if the applicant comes back with an acceptable sequential test, it can be approved, but members need to get the decision right.
- Councillor Topgood agreed with the comments of Councillors Benney and Sutton, and he does not feel it is in an elsewhere location.
- Nick Harding stated that if someone is going to make a proposal on refusing the application then, as has been indicated by Councillors Sutton and Benney, members need to make a decision on whether they agree with all three reasons for refusal and if there are a number that members do not agree with then they need to set out the reasons why they do not agree.
- David Rowen added that, in respect of where residents feel the village extent is, the appeal decision reported a couple of meetings ago to refuse the PIP application at the Rectory in Benwick, the Inspector stated that the Local Plan does not rely on defined settlement boundaries rather requires a physical assessment to be made to determine whether or not the site is within a village for the purposes of LP12 and goes on to say this results in a site which could come to be in general terms part of the village but not in the village for the purposes of the spatial strategy and this is a key issue on whether it is an elsewhere location or not as to whether it is part of the continuous built settlement as set out in Local Plan.
- Councillor Sutton expressed the view that this is still subjective, and that Planning Inspector may have made that decision but had that been another Planning Inspector a different

decision might have been made and the Council has seen in the past that even the same inspector made one decision one time and a different decision next time on an application in Wimblington so it is not hard and fast. He feels that it is subjective, the committee still has the ability to make the decision if members think the site is part of the village, but he is still on the fence about this but is not on the fence about the sequential test as he cannot see how this can be passed based on the decisions made previously.

Proposed by Councillor Benney, seconded by Councillor Murphy and agreed that the application be REFUSED on the grounds that the successful completion of a sequential test for the village has not been submitted.

Members did not support officer's recommendation of refusal for reasons 1 (essential need) and 2 (harm to the character of the open countryside) as they feels the site is part of the village, the dwelling will make a positive contribution to the village and will add value to the village by keeping a business operating providing services to residents in the village.

P34/22 CONFIDENTIAL - PREVIOUS MINUTES

The confidential minutes of 29 June 2022 were confirmed and signed as an accurate record.

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

5.19 pm

Chairman

F/YR22/0381/F

**Applicant: Urban Developments
Peterborough Ltd**

**Agent : Ms Kate Wood
Eddisons Barker Storey Matthews**

Land South Of 88, West Street, Chatteris, Cambridgeshire

Erect 22 x dwellings (4 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings

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 22 x 2-storey dwellings, works are proposed to upgrade West Street with a footpath being provided and a pedestrian link is also provided through the site. The development involves alterations to site levels (increasing up to 1.5m, whilst the access is slightly lower), the formation of attenuation ponds and the demolition of existing buildings.
- 1.2 There are no significant issues in relation to flood risk, drainage (for the development site, there are concerns regarding the West Street upgrade and potential impact of this) or ecology, subject to suitable conditions.
- 1.3 However, the dense, estate type development proposed is not considered to respect the rural form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings, in particular in relation to 88 West Street is considered to have a significant detrimental impact on the visual amenity and character of the area
- 1.4 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings on Fairview Avenue. However, insufficient information has been submitted to enable the impact of the proposed development on the residential amenity of 88 West Street to be fully assessed. As such it has not been demonstrated that there would not be a significant detrimental impact.
- 1.5 Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. However, the scheme put forward in respect of the West Street upgrade cannot be feasibly delivered, and as such it has not been demonstrated that a well-designed, safe and sustainable access can be achieved.
- 1.6 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for

this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

2 SITE DESCRIPTION

- 2.1 The application site is located on the western side of West Street, to the rear of the properties on Fairview Avenue, and is accessed via a Byway that links West Street and Blackmill Road, this then becomes a public footpath leading to Little Acre Fen Pocket Park and out of the town. The current access road is narrow, not in the best state of repair and partially unmade.
- 2.2 The site consists of 3 large commercial type buildings constructed in block and what appears to be asbestos with lean-tos linking the buildings, in front of which is a gravel and concrete hardstanding area and to the rear and side an area of informal storage. The remainder of the site is paddock type land which does not appear to be actively farmed and is used as an informal access to Little Acre Fen Drive, cutting off the corner (though it is acknowledged that this is private land). The site slopes down from east to west and there is a drain forming the western boundary of the site.
- 2.3 The eastern side of the site is located in Flood Zone 1, sloping west into Flood Zones 2 and 3

3 PROPOSAL

- 3.1 The application seeks full planning permission for 22 x 2-storey dwellings;
- 3.2 House Type A x 3 (Plots 1-3) are detached dwellings and measure 12.3m x 11.6m and 8.6m in height with accommodation comprising of lounge, kitchen/family/dining room, utility, study, WC and garage at ground floor and 4 bedrooms (1 with en-suite and dressing room) and bathroom at first floor level.
- 3.3 House Type B x 10 (Plots 4-11 and 18-19) are semi-detached dwellings and measure 12.45m x 10.8m and 9m in height with accommodation comprising lobby, lounge, kitchen/diner and WC at ground floor level and 3 bedrooms (1 with en-suite) and bathroom at first floor level for each unit.
- 3.4 House Type C x 3 (Plot 20-22) are terraced dwellings and measure 20.4m x 10m and 9m in height with accommodation comprising lounge, kitchen/diner and WC at ground floor level and 3 bedrooms (1 with en-suite) and bathroom at first floor level for each unit. The central terrace (Plot 21) has an access corridor through the building to the rear garden.
- 3.5 House Type D x 2 (Plots 16-17) are semi-detached dwellings and measure 12.1m x 10m and 9m in height with accommodation comprising lounge, kitchen/diner and WC at ground floor level and 3 bedrooms and bathroom at first floor level for each unit.
- 3.6 House Type E x 4 (Plots 12-15) are semi-detached dwellings and measure 10.8m x 9m and 9m in height with accommodation comprising lounge, kitchen/diner and WC at ground floor level and 2 bedrooms and bathroom at first floor level for each unit.

Works are proposed to upgrade West Street from 81 West Street to the entrance to the site with a footpath being provided and a pedestrian link is also provided through the site.

- 3.7 The development involves alterations to site levels (increasing up to 1.5m, whilst the access is slightly lower), the formation of attenuation ponds and the demolition of existing buildings. A strip of land adjacent to the western edge of the site would be utilised as open space and the footpath link and attenuation ponds are located within this.
- 3.8 Full plans and associated documents for this application can be found at:

[F/YR22/0381/F | Erect 22 x dwellings \(2 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed\) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings | Land South Of 88 West Street Chatteris Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0381/F | Erect 22 x dwellings (2 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings | Land South Of 88 West Street Chatteris Cambridgeshire (fenland.gov.uk))

4 SITE PLANNING HISTORY AND BACKGROUND

- 4.1 There is no recent planning history on this site, however it has been the subject of pre-application enquiries (21/0078/PREAPP and 21/0120/PREAPP).
- 4.2 The former advised that the principle of estate type development would not be supported as it would not respect the form and character of the area and would result in an in depth encroachment into the open countryside. However, there was scope to redevelop the current commercial/brownfield site for further linear development. Comments were also provided in respect of site levels, layout, use of the Byway, flood risk and drainage, developer contributions, contamination and ecology.
- 4.3 The latter was to discuss detailed design matters as it was proposed to submit an application despite the previous pre-application advice.

5 CONSULTATIONS

5.1 Arboricultural Officer (FDC)

The application includes a proposed landscape scheme including mixed ornamentals for residential areas, mixed native hedging, wild flower areas and tree planting including both native and ornamental. The proposed species would provide a net increase in biodiversity.

The main concern would be potential damage to shrub/hedge belts on the east side of West Street from heavy plant/construction traffic.

Protection for existing verges where tree root systems are likely to be will be required and to protect from vehicles manoeuvring off the road onto growing areas.

The protection measures can be conditioned.

5.2 NHS Primary Care Team

I can confirm that Cambridgeshire and Peterborough CCG will not be requesting S106 mitigation from this development toward Primary Healthcare.

5.3 Refuse Team (FDC) (8/6/2022)

A swept path plan would be required to demonstrate that a refuse vehicle could access the site turn and leave the site in a forward direction. Application indicates that roadways will be adopted except the private access road which serves plots 4-7 therefore a shared bin collection point will be required.

In addition:

- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Residents will need to present bin(s) on collection day at the boundary of their property where it meets the public highway*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.4 Refuse Team (FDC) (6/7/2022)

Swept path plan provided and shared collection point included for plots 4-7 served by private access driveway so points previously raised have been addressed.

5.5 Cambridgeshire County Council Highways (3/8/2022)

Comments were received on 20/6/2022 and 28/6/2022 which have been superseded by those below:

Upon review of the highway works along West Street, as shown on the drawing 6343/PL01F, they appear unfeasible.

Specifically, the proposed 1.8m footway cannot be constructed on the west side of West Street due to the notable level difference between the highway and adjoining properties. Such a footway needs to be in crossfall towards the highway (otherwise highway water will drain to private land), meaning a retaining wall would be required as would re-profiling private driveways where they cross the path. As this is land outside of the applicant's control, the solution is undeliverable.

However, upon inspection, a 1.8m footway could be constructed within the existing highway verge on the east side which is largely level and unobstructed. To facilitate this, a carriageway width of 5m rather than the proposed 5.5m would be acceptable. If the applicant does not control the necessary land to continue the footway on the east side once beyond the extent of public highway, they could provide a crossing to the west side along the frontage of no. 88 West Street which is still within public highway.

If the applicant is unable to make the necessary changes at this stage, I have sufficient comfort that a solution is feasible, and would therefore recommend a condition be appended to any permission that a scheme with the footway on the east side of West Street be submitted to the LPA for review prior to the commencement of development. In this scenario, to avoid any future ambiguity, the drawing 6343/PL01F should be amended to remove the current access proposals if it is to be included in the list of approved drawings.

The highway works also include two build-outs for the purpose of traffic calming. In the context of the surrounding road network, this is not necessary. In any case, such traffic calming on an existing highway is subject to consultation (as per the Highways Act 1980 and The Highways (Traffic Calming) Regulations 1999), meaning the provision is not necessarily in the applicant's gift and it would

therefore form a Grampian condition if required. My recommendation is that the build-outs are omitted.

The applicant has not provided information stating how the highway works and associated additional impermeable areas along West Street are to be drained. While the lack of information does not form the basis for an objection, it is in the applicant's interest to investigate this now as the provision of suitable highway drainage may be costly and otherwise impact upon scheme viability.

The internal site layout is acceptable. My only comment is that permeable paving on private drives is not considered an acceptable means of surface water drainage in isolation. Should the applicant wish for CCC to adopt the internal roads, where a private drive falls towards roads proposed for adoption, additional surface water interception is required e.g., channel drains or gullies.

The comments made in this response are done so on a without prejudice to any future S38 Agreements, should the applicant wish to offer the roads to CCC for adoption. Adoption will only be considered whereby the construction aligns with CCC's Housing Estate Road Construction Specification and where the surface water system is first adopted by Anglian Water. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for the proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

Please append the following conditions and informative to any permission granted:

Conditions

Binder Course: 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 6343/PL01/F

Parking/Turning Area (amended): Prior to the first occupation of the development space for on-site turning shall be provided and surfaced in a bound material.

Management of Estate Roads: Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Wheel Wash Facilities: Development shall not commence until fully operational wheel cleaning equipment has been installed within the site. All vehicles leaving the site shall pass through the wheel cleaning equipment which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order for the duration of the development.

Off-Site Highway Works: No development shall take place until details of works to West Street access (including a carriageway of at least 5m, a 1.8m footway on the east side of the carriageway and a drainage strategy) have been submitted to and

approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

Informatives

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.

5.6 Environment Agency

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

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

Review of the FRA

We have reviewed the submitted Flood Risk Assessment (FRA) undertaken by Parsons Consulting Engineers Ltd (ref: 21159-FRA-01, V1, dated: 22/02/22) with regard to tidal and designated main river flood risk sources only and wish to make the following comments:

Whilst the submitted FRA states that the site lies within Flood Zones 1, 2 and 3 and confirms that all dwellings will be located in Flood Zone 1, it does not consider the residual risk of fluvial flooding following a breach in the raised defences.

Notwithstanding our comments above, we note that a sequential approach has been taken to the site layout, with 'more vulnerable' development directed towards the part of the site that lies within Flood Zone 1. Furthermore, the Fenland Hazard Mapping which covers the area of Chatteris shows that the site to be unaffected if a breach of the flood defence was to occur.

Given the location of the proposed development over 6km from the nearest designated main river, we have no objection to the proposed development on flood risk grounds. However we strongly recommend that the Middle Level Commissioners should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals. As this application is for a major development, the Lead Local Flood Authority should also be consulted with regard to surface water drainage issues.

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

Advice for the Applicant

As the site is partly located within an area considered to be at risk of flooding, we recommend that flood resilient measures are incorporated into the design of the development. The latest Department for Communities and Local Government (DCLG) guidance is contained within 'Improving the flood performance of new buildings – Flood resilient construction 2007', which is available to download from the DCLG website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

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

Please forward a copy of this letter to the applicant.

5.7 Designing Out Crime Officer (5/5/2022)

Thank you for the opportunity to comment on this planning application, I have viewed the documents including the design and access statement (DAS) in relation to crime, disorder and the fear of crime. I have searched the constabulary crime and incident systems covering this location for the last 2 years. I would consider this to be an area of low risk to the vulnerability from crime at present.

Having looked at the DAS there doesn't appear to be a crime prevention or security section in the (DAS). Planning policies and decisions should ensure that developments: 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.

Overall this layout appears to be an acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered. This should encourage some level of territoriality amongst residents. Most of the vehicle parking is in-curtilage between and to the sides of properties, some of the homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with defensible space to their front.

I do have concerns in relation to plots 8, 12, 13, 16 and 17, these properties back onto the open space and public footpath, experience is that these rear fences can become an area children kick footballs against causing damage and annoyance to neighbours, also whilst I understand the requirement for the fence height to be 1.5m with 300mm trellis to these properties overlooking the open space, I have concerns in relation to the footpath please see below.

Lighting – It would be good to see a full External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private, shared drives and parking areas should be lit by columns to BS5489:1 2020. 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. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.

Cycle parking provision – What provision will be considered for cycle storage? The design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor or as a minimum sold secure gold ground anchors cemented into the floor. I would like to see a copy of the design for this structure when available.

Footpaths – Whilst I understand the Health and Wellbeing agenda is designed to 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. There is a fine balance between this and vulnerability for crime, I am mindful that the public footpath to the rear of the plots mentioned above on this small development, that could provide easy egress for potential criminals. Footpaths should be straight with clear visibility, the landscaping along these paths should be maintained, trees the crowns should be raised to 2m. The footpath should be lit by columns to BS5489-1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage. A solution could be defensible planting to the rear fence line and the relocation of the public footpath to the far side of the suds.

Plot 21 rear access - I would like clarification that the footpath providing access to the rear of this property be gated as close as possible to the front building line, fitted with self-closers, and lockable from both sides?

I would like to see a copy of the lighting plan for this development including the public open space and footpaths, there would also be a requirement for street lighting to the rear of plots 18-22 backing onto Little Acre Fen Drove.

Crime prevention should be considered as an integral part of any initial design for a proposed development. It should incorporate the principles of ‘Secured by Design’. In particular to demonstrate how their development proposal has addressed issues, in order to design out crime to reduce the opportunities for crime.

This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime, I would encourage the applicant considers submitting a “Secured by Design” 2019 Homes application – this office would be pleased to work with them to attain this award.

5.8 Designing Out Crime Officer (11/7/2022)

Thank you for the opportunity to comment on this application. I have reviewed the documents and note my colleagues comments dated 5th May 22.

Footpath - I happy to see that the footpath to the rear of plots 8, 12, 13, 16 &17 has been removed.

Lighting – The lighting plan appears to be acceptable.

Please can you confirm the following.

- *Footpath (plot 21) – will there will be a side gate for plot 21? If so, this will need to be positioned as close as possible to the front building line and be lockable from both sides.*
- *Cycle provision - Do you have any plans to provide cycle storage?*

5.8 Town Council

Support but request that as part of planning gain one of the conditions of permission should be that the roadway as far as the Little Acre Fen Pocket Park is made up to an agreed standard.

5.9 Cambridgeshire County Council Definitive Map Team (15/7/2022)

Thank you for consulting with the Definitive Map service at the County Council on the above planning application.

Public Byway No. 22, Chatteris runs within the eastern boundary of site and on the access to the site and Public Footpath No. 4, Chatteris runs along Little Acre Fen Drove abutting the southern boundary of the site. To view the location of the public footpath please view our interactive mapping online which can be found at <https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx>.

The Definitive Map service note that it is intended to use part of Public Byway No. 22, Chatteris to form part of the access roads within the site. As a Public Byway the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles. The byway is only maintained to the standard of a soft surface suitable for the majority of users (pedestrians and equestrians) rather than for private vehicular use. The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highways Authority. The County Council does not know who the owner of the subsoil is. The applicant will need to satisfy themselves on this.

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve the byway to secure a standard that be required by the Local Planning Authority. The applicant therefore would proceed with any development that might affect the highway at their own risk.

The Definitive Map service note that Proposed Site Plan 6343/PL01J shows a footpath running adjacent to green space within the western boundary of the site. This footpath is labelled as '2.0m Public Footpath'. To clarify, the County Council would not propose to make this footpath a Public Right of Way.

Boundary Treatment Plan 6343/PL08F shows proposed fencing along the southern border of the site running adjacent to Public Footpath No. 4, Chatteris. Where fencing is proposed adjacent to a Public Right of Way, we consider this by reference to the County Council's guidance which can be found in 'Public Rights of Way – Guidance for Planners and Developers' at www.cambridgeshire.gov.uk/definitivemap. Where a fence is proposed adjacent to a PRoW, the Highway Authority would require an offset distance of 0.5 metres. This requirement is to ensure the Highway Authority can access the public footpath with appropriate machinery and to ensure that any future hedge or natural vegetation growth does not encroach on the public's ability to use the public footpath.

Whilst the Definitive Map Team has no objection to this proposal, should you be minded to grant planning permission then we would be grateful if the following informatives are included:

- Public Byway No. 22, Chatteris and Public Footpath No. 4, Chatteris must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public highway).*
- No alteration to the surface of the Public Byway and Public Footpath is permitted without our consent (it is an offence to damage the surface of a public byway or a public footpath under s 1 of the Criminal Damage Act 1971).*
- Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users must 'give way' to them*
- Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them*
- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way*
- Landowners and developers are reminded that it is their responsibility to maintain boundaries, including trees, hedges, drains and fences adjacent to Public Rights of Way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction or maintenance problems, available online at <https://www.cambridgeshire.gov.uk/residents/libraries-leisure-culture/arts-green-spaces-activities/definitive-map-and-statement> (please scroll down to section entitled 'Town and Country Planning Act 1990')*
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.10 Cambridgeshire County Council Lead Local Flood Authority (16/5/2022 and 21/6/2022)

The LLFA object to the application.

Full details of comments received are available to view via public access on the Council's website.

5.11 Cambridgeshire County Council Lead Local Flood Authority (14/7/2022)

*Thank you for your re-consultation which we received on 4th July 2022.
We have reviewed the following documents:*

- Drainage Strategy, Parsons Engineers, Ref: 21159-001-P4, Dated: 30 March 2022*
- Lagoons and Swale Cross Sections, Parsons Engineers, Ref: 21159-200-P2, Dated: 24 May 2022*
- SW Calculations- Network: Storm Network, Parsons Consulting Engineers, Dated: 25 May 2022*
- Email Response to LLFA Comments, KW to NC, Subject: RE: F/YR22/0381/F at Land South Of 88 West St, Chatteris, Dated: 26 May 2022*
- Email Response to LLFA Comments, KW to NC, Subject: F/YR22/0381/F Land South Of 88 West St, Chatteris, Dated: 4 July 2022*

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving, swales, and attenuation lagoon, restricting surface water discharge to a combined rate of 5.5 l/s from two outfalls. Discharge will be via private drainage, and the adoptable highway at 1.5 l/s and 4 l/s respectively.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The LLFA is also supportive of the use of swales, as they provide both surface water conveyance and treatment. Attenuation basins are multi-beneficial in nature and provide surface water attenuation in order to restrict the discharge rate to the required value, as well as treatment, biodiversity, and amenity value.

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

Although hydraulic calculations predict that that flooding will occur in the 1% AEP (Annual Exceedance Probability) rainfall event +40% climate change. However it is shown that the flood volume is less than 5m³ and therefore the LLFA does not object to this application.

We request the following conditions are imposed:

Condition 1

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 documents listed below:

- Drainage Strategy, Parsons Engineers, Ref: 21159-001-P4, Dated: 30 March 2022*
- Lagoons and Swale Cross Sections, Parsons Engineers, Ref: 21159-200-P2, Dated: 24 May 2022*

and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;*
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection,*

conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

e) Site Investigation and test results to confirm infiltration rates;

f) 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

g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

h) Full details of the maintenance/adoption of the surface water drainage system;

i) Permissions to connect to a receiving watercourse or sewer;

j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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 2

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

Reason

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

Informatives

Shared Access

According to the drainage strategy, surface water runoff from proposed dwellings will be conveyed via pipes that cross through the curtilage of other plots. This would result in these pipes having multiple shared owners, which could have negative implications for access to the pipe for maintenance or repair. For example, if the pipe that serves one property is damaged, but the section of damaged pipe is located within the boundary of the adjacent dwelling, issues may then arise if the owner of the property cannot grant permission for access. This could lead to increased flood risk to any properties relying on this maintenance to ensure their plot drains. The applicant should consider alternative locations of drainage features where possible.

IDB Consent

Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment and that of Warboys Somersham & Pidley IDB whose consents are managed by the MLC. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the Board's district will require MLC/IDB consent. It is therefore recommended that you contact the MLC to discuss their requirements. Further information is available at: <https://middlelevel.gov.uk/>

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 Anglian Water (12/4/2022)

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 Chatteris-Nightlayer Fen 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 Plan. 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.

1.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. 2.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. 3.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. 4.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. 5.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. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. 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/>

5.13 Anglian Water (10/6/2022)

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response

5.14 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
Hinchingsbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA*

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

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

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

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

I trust you feel this is reasonable and apply our request to any consent given.

5.15 Housing Strategy (FDC)

Please find my consultation comments below for F/YR22/0381/F - Erect 22 x dwellings (2 x 2-storey 2-bed, 15 x 2-storey 3-bed & 3 x 2-storey 4-bed) with associated parking and landscaping, and the formation of attenuation ponds, involving the demolition of existing buildings at Land South Of 88 West Street Chatteris Cambridgeshire

Fenland Local Plan Policy LP5 Requirements

Policy LP5 of the Fenland Local Plan (adopted May 2014) seeks 25% affordable housing on developments where 10 or more homes will be provided

<i>On sites of</i>	<i>Level of affordable housing</i>
<i>Minor developments (5-9 dwellings)</i>	<i>Nil affordable housing</i>
<i>Major developments (10 or more dwellings)</i>	<i>25% affordable housing (rounded to the nearest whole dwelling)</i>
<i>Tenure Mix</i>	<i>70% affordable housing for rent (affordable rent tenure) and 30% other affordable routes to home ownership tenure (shared ownership housing)</i>

Since this planning application proposes the provision of 22 number of dwellings,

our policy seeks to secure a contribution of 6 affordable dwellings in this instance. I note in the documentation supplied with this application that these number of affordable homes are proposed.

I note the proposed breakdown of affordable homes is as below:

*4 x 2 bed dwellings
2 x 3 bed dwellings*

I support the above mix.

The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% shared ownership. This would equate to the delivery of 4 affordable rented homes and 2 shared ownership based on the provision of 25% affordable housing. We would ask that a mix of the 2 & 3 bedroom dwellings are provided as affordable rented tenure, to be made available for applicants on the register that require these homes.

*The provision of on-site affordable housing or a financial contribution
Where affordable housing is due, the policy indicates that the affordable housing will be provided on site unless there are exceptional circumstances which necessitate provision on another site or the payment of a financial contribution.*

In recognition of the difficulty of implementing an on-site policy for affordable housing provision where the number of affordable homes generated by planning obligations is less than 10 dwellings, since April 2016 Fenland has agreed that on sites submitted for planning for 37 dwellings or fewer, the affordable housing planning requirement can be discharged by way of a financial contribution rather than on-site provision.

This arrangement has now been reviewed in response to the findings of the Viability Assessment and the potential for variations in the percentage of affordable housing delivery that is likely to be achievable through planning obligations, depending on the location of the site within the local authority district area.

Accordingly, Fenland's revised approach is to agree that sites that yield less than 10 (i.e., 9 or fewer) affordable homes through planning obligations can be discharged by way of a financial contribution rather than on-site provision. This application of this arrangement is not dependent on the total number of dwellings seeking consent for delivery, instead, it is triggered by the number of affordable homes that are deliverable.

If the applicant chooses to provide a financial contribution rather than seek an RP partner to deliver the on-site affordable housing, the affordable housing financial contribution will be calculated in accordance with the mechanism provided in the Local Plan policy and as follows:

- The applicant should submit the necessary open market values of homes which would otherwise have been affordable housing to FDC.*
- FDC will assume that RPs would usually pay 55% of OMV for a rented dwelling and 65% of OMV for a shared ownership dwelling.*
- FDC will assume that 70% of all affordable homes will be rented tenure and 30% will be shared ownership tenure.*

Recommendation:

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

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

Pre-commencement Condition(s) -

- The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Preliminary Ecological Appraisal and Reptile Survey (Greenlight Environmental Consultancy, 2021) which details the methods for maintaining the conservation status various protected species, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*
- No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:*

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

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

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

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

*-Placement, type and number of any recommended biodiversity enhancements;
and*

-Boundary treatments.

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

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

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.*

Assessment/Comment:

The PEA and reptile survey outline that the proposed development can avoid negative impacts on ecological material concerns while also maintaining the biodiversity value of the site so long as the recommended mitigation and compensation within the reports is followed. The conditions recommended will insure that these mitigation and compensations are included within the application documentation.

All landscaping recommendations will need to be included within the landscaping plan. If these are impractical then written explanation for why their inclusion was avoided should be given.

Planning Policies/Legislation:

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

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

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

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time

needs to be certain that great crested newts are not present before the works take place.

Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:

The advice given above takes into account the following guidance:

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

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

The biodiversity policies relevant to the proposal are:

LP19 – The Natural Environment:

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

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

- Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.*
- Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.*
- Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.*

- *Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the District into the rest of Cambridgeshire and Peterborough, and other adjoining areas*

5.17 Wildlife Officer (FDC) (15/7/2022)

Recommendations:

No further recommendations in addition to those given on the 9th of May.

Assessment/Comment:

The new plans do not contain any deviation that significantly alter the recommendations give in the previous consultation on the 9th of May.

5.18 Wildlife Officer (FDC) (9/8/2022)

Further advice was sought from the Wildlife Officer due to queries raised during the assessment of the application and concerns raised by local residents:

I have reviewed the comments made and your questions and have the following points to make in response:

- *The applicant has demonstrated that all appropriate compensation can be achieved regarding breeding birds including the recommended Skylark plots.*
- *I have reviewed the lighting plan, while it appears acceptable this conclusion is only reached through extrapolation as the lighting plan only shows how the lights will illuminate the road and not the wider landscape. It is important that drain in particular is not lit, if required I would support requesting a new lighting plan that demonstrates that the light spill will not reach the drain and as much ecological habitat is not lit as possible. The lighting specification should also demonstrate alignment with the Bats and artificial lighting guidance note (2018).*
- *In relation to the neighbour responses, I believe that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.*
- *Considering the point above, I believe a precautionary approach with the vegetation removal should be taken and an Ecological Clerk of Works attend the site during the vegetation removal. If any protected species are found, then all works should stop, and advice sought from the site ecologist. A review with the site ecologist of the landscaping should be performed taking into account the potential for a Newt populating and changed to maximise the potential available post works habitat available.*

5.19 Environmental Health (FDC) (9/5/2022)

The Environmental Health Team note the submitted information and have 'No Objections' in principle, but make the following comments and recommendations for conditions in the event that planning consent is granted.

Having studied and accepted the content of the Phase I Desk Study Report provided by Formation Developments Ltd (Ref No: C154505), I can confirm that any future development on site under will need to adhere to the relevant parts of full contaminated land conditioning. As recommended in the aforementioned report, a Phase 2 intrusive ground investigation shall be necessary and this service would ask that this is imposed by way of condition in the event that planning permission is granted.

In the event that a remediation scheme is required, this should also be conditioned as follows:

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Where the importation of soils for use as a cover system is assumed, it shall be accompanied by an appropriate laboratory analysis to demonstrate its chemical and physical suitability for use. Waste to be taken of site shall be by an approved and licensed waste contractor and accompanied by a waste transfer note in accordance with environmental waste regulations. Any unexpected conditions encountered during the remediation works should also be detailed within the verification report. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme should be submitted and agreed with the LPA.

Reason - To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in the NPPF and Policies LP2, LP16 and LP19 of the Fenland Local Plan 2014.

The presence of asbestos is acknowledged and this must therefore be addressed and removed by an appropriately licensed contractor. An Asbestos Removal Work

Plan should be submitted to and approved by Fenland District Council, before any work commences in the event that planning permission is granted.

Given the nature of the site, proposed scale and proximity to existing nearby residential properties, the issues that will be of primary concern to this service is the potential for noise and dust to adversely impact on the amenity of the nearest residents.

Therefore, a Construction Management Plan will be required that considers the following: -

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

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 may also be relevant, as would details of any piling construction methods / options, as appropriate.

This service would welcome a condition on demolition and construction working times due to the close proximity to existing noise sensitive receptors, with the following considered reasonable:

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

Reason – To protect the amenity of nearby residents

I should take this opportunity to advise that whilst the controls mentioned above are welcomed, the granting of planning consent would not indemnify against statutory nuisance action should this service receive substantiated complaints involving noise/dust/smoke/vibration during the development process.

5.20 Environmental Health (FDC) (14/7/2022)

I note the re-consultation in respect of the above and can confirm that this service has no objections.

Previous comments provided on 09.05.2022 are therefore still valid from an environmental health standpoint.

5.21 Environmental Health (FDC) (5/8/2022)

From studying the street lighting details provided (Drawing No: DWD-3084) and having regard to Figure 1.2.1 Result overview, Evaluation area 1, the proposed scheme appears to comply with parameters for “Rural” Environmental Zones (E”) as set out in The Institution of Lighting Professionals Guidance Note 01/21 “Reduction of Obtrusive Light”.

This does of course rely on the lighting being installed and angled in accordance with the details submitted, from which the Iso-contours shown on the aforementioned plan are then based on.

Recommended Maximum Values of Light Parameters for the Control of Obtrusive Light

Limitation of illumination on surrounding premises

Light intrusion / nuisance

Table 3 (CIE 150 table 2): Maximum values of vertical illuminance on premises

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E _v)	Pre-curfew	n/a	2 lx	5 lx	10 lx	25 lx
	Post-curfew	n/a	<0.1 lx*	1 lx	2 lx	5 lx

* If the installation is for public (road) lighting then this may be up to 1 lx.

5.22 Cambridgeshire County Council Planning and Sustainable Growth Service S106 Summary Table

Table 1 below summarises the contributions requested by the Council. Subsequent sections of this response provide the detailed explanation as to how these contributions have been calculated. The Council provides a cost for the proposed education mitigation projects calculated in accordance the standards as set out in Building Bulletin 103. Where there is no project cost available, the most recent Department for Education scorecard costs will be used.

Table 1: S106 contributions – summary table				
	Contribution	Project	Indexation date	Trigger
Early Years	£54,061	52 pre-school places as part of 2FE primary school	1Q2020	100% prior to commencement
Primary	£130,492	2FE primary school	1Q2020	
Secondary	£87,648	1FE expansion to Cromwell Community College	1Q2020	
Libraries	£3,392	Remodel Chatteris Library to increasing the floor space available to the community.	1Q19	100% prior to occupation of 50% of the development
Monitoring	£150			

Full details of comments received are available to view via public access on the Council's website.

5.23 Local Residents/Interested Parties

Objectors

16 Objections have been received (13 from Fairview Avenue and 3 from Fairview Gardens, all Chatteris) in relation to the following:

- Concerns regarding preservation of hedge/tree belt along the rear of Fairview Avenue
- Impact on ecology
- Drainage/Flood Risk
- Light pollution
- No lighting plan
- Anti -social behaviour increased
- On road (byway) parking/congestion, noise and pollution
- Pressure on doctors surgery/services
- Overlooking/loss of privacy
- Emerging Local Plan
- Danger to pedestrians using byway/accessing the pocket park
- Set precedent for further development
- The majority of the site is not brownfield
- Existing buildings link the town to agricultural heritage and do not detract/existing business on site does not impact the area
- West Street poorly maintained, narrow due to parking and difficult to use, will require improvement
- Houses inappropriate/out of character, should be bungalows
- Development would conflict with the ambience being created by/intent of the pocket park
- Devaluation
- Loss of countryside views

Supporters

9 Supporting comments have been received (1 from West Park Street, Station Street, Pound Road, Grenadiers Drive, St Pauls Drive, Parkside and West Street and 2 from Lode Way, all Chatteris) in relation to the following:

- Barns unsightly and contain asbestos, noisy during the day
- Proposal will be better for community/improve visual impact
- Affordable homes
- Upgraded road
- Designed in a sympathetic manner

Representations

1 representation has been received from West Street, Chatteris advising that they would have concerns if the proposed properties would be too close or trees planted which would overshadow, the road should be adopted and maintained.

Comments, where they relate to planning matters will be addressed in the sections below. It should be noted that devaluation or property and loss of view are not planning considerations.

6 STATUTORY DUTY

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

for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021

Context - C1

Identity – I1, I2

Built Form – B2

Movement – M3

Nature – N1, N2, N3

Public Spaces – P2

Homes and Buildings – H2, H3

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP10 – Chatteris

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

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

DM4 – Waste and Recycling Facilities

Developer Contributions SPD 2015

Fenland Infrastructure Delivery Plan 2016

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Employment**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Developer Contributions**

- **Flood Risk and Drainage**
- **Ecology**

9 ASSESSMENT

Principle of Development

- 9.1 Chatteris is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 of the Fenland Local Plan 2014 as the focus for housing growth. The proposal is for 22 dwellings, which for the purposes of Policy LP4 is a small scale (less than 250 dwellings) housing proposal. Therefore, in the broad terms set out in these policies, the proposal would be acceptable. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways, flood risk or ecology.
- 9.2 The Council's Cabinet agreed to approve the emerging Draft Local Plan for consultation at their meeting on 13th June 2022, however to date this consultation has not commenced.
- 9.3 Para 48 of the NPPF 2021 states the following:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Given that the emerging plan has not yet reached consultation stage, no weight is afforded to the policies therein.

Employment

- 9.4 The application site encompasses 3 linked commercial type buildings which the applicant's agent advise have been in use by an engineering company for the past 10 years and as such would be in B2 (general industrial) use.
- 9.5 Policy LP6 states that the Council will seek to retain for continued use high quality land and premises currently in use for B2 employment purposes. The company are currently in the process of relocating, hence the business will not be lost and the applicant's agent has advised the buildings are in poor condition and nearing the end of their useful life.
- 9.6 To this end para 120 of the NPPF 2021 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The site of the current buildings would be considered brownfield or previously developed land as defined in the NPPF and are located on the edge of the settlement. As such, on balance, the redevelopment of this area of the site for housing may be appropriate and potentially more compatible with the

adjoining residential use, subject to other policy considerations including the appropriateness of the design, sustainability of the site and suitability of access. It should be noted that the remainder of the site is agricultural and would not constitute 'brownfield' land.

Design considerations and visual amenity of area

- 9.7 This area of West Street features a linear development of 5 detached, single-storey dwellings on good sized plots with views of the open countryside beyond afforded between dwellings. The properties on Fairview Avenue to the east are a mix of 2-storey and single-storey dwellings, with single-storey dwellings south and gardens with ancillary buildings to the west separating the main built form from the open countryside. There are then 2 large detached properties on substantial plots to the south of the Fairview estate off the Blackmill Road Byway, hence there is a looser knit, more spacious form of development as the settlement is exited marking the transition between the town and the countryside.
- 9.8 The West Street properties are served by an adopted highway up until the southern boundary of No.88 and this then becomes a byway of tarmac construction which is in poor repair and then becomes a narrower gravelled track with grass verge linking to a public footpath which leads to Little Acre Fen Pocket Park and there is also a Bridleway to the west of the site, hence the area is prominently visible by users of the rights of way around the site.
- 9.9 Policy LP16 concerns the delivery and protection of high-quality environments across the district. Proposals for all new development shall meet the criteria set out in this policy. Criteria (d) states:
- 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, provides resilience to climate change, reinforces local identity 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.*
- 9.10 This is supported by Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014. Criteria (d) of which states:
- the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity;*
- 9.11 The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development, the level of the site steps down to the countryside beyond and forms a buffer between this and the built form of the settlement. As such a dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside, contrary to the aforementioned policies.
- 9.12 The application proposes 2-storey development at between 8.6m and 9m in height, compared with the single-storey dwelling of 88 West Street (as can be seen on the submitted street scene) and the 2-storey dwellings on Fairview Avenue at around 7.2m in height (measurement taken from application F/YR21/1508/F) which it would be seen against. Insufficient information has been submitted to fully assess the height differential in relation to Fairview Crescent, as it is acknowledged that

there may be a difference in land level. However without full details in relation to this the impact on visual amenity cannot be ascertained. It is acknowledged that a lower garage element is proposed closest to No.88, however this is still approximately 6.7m high and is not considered to mitigate the significant detrimental impact on the visual amenity and character of the area of introducing development at odds with the scale and density of the edge of settlement location.

- 9.13 The proposed dwellings are of a design of a similar vein to the 2-storey dwellings on Fairview Avenue though of a more modern appearance and the materials proposed are as follows:

Plots 1-11

Vandersanden Woodland Mix Bricks
Horizontal Fibre Cement Board in Slate Grey
Sandtoft 20/20 Flat Interlocking Clay Plain Tile in Antique Slate

Plots 12-22

Vandersanden Corum Bricks
Horizontal Fibre Cement Board in Light Grey
Marley Edgemere Interlocking Concrete Slate in smooth Grey

- 9.14 The properties on Fairview Avenue are mix of buff, gold and red brick with grey pantile roofs. The properties along West Street closest to the site are constructed in red brick with grey tile roofs. Given the variety of materials in the area those proposed are considered to be acceptable.
- 9.15 The Council's Arboricultural Officer considers that the landscaping scheme is acceptable, however is concerned regarding potential damage to shrub/hedge belts on the east side of West Street from heavy plant/construction traffic and recommends a condition to ensure that sufficient protection measures are in place.
- 9.16 A boundary treatment plan has been provided and there is some concerns regarding the acceptability of fencing to the southern boundary of the site given that this would border the public footpath, in terms of visual amenity and maintenance, furthermore the Definitive Map Team have advised that an offset distance of 0.5m is required and it is unclear whether this is the case. As such a notwithstanding condition could be imposed to obtain acceptable boundary treatments.

Residential Amenity/Health and wellbeing

- 9.17 The proposed dwellings have approximately 1/3 of the plot (or in excess of) for private amenity space in accordance with Policy LP16 (h) and the relationships between dwellings is considered acceptable, albeit it is noted that the distance between the dwellings on plots 9-10 and garden to plot 12 as less than ideal.
- 9.18 A condition will be required to ensure windows which have the potential for direct overlooking remain obscure glazed (these serve en-suites) and fixed shut to a height of 1.7m above floor level. Permitted development rights will be removed given the constrained nature of the plots and height of the roofs providing potential for additional accommodation and therefore additional overlooking.
- 9.19 The properties on Fairview Avenue will experience a change in outlook and some loss of privacy as a result of the development, however the distances are such that this would not be considered significantly detrimental to their residential amenity.

- 9.20 Of concern however is the impact of the proposal on 88 West Street to the north, the garage to plot 1 is approximately 6.5m from the conservatory serving No.88 and as a result will experience additional overshadowing, loss of light and outlook. It is acknowledged that the existing buildings would create some impact, however these are set further west away from the dwelling. Furthermore, insufficient information has been submitted to enable an assessment of the impact from alterations to land levels and therefore the potential for overlooking and suitability of boundary treatments. The site currently appears to be the same level as that of No.88 any increase in levels provides potential for additional impact in relation to privacy and outlook, and it is currently unclear whether the land would be graded down to the existing land level at No.88. As such there is potential for significant detrimental impacts on the residential amenity of this dwelling.
- 9.21 Para 92 of the NPPF and Policy LP2 of the Fenland Local Plan seek to ensure that developments aim to achieve healthy, inclusive and safe places. The application is accompanied by a Health Impact Assessment which sets out how the development seeks to achieve this.
- 9.22 The affordable housing is integrated within the development and of a consistent design, promoting social cohesion. An area of open space is provided within the site, which also incorporates drainage attenuation features and a footpath is provided though the site linking with the Little Acre Fen Drove public footpath which formalises the existing arrangement.
- 9.23 The Designing Out Crime Team consider that the layout provides a reasonable level of natural surveillance and that pedestrian and vehicle routes are aligned together and well overlooked. Concerns were raised regarding the position of the footpath link and this has since be redesigned to provide an acceptable solution. An external lighting scheme has been provided, incorporating column lighting which is acceptable to the Designing Out Crime Team in relation to community safety and the Environmental Health team in respect of residential amenity. Comments were also made in respect of the external access through the terraced building to the rear garden of Plot 21 and a condition can be imposed to ensure that a suitable security solution in this regarding can be achieved. Concerns have been raised by local residents that the proposal will result in additional anti-social behaviour, there is no evidence this would be the case and concerns have not been raised by the Designing Out Crime Team in this regard.
- 9.24 Information submitted with the application evidences that a refuse vehicle can enter and turn within the site for collection and a suitable bin collection area is detailed near the turning head to serve Plots 4-6 as these are accessed via a private drive.
- 9.25 The Fire Authority have requested adequate provision be made for fire hydrants and the applicant will be made aware of this requirement by way of an informative.
- 9.26 The application is accompanied by a Phase I Desk Study Report which advises that a Phase 2 intrusive ground investigation is necessary and Environmental Health have recommended a condition in this regard to ensure any necessary remediation is undertaken.
- 9.27 It has been noted that there is asbestos on site and a condition has been recommended to secure a scheme for its safe removal. This process would need to be undertaken by a licensed contractor under current Health and Safety Executive (HSE) requirements. In this regard, this aspect would be controlled

through a regulatory regime outside of the planning system. Notwithstanding this, it would be prudent to insert an informative on any grant of planning permission for this scheme alerting the developer to the need to observe HSE requirements.

- 9.28 In order to protect the amenity of surrounding dwellings during construction a construction management plan can be secured by way of a condition.

Parking and Highways

- 9.29 Information submitted with the application advises that the estate roads would be adoptable, and Highways are content that the internal layout is acceptable. Two parking spaces are provided for each property in accordance with the provision required by Policy LP15 and appendix A. Garages to plot 1-3 measure 3m x 7m internally and are therefore adequate to be considered the third parking space required for these larger dwellings.
- 9.30 The scheme does not incorporate any cycle parking, however each property is afforded a private garden with external access, hence there is opportunity for secure external storage should future residents require it.
- 9.31 The proposal seeks to upgrade West Street and Public Byway No.22 to an adoptable standard, widened to 5.5m, the provision of a footpath on the western side and installation of traffic calming measures.
- 9.32 Comments have been made by the Definitive Map Team at County Council regarding the ownership of the subsoil and the legal width of the Byway, advising that as the dimensions are unknown there is no guarantee that the Byway could be improved as indicated.
- 9.33 Furthermore, the LHA have advised that the footpath on the western side of the adopted section of West Street would not be feasible due to land levels and the traffic calming measures would be subject to consultation and therefore may not be achievable.
- 9.34 Concerns have also been raised regarding the drainage of the widened access as this is not incorporated within the drainage strategy; the existing highway drains into the adjacent soft verge, by including a footpath with a kerb removes this option and widening the road increases the impermeable area, as such no suitable drainage scheme for the upgrade of the adopted section of highway has been put forward.
- 9.35 The LHA have advised that a footway on the eastern side of West Street could be accommodated and dealt with by way of a condition and it is recommended that the traffic calming measures are removed, however the submitted plan would need to be updated to avoid any ambiguity.
- 9.36 The applicant's agent has been made aware of these issues, however, wishes to continue to determination with a condition in respect of these details. Planning Practice Guidance: Paragraph: 012 Reference ID: 21a-012-20140306 advises that *it may be possible for the LPA to impose a condition making a minor (officer underlining) modification to the development permitted. It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application.* Para 56 of the NPPF 2021 sets out the 6 tests that are required to be satisfied in order to impose a condition, the final one of which is reasonableness.

9.37 The delivery of a suitable access is integral to the acceptability of this development given the nature of this section of West Street and the Byway as existing. To condition an alternative scheme is not considered minor in the context of the development, and would be unreasonable given that it departs from the submitted details and would seek amendments which may not be acceptable, achievable or deliverable.

9.38 Furthermore, there are also concerns regarding drainage and that due to the vegetation and trees on the eastern side of West Street, there could be arboricultural and ecological implications, and potentially other knock on implications that have not been considered. To impose a condition in this regard would also not enable local residents to be made aware of or consulted upon the revised scheme as this is not a requirement when discharging conditions.

9.39 As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved for all users, contrary to Policy LP2 and LP15 of the Fenland Local Plan 2014.

Developer Contributions

9.40 The NHS have advised that they will not be requesting S106 mitigation from this development toward Primary Healthcare.

9.41 The 25% affordable housing provision for a development of this scale is 6 units, this provision has been put forward on site as 4 x 2-bed dwellings and 2 x 3-bed dwellings as detailed on Plots 12-17, this mix is supported by the Housing Strategy team and it is recommended that the split between affordable rented and shared ownership is 70%/30% respectively. However, it is acknowledged that there are difficulties in securing a Registered Provider (RP) to take on the affordable units where there are less than 10 on a development and whilst it is currently proposed to provide affordable units on site if an RP cannot be secured it would be necessary to obtain a financial contribution in lieu and this would be set out in a S106 legal agreement should the application be successful.

9.42 Cambridgeshire County Council Developer Contributions are as follows:

Table 1: S106 contributions – summary table				
	Contribution	Project	Indexation date	Trigger
Early Years	£54,061	52 pre-school places as part of 2FE primary school	1Q2020	100% prior to commencement
Primary	£130,492	2FE primary school	1Q2020	
Secondary	£87,648	1FE expansion to Cromwell Community College	1Q2020	
Libraries	£3,392	Remodel Chatteris Library to increasing the floor space available to the community.	1Q19	100% prior to occupation of 50% of the development

- 9.43 The applicant's agent has informally agreed to the above contributions, however this would be subject to a S106 legal agreement should the application be successful.
- 9.44 In addition to the above the Developer Contributions SPD 2015 sets out that 22% of a development site area should make provision for open space. In this case due to the size of the site this would usually be an off-site contribution, however due to the constraints of the site an area of open space is provided on site, this is in excess of 22% though its usability is reduced due to the presence of drainage attenuation features, however it does provide some benefit/provision and due to the level of contributions put forward Officers are not seeking anything further in this regard.
- 9.45 Local Plan & CIL Viability Assessment sets out that for this area 20% affordable housing provision and £2000 per plot for S106 contributions can be achieved, in this case in excess of this is being put forward and there is no viability evidence submitted that these contributions would be achievable, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, the acceptability of the development should not rely upon the provision of the planning gain put forward.
- 9.46 The Town Council have requested that the access to Little Acre Fen Pocket Park is made up to an agreed standard. The enhancement of Little Acre Fen is also referred to within the Fenland Infrastructure Delivery Plan 2016 (Ref: CHATS.2). No costings have been provided for the aforementioned enhancement. The application site currently appears to be being used as an informal access to Little Acre Fen Drove (though it is acknowledged this is private land) and the proposal seeks to provide a footpath link through the site, thereby formalising this arrangement and providing some benefit as a result, as such it is not considered reasonable to request further contributions in this regard, particularly as it is proposed to provide in excess of the required provision.

Flood Risk and Drainage

- 9.47 The site slopes down from east to west and there is a drain forming the western boundary of the site. The eastern side of the site is located in Flood Zone 1, sloping west into Flood Zones 2 and 3. The sequential and exception tests are not applicable as the dwellings are located in Flood Zone 1, the surface water drainage attenuation is however located in Flood Zone 3. The site has a very low risk of surface water flooding.
- 9.48 The Environment Agency have no objection to the scheme and advise that the Fenland Hazard Mapping which covers the area of Chatteris shows that the site to be unaffected if a breach of the flood defence was to occur, and as such the LLFA have no concerns regarding the location of the attenuation basins in Flood Zone 3.
- 9.49 The LLFA are content that the submitted details demonstrate that surface water from the proposed development can be managed through the use of permeable paving, swales, and attenuation lagoon. They recommend that pre-commencement conditions are imposed in relation to a detailed surface water drainage design and how surface water is to be managed during construction. However, as noted above a suitable scheme in relation to the adopted section of the West Street upgrade has not been put forward, and this could alter the submitted scheme.

9.50 Anglian Water have confirmed that there is sufficient capacity to deal with foul drainage from the development

Ecology

9.51 The Wildlife Officer considers that the surveys submitted outline that the development can avoid negative impacts on material ecological concerns while maintaining the biodiversity value of the site so long as the recommended mitigation and compensation set out are adhered to. The majority of which can be achieved by way of imposing the recommended conditions, however as the Skylark plots would be located on nearby land, which is not owned by the applicant, these would need to be secured by way of a S106 legal agreement.

9.52 An external lighting strategy has been submitted, and whilst this appears acceptable in relation to ecology, this has not been demonstrated, hence further details are required to be secured by condition to ensure external lighting does not have an adverse impact on ecology.

9.53 Concerns have been raised by local residents that ecological matters have not been fully addressed, and as such further advice from the Wildlife has been obtained:

- *that the PEA has investigated all ecological constraints to the site to the necessary level of detail. Of note however is the reports of Great Crested Newts within the vicinity of the development. I am comfortable that Greenlight Environmental Consultancy Ltd. assessed the surrounding landscape for ponds to a suitable level of due diligence and surveyed those ponds correctly using a Habitat Suitability Index methodology, which can be completed at any time of year. However information that has been provided that a pond with a known population of Great Crested Newts within it cannot be ignored. Thankfully a Garden pond is unlikely to contain a large population of Great Crested Newts and the mitigation in place already for reptiles is similar to the mitigation that would have been put in place regarding the Great Crested Newts. The habitat being removed is only a small area of grassland with low suitability to be used by Great Crested Newts. The wider environment contains suitable alternative habitat until the compensation habitat is established.*

- *Considering the point above, I believe a precautionary approach with the vegetation removal should be taken and an Ecological Clerk of Works attend the site during the vegetation removal. If any protected species are found, then all works should stop, and advice sought from the site ecologist. A review with the site ecologist of the landscaping should be performed taking into account the potential for a Newt populating and changed to maximise the potential available post works habitat available.*

9.54 On the basis of these comments, Officers are content that all necessary ecological matters have been considered and adequately addressed, subject to conditions/S106.

10 CONCLUSIONS

10.1 There are no significant issues in relation to flood risk, drainage (for the development site, there are concerns regarding the West Street upgrade and potential impact of this) or ecology, subject to suitable conditions.

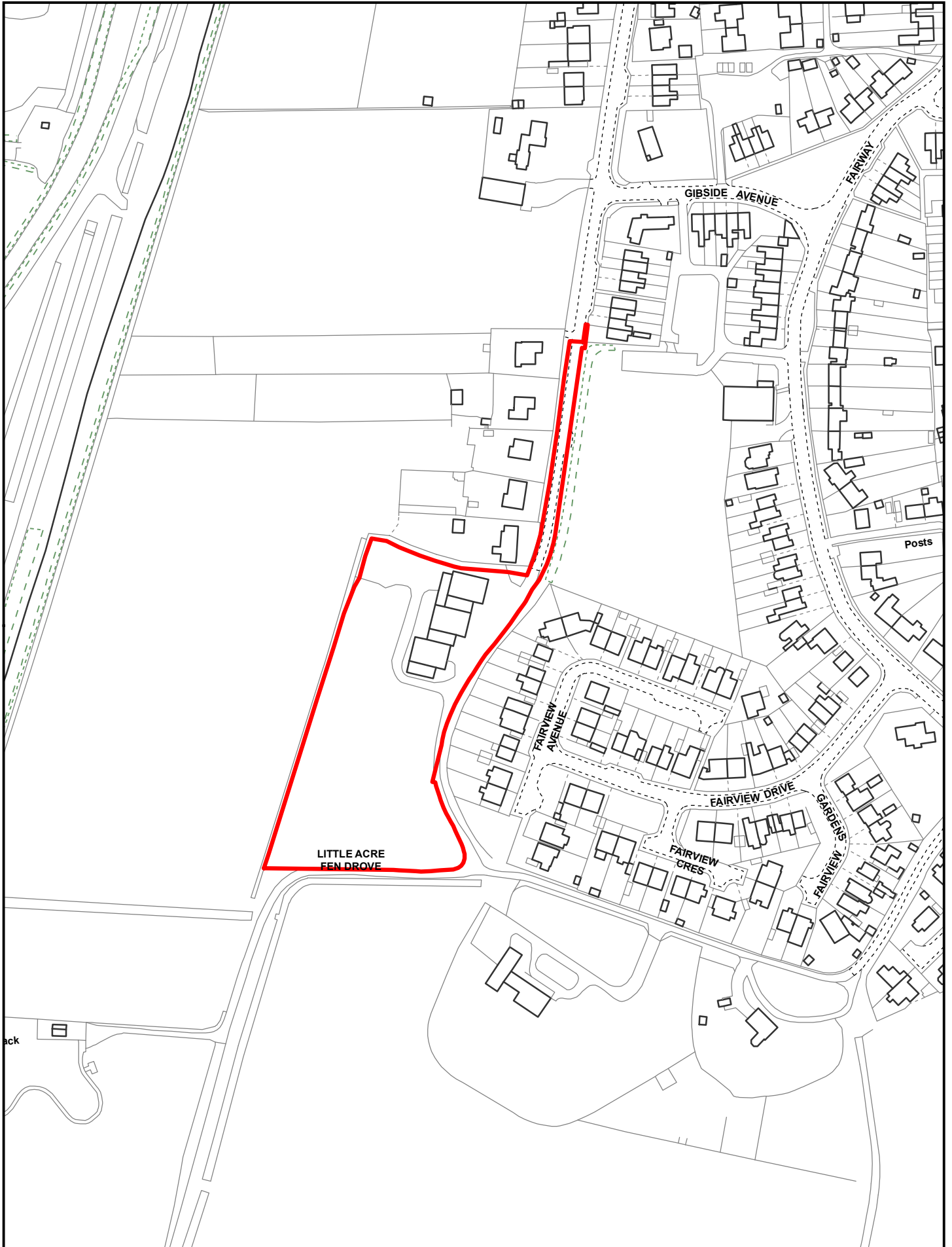
- 10.2 However, the dense, estate type development proposed is not considered to respect the rural form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings, in particular in relation to 88 West Street is considered to have a significant detrimental impact on the visual amenity and character of the area
- 10.3 There are no significant issues in relation to the residential amenity of future residents or the existing dwellings on Fairview Avenue. However, insufficient information has been submitted to enable the impact of the proposed development on the residential amenity of 88 West Street to be fully assessed. As such it has not been demonstrated that there would not be a significant detrimental impact.
- 10.4 Highways are content that the internal layout is acceptable, and the required parking provision is provided for each property. However, the scheme put forward in respect of the West Street upgrade cannot be feasibly delivered, and as such it has not been demonstrated that a well-designed, safe and sustainable access can be achieved.
- 10.5 The applicant's agent has informally agreed developer contributions, however it should be noted that these are far in excess of that which the Local Plan Viability Assessment sets out can be achieved in this area, as such there is potential for this to be reduced at a later date, on the grounds of viability. Therefore, without sufficient evidence, the acceptability of the development should not rely upon the provision of the planning gain put forward.

11 RECOMMENDATION

Refuse, for the following reasons:

1.	<p>Policy LP16 (d) of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments SPD 2014 and paras 124(d) and 130 of the NPPF 2021 seek to ensure that developments make a positive contribution to the local distinctiveness and character of the area, responding to the local built environment and do not adversely impact on the streetscene, settlement pattern or landscape character of the surrounding area.</p> <p>The site is considered to have a rural character which relates more to the surrounding countryside than the built-up form of development. The dense, estate type development as proposed is not considered to respect the form and character of the area and would result in an in-depth encroachment into the open countryside. Furthermore, the scale of the dwellings proposed and juxtaposition with the existing single-storey dwellings is considered to have a significant detrimental impact on the visual amenity and character of the area and insufficient information has been submitted to assess the height of the development in relation to Fairview Avenue. As such, the proposal is contrary to the aforementioned policies.</p>
2	<p>Policy LP2 and LP16 of the Fenland Local Plan 2014 and para 130 of the NPPF 2021 seek to promote high levels of residential amenity and ensure developments do not have an adverse impact on neighbouring users.</p> <p>Insufficient information has been submitted to enable the impact of the</p>

	<p>proposed development, in relation to alterations to land levels, on the residential amenity of 88 West Street to be assessed. As such it has not been demonstrated that there would not be a significant detrimental impact, contrary to the aforementioned policies.</p>
3	<p>Policy LP2 and LP15 of the Fenland Local Plan 2014 and para 110 of the NPPF 2021 which seek to achieve a safe, suitable and sustainable access for all users.</p> <p>The legal width of the Byway is unknown and as such there is no guarantee that it could be improved as indicated. Furthermore, the scheme put forward in respect of the footpath along the adopted section of West Street cannot be delivered and a suitable method of surface water drainage from this section has not been put forward. As such, it has not been demonstrated that a well-designed, safe and sustainable access can be achieved, contrary to the aforementioned policies.</p>



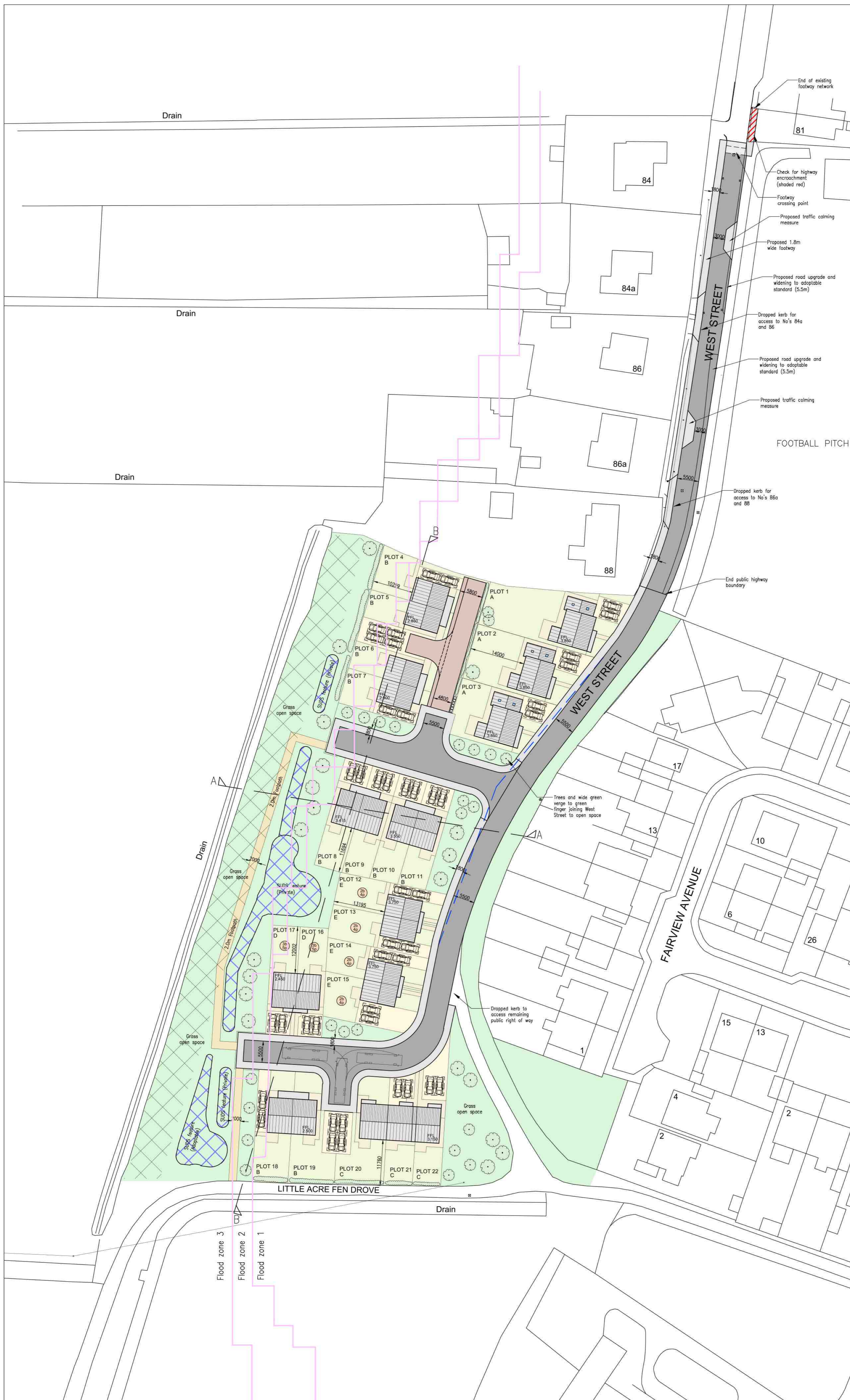
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F/YR22/0381/F

Scale = 1:2,500





- KEY**
- 5.5m Adoptable Access Road
 - 1.8m Footways (Where Shown)
 - 2.4m x 43m Visibility Splay
 - 4.8m Private Drive with 1.0m overrunnable footpath
 - Parking Areas
 - Paving Slabs (Indicative)
 - Private Gardens
 - Open Space
 - 2.0m Public Footpath
 - 9m IDB Maintenance Zone
 - Affordable Unit
 - Soft Landscaping (Indicative)
 - SUDs Features
 - Bin Collection Point

J - 16.06.2022 - Amendments following comments from Environmental Services.
 H - 14.06.2022 - Amendments following comments from planning officer.
 G - 30.03.2022 - SUDs feature hatch amended.
 F - 24.03.2022 - Key amended and site section lines added following planning validation comments.
 E - 17.02.2022 - Layout amended following drainage strategy design.
 D - 16.02.2022 - Client name amended.
 C - 14.02.2022 - Layout amendments following road design.
 B - 01.02.2022 - Landscaping added to private drive.
 A - 28.01.2022 - Roof layout amendments.

REVISIONS

PHA

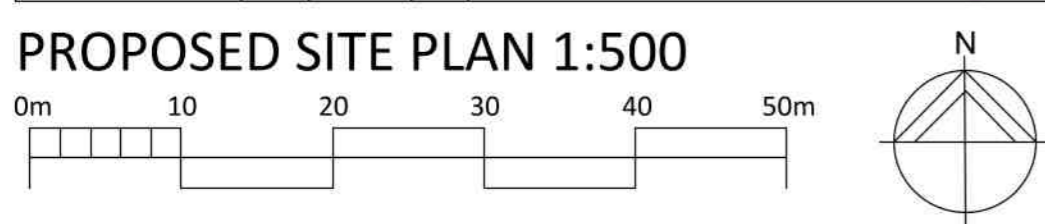
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CLIENT
 URBAN DEVELOPMENTS PETERBOROUGH LTD

PROJECT
 PROPOSED DEVELOPMENT

SITE
 LAND SOUTH OF No.88
 WEST STREET
 CHATTERIS
 CAMBS
 PE16 6HR



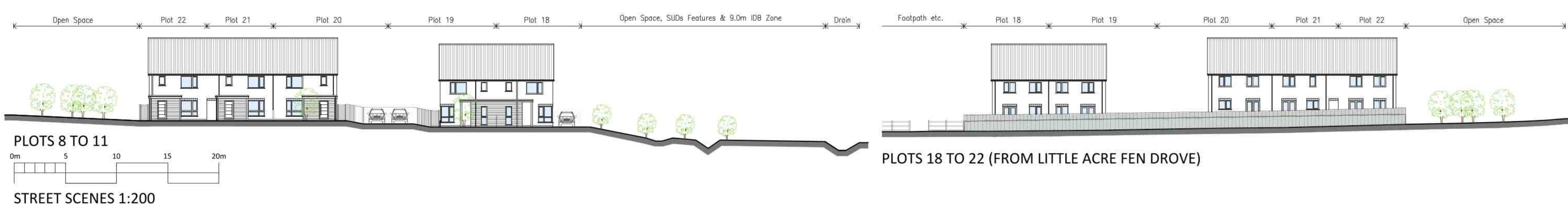
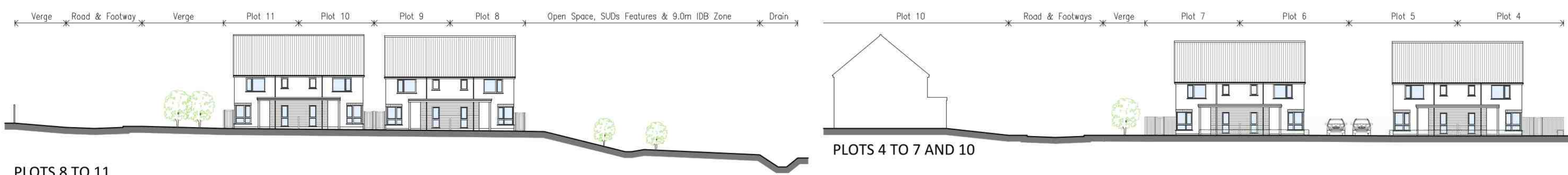
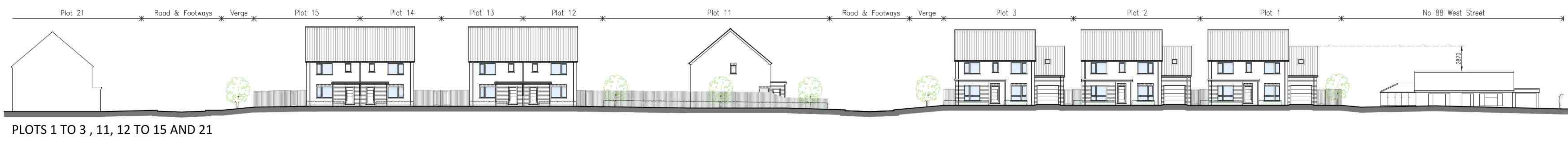
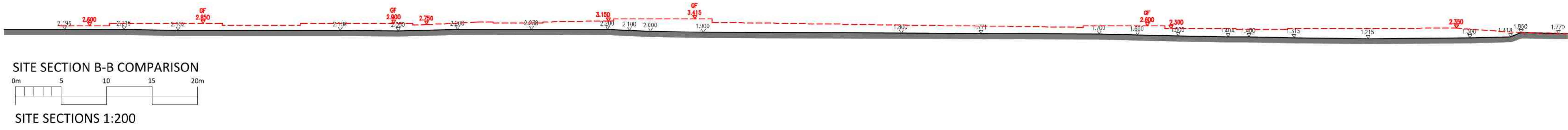
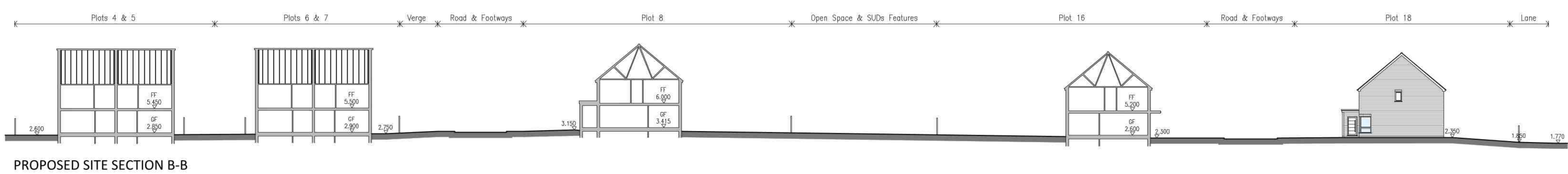
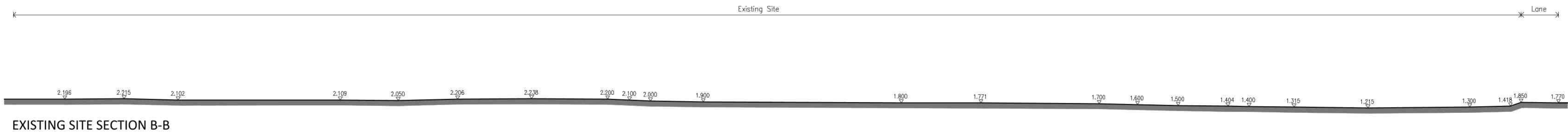
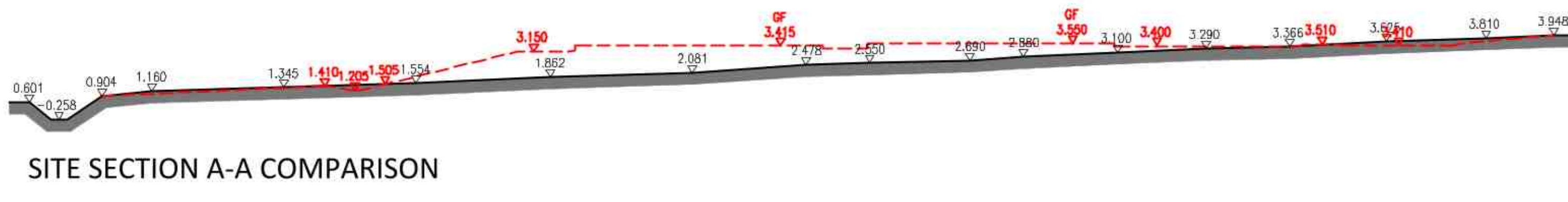
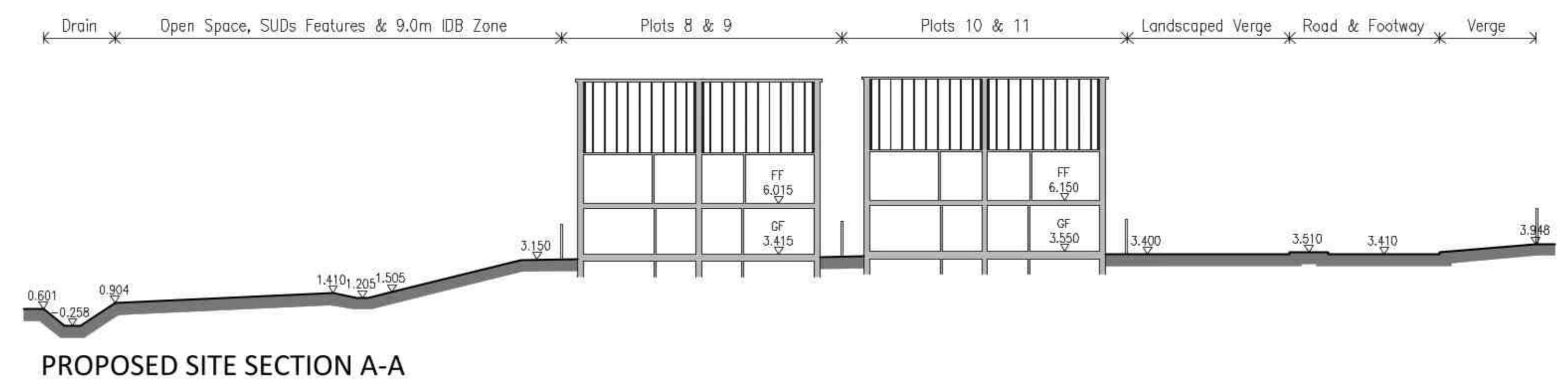
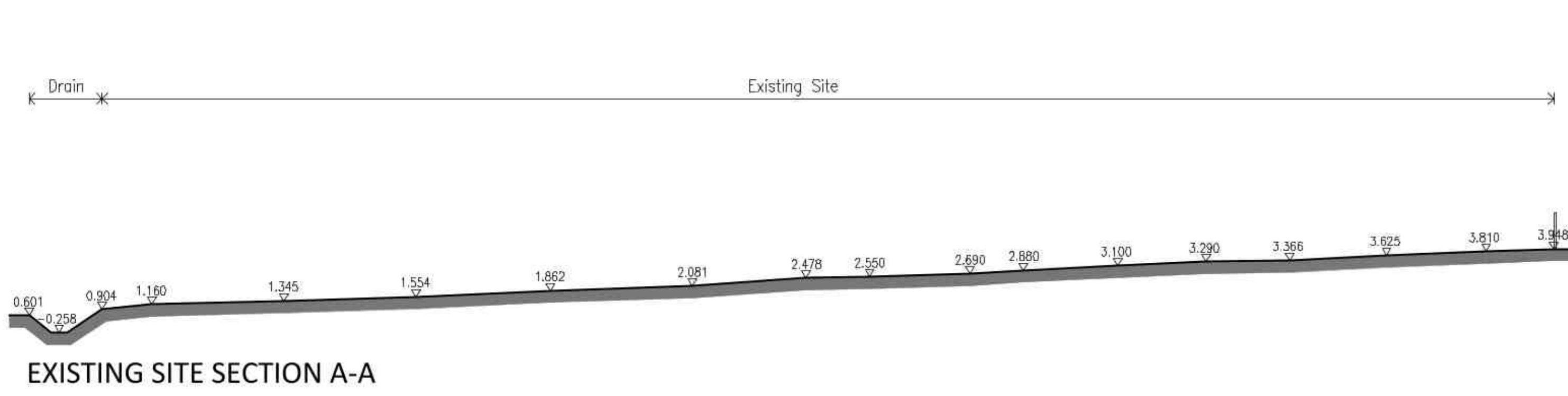
DRAWING
PLANNING DRAWING 1 (SITE PLAN)

JOB NO.	PAPER SIZE	DATE
6343/PL01J	A1	JAN 2022

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01-10-2022 - Site sections and comparisons added. Street scenes expanded.
 01-10-2022 - Client comments received from planning officer.
 01-10-2022 - Client comments received.
 01-10-2022 - Plot 1 to 3 street scene amended following road design.

REVISIONS

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CLIENT
 URBAN DEVELOPMENTS PETERBOROUGH LTD

PROJECT
 PROPOSED DEVELOPMENT

SITE
 LAND SOUTH OF No.88 WEST STREET
 CHATTERIS
 CAMBS
 PE16 6HR

DRAWING
 PLANNING DRAWING 7 (STREET SCENES AND SITE SECTIONS)

JOB NO.	PAPER SIZE	DATE
6343/PL07D	A0	JAN 2022

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F/YR22/0731/F

Applicant: Mr & Mrs G Stearne

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

The Dolls House, High Road, Wisbech St Mary, Cambridgeshire

Erect 1 x dwelling (2-storey, 5-bed), detached double garage with storage above and attached hobby room together with the temporary siting of a caravan during construction

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. This application seeks full planning permission to erect a 2-storey, 5-bed dwelling, detached double garage with storage above and attached hobby room, together with the temporary siting of a caravan during construction on area of vacant scrub land, accessed directly from High Road, Wisbech St Mary immediately east of the dwelling known as Corbiere.
- 1.2. Permission was granted in July 2020 for the construction of a 2-storey 4-bedroom dwelling (F/YR20/0214/F). This acknowledged an earlier planning consent in 1999 for the construction of two dwellings on the land, followed by reserved matters approval in February 2002 (F/YR02/0059/RM) confirmed as having been commenced on site. More recently, the site was granted planning approval for the erection of a 2-storey, 5-bed dwelling, detached double garage with storage above and attached hobby room together with the temporary siting of a caravan during construction (F/YR22/0191/F).
- 1.3. The scheme considered herein is similar to the earlier F/YR22/0191/F; however, this application seeks to amend the overall design of the scheme, including, most notably, an amendment to the roof pitch that will see the ridge height of the dwelling increased 0.4m on the approved scheme under F/YR22/0191/F.
- 1.4. Given the significant negotiations with regard to the roof height on earlier schemes, it is concluded that the proposed scheme is not acceptable owing to its impact and dominance in relation to Corbiere and other dwellings to the west. Furthermore, there has been no justification within the details submitted with the current application to rationalise the requirement to alter the roof pitch from that previously agreed.
- 1.5. The below assessment therefore considers that the proposed scheme is unacceptable with regard to its height at the detriment of the wider street scene, in contravention of Policy LP16 (d), and as such the recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1. Lying within flood zone 3, the application site is an area of vacant scrub land, accessed directly from High Road, Wisbech St Mary, which is a single carriageway road running East-West and is the main road through the settlement, identified in the Development Plan as a growth village.
- 2.2. There is a residential dwelling located immediately to the west of the site, known as Corbiere, which is a modest two-storey dwelling with a flat-roofed two-storey extension to the rear and ancillary outbuildings located at the rear of its garden. Additional residential dwellings are situated further to the west.
- 2.3. The land to the east of the site is also open scrub land, and planning permission for the construction of a single dwelling has been approved under F/YR21/1213/RM on that site. Beyond that a further single dwelling has been approved and constructed under F/YR21/0993/RM and further residential dwellings are situated beyond this to the east.
- 2.4. In the wider area, Wisbech St Mary is originally a largely linear settlement fronting High Road, Sand Bank and Station Road. It has expanded more recently through backland development to the north of Church Road.

3 PROPOSAL

- 3.1. The proposal is for the construction of a 2-storey 5-bedroom dwelling and a detached double garage with first floor storage and attached hobby room integral single garage and the temporary stationing of a caravan. With parking for in excess of two cars on the land at the front of the site and parking/turning driveway to the rear by the intended garage. The front entrance to the dwelling is intended off High Road, although separate vehicular access would be gained via the track leading to the intended garage on land to the north of the site. The property's western and northern boundaries would be demarcated by 1.8m close board timber fencing with the height reducing to 0.9m at the front of the dwelling; existing fencing will be retained to the west. Landscaping would be provided to the front of the site.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR22/3072/COND	Details reserved by condition 2 (materials) of Planning permission F/YR22/0191/F	Pending
F/YR22/0191/F	Erect 1 x dwelling (2-storey, 5-bed), detached double garage with storage above and attached hobby room together with the temporary siting of a caravan during construction Land East Of Corbiere, High Road, Wisbech St Mary	Granted 29.04.2022
F/YR20/0214/F	Erect 1 x dwelling (2-storey, 4-bed) and the temporary siting of a caravan during construction Land West Of Hollycroft Heights High Road Wisbech St Mary	Granted 15.07.2020
F/YR20/0212/F	Erect 1 x dwelling (2-storey, 4-bed) and the temporary siting of a caravan during construction Land East Of Corbiere High Road Wisbech St Mary	Granted 15.07.2020
F/YR07/0865/F	Erection of a stable/tackroom block and hay/tractor store, manege and 1.2 metre high post and rail fencing to manege and paddock boundary Land North Of The Elms High Road Wisbech St Mary	Granted 21.09.2007

5 CONSULTATIONS

5.1. Environment & Health Services (FDC)

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.

Due to being unable to ascertain the exact land use history, it is requested that the following condition is 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.

5.2. North Level Internal Drainage Board

Whilst my Board has no objections in principle to the above application, I would make the following observations:-

- 1. The garage to the rear of the plot sits almost on the brink of the riparian drain to the north of the site (see attached plan). This drain serves the properties to the west of this development and therefore the integrity of this drain must be maintained. The responsibility for its maintenance also falls to the adjoining landowners so access for a maintenance corridor must be considered.*

5.3. Wisbech St. Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 11th July 2022, the Council recommended APPROVAL. Councillors note that a re-consultation has been received relating to the revised site plan, Street Scene, Elevations and Garage Details and they support development on this plot.

5.4. Cambridgeshire Highways Authority

Highways have no objections to the application in principle. However, the access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Should the applicant be able to amend the access in light of the minor comment above, then please append the following conditions and informative to any permission granted:

Conditions

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

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

2. Prior to the first occupation of the development 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.

3. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

5.5. Local Residents/Interested Parties

12 letters of support of the application have been received (7 from residents of High Road, 3 from Mayfair Gardens and 2 from Station Road, Wisbech St Mary). The reasons for support of the scheme can be summarised as: the proposed dwelling would be in keeping with the surrounding area; would result in high quality development; and is of an appropriate scale.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

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

Para 119: Promote effective use of land

Para 130: Well-designed development

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

Para 159: Need to apply the sequential and exceptions tests.

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

Para 163-165: Need for the exception test.

Para 167: Thresholds for allowing development in areas at risk of flooding.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. **National Design Guide 2019**

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

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments across the District

8 **KEY ISSUES**

- **Principle of the Development**
- **Visual Impact and Character**
- **Residential Amenity**
- **Flooding and Flood Risk**
- **Highway Safety**

9 **BACKGROUND**

- 9.1. Previous planning history of the site is pertinent to the consideration of this proposal.
- 9.2. Consent was granted in July 2020 for the construction of a 2-storey 4-bedroom dwelling (F/YR20/0214/F). This acknowledged an earlier planning consent in 1999 for the construction of two dwellings on the land, followed by reserved matters approval in February 2002 (F/YR02/0059/RM) confirmed as having been commenced on site by letter from the Local Planning Authority dated 5th April 2002.
- 9.3. More recently, the site was granted planning approval for the erection of a 2-storey, 5-bed dwelling, detached double garage with storage above and attached hobby room together with the temporary siting of a caravan during construction (F/YR22/0191/F).
- 9.4. The scheme considered herein is similar to the earlier F/YR22/0191/F; however, this application seeks the following changes:
- a) Main roof pitch has been lifted by 2.5 degrees to a 30 degree pitch;
 - b) Bay window details adjusted compared to what was indicated on the approved drawing;
 - c) Porch over front door has been lowered;
 - d) The first floor windows on the front elevations have been increased in height for fire egress;

- e) Brick on edge cill detailing has been added to most windows;
- f) Corbelled eaves and verges with dogtooth projecting course introduced (45 degree brick course);
- g) External chimney breast on rear elevation corrected;
- h) Door onto balcony changed from bifold to single leaf with sidelights;
- i) A side door has been added to the garage;
- j) Roof light locations to garage have been updated to add uniformity;
- k) Clock tower to garage has been suggested as a possible addition;

9.5. The majority of the above proposed changes (b – l) will result in negligible impacts to the overall appearance of the dwelling and garage within the context of the earlier approved scheme.

9.6. However, the change to the roof pitch (a) will see the height of the overall dwelling increased. This is a material change that was subject to significant negotiations on previous applications and warrants further consideration with regard to its impact on visual amenity and character.

10 ASSESSMENT

Principle of the Development

10.1. The application site is located within the built-up part of the settlement of Wisbech St Mary, which is identified within the development plan as a growth village. Policy LP3 notes that for growth villages, development within the existing urban area will be appropriate albeit at a more limited scale than in market towns.

10.2. There is an extant permission on the site for the construction of two dwellings and therefore the principle of residential development on the land has been accepted previously and could be carried out without further recourse to the requirement for permission.

10.3. There are no other designations on the land that would indicate that the principle of development is unacceptable.

Visual Impact and Character

Roof alterations

10.4. As discussed above, the other proposed changes to the scheme are negligible, as their external impacts to the overall appearance of the dwelling will be minor, in the context of the approved scheme. However, the impact of the dwelling in terms of the resultant height owing to the proposed roof pitch is the main issue relating to the changes posed within this application when compared with the earlier iterations.

10.5. During consideration of the earlier applications, in particular F/YR20/0212/F and F/YR22/0191/F, significant negotiations were undertaken with the applicant to resolve design issues pertaining to the overall height of the dwelling in relation to adjacent development and the detrimental impact due to dominance of neighbouring dwellings, particularly those to the west, most notably Corbiere that sits immediately west of the site.

10.6. During extensive consideration of the applications, the LPA offered significant advice to the applicant on what would be considered appropriate in the spirit of working proactively with the applicant to finalise a scheme that would address the applicant's needs whilst maintaining a height suitable within the local vernacular, to which the applicant obliged. Ultimately, the final design of the most recent

scheme (F/YR22/0191/F) was considered, on balance, to be an appropriate height and scale to limit dominance within the streetscene.

- 10.7. For clarity, the below table outlines the previous proposed original heights of the dwelling in earlier applications and the height that was finally agreed through LPA negotiation, in comparison with the current scheme:

Ref	Original Proposed Height	Reduced Height (after negotiation)	Comments
20/0212/F	8.9m	8m	This reduction was approved as it was considered more in keeping with adjacent dwellings.
22/0191/F	10m	8.7m	This reduction was approved as although still in the realm of the original rejected height, the roof would still be marginally lower than the original rejected height of 8.9m, so considered acceptable, on balance.
Current	9.1m		The current scheme will see the ridge height of the dwelling increased 0.4m on the approved scheme under 22/0191, and 0.2m on the originally rejected scheme under 20/0212. Therefore, the proposed ridge height cannot be considered acceptable given the earlier considerations with regard to the overall height of the scheme, owing to its impact and dominance on Corbiere and other dwellings to the west.

- 10.8. Given the comparisons of the various iterations of the roof height, the proposed scheme is not acceptable owing to its impact and dominance in relation to Corbiere and other dwellings to the west. Furthermore, there has been no justification within the details submitted with the current application to rationalise the requirement to alter the roof pitch from that previously agreed.
- 10.9. On this basis, the proposed scheme fails to comply with Policy LP16(d) owing to the harm caused to the character and appearance of the area by virtue of the height of the dwelling in comparison to adjacent development, and as such warrants refusal of the scheme.

Other matters pertaining to visual impact and character

- 10.10. It is understood from the details submitted within F/YR22/3072/COND relating to Condition 2 of F/YR22/0191/F (currently pending decision) that the proposed materials are intended as, Rustica Range Kempton Weathered Antique bricks, and cream render for the external walls of the dwelling and black feather edge weatherboarding over for the garage, both under Edilians Panne S rustic clay pantile roof, with light grey uPVC joinery. As such, it follows that these are the proposed materials to be considered in relation to this revised scheme. Generally, these materials are likely to be considered acceptable in the context of the surrounding development, although this is subject to final decision by the LPA for the pending discharge of condition application.

Residential Amenity

- 10.11. The proposed changes will see no significant impacts to residential amenity over and above the considerations of the earlier approved scheme.
- 10.12. As such, there is no justification for concluding that the proposed dwelling or garage will have any harmful impacts on the amenity of the neighbouring properties for reasons such as overlooking, overshadowing, light pollution, or

noise. As such, the proposal is considered acceptable with regard to policy LP16 (e).

Flooding and Flood Risk

- 10.13. National Planning policy and policy LP14 of the Development Plan aim to steer new development proposals towards areas at the lowest risk of flooding.
- 10.14. The application site is located in flood zone 3, which is the zone of highest flood risk, and planning policy would therefore indicate that residential development should not be permitted on the site unless a sequential test has been undertaken and passed.
- 10.15. The application is accompanied by a Flood Risk Assessment that did not include any information pertaining to the sequential test. Thus, the Flood Risk Assessment would not be considered acceptable with respect to the requirements of local and national planning policy.
- 10.16. Notwithstanding the above however, the application site benefits from an implemented planning permission. A sequential test is therefore not required as the application site itself is one of the sites that would be identified as reasonably available for development as part of the sequential test as it benefits from an implementable planning permission without any insurmountable barriers to development.
- 10.17. The Flood Risk Assessment identifies specific mitigation measures to protect the development from flooding, and the Environment Agency have confirmed that those measures are satisfactory, and raise no objection, subject to the imposition of conditions to the same. It is also noted that the internal drainage board do not object to the scheme.

Highway Safety

- 10.18. The proposal utilises an existing vehicular access track to provide access to the intended garage, with a separate individual access to the property in question directly off High Road.
- 10.19. Given the earlier implemented permission the use of the existing access track providing access to the rear garage is considered acceptable.
- 10.20. Comments from the LHA resolved that the principle of the proposed access was acceptable, subject to the imposition of conditions.
- 10.21. In addition, the scheme provides ample parking spaces for the quantum of development proposed.
- 10.22. Thus, the proposal is considered acceptable in accordance with Policy LP15.

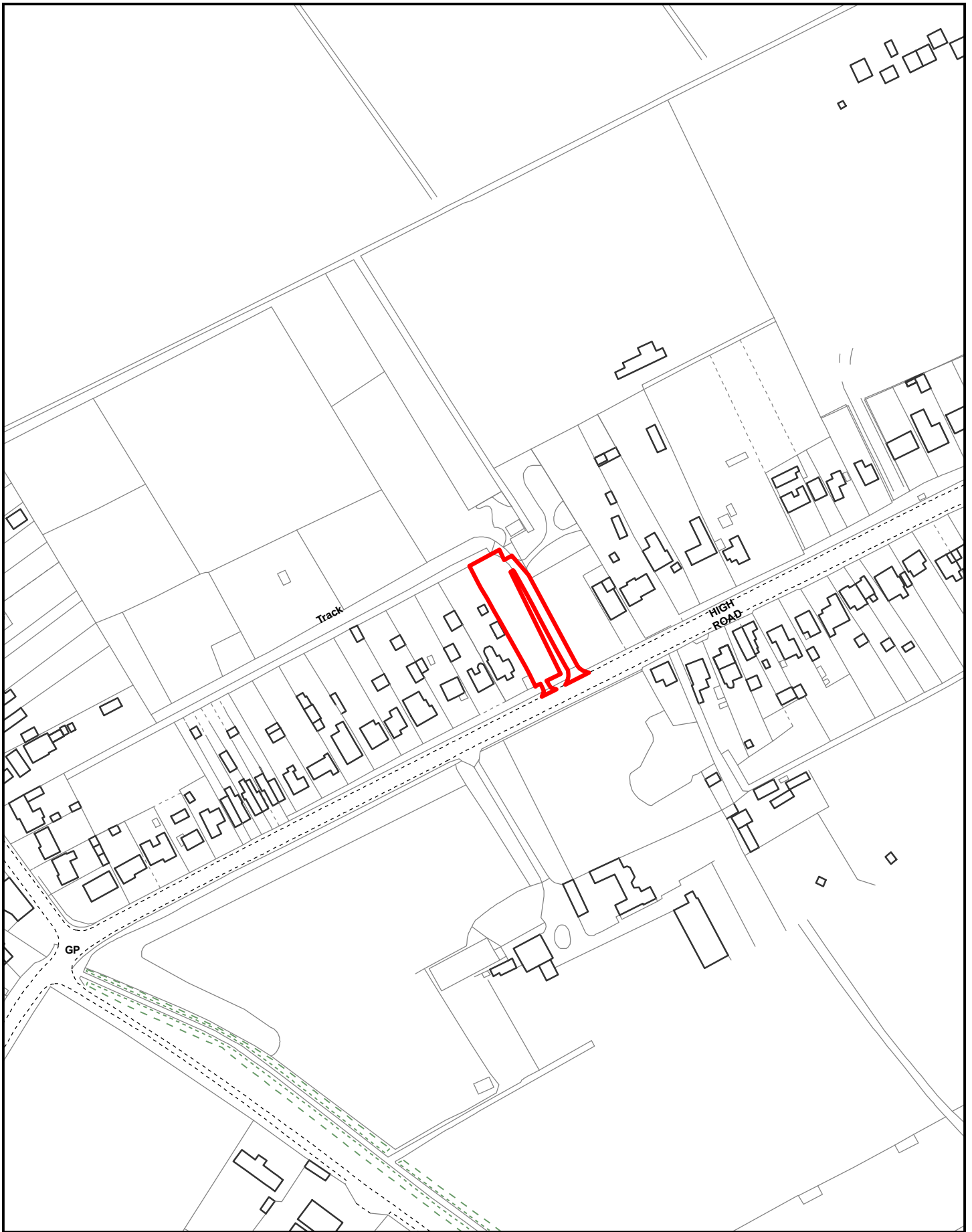
11 CONCLUSIONS

- 11.1. On the basis of the consideration of the above issues the proposed scheme fails to comply with Policy LP16(d) owing to the harm caused to the character and appearance of the area by virtue of the height of the dwelling alongside development to the west, particularly Corriere. As such it is concluded that the application is contrary to the relevant planning policies of the development plan and must therefore be recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reason:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area, reinforcing local identity and does not adversely impact, either in design or scale terms, on the landscape character of the surrounding area. By virtue of its scale the proposed development would appear incongruous and dominant within the wider street scene, particularly in comparison with adjacent development to the west, and would therefore be to the detriment of the character and appearance of the area. As such, the proposal would be contrary to the requirements of the Policy LP16(d) and DM3 (2014).</p>
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Created on: 22/06/2022

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F/YR22/0731/F

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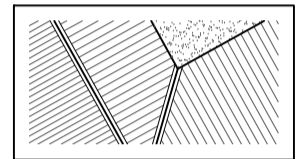
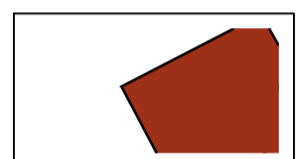
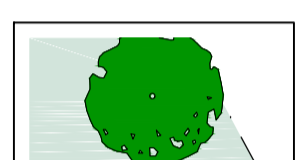
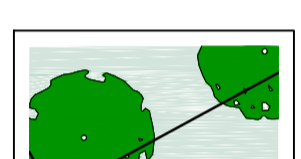





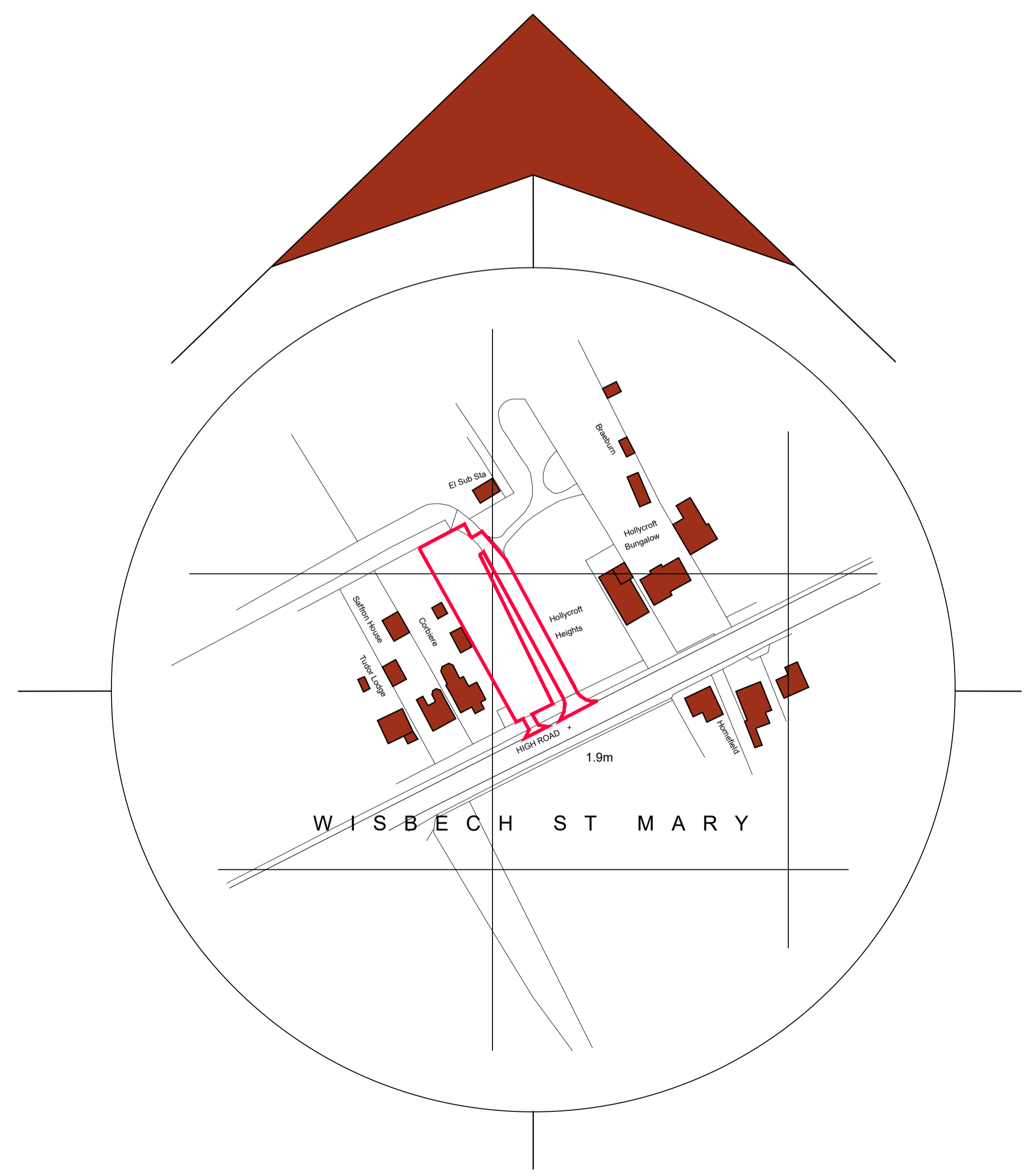
Site Plan
Street Scene
0 2 4 6 8
metres



SITE PLAN KEY

-  Indicates proposed dwelling
-  Indicates existing position buildings taken from OS Map
-  Proposed position of vegetation
-  Proposed position of flowering cherry trees
-  Indicates proposed site access to Cambs CC Highways specification

Site Plan
Scale: 1:200
0 2 4 6 8
metres



Location Plan
Scale: 1:1250
0 12.5 25 37.5 50
metres

General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
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4. Any discrepancies are to be brought to the designers attention.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

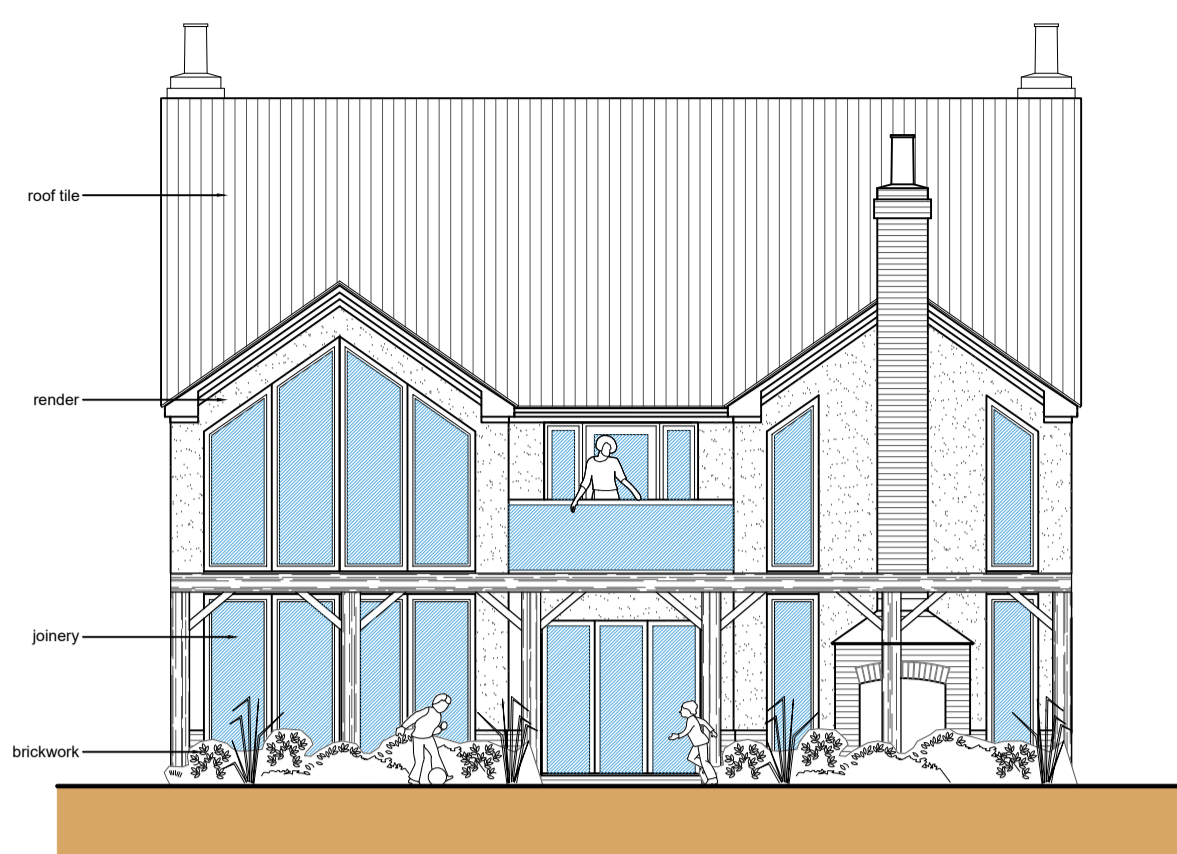
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Status
FOR APPROVAL



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Job Title Proposed Dwelling Plot 1 High Road, Wisbech St Mary, For: Mr & Mrs. Stearne	Date December 2021	Drawn by GT Checked by GE
Drawing Title Planning Drawing Site Plan & Location Plan	Job No. SE-1572 Dwg No. PP1000	Sheet Size A1 Revision 1



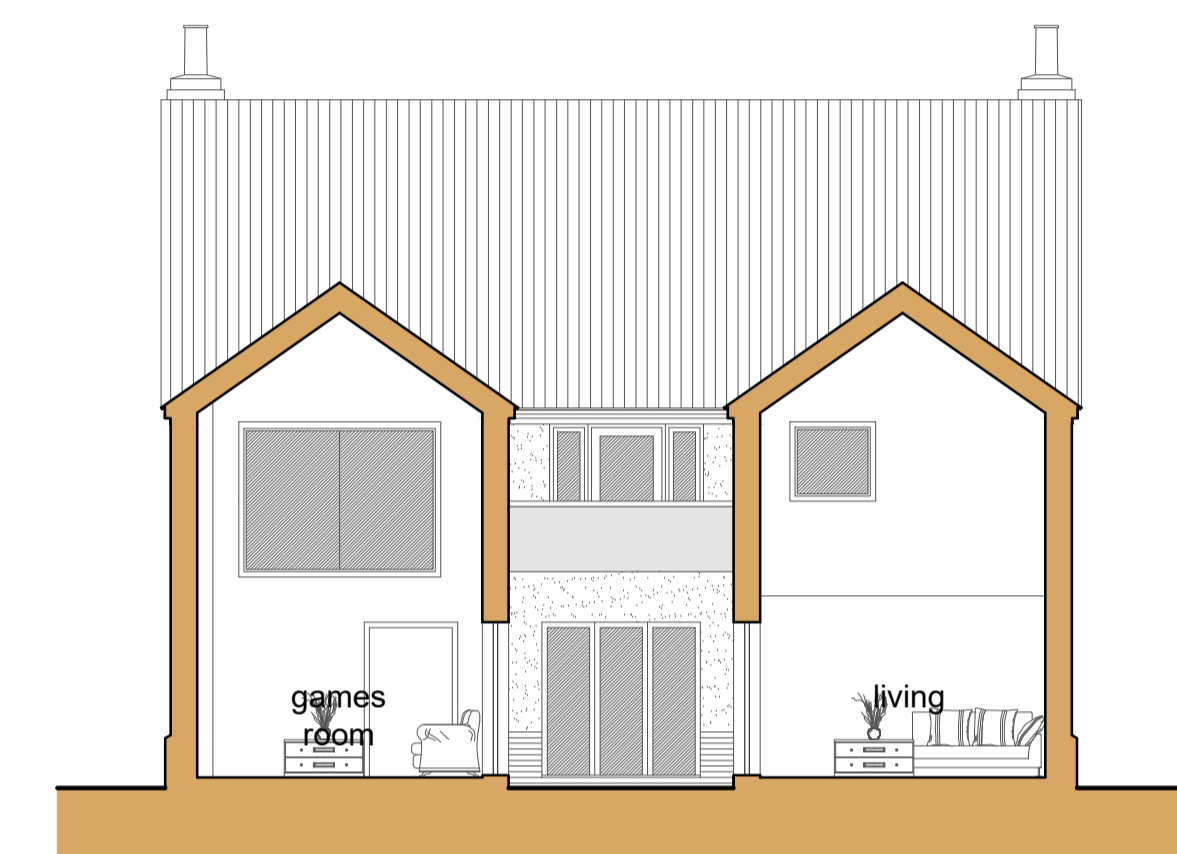
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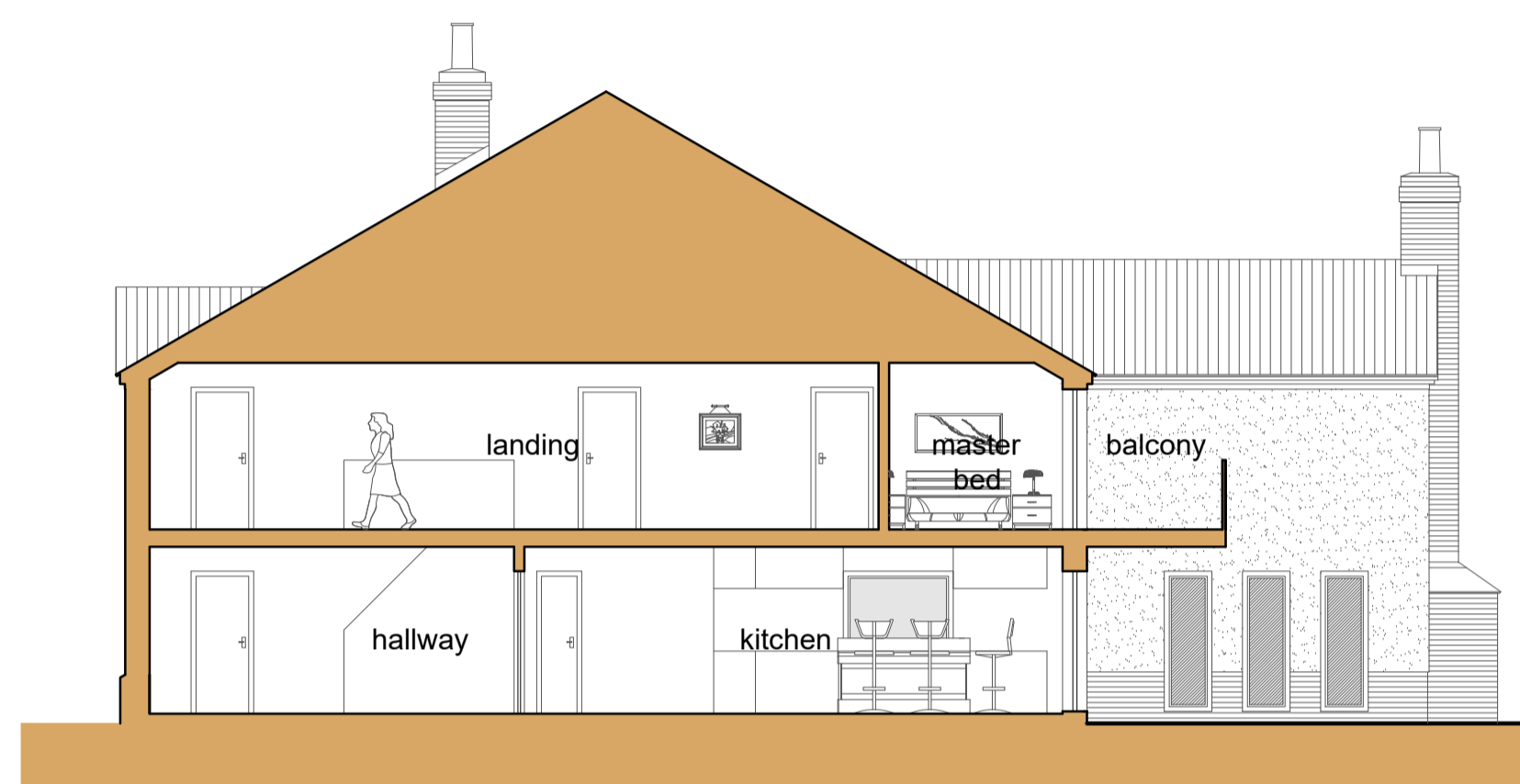
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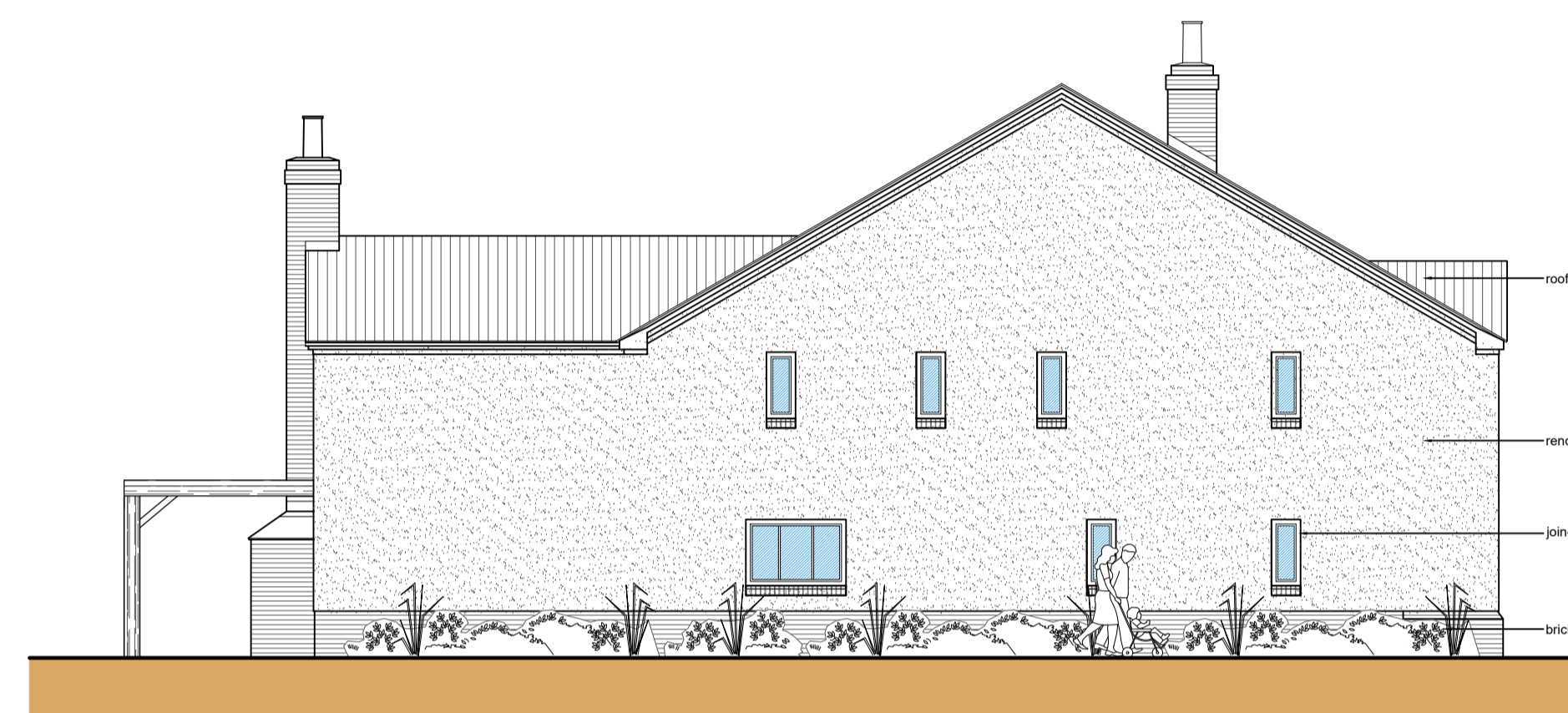
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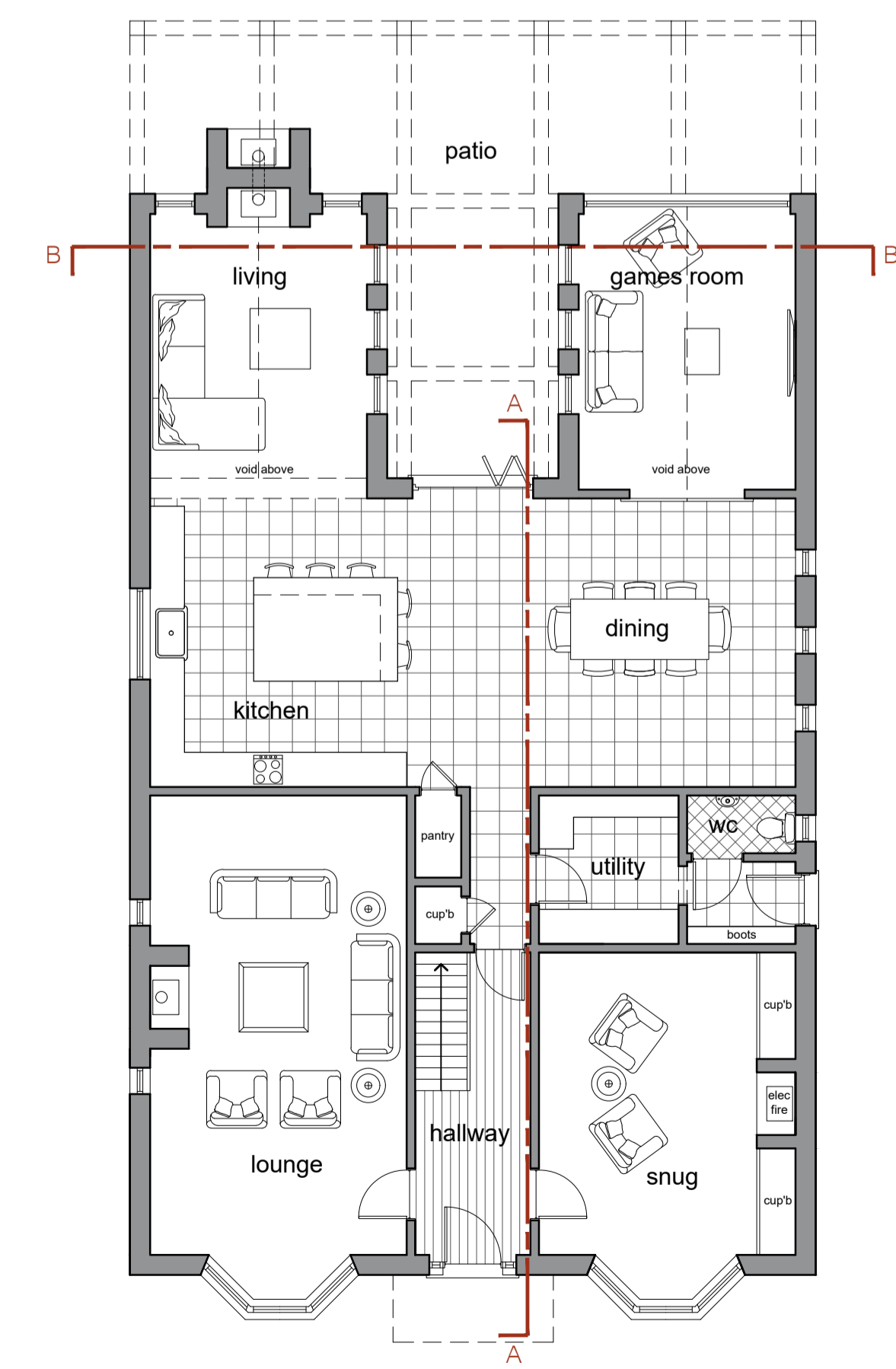
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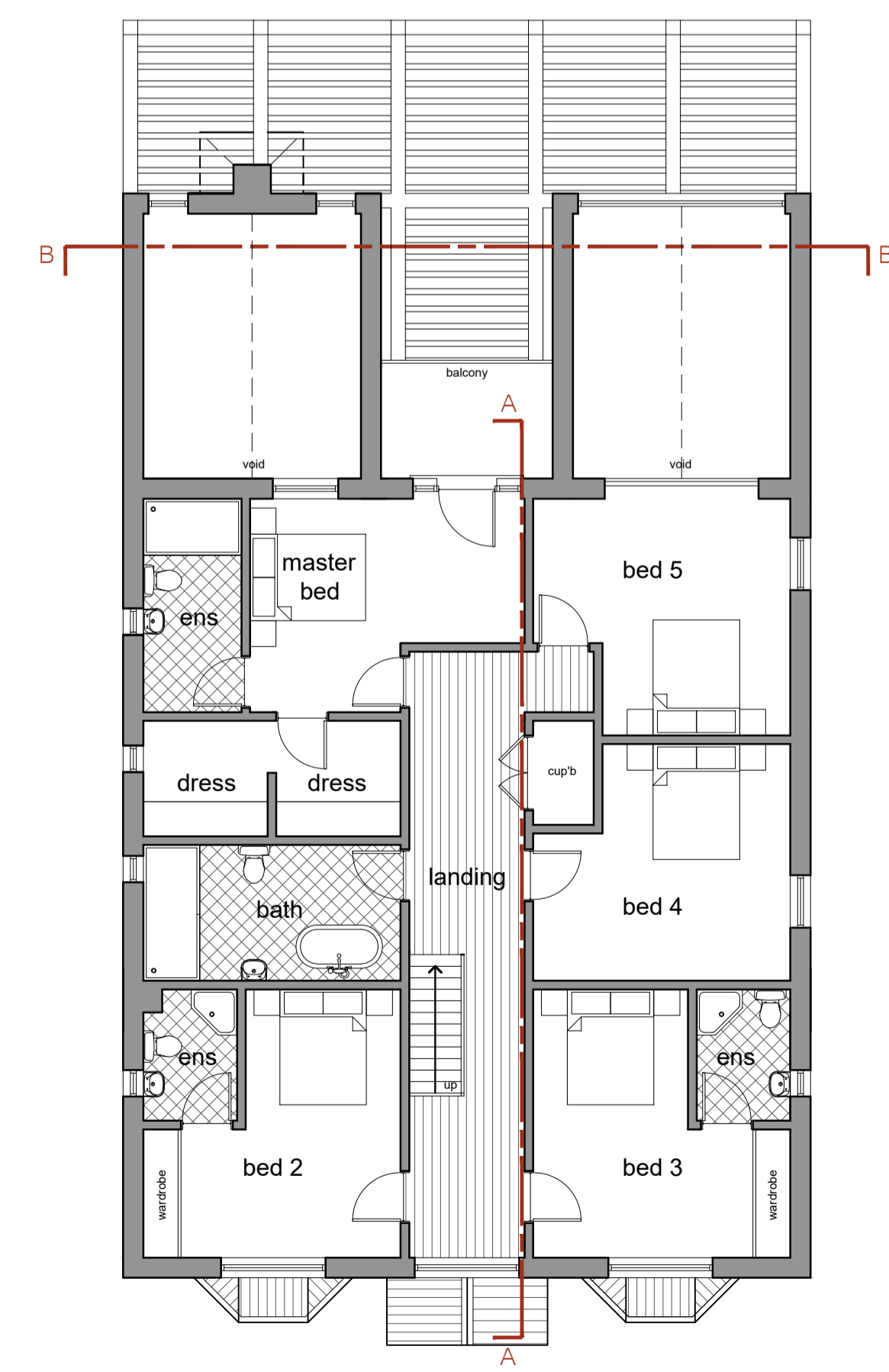
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Side Elevation (SW)
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metres



Ground Floor Plan
Scale: 1:100
metres



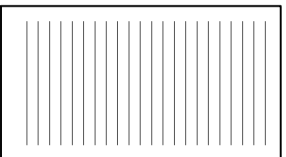
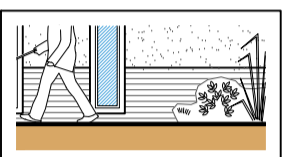

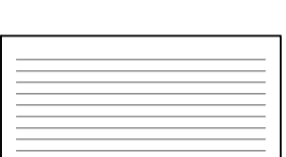
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ELEVATION KEY

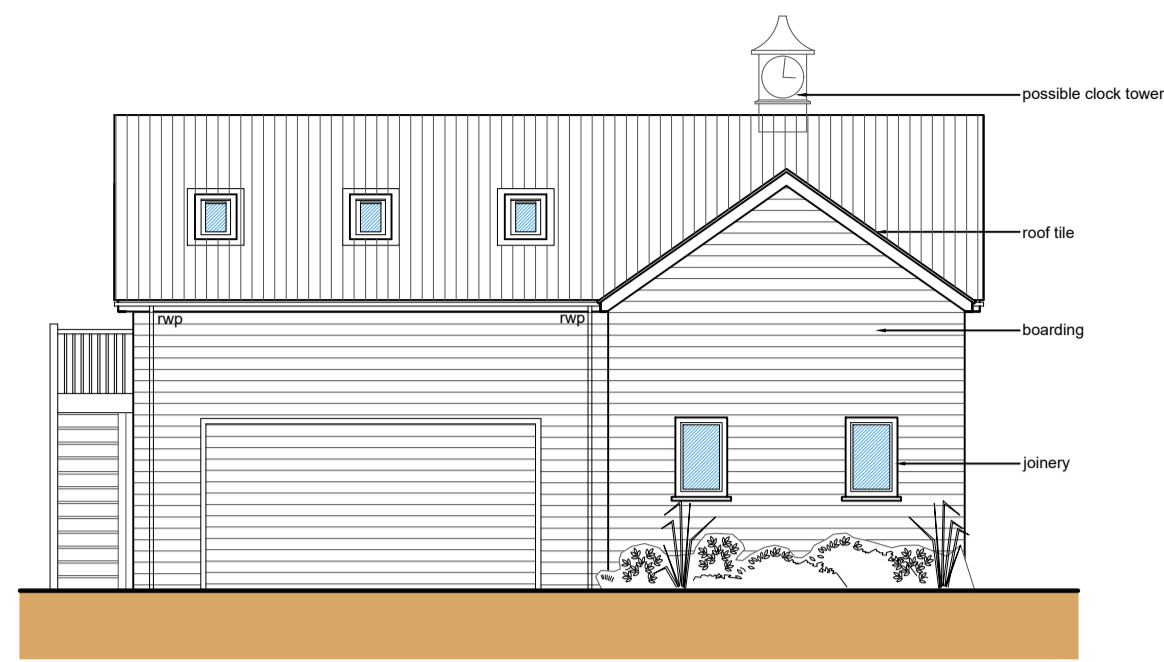
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-  Bricks to be farmhouse blend tumbled brick
-  Render
-  Boarding

Status
FOR APPROVAL

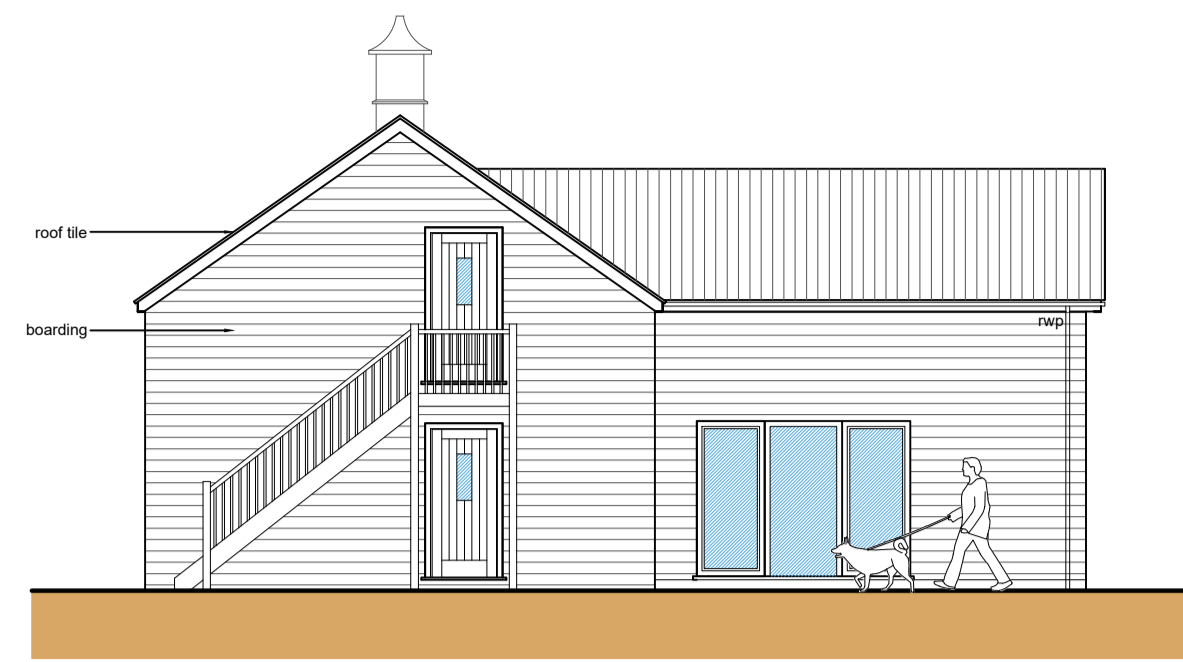


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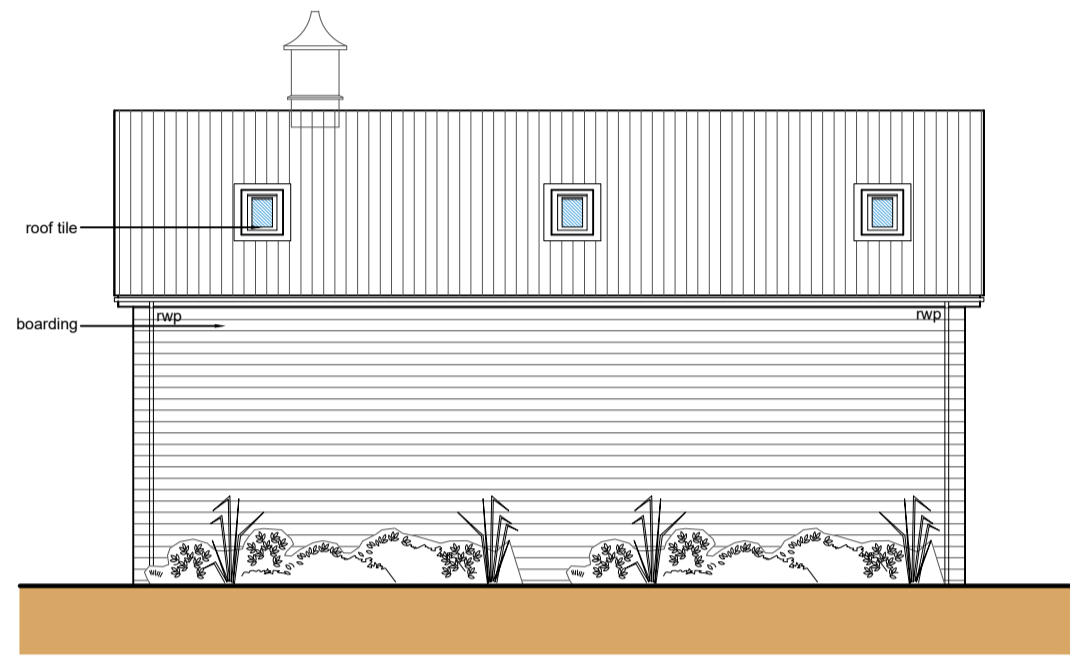
Job Title Proposed Dwelling Plot 1 High Road, Wisbech St Mary, For: Mr & Mrs. Stearne	Date December 2021	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Sections & Elevations	Job No. SE-1572 Dwg No. PP1100	Sheet Size A1 Revision D



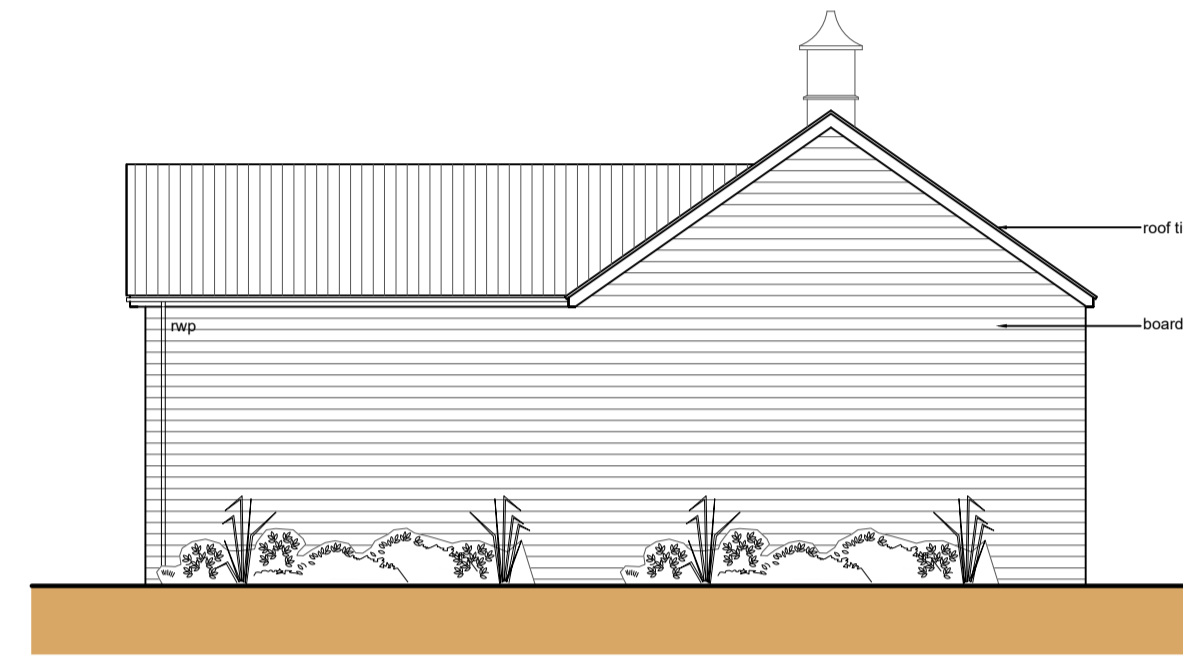
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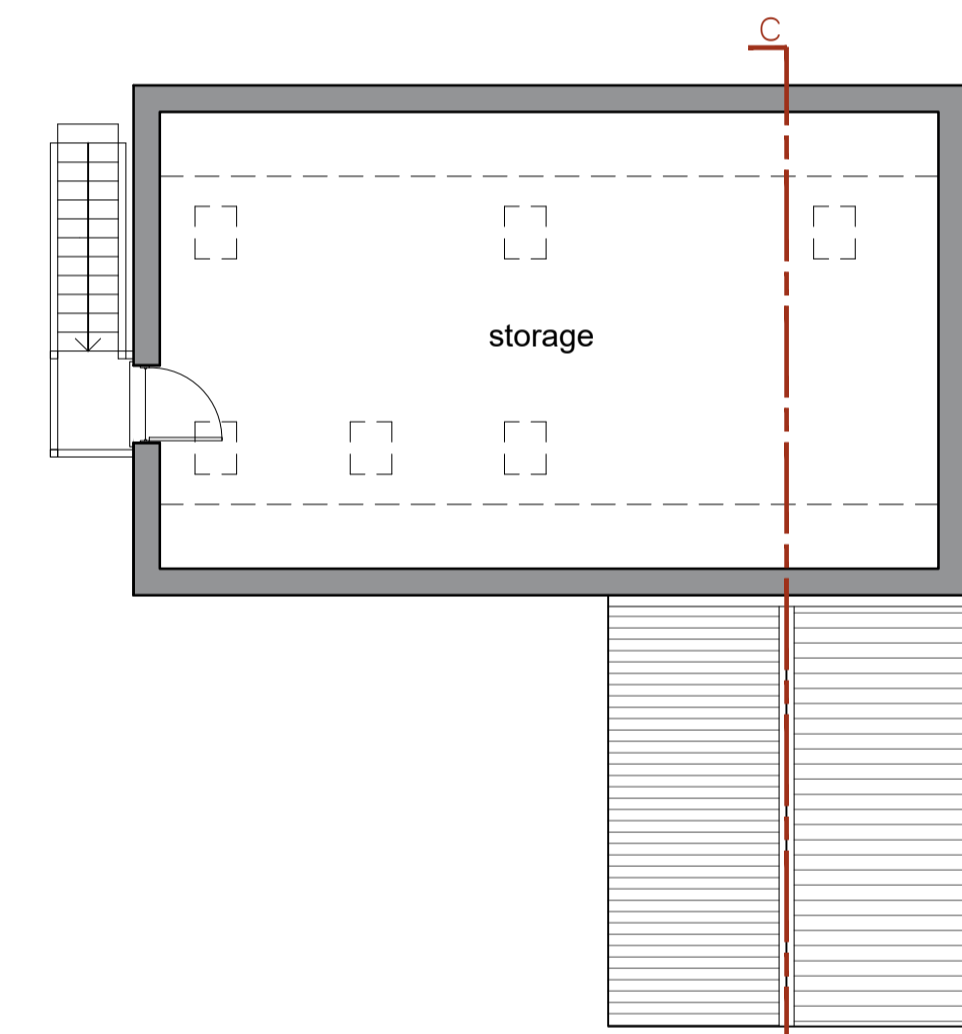
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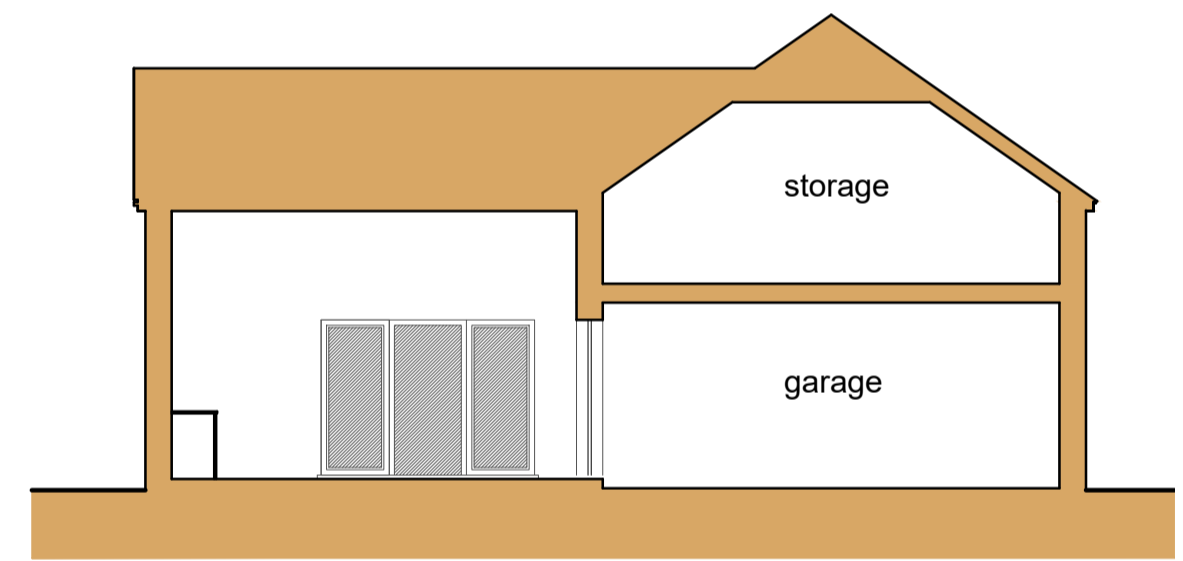
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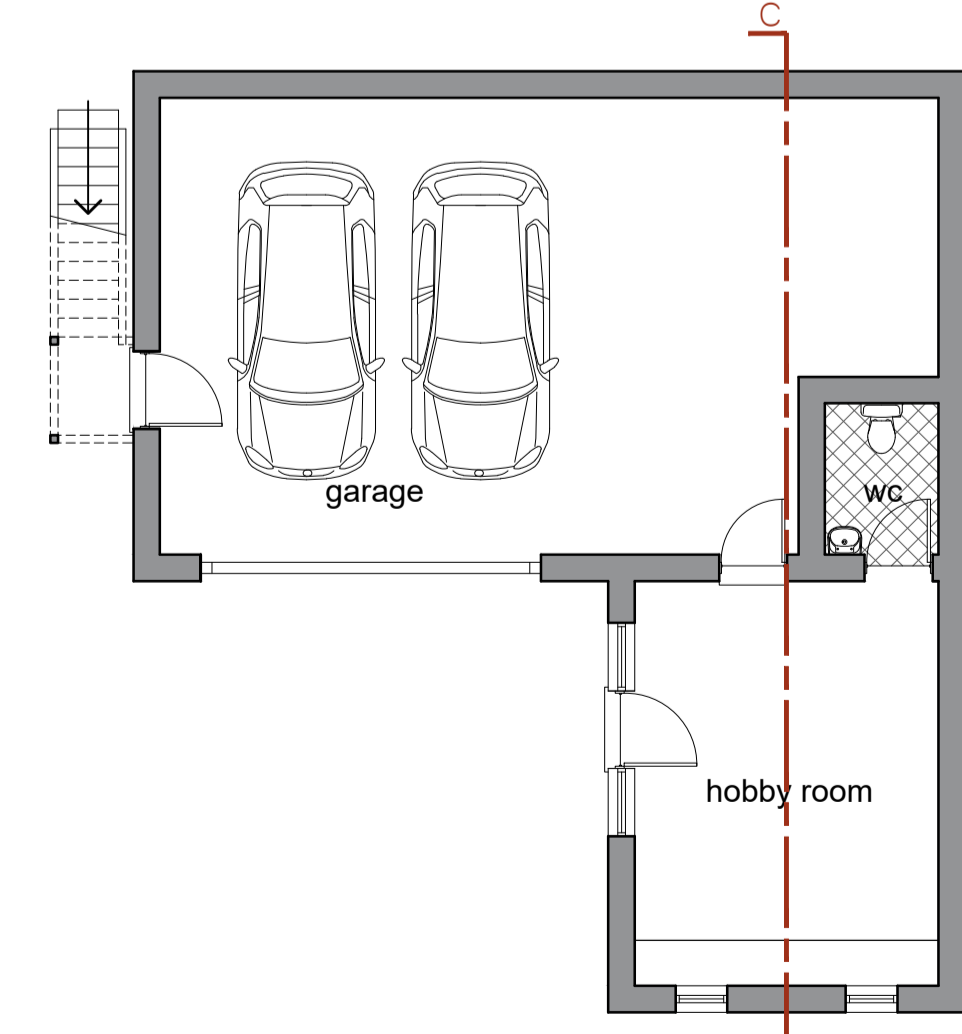
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metres



First Floor Plan
Scale: 1:100
metres



Section C-C
Scale: 1:100
metres



Ground Floor Plan
Scale: 1:100
metres

- General Notes**
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ELEVATION KEY

- Roof Tiles to be rustic clay pantile
- Bricks to be farmhouse blend tumbled brick
- Render
- Boarding

Status
FOR APPROVAL



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Job Title Proposed Dwelling Plot 1 High Road, Wisbech St Mary, For: Mr & Mrs. Stearne	Date December 2021	Drawn by GT Checked by GE
Drawing Title Planning Drawing Floor Plans, Sections & Elevations	Job No. SE-1572 Dwg No. PP1150	Sheet Size A1 Revision D

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F/YR22/0746/O

Applicant: Mr T Hopkin

**Agent : Mr Sam Herring
Swann Edwards Architecture Limited**

Land East Of Allenby Farm, Broad Drove West, Tydd St Giles, Cambridgeshire

Erect up to 2 x 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 site lies on the north side of Broad Drove West approximately 4km to the west of Tydd St Giles and comprises 0.4 hectares of unused amenity grassland apart from the existence of two concrete pads measuring 11.0m x 4.0m for the purposes of siting 2 no. holiday log cabins previously approved in 2007 under ref; F/YR07/0369/F. The approved holiday cabins have never been placed on the site, but the laying of the concrete pads would be classed as a 'commencement' of the 2007 permission under planning law.
- 1.2 The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from local services and facilities as in essence a resubmission application to refused application F/YR21/1412/O, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan. No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.
- 1.3 The proposal, involving the erection of two permanent dwellings without adequate justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area. Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3 and LP16 of the adopted Fenland Local Plan 2014.
- 1.4 The application site is located within an area categorised as Flood Zone 3 – High Risk of Flooding. Where development is necessary in areas at risk of flooding, paragraph 162 of the NPPF (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding. With extant consents and sites reasonably available throughout the District on land which is categorised as Flood Zone 1, the proposal would involve

the construction of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails. The application is accordingly considered to be contrary to Paragraph 162 of the NPPF (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.

2 SITE DESCRIPTION

- 2.1 The application site lies on the north side of Broad Drove West and comprises 0.4 hectares of unused amenity grassland apart from two concrete pads measuring 11m x 4.0m for the purposes of siting 2 no. holiday cabins previously approved in 2007 under ref; F/YR07/0369/F. The submitting agent has confirmed that the approved holiday cabins have never been placed on the site, but that the laying of the concrete pads would be classed as a 'commencement' of the 2007 approved development under planning law.
- 2.2 The site is located approximately 4km to the west of the settlement of Tydd St Giles and the area is dominated by agricultural land use. Residential development in the area is extremely sporadic and dwellings generally consist of farmhouses and more modest constructed older type dwellings.
- 2.3 Within the wider area more generally, the local road network serving the site is single track which runs alongside grass verges and drainage ditches. The nearest residential properties are Allenby Farm (applicant's property) situated to the immediate south-west of the site, and St Malo situated opposite (south) of the site containing a detached bungalow (permitted as a replacement).
- 2.4 The existing site has two grassed frontage entrance points, one on its south-west side and the other on its north-east side. A ditch runs parallel with the road frontage in front of the site's vegetated frontage boundary which is culverted underneath both entrance points.
- 2.5 Of note is that significant mixed planting has taken place to the front and side of the site which has become established over recent years with a row of tall birch trees lining the western flank boundary extending further north-westwards and a hawthorn hedge planted along the rear boundary between the site and arable land situated to the rear.
- 2.6 Apart from the aforementioned concrete slabs laid on the site, no other development has taken place or pre-exists at the site.

3 PROPOSAL

- 3.1 The current application seeks outline permission with all matters reserved for future consideration for the erection of up to 2 no. dwellings on the site and is in all material respects a resubmission application of refused application F/YR21/1412/O (see planning history below).
- 3.2 An illustrative plan is provided with the application which shows two large, detached houses with associated double garages with a ground floor area to each dwelling of 340sqm as a 'handed' development between Plots 1 and 2 which would be served by the existing/upgraded access points with one access point serving each dwelling. The indicative houses show accommodation is proposed over at

least two floors so that the ground floor area can be effectively doubled to indicate each plot's approximate gross floor area (GFA).

- 3.3 The only discernible difference between the illustrative plan shown for the current application and that as shown for determined application F/YR21/1412/O is the inclusion of an array of solar PV panels for the rear roof plane of each garage block for each dwelling (PP 1000 REV B).
- 3.4 The application is accompanied by a Design and Access Statement and a Flood Risk Assessment. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR21/1412/O	Erect up to 2 x dwellings (outline application with all matters reserved)	Refused	21.12.2021
F/YR07/0369/F	Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins Land East Of Allenby Farm Broad Drove West Tydd St Giles	Granted	15.05.2007
F/YR06/1133/F	Change of use of agricultural land and erection of 2 x 2-bed holiday log cabins Land East Of Allenby Farm Broad Drove West Tydd St Giles	Refused	01.02.2007

5 CONSULTATIONS

5.1 Environment Agency

We have no objection to the proposed development, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by ECL0640/SWANN EDWARDS ARCHITECTURE dated November 2021.

5.2 North Level Drainage Board

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

5.3 CCC Highways

Highways have no objections to this outline application in principle.

Any future reserved matters application will need to provide access details and car parking and turning arrangements that meet FDC parking standards.

5.4 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal as it is unlikely to affect or be affected by the noise or air climate. Given the absence of information to show previous

development, the application site is unlikely to have been affected by contamination.

5.5 Tydd St Giles Parish Council

Members of the Parish Council considered this application at their recent meeting. They noted that a similar application was submitted last year under reference F/YR21/1412/O, which was not supported by the Parish Council and subsequently refused. The current application is, in all material respects, a resubmission of the previous application. The objections put forward by the Parish Council last year remain valid for this application, namely that they consider the application to be an unwarranted incursion into open countryside contrary to Policies LP3 and LP12. The applicant has not provided any evidence of need to mitigate the introduction of substantial executive-style housing in a remote location in a small village. The development would be detrimental to the open character of the location and would set a precedent for further unsustainable development. Members resolved not to support the application.

5.6 Local Residents/Interested Parties

Thirteen representations received in support of the application (three from residents of Broad Drove West, two from High Broadgate and one each from Hockland Road, Church Lane and Kirkgate (all Tydd St Giles), two each from Churchill Road, Gorefield and Ibstock Close, Tydd St Mary and one from High Road, Newton-in-the Isle). These may be summarised as follows:

- The development would make good use of otherwise unused land
- Intended occupiers of the new development live locally
- The development would help enhance the appearance of the area
- The development would be concealed by natural hedgerows and new planting which in turn would encourage new wildlife
- The setting back of the dwellings would be consistent with the dwellings in the rest of the lane
- Impact on existing foul drainage would be minimal as there are no sewers in the area
- Better to have permanent homes on the site than holiday homes as holiday homes would generate greater traffic, more noise and different people to the area
- The development would help maintain the local community
- The development would add to the expansion of the village and subsequent introduction of better amenities in the course of time
- The development will bring more support to local business

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) (revised July 2021)

Para 2 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 7 – The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

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

Para 60 – To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 78 – In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Para 79 – To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Para 80 – Planning policies and decisions should avoid the development of isolated homes in the countryside...

Para 110 – In assessing...specific applications for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location...

Para 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.

Para 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

National Planning Practice Guidance (NPPG)

Process for determining a planning application.

National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- Principle of development
- Planning history
- New permanent dwellings in the countryside
- Sustainability credentials
- Landscape impact
- Flood risk
- Other Matters

9 BACKGROUND

- 9.1 This application seeks outline permission with all matters reserved for the erection of up to 2 no. dwellings with associated garages.
- 9.2 As referenced above, planning permission was granted in 2007 for the change of use of agricultural land at this location and the erection of 2 x 2-bed holiday cabins. The approved development was commenced by the laying of two concrete pads on the land, but the holiday cabins have never been placed on them.
- 9.3 It is doubtful that such a proposal would now be considered acceptable in planning policy terms given the relative isolated nature of the site (although noting the definition of isolation in the judgement in *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited EWHC 2743 (Admin)*), as the site lies within Flood Zone 3 and that the sequential/exception test needs to be applied, and the impact that such a proposal would have on local landscape character and appearance.
- 9.4 Notwithstanding this, and given no obvious attempt has been made by the applicant over the past 15 years or so to further implement the extant permission despite the case being advanced at the time that there was a *'niche in the market'* for such accommodation, the applicant is still at liberty to fully implement that permission today to provide 2 no. modest sized holiday homes.
- 9.5 It is of note that the 2007 permission significantly pre-dated the adoption of the 2014 (and still current) Fenland Local Plan, the National Design Guide (2018) and the latest version of the National Planning Policy Framework (and indeed the first iteration of it published in 2012).

10 ASSESSMENT

Principle of Development

- 10.1 The application proposes the erection of up to 2 no. dwellings on the site and is in essence a resubmission application without change to refused application F/YR21/1412/O for the same said development save for the inclusion of an array of

solar PV panels for the rear roof plane of each garage block for each dwelling as previously referenced.

- 10.2 Tydd St Giles is a village settlement lying approximately 4km to the east of the site. Under the Fenland Local Plan (adopted 2014). Policy LP3 identifies the settlement as a 'Small Village' in which development will be considered on its merits, but will be of a very limited nature and scale and comprise infill plots in an otherwise continuously built-up frontage. Being located outside and significantly beyond the built-up area of the village, the proposed development falls to be determined against countryside protection policies and sustainability principles.
- 10.3 The site is additionally located within an area defined by the Environment Agency as Flood Zone 3, representing the highest flood risk, and the Sequential Test should therefore be applied (Policy LP14 of the adopted Local Plan).
- 10.4 Policy LP12 of the Local Plan relates to development within rural areas and requires development to not adversely affect the character and appearance of the surrounding countryside, including farmland. Part D of Policy LP12 sets out the applicable criteria under which new dwellings proposed within 'Elsewhere' locations would be acceptable, such as dwellings required for essential agricultural need, where supporting evidence is required to justify the proposal.
- 10.5 Policy LP16 of the Local Plan states that the proposed development 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 streetscene, the settlement pattern or on the landscape character of the surrounding area (LP16(d)).
- 10.6 The principle of development of this rural site has previously been established for the purposes of recreation and tourism as approved in 2007 and is now required to be subject to national and local policy scrutiny for proposed housing as an alternative form of development as now being applied for, which is now considered below.

Planning History

- 10.7 The planning history relating to the development of this site, namely determined applications F/YR06/1133/F and F/YR07/0369/F relating to the provision of holiday cabins and most recently F/YR21/1412/O relating to the erection of up to 2 no. permanent dwellings represents a material consideration in the determination of the current application.
- 10.8 The change of use of agricultural land and erection of 2 x 2-bed holiday cabins under F/YR06/1133/F was refused by the LPA on the basis of unjustified new residential development within the countryside which would be detrimental to the rural character of the area and due to insufficient landscaping details associated with the proposed development.
- 10.9 The application was re-submitted under ref; F/YR07/0369/F which sought to address the previous reasons for refusal by the submission of a business plan and landscaping details. The application was approved based upon the application directly addressing an identified need for low-key holiday accommodation within the area and promising local employment for servicing the holiday cabins. A condition was imposed on the grant of that planning permission requiring that the holiday cabins were to be used for holiday accommodation only and not as

permanent residential accommodation by the occupants (and thus preserving the recreation/tourism intentions of the application as submitted). As mentioned previously in this report, the preparatory element of this approved development has been implemented by the laying of two concrete pads for the cabins to be sited on, which can still be seen on the site today.

- 10.10 Application F/YR21/1412/O for the erection of 2 x dwellings with all matters reserved at the site was refused by the Council on the grounds that the proposal would fail to represent a sustainable form of development, would be detrimental to the character and appearance of the countryside and would represent a flood risk.

New permanent dwellings in the countryside

- 10.11 The NPPF and the development plan for the area require the countryside to be protected for its own intrinsic value and to prevent new residential development in the rural areas unless it is based on essential need such as in connection with a rural enterprise and proven compliance with a financial and functional test as set out under Part D of Policy LP12 of the Fenland Local Plan.
- 10.12 No such case has been advanced for the current proposal for new permanent residential development in the form of market dwellings at this countryside location and therefore the application falls to be determined against existing prevailing countryside protection policies as was previously applied for refused application F/YR21/1412/O.

Sustainability credentials

- 10.13 The key theme running through the NPPF and endorsed in the adopted Fenland Local Plan is that of promoting and achieving sustainable development. The NPPF states in this regard at paragraph 7 that *“The purpose of the planning system is to contribute to the achievement of sustainable development”*.
- 10.14 To this end, new residential development is directed to more sustainable locations such as the built-up areas of towns and filtering down through a hierarchy of settlements (Policy LP3) to the smaller villages. In the built-up areas where housing demand is at its greatest, provision can be made for services and facilities to meet the needs of the local community. Similarly, development in such areas can bolster the local economy and encourage investment in such facilities, thereby attracting more housing development in such locations.
- 10.15 The application is remote from nearby settlements in relative terms being isolated physically within a rural location lacking in any public transport to local service centres and being too remote for walking or cycling to access such services or amenities whereby future occupants of the proposed development would be entirely dependent on the private motor vehicle for transport.
- 10.16 Similarly, the protection and enhancement of the countryside as a natural resource is an important element of sustainable development, including the prevention of new unjustified dwellings within the countryside which are remote from local services and which undermine the character and appearance of the area.

Landscape impact

- 10.17 The application site is located within an area of open countryside. Some planting has already taken place to the boundaries of the site as previously noted in the

officer report for refused application F/YR21/1412/O, including along the site's rear boundary, presumably as required under the 2007 permission which was conditioned accordingly. However, the site is still visible in the local lane context and is conspicuous by reason of this planting compared to the open character of the adjoining agricultural fen.

- 10.18 Whilst new planting was required in connection with this now historic permission, it is considered given its low height that it would not adequately screen or soften the proposed development's impact on the character and appearance of the countryside, particularly given the indicated two storey scale and massing of the proposed dwellings where no indication is given in this resubmission application that the development would be at a lesser scale. This landscaping may have assisted in softening the impact of the two single storey, timber clad holiday cabins considered acceptable for this site under the 2007 permission. However, the planting undertaken, and indeed the planting indicated for the current application would not provide adequate screening for the new two storey dwellings shown for the site and would not address the principle of unsuitable new housing at this location given the permanent nature of the proposed development.

Flood Risk

- 10.19 A flood risk assessment (FRA) accompanies the current application given the site is located within Flood Zone 3 (highest risk of flooding) where a FRA was similarly submitted for refused application F/YR22/1412/O. It is stated in the submitted document that the principle of residential development is already established on the site given the extant 2007 permission for the two holiday cabins whereby this permission serves as mitigating circumstances in relation to the required sequential test where it is posited that; *'The proposal will substitute the extant consent with the same amount of residential units; therefore the site can be considered as sequentially preferable'*. The report goes on to state that in any event there are no alternative sites available which could accommodate this particular development, further that the site is not at risk of either fluvial or tidal flooding and that resilience measures would be put in place to protect future occupants of the development in such an unlikely flood event, concluding that the Sequential Test and also the Exception Test are met.
- 10.20 It is noted that the officer report for refused application F/YR21/1412/O remarked that there are other residential build plots at lower risk of flooding available within the wider area, effectively within the settlements, although the report also acknowledged that the 2007 permission for the single storey pre-fabricated log cabins at the site was a material consideration in the assessment of flood risk before officers. That said, the decision notice for application F/YR21/1412/O carried a third reason for refusal, namely that there were in the Council's opinion extant planning permissions and sites reasonably available throughout the District (namely the wider search) on land which is categorised as Flood Zone 1 and that the proposed development failed the Sequential Test. Accordingly, the proposal for the current application fails the Sequential Test also.

Other Matters

- 10.21 As was the case for refused application F/YR21/1412/O, the case is made again by the applicant for the current application that the 2007 permission for the approval of the 2 no. holiday cabins is a material consideration by representing a 'fall-back position'. Furthermore, it is stated that the way in which the description for that approved application was given, namely for 'Change of use of agricultural

land and erection of 2 x 2-bed holiday log cabins,' makes it clear that the cabins are to be erected, i.e. built, and therefore tantamount to representing permanent structures and not falling within the definition of a caravan (i.e. temporary structures).

10.22 However, as was also noted in the officer report for refused application F/YR21/1412/O, no further progress has been made on that approved development despite the identified 'pressing need' for local holiday/leisure accommodation as advanced by the applicant at the time and as locally endorsed. Similarly, whilst the Council does not contest the claim that a lawful start has been made on the 2007 permission, it is the applicant's prerogative if they wish to continue with the implementation of that previous approval. However, this position is not considered to set any precedent for the development of two residential dwellings on the site.

10.23 It is considered that there are no material circumstances advanced by the applicant for what is essentially the same development as previously applied for under refused application F/YR21/1412/O to warrant an approval for new permanent and unjustified residential development within the countryside of a significantly different scale, function and permanence not previously approved whereby such development would remain on the site for many years to come.

11 CONCLUSIONS

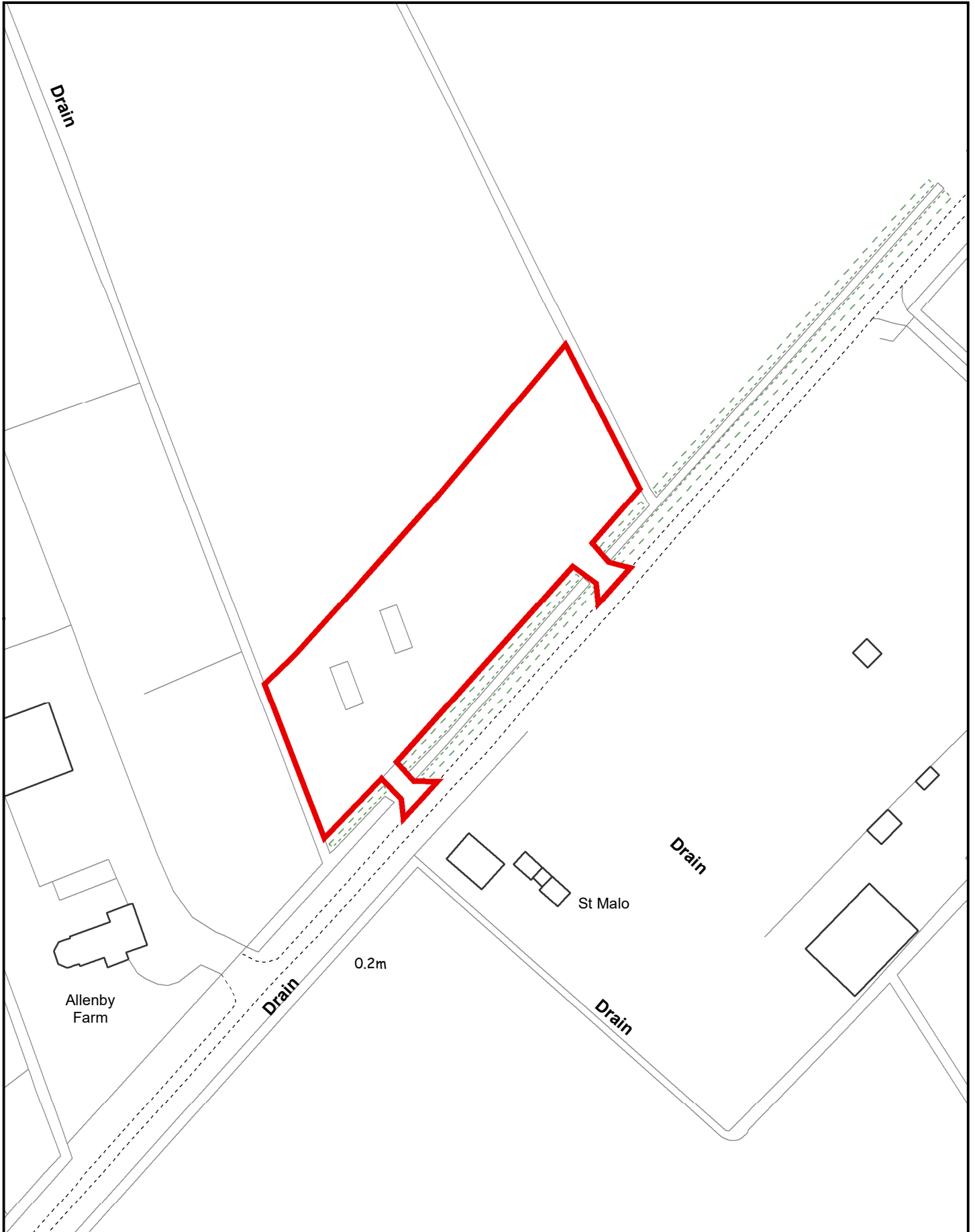
11.1 In light of the above assessment, it is asserted that the proposal does not represent a sustainable form of development and would undermine the rural character and appearance of the countryside at this remote rural location where no material circumstances exist for the current application to warrant a different recommendation made in respect of outline application F/YR21/1412/O for the same said development.

12 RECOMMENDATION

REFUSE; for the following reasons:

1	<p>The development plan seeks to direct new housing development to existing settlements where the provision of local services and facilities are located.</p> <p>The proposed development, seeking outline permission for new unjustified housing in an area of generally undeveloped countryside remote from such services and facilities, would undermine the principles of sustainable development as espoused within the National Planning Policy Framework (as revised) and the development plan.</p> <p>No case has been advanced in the application submission which would outweigh the principles of sustainability and the proposal would therefore be contrary to the National Planning Policy Framework (as revised) and Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
2	The proposal, involving the erection of two permanent dwellings

	<p>without adequate policy justification in an area of generally undeveloped countryside, would undermine and detract from the rural character and appearance of the area.</p> <p>Accordingly, the proposal would fail to accord with the advice contained within the National Planning Policy Framework and would be contrary to Policies LP1, LP2, LP3, LP12 and LP16 of the adopted Fenland Local Plan 2014.</p>
3	<p>The site is located within an area categorised as Flood Zone 3 - Highest risk of flooding. Where development is necessary in areas at risk of flooding, Paragraph 162 of the National Planning Policy Framework (2021) requires development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites reasonably available throughout the District on land which is categorised as Flood Zone 1, the proposal would involve the erection of two new permanent dwellings on land which is at greater risk of flooding and the Sequential Test therefore fails.</p> <p>The application is accordingly considered to be contrary to Paragraph 162 of the National Planning Policy Framework (2021) and Policy LP14 of the adopted Fenland Local Plan 2014.</p>



Created on: 23/06/2022

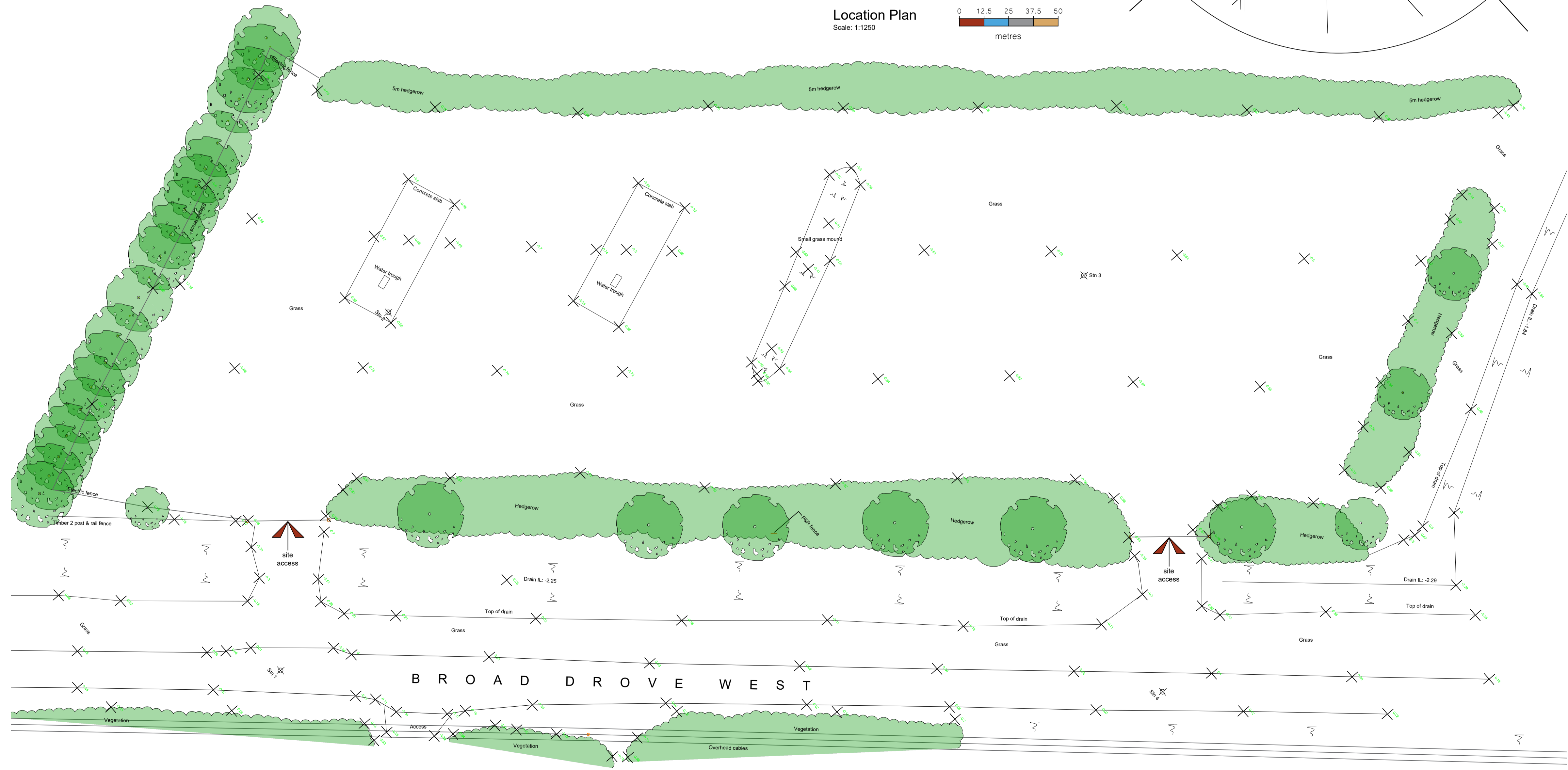
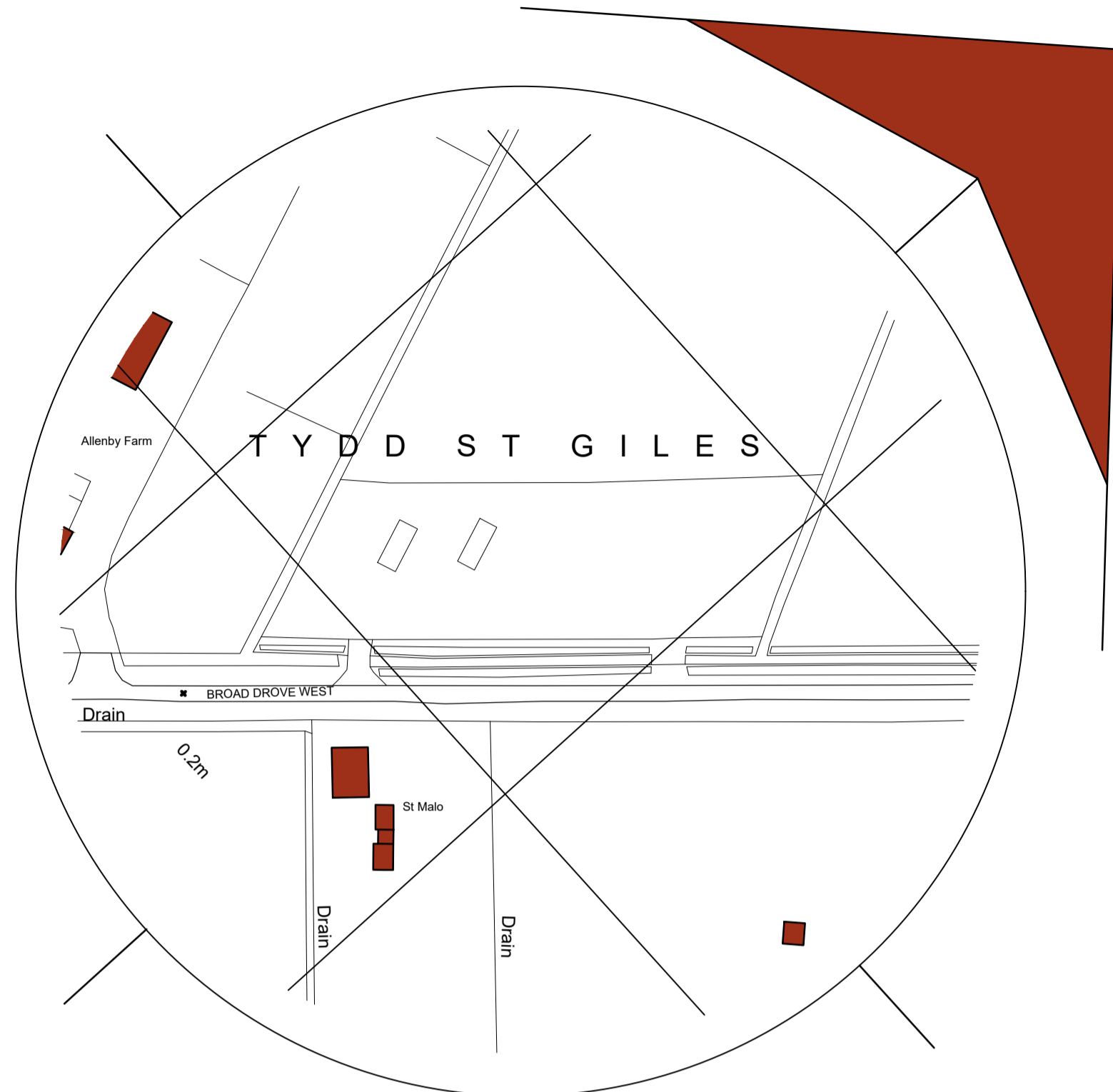
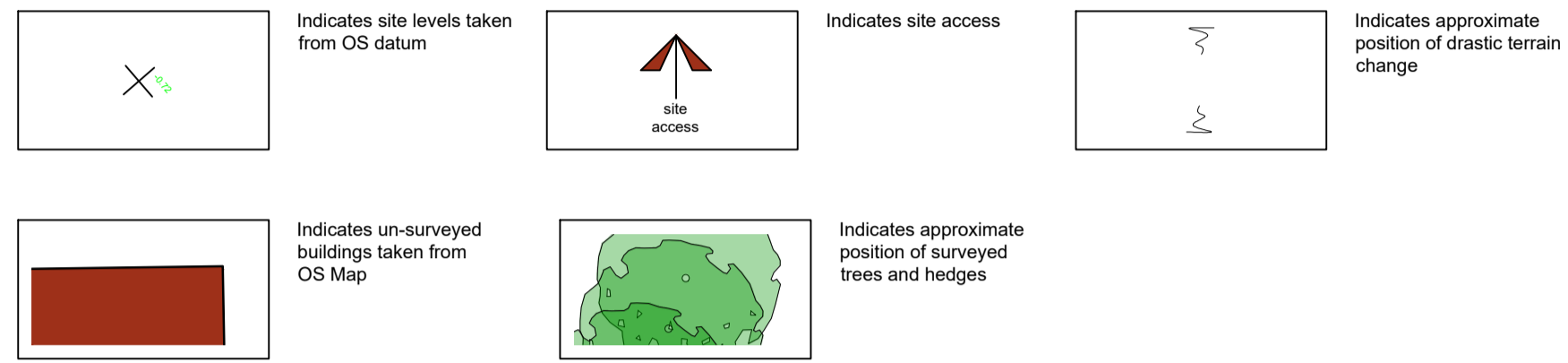
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F/YR22/0746/O

Scale = 1:1,250



SITE PLAN KEY



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

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.



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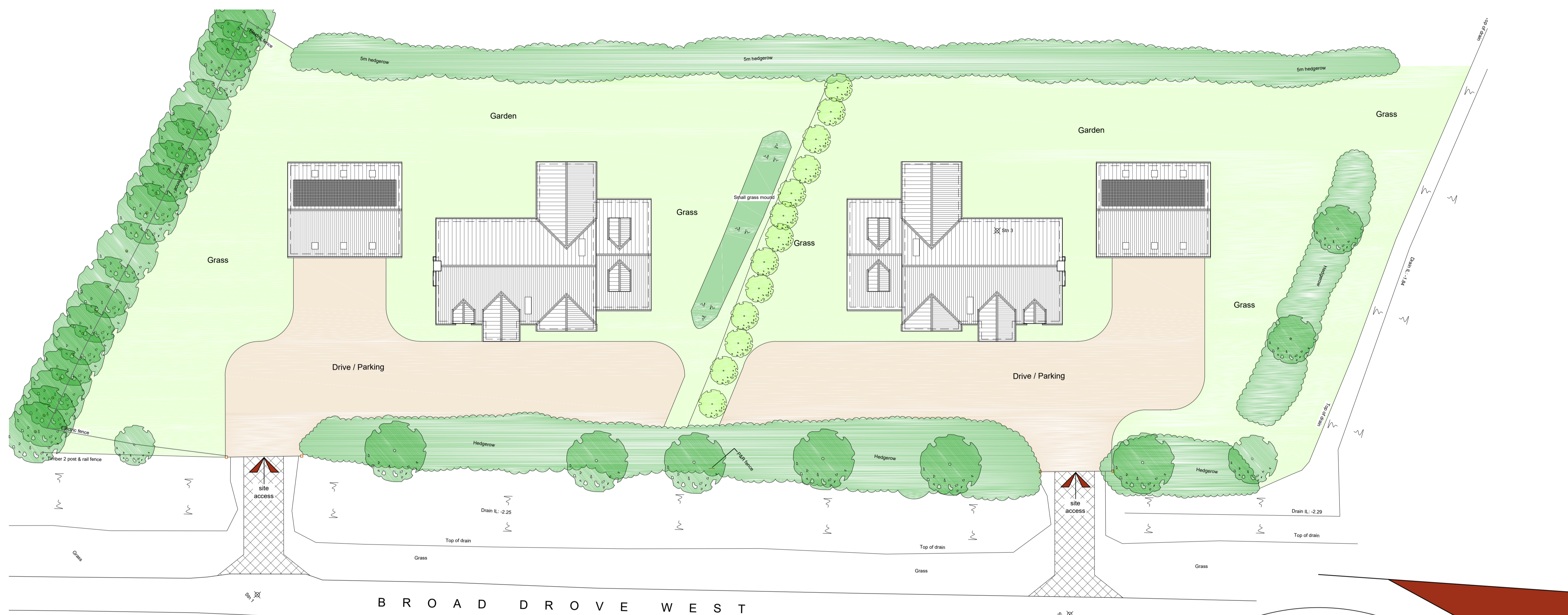
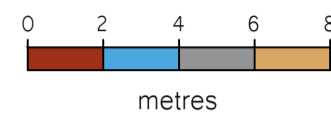
SWANN EDWARDS
 ARCHITECTURE
 Swann Edwards Architecture Limited, Swann Edwards Architecture,
 Black Barn, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA
 t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development Land Adj. Allenby Farm, Broad Drove West, Tydd St Giles For: Mr. T. Hopkins	Job Title Survey Drawing Site Plan & Location Plan	Date October 2021	Job No. SE-1727 Dwg No. 100	Drawn by GT Checked by GE Sheet Size A1 Revision
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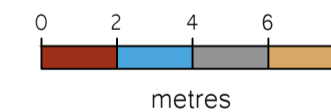
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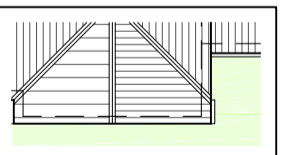
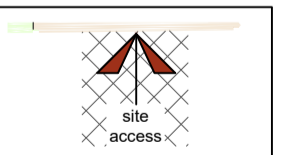
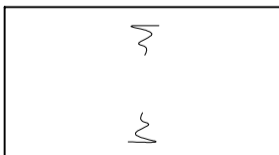

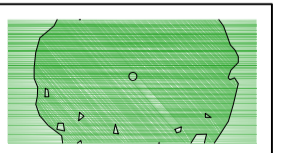
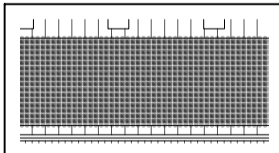


Indicative Site Plan

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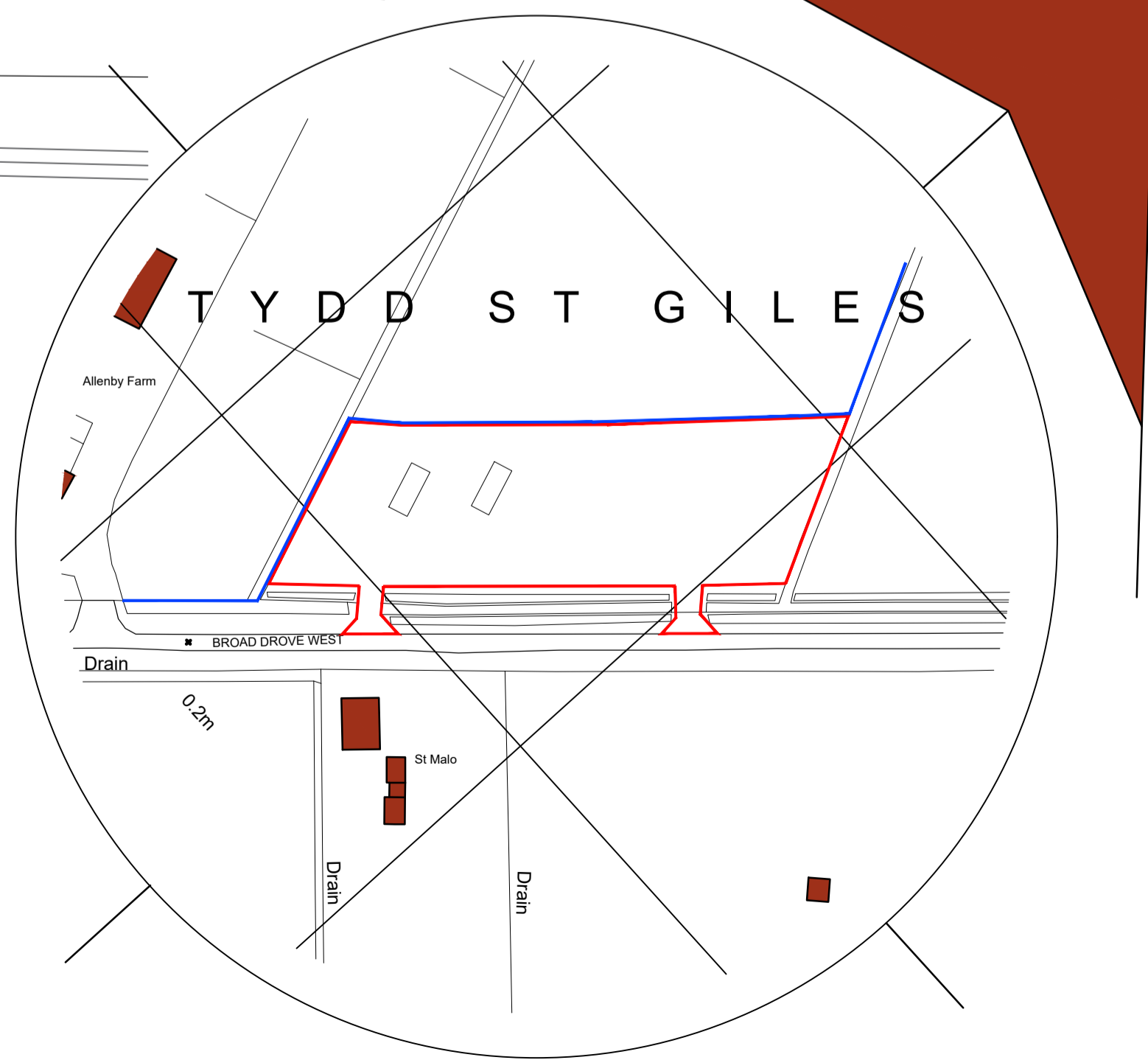
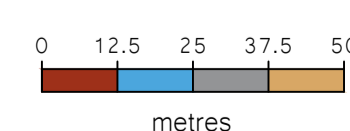


SITE PLAN KEY

-  Indicates proposed dwelling
-  Indicates site access
-  Indicates approximate position of drastic terrain change
-  Indicates un-surveyed buildings taken from OS Map
-  Indicates approximate position of surveyed trees and hedges
-  Indicates proposed photovoltaic panels

Location Plan

Scale: 1:1250



General Notes
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Status
FOR APPROVAL

SWANN EDWARDS
 ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title Proposed Residential Development Land Adj, Allenby Farm, Broad Drive West, Tydd St Giles For: Mr. T. Hopkin	Date October 2021	Drawn by GS Checked by GE
Drawing Title Outline Planning Site Plan, Location Plan and Street Scene	Job No. SE-1727	Sheet Size A1 Revision B

F/YR22/0309/F

Applicant: Mr Jamie Punton

**Agent : Mr Matt Sparrow
Peter Humphrey Associates Ltd**

5 Bedford Street, Wisbech, Cambridgeshire, PE13 3BN

Erect 8 x residential units (1 x 3-storey block of 1-bed flats) involving demolition of existing building

Officer recommendation: Grant

Reason for Committee: Town Council recommendation contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The development proposed will see a vacant and underutilised site brought back into active use to provide 8 x 1 bed residential units in a sustainable location within one of the districts primary market towns.
- 1.2 Revisions have been secured to the scheme with regard to materials, layout and security to ensure that it achieves policy compliance.
- 1.3 Whilst there is a shortfall of parking proposed to serve the development weight has been given to both the sustainability of the location in terms of accessibility to the town and its services and facilities and the bringing back into use this underutilised and vacant site.
- 1.4 Visually this contemporary design aligns with the aims and aspirations of the Nene Waterfront Design Guide with is adopted Supplementary Planning Guidance and the redevelopment of the site will build on the uplift of design quality in the area reinforcing what has been delivered to date and hopefully adding impetus to further development coming forward to deliver the regeneration of this area.
- 1.5 No heritage impacts have been identified in respect of the scheme proposed and it is considered that this scheme strikes the right balance in that it does not compete with or replicate historic architecture but does have due regard to the historic environment. Furthermore, the materials specified will compliment the setting of the listed building and ensure that the proposal achieves a good overall standard of design.
- 1.6 The planning balance in respect of this scheme, noting that it achieves full policy compliance, accepting the locational justification for the parking shortfall, is such that a favourable recommendation may be forthcoming.

2 SITE DESCRIPTION

- 2.1 The site is located within the market town of Wisbech and is located to the western side of Bedford Street, immediately north-east of the Wisbech Police Station and adjoining the car parking areas associated with this premises, situated to the south and west. To the east of the site are numbers 35 to 42 Bedford Street which comprise the two-storey restaurant premises and a single storey vacant building (no 35) which is proposed for redevelopment under a separate application. To the north-east is vacant remediated land which forms part of the Nene Waterfront and Port Broad Location for Growth area. Distant from the site some 175 metres to the north is The Boathouse with further parcels of land intervening (flanking each side of Russell Street), the site is separated from this land by rear access to the Police Station, providing access to a further area of parking associated with the Police Station.
- 2.2 Formerly occupied as a builders yard the site is now vacant and in a poor state of repair. It hosts a single workshop style structure situated to the west (rear) of the site with the frontage area delivering an open yard/forecourt area. Constructed of brick, blockwork with a glazed upper section to its front elevation and timber to the sides. The existing site is secured by a mix of brick walls and metal gates.
- 2.3 Bedford Street is a one-way street with access to the site derived from the southern approach via a dedicated spur off the Lynn Road roundabout.
- 2.3 The site is part of the Nene Waterfront Regeneration Area and the wider area is mixed in terms of character and usage. Land to the north has been remediated and is fenced off and forms part of the Nene Waterfront and Port Broad Location for Growth.
- 2.4 To the south-east of the site on the eastern side of Bedford Street at its junction with Lynn Road is No. 5 Lynn Road, a Grade II Listed Building. This imposing three storey property turns the corner into Bedford Street and is a prominent and indeed dominant feature of the locale.

3 PROPOSAL

- 3.1 The scheme proposes the demolition of the existing commercial building on site and the redevelopment of the site as follows.
- 3.2 The development comprises a three-storey building with a main footprint of 14.4 metres wide x 10 metres deep incorporating a forward gable projection located centrally which extends 1 metre from the front of the block with a width of 6 metres. The proposed eaves height is 8.2 metres with a ridge height of 10 metres. The development will deliver 8 x 1-bed residential flats across 3 storeys.
- 3.3 During the evaluation phase of the scheme following recommendations from the Conservation Officer the proposed palette of materials to be used in the scheme have been specified; these being:
- York Clamp Imperial Handmade Brick (with light/white mortar)
 - Thermowood VT4422C vertical cladding
 - Grey flat/smooth tile (Santoft 20/20)
 - Dark grey UPVC soffit and fascia
 - Anthracite flush casement UPVC windows
 - Black plastic rainwater goods

- Black metal railings and gate
- 3.4 The scheme makes provision for 4 number parking spaces to the frontage of the building and incorporates bin storage to the southern side of the site frontage with cycle storage provided to the northern side of the site frontage, a central access way is also shown to the main entrance foyer of the building.
- 3.5 Whilst initially 6 parking spaces were proposed to serve the development this element was revised as the width of spaces was considered substandard. As a consequence of revisions to the width of the parking spaces and the need to provide bin storage and cycle facilities the number of spaces has had to be reduced to 4.
- 3.6 There is an existing boundary wall to the southern boundary of the site which has a maximum height of 2850mm tapering down to 1350mm in line with the front of the proposed building. Beyond this existing wall it is intended to erect 1-metre-high metal railings, which will turn the corner to provide a nominal level of screening to the bin storage area. Metal railings are also to be provided to the northern boundary and again these are proposed to be 1 metre in height.

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

[F/YR22/0309/F | Erect 8 x residential units \(1 x 3-storey block of 1-bed flats\) involving demolition of existing building | 5 Bedford Street Wisbech Cambridgeshire PE13 3BN \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0309/F | Erect 8 x residential units (1 x 3-storey block of 1-bed flats) involving demolition of existing building | 5 Bedford Street Wisbech Cambridgeshire PE13 3BN (fenland.gov.uk))

4 SITE PLANNING HISTORY

None relevant

5 CONSULTATIONS

5.1 Wisbech Town Council

Originally supported the scheme, however following revisions to the scheme details and re-consultation revised their recommendation to:

‘Object, on the basis that the proposal makes insufficient provision for the on-site parking of residents’ vehicles’.

5.2 CCC Highways

Originally made comments regarding the technical design details, i.e presence of a lighting column which should be relocated and highlighted that there was no turning point available to serve the development. Following the submission of an updated layout the following updated comments were received:

‘After discussions, and due to the location and the speed of the road, Highways do not object to this proposal.’

Conditions

1. *Prior to the first occupation of any dwelling its associated car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

Reason - To ensure the permanent availability of the parking / manoeuvring

area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

2. *Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority. Reason - To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy LP15 of the Fenland Local Plan 2014.*

5.3 **Environment Agency:** Consultation response to be reported to Committee

5.4 **FDC Conservation Officer**

'The application is for the demolition of an existing building and the construction of a single phase development comprising of 8 x 1-bed apartments over 3 floors.

The application site falls within the setting of 5 Lynn Road, a grade II listed building, and therefore these comments are framed in reference to S. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that 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.

The heritage statement fails to make an assessment of the setting of 5 Lynn Road, and therefore fails to make a true assessment of the proposal. The heritage statement also references incorrect paragraph numbers of the NPPF, which has been updated and revised in 2021, and therefore, these references are out of date.

Historic maps indicated that Bedford Street accommodated a range of industrial buildings, including timber yards and the Union Workhouse Brewery which fronted onto the River Nene. The area is now cleared and largely vacant, bar the police station (a modern civic building with Classical elements) and therefore, 5 Lynn Road retains a prominent presence on a dominant corner plot, with architectural detailing and materials of its time. Development within its setting therefore should not compete with or overwhelm this property, or its listed neighbours on Lynn Road, which provides an attractive frontage to a major road into and out of Wisbech.

Planning history to the site opposite at 35 Bedford Street is relevant here, where a similar scheme under F/YR21/0789/F is pending consideration. Pre-application advice from a conservation perspective concluded that there were concerns about the scale of the development and the advice was to be mindful of the setting of the listed building, avoid utilitarian and overwhelming architecture and ensure that a residential character prevailed.

A 2010 scheme (F/YR10/0367/F) for a three storey on that site had been allowed at appeal, which set the principle for this scale of development, and therefore an amended proposal under the pre-application enquiry 20/0096/PREAPP, was not objected to on grounds of scale. However, conservation advice retained the position that three stories was slightly overbearing and that two stories with dormers would be more in keeping with

the scale of the listed building nearby, but that overall, there would not be sufficient impact on setting to affect the significance of the listed building. Choice of materials was noted to be key in the difference between a project that was merely acceptable, or possibly detrimental and one which would preserve or enhance the setting of the listed building.

The same advice applies to this scheme. Indeed, factors of scale and material are of greater consideration in cases of piecemeal development, as the impact each has, can have a cumulative detrimental impact. It is important therefore to the overall success of both schemes that complimentary materials are used.

The application references Chase Street (well to the north of the site) as a materials palette, which is modern housing development and wholly inappropriate as a palette of materials for this site. This development and the site opposite at 35 Bedford Street, should both look to replicate the palette of materials from the historic buildings which predominate the area on Lynn Road, and which will be viewed in context with the new developments. A muted local brown brick, slate roofs and multi-paned windows would therefore be more in keeping with the setting of the listed building. Alternatively, design inspiration could perhaps be drawn from the historic use of the area, with a modern architectural interpretation.

In summary, development in principle is not objected to, but scale, design and materials need to be considered more carefully in order to ensure there is no detrimental impact on the setting of nearby listed buildings.

Therefore, amendments are needed before the proposal can be given full conservation support'.

In response to the above consultation the agent updated the drawings to specify the precise materials palette to be utilised (as per the details shown in the 'proposal' section above) and the Conservation Officer has advised:

'I think the choice of materials now represents a palette that will compliment the setting of the listed building and ensure that the proposal achieves a good overall standard of design.

Thank you for working swiftly and proactively. I am happy now to support the application without the need for condition, though with the understanding that availability of materials is not guaranteed, but amendments could be covered by a non-material amendment application'.

5.5 Environment & Health Services (FDC)

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

Given the previous known land use, a Phase 1 contaminated land assessment must be undertaken, with the findings submitted to the Local Planning Authority before any development commences to ensure that the land is considered suitable for its intended sensitive end use.

Due to the scale of the proposed development, the issues that will be of primary concern to this service during the demolition and construction phases are the

potential for noise and dust to adversely impact on the amenity of the occupiers at the nearest residencies and workplaces.

Therefore, a construction management plan will be required that considers the following:

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

I should take this opportunity to advise that whilst the controls mentioned above are welcomed, the granting of planning permission would not indemnify against statutory nuisance action should this service receive substantiated complaints of noise/dust/smoke during the demolition and/or construction phases’.

Following the submission of a Phase I Desk Study the following updated consultation response was received:

‘In our previous consultation we advised given the sites former use a Phase I Desk Study would be required to assess the plausibility of contamination being present and we note the results of such a study have since been provided.

The results of the study undertaken by EPS Project Ref: UK22.5903 dated 24th May 2022 states that a small number of plausible contaminant linkages have been identified having the potential to become active through the proposed redevelopment as a result of the historical use of the site and the commercial / industrial use of the adjacent land. It has been recommended that the identified plausible contaminant linkages should be further investigated by means of exploratory intrusive investigation. The risks identified are considered by EPA as limited in number because the proposed development will not incorporate garden areas but instead, introduce hardstanding across the ground surface therefore minimising future interaction with underlying contamination.

This service has considered the submitted information and is in agreement with the above recommendation made by EPS that recommends the identified plausible contaminant linkages be further investigated by means of exploratory intrusive investigation with a report then being submitted to and approved by the LPA in the event permission is granted as a pre-commencement condition.

Further to our last consultation we would reiterate that a construction management plan will be required should this proposal be taken forward due to the potential for noise and dust to adversely impact on the amenity of the occupiers at the nearest residencies and work places. We would recommend this also be submitted as a pre-commencement condition in the event permission is granted.’

5.6 Head of Environmental Services (Refuse team)

Initially commented that further details would be required in relation to the bin store, whilst also noting that space appeared limited, and they had concerns in

relation to the proximity of car parking. Information was given with regard to the level of provision for bin storage and the operational requirements for collection.

Following the submission of a revised plan an updated response has been received as follows:

'From the changes made it shows that required number of bins could be accommodated and serviced without issue so no issues from a waste collection perspective'.

5.6 **Designing Out Crime Officers**

'I have viewed the documents in relation to crime, disorder and the fear of crime. I have completed a search of the Constabulary crime and incident systems for the above location covering the last 12 months. At present, I consider this to be an area of low vulnerability to crime.'

Cycle storage - The proposed Sheffield stands to the front of the building will leave resident bikes vulnerable, therefore it would be good to see an enhanced design. Our recommendations are that a secure storage is provided and located either within the main building core or externally. Cycle store doors should be enhanced security door-sets LPS 1175 SR1 fitted with self-closers and a thumb turn for egress to ensure that people cannot be locked in, these should be access controlled for resident only. There should be no visibility inside the stores to prevent criminals viewing the cycles, they should be overlooked by CCTV with appropriate lighting and signage. Stands should be secured (cemented 300mm) into the ground (not bolted down) as per Secured by Design (SBD) guidelines.

Visitor Entry System (Audio visual) & Access Control - It would be good to see what access control and visitor entry systems are being proposed for the residential block - our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms.

External lighting - Our recommendation for external lighting is that all adopted and un-adopted roads, private roads, shared drives, footpaths and parking areas, should be lit with columns to BS5489:1 2020. Care should be taken in relation to the location of lighting columns with the entry method'.

Following the submission of an updated layout and clarification regarding the points raised the Designing Out Crime team have provided further comments:

'I appreciate the updated design and I'm happy with the amendments. Please can you confirm how the CCTV will be managed to ensure that any recordings are stored should it be required for evidential purposes in the future?'

Subsequently the agent has confirmed that the CCTV will be a Cloud based CCTV unit managed by the landlord with the landlords contact details to be kept on site to aid with accessing footage as and when required; the Designing Out Crime Officer has confirmed that they are *'happy with this detail'*.

5.7 **Local Residents/Interested Parties**

None received

6 **STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 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)

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

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

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Chapter 5. Delivering a sufficient supply of homes

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land

Para 120 (c) Planning policies and decisions should (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

Chapter 12. Achieving well-designed places

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

Chapter 16. Conserving and enhancing the historic environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context C1 - Relationship with local and wider context

Identity I1 - Respond to existing local character and identity; I2 Well-designed, high quality and attractive

Built form B1 - Compact form of development; B2 Appropriate building types and forms

Movement M3 - well-considered parking, servicing and utilities infrastructure for all users

Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities

Resources R3 - maximise resilience

Lifespan L3 - A sense of ownership

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP8 – Wisbech

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

7.5 **Nene Waterfront Development Brief SPD**

7 **KEY ISSUES**

- **Principle of Development**
- **Nene Waterfront**
- **Character and heritage considerations**
- **Residential Amenity**
- **Highways**
- **Flood risk**
- **Contamination**
- **Crime and design**
- **Other issues**

8 **BACKGROUND**

8.1 In July 2004 a Development Brief was produced for the Nene Waterfront, Wisbech (NWDB) and this site form part of that area; to date there has been development to the northern, north-western and south western segments of the brief area. The Boathouse Business Centre, Yacht harbour and port, The Foyer. Infrastructure enhancements and remediation of land have all been successfully delivered with housing also delivered to the north-east of the current application site.

8.2 The NWDB does not identify any movement or access constraints, or indeed any expectations for the site now under consideration in terms of access delivery; albeit pedestrian links within the residential areas were highlighted.

- Building heights within the NWDB within this zone allow for 3-storey development

- The site did not form part of the land assessed in the initial desk assessment that formed part of the NWDB, nor was this land remediated.
- The Illustrative layout included at Fig 2.9 of the NWDB identified the land for residential development

9 ASSESSMENT

Principle of Development

- 9.1 This is a brownfield site within the settlement of Wisbech well located in respect of the town centre. As such development would accord with Policy LP3 of the FLP which directs that the majority of the district's housing should take place in such locations, e.g. within 'primary market towns'. Policy LP8 further expands on the policy aspirations for this location with the Nene Waterfront and Port identified as being a broad location for growth.
- 9.2 Policy LP8 also anticipated a 'refresh' of the Nene Waterfront Design Guide, which has yet to be actioned, the policy does however go on to identify that in the interim the Nene Waterfront SPD (2004) remains part of the planning policy framework and is relevant in the consideration any scheme proposals; caveated by the statement that the policy requirements will be 'applied flexibly and take into account current market conditions'.
- 9.3 Notwithstanding the above it is necessary to consider whether there are any site constraints, amenity or character issues which would render the scheme unacceptable in accordance with policies LP2 (health, wellbeing and residential amenity), LP14 (flood risk), LP15 (highways) and LP16 (environment)

Nene Waterfront

- 9.4 Although not identified as a 'key site' in the NWDB the land is located within the wider study area, with the Police Station to south-west being identified as an 'existing landmark'.
- 9.5 Although not explicitly described as such the site adjoins an area identified as being 'Urban Street Edge' with streets enclosed by consistently composed 3/4 storey (dependant on location within development) storey flats and town house development with the use of quality materials.
- 9.6 A key theme of the NWDB is to create a distinctive quarter with its own identity, which doesn't seek to replicate other parts of Wisbech.

Character and heritage considerations

- 9.7 The design brief for the area sets the scene for the redevelopment of this site and the development proposed aligns with the aspirations of the NWDB in that it would deliver a modern 3-storey building. As indicated in paras 9.6 above the Design Brief for this site and the wider area allows for a more contemporary approach to design.
- 9.8 The FDC Conservation Officer has accepted the design put forward for this site noting that a proposal for a three-storey residential development was currently under consideration for 35 Bedford Street; immediately to the east. In respect of

that site the Conservation Officer noted that whilst ideally two storeys with dormers would be more in keeping with the scale of the listed building nearby, overall, there would not be sufficient impact on setting to affect the significance of the listed building. A similar view must therefore be taken in respect of this site.

- 9.9 Notwithstanding general acceptance of the design approach it was identified that the success of the scheme would be dependant on the choice and quality of materials and to this end the agent has provided revised details to address this concern. Following receipt of these details the Conservation Officer has confirmed that *'the choice of materials now represents a palette that will compliment the setting of the listed building and ensure that the proposal achieves a good overall standard of design'*.
- 9.10 It is considered that the proposal strikes the right balance in that it does not compete with or replicate historic architecture but does have due regard to the historic environment. Modern design can sit appropriately in historic context and it is considered that this will be achieved through the delivery of the proposed scheme. Accordingly it is considered that the scheme aligns with Policies LP16 and LP18 of the Fenland Local Plan and may be supported in design and character terms as not detrimentally impacting on the site heritage setting.

Residential Amenity

- 9.11 Each unit will benefit from a floor area of circa 52 square metres with all habitable rooms benefiting from natural light. No overlooking will occur nor will the development cause overshadowing of existing buildings due to its placement. Whilst there will be windows to the front and side elevations those to the front will look out over the parking areas associated with the development and those to the sides will look onto the car parking area associated with the Police Station and over to the side access road and land beyond to the north. It is considered that appropriate separation can be maintained between future development to the north.
- 9.12 There is no minimum space standard relating to the provision of private amenity space in respect of proposals to deliver flats (Policy LP16(h)) and this proposal comes forward without any amenity space provision. However, the site is well located to the town which offers a range of outdoor leisure opportunities as such the failure to deliver private amenity space to serve the development does not, it is considered, render this town centre apartments scheme unacceptable.
- 9.13 Refuse collection and servicing has been secured as part of the scheme details and construction management may be secured through condition as per the recommendations of the FDC Environmental Protection team. It is therefore considered that the scheme aligns with the aims of Policies LP2 and LP16 of the FLP (2014).

Highways

- 9.14 The Local Highway Authority raise no objection to the scheme given the road environment in the vicinity and as such there are no grounds to resist the scheme in respect of highway safety.
- 9.15 With regard to parking allocation on the site Appendix A to the FLP (2014) allows for reduced car parking provision or in special circumstances nil

provision, however a nil provision would usually only be deemed appropriate if there were heritage considerations or if a scheme related to a physical conversion of an established building as opposed to a new build scheme.

- 9.16 For a new build development the starting point would be full provision in accordance with the adopted parking standards, for this development that would equate to 10 spaces. As such there is clearly a shortfall of provision in this instance. It is further noted that the Nene Waterfront Design Brief does indicate that 1.5 parking spaces should be provided per unit within the Brief area.
- 9.17 Accordingly it is clear that the scheme proposes a shortfall in parking of 6 spaces, however the land available is restricted and the delivery of 4 workable parking spaces supported by provision of cycle parking is considered acceptable within this sustainable location and noting that the units proposed are 1-bedroom. The benefits of bringing forward this vacant and underutilised site for housing thereby furthering the delivery of the Nene Waterfront Regeneration scheme are in this instance considered to outweigh the parking shortfall and as such it is not considered reasonable to withhold consent of an otherwise acceptable scheme on the grounds of this shortfall alone.
- 9.18 The condition recommendations of the LHA are noted however given the nature of the forecourt area, to provide pedestrian access and parking along with refuse storage and cycle facilities the suggested conditions would be better reflected as one bespoke condition which requires the delivery of the entire frontage area prior to occupation of any part of the development.

Flood risk

- 9.19 Whilst this site lies within a Flood Zone 2 location it forms part of the Broad Location for Growth and as such the sequential test does not need to be applied. However, it is necessary to demonstrate that the development will be safe from all sources of flood risk, will not increase flood risk elsewhere and where possible will reduce flood risk overall through the submission of a site-specific flood risk assessment (as per Part 2 of the Exception Test). With regard the Exception Test given that the site is within a Flood Zone 2 location there is no requirement to address the first part of this test, nonetheless the proposal would bring forward the redevelopment of an existing site within the urban area in accordance with the Council's sustainability objectives.
- 9.20 The scheme is accompanied by a Flood Risk Assessment that makes the following recommendations:
- Finished floor level of the building is 0.5m above surrounding ground levels, with 0.3m of flood resilient construction above finished floor level.
 - Developer shall ensure future residents are sufficiently aware of the risks of flooding and that they register with the Floodline Direct Warning Service.
- 9.21 The formal acceptance of the FRA is awaited from the Environment Agency, and subject to them confirming the same there would be no grounds to withhold consent with regard to flood risk or flood safety and the scheme may be considered as compliant with Policy LP14 of the FLP (2014).

Contamination

- 9.22 The agent, following the initial consultation response of the FDC Environmental Health Officer commissioned a Phase 1 Desk Study which recommended a further intrusive investigation of the site; this may be secured through condition and will enable the development to evidence that the site is safe for development either in its current form, or with appropriate remediation thereby satisfying LP16 (l) & (m).

Crime and design

- 9.23 Due consideration has also been given in respect of the layout in so far as it relates to crime and safety, the Police Designing Out Crime Officer has made certain recommendations with regard to access control, cycle storage, external lighting and CCTV. The scheme has been revised to address the comments raised albeit the cycle storage remains external to the building and the Designing Out Crime Officer has confirmed that they are happy with the amendments made. Accordingly it is considered that there are no crime and safety matters arising from the scheme remaining to reconcile and compliance is achieved with regard to Policy LP 17 of the FLP.

Other issues

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

The applicant has been consulted on the proposed conditions and their agreement is awaited, and an update in this regard will be reported to committee. Should their agreement be forthcoming the requirements of section 100ZA(5) will have been met.

The proposed conditions are as follows:

Condition 5 – Contamination

Condition 6 – Construction Management

10 CONCLUSIONS

- 10.1 The development proposed will see a vacant and underutilised site brought back into active use to provide 8 x 1 bed residential units in a sustainable location within one of the districts primary market towns.
- 10.2 Revisions have been secured to the scheme with regard to materials, layout and security to ensure that it achieves policy compliance.
- 10.3 Whilst there is a shortfall of parking proposed to serve the development weight has been given to both the sustainability of the location in terms of accessibility to the town and its services and facilities and the bringing back into use this underutilised and vacant site.
- 10.4 Visually this contemporary design aligns with the aims and aspirations of the Nene Waterfront Design Guide with its adopted Supplementary Planning Guidance and the redevelopment of the site will build on the uplift of design

quality in the area reinforcing what has been delivered to date and hopefully adding impetus to further development coming forward to deliver the regeneration of this area.

- 10.5 No heritage impacts have been identified in respect of the scheme proposed and it is considered that this scheme strikes the right balance in that it does not compete with or replicate historic architecture but does have due regard to the historic environment. Furthermore, the materials specified will compliment the setting of the listed building and ensure that the proposal achieves a good overall standard of design.
- 10.6 The planning balance in respect of this scheme, noting that it achieves full policy compliance, accepting the locational justification for the parking shortfall, is such that a favourable recommendation may be forthcoming.

11 RECOMMENDATION

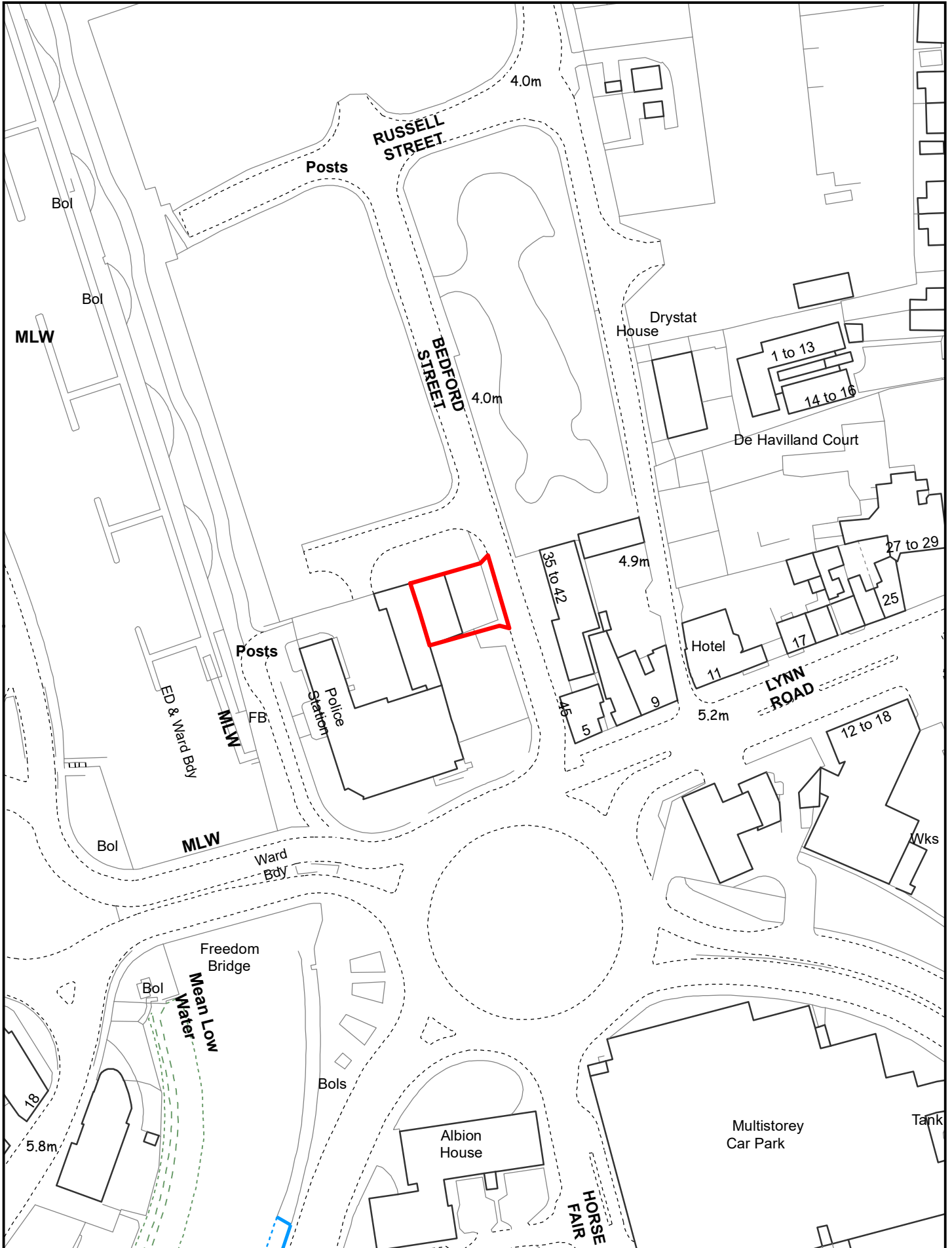
Grant: Subject to the following conditions:

Conditions

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby approved shall be finished in materials as specified within the application, i.e.</p> <ul style="list-style-type: none"> • York Clamp Imperial Handmade Brick (with light/white mortar) • Thermowood VT4422C vertical cladding • Grey flat/smooth tile (Santoft 20/20) • Dark grey UPVC soffit and fascia • Anthracite flush casement UPVC windows • Black plastic rainwater goods • Black metal railings and gates <p>Reason - To safeguard the visual amenities of the area and ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>Prior to the first occupation of any part of the development hereby approved that entire site frontage and associated refuse collection, cycle parking facilities, parking and pedestrian access routes shall be laid out, demarcated, levelled, surfaced and drained in accordance with drawing number 6473/SK02 and thereafter retained for those specific uses.</p> <p>Reason - To define the scope of the consent and to ensure the permanent availability of the parking and servicing as per the approved scheme, in the interests of highway safety and residential amenity in accordance with Policies LP2, LP15 and LP16 of the Fenland Local Plan 2014.</p>
4	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out</p>

	<p>by Ellingham Consulting Ltd (Report Ref: ECL0681/PETER HUMPHREY ASSOCIATES) dated January 2022 and the following mitigation measures detailed within the FRA shall be adhered to:</p> <ul style="list-style-type: none"> - Finished floor level of the building is 0.5m above surrounding ground, and - Flood resilient construction to a height of 300mm above the finished floor level <p>The mitigation measures shall be fully implemented prior to occupation and thereafter retained.</p> <p>Reason - To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
5	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <ol style="list-style-type: none"> 1. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until: <ul style="list-style-type: none"> (i) The requirements of the Local Planning Authority for site investigations have been fully established, and (ii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority. <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <ol style="list-style-type: none"> 2. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. 3. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority. <p>Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 183 and 184, and Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the commencement of any development on site (including demolition) a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, the CMP shall consider</p>

	<p>the following:</p> <ul style="list-style-type: none"> • Demolition phase (noise/control of dust/disposal of building materials (including any asbestos) by licensed contractors) • Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control) • Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression) • Complaint response and investigation procedures <p>Reason - To ensure that due consideration is given to amenity of adjoining residents and workplaces for the duration of the construction in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
7	<p>The external lighting, access control measures and CCTV proposals which form part of the submission shall be installed prior to first occupation of any of the residential units hereby approved and retained thereafter in perpetuity.</p> <p>Reason - In order to ensure adequate safety and security on site in accordance with Policies LP16 and LP17 of the Fenland Local Plan, adopted May 2014.</p>
8	Approved plans



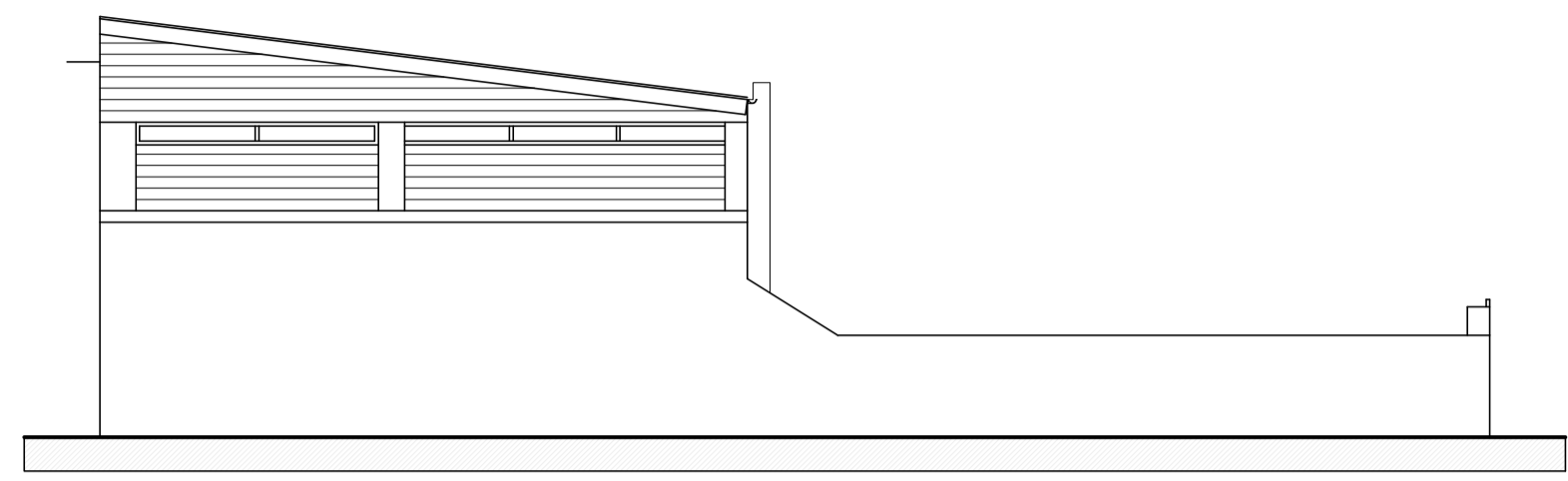
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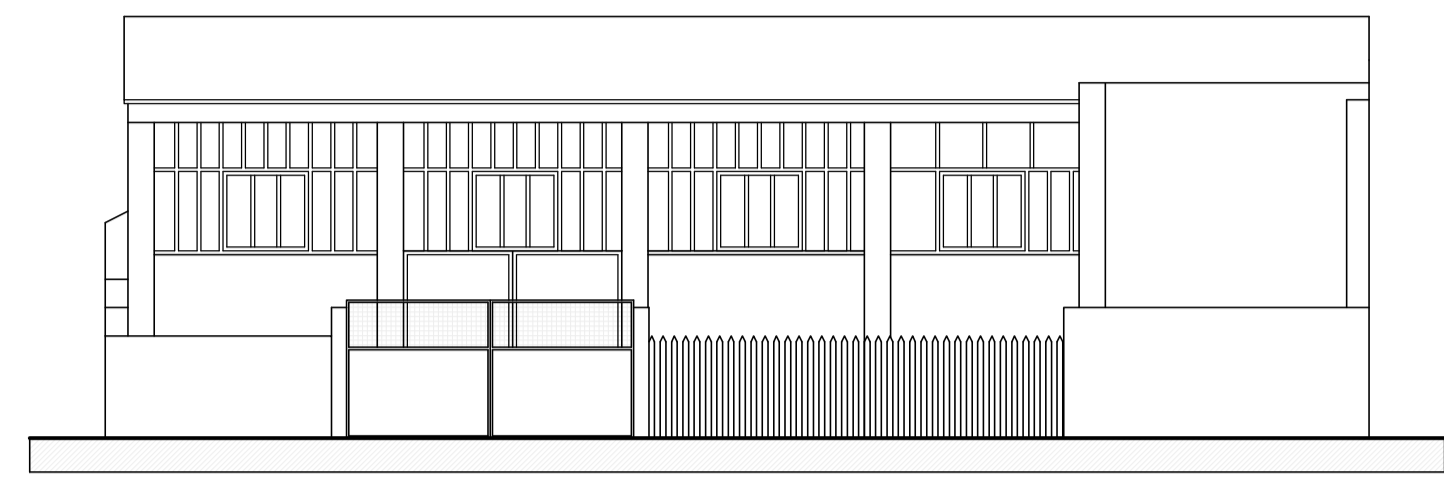
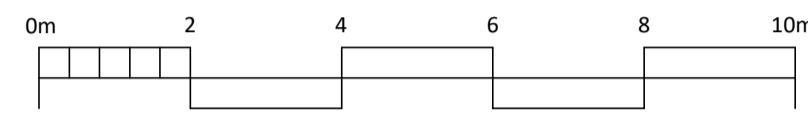
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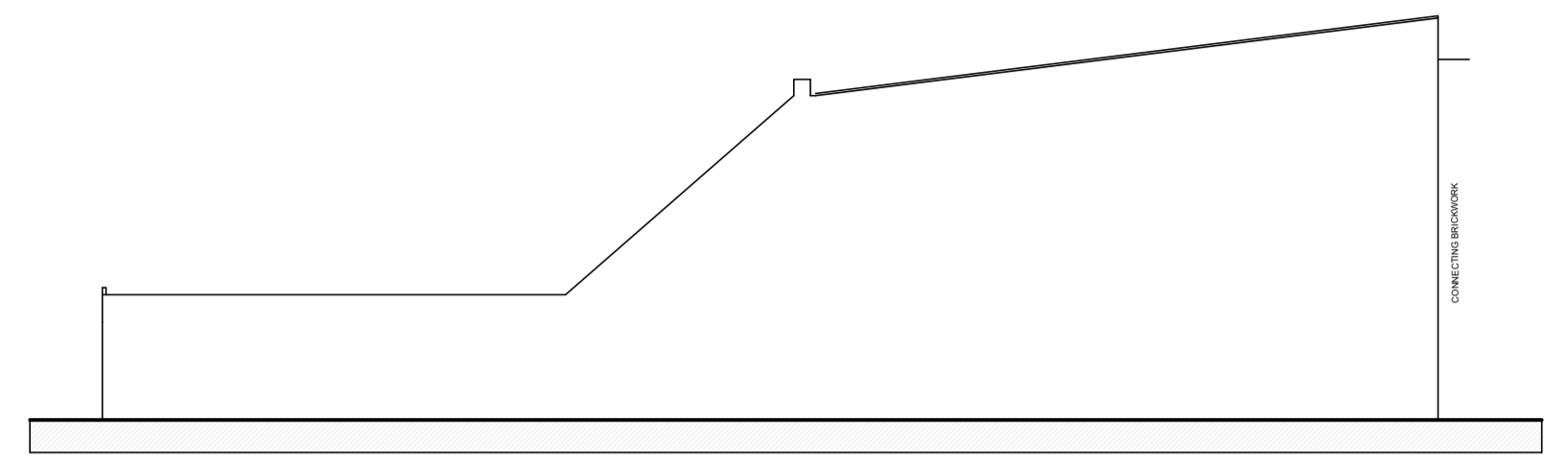




SIDE ELEVATION 1:100



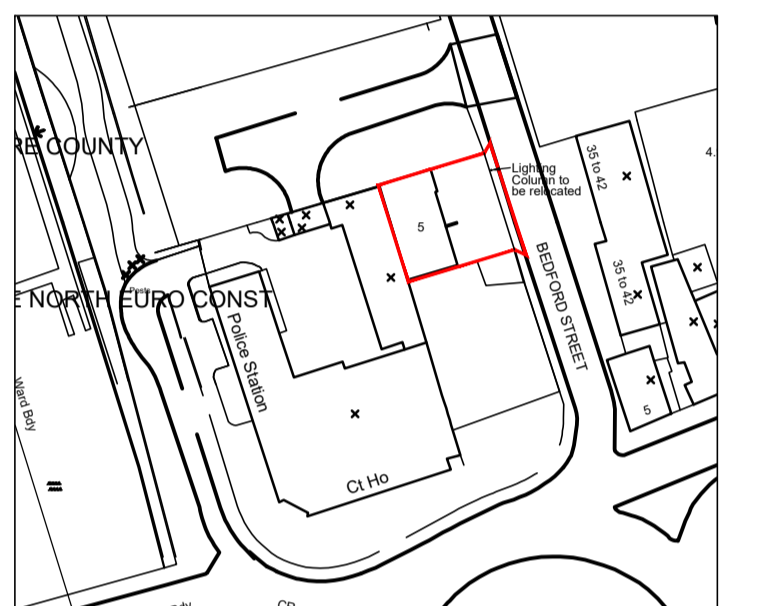
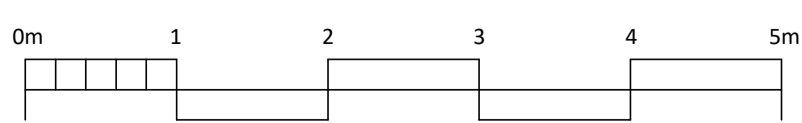
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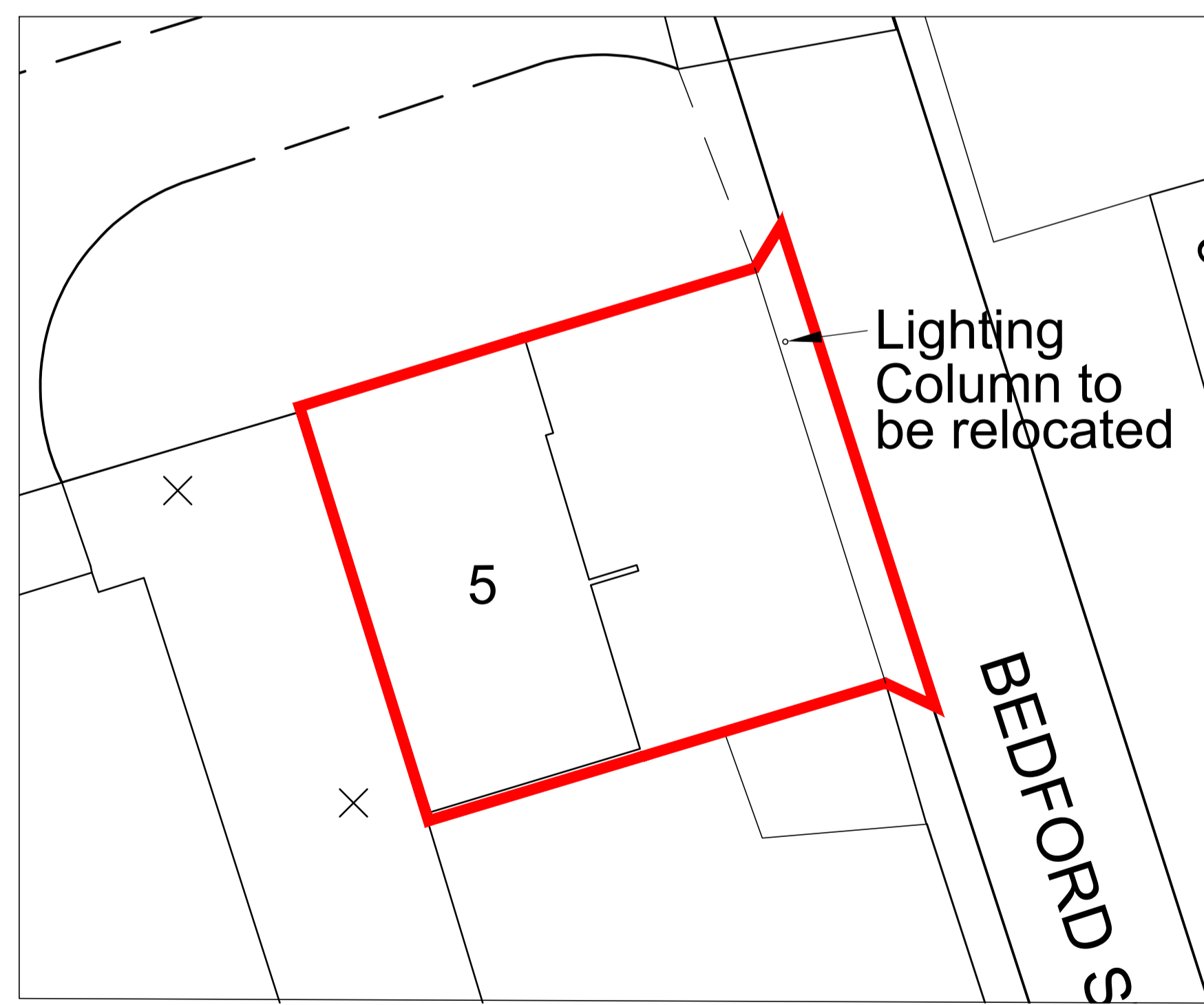
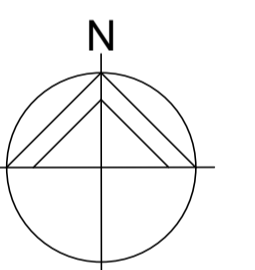
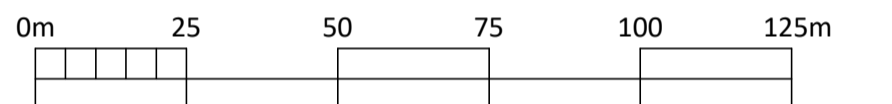
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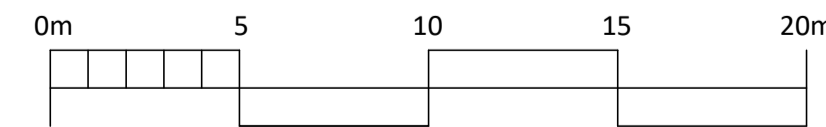
EXISTING FLOOR PLAN 1:50



LOCATION PLAN 1:1250



SITE PLAN 1:200



REVISIONS



PETER HUMPHREY ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.
 TELEPHONE: 01945 466906
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk

CLIENT:
JAMIE PUNTON

PROJECT:
TANNING STUDIO

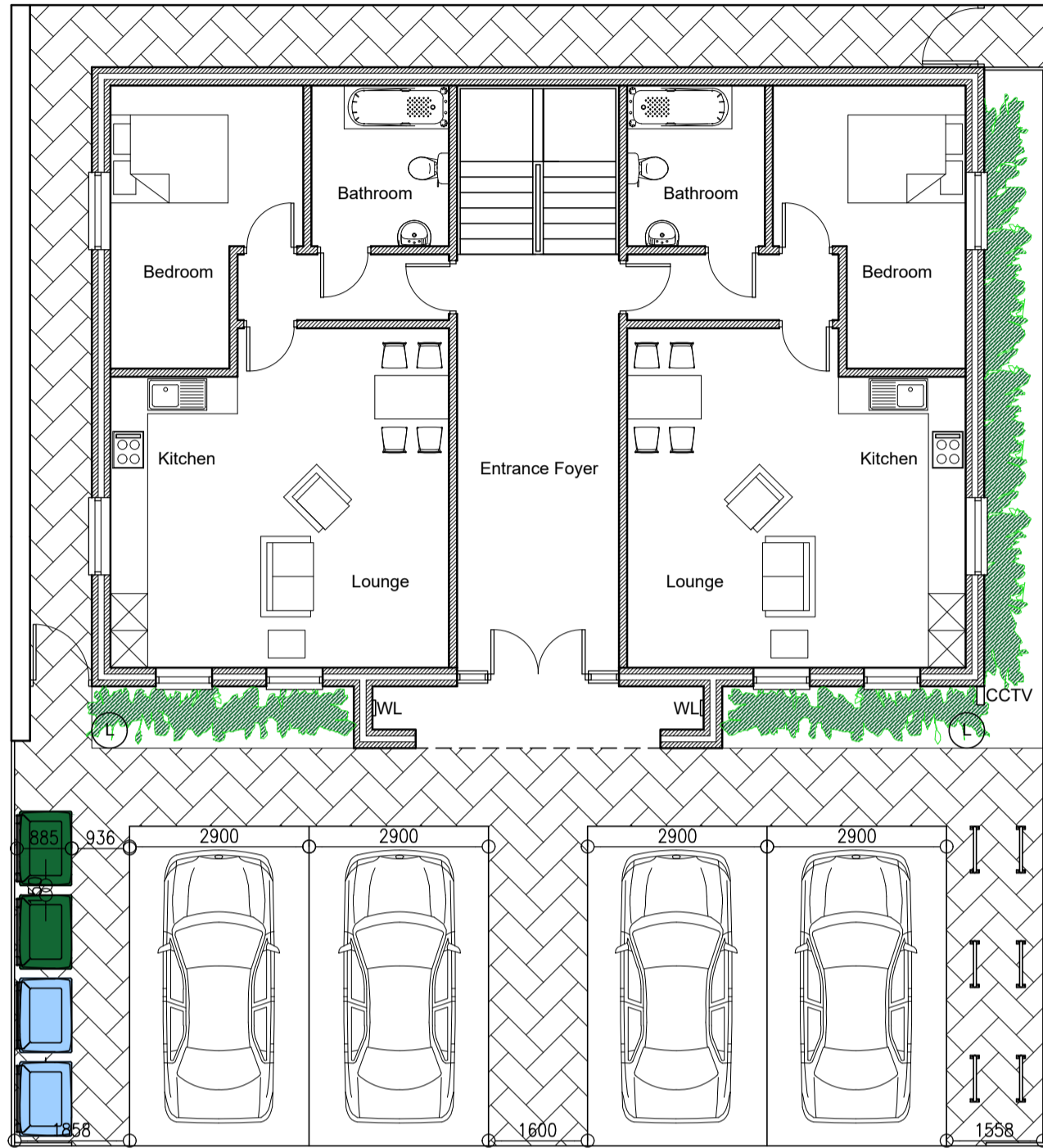
SITE:
**5 BEDFORD STREET
 WISBECH
 CAMBS
 PE13 3BN**

DRAWING:
EXISTING DRAWING

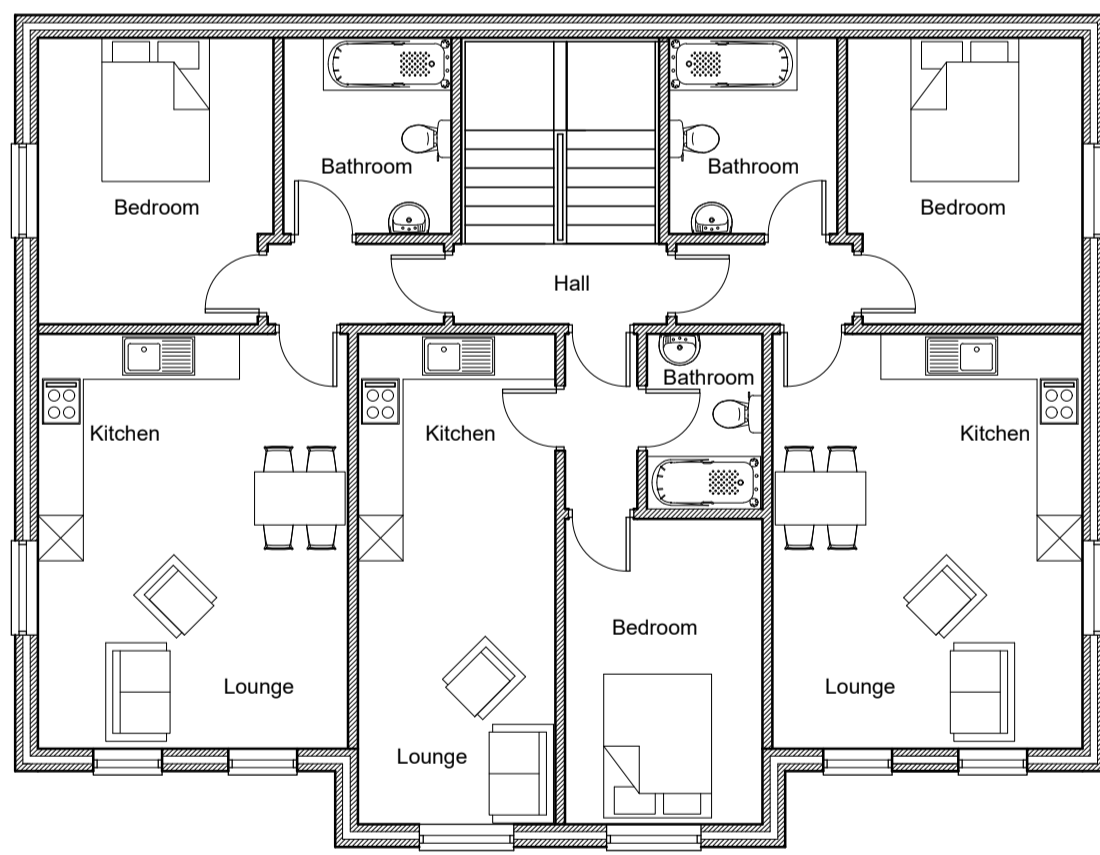
JOB NO.	PAPER SIZE	DATE
6473/EX01	A1	DEC 2021

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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.

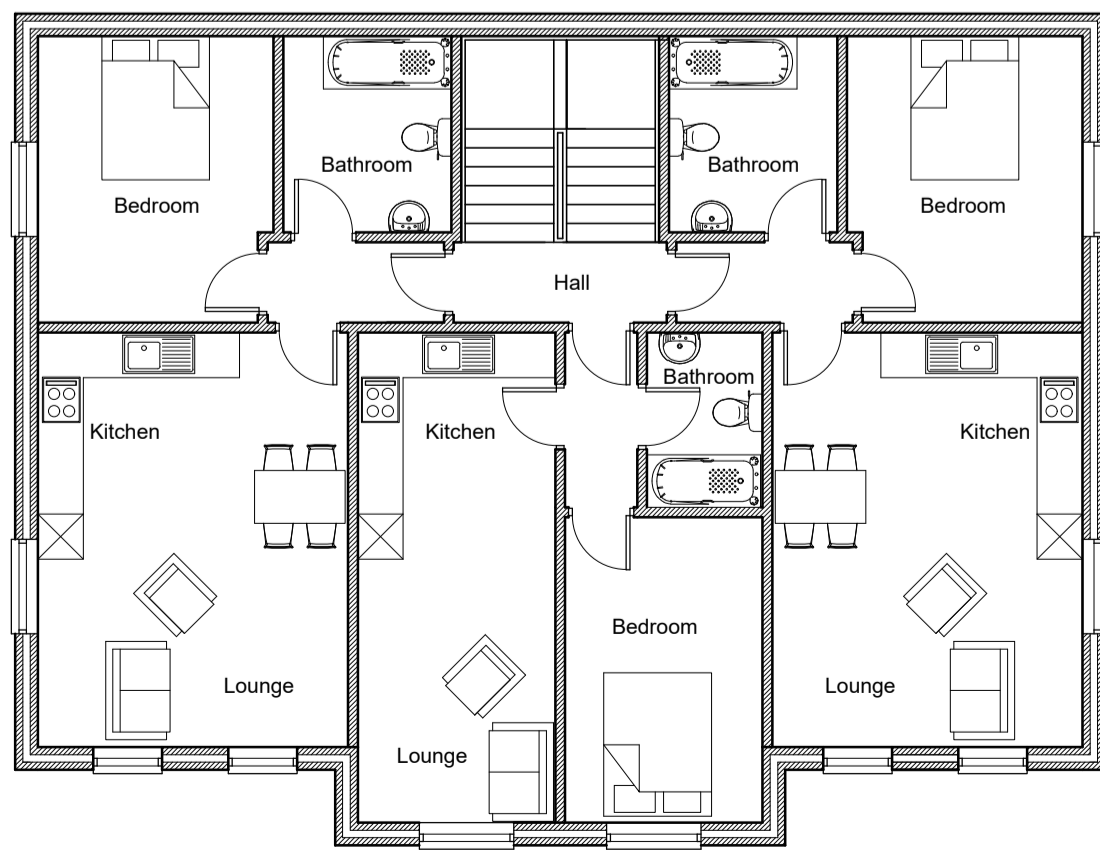
- Key
- WL - Wall Light (see spec)
 - L - Column Light (see spec)
 - Recycling 1100 litre bin
 - General 1100 litre bin
 - Sheffield Cycle Hoops (cemented 300mm)



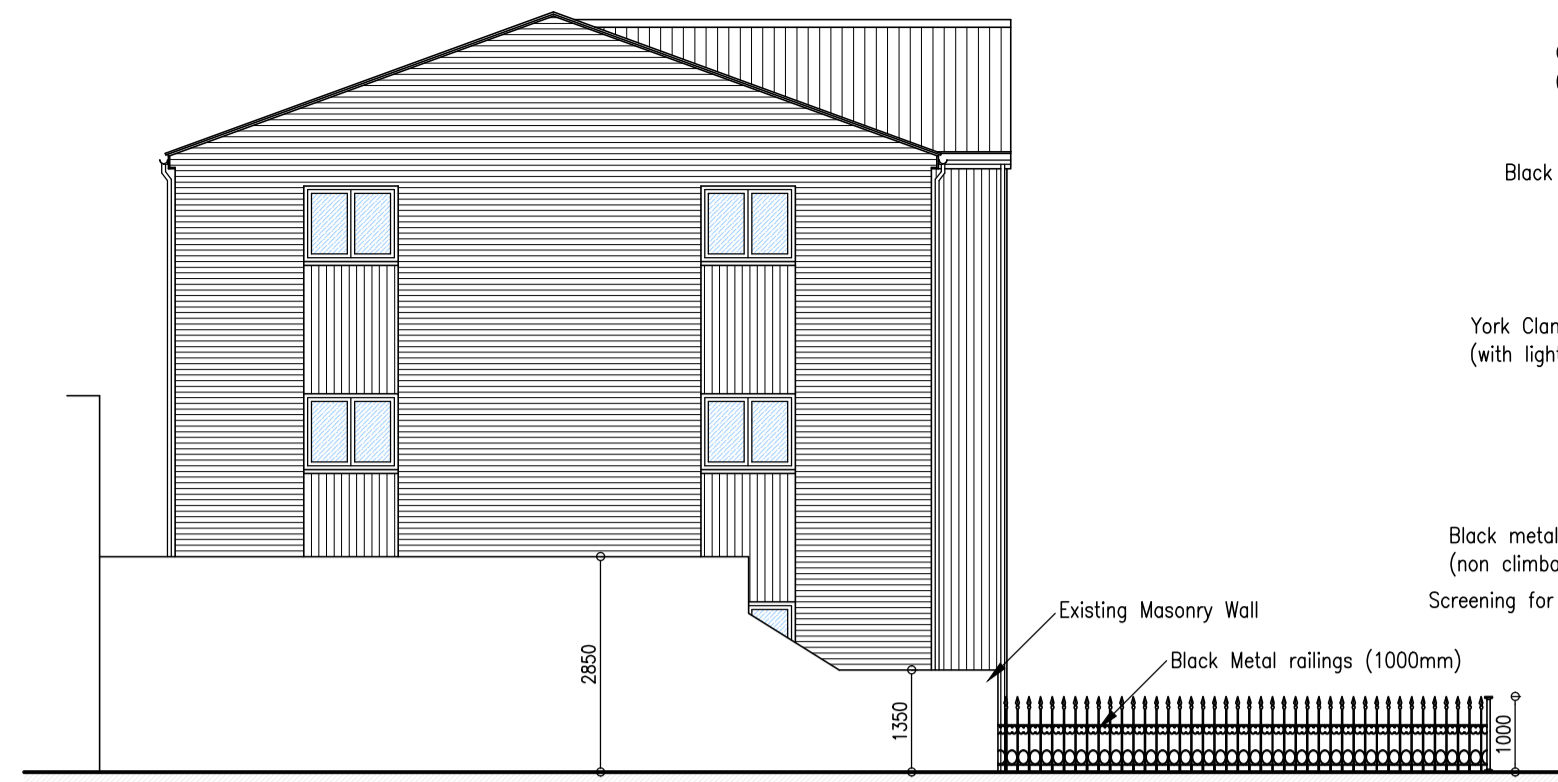
PROPOSED GROUND FLOOR PLAN 1:100



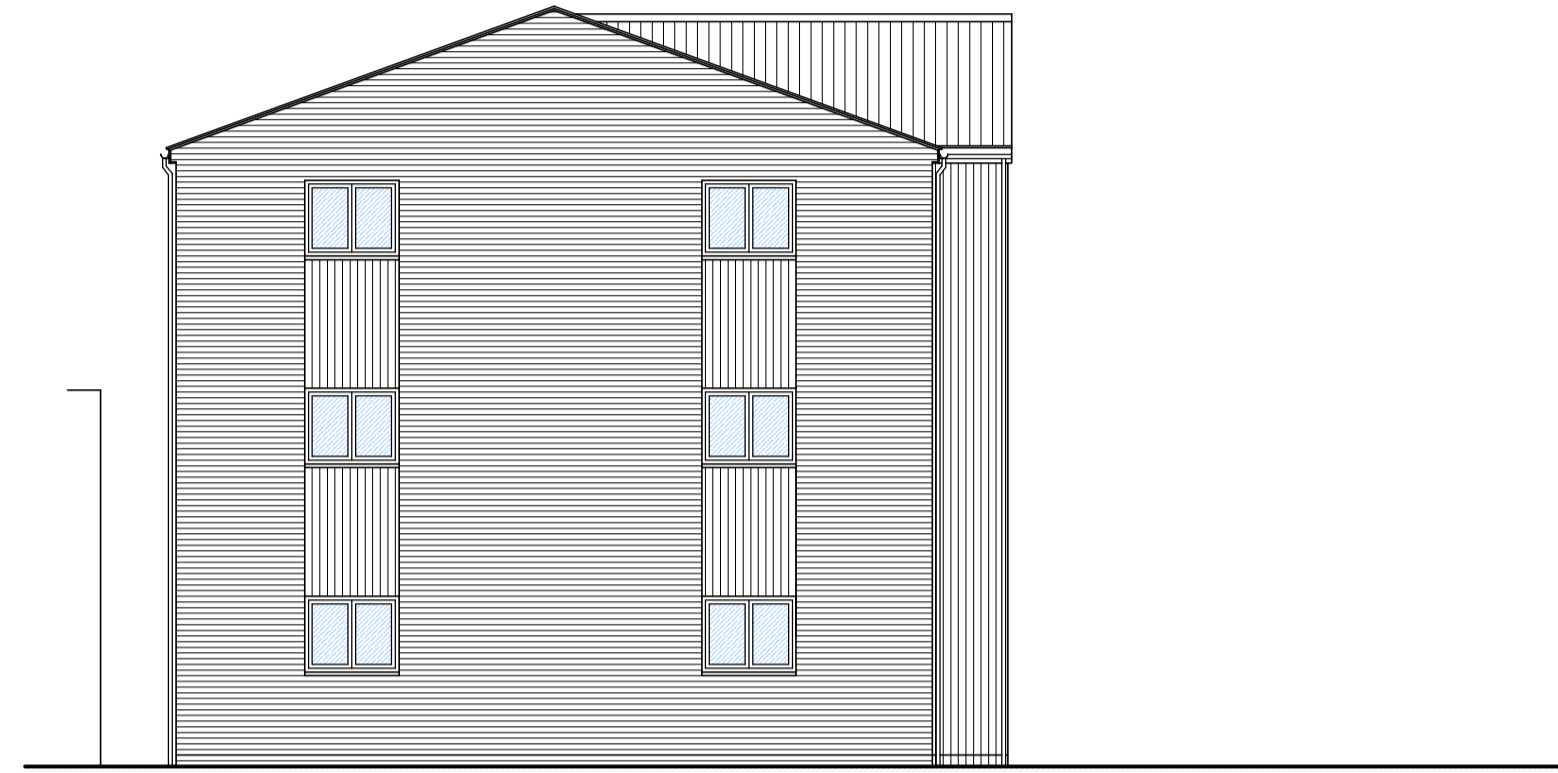
PROPOSED 1st FLOOR PLAN 1:100



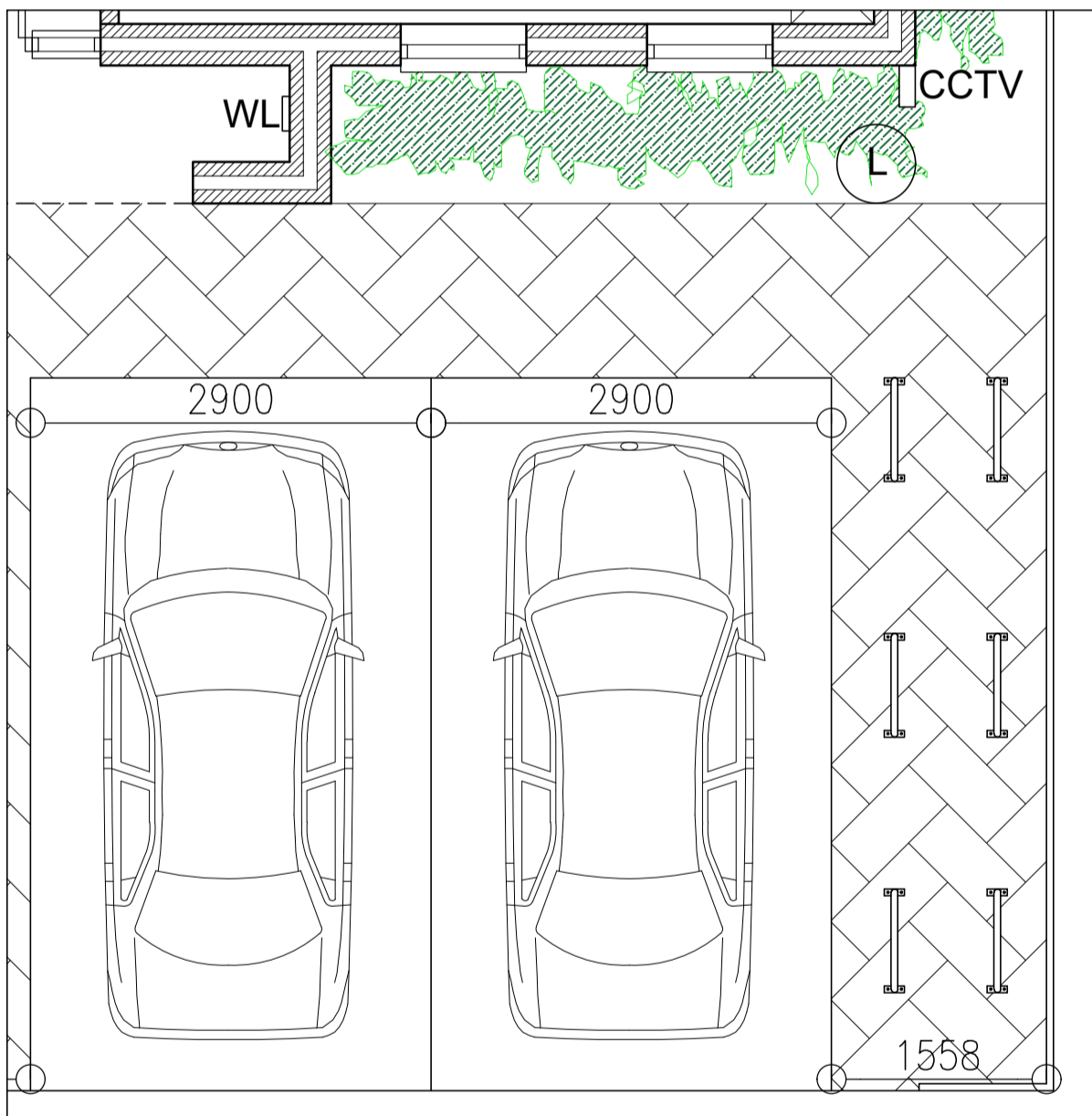
PROPOSED 2nd FLOOR PLAN 1:100



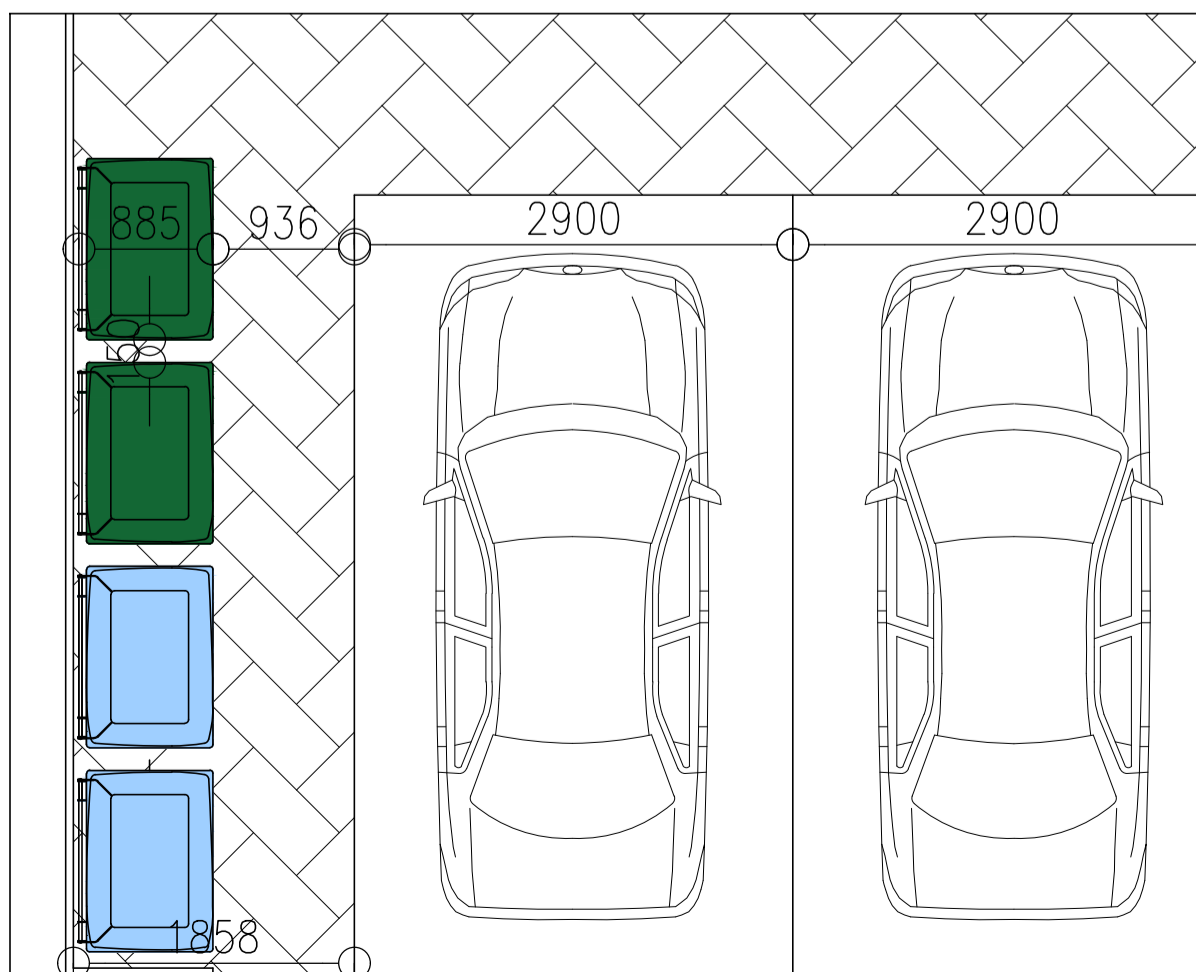
PROPOSED SIDE ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100 (SHOWING NO BOUNDARY WALL)



PROPOSED CYCLE STORAGE AREA DETAIL 1:50



PROPOSED REFUSE AREA DETAIL 1:50



PROPOSED FRONT ELEVATION 1:100



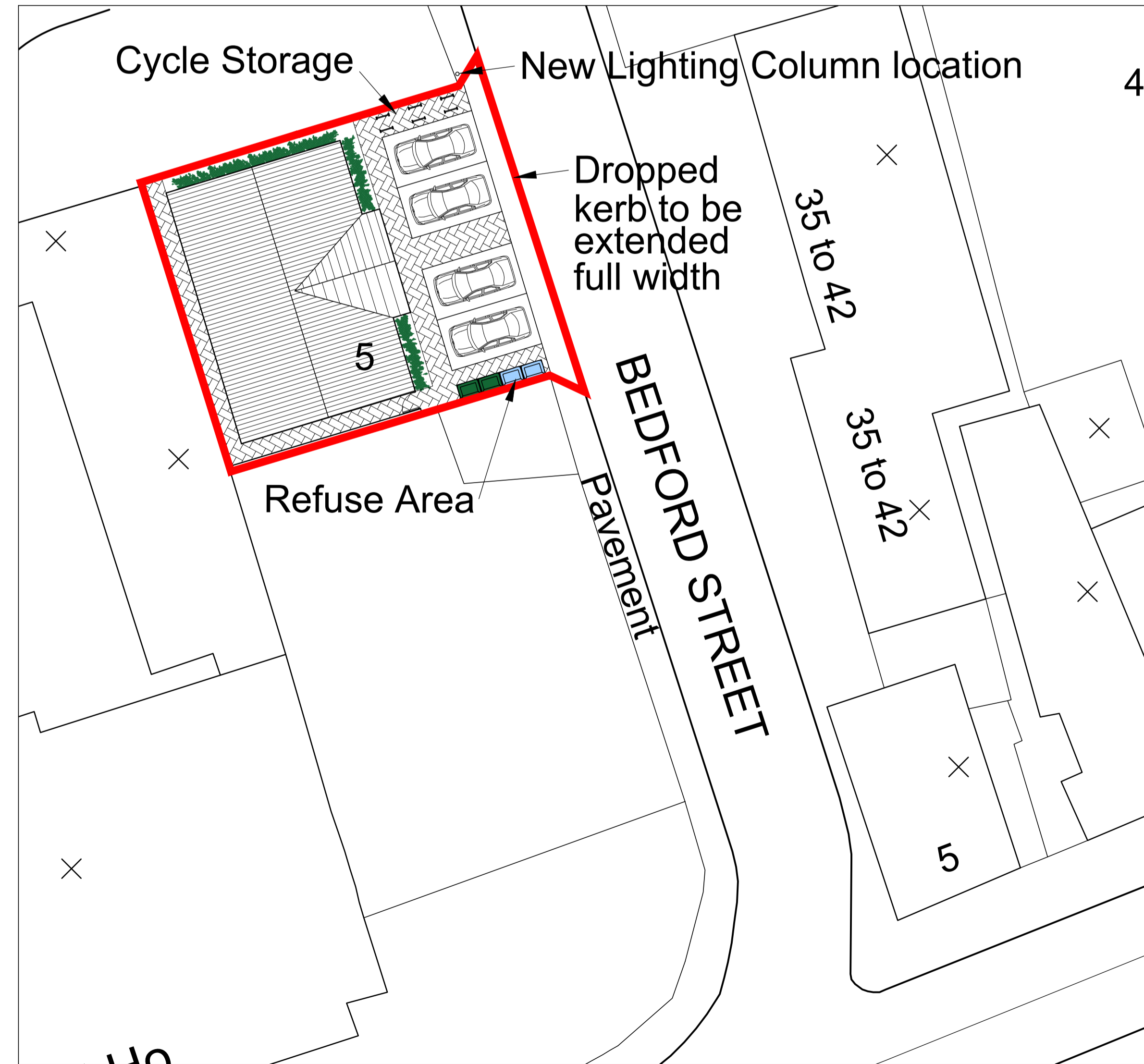
PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



PROPOSED STREET SCENE 1:200



SITE PLAN 1:200



EXAMPLE VERTICAL TIMBER CLADDING

REVISIONS



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 TELEPHONE: 01945 466966
 E-MAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk

CLIENT
JAMIE PUNTON

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
**5 BEDFORD STREET
 WISBECH
 CAMBS
 PE13 3BN**

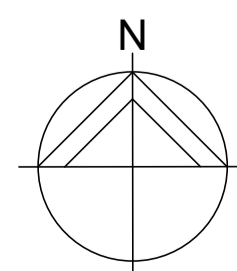
DRAWING
PROPOSED DRAWING

JOB NO. 6473/SK02	PAPER SIZE A1	DATE JAN 2021
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 competent contractor.



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F/YR22/0585/F

Applicant: Mr Stephen Necker

**Agent: Mr James Burrows
Swann Edwards Architecture Limited**

143 Barton Road, Wisbech, Cambridgeshire, PE13 4TF

Erect a first-floor side extension and an attached garage with storage above to front of existing dwelling

Officer recommendation: Refuse planning permission.

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman and number of representations received contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 This application is for a first-floor extension above the existing link element and garage with an additional single storey double garage, with store within the roof space, positioned to the front of the site adjoining the existing garage.
- 1.2 The site is within the built-up area and therefore the proposed extension of the recently built dwelling is acceptable in principle.
- 1.3 Whilst acceptable with regards to residential amenity, the proposal is considered to result in harm to the character and appearance of the area. It is therefore recommended that planning permission be refused.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the southern side of Barton Road within the built-up area of the Wisbech. The host dwelling is one of four new build dwellings all of a similar scale and design. The site is surrounded by residential properties.
- 2.2 The site is within Flood Zone 1.

3 PROPOSAL

- 3.1 The application is for full planning permission for a first-floor extension above the existing garage and single storey side extension which links the dwelling and garage. Also proposed is an additional attached double garage, positioned to the front of the plot beyond the existing garage, with a store within the roof space.
- 3.2 Full plans and associated documents for this application can be found at: [F/YR22/0585/F | Erect a first-floor side extension and an attached garage with storage above to front of existing dwelling | 143 Barton Road Wisbech Cambridgeshire PE13 4TF \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR19/0843/RM	Reserved matters application relating to the detailed matters of appearance, landscaping, layout and scale pursuant to outline permission (F/YR18/1016/O) - Erect 4 x dwellings (2-storey 5-bed, 3 x with attached garages and 1 x with integral garage)	Approved	21.7.2020
F/YR18/1016/O	Erection of up to 4no dwellings (outline application with matters committed in respect of access)	Granted	18.2.2019

5 CONSULTATIONS

5.1 **Wisbech Town Council:** *That the application be supported.*

5.2 **North Level District IDB:** *Have no comment to make.*

5.3 Local Residents/Interested Parties

A total of seven comments have been received from five households (three from Magazine Lane and one each from Barton Road and Octagon Drive, all Wisbech) in support of the application. The representations may be summarised as follows:

- No impacts
- Additional accommodation for resident and their family
- Uses existing footprint

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

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

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

7.3 **National Design Guide 2019**

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP8 – Wisbech

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

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity and the impact upon the character of the area**
- **Residential amenity**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP16 supports the principle of development subject to the consideration of, amongst other things, the likely impact on the amenity of neighbouring properties and users and the design and appearance of the proposal with regards to the existing character and appearance of the area. The principle of the development of the proposal is therefore acceptable subject to further policy considerations as set out below.

Visual amenity and the impact upon the character of the area

- 9.2 The existing property is a two-storey detached dwelling with a single storey link adjoining the double garage situated to the front of the dwelling. The host dwelling is one of four new build dwellings of similar design and scale, however, given the curve of the road and the positioning of the site at the junction of Barton Road and Cox's Lane, the host dwelling appears more prominent within the street scene.
- 9.3 The front boundary is open and therefore views of the host property are readily available. The western boundary, adjacent the proposal, is defined by a 1.8m high close boarded fence. Accordingly, the site is highly visible and the front and both side elevations of the proposal would be readily visible from the public domain and would appear as prominent features given their forward positioning on site.
- 9.4 The proposed additional garage will be positioned forward of the existing line of built form further emphasising the prominence of the proposed development which is worsened by the overall scale of the proposal.
- 9.5 Each element of the proposal has been designed with a different ridge height albeit the side extension and first floor to the existing garage would result in two storey elements. Whilst these would be lower than the host dwelling given their positioning to the front of the host property, they will appear as prominent additions. The differing roof heights whilst all elements retaining the same roof pitch also results in an unusual roofline which is at odds to the prevalent built form.
- 9.6 Overall, the proposed extensions by virtue of their scale, bulk, design and positioning would appear incongruous and unduly prominent within the street scene and would fail to respect the predominant form and character of the area. As such, the development would result in significant and demonstrable harm to the character and appearance of the area, contrary to Chapter 12 of the National Planning Policy Framework (2021), Policy LP16 of Fenland Local Plan (2014), and guidance within the National Design Guide (2019).

Residential amenity

- 9.7 Given the positioning of the proposal and resultant relationship and separation distance to neighbouring properties, the proposal is not considered to result in a loss of light, overshadowing nor overbearing impacts.
- 9.8 There is limited fenestration proposed to the first-floor extensions with one window proposed to overlook rear amenity areas and another overlooking the public realm to the front of the site. Any fenestration to the side elevations, facing neighbouring properties, is limited to rooflights which are considered to permit restricted limited views. Overall, the proposal is therefore not considered to result in overlooking nor a loss of privacy for neighbouring residents.

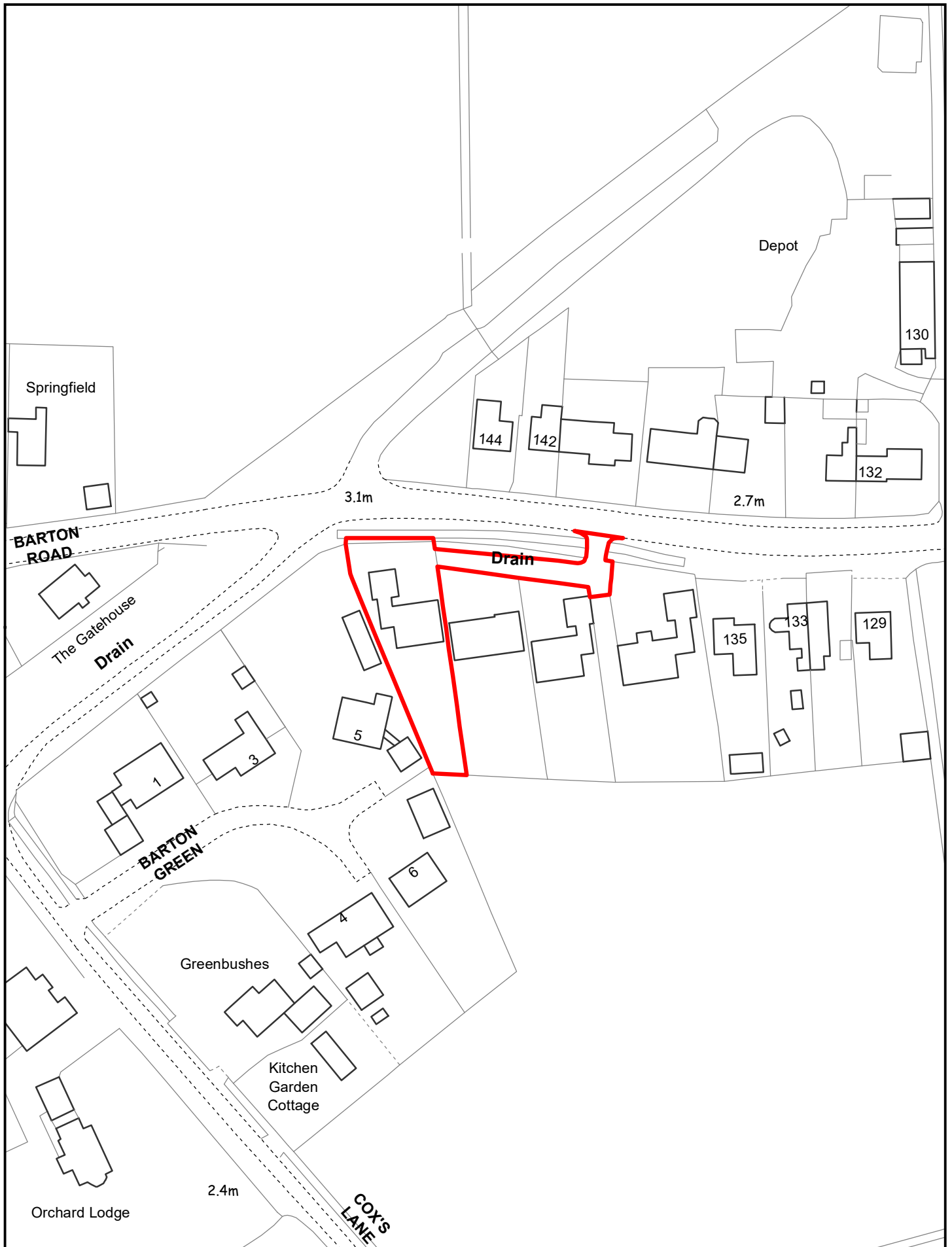
10 CONCLUSIONS

- 10.1 Having regard to local and national planning policy and all other material considerations, the proposal is considered unacceptable based on the above assessment.

11 RECOMMENDATION

Refuse; for the following reason:

1	The proposed extensions by virtue of their scale, bulk, design and positioning would appear incongruous and unduly prominent within the street scene and would fail to respect the predominant form and character of the area. As such, the development would result in significant and demonstrable harm to the character and appearance of the area, contrary to Chapter 12 of the National Planning Policy Framework (2021), Policy LP16 of Fenland Local Plan (2014), and guidance within the National Design Guide (2019).
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F/YR22/0585/F

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

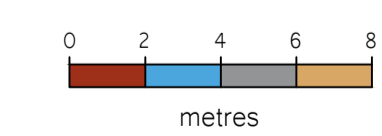
CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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

C01	Telegraph Pole/Overhead Cables
C02	Inspection Chamber
C03	Electric Meter



Site Plan
Scale: 1:200

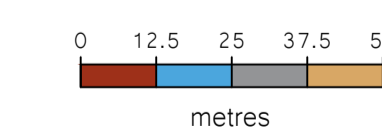


SITE PLAN KEY

- Indicates existing surveyed buildings
- Indicates un-surveyed buildings taken from OS map
- Indicates existing site levels taken from OS Datum
- Indicates site access
- Indicates approximate position of un-surveyed trees and hedges



Location Plan
Scale: 1:1250



Revisions

A	Feb 2022	Changes Following Invalid Letter
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Status
AS EXISTING

SWANN EDWARDS ARCHITECTURE

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

Job Title	Date	Drawn by
Proposed Garage & Garage Extension & Alterations at 143 Barton Road, Wisbech, PE13 4TF, For Mr Necker	August 2021	JRB
Checked by		
Job No.	Sheet Size	
SE-1691	A1	
Dwg No.	Revision	
100	A	

- General Notes
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CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

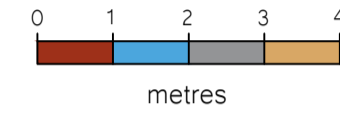
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C04 Underfloor Heating Manifold

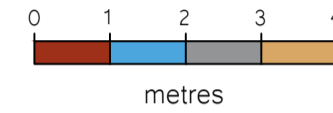
C05 Boiler/Hot Water Tank



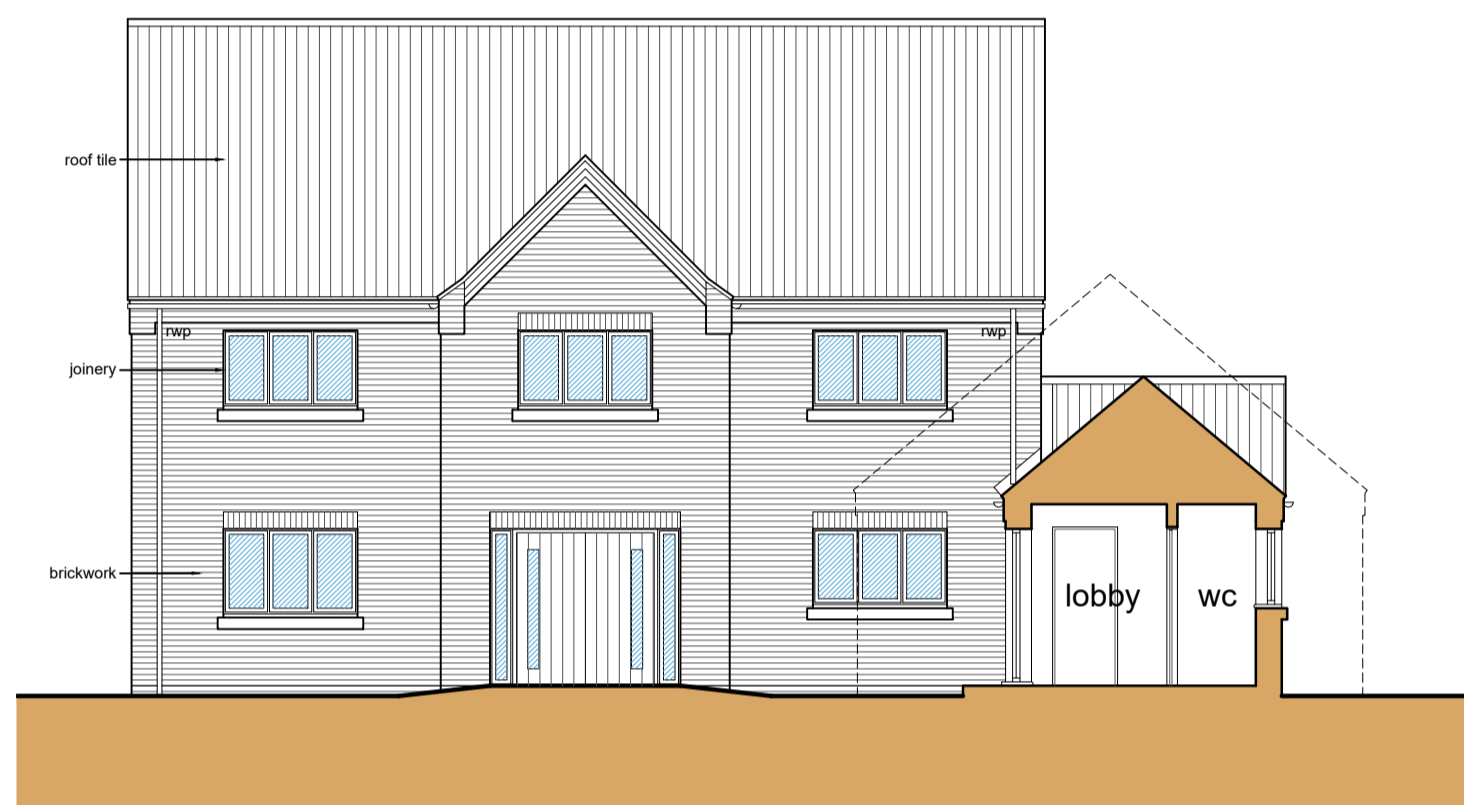
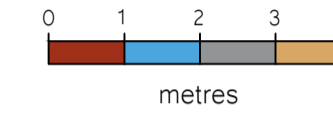
Front Elevation (N)
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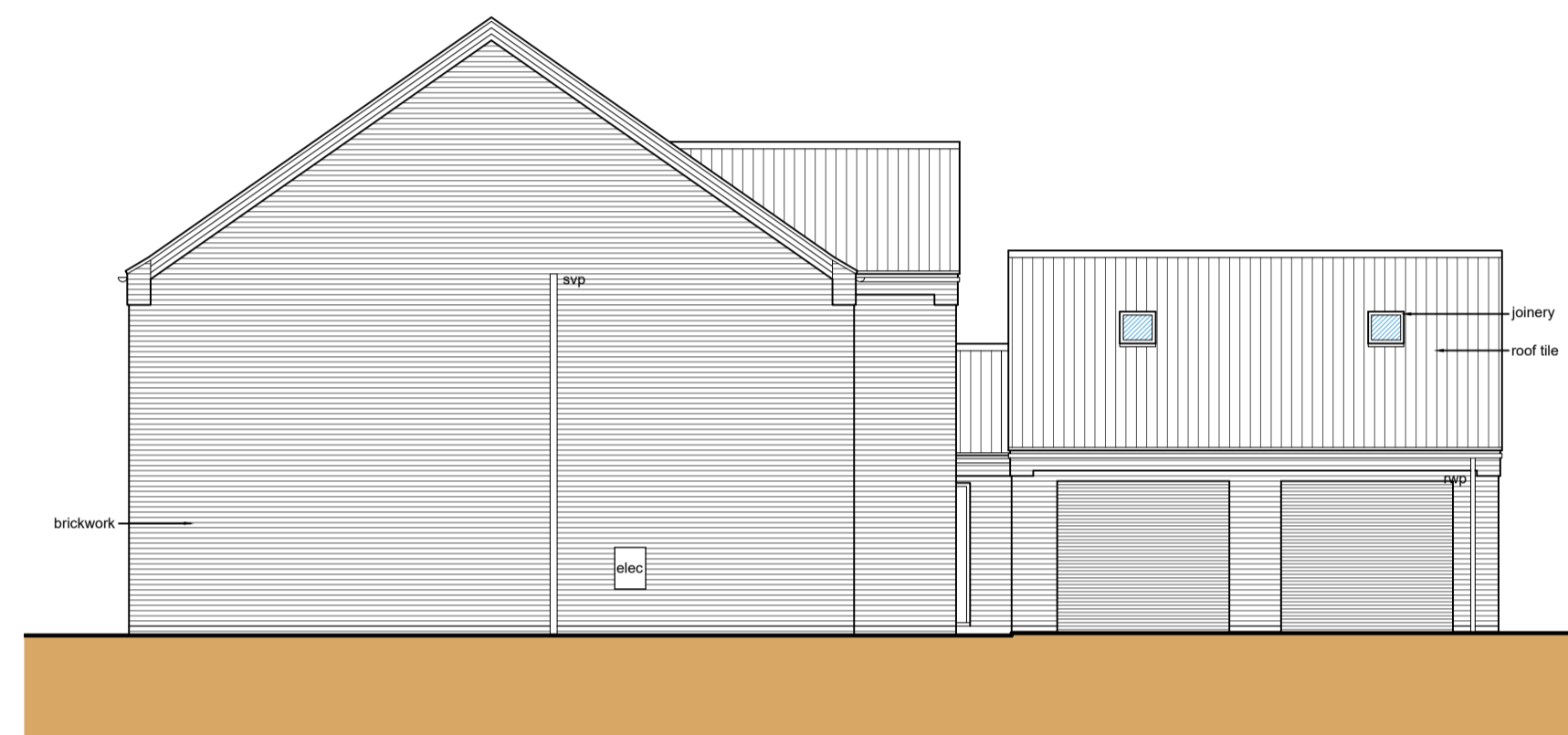
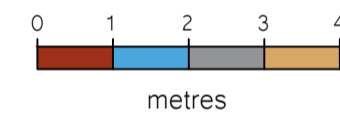
Side Elevation (W)
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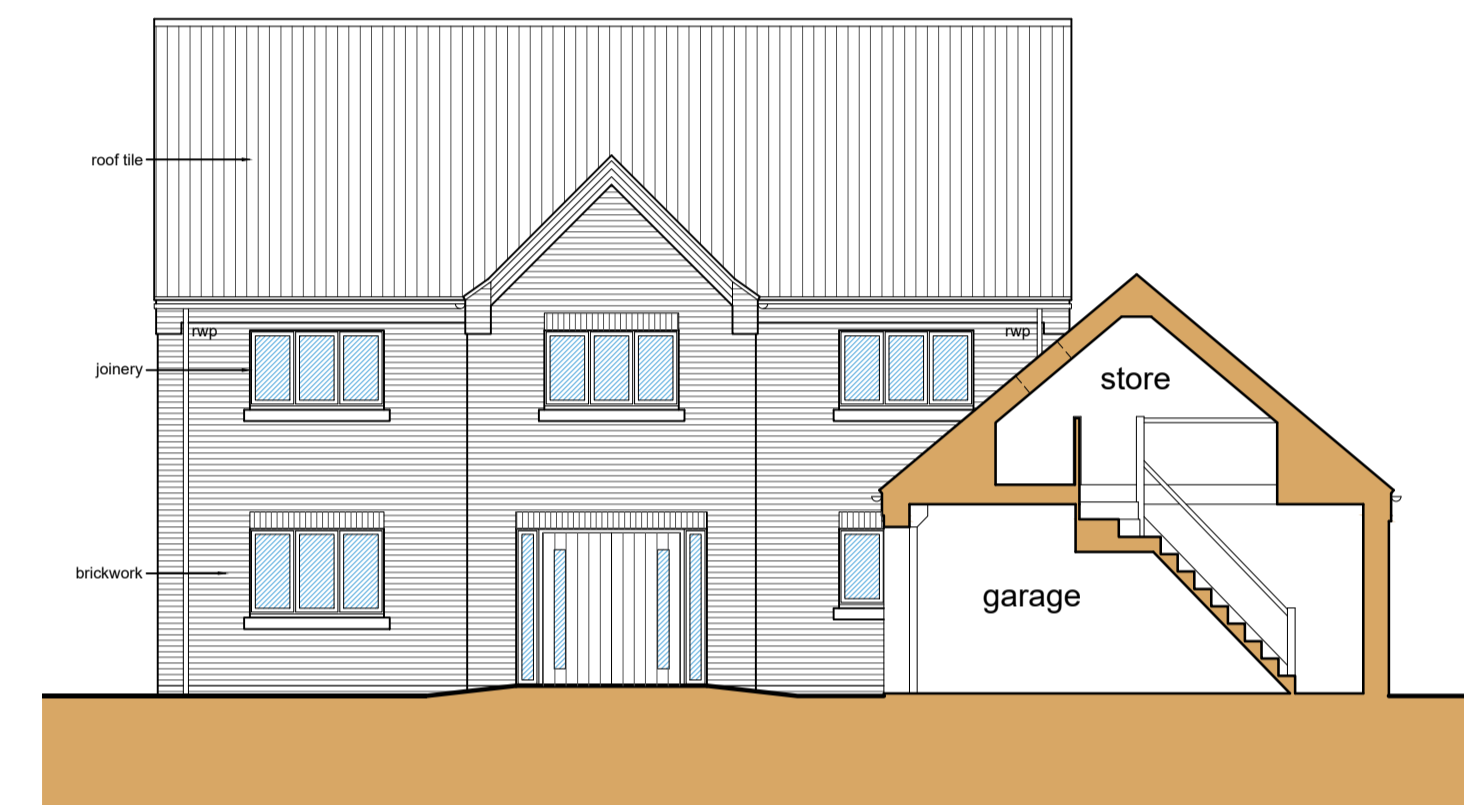
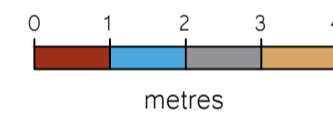
Rear Elevation (S)
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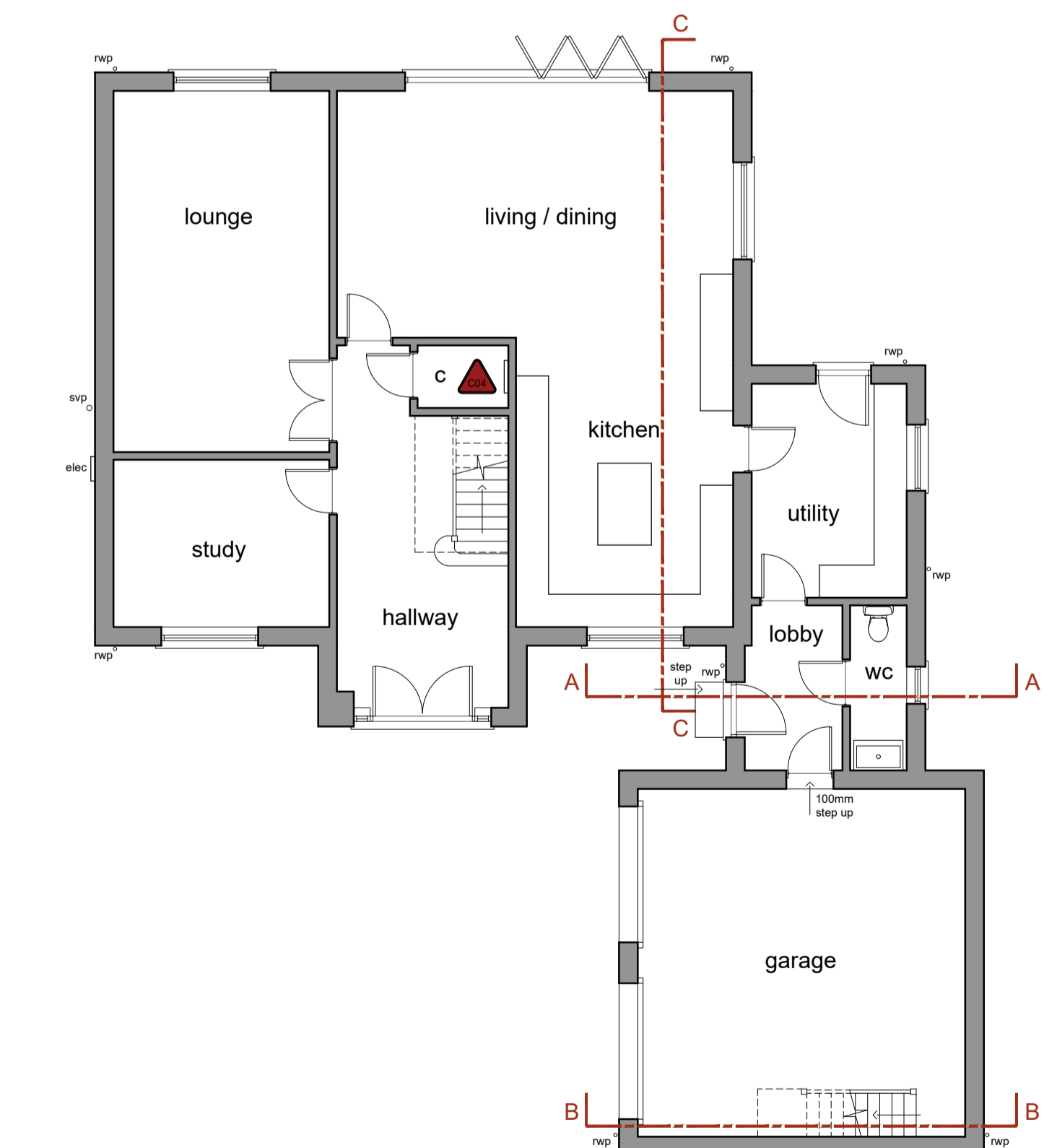
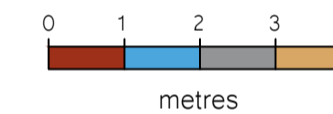
Section A-A
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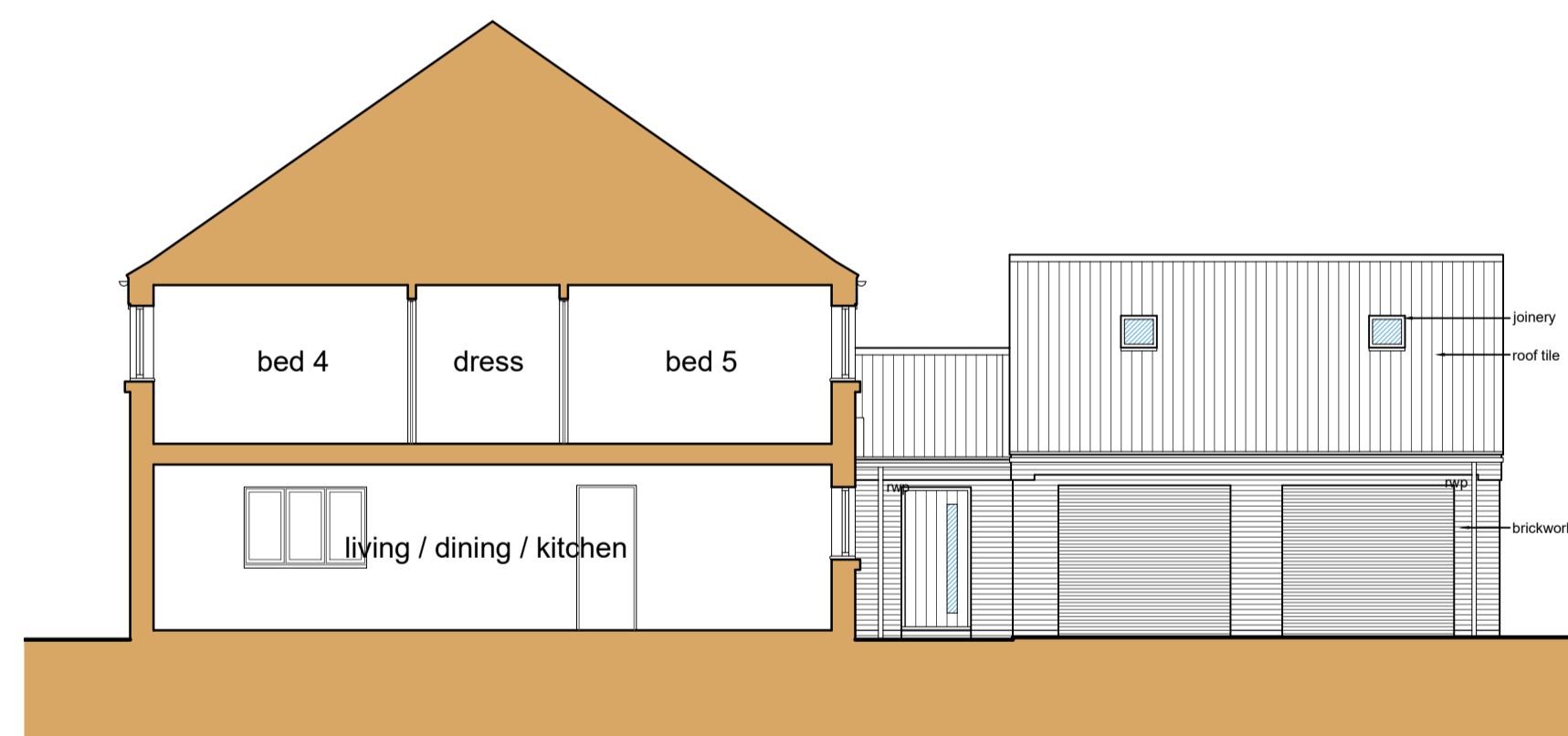
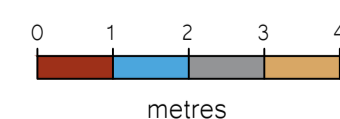
Side Elevation (E)
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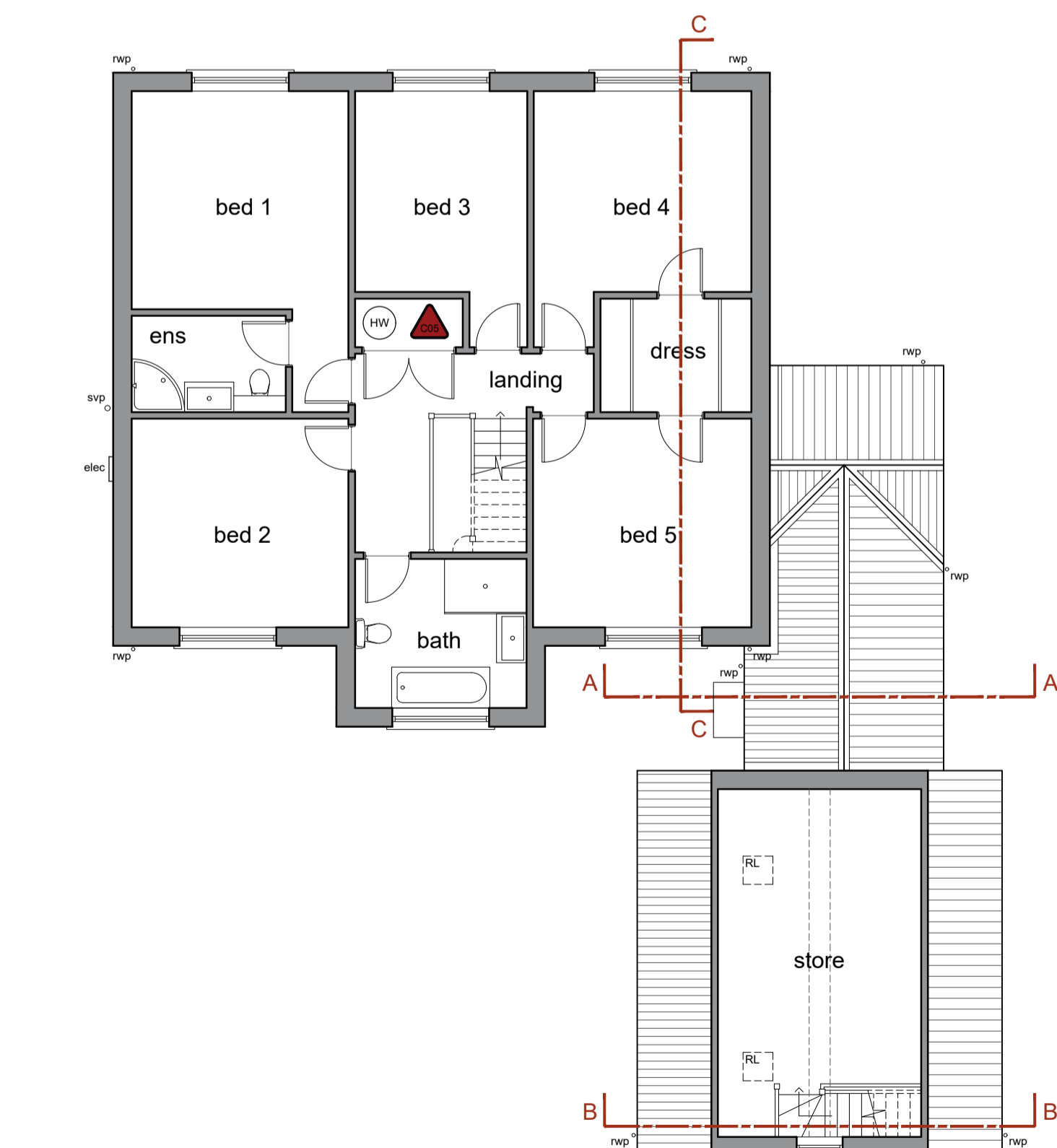
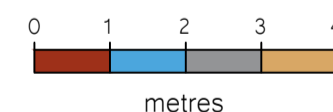
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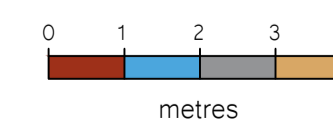
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Section C-C
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First Floor Plan
Scale: 1:100



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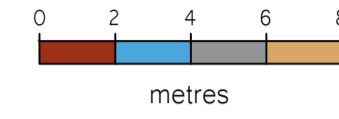
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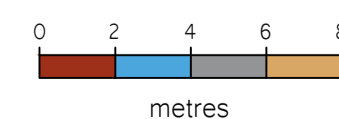
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Drawing Title Survey Drawing Floor Plans, Elevations & Sections	Job No. SE-1691	Sheet Size A1
	Dwg No. 150	Revision



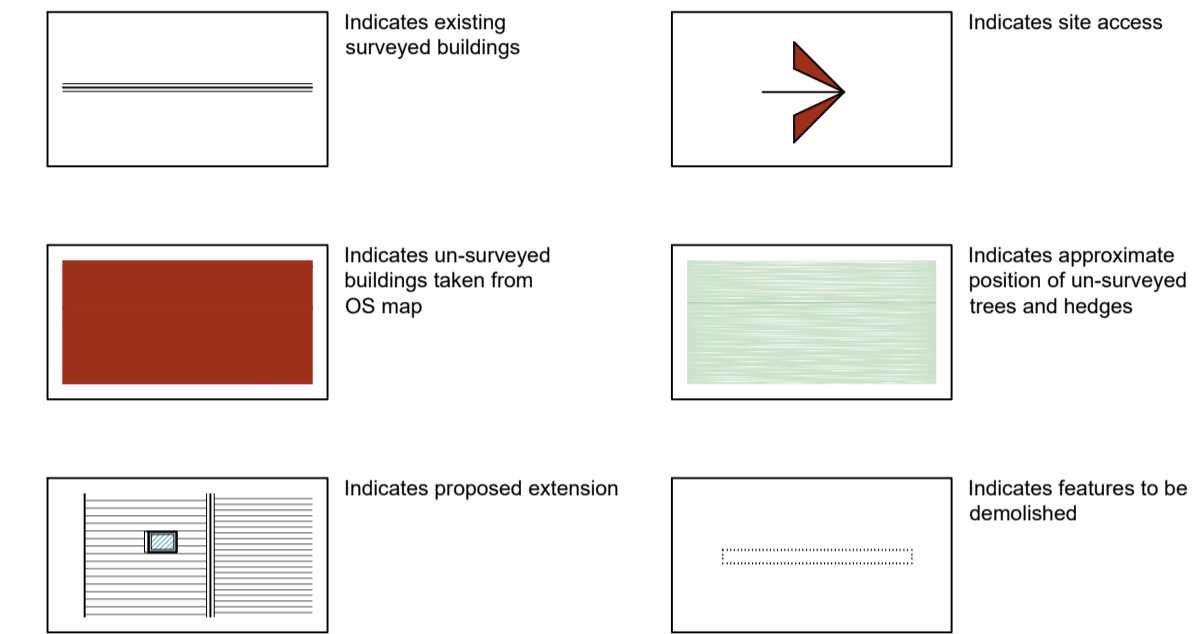
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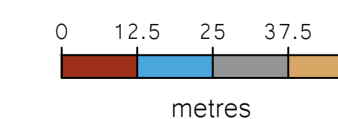
Site Plan
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SITE PLAN KEY



Location Plan
Scale: 1:1250



- General Notes**
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CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015

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Revisions

A	Feb 2022	Changes Following Invalid Letter
B	May 2022	Changes Following Planning Comments

Status
FOR APPROVAL

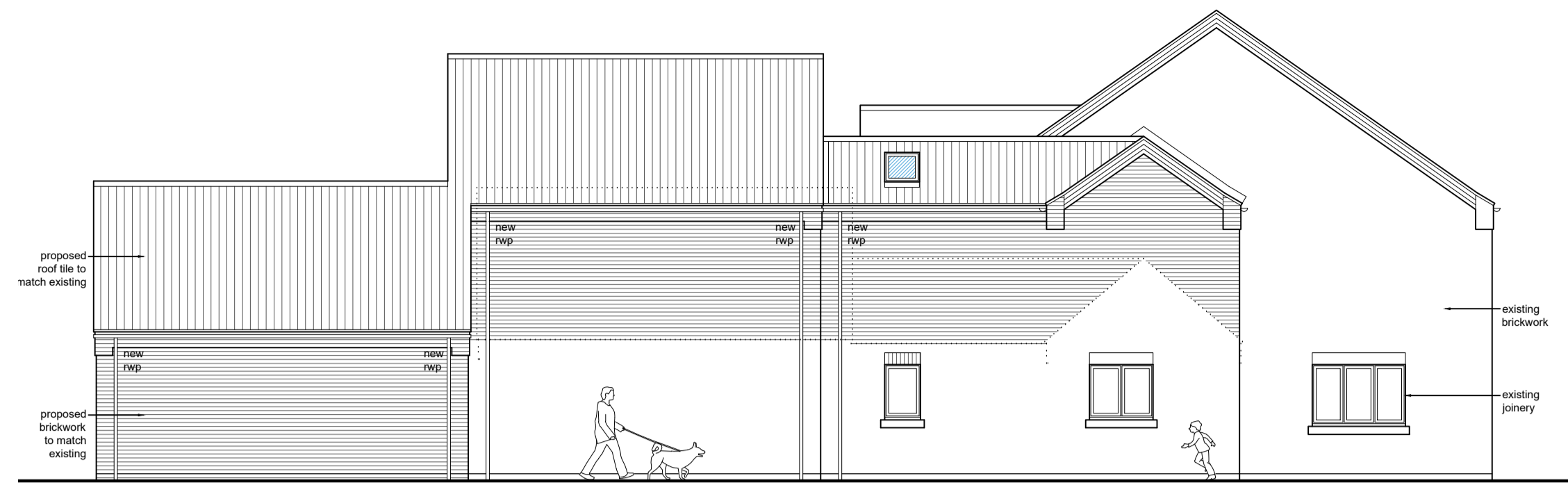
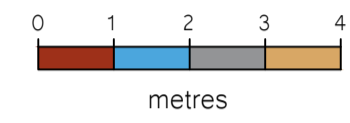


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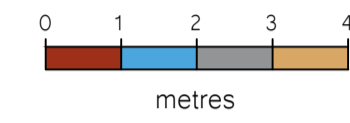
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Drawing Title Site Plan, Location Plan & Proposed Street Scene	Job No. SE-1691	Checked by SHE
	Dwg No. PP1000	Sheet Size A1
	Revision B	Revision B



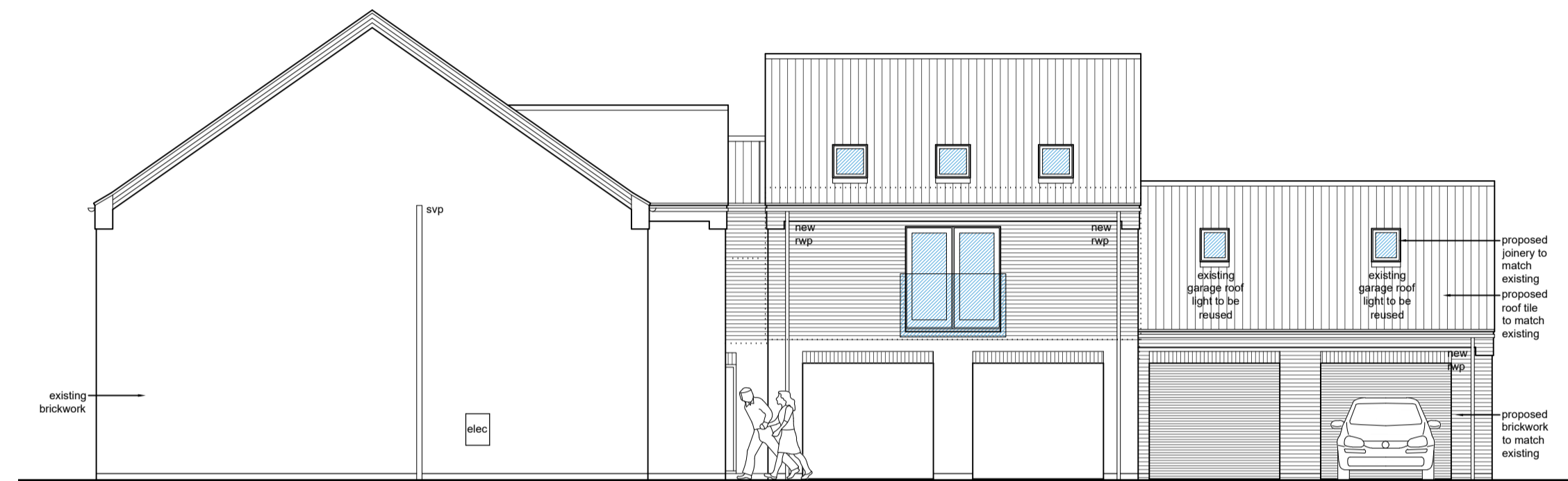
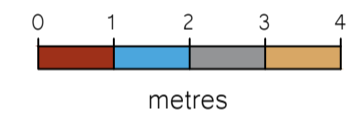
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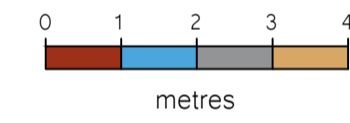
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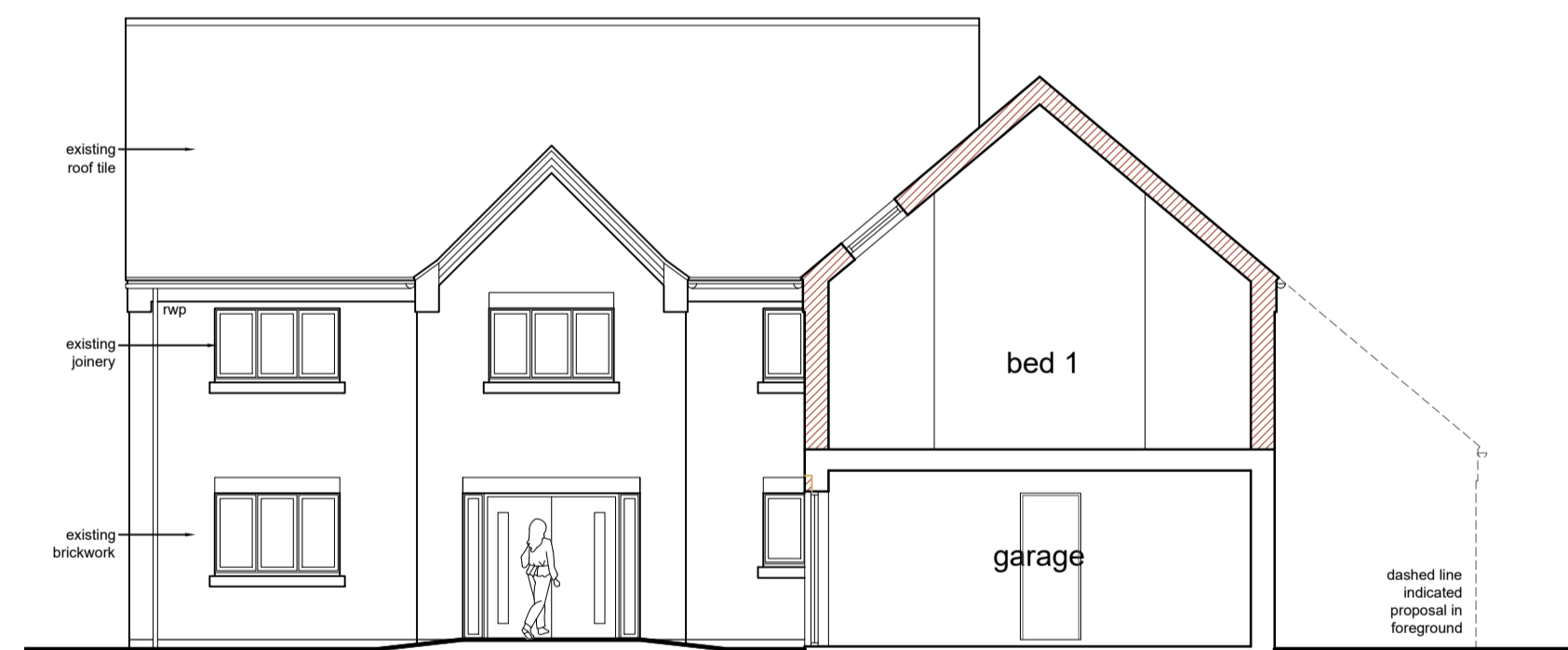
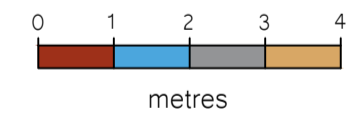
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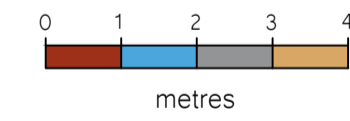
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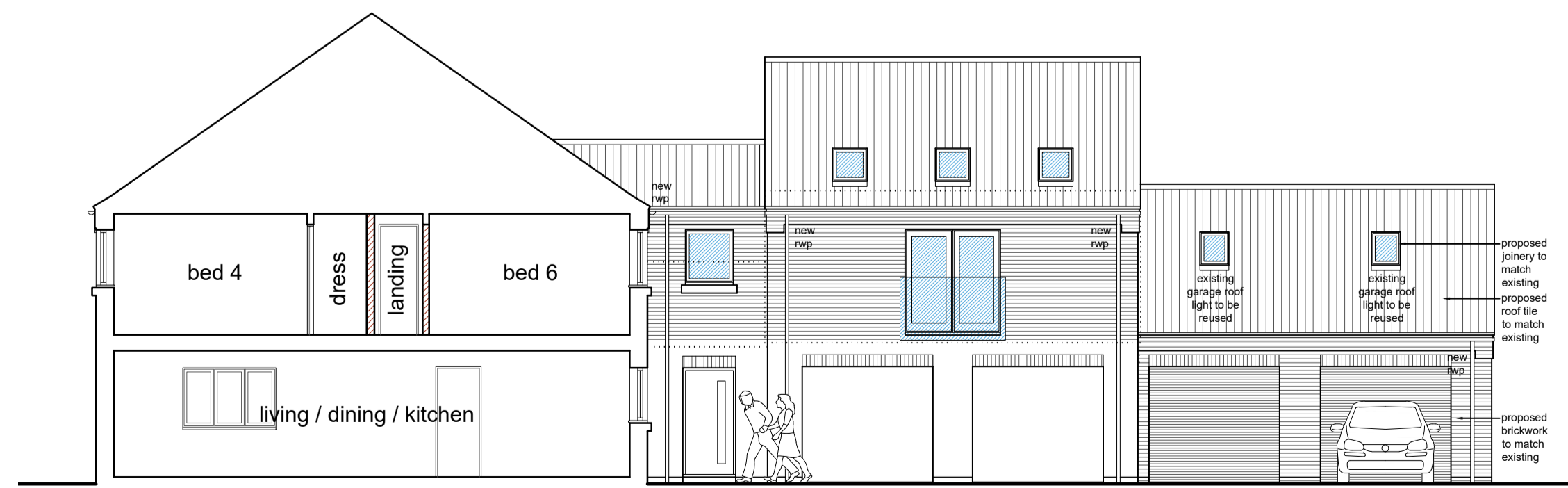
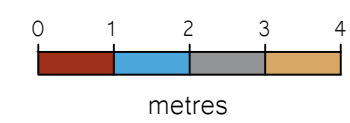
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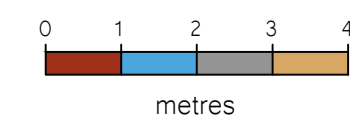
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Section C-C
Scale: 1:100



Section D-D
Scale: 1:100



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Status

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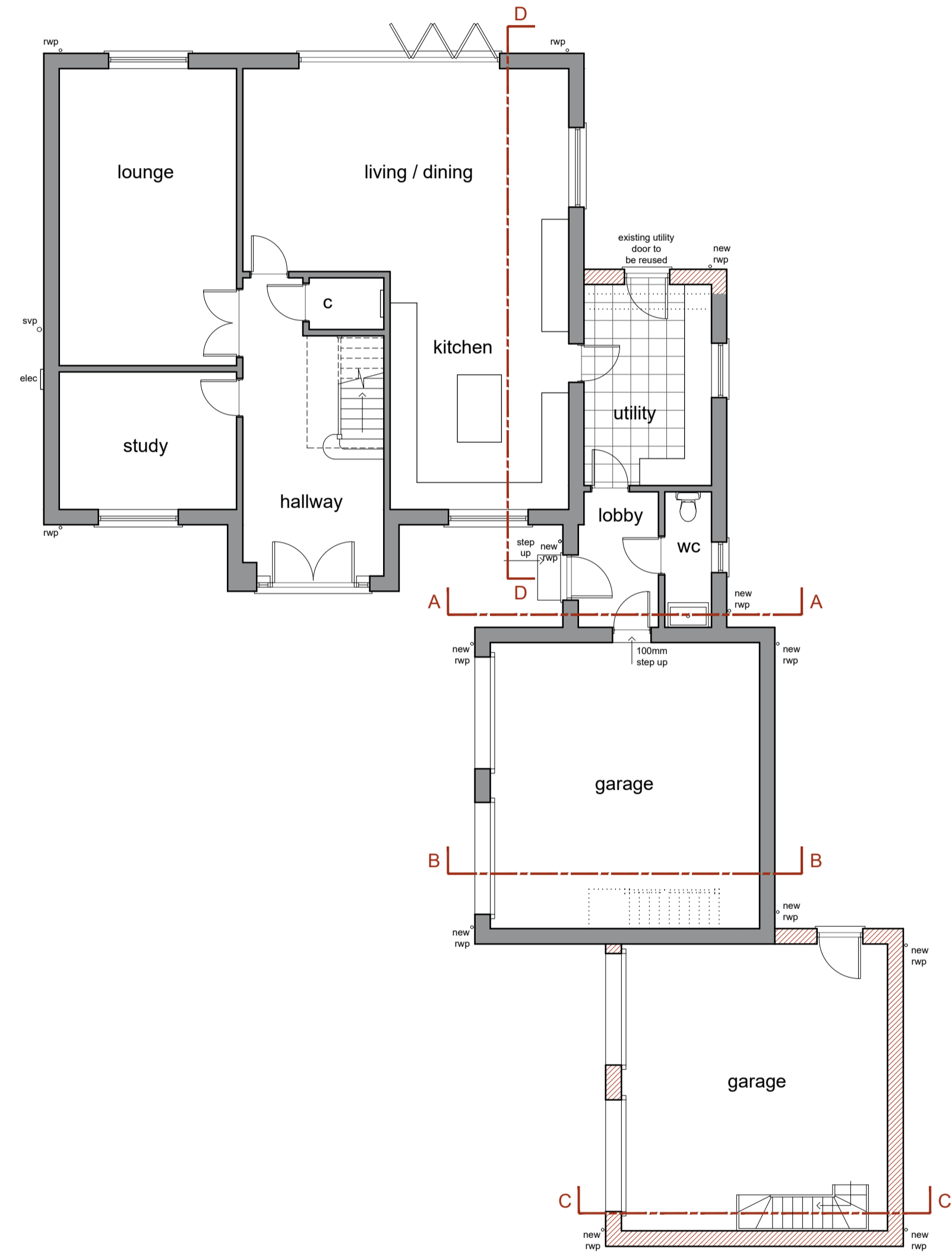
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Job Title Proposed Garage & Garage Extension & Alterations at 143 Barton Road, Wisbech, PE13 4TF, For Mr Necker	Date December 2021	Drawn by JRB
Drawing Title Planning Drawing Elevations & Sections	Job No. SE-1691	Checked by SHE
	Dwg No. PP2100	Sheet Size A1
		Revision

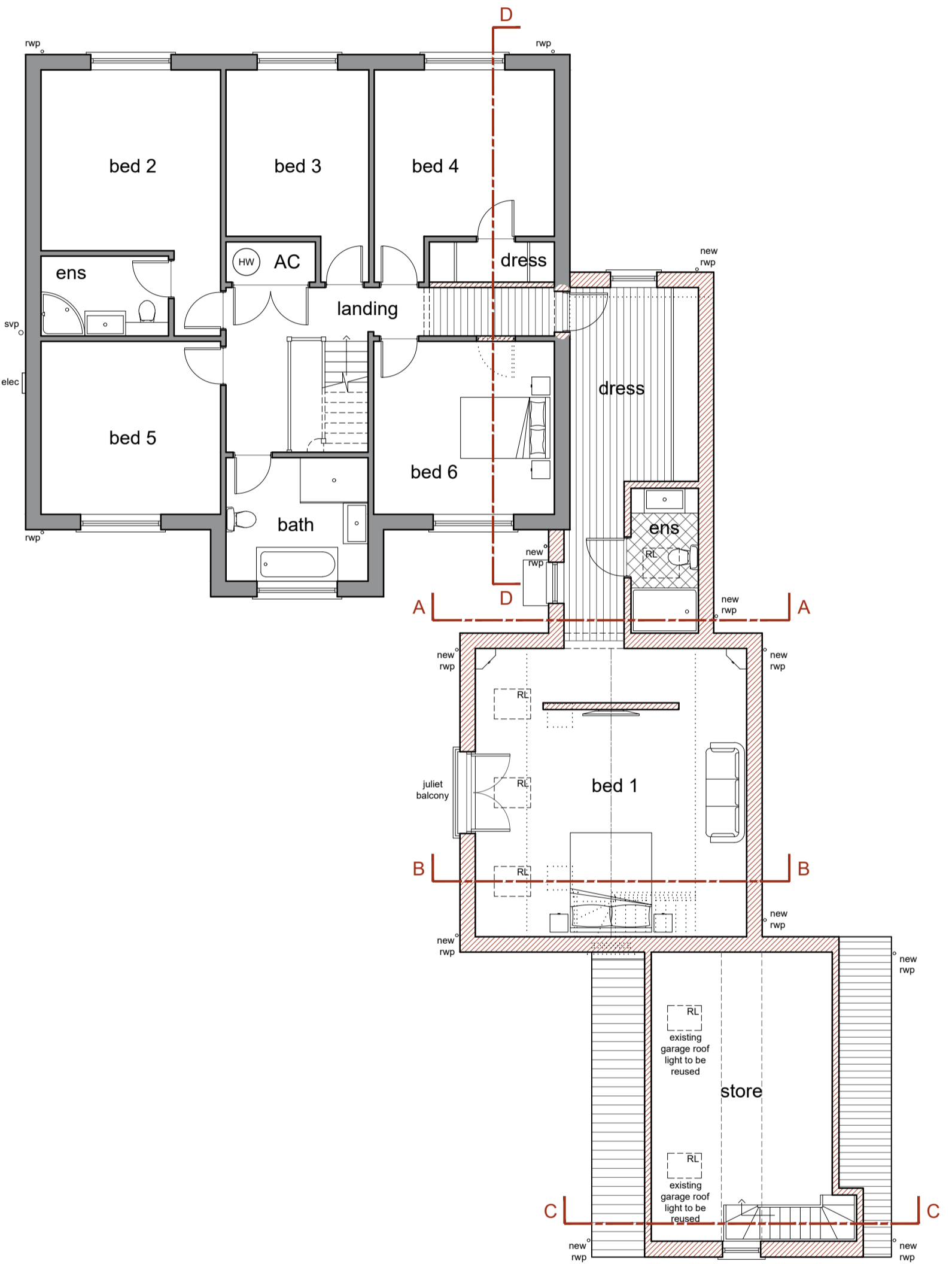
- General Notes
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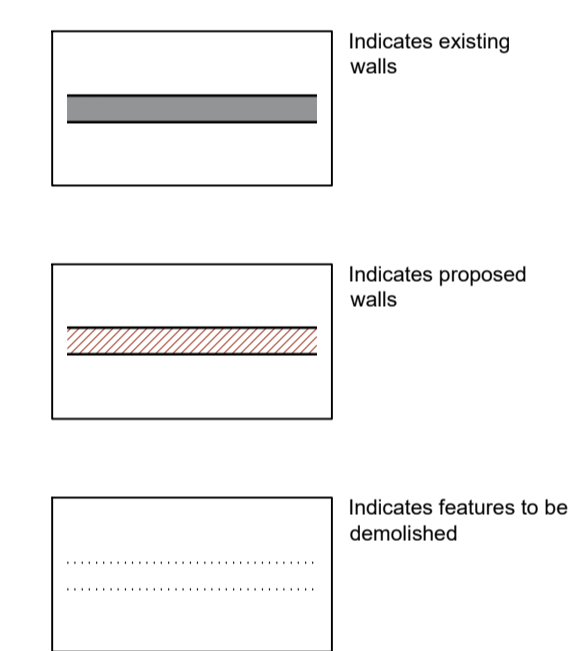


Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

WALL KEY



Status
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Job Title Proposed Garage & Garage Extension & Alterations at 143 Barton Road, Wisbech, PE13 4TF, For Mr Necker	Date December 2021	Drawn by JRB
Checked by SHE	Job No. SE-1691	Sheet Size A1
Drawing Title Planning Drawing Floor Plans	Dwg No. PP1100	Revision

F/YR22/0632/RM

Applicant: Mr & Mrs C Tolley

Agent: R Boor Draughtsman

Land North Of 15, Sandbank, Wisbech St Mary, Cambridgeshire

Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0702/O to erect 1 x dwelling (2-storey 4-bed) and the formation of a new access

Officer recommendation: Refuse

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

1. EXECUTIVE SUMMARY

- 1.1. The application site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary and comprises agricultural grassland part of a wider field, set to the north of No.15 Sandbank.
- 1.2. This application is a reserved matters application following an outline application to erect 1 dwelling, granted contrary to Officer recommendation by the Planning Committee in September 2021. All matters were reserved and are for consideration with this application.
- 1.3. The overall design of the scheme will result in the dwelling being a distinctly prominent feature in the street scene in terms of its appearance. In addition, the overall width, height and massing of the proposed dwelling will result in the dwelling being disproportionately dominant as a substantial dwelling which is out of character with surrounding development.
- 1.4. As such, it is considered that the proposed appearance, layout and scale of the proposal is considered unacceptable with regard to Policies LP16 (d), and hence the application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The site is located in Flood Zone 3, on the northeast side of Sandbank on the northwest fringe of Wisbech St Mary.
- 2.2. The site comprises agricultural grassland part of a wider field, set to the north of No.15 Sandbank. The site is bounded by 1.2m post and wire fencing and at the time of site inspection appeared to be used as a hayfield and paddock.

3. PROPOSAL

3.1. This application is a reserved matters application following an outline application to erect 1 dwelling, granted contrary to Officer recommendation by the Planning Committee in September 2021. All matters were reserved and are for consideration with this application.

3.2. The submitted details include:

- A substantial 2-storey dwelling is proposed with a lobby, lounge, games room, large kitchen/diner, study, utility, WC, and plant room within the dwellings' ground floor; four bedrooms (two en-suite) and a shared bathroom surrounding the landing space on the first floor. An attached double garage is proposed to the western side, with office space proposed in the garage roof space.
- The dwelling will include a gable roof with a maximum ridge height indicated as 7.95m and the eaves 5.3m approx. The garage will also have a gable roof, with a maximum ridge height of approximately 6.7m and the eaves 3.6m approx. However, owing to the proposal to raise ground levels at the site, the ridge and eaves heights may appear up to 1 metre higher.
- Windows and doors at the property will be positioned on all sides.
- Materials for the dwelling include:
 - Vandersanden Flemish Antique external brickwork;
 - Blue/Black Natural Slate roof tiles;
 - Cream uPVC windows; and
 - Black uPVC rainwater goods.
- Hard and soft landscaping at the site includes a gravel driveway, paved patio/pathways and front and rear lawn areas. Trees and hedging are proposed to be planted to the front and rear.
- The overall site will be bounded by a mix of 1.2 post and wire fencing and hedging with a large gravel driveway with parking/turning to the front and an enclosed garden to the rear.

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

4. SITE PLANNING HISTORY

F/YR21/0702/O	Erect 1no dwelling (outline application with all matters reserved	Granted 27.09.2021
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5. CONSULTATIONS

5.1. Wisbech St Mary Parish Council

At the meeting of Wisbech St. Mary Parish Council on 13th June 2022, the Council recommended APPROVAL (as at outline stage).

5.2. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information, and have 'No Objections' to the above reserved matters application.

5.3. North Level Internal Drainage Board

My Board has no objection in principle to the above application.

A piped section of the Board's Sayers Field Drain forms the southern boundary to the site and therefore the Board's byelaws apply. In particular, Byelaw no.10 which states that "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain". The Board will require access over this pipeline and therefore prospective purchasers must be made aware of the right of access.

In addition, I note that surface water is to be discharged to the Board's drain and therefore a development levy will be payable in accordance with the enclosed.

5.4. Cambridgeshire County Council Highways Authority

Highways have no objections to this application. The applicant provided a dimensioned access geometry plan and access details laid out.

Vehicle visibility splays of 2.4mx120m to the south (40mph) and 2.4mx215m to the north (60mph) have been added to the plan. Consequently, it reveals that there is enough visibility from the access.

The existing footway has been continued along Sand Bank to tie-in with the new access.

The access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

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.

2. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

Informatives

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. Environment Agency

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

Review of Flood Risk Assessment (FRA)

We have no objection to this application, but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment (ECL0494c/R BOOR DRAUGHTSMAN dated March 2022) and the following mitigation measures it details:

- 2 storey dwelling*
- finished floor levels to be set a minimum of 1.0m above the surrounding ground level*
- 0.3m of flood resilient construction above finished floor levels*

5.6. Local Residents/Interested Parties – no comments received

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

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

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

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

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity
Built Form
Homes and Buildings

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments

**7.5. Supplementary Planning Documents/Guidance -
Cambridgeshire Flood and Water SPD (2016)**

8. KEY ISSUES

- Access
- Appearance
- Landscaping
- Layout and Scale
- Residential Amenity

9. BACKGROUND

9.1. This application follows the outline application F/YR21/0702/O granted approval contrary to Officer recommendation by the Planning Committee in September 2021.

10. ASSESSMENT

Access

- 10.1. The proposed access is by way of a gravel driveway and parking area with tarmac crossover leading from Sandbank. Appropriate visibility splays have been provided and an extended footway is proposed to tie in to the existing footway along Sandbank.
- 10.2. The proposed garage does not conform to the internal depth dimensions necessary to be counted towards parking provision (as set out in Appendix A of Policy LP15). Notwithstanding, the access leads to a parking/turning area at the front of the proposed dwelling allowing parking provision for at least three vehicles with appropriate turning space.
- 10.3. Comments from the Cambridgeshire County Council Highways authority deemed that the access was appropriate to the development and had no objections to the scheme subject to the imposition of necessary conditions.
- 10.4. Thus, the proposed access is considered acceptable.

Appearance

- 10.5. The proposed materials are to include Vandersanden Flemish Antique external brickwork; blue/black natural slate roof tiles; cream uPVC windows with imitation stone cills; with an oak framed porch and black uPVC rainwater goods.
- 10.6. To the south of the site, on the eastern side of Sandbank, the dwellings are older semi-detached, predominately constructed of light coloured brickwork with a mixture of slate and concrete tile roofs with limited lintel and cill detailing. The dwellings on the western side of Sandbank, are generally detached dwellings of a more modern appearance, predominately constructed of red brickwork with concrete tile roofs and no lintel or cill detailing.
- 10.7. The proposed materials, in particular the brickwork, is a variation to the brick types and colours within the vicinity. This, coupled with the inclusion of imitation stone detailing, and the overall scale and height of the development (discussed in more detail later), will result in the dwelling appearing overtly dominant within the streetscene in terms of its appearance against the backdrop of the nearest dwellings. It will neither appear congruent to the dwellings on the eastern side of Sandbank, nor those opposite, and instead will see the dwelling appearing in stark contrast to those around it.
- 10.8. The proposed dwelling also includes considerable areas of glazing in the form of large feature windows, particularly on the front elevation that will be prominent within the street scene. The number and scale of the proposed windows are in direct contrast to those dwellings in the vicinity, which are of a more traditional, modest style.
- 10.9. Ultimately, the overall design will result in the dwelling being an unduly distinct and prominent feature in the street scene. The dwelling is proposed as a substantial building which is out of character with surrounding development and will conflict with the uniformity and more simplistic character of the dwellings found either side of Sandbank. As such, it is considered that the proposed appearance of the dwelling is contrary to Policy LP16 (d) and cannot be supported.

Landscaping

- 10.10. Hard landscaping around the majority of the perimeter of the dwellings is proposed in the form of gravel and paving slabs. Generally, these materials are considered an appropriate hard landscaping option at the site and are reflective of the materials used within neighbouring development.
- 10.11. The front and rear gardens of the scheme are proposed to be predominately laid to lawn, with formal tree planting to the front of the site, with some additional trees proposed to the northern boundary at the rear. An area of land to the rear will be retained as paddock. Hedging is proposed to be reinstated to the western boundary at the front of the site and a newly planted to the northern boundary.

10.12. Overall, it is considered that the hard and soft landscaping proposals at the site are acceptable in the context of the development.

Layout and Scale

10.13. At Outline stage, the indicative site plan submitted depicted a relatively modest gable roofed dwelling with a detached garage. The plan suggested that the overall footprint of the dwelling and garage cumulatively may encompass approximately 170m², with the dwelling appearing approximately 12m wide by 8.7m deep.

10.14. Contrastingly, this application seeks permission for a significantly larger dwelling with an attached garage set to the front of the dwelling. The proposed plans suggest an overall development footprint of approximately 253m², with the dwelling encompassing a maximum of approximately 18m wide by 27m deep, with a more sprawling layout including the front garage projection.

10.15. The nearest dwellings to the south of the proposed, Nos. 14 & 15 Sandbank (a semi-detached pair) comprise a combined width of approximately 16.5m at their widest points (which includes single storey rear extensions); whilst the main part of the dwellings that are most apparent within the street scene being approximately 8m wide. This width is typical of the modest semi-detached pairs this side. Similarly, the nearest larger detached dwellings on the west side of Sandbank are generally around 11 – 13m wide.

10.16. Considering the widths of the nearby dwellings, it is evident that the proposed dwelling will be considerably larger and will appear distinctly more dominant than the surrounding dwellings to the detriment of the prevailing character and street scene.

10.17. Furthermore, the proposal seeks to include a garage projection set to the front of the dwelling on its western side. This will see the dwelling be noticeably different to the form and building line of nearby development that do not include any substantial forward outbuildings or garages, which will again differentiate the dwelling from its surroundings and exacerbate its prominent appearance in the street scene.

10.18. In addition to its sizeable width and incongruous form, it is also necessary to consider the height and massing of the development in the context of its surroundings.

10.19. The site is located in flood zone 3. As identified at outline stage to address flood risk the dwelling must be 2-storey with finished floor levels (FFL) set at a minimum of 1m above surrounding ground levels, with topographical surveys submitted as proof. This necessary raising of the dwelling will exacerbate the height of the dwelling in comparison to surrounding development. Whilst the indicated ridge height of the dwelling is 7.95m (from FFL), the actual height of the dwelling in respect of current ground levels (on which surrounding development is set), the proposed 2-storey dwelling will reach a ridge height of approximately 8.95m. This is significantly higher (approximately 1.2m) than the nearest semi-detached dwellings to the south, Nos. 14 & 15 Sandbank, again intensifying the dwelling's dominance in the street scene.

- 10.20. It should be noted, however, that the proposed dwelling will be set approximately 18.8m away from the main part of the dwelling at No.15 and this separation may help to reduce the perception of the height difference between the two.
- 10.21. However, this separation would also be an unusual feature of the streetscene, with other dwellings positioned considerably closer together, which may reinforce the proposed dwelling's incongruency in the street scene. This, coupled with the overall width, height and massing of the proposed dwelling will result in the dwelling being disproportionately dominant in respect of the surrounding development.
- 10.22. In addition, the submitted section plans are contradictory with regard to the likely grading of land levels on the northern boundary of the site (adjacent to the currently undeveloped land). Section C-C shown to the front of the site appears to suggest a gradient of no more than 1:3 to achieve the increased ground levels to the site frontage. Whereas, section B-B, street scene and elevation drawings suggest a stepped 1m increase in ground levels this side, likely owing to the position and scale of the dwelling proposed. There is no confirmation of how this significant ground level increase will be safely achieved, save for the use of a hedge to demarcate the boundary.
- 10.23. Ultimately, the inclusion of stepped ground, and the likely need for a retaining structure, will exacerbate the visual impact of the raised ground, resulting in an obvious unnatural change in levels, yet further exaggerating the dwelling's dominance within the surrounding built form and natural landscape.
- 10.24. As such, along with the overall design of the scheme in respect of its appearance (considered earlier in this report), it is considered that the layout and scale of the proposal is also contrary to Policy LP16 (d).

Residential Amenity

- 10.25. The main impact of the proposal in terms of residential amenity will be to that of No.15 to the south. The proposed dwelling is separated from the main part of the dwelling at No.15 by approximately 18.8m, and the boundary will be demarcated by the existing 1.2m post and wire fence. The proposed dwelling includes both ground and first floor windows facing No.15, serving the lounge and games room on the ground floor and a bedroom and en-suite on the first floor. Within No.15, windows facing the site include a ground floor and first floor window within the main dwelling, and a further ground floor window within an outbuilding. Whilst it is acknowledged that the dwellings may offer some mutual overlooking, the separation distance between the two properties will limit any detrimental impacts of this.
- 10.26. In addition, the proposed rear windows within the dwelling may offer some possibility of overlooking to the private amenity space at No.15. However these will be similar in nature and extent to those already available from the adjoining No.14 to No.15's south. In addition, these views will be limited in part by outbuildings associated with No.15 positioned on the boundary of the site. On that basis, any views from the rear of the proposed dwelling are not

sufficient to require refusal of the scheme on the basis of its impact on neighbouring privacy.

10.27. Given the positioning of the proposed dwelling, the scheme is unlikely to detrimentally impact residential amenity of other existing dwellings in respect of overlooking or overshadowing. However, it should be noted that the currently vacant land to the north has an Outline planning application, yet to be determined, for the erection of up to four dwellings (F/YR22/0706/O). Considering the indicative site plans submitted, there may be issues relating to residential amenity by way of overlooking and overshadowing from the proposed dwelling to the nearest plot to the north proposed under 22/0706, however this cannot be fully confirmed owing to the current status of the application for the adjacent site.

10.28. Therefore, considering current circumstances, is no justification for concluding that the proposed dwelling will have any harmful impacts on the amenity of the neighbouring properties for other reasons such as overshadowing, light pollution, or noise. As such, the proposal is considered acceptable with regard to policy LP16 (e).

11. CONCLUSIONS

11.1. On the basis of the consideration of the detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR21/0702/O, there would be conflict with adopted planning policy in relation to appearance, layout and scale.

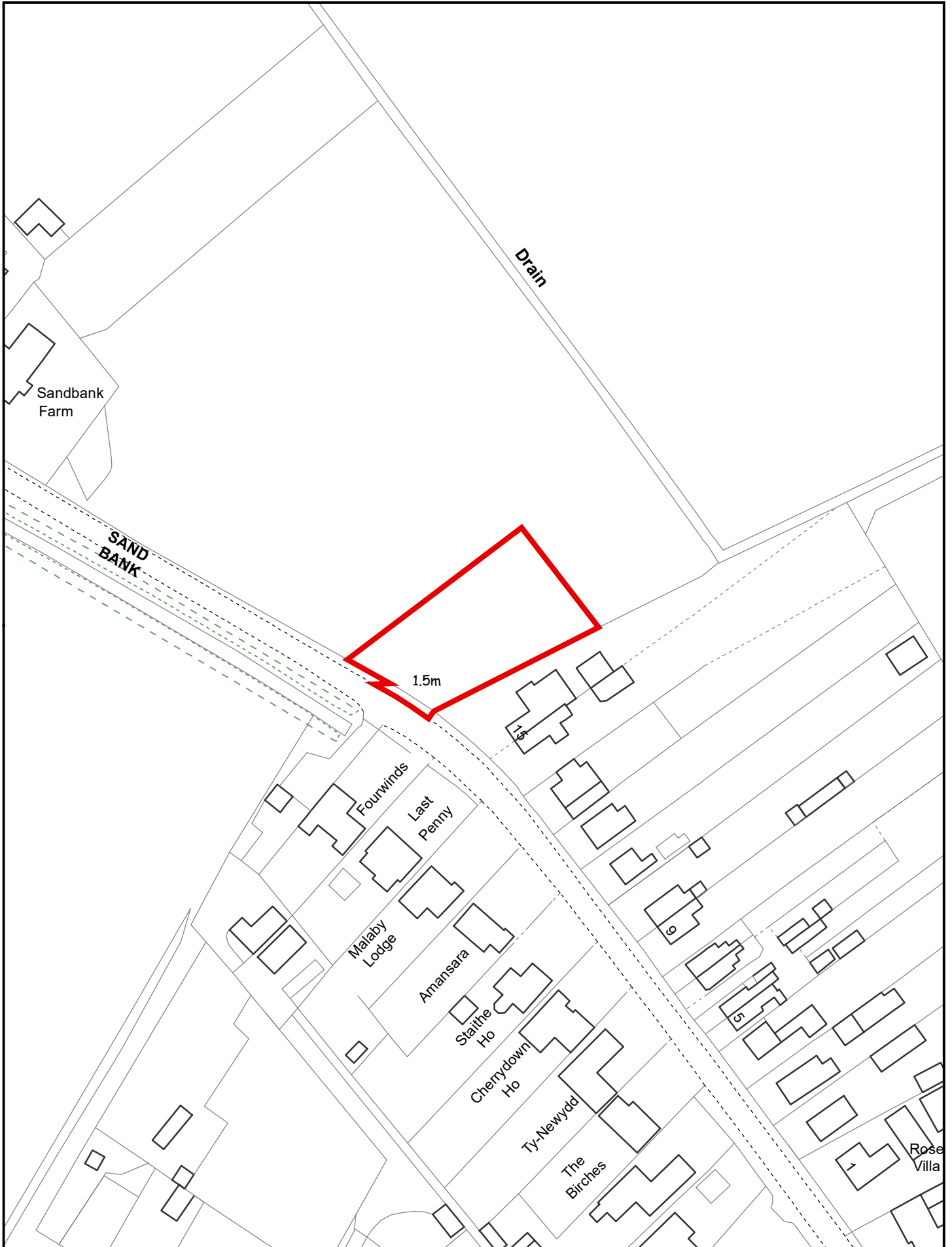
11.2. The proposal seeks to erect a large dwelling adjacent to more modest dwellings of particular form and character. By virtue of the incongruous appearance, layout and substantial scale of the proposed dwelling, the scheme would result in undue dominance within the streetscene, and would be harmful to the character and appearance of the area in the context of the surrounding development. The proposal would therefore be contrary to the requirements of the relevant planning policies of the development plan and must therefore be recommended for refusal.

12. RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area, enhancing its setting, responding to and improving the character of the local environment, reinforcing local identity and not adversely impacting in design or scale terms on the street scene, settlement pattern or landscape character of the surrounding area. The proposal seeks to erect a substantial dwelling adjacent to more modest dwellings of particular form and character. By virtue of the incongruous appearance,
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	<p>layout and substantial scale of the proposed dwelling, the scheme would result in undue dominance within the streetscene, and would be harmful to the character and appearance of the area in the context of the surrounding development. The proposal would therefore be contrary to the requirements of 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).</p>
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F/YR22/0632/RM

Scale = 1:1,250



BOUNDARY TREATMENT
 NORTH EAST BOUNDARY - BETWEEN APPLICATION SITE & PARADE
 REPAIRED TIMBER POST AND WIRE FENCE
 SOUTH WEST BOUNDARY - BETWEEN APPLICATION SITE & NO 15 SANDBANK
 EXISTING POST AND WIRE FENCE TO REMAIN
 SOUTH WEST BOUNDARY - ROADSIDE
 REMOVE EXISTING POST AND WIRE FENCE AND REPLACE WITH PRINLET HEDGE
 NORTH WEST BOUNDARY - BETWEEN APPLICATION SITE AND PARADE
 TIMBER POST AND RAIL FENCE WITH PRINLET HEDGE ON THE NORTHERN SIDE

SURFACING
 DRIVE AND PARKING
 WASHED GRAVEL 150mm TO 4mm
 PATIO AND FOOTPATHS
 INDIAN STONE SLABS
 VEHICULAR ACCESS
 TARMAC

SPILLWAYS
 FROM ROOF AND PATIO DISCHARGE INTO UNDERGROUND STORAGE TANK
 TO BE USE WATER IN GARDEN WITH OVERFLOW INTO STORMCELL SOAK
 AWAY SYSTEM WITH OVERFLOW INTO DYKE IF REQUIRED TO I.D.B. ATTACHE

LANDSCAPING
TREES
 AC ACER CAMPESTRIS FIELD MAPLE
 BP BETULA PENDULA SILVER BIRCH
 M MALUS VARIETY TO CLIENTS CHOICE
 P PRUNUS VARIETY TO CLIENTS CHOICE
 SA SORBUS AUCUPARIA MOUNTAIN ASH
 Sg SALIX ALBA WHITE WILLOW

TREES CONTINUED
 MALUS AND PRUNUS TO BE HALF STANDARDS 4-6 CM
 ALL OTHER TREES TO BE LIGHT STANDARDS 6-8 CM
 TREES TO BE SECURED USING UNCLE 30 & TREATED STAKE AT
 ANGLE TO SUPPORT 1/3 OF TRUNK. ADJUSTABLE
 RUBBER STRAP TO SECURE TREE TO STAKE
 LATE SUMMER / EARLY AUTUMN PLANTING AROUND CLEARING UNWANTED
 VEGETATION, BREAK UP COMPACTED SOIL, TREAT TO ERADICATE WEEDS.
 PLANTS TO BE SET IN SUITABLE CONDITION IN FIRST WINTER SEASON AFTER
 BUILDING WORKS COMPLETE.
 AREA TO BE PLANTED TO BE CULTIVATED THEN FIRMED DOWN.
 TREES TO BE SET IN PITS WITH MIN 75mm CLEARANCE AROUND ROOTS
 AND BACKFILL WITH A MIXTURE OF TOPSOIL AND COMPOST (MANURE
 3:1 RATIO).
 PLANTING 1500 & DARK MULCHING AROUND TREE UNTIL TREE IS ESTABLISHED
 THREE AFTER REPLACE WITH GRASS.
 THOROUGHLY WATER PLANTS PRIOR TO APPLYING MULCH

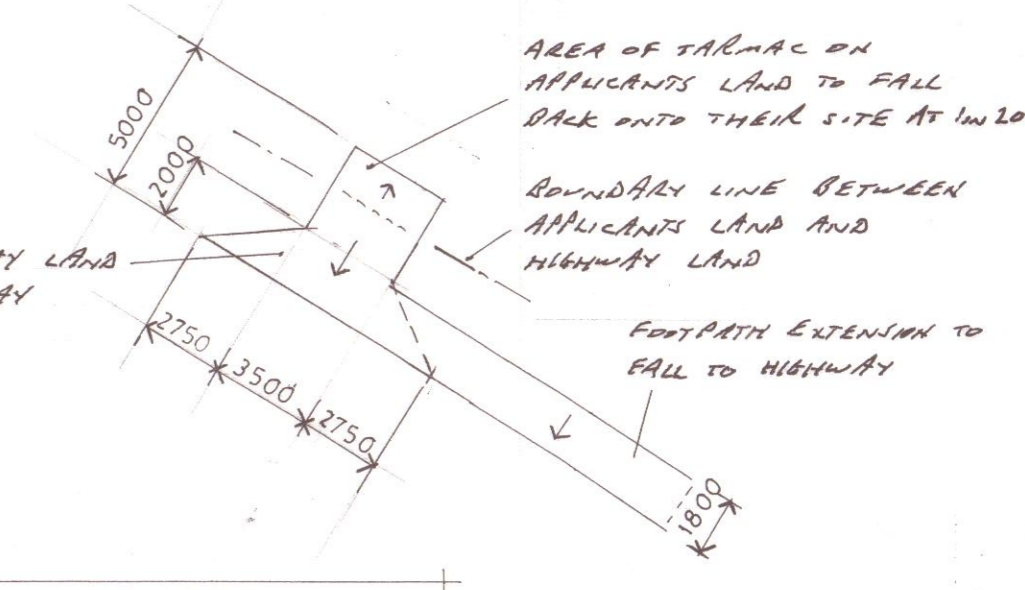
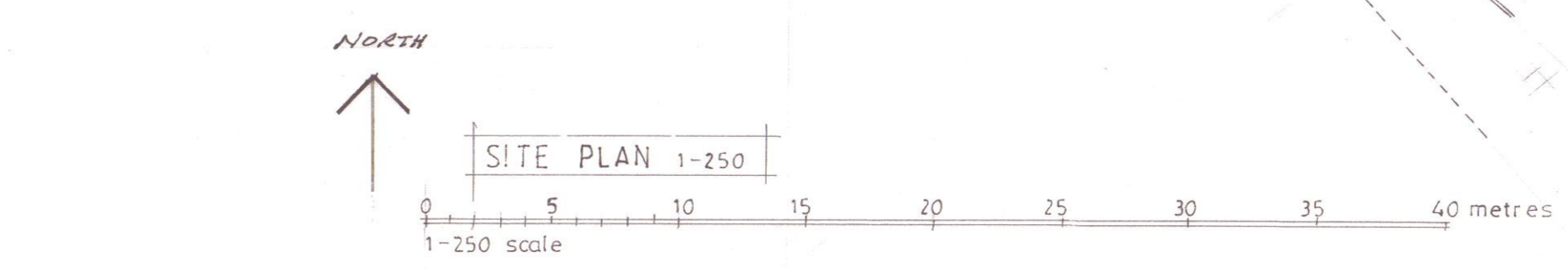
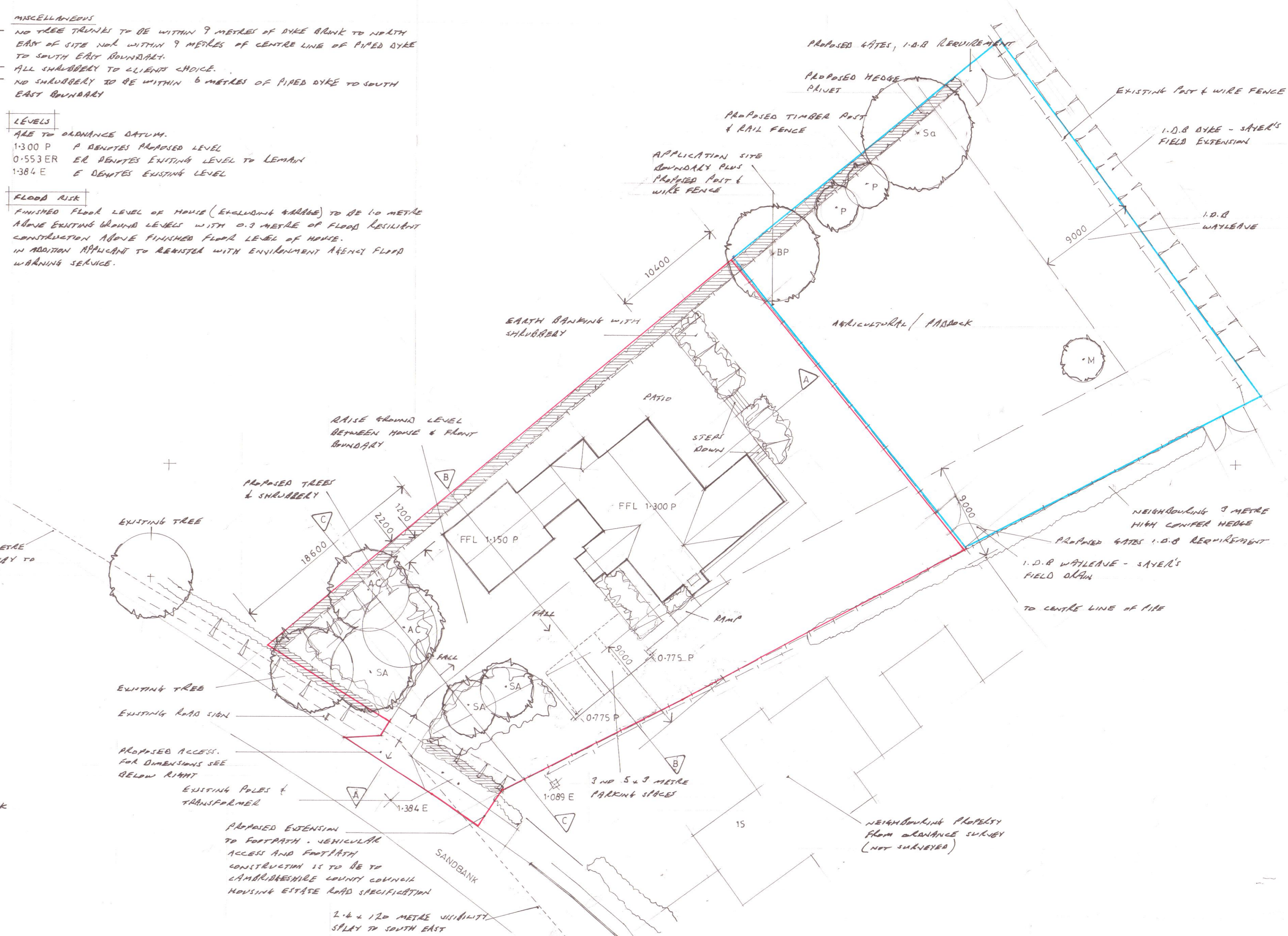
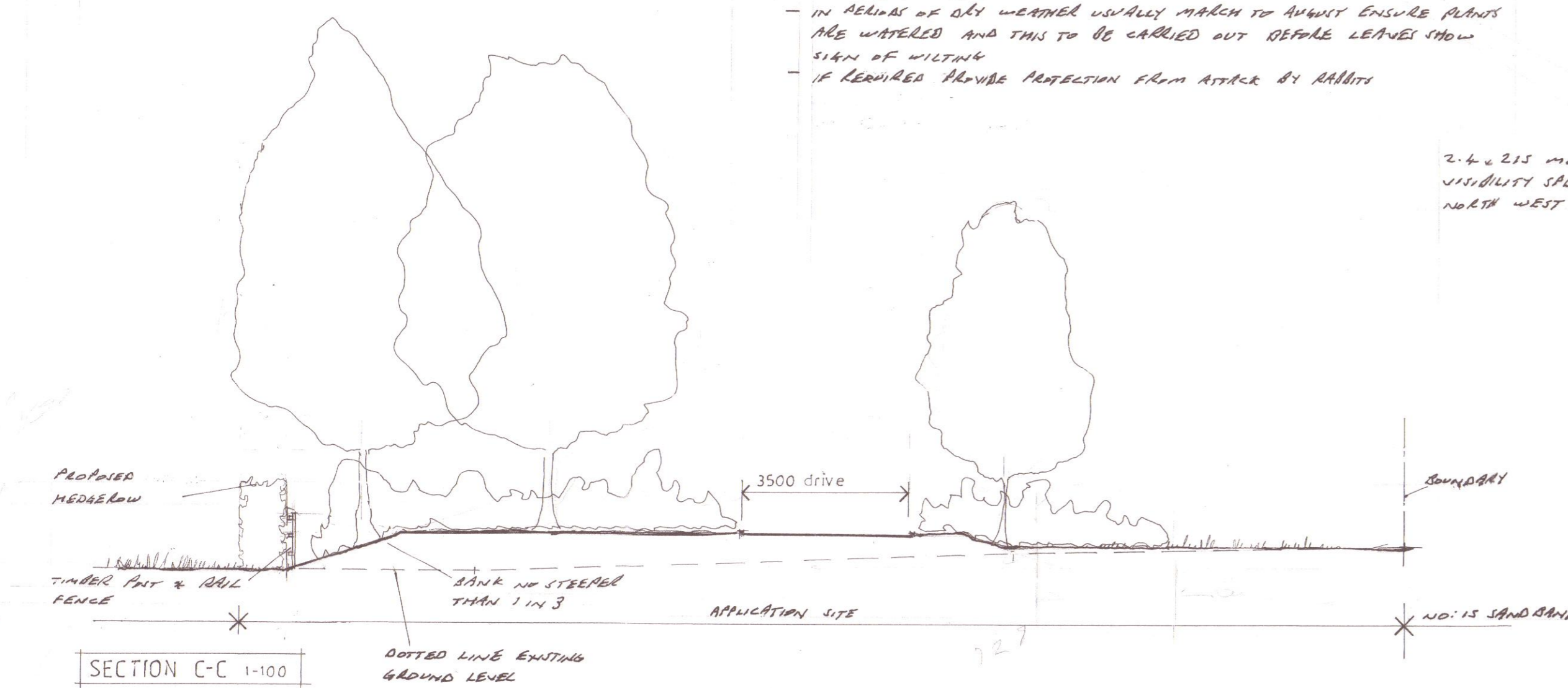
HEDGE
 TO BE PRINLET - LIGUSTRUM WALFOLIUM.
 PLANT IN 2 ROWS 300mm APART WITH PLANTS AT 45cm CYCLE IN
 EACH ROW AND STAGGERED WITH OTHER ROW
 PLANTS TO BE 3 YEAR OLD TRANSPLANTS (1+2) HEIGHT 450-600mm
 UNROOTED PLANTS AND TO BE CUT HARD BACK AFTER PLANTING.
 PROVIDE CONTINUOUS STRIP 750mm WIDE 300mm DEEP IN WHICH TO PLANT
 HEDGELINE.
 LAY 900mm WIDE STRIP OF MULCHING TO HEDGELINE TO SUPPRESS GRASS
 GROWTH UNTIL HEDGE IS ESTABLISHED.
 TO MINIMIZE DAMAGE KEEP HEDGELINE FREE OF VEGETATION AND CAREY
 OUT LATE PLANTING IN FEBRUARY / MARCH

GENERAL MAINTENANCE
 FOR FIRST 3 YEARS MAINTAIN ALL PLANTS.
 ENSURE ALL MULCH IS MAINTAINED AND REMOVE WEEDS MANUALLY.
 REPLACE ANY DEAD STAKE.
 IN PERIODS OF DRY WEATHER USUALLY MARCH TO MAY TO ENSURE PLANTS
 ARE WATERED AND THIS TO BE CARRIED OUT BEFORE LEAVES SHOW
 SIGN OF WILTING
 IF REQUIRED PROVIDE PROTECTION FROM ATTACK BY RABBIT

MISCELLANEOUS
 NO TREE TRUNKS TO BE WITHIN 9 METRES OF DYKE BANK TO NORTH
 EAST OF SITE NOR WITHIN 9 METRES OF CENTRE LINE OF PAVED DYKE
 TO SOUTH EAST BOUNDARY.
 ALL SHEDDING TO CLIENTS CHOICE.
 NO SHEDDING TO BE WITHIN 6 METRES OF PAVED DYKE TO SOUTH
 EAST BOUNDARY

LEVELS
 1300 P A DENOTES PROPOSED LEVEL
 0.553 ER E DENOTES EXISTING LEVEL TO LEHMANN
 1.384 E E DENOTES EXISTING LEVEL

FLOOD RISK
 FINISHED FLOOR LEVEL OF HOUSE (EVALUATED) TO BE 1.0 METRE
 ABOVE EXISTING GROUND LEVEL WITH 0.3 METRE OF FLOOD RESILIENT
 CONSTRUCTION ABOVE FINISHED FLOOR LEVEL OF HOUSE.
 IN ADDITION APPLICANT TO REGISTER WITH ENVIRONMENT AGENCY FLOOD
 WARNING SERVICE.



Contractor To Check All Dimensions On Site Before Work Commences.

Rev.	Date	Init.	Revision Details
A	14.11.21		ADD ARE, DELETE SHEDDING
B	14.11.21		ADD NOTES & LEVELS FOR NEW APP
C	14.11.21		COMPLETE FOR PLANNING AND COMPLETE AND ADD NOTE RE FLOOD WARNING SERVICE
D	14.11.21		ADD FENCE BETWEEN SITE & PARADE
E	14.11.21		

R. BOOR DRAUGHTSMAN
 26 Fengate
 Moulton Chapel
 Spalding
 Lincolnshire
 PE12 0XL
 Phone & Fax:
 01406 380279

Project:
 MR & MRS C TOLLEY,
 PROPOSED DWELLING TO SITE
 ADJACENT 15 SANDBANK,
 WISBECH ST MARY.

Drawing:
 SITE PLAN AS PROPOSED

Scale:
 AS SHOWN

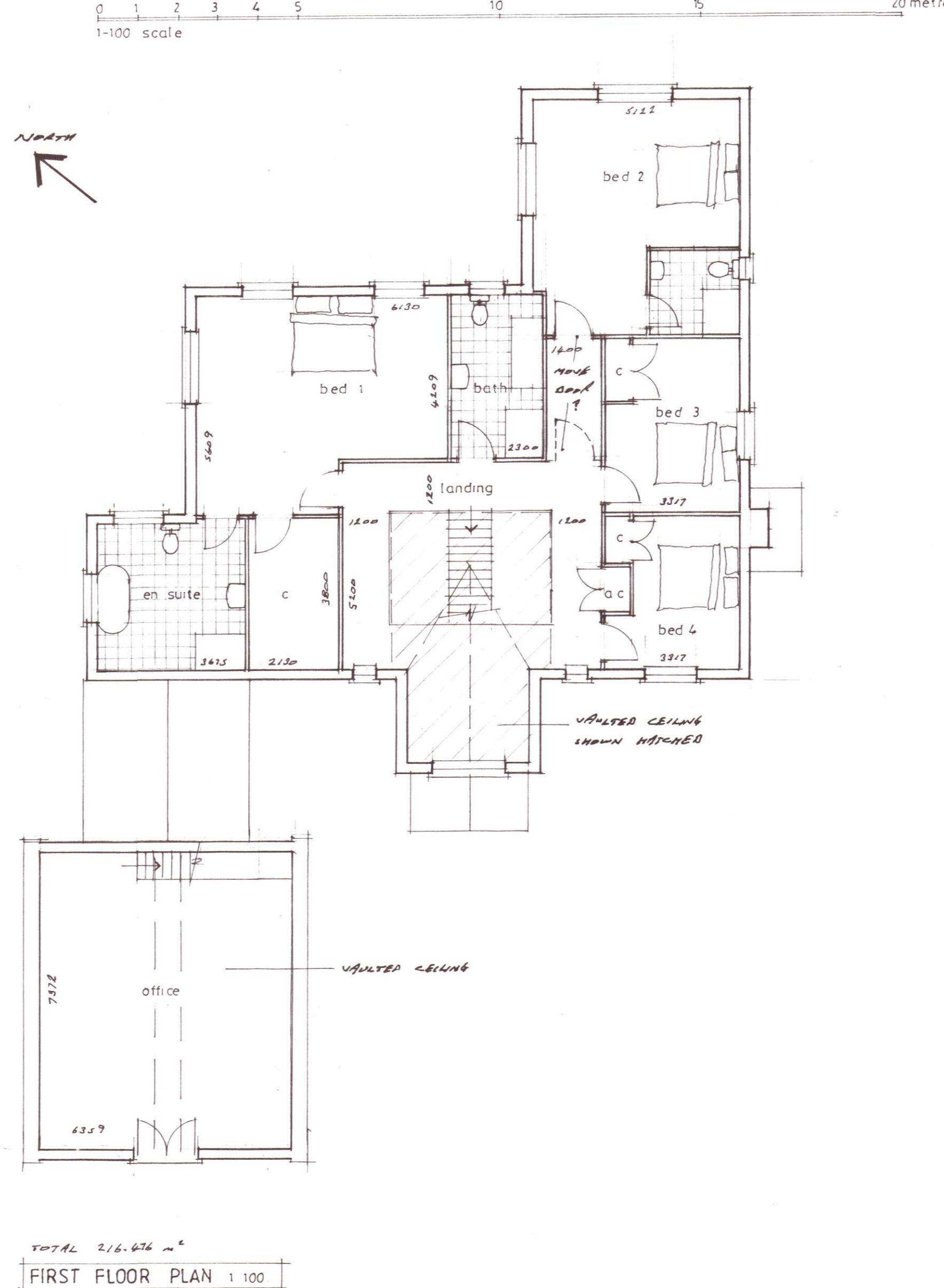
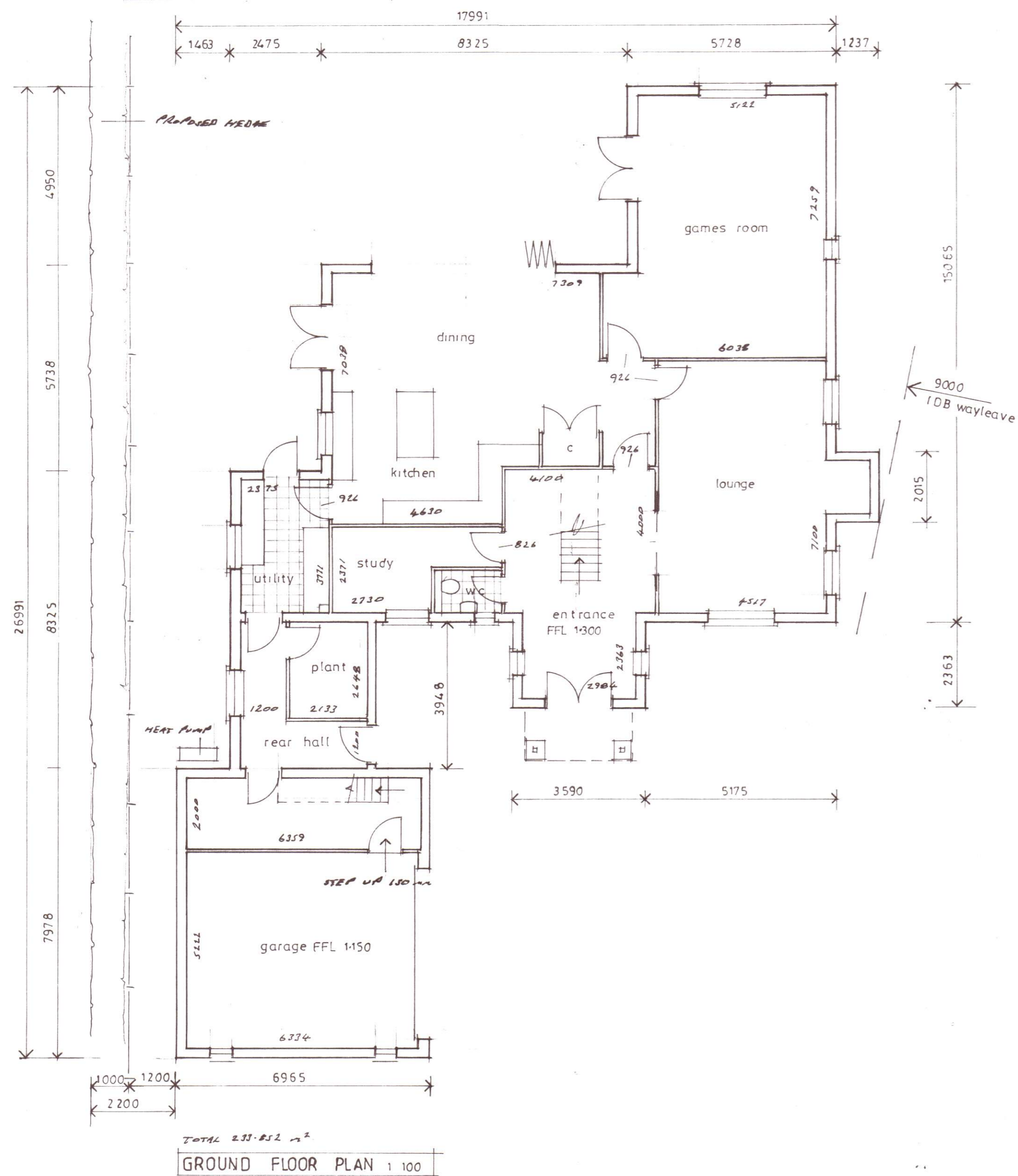
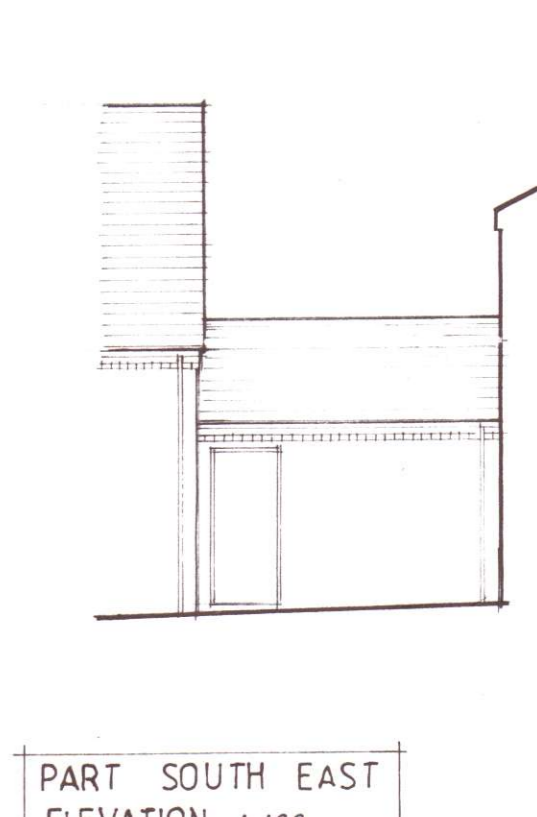
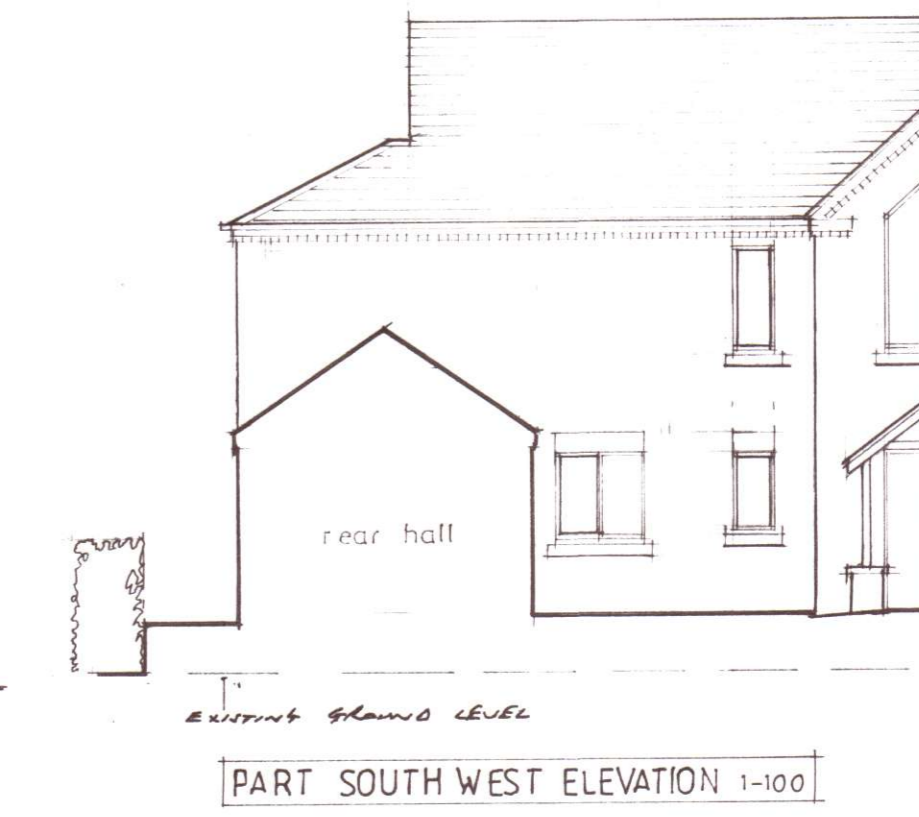
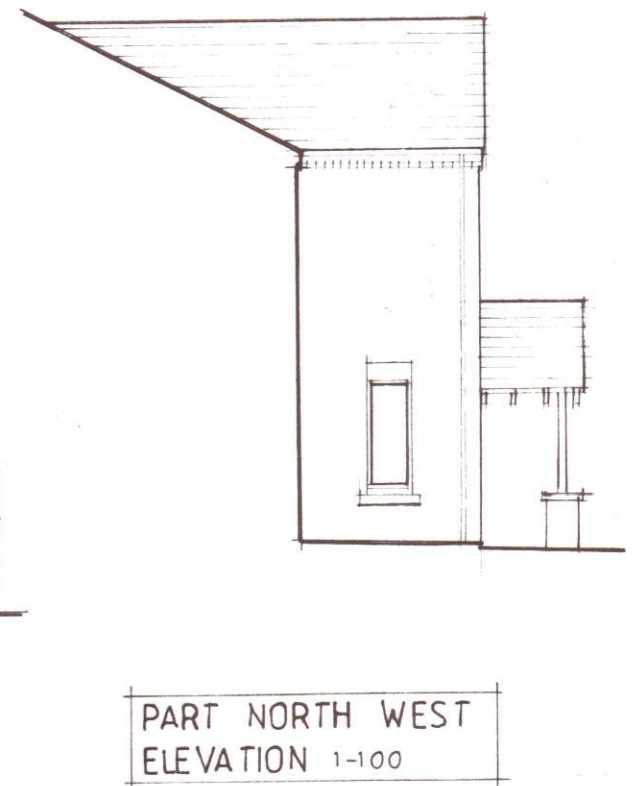
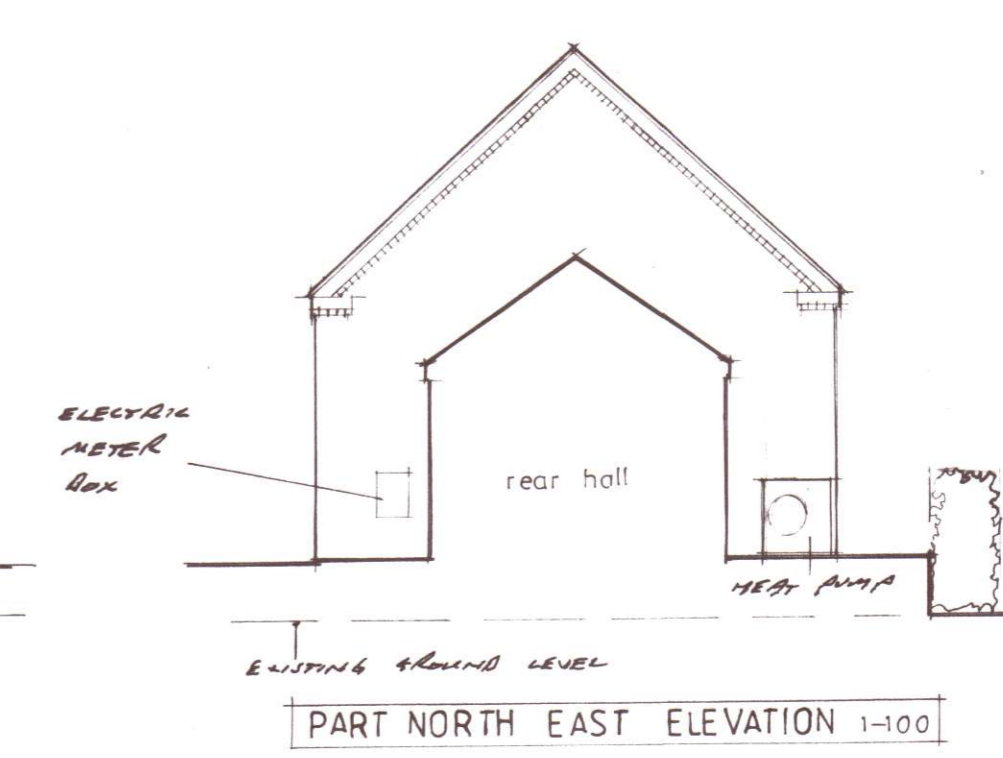
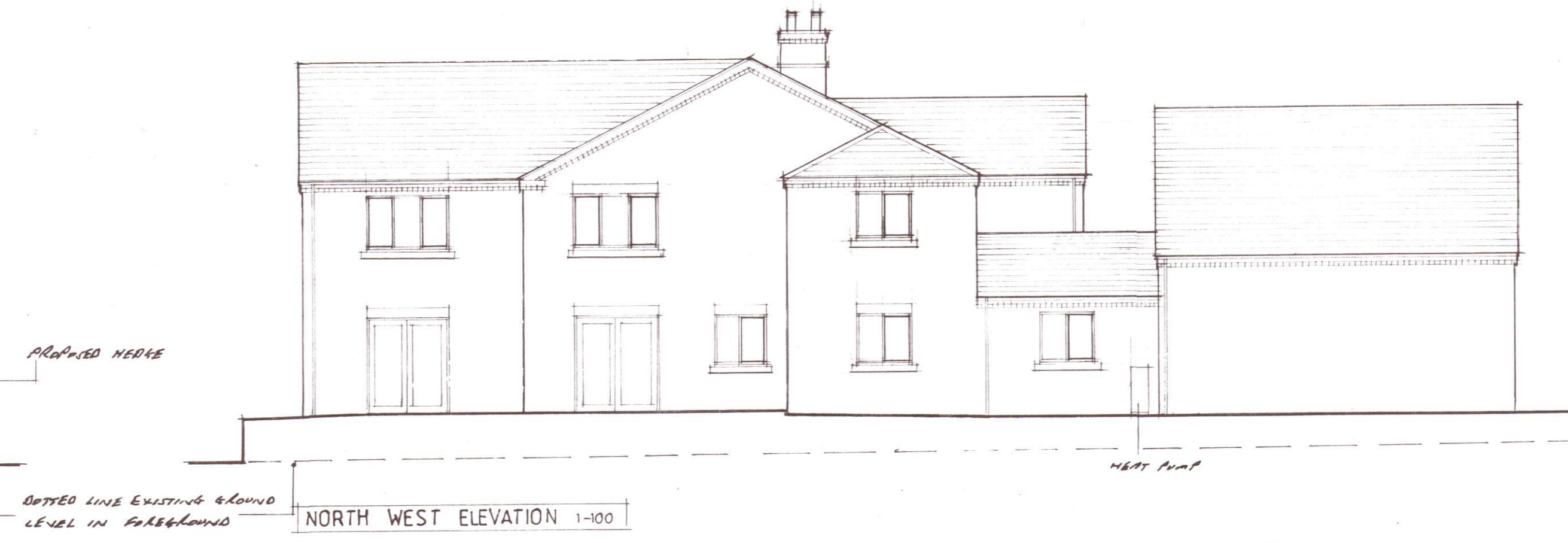
Drawing No.
 3528-3

Drawn:
 RMB

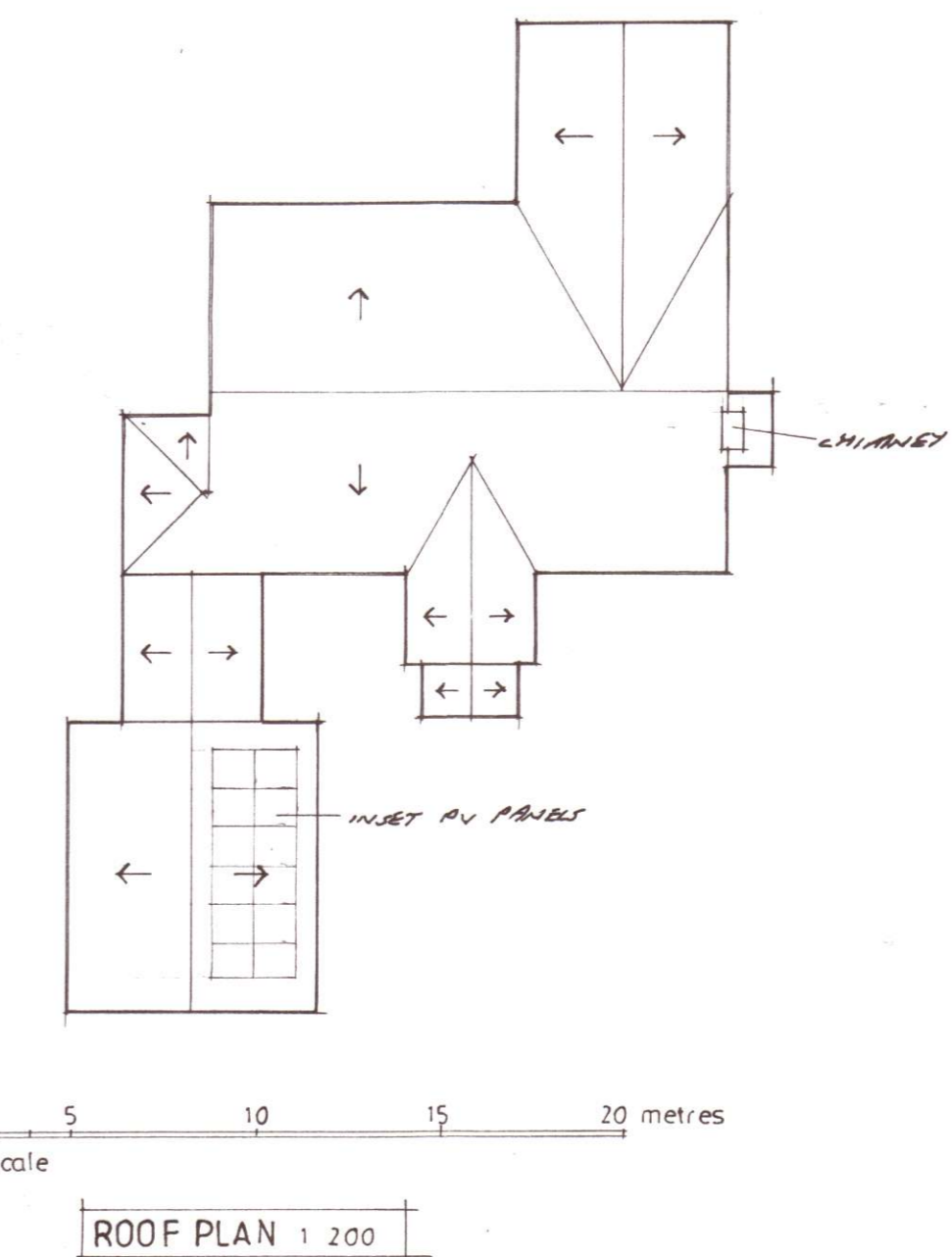
Date:
 DEC 2021

Rev.:

A	B	C	D	E
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- MATERIALS**
- ROOF - NATURAL BLUE/BLACK NATURAL SLATE
 - RAINFALL - 100mm HALF ROUND BLACK PVC ON AISE APDS AND FALL BRACKETS
 - WALLS - FLEMISH ANTIQUE AS MANUFACTURED BY UNDERSTANDEN WITH FERRURE BRICE OBTAINING TO RAJES & JERVE
 - SPINDRY - UPVC CREAM COLOUR WITH IMITATION STONE WALL
 - ENTRANCE - OAK FRAMED WITH SLATE ROOF AS FOR MAIN HOUSE CANOPY
 - FOOTPATHS - MAIN STONE SLABS
 - PATIO - INDIAN STONE SLABS
 - DRIVE - GRAVELLED
 - PV PANELS - THESE ARE SWIMMING INSET UNITS I.E. THEY REPLACE THE ROOF TILE/SLATE AND NOT SIT ABOVE THE ROOF TILE/SLATE AS IS USUALLY THE CASE.



Contractor To Check All Dimensions On Site Before Work Commences.			
Rev.	Date.	Init.	Revision Details.
A	01.12.21		CLIENT ALTS COMPLETE FOR PERMITS APP
B	15.3.22		CONTRACTUAL
C	16.04.22		
R. BOOR DRAUGHTSMAN			
26 Fengate Moulton Chapel Spalding Lincolnshire PE12 0AL Phone & Fax: 01406 380279			
Project: MR & MRS C TOLLEY PROPOSED DWELLING TO SITE ADJACENT 15 SANDBANK, WISBECH ST MARY.			
Drawing: PLAN & ELEVATIONS			
Scale:	AS SHOWN		Drawing No. 3528-4
Drawn:	RMB		
Date:	DEC 2021	Rev.	A B C

F/YR22/0722/PIP

Applicant: Mr & Mrs P & K Humphrey

**Agent : Mr Jordan Trundle
Peter Humphrey Associates Ltd**

**Land East Of Meadowgate Academy, Meadowgate Lane, Wisbech,
Cambridgeshire**

Residential development of up to 9 x dwellings (application for Permission in Principle)

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

1.1 The proposal is an application for Permission in Principle to develop the site for up to 9 dwellings. The Permission in Principle route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the principle issues namely:

- (1) location,
- (2) use, and
- (3) amount of development proposed

and the second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.

- 1.2 Evaluation of a PIP must be restricted to the issues highlighted above; even if technical issues are apparent from the outset these can form no part of the determination at Stage 1 of the process. Accordingly matters raised via statutory bodies may not be addressed at this time.
- 1.3 The application site forms part of the East Wisbech Broad Concept Plan area, and is accessed from Meadowgate Lane. The principle of residential development of the land is identified in the Broad Concept Plan.
- 1.4 Considering the scheme purely on the basis of location, use and amount there could be no grounds to resist the grant of permission in principle.

2 SITE DESCRIPTION

- 2.1 The site is located immediately east of the Meadowgate Academy and sits adjacent to agricultural land which has been earmarked as a school playing

field, with an application currently under consideration (reference: F/YR22/0817/F). This adjacent land had been previously been the subject of prior notification submission F/YR22/0673/PNC06 for 'Change of use from Agricultural Buildings to State-funded School (Use Class F1 (a))' however as there were no agricultural buildings on the site the proposal failed to accord with 'Class S' and the application was subsequently withdrawn.

- 2.2 To the south of the site is an established woodland area which is covered by TPO01/2018. To the north of the site runs a drain and established tree belt, again covered by TPO01/2018. Both these features run alongside a public byway although the presence of the drain separates the site from the byway and there is no direct access from the north.
- 2.3 The intended access to the land is from Meadowgate Lane with the access traversing along the southern boundary of the Academy grounds. The first section of this access has detailed consent under F/YR20/0054/O (Hybrid application which grants outline consent for up to 10 dwellings with full consent granted for access). The scheme detailed under this PIP proposes a continuation of this access road. The outline approval relates to land to the south of the Meadowgate Academy, east of Meadowgate Lane and west of the woodland area.
- 2.4 The site is accessed from the wider area by Meadowgate Lane. This is a narrow lane of varying width that leads onto Quaker Lane to the north, before joining Money Bank that gives access to the south-east side of Wisbech. Quaker Lane and Meadowgate Lane both provide direct access to dwellings along their lengths, as well as forming the only vehicular route to Meadowgate Academy. The road is generally lightly trafficked but during the site visit undertaken it was evident that it is a popular walking route as it the byway to the north of the site.
- 2.5 Meadowgate Academy is a specialist academy for pupils aged 2-19 who have an Education Health Care Plan. The earlier submission for 10-dwellings noted that all of the pupils that attend the school are brought to the site by car/minibus etc; however this would seem at variance to some of the representations received that indicate some pupils arrive by private car and some arrive on foot.
- 2.6 To the south of the site access, Meadowgate Lane continues for approximately 600m, providing sporadic access to other properties and pedestrian links to the residential development to the west. It then terminates prior to joining the A47 to the south, and therefore does not connect to the wider highway network in this area. It does provide a route for pedestrians, and particularly facilitates walking and cycling from the aforementioned residential developments.
- 2.7 The site lies within the East Wisbech Strategic Allocation for which there is an approved Broad Concept Plan in place.

3 PROPOSAL

- 3.1 The proposal is an application for Permission in Principle to develop the site for up to 9 dwellings. As part of the submission a Design and Access statement has been provided and this indicates that the site is intended for 9 self/custom build dwellings albeit the permission in principle must relate solely to the number of dwellings as opposed to their 'form'.

- 3.2 The current proposal is the first part of the Permission in Principle application; this 'first stage' (or Permission in Principle stage) establishes whether a site is suitable in-principle and assesses the 'principle' issues namely:
- (1) location,
 - (2) use, and
 - (3) amount of development proposed
- 3.3 Should this application be successful the applicant would have to submit a Technical Details application covering all other detailed material planning considerations. The approval of Permission in Principle alone does not constitute the grant of planning permission.
- 3.4 The second ('technical details consent') stage is when the detailed development proposals are assessed. Technical details consent regarding the proposed properties would need to be applied for should this application be granted.
- 3.5 The applicant is only required to submit a completed application form, a plan which identifies the land to which the application relates (drawn to scale and with a north point) and the application fee.
- 3.6 Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR20/0054/O	Hybrid application: Erect up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout	Granted 17.11.2021
F/YR19/0199/SCOP	Scoping Opinion - Residential development with associated public open space, infrastructure, local centre and school	Further Information required 30/04/2019

5 CONSULTATIONS

5.1 Town Council

Recommend *'that the application be supported, subject to the Local Highway Authority being satisfied with the proposed access arrangements*

Wisbech Town Council is, however, hopeful that approval of this application would not have negative implications for the County Council's proposal to expand Meadowgate Academy (which had been the subject of (withdrawn) planning application F/YR22/0673/PNC06)'

- 5.2 **Councillor Miss S Hoy:** *'I would please like to object to the above application and please take my comments into consideration. I am very concerned as I am aware that there is imminent for an extension to the Meadowgate School and this application could jeopardise it. As proof they are going to be doing this, you*

can see under application F/YR22/0673/PNC06 that they applied for change of use but withdrew it after being told it needs a full application to CCC. [...] whilst highways may be happy with the access for a few dwellings it won't be enough for a new 60 place expansion with the school This application has been rushed to get it in under the old local plan and gives no thought to the new school.

- 5.3 **CCC Highways:** *'It is noted that the application is permission in principle, however a plan lacks sufficient information. Highways required more information than submitted. The plan only demonstrates a red line boundary for the location the proposed development.'*

Furthermore, it is noted that Meadowgate Lane is a narrow highway. The possible proposal would lead to an intensification of use of Meadowgate Lane, which is a main distributor route and would cause interference with the safety and free flow of traffic on this highway.'

- 5.4 **FDC Tree Officer:** *'Looking at the aerial image, I think the main issue would be proximity to the north belt of trees. I would want some separation to between the site and the belt to ensure there is no future conflict with residents.'*

Shading from the belt of trees on the south boundary may also be an issue and the proposed access will need upgrading and this may impact on adjacent trees.'

- 5.5 **Kings Lynn and West Norfolk Borough Council:** Comments to be reported to committee.

- 5.6 **Environment & Health Services (FDC)**

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

A study of the site's previous use using mapping data indicates little to no previous development history. Conversely, we are unable to conclude there has not been any previous use and therefore rule out the possibility of ground contamination. Without a definitive history this service would therefore have to recommend in the event this proposal is taken forward, the 'Unsuspected Contaminated Land' condition to be imposed given that sensitive use will be required of the site.

Having studied the area and the nature of the proposal, this service would recommend a robust construction management plan (CMP) if the proposal is taken forward but prior to any development taking place, to ensure any operational development does not cause harm to the amenity of the area, users of the adjoining highway and given the relative close proximity of a neighbouring school, it should also consider health and safety implications of such a development taking place near to such existing sensitivity.

A robust CMP should include the consideration of the following aspects of construction at this location:

- o Site wide construction programme*
- o Contractors' access arrangements for vehicles, plant and personnel including the location, design and specification of construction access and the traffic routes to, from and within the site, details of their signing,*

monitoring and enforcement measures, along with location of parking for contractors and construction workers

- o Construction hours*
- o Delivery times for construction purposes*
- o Noise monitoring methods including location, duration, frequency and reporting of results to the LPA*
- o Vibration monitoring method including location, duration, frequency and reporting of results to the LPA*
- o Dust suppression management and wheel washing measures to prevent the deposition of debris on the highway and the general environment*
- o Site lighting*
- o Drainage control measures*
- o Screening and hoarding details*
- o Liaison, consultation and publicity arrangements including dedicated points of contact'*

5.7 **CCC (Lead Local Flood Authority):** No comments received

5.8 **Kings Lynn Drainage Board**

'The Board has been made aware of the above application and wishes to make the following comments.

The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required consents. As such I strongly recommend that any required consent, as set out below, is sought prior to determination of the planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works potentially requiring Land Drainage Consent from the Board'.

A summary of the consents required under the Land Drainage Act 1991 (including Byelaws) is also included within the consultation response.

5.10 **Cambridgeshire Fire & Rescue Service**

'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'.

5.11 **Local Residents/Interested Parties:** 17 letters of objection from 16 households within Wisbech have been received which may be summarised as follows:

Access, Traffic or Highways, Parking arrangements

- Likely pedestrian conflict with walkers who use the area, *'increased traffic will be a hazardous with no paths for road users and pedestrians'.*
- *'Roads are inadequate for more housing and cars'*

- *'Increasing the risk of someone getting seriously hurt. Very soon Meadowgate Lane will no longer be a safe quiet place for children and dog walkers. No traffic calming systems are in place and the area gets very busy as there is school, with SEN children attending'.*
- *Roads in poor condition and existing traffic is 'absolutely dire already'.*
- *'[...] school which generates considerable traffic during term time with numerous minibuses queuing and many special needs students walking to the premises twice a day. It is inherently dangerous already (with careless parking and driving by parents) without adding further traffic especially during the construction phase'.*
- *'Planning permission for original 10 units indicated that the access would not serve any further development'*
- Query raised as to who will be responsible for the highway costs

Principle issues

- *'This area already has approved planning for a number of properties some Cambridgeshire some Norfolk but they will all only have access through a single track road. There is a large new estate being built which will have pedestrian access also to Meadowgate lane. There are also proposed plans for new housing estate only a few fields away, are we no longer to have any green land in Wisbech.'*

Residential Amenity, Design and Character

- Density/Over development
- *'another example of just putting houses anywhere. If we carry on there will be no unspoilt areas left'.*
- Overlooking/loss of privacy, proximity to property, shadowing and loss of light, Loss of view/outlook
- Light pollution
- Backfill
- Extended application is [...] almost double the previous proposed plans and detrimental to the established residents and their welfare.
- Out of character/not in keeping with the area
- *'There are already many houses being built backing on to Meadowgate Lane which will change the character of the area. A select development of the original 10 ok if you must but just to keep adding 9 now, then maybe more and with the additional proposals to build many other houses in that area there will be no green space left. This is a relatively unspoilt area where people can go for their mental and physical wellbeing going to be eroded by buildings and traffic'*
- Visual impact, design and appearance
- *'[...] yet another piece of Fenland landscape ruined by a greedy corporation'*
- Meadowgate Lane will become a noisy road instead of a quiet country lane

Environmental Concerns/Trees

- Wildlife concerns; the land is important for wildlife of which a range of species live within.
- Consider it likely that further road widening would be necessary which will further impact on the character of the area and wildlife
- Loss of fields and natural land for wildlife and recreational access
- Losing 'trees that could help fight global warming'.

Other matters:

- Devaluing property
- Would set a precedent
- Does not comply with policy
- Drainage
- Local services/schools/infrastructure - unable to cope; no amenities to support the development. Will the developer fund improvements to wider infrastructure?
- Noise, smell and waste/litter; there is evidence of drug use, littering and fly tipping on the site
- Anti-social behaviour
- Raises concern regarding the level of consultation undertaken
- Agricultural land, houses are already going up on the agricultural site
- Need to consider how the development will impact on vulnerable children in the nearby school, both during and post development
- Notes the housing being built around the college and that the roundabout isn't being built now which they consider was not thought out properly.
- Concern that the site will be developed incrementally, the original 10 houses should not have been approved and certainly no more.
- Concerns regarding access, safety and wildlife were raised in respect of the earlier scheme for 10 but despite objections planning permission went ahead.
- Considers this submission and the earlier approval contradict each other.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

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

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Chapter 5. Delivering a sufficient supply of homes

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 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
Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Chapter 15. Conserving and enhancing the natural environment

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

Determining a planning application

Paragraph: 008 (Reference ID: 58-008-20170728) Site allocations in existing local or neighbourhood plans do not have a grant of permission in principle; however, planning applications should be decided in accordance with those site allocations unless material considerations indicate otherwise.

Paragraph: 012 (Reference ID: 58-012-20180615) The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

7.3 **National Design Guide 2021**

Context: C1 Understand and relate well to the site, its local and wider context;
Identity: I1 Respond to existing local character and identity; I2 Well-designed, high quality and attractive; I3 Create character and identity
Built Form: B1 Compact form of development; B2 Appropriate building types and forms
Movement: M2 A clear structure and hierarchy of connected streets; M3 Well considered parking, servicing and utilities infrastructure for all users
Nature: N1 Provide high quality, green open spaces with a variety of landscapes and activities, including play; N3 Support rich and varied biodiversity
Uses: U2 A mix of home tenures, types and sizes; U3 Socially inclusive
Homes and Buildings: H1 Healthy, comfortable and safe internal and external environment; H3 Attention to detail: storage, waste, servicing and utilities
Lifespan: L3 A sense of ownership

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP8 – Wisbech; East Wisbech Strategic Allocation
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
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**

- **Location**
- **Use**
- **Amount of development proposed**
- **Matters raised during consultation**

9 BACKGROUND

- 9.1 The application site is located within the East Wisbech Strategic Allocation, for which there is an approved Broad Concept Plan in place setting out the nature of the development proposed and how it is envisaged to integrate into the wider area.
- 9.2 A stand-alone hybrid application was approved under F/YR20/0054/O for the erection of up to 10 self-build dwellings (outline application with matters committed in respect of access) and full planning permission for construction of internal road layout' on land immediately to the south of the first part of the access proposed to serve this site.
- 9.3 This development was approved as it was considered that the principle of residential development was set out as acceptable in the East Wisbech Broad Concept Plan. The officer report at that time also highlighted that the site was also within the Primary Market Town of Wisbech, which is identified within the settlement hierarchy as being where the majority of development is expected to take place over the plan period (Policy LP3 refers).
- 9.4 The Planning Committee at its meeting on 23rd September 2020 favourably recommended the scheme, albeit they did move away from the original officer recommendation with a consequence that more extensive highway works were secured to the Meadowgate Lane carriageway. Noting that the case officer had brokered a scheme which did not have the character impacts that would accrue from the more 'engineered' scheme, Members felt that highway safety should be given more weight than the landscape features of the existing verges etc.
- 9.5 Notwithstanding that a suitable scheme had been arrived at regarding access in terms of engineering detail there was still a clear message postulated within the officer report regarding access to the wider BCP area from Meadowgate Lane not achieving policy fit with regard to the broad concept diagram which indicated that only walking and cycling routes would be delivered from this approach.
- 9.6 There is no site-specific application background in relation to the proposed site although the land was included in a Scoping Request covering the entirety of the BCP site in 2019. It is further noted that pre-application advice was not sought in respect of the current scheme.

10 ASSESSMENT

- 10.1 Noting the guidance in place regarding Permission in Principle submissions assessment must be restricted to (a) location, (b) use and (c) amount and these items are considered in turn below:

Location

- 10.2 As indicated in the background section above the site is part of the East Wisbech Strategic allocation and there is an adopted BCP in place. The BCP indicates that the area which is the subject of the application for Permission in

Principle is annotated within the Main Diagram as accommodating a 'vehicular access point', together with a 'new circulation route through housing areas' (both running on a north to south alignment and linking to land to the north and for 'development' – although it must be accepted that the annotations contained within the BCP Main Diagram are broad-brush.

- 10.3 Although an allocation in the local plan does not convey permission in principle in its own right such an allocation is material in the consideration of a PIP submission; accordingly, the location of site is considered acceptable for residential development.

Use

- 10.3 Again it is noted that the land in question forms part of a wider allocation for residential development and accordingly it is accepted that the 'use' proposed is acceptable in principle; reiterating that it is only matters of principle that may be considered.

Amount of development proposed

- 10.4 The BCP notes that '*Work undertaken by Colliers International for both Councils [Kings Lynn and West-Norfolk Borough Council and Fenland District Council] has indicated that with 73.24ha available (50.0 ha for housing) overall up to around 1,730 units could be able to be provided on the site. Overall, this equates to about 25 dwellings per hectare across the whole site with a residential density of about 34 dwellings per hectare within the actual housing areas*'.
- 10.5 The density proposed under the scheme to the south-west of the site (1.22 ha) fronting Meadowgate Lane equates to circa 12 dwellings per hectare with the current site proposing a density of circa 9 dwellings per hectare.
- 10.6 Whilst the site does not achieve the density level specified within the BCP it is noted that it aligns with that agreed on the adjacent site and is appropriate to this 'edge of allocation' site, noting that it is appropriate to mark the transition of the ultimate BCP development into the more sporadically developed land beyond.

Matters raised during consultation

- 10.7 Issues raised during the consultation focus on the following themes and the table below considers these in turn and indicates where they are relevant to the PIP consideration, or indeed if they fall to be considered at the 'technical' stage.

1	Highways and access; specifically, the earlier stance of the LPA relating to the suitability of the access to serve additional dwellings and the need to ensure that it does not ultimately provide access to the wider area.	This is a 'technical' matter, outside the scope of the Permission in Principle submission
2	Design and layout including residential amenity impacts	These are 'technical' matters, outside the scope of the Permission in Principle submission
3	Drainage	This is a 'technical' matter,

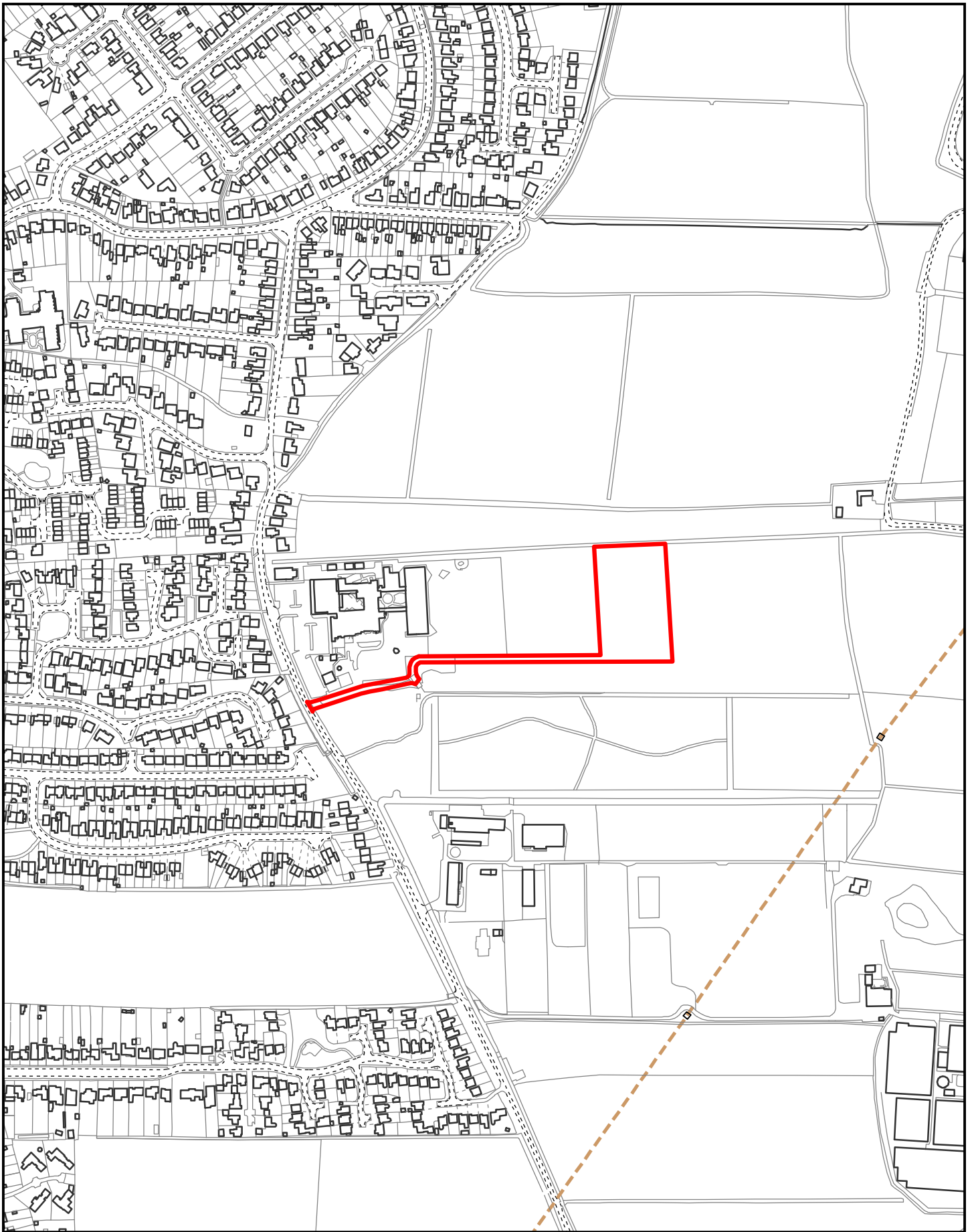
		outside the scope of the Permission in Principle submission. It is acknowledged that the site is within a Flood Zone 1 location.
4	Infrastructure delivery	This is a 'technical' matter, outside the scope of the Permission in Principle submission; due consideration would be given to Policy LP5 at detailed stage should PIP be granted.
5	Construction management	This is a 'technical' matter, outside the scope of the Permission in Principle submission
6	Fire Hydrants	This is a 'technical' matter, outside the scope of the Permission in Principle submission
7	Wildlife, biodiversity and landscaping	These are 'technical' matters, outside the scope of the Permission in Principle
8	Consultations undertaken	Consultations have been undertaken in accordance with the relevant legislation, although only a limited number of premises were directly consulted a site notice was displayed close to the site.
9	Loss of agricultural land	It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds especially against the backdrop of an adopted BCP for the land in question
10	Concerns regarding incremental delivery	This site forms part of the East Wisbech Strategic allocation. It has been accepted through appeal decisions that piecemeal development of wider allocations is not sufficient reason to withhold consent <i>per se</i> .

		Connectivity to the wider BCP would be a matter for consideration at the technical stage
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11 CONCLUSIONS

- 11.1 As indicated above it is only location, use and amount of development that may be considered at the first 'permission in principle' stage and these elements are found to be acceptable.
- 11.2 Whilst legitimate concerns are raised by consultees and interested parties the legislation is clear that these would form part of the 2nd stage 'technical' considerations and may not influence the outcome of the PIP decision. The grant of permission in principle alone does not grant planning permission with the second part of the process requiring the 'technical' details to be found 'sound' in order for the site to achieve the equivalent to a grant of planning permission.
- 11.3 It should be further noted that there is no mechanism to attach conditions to a Stage 1 permission in principle with the application either being granted or refused.

12 RECOMMENDATION: Grant Permission in Principle



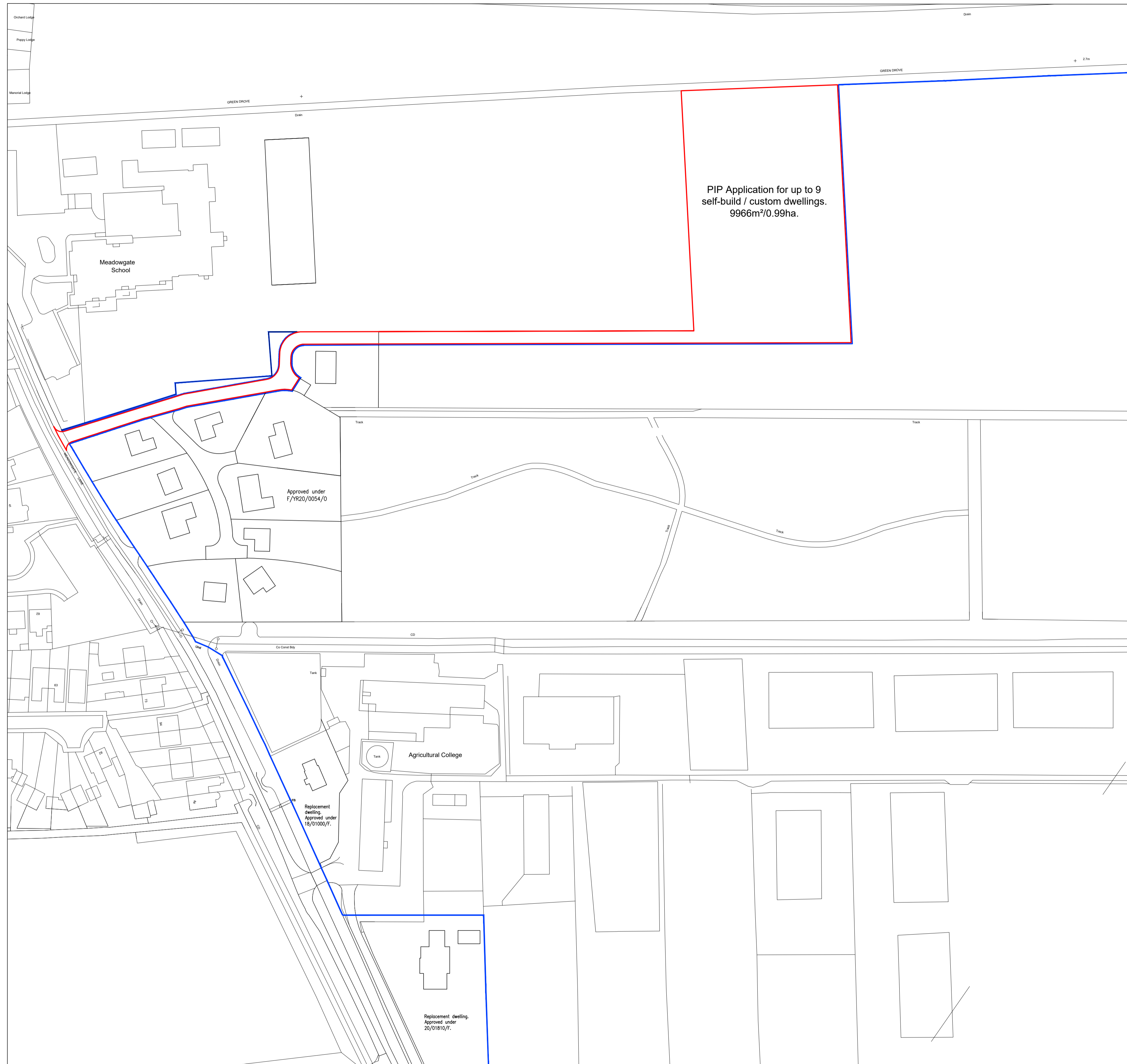
Created on: 23/06/2022

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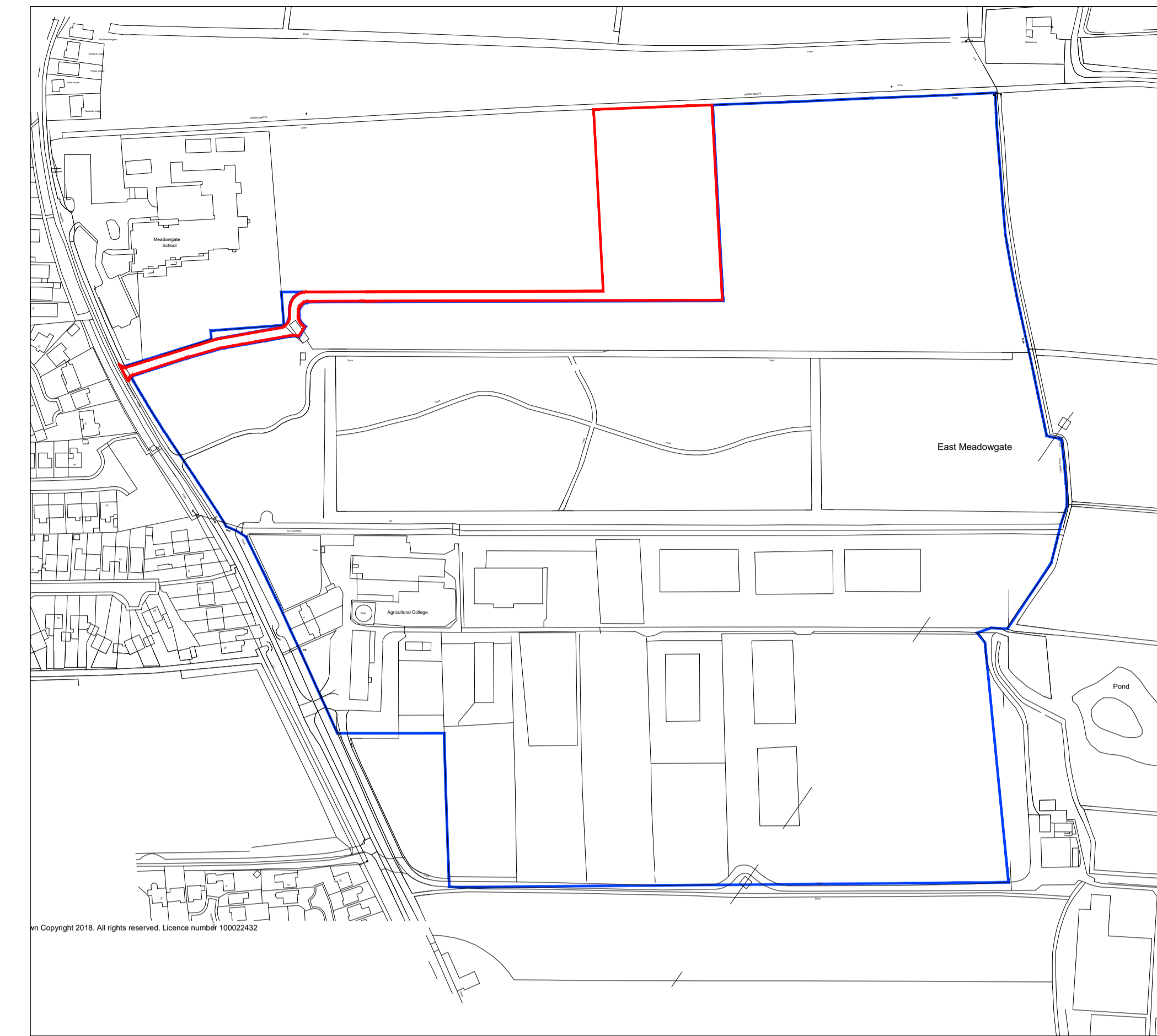
F/YR22/0722/PIP

Scale = 1:5,000





SITE PLAN 1:1000



LOCATION PLAN 1:2500

A - 14.06.2022 - Amendments to red line and site area.
REVISIONS



PETER HUMPHREY ASSOCIATES

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CLIENT

MR P & MRS K HUMPHREY

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

SITE

LAND EAST OF MEADOWGATE ACADEMY
MEADOWGATE LANE
WISBECH
CAMBS
PE13 2JH

DRAWING

PERMISSION IN PRINCIPLE DRAWING

JOB NO.	PAPER SIZE	DATE
6601/PIP01A	A1	MAY 2022

Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's 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. 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 be apparent to a competent contractor.

F/YR22/0338/F

Applicant: Mr Charlie Carmen

**Agent: Mrs Alex Patrick
Alexandra Design**

Land West Of Seadyke Caravan Park, Seadyke Bank, Murrow, Cambridgeshire

Change of use of land to a traveller's site involving the siting of 1 x mobile home and 1 x touring caravan, the erection of 1 x Day Room and the formation of an access

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. Located in Flood Zone 3, the site is an area of grassland located to the north side of Seadyke Bank, in an area of sporadic development located approximately 700m east of the built framework of Murrow.
- 1.2. The proposed scheme comprises the change of use of former paddock land to accommodate the stationing of one mobile home, one touring caravan and a day room, along with associated parking and turning provision and boundary treatments.
- 1.3. The application is accompanied by sufficient information to demonstrate that the proposed occupants satisfy the definition of gypsies and travellers within the PPTS and on that basis the principle of the development is considered to be acceptable. The proposal is considered to acceptable with regard to design, character and the impact on residential amenity in accordance with the necessary policies.
- 1.4. Notwithstanding, the relationship of the site to the settled community in terms of dominance is such that the surrounding sites are already a significant feature in the area, and the granting of consent for the proposed additional plot would result in dominance of the settled community, contrary to paragraph 25 of the PPTS (2015) and policy LP5 of the Fenland Local Plan (2014).
- 1.5. Furthermore, the site is in an area of high flood risk and insufficient information has been provided to demonstrate that this can be satisfactorily mitigated, contrary to: Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapter 14 of the NPPF (2021) and paragraph 13 of the Planning Policy for Traveller Sites (2015).
- 1.6. In addition, the application does not contain sufficient information to reconcile any ecological implications that may arise as a result of development, contrary to Policy LP19 of the Fenland Local Plan 2014 and paragraph 180 of the NPPF (2021).
- 1.7. On balance, therefore, it is considered that the proposal must be recommended for refusal owing to the above issues, the harm from which outweighs the fact that there is currently an unknown level of need in the District and the personal circumstances of the applicants.

2 SITE DESCRIPTION

- 2.1. Located in Flood Zone 3, the site is an area of grassland located to the north side of Seadyke Bank, in an area of sporadic development located approximately 700m east of the built framework of Murrow. The northern boundary of the site is an IDB drain, with agricultural land beyond. Immediately east of the site is Seadyke Caravan Park, a site with 12 gypsy and traveller pitches managed by Fenland District Council.

3 PROPOSAL

- 3.1. The proposed scheme comprises the change of use of land to accommodate the stationing of one mobile home, one touring caravan and a day room, along with associated parking and turning provision and boundary treatments.
- 3.2. The mobile home is proposed to be positioned along the rear northern boundary of the site and is to be of typical appearance.
- 3.3. The proposed day room is to be located to the southeast of the mobile home and will have a footprint of 6 metres deep x 7 metres wide it will contain a bathroom and open day room. Its proposed eaves height is 2.4 metres and its ridge height would be 4.7 metres. Materials have been specified within the design and access statement and application form as red multi brick and imitation cement fibre slates for its construction.
- 3.4. A proposed access will be positioned to the southwest corner of the site off Seadyke Bank. Boundary treatments include 1.8 close boarded fencing to the east and west, conifer planting to the west and north, and a hawthorn hedge to the front (southern) boundary. An existing earth bund will be retained between the site and the adjacent Seadyke Caravan Park to the east.
- 3.5. To the front of the buildings will be a turning and parking area to include space for 2 vehicles and a touring caravan, along with a lawned area to the side and rear of the proposed mobile home.
- 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

F/YR18/0568/F	Erection of 5no industrial buildings (B1) and offices and 1.8 metre high fencing	Refused 22.08.2018
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5 CONSULTATIONS

5.1. North Level Internal Drainage Board

My Board has no objection in principle to the above application.

The Board's Little Seadyke Drain forms the northern boundary to the site and therefore the Board's Byelaws apply, in particular Byelaw no.10 which states that "no person without the previous consent of The Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".

5.2. Cambridgeshire County Council Highways Authority – original comments received 28.04.2022

The access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

The access area section details 1:20, however CCC construction specs require 1:40 cross fall. Please amend on plan.

Furthermore, please indicated the width of the access proposed.

5.3. Cambridgeshire County Council Highways Authority – revised comments received 22.06.2022

The previous comments have been addressed. Highways have no further comments to this application.

5.4. Environment Agency

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

Review of the Flood Risk Assessment We have no objection to the application but strongly recommend that the development is carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0680/ALEXANDRA DESIGN dated January 2022 and the mitigation measures detailed in section 5.2 of the FRA.

Further advice was offered but omitted for brevity.

5.5. Traveller And Diversity Manager (Mr David Bailey FDC)

I have no concern's that [the applicant] is an ethnic Traveller and looking into this case and seeing his work I can confirm that he meets the ppts definition of being a Traveller...

[The applicant] has a child. Therefore it is in the best interests of the children that they have a settled base from which to access education and health care.

5.6. Parson Drove Parish Council

The Council agreed to recommend refusal to F/YR22/0338/F Change of use of land to a traveller's site involving the siting of 1 x mobile home and 1 x touring caravan, the erection of 1 x Day Room and the formation of an access Land West Of Seadyke Caravan Park Seadyke Bank Murrow Cambridgeshire as there is no further need identified by a Travellers Needs Assessment, as cited in refusals F/YR21/0487/F and F/YR21/1244/F.

5.7. Local Residents/Interested Parties – no comments received

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home
- 6.3. The Council also has a duty Under the Equality Act 2010, ("2010 Act") 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.
- 6.4 Race is a protected characteristic identified by the 2010 Act. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the Public Sector Equality Duty, contained in the 2010 Act.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

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

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

Para 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.

Para 180 - Adequate mitigation for biodiversity harm

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context

Identity

Built Form

Movement

Uses
Homes and Buildings

7.4. **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP14 – Responding to Climate Change and Managing the Risk of Flooding
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP19 – The Natural Environment

7.5. **Planning Policy for Traveller Sites (PPTS) August 2015**

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

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

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) including RECAP CCC Waste Management Design Guide SPD (2012)
- Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) Update 2013

8 **KEY ISSUES**

- **Principle of Development**
- **PPTS policies and criteria**
- **Impact on the character and appearance of the area**
- **Impact on the amenity of neighbours and dominance of the nearest settled community**
- **Sustainability – transport, highways safety, servicing**
- **Flood Risk**
- **Ecology**

9 **ASSESSMENT**

Principle of Development

- 9.1. 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.

9.2. 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.

9.3. As such, the principle of Traveller sites in the countryside is supported. The means by which new Traveller development is to be controlled are set out in further policies in the PPTS and in local policies, and these are considered below.

PPTS policies and criteria

9.4. Under PPTS Policy B planning authorities should, amongst other things, set pitch targets for Gypsies and Travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
- b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;
- e) protect local amenity and environment.

9.5. Policy H, paragraph 22 of the PPTS notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites;

- e) that they should determine applications for sites from any Travellers and not just those with local connections.
- 9.6. As such, in respect of Policy H the following is considered:
- (a) *The existing level of provision and need for Traveller pitches*
- 9.7. Policy LP5 Part D states there is no need for new pitches as per the findings of the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) update. 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.
- 9.8. The most recent Gypsy and Traveller Needs Assessment (GTANA) update was carried out in 2013 and this identified a need for 18 pitches up to the year 2026. Since then, at least 43 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 (owing to delays due to the Covid-19 pandemic) and there is no available up to date empirical evidence to enable Officers to accurately assert what the District's need is or how this will be met.
- (b) *The availability (or lack) of alternative accommodation for the applicants*
- 9.9. Based on the current status of the GTANA, it is concluded that the Council is unable to adequately demonstrate that they have a 5-year supply of Traveller pitches at present. Therefore, it can be reasonably concluded that the Council would be unable to confirm the availability of alternative accommodation for the applicants as per part (b) of the PPTS. Policy H states that where an authority cannot demonstrate an up to date five year supply, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.
- (c) *Other personal circumstances of the applicant*
- 9.10. The applicant has provided a confidential statement clarifying the applicant's personal circumstances and providing some detail as to why the applicant should be accommodated at this location. The Council's Traveller and Diversity Manager has corroborated this and has confirmed that the applicant is of ethnic Gypsy Traveller heritage and as such meet the PPTS definition.
- 9.11. From the information supplied it confirms the applicant has a young child of pre-school age, who has 2 half-siblings, and that they have familial ties in the area. The applicant currently lives on a privately rented traveller pitch outside of the District that has been sold and as such the applicant seeks to relocate to Murrow to be nearer their extended family. The applicant intends to enrol one child in Murrow pre-school, with evidence suggesting that this may be possible, although enrolment is not confirmed. However, no evidence has been provided to confirm the ages of any other children (the half-siblings), whether they reside with the applicant, nor if these children will be enrolled at local schools.

- 9.12. Whilst it is accepted that there appears to be a requirement for the applicant to relocate and that the rights of a child and benefit of settled education are pertinent to consider, from the details provided, it appears that the applicant's child is not yet in full-time education with only a prospective enrolment possibility for one child at a local pre-school. As such, limited weight can be afforded to the personal circumstances of the proposed occupants and this must be considered in the planning balance against any harm resulting from the scheme.

Impact on the character and appearance of the area

- 9.13. Part D of Policy LP5 of the local plan, sets out criteria against which applications for Gypsy and Traveller (and Travelling Show people) caravan sites and associated facilities will be assessed, which with regard to character includes;
- (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
 - (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
 - (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.
- 9.14. With regard to design and character, Policy LP16 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; and
 - (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.
- 9.15. 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
- 9.16. The site is in the open countryside directly west of an adjacent FDC Gypsy and Traveller "Seadyke Caravan Park" and located approximately 115m east

of further Gypsy and Traveller sites known as “The Haven” and “Conifer Place”.

- 9.17. Travelling east along Seadyke Bank as you progress out of Murrow, the landscape character is that of sporadic residential and commercial development interspersed within swathes of agricultural land. Given the likely appearance of the proposed mobile home and day room, it is difficult to ensure that these will 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. The location of the site within the landscape, the placement of the development within the site and the boundary treatment will be important to ensure that the scheme does not appear as a stark incongruous feature 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.
- 9.18. In this instance, the proposal will not amount to overdevelopment, with a generous amount of the plot left for private amenity space, parking and turning. The western boundary of the site will include conifer hedging and 1.8m close boarded fencing, and as such, views of the site will be restricted on approach from the west. Furthermore, the adjacent Traveller site at “Seadyke Caravan Park” and retained earth bund on the eastern boundary will restrict views of the site when approaching from the east.
- 9.19. Appropriate planting by way of a Hawthorne hedge is proposed to the southern boundary, fronting Seadyke Bank, which will help to soften the visual appearance of the proposal on the streetscene.
- 9.20. As such, it is considered that the proposal is acceptable in terms of its impact on character and appearance of the area, and complies with the aforementioned policies.

Impact on the amenity of neighbours and dominance of the nearest settled community

- 9.21. Impact on amenity can arise as a result of a range of factors, including noise, overlooking and overbearing/overshadowing. The development is sufficiently separated from adjacent Seadyke Caravan Site and other dwellings, so as not to impact on residential amenity in terms of loss of the factors outlined above.
- 9.22. With regard to the matter of dominance of the site on the settled community, regard is had to the PPTS and in particular the approach set out by the Planning Inspector on consideration of appeal APP/L2360/C/20/3250478 in South Norfolk. The Inspector in that case determined that the ‘nearest settled community’ was a different concept to the ‘nearest settlement’ and that is considered of a ‘scatter of houses and farms’ that lay within 1km of the site.
- 9.23. In the appeal case, the Inspector was considering a proposal for 8 plots separate from any other development and on that basis a development of that number of plots clustered into a small area represented a significant difference from the typical built pattern of its surroundings. In this case however, the proposed plots is in close proximity to a further 21 previously

approved plots, with the resulting grouping of development resulting in a density of development that therefore differs from the appeal proposal by a significant amount.

- 9.24. In this instance, it is not considered that a 1km radius represents the 'nearby settled community' as this would then include the outlying parts of the settlement of Murrow, a settlement with a very different character and development density to the development in the countryside beyond and a separate settlement in its own right. On that basis, it is considered that for this case a radius of 0.5km is more appropriate as this covers the area where development is of a similar scattered nature to the immediate surroundings of the application site.
- 9.25. There are approximately 7 residential properties within a 0.5km distance of the application site. Cumulatively, Seadyke Caravan Park, Little Acre Gypsy and Traveller site immediately west of Seadyke Caravan Park and the additional plots at The Haven and Conifer Place to the west of the application site, would total 21 traveller plots in the area. Should this application be permitted, this total would increase to 22. This level of development (22) is considered to result in dominance of that settled community as a result of the combination of permitted and proposed traveller sites. On this basis, the proposal would be contrary to paragraph 25 of the Planning Policy for Traveller Sites (2015), which requires that sites do not dominate the nearest settled community.

Sustainability – transport, highways safety, servicing

- 9.26. With regard to sustainability and servicing, Part D of Policy LP5 sets out further criteria against which applications will be assessed, which includes;
- (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
 - (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
 - (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
- 9.27. Policy LP15 seeks to ensure development proposals include safe and convenient access with no detrimental impacts to the highway network.
- 9.28. With regard to general accessibility Seadyke Bank offers two-way vehicle movement and the scale of the development is not considered to give rise to significant highways conflicts.
- 9.29. Amended plans were received in response to initial comments received from the LHA to address their concerns. The revised plans depict that the site is proposed to be served by a 5m wide sealed and drained access to CCC Highways specification. Visibility from the access is good in both directions and there is sufficient space within the site to ensure entrance and exit from the site in a forward gear. The LHA has been consulted on the revised

proposal and has raised no objection to the scheme, subject to their construction as per the submitted revised plans. As such, the proposal is considered acceptable with regard to Policy LP15 and Policy LP5 Part D (d).

- 9.30. Although the site is in the countryside, Murrow and Wisbech St. Mary are both only a short drive away from the site and each provides access to primary schools, medical facilities and other services. The adjacent FDC Gypsy and Traveller site was found to be acceptable with regards to its position in 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 or street lighting.
- 9.31. Given the position of the site, it would appear there is no available connection to the mains sewage system. The application form details foul and surface water drainage at the site to be via a cess pit and soakaway. 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. Potable water will be provided through the connection to mains water prior to the occupiers moving onto the land to live. Thus, the proposal is considered acceptable with regard to Policy LP5, Part D (f).

Flood Risk

- 9.32. The site is in Flood Zone 3, with a high probability of fluvial flooding. Planning Practice Guidance identifies development of land for permanent siting of caravans to be highly vulnerable development. Given these factors, the Planning Practice Guidance therefore states in Table 3 that the development should not be permitted here.
- 9.33. The site is accompanied by a Flood Risk Assessment (FRA). The EA has not objected to the application on the grounds of flood risk, providing the mitigation measures outlined within the FRA are followed.
- 9.34. Notwithstanding, the provided FRA relies on a recent appeal decision to justify why the site can exist in an area at risk of flooding (appeal reference: D0515/C/18/3196061) which refers to a site in Wisbech St Mary. The FRA goes on to set out that there are no other sites available in a lower area of flood risk as large parts of the District close to the River Nene lie in Flood Zone 3, with limited opportunities for development sites within lower flood zones. It also refers to the level of protection afforded to it by existing flood defence systems.
- 9.35. The FRA does not refer to any searches of other land that might be reasonably available in a lower area of flood risk and there is therefore no demonstration that an active search of alternative sites has been undertaken. Notwithstanding this, the appeal site to which the FRA refers was supported by detailed modelling undertaken by the North Level Internal Drainage Board and demonstrated that in the event of a breach of flood defences, that any flood waters would only reach the site at depths no higher than 100mm. No

such modelling has been carried out here, neither has any topographical survey of the site and surroundings for comparison.

- 9.36. Whilst some mitigation could be secured e.g., ensuring floor levels are raised as suggested in the FRA, this would not in itself prevent property stored at ground level from being affected. Neither would it enable safe passage for the occupiers, in the event of flooding, to safely egress the site. It is considered that the application fails to demonstrate that people and their property would not be at risk or even danger in a flood event.
- 9.37. Whilst it could be argued that the sequential test is passed on the basis that the council are unable to demonstrate that they have sites available now, to accommodate the applicant and his family, this does not overcome the risk to those occupiers from flooding (exception test) which has not been satisfactorily ruled out here.
- 9.38. The application is therefore in conflict with Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapters 12 and 14 of the NPPF (2021) in respect of amenity and flood risk respectively and paragraph 13 of the Planning Policy for Traveller Sites (2015).

Ecology

- 9.39. The submitted biodiversity survey states that the proposal will not be within 5m a watercourse (Qu.2). However the red line boundary of the application site shows the northern boundary directly abutting the drain. As such, the planning application should be accompanied by a preliminary ecology survey, or a statement from a suitably qualified ecologist to demonstrate that no priority species or habitats are likely to be impacted on by the scheme to rule out the need for further survey work.
- 9.40. The application details submitted did not include evidence to reconcile any ecological implications at the site and as such the LPA cannot be confident that the proposals will not detrimentally possible protected species. As such the application is contrary to Policy LP19 of the Fenland Local Plan and Paragraph 180 of the NPPF.

10 CONCLUSIONS

- 10.1. 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 PPTS and on that basis the principle of the development is considered to be acceptable.
- 10.2. The relationship of the site to the settled community in terms of dominance is such that the surrounding sites are already a significant feature in the area, and the granting of consent for the proposed additional plot would result in dominance of the settled community. This is a negative feature at odds with

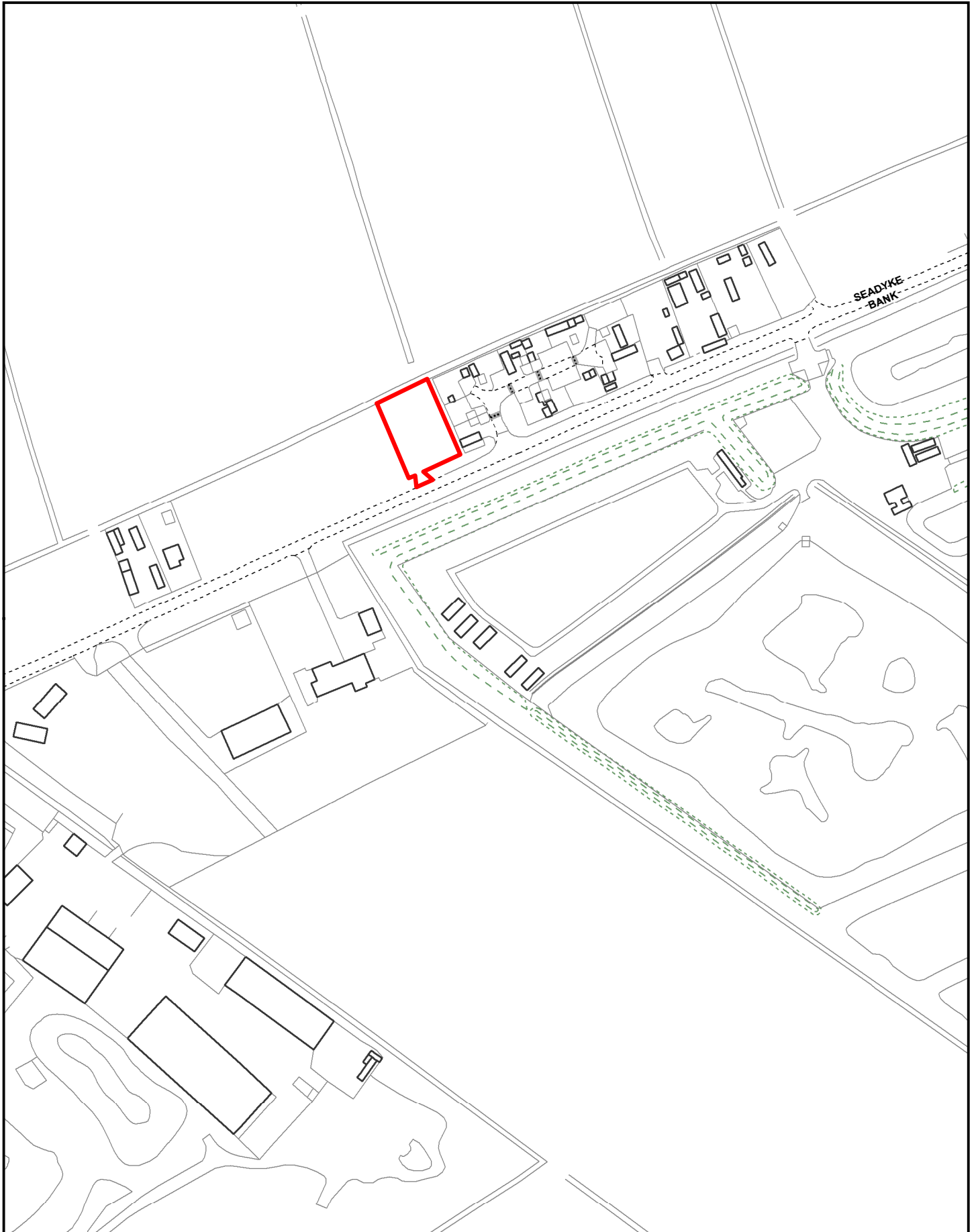
national and local planning policy and it is concluded that the additional impact resulting from the proposal justifies refusal on these grounds.

- 10.3. The site is in an area of high flood risk and insufficient information has been provided to demonstrate that this can be satisfactorily mitigated. In addition, the application does not contain sufficient information to reconcile any ecological implications that may arise as a result of development.
- 10.4. Turning to the personal circumstances of the applicant and his extended family, no other consideration is more important than the best interests of the children. However, these best interests will not always outweigh other considerations including those that impact negatively on the environment. Notwithstanding this, there are clearly negative impacts arising from the development that could adversely impact on the children, as well as the other occupiers. Whilst it is acknowledged that a settled base is important for emotional well-being and for education, these must be weighed against any harm arising through the proposal.
- 10.5. On balance, it is considered that the proposal must be recommended for refusal as the evident flood risk issue, lack of supporting ecological information, and the dominance of the settled community outweighs the fact that there is currently an unknown level of need in the District and the personal circumstances of the applicants. Due consideration has been given to the obligations arising from the Human Rights Act 1998 and the Equality Act 2010 and neither of these are considered to outweigh the harm identified above.
- 10.6. Paragraph 27 of the PPTS sets out;
- “If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”*
- 10.7. Whilst it is acknowledged 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, a temporary permission has been considered inappropriate in this instance, in view of the harm that in respect of exposure to flood impacts and concerns resulting in dominance of the settled community. These are current issues that cannot be satisfactorily mitigated, meaning the associated impacts are present now, rather than after a temporary permission has lapsed.

11 RECOMMENDATION
Refuse, for the following reasons;

1	The proposal is for the provision of 1 traveller plot with associated provision of a day room, boundary fencing and other development ancillary to the overall proposal. Paragraph 25 of the Planning Policy for Traveller Sites states that <i>“Local planning authorities should ensure that sites in rural areas respect the scale of, and do not</i>
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	<p><i>dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.</i>” The scheme would result in a cluster of 22 traveller plots in close proximity to each other and as a result would dominate the nearby settled community, which consists of scattered residential development in the open countryside. The scheme would therefore be contrary to paragraph 25 of the PPTS (2015) and policy LP5 of the Fenland Local Plan (2014). The harm arising is significant enough that it is not outweighed by the personal circumstances of the applicant, the consideration of the provisions of the Equality Act 2010 / Human Rights Act 1998 or the fact there is no up to date assessment of the need for pitches.</p>
2	<p>Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework seeks to direct development to areas of lowest flood risk to ensure the safety of people and property. The proposal would result in Highly Vulnerable development being located within Flood Zone 3, the area of highest flood risk thereby putting people and property in danger of identified risks to the detriment of their safety. Insufficient evidence has been provided to demonstrate that the siting of a pitch in this location would not place people and property at unacceptable risk of flooding. As such it would be contrary to: Policies LP5 - Part D (a), LP2 and LP14 of the Fenland Local Plan 2014; the Cambridgeshire Flood and Water SPD 2016, Chapter 14 of the NPPF (2021) and paragraph 13 of the Planning Policy for Traveller Sites (2015).</p>
3	<p>Policy LP19 of the Fenland Local Plan (2014) and the National Planning Policy Framework seeks to ensure conservation, enhancement and promotion of biodiversity within the natural environment. The application site directly abuts a watercourse at its northern boundary. Insufficient evidence has been provided to demonstrate that development in this location would not detrimentally impact any protected species within the watercourse or site area. As such the scheme is contrary to Policy LP19 of the Fenland Local Plan 2014 and paragraph 180 of the NPPF (2021).</p>



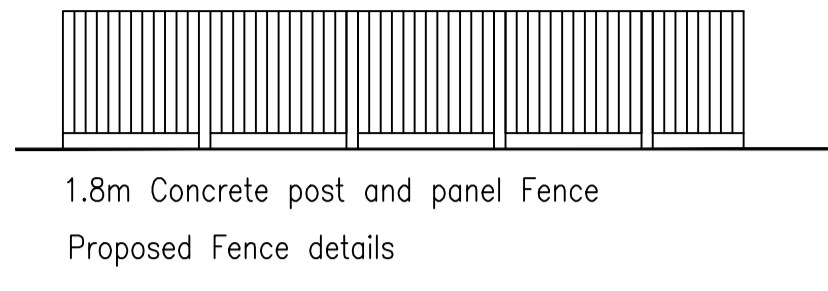
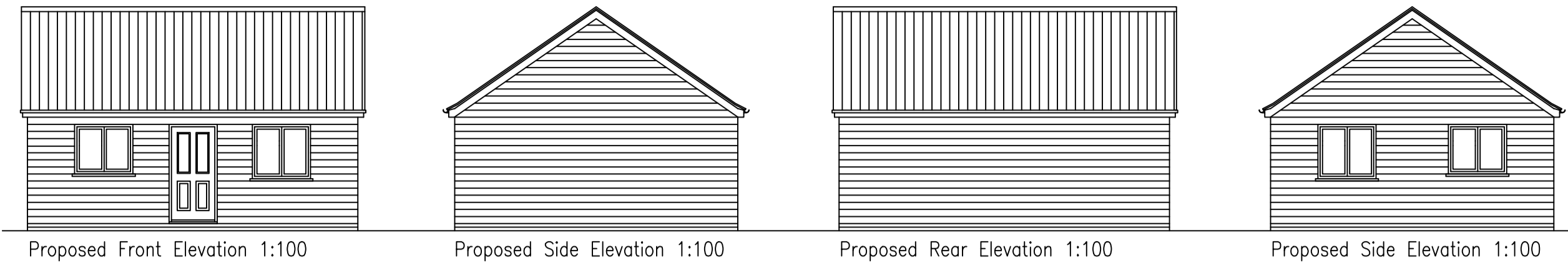
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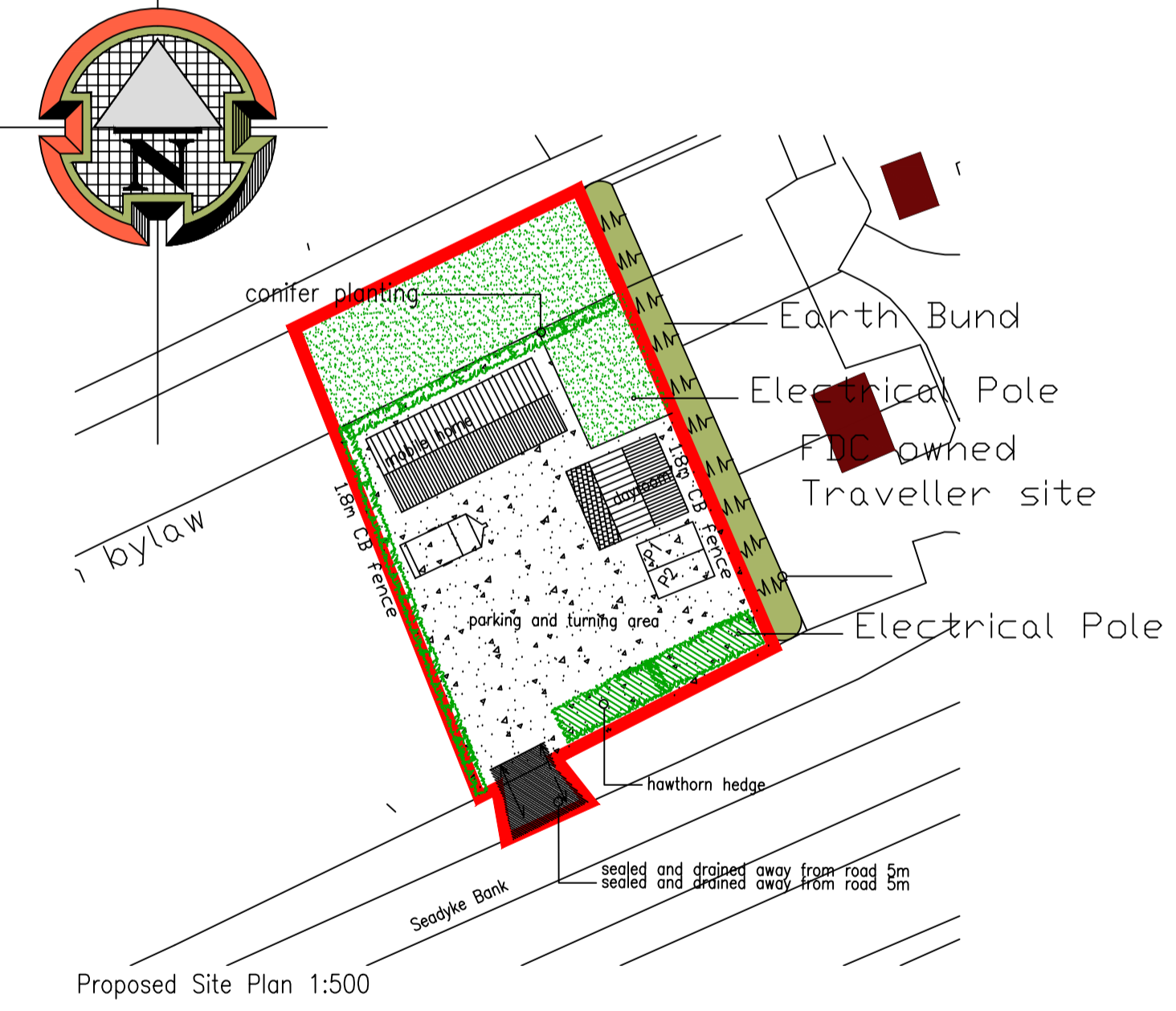
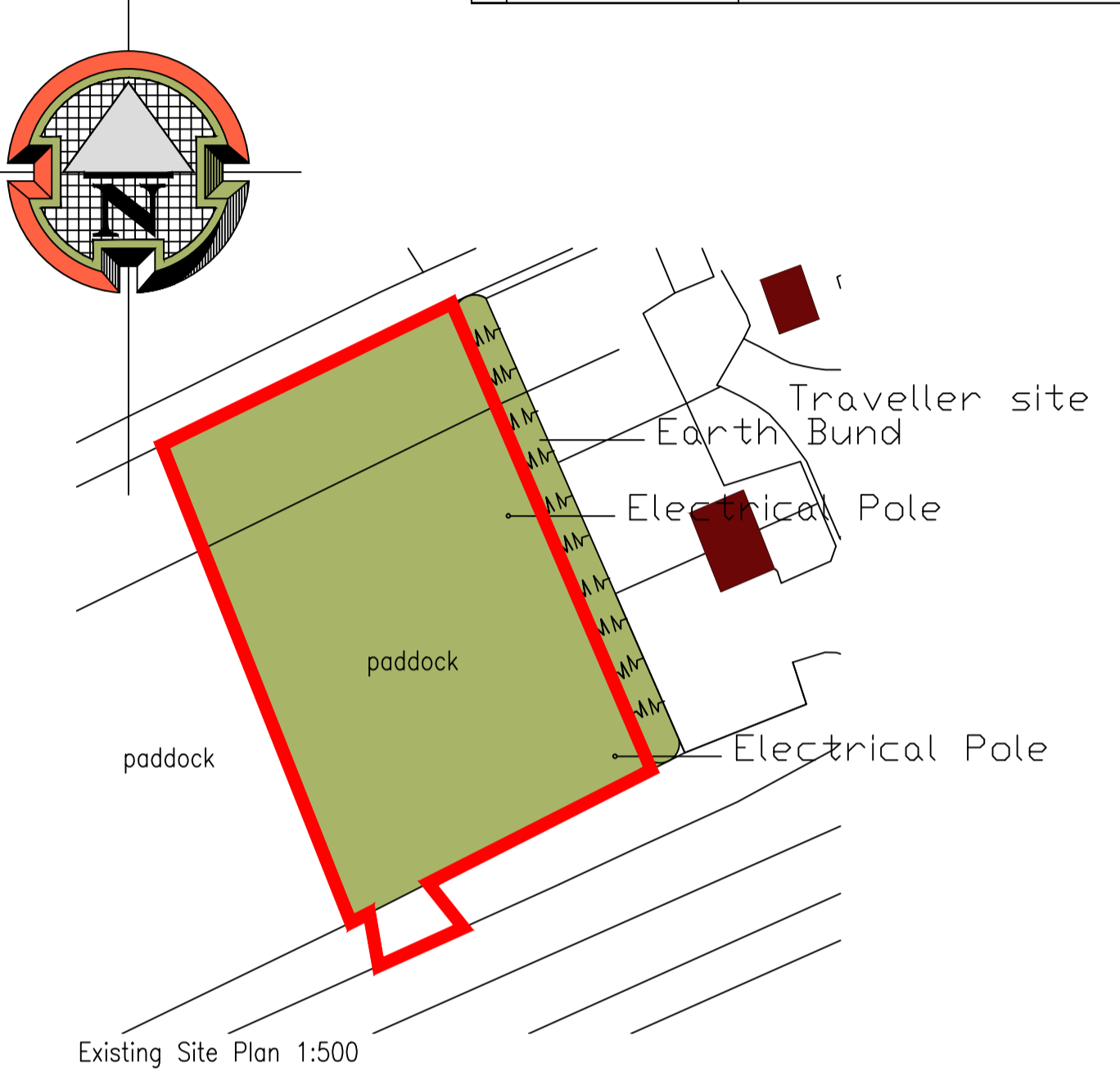
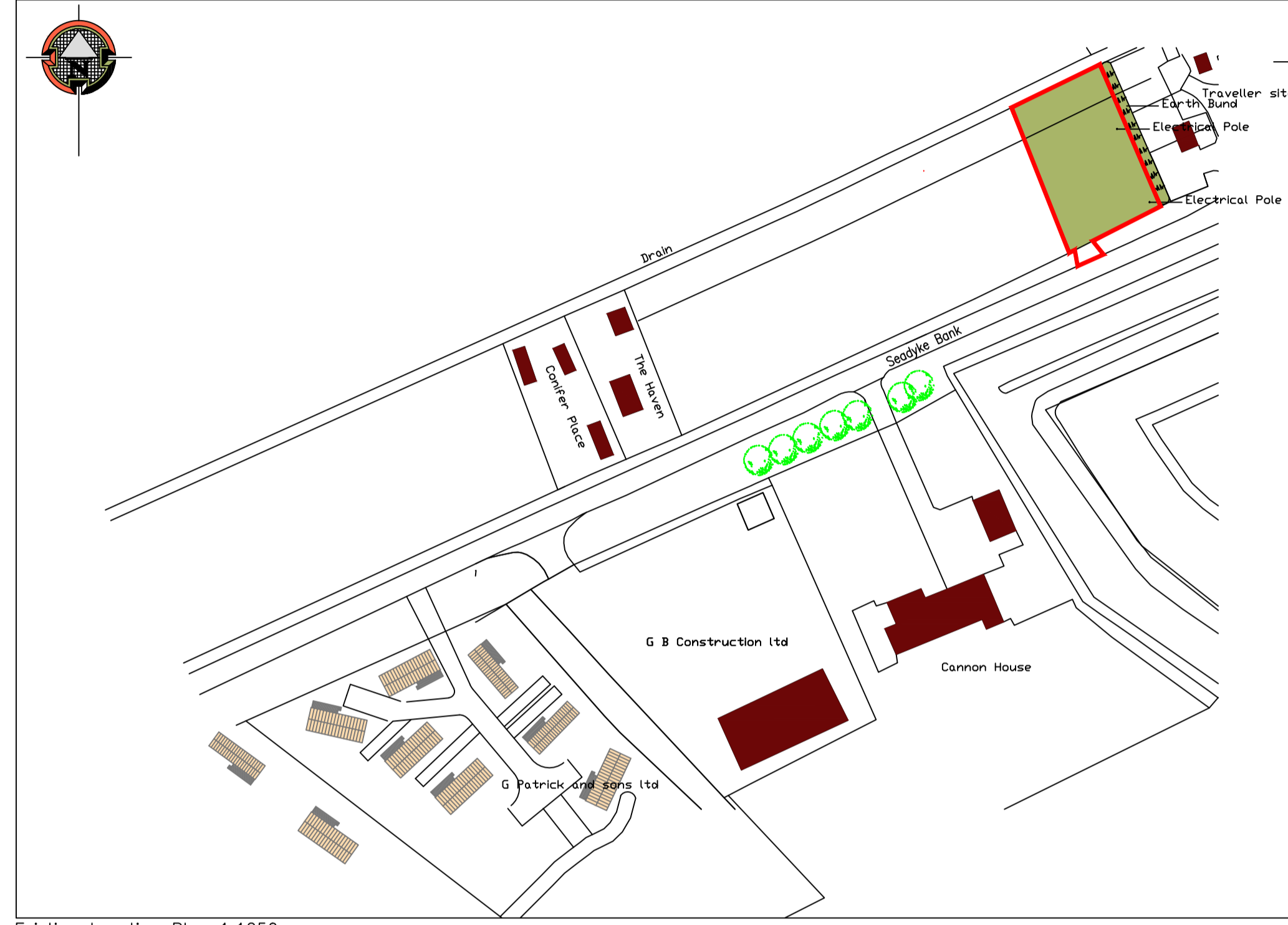
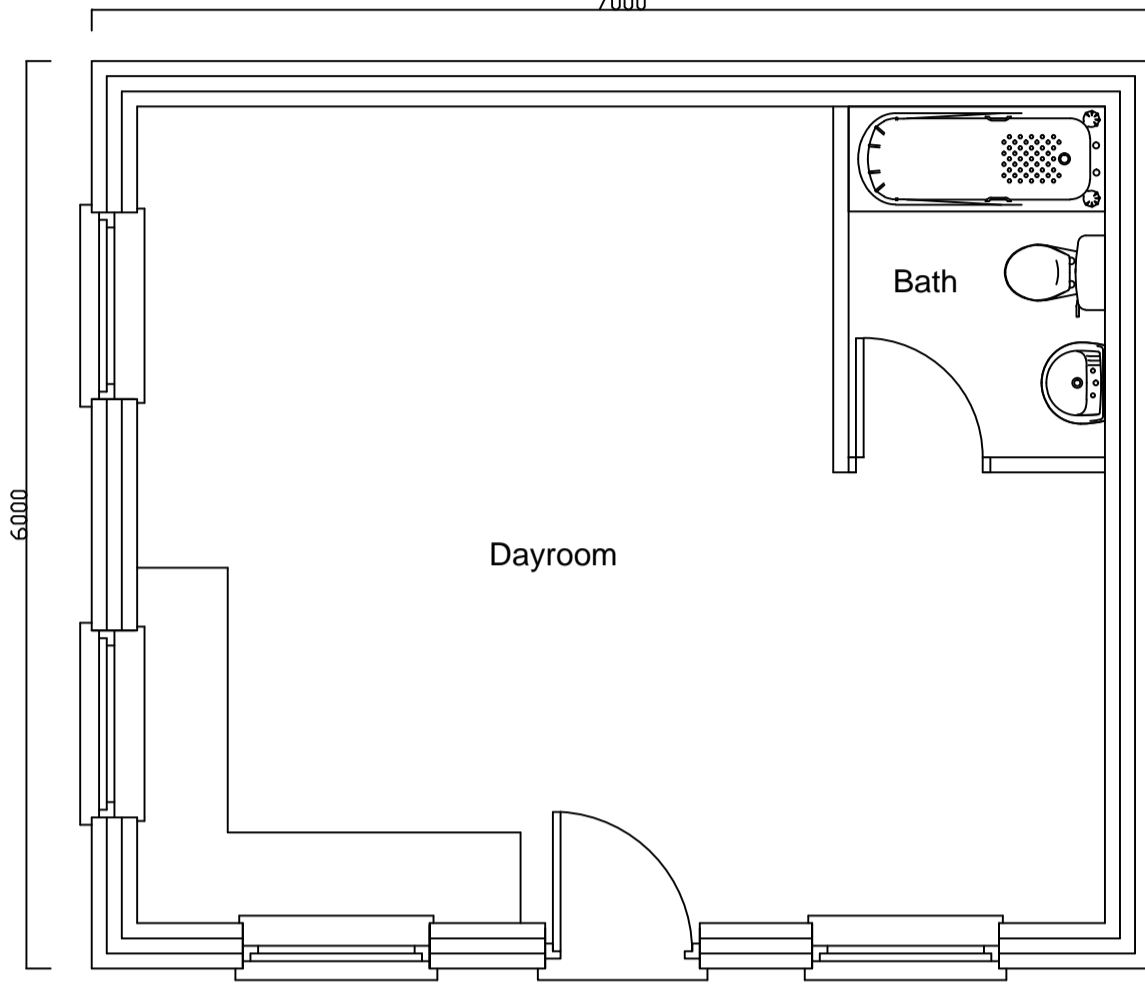
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Asphalt Access Area Section Detail 1:40

LAYER	SPECIFICATION	THICKNESS
1. surface course	SMA 6 surf 40/60 to section D3 of PD 6691(4)(5)(11), min PSV50 to give texture depth of 0.6-0.1 SHW clause 921 table 9/3. (measured by sand patch method)	25mm
2. binder course	AC 20 dense bin to BSEN13108-1 and PD6691 with 50 pen binder.	90mm
3. sub-base	Granular sub-base type 1 to clause 803(1) certified as nonfrost susceptible, spread evenly on the foundation and compacted. compact to clause 802(1) to achieve a min CBR value of 30%. formation to be treated with an approved weed killer prior to laying sub-base.	365mm



General Notes:
 -Dimensions on all drawings are shown in "mm".
 -The contractor,sub-contractor and supplies must verify all dimensions before commencement of any works on site.
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.

Landscaping Key (hard and soft)
 Lawn area
 Driveway/Parking/Courtyard permeable loose gravel or similar to aid surface water drainage
 Patio area
 Entrance threshold sealed and drained away from highway for first 5m with gully

Native hedgerow retention
 Hedgerow planted with a balanced mix of:
 • Common Hawthorn

Asphalt Access Area construction detail
 1. Refer to BS EN 13108-1 for material spec for asphalt concrete.
 2. Refer to BS EN 13108-4 for material spec for hot rolled asphalt.
 3. Refer to BS EN 13108-5 for material spec for stone mastic asphalt.
 4. Refer to BS 594987 for transport,laying and compaction of all asphalts.
 5. Bond coats to be used in accordance (no.4) to be applied on all kerb and edging faces along with gully and cover frames. Bond coats to be applied on top of base and binder courses. Joints in binder and base course to be over banded.
 6. Construction thicknesses based on CBR value. CBR testing must be undertaken.
 7. If CBR value is less than 2.5% special engineer measurements will be required.
 8. If sub-grade is deemed to be frost susceptible sub-base thickness to be thickened to provide min. construction depth of 450mm.
 9. Footpath sub-base to be thickened to 150mm under vehicular crossings.
 10. SMA to be gritted whilst material is hot-1-2kg per m2 applied by roller mounted hopper.

Revisions:

Reference: 147/PL01
 Pages: 1

Scale: as shown

Project: Proposed Gypsy and Traveller site

Site Address: Adjacent Approved Traveller site Seadyke Bank Murrow

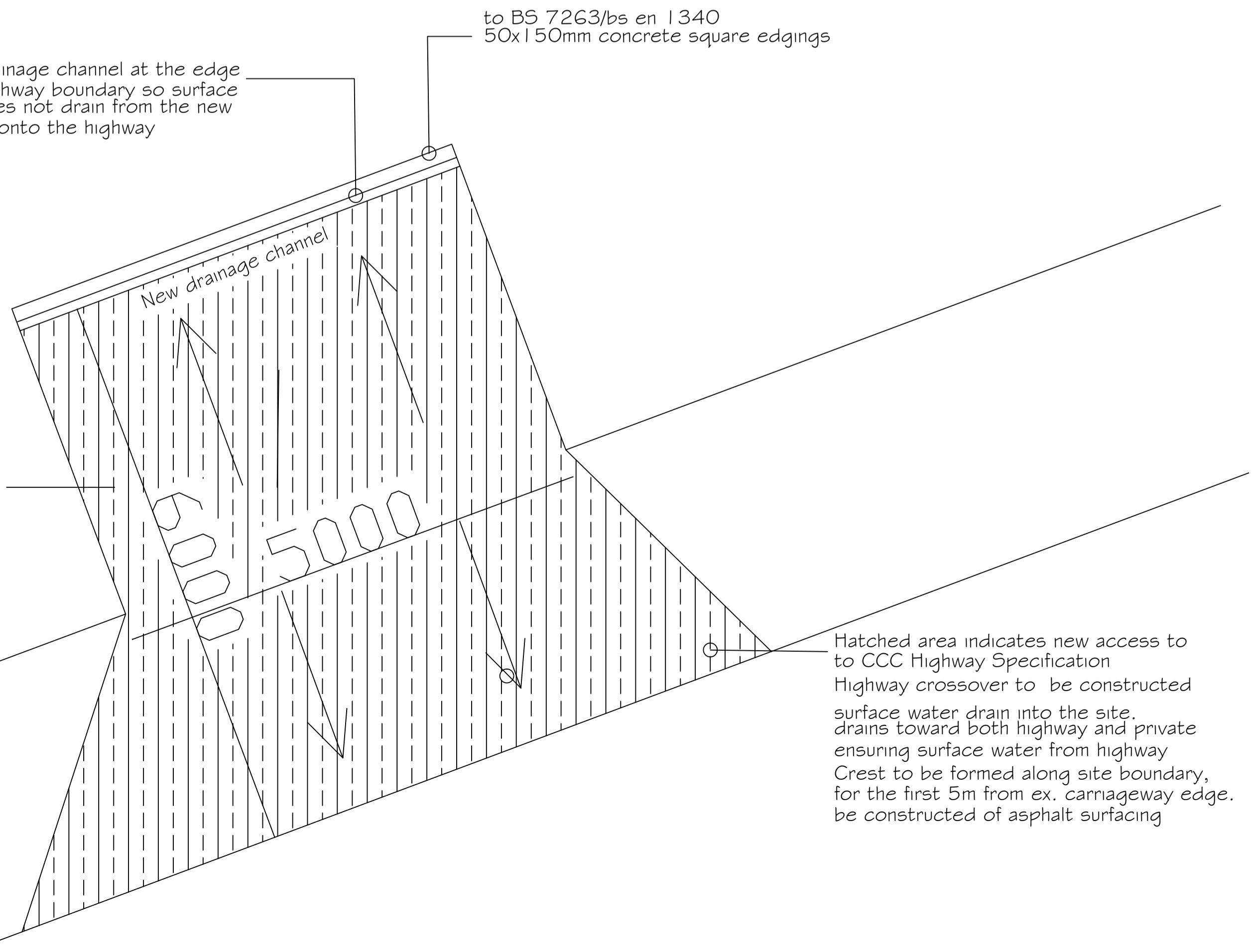
Client: Mr Carman



Southfork Farm
 Seadyke Bank
 Murrow
 Cambridgeshire
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 E: info.alexandradesign@gmail.com

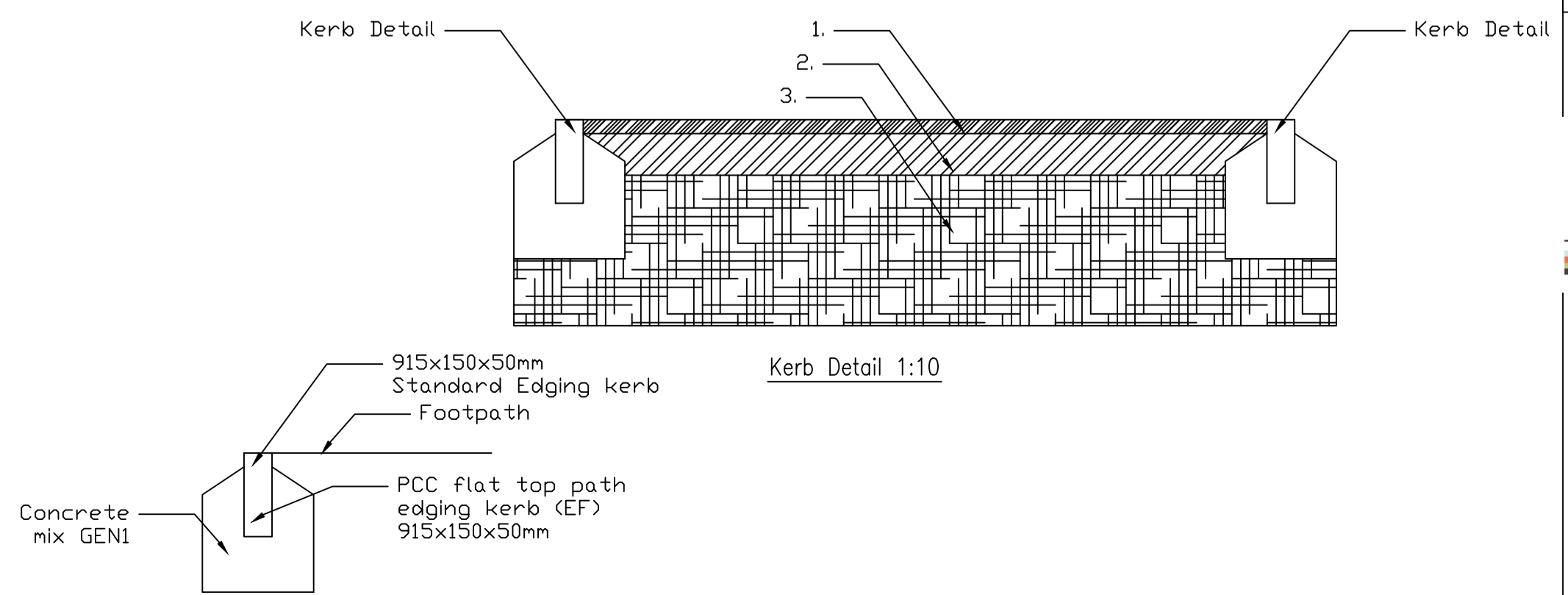
Install drainage channel at the edge of the highway boundary so surface water does not drain from the new driveway onto the highway



to BS 7263/BS EN 1340
 50x150mm concrete square edgings

to BS 7263/bs en 1340
 50x150mm concrete square edgings

Hatched area indicates new access to to CCC Highway Specification Highway crossover to be constructed surface water drain into the site. drains toward both highway and private ensuring surface water from highway Crest to be formed along site boundary, for the first 5m from ex. carriageway edge. be constructed of asphalt surfacing



F/YR22/0755/O

Applicant: Mr D Upton

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

The Piggeries, Flaggrass Hill Road, March, Cambridgeshire

Erect up to 4 x single storey dwellings involving demolition of existing buildings (outline application with matters committed in respect of access) (part retrospective)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

The site lies outside the settlement area of March and outside of any other settlement area identified within policy LP3 of the Local Plan. The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location of the proposed dwellings in a back land setting where this does not fit with the pattern of development at the locality and would be unsustainably linked to nearby services and facilities.

It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be considered by those determining subsequent planning applications. Recent case law has established that;

“a local planning authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision- making.”
(R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050)

The Council has refused planning permission for this development on three previous occasions, all under the current Local Plan. Whilst some of the previous issues have been overcome, there remains an in principle issue with allowing development at this location and whilst the proposed bungalows are preferable to two storey dwellings, this does not completely overcome the character and appearance issues raised in previous reasons for refusal.

The previous refusals of permission are material considerations which should be afforded significant weight. There are no material circumstances which lead to an alternative conclusion being acceptable.

2 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.25 hectares of agricultural land situated northeast of March but outside of the main settlement. The site was last in use as a Piggery and had been partially covered with dilapidated buildings and vegetation, however, the buildings and vegetation have recently been cleared from the site. At the time the case officer made the site visit there were piles of rubble and vegetation on the site but otherwise it comprised bare earth. The site is accessed via a single track from the eastern side of Flaggrass Hill Road. This road connects to Creek Road approximately 130 metres south of the proposed site access.
- 2.2 The area of Flaggrass Hill Road and Creek Road which encompass the site is characterised by relatively modest single storey dwellings which front onto the highway.
- 2.3 The site lies within Flood Zone 1 having regard to the latest Environment Agency Flood Maps for Planning. There is a drain which runs along the east boundary of the site.
- 2.4 The site is crossed by the Fen Causeway, an important Roman road in an area exceptionally rich in archaeology.

3 PROPOSAL

- 3.1 The application seeks outline planning permission to erect up to four single storey dwellings with all detailed matters reserved for subsequent consideration except for the access which would be via the existing vehicular access into the site. The application is part retrospective because the existing buildings at the site have already been demolished.
- 3.2 An indicative site layout plan has been submitted with the application which shows four dwellings laid out within the site – two towards the front of the site and two set to the rear, however this drawing is not for consideration but is for illustrative purposes only.

Full plans and associated documents for this application can be found at: [Planning - Fenland District Council](#)

4 SITE PLANNING HISTORY

- 4.1 F/YR21/1057/F Erect 2 x 2-storey 4-bed dwellings with covered parking involving demolition of existing outbuildings – refused 02.11.2021

F/YR17/1230/F Erection of 2 x 2 storey 4-bed dwellings with attached double garages involving demolition of outbuildings – refused 01.03.2018

F/YR16/0999/F Erection of 2no x 2-storey, 4 bed dwellings with attached double garages involving demolition of existing outbuildings - refused 21.12.2016

5 CONSULTATIONS

- 5.1 **FDC Environmental Health** – No objections subject to contaminated land condition being imposed should permission be granted

- 5.2 **CCC Archaeology** – *Records show the site lies in an area of high archaeological potential. The proposed development area is crossed by the Fen Causeway, an important Roman Road in an area exceptionally rich in archaeological remains. If approved, the development should be subject to a condition requiring archaeological investigation and a programme of work secured through a Written Scheme of Investigation (WSI)*
- 5.3 CCC Highways have not responded at the time of writing. Previously did not object subject to conditions but requested FDC to consider sustainability of the site in terms of its situation.
- 5.4 March Town Council – no response received.

Local Residents/Interested Parties

5.5 Objectors

Six letters of objection have been received from neighbours who all live on Creek Fen Road except one on Flaggrass Hill Road. They raise the following concerns;

- We were told this application was to be for 2 dwellings which we would accept but not for four.
- If this is approved there should be a stipulation that the dwellings are single storey only.
- Four previous applications have been refused by Planning Committee
- Should remain agricultural/horticultural or equine use of the land
- Doesn't comply with policy. The site is not within March and housing on this site is not necessary. Even the towns upgraded broadband stopped at the junction of Creek Road/Estover Road
- There are no streetlights or footpaths to the town of March from this site
- Design/appearance
- Loss of view/outlook
- Traffic and highways
- Would set a precedent
- Parking
- Drainage and flooding
- Loss of privacy
- Light pollution
- Density
- Wildlife concerns – the site has been cleared to avoid need for a full ecology report
- There would not be access to the ditch as this is on my property

5.6 Supporters

Letters of support have been received from 38 individuals from 37 households from various addresses across March . However, 34 of these letters were submitted prior to the Council undertaking the statutory consultation and therefore the validity of these is perhaps somewhat questionable. For this reason the representations were not considered in relation to the triggers for reporting to Committee set out in the Council's Scheme of Delegation.

The comments received are summarised as follows;

- If left undeveloped, the site would become overgrown again attracting vermin and rubbish to be dumped on the ground
- The new dwellings will occupy a poorly used and derelict plot and development would improve the area
- As there are already a number of other dwellings nearby, this development would not create a precedent
- As the project is small there should be no issue with services such as water, drainage, sewage and traffic
- As a developer, more plots of land are needed in March. Need more executive type homes on plots like this
- Four bungalows would fit with the properties already in this area and would be aimed at people of retirement age
- One property owner comments that he owns three other properties near to the site and urges a sensible decision be made
- Children have had to be deterred from entering the site over the years
- It would improve the street scene
- It will provide jobs for the building trades
- Will improve the view of residents who live in the area (officer note: this resident does not live in the area)
- There are not enough larger houses to keep families here. It will allow families looking for a larger home to have space and the feel of living in the countryside
- This part of March is out on a limb, a little neglected though not right off the beaten track as a good local walking and cycling route

6 STATUTORY DUTY

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

Section 40 of the NERC Act places a duty to **conserve biodiversity on public authorities in England**. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

- Paragraph 79 to 80: Rural developments
- Paragraph 120: Brownfield land
- Chapter 8: Healthy and safe communities
- Chapter 9: Sustainable Transport
- Chapter 15: Natural Environment
- Chapter 16: Conserving and enhancing the historic environment

7.2 Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.3 March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- Principle of Development
- Impact on character and appearance of area
- Residential amenity
- Ecology/Biodiversity
- Access and highway safety
- Flood risk and drainage
- Historic Environment

9 BACKGROUND

9.1 From the site history set out above, it can be seen that development proposals have recently been refused at this site. The applications were refused for the following reasons (in summary);

16/0999 1. Countryside location
 2. Biodiversity
 3. Character and appearance

17/1230 1. Unsustainable location
 2. Biodiversity
 3. Character and Form

21/1057 1. Outside Settlement
 2. Biodiversity
 3. Character/harm

9.2 The above applications were for full planning permission and were all for two storey dwellings. Of note, however, is that every application was refused planning permission due to the site being outside of the settlement in an unsustainable location. The 2017 application was also refused at a time when Fenland could not demonstrate a 5-year housing land supply and so the tilted balance was engaged in favour of the development and yet it was still refused. None of the previous refusals by FDC have been tested at appeal.

10 ASSESSMENT

Principle of Development

10.1 Policy LP3 of the Fenland Local Plan, 2014 sets out the settlement strategies for the district and is an important part of the delivery of sustainable development in the area. LP3 identifies March as one of the main areas for growth. However, as with the previous conclusions of the Council, the site is considered to fall outside

of the main settlement of March and sits within a small outlier of development served by a section of single track, unlit road. By virtue of the site location and characteristics, it is considered to fall in the countryside where policy LP3 dictates that development should be strictly limited, primarily to land-based enterprises. As the proposal does not propose any kind of land-based enterprise, there is clear conflict with LP3.

- 10.2 Paragraphs 78 to 80 of the NPPF address rural housing, noting that where there is an identified need to support rural communities, Local Authorities should support opportunities to locate housing where it will enhance or maintain the vitality of rural communities (Para.79), whilst avoiding isolated development in the countryside unless special circumstances apply (para.80).
- 10.3 The site would not be considered as 'isolated' having regard to NPPF paragraph 80, given the 20 or so dwellings in the immediate vicinity. With regards to paragraph 79 of the NPPF however; whilst the future occupiers of the development would likely support the existing facilities and services of March and would add to the existing outlier community at Flaggrasshill Road and Creek Fen, March town's facilities and the local community do not appear to be under any kind of threat to justify an exception to policy LP3 in this case, notwithstanding that this benefit would be very modest through the introduction of just 2 dwellings.
- 10.4 The applicant opines that the site does not lie in the countryside due to the surrounding residential dwellings, however, this does not reflect the policy position which is set out above and has been reported on and accepted by Committee in the previous decision which was made only 9 months ago. Neither the policy position nor anything in terms of geography has changed in this time, therefore the proposed site, in terms of its location has not become more sustainable during this period.
- 10.5 There are no development plan policy reasons or other material considerations which would warrant a different decision being made in this case with regard to the principle of development as to do so would make for inconsistent decision making by FDC.

Brownfield Land

- 10.6 It is acknowledged that the NPPF (para. 120 (c)) sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, supporting appropriate opportunities to remediate despoiled. Degraded, derelict, contaminated or unstable land.
- 10.7 In this regard, the NPPF defines Brownfield Land in its Annex 2: Glossary (p.65), setting out that this is defined as 'Previously Developed Land' (p.70) as ;

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 10.8 Given the last known use of the site was as a Piggery, which is an agricultural use, the site cannot be classed as brownfield land. Furthermore, and notwithstanding this, as the site sits outside of the settlement the substantial weight implied by NPPF para. 120 is not applicable, as its focus appears to be on sites within settlements. As such, the development cannot be given the substantial weight referred to under NPPF para.120.
- 10.9 As noted, the site comprises agricultural land and the development would result in the loss of this. However, given the overall scale of the development, the loss of agricultural and would not be so significant to warrant refusal on this ground.

March Neighbourhood Plan (MNP)

- 10.10 Policy H2 (Windfall Development) of the MNP sets out that proposals for residential development will be supported where they meet the provisions of the Fenland Local Plan plus additional criteria a) to g) covering amenity, open space retention, flood risk, highway safety, infrastructure, design and retention of community facilities.
- 10.11 Whilst the criteria are nonetheless considered through policies of the FLP, the principal element of H2 sets out that all windfall development should accord with FLP policies. As such the proposal also appears to conflict with the principle of policy H2 of the MNP, in view of its conflict with the FLP policy LP3.
- 10.12 In conclusion, there is neither local nor national support for the principle of the development in regard to the spatial location of the development.

Five Year Housing Land Supply

- 10.13 At present, the Council is able to demonstrate a 6.69 year supply of housing land and therefore the 'tilted balance' does not apply, as it is considered that the housing policies of the FLP are up to date and should take precedent over the determination of planning applications for housing proposals.
- 10.14 The comments received by supporters which state that this housing is needed and such sites are needed is not borne out by the evidence gathered by the Council concerning housing land supply in the district.

Character and Appearance

- 10.15 The area is characterised by single-storey, generally modest and traditional dwellings that align the highway along the eastern edge of Flaggrasshill Road and wrap around the northern part of Creek Road, forming a relatively tight-knit row of single-storey properties, extending to countryside (with sporadic, modest structures) to the rear, which is a distinct part of the area's character. This is also distinctly different to the single, large 2-storey dwelling and farmstead associated structures opposite on the western side of Flaggrasshill Road and the linear arrangement of 2-storey dwellings c.300m west along Creek Road. Whilst it is acknowledged that one comment refers to the adjacent dwelling, Wood Paddock incorporating a dormer in its roof space, its overall scale is still generally that of a single storey structure, in keeping with the distinctive character of the area.
- 10.16 The submitted design and access statement refers to the proposals being for single storey dwellings ie bungalows only. The description of development as submitted just referred to "dwellings" therefore for clarity, the case officer requested that the description be altered to refer to single storey dwellings, which the planning agent agreed to.

- 10.17 The proposed single storey dwellings would be sited to the rear of the existing frontage development on Creek Fen and Flaggrass Hill Road. If the dwellings are to be genuinely single storey ie not dormer bungalows, then they would not be highly visible beyond the existing dwellings from the street and would only be glimpsed through the access. However, development of the site for residential purposes is not in keeping with the pattern of development in the locality which comprises all frontage development. There are no residential addresses within this location that sit to the rear of other properties. Although the provision of bungalows is an improvement upon the previously submitted large two storey dwellings in previous applications, the proposal still fails to reinforce local identity which includes a frontage development settlement pattern in this outlying area. Therefore, the proposal is contrary to policy LP16 (d) in this regard and DM3 of the Delivering and Protecting High Quality Environments In Fenland SPD.
- 10.18 It is noted that comments have been received which state that the development will tidy up the site and will improve the street scene. This is not good enough reason to permit development on a site that is not acceptable for residential development in principle. The site is not highly visible from the street and secondly, if this were a standard by which development should be allowed it would encourage deliberate neglect of land and in addition the Council possesses powers to ensure that land considered “untidy” is tidied up.

Residential Amenity

- 10.19 It is considered that the proposal could likely be built to ensure that good levels of amenity are retained for neighbouring occupiers, particularly as the proposed development now refers to single storey dwellings only. The indicative site layout plan shows that reasonable levels of private amenity space could be provided for the future occupiers of the development if permission were being recommended to be granted. As such the proposal is likely to comply with Policy LP16 of the Local Plan in this regard and matters of the detailed design and position of windows etc would be assessed as reserved matters.

Ecology/Biodiversity

- 10.20 Previous applications were refused due to a lack of a suitable ecological investigation at the site. The applicant previously advised that an ecology report was awaited from a consultant, but applications were submitted without such report and were therefore refused for lack of information upon which to assess a determination of such issues. Policies LP16 (b) and LP19 require decisions to be taken on the basis of having reliable up to date ecological information.
- 10.21 During the time since the previous refusal and submission of the current application, the site has been cleared of practically all growth and structures that could have provided ecological habitat. There are retained hedgerows to some of the boundaries but little left within the site that would provide ecological value. It is not known whether there would have been any breach of other legislation, such as the Wildlife and Countryside Act 1981. The site clearance would unlikely have been preventable from a planning perspective, had the local planning authority known it was to take place. As there will be little ecology left to evaluate, it is considered that the application could not be refused for lack of a suitable ecological assessment. If permission were being recommended, then a condition would be imposed requiring an ecological enhancement scheme to be submitted for approval.

Access and highway safety

- 10.22 The Highway Authority has not commented on the current application and previously not objected to the other proposals but had requested conditions securing the access arrangement (with suitable drainage) and the provision of the parking prior to first occupation. Subject to these measures therefore, the development is not anticipated to result in any highway safety issues, in-line with Policy LP15 of the FLP and NPPF para. 11.
- 10.23 It is noted that there are no footpaths or street lighting available for around 300m from the site, until you reach the row of terraced dwellings along Creek Road to the west. This means that occupiers would have to navigate highway which does not prioritise pedestrian movements, taking safe refuge on the highway verge when vehicles pass and would have poor visibility during darker periods, due to the lack of streetlighting in conflict with the aims of NPPF para. 112 and LP15 of the FLP. This further reinforces the unsustainable location of the site for new housing and provides an example for the rationale for the Council's settlement strategies under LP3 – in terms of placing people and property in the most sustainable location to safely access services and facilities and improves accessibility for everyone by all modes of travel.
- 10.24 Therefore, whilst the unsustainability of the site is highlighted through the limitations of the highway network which serves it, the development itself is unlikely to have a significant adverse impact on the highway network.

Flood risk and drainage

- 10.25 Despite the fact that there is no mains sewage system to connect to, and policy LP15 advises against foul drainage structures managed by residents, previous applications have not been refused for drainage issues. Similarly, the applicant states that surface water will be collected on site via soakaways and discharged into the drain on the western boundary if consent is granted. If the application were to be recommended for approval, then a condition requiring submission of a foul and surface water drainage strategy alongside submission of the first reserved matters application would be required in order to ensure compliance with policy LP 15 of the Local Plan.
- 10.26 The site lies within flood zone 1 which is at lowest risk of flooding, therefore flood risk is not an issue.

Historic Environment

- 10.27 Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.28 Policy LP18 (a – c) requires development proposals to assess the significance of the heritage asset to determine its archaeological interest, assess the impact of the works upon the asset and provide a justification for the works.
- 10.29 The application has provided no information about the archaeological interest of the site and the fact that the Fen Causeway (Roman road) runs through the site.

Nevertheless, CCC Archaeology has responded and requires a condition to be attached to any permission granted which requires submission of a Written Scheme of Investigation (WSI) for an archaeological evaluation of the site. It is already known that the site has high potential for archaeological remains and therefore a field evaluation of an appropriate type and scale to be set out in a WSI is necessary in order to comply with the requirements of the NPPF and policy LP18. If the application were being recommended for approval, such a condition would need to be imposed.

11 CONCLUSIONS

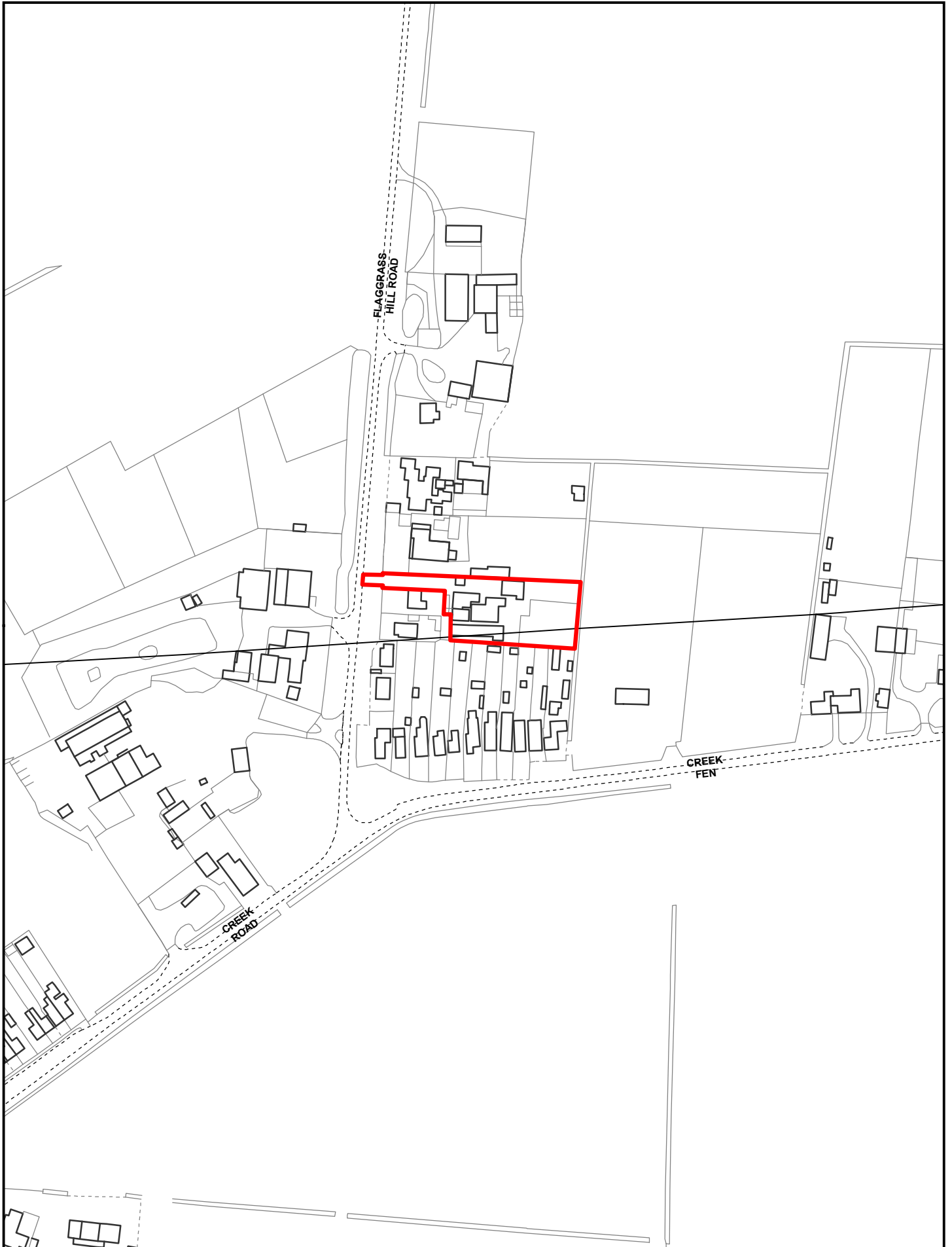
- 11.1 The site lies outside the settlement area of March and outside of any other settlement area identified within policy LP3 of the Local Plan. The principle of residential development on this site is not supported by Policy LP3 of the Local Plan in that the site is located in the open countryside. The proposal would also unacceptably impact the character and appearance of the area owing to the location of the proposed dwellings in a back land setting where this does not fit with the pattern of development at the locality and would be unsustainably linked to nearby services and facilities.
- 11.2 It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be considered by those determining subsequent planning applications. Recent case law has established that;
- “a local planning authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision- making.”
(R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050)
- 11.3 The Council has refused planning permission for this development on three previous occasions, all under the current Local Plan. Whilst some of the previous issues have been overcome, there remains an in principle issue with allowing development at this location and whilst the proposed bungalows are preferable to two storey dwellings, this does not completely overcome the character and appearance issues raised in previous reasons for refusal.
- 11.4 The previous refusals of permission are material considerations which should be afforded significant weight. There are no material circumstances which lead to an alternative conclusion being acceptable.

RECOMMENDATION

Refuse; for the following reasons;

1.	The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. Furthermore, the site by virtue of the lack of illuminated footpaths and single-track road would limit opportunities for sustainable modes of travel. The proposal is therefore contrary to Local Plan Policy LP3 and LP15 of the Fenland Local Plan 2014 and to the guidance contained in the National Planning Policy
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	Framework, in particular; Chapter 9.
2.	<p>Policy LP16 (d) of the Fenland Local Plan 2014 requires all new development to make a positive contribution to the local distinctiveness and character of the area and to respond to and improve the character of the local built environment and to reinforce local identity, not adversely impacting on, amongst other things, the settlement pattern. The proposed back land development is at odds with the frontage only development along Flaggrass Hill Road and Creek Fen and therefore unnecessarily departs from the pattern of development in this outlying area. Furthermore, it would unnecessarily extend built development into the open countryside which would unacceptably harm the rural character of the area. As such, the proposal is contrary to criteria (d) of Policy LP16 of the Fenland Local Plan 2014 and Chapter 12 of the NPPF in respect of achieving well-designed places.</p>



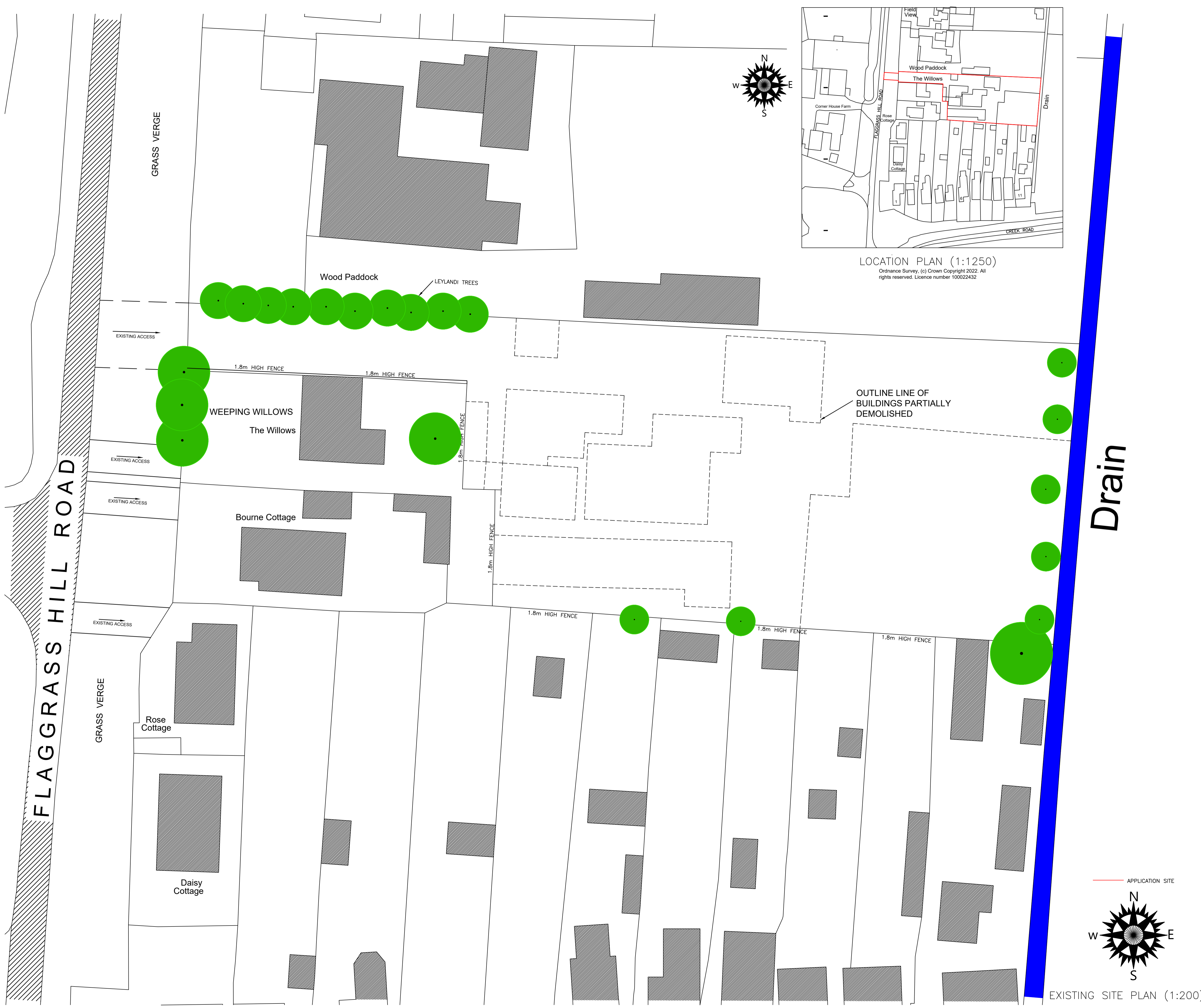
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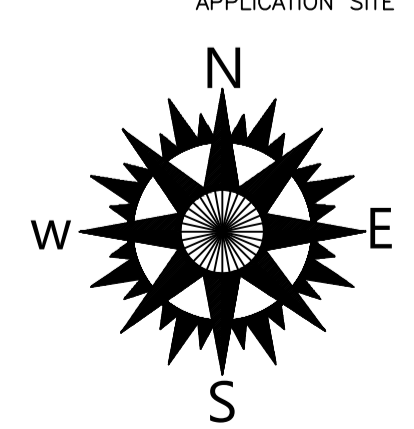




LOCATION PLAN (1:1250)
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FLAGGRASS HILL ROAD

Drain



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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 are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
All finishes, insulation and damp-proofing to architect's details

REVISIONS	DATE

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Mr D Upton

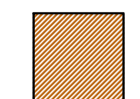






PROJECT
The Piggeries
Flaggrass Hill Road
March
Cambridgeshire PE15 0BY

TITLE
Existing Site Plan & Location Plan

DRAWN MH	DATE OF ISSUE
CHECKED	
DATE April 2022	DRAWING NUMBER H8167/01
SCALE As Shown	

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 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
 All finishes, insulation and damp-proofing to architect's details


LEGEND


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

REVISIONS	DATE

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 Fenland District Council
 BUILDING EXCELLENCE AWARDS
 winner

 Building Design Awards
 Design Awards
 Building Excellence in Fenland

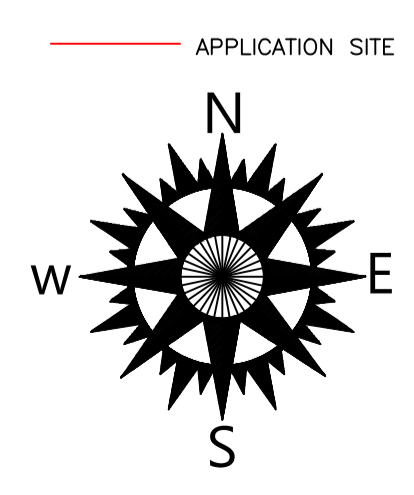
CLIENT
 Mr D Upton

PROJECT
 The Piggeries
 Flaggrass Hill Road
 March
 Cambridgeshire PE15 0BY

TITLE
 Proposed Site Plan
 INDICATIVE
 SCHEME 2

DRAWN MH	DATE OF ISSUE
CHECKED	
DATE April 2022	DRAWING NUMBER H8167/03
SCALE As Shown	

NEW IMPROVED ACCESS TO SITE OF 5m x 10m LAID TO FALL AWAY FROM FLAGGRASS HILL ROAD ALL TO CAMBRIDGESHIRE COUNTY COUNCIL GUIDELINES



PROPOSED SITE PLAN (1:200)
 1:200 0 5 10 15

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: Approve conditions

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

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: Approve conditions

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

1 EXECUTIVE SUMMARY

- | |
|--|
| <p>1.1 Members are asked to give consideration to the conditions imposed on this listed building consent and planning permission, following the Committee's decision on 27 July. The Committee granted both applications, contrary to officer recommendation, with conditions delegated to Officers in conjunction with the Chairman and proposer.</p> <p>1.2 Feedback from the members considered that the proposed conditions were "onerous", unfair and "costly to implement". Specific reference was made to conditions 10, 11, 12, 13 and 14 of the listed building consent. No comments were received regarding the conditions proposed to the planning permission</p> <p>1.3 The application site is situated within Chatteris Conservation Area and a Grade II Listed Building is situated on site and as such specific regard needs to be given to the conditions protecting the special architectural and historical interest of the listed building and character of the Conservation Area in accordance with Policies LP16 and LP18 of the Fenland Local Plan 2014 and the requirements of the National Planning Policy Framework. The Council also has a duty in law to seek to</p> |
|--|

protect Listed Buildings and their settings and to preserve or enhance the character or appearance of a conservation area.

1.4 The conditions drafted are considered reasonable and necessary to safeguard the significance of the listed building and the character of the conservation area. To grant the applications without these would be a further indication of a failure by the Council to fulfil its legal duties.

1.5 It is therefore recommended that the conditions are approved for both applications as listed within the report.

2 INTRODUCTION

2.1 Members will recall that planning permission was granted at the 27 July Committee meeting for both applications, contrary to the officer recommendation. A copy of the original committee report and update is attached in Appendix A for information. The Committee resolution was that conditions were delegated to Officers in conjunction with the Chairman and proposer.

2.2 Feedback from the members considered that the proposed conditions were “onerous”, unfair and “costly to implement”. Specific reference was made to conditions 10, 11, 12, 13 and 14 of the listed building consent. No comments were received regarding the conditions proposed to the planning permission, although condition 10 is also included with in the proposed conditions for the planning permission. The conclusion therefore being that the issue of conditions for both the planning permission and listed building consent should be brought back to Committee for Members to make this decision.

2.3 When considering listed buildings, the decision as to whether to grant planning permission or listed building consent must be exercised in the light of the general duty in law. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority shall 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. This same duty would also apply to the imposition of conditions on listed building consents.

2.4 Paragraph 56 of the NPPF states that planning conditions should only be imposed when they are necessary, relevant to the development, enforceable, precise and reasonable in all other aspects. This is generally accepted as meaning that where enough information about proposed works or development have been supplied for their general effect to be assessed, the works or development can be authorised in principle although negotiation may be needed to ensure works or development do not introduce any adverse impacts, this includes materials to be used or the detailing of a particular element.

2.5 However, in this instance, it was not felt that enough information had been submitted and this formed one of the original recommendations for refusal. The proposed conditions will therefore seek to obtain this information in order to authorise the works in principle, which have been approved at Committee by Members. These conditions will provide specific details which will preserve the special interests of a statutorily protected building.

- 2.6 Section 17 of The Planning (Listed Building and Conservation Areas) Act 1990 specifically states that the conditions subject to which listed building consent may be granted include conditions with respect to
- (a) the preservation of particular features of the building, either as part of it or after severance from it;
 - (b) the making good, after the works are completed, of any damage caused to the building by the works;
 - (c) the reconstruction of the building or any part of it following the execution of any works, with the use of original materials as so far as practicable and with such alterations to the interior of the building as may be specified in the conditions
- 2.7 Section 17 of The Planning (Listed Building and Conservation Areas) Act 1990 specifically states that a condition may also be imposed requiring specific details of the works (whether or not set out in the application) to be approved subsequently by the Local Planning Authority.
- 2.8 Section 17 of The Planning (Listed Building and Conservation Areas) Act 1990 specifically states that listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before
- (a) a contract for the carrying out of works for redevelopment of the site has been made; and
 - (b) planning permission has been granted for the redevelopment for which the contract provides.
- 2.9 Paragraph 205 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 2.10 The conditions proposed have therefore been made with regards to the obligations incumbent in law on the Council, and the general policy situation both locally and nationally. The conditions proposed set out the steps necessary to protect the special architectural and historic interest of the listed building. Failure to do so would be contrary to law and policy as aforementioned.

3 CONSULTEE COMMENTS

- 3.1 Following the resolution to grant listed building consent at the 27 July Committee, the following consultee comments were received with regard to F/YR22/0217/LB:

3.2 The Society for the Protection of Ancient Buildings

We write in relation to the above application. The Society does not generally comment on applications relating to post medieval buildings (although our statutory remit entitles us to do so) as we have limited resources and a focus on early buildings. However the disturbing nature of the current application has prompted us to write and to STRONGLY OBJECT to the proposals.

Your Conservation Officer has set out the issues in a document dated 5th April 2022. This is a detailed and expert assessment and is also extremely helpful in offering a sensible, realistic and conservation led way forward for the sympathetic

conversion of the buildings. We wholeheartedly endorse the points made, and do not propose to replicate them here as they tally closely with our own views on the case. It is clear that the poor condition of the cottage when acquired has been aggravated by the current owner's failure to take appropriate action. It is also clear that your authority has been exemplary in providing the owners with encouragement and advice to do so. As such, the condition of the cottage does not provide a justification for the demolition aspect of the proposals, as per paragraph 196 of the National Planning Policy Framework.

The application equally contravenes paragraphs 194, 199 and 201 of the National Planning Policy Framework as it lacks a proper assessment of the significance of the heritage asset, fails to give appropriate weight to the conservation of the historic asset, and fails to provide the robust justification required where a proposal will lead to substantial harm.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We strongly object to the current proposals and recommend that the application is withdrawn and the applicant seeks the advice of a suitably experienced conservation architect to develop a more appropriate set of proposals.

- 3.3 Whilst the resolution to grant the applications has already been made these additional comments are perhaps useful to consider in the context of the need to condition the development and works going forward.

4 F/YR22/0217/LB CONDITIONS

- 4.1 The conditions proposed on the above listed building application are considered reasonable and input has been sought from the Conservation Officer in order to ensure that the conditions proposed protect the special architectural and historic interest of the listed building. A detailed explanation of each of the conditions is provided below:

Condition 1: Is a standard time limit condition to ensure the works are begun before the expiration of 3 years to ensure compliance with Section 51 of the Planning and Compulsory purchase Act 2004.

Condition 2 – *No full or partial demolition shall be undertaken before a building recording programme to Level 3 of Historic England's 'Understanding Historic Buildings, A Guide to Good Recording Practice' 2016, has been commissioned and completed and approved in writing by the Local Planning Authority.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 2 has been drafted with reference to Section 17. 1a and clarified by Paragraph 205 of the NPPF. Local Planning Authorities should require developers to record an advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Condition 3 – *No works of full or partial demolition shall commence until a sequenced methodology for the necessary works of full or partial demolition, stabilisation and rebuild has been submitted and approved in writing by the Local Planning Authority.* This condition will maintain the special architectural and

historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 3 has been drafted with reference to Section 17. 3, which states that listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before a contract for the carrying out of works of redevelopment has been made.

Condition 4 – No works of full or partial demolition shall commence before a contract and timetable for the carrying out of works of redevelopment has been made and timetable for the carrying out of works of redevelopment has been made and submitted to and approved in writing by the Local Planning Authority. This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014

Condition 4 has been drafted with reference to Section 17. 3, which states that listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before a contract for the carrying out of works of redevelopment has been made.

Condition 5 - Notwithstanding the details submitted, a separate schedule of salvageable materials, their safe storage and proposed reuse will be required to be submitted to and approved in writing by the Local Planning Authority, before any works of full or partial demolition shall commence. This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 5 has been drafted with reference to Section 17. 1c which states that the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.

Condition 6 - Prior to the commencement of works, a drawing at a scale of no smaller than 1:20 scale showing details of the roof structure shall be submitted to and agreed in writing by the Local Planning Authority. This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014. This condition is a pre-commencement condition to ensure that the works proposed preserve and enhance the listed building in an appropriate manner in the interests of the importance of the listed building.

Condition 6 has been drafted with reference to Section 17. 1a, 1b and 2. The approval of the roof structure will enable the preservation of the exterior appearance of the building which in turn will maintain the special architectural and historical interest of the listed building.

Condition 7 - Prior to the first occupation of the property, the chimney stacks to the living room and bedroom 2 as detailed on drawing 080/203/B shall be reinstated. This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 7 has been drafted with reference to Section 17. 1a, 1b and 2. The reinstatement of the chimney stacks will enable the preservation of the exterior appearance of the building which in turn will maintain the special architectural and historical interest of the listed building.

Condition 8 - *During construction, if there is any shortfall of salvaged material, these shall be made up with handmade replacements or responsibly sourced reclaimed material to match the existing and viewed on site and approved in writing by the Local Planning Authority.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 8 has been drafted with reference to Section 17. 1 and 2. The approval of new materials will ensure that any new material to be used within the works will not impact upon the exterior appearance of the building, which will ensure that the works do not adversely impact upon the special architectural and historical interest of the listed building.

Condition 9 - *Prior to the commencement of above ground works, details of mortar mixes and brick bonds shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 9 has been drafted with reference to Section 17. 1b and 2. The submission of mortar mixes and brick bonds are required as the potential use of cementitious mortar will damage the surviving historic, reclaimed or salvaged brickwork and as such adversely impact upon the special architectural and historical interest of the listed building. This condition will prevent such further damage from occurring to the benefit of the applicant and any future occupiers.

Condition 10 - *Prior to any external brickwork painting being undertaken, details of the type of paint used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 10 has been drafted with reference to Section 17. 1b and 2. Given that there is currently an unknown amount of salvaged or reclaimed brickwork which could result in an unattractive external appearance of the building, painting the brickwork may be preferable, as well as preserving the current exterior appearance of the building. Notwithstanding this, the use of an inappropriate modern paint will damage surviving historic, reclaimed or salvage brickwork. This condition will therefore prevent that further damage from occurring to the benefit of the applicant and any future occupiers. The proposed colour will remain open to choice, but the type of paint should be agreed to prevent damage to the fabric of the building.

Condition 11 - *Internal wall, floor and ceiling finishes shall be replaced on a like-for-like basis and a schedule of room finishes to be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained. Where materials are unknown, or cannot be identified, vapour permeable, and sympathetic or traditional materials shall be used, and their use recorded on the schedule in order to form a record of works to the listed building.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 11 has been drafted with reference to Section 17. 2. There has been no justification submitted as part of this application for the loss of internal historic finishes, or their replacement with modern finishes. Modern materials, if inappropriate, will cause damage to surviving historic or salvaged reclaimed material. This condition will prevent that further damage from occurring to the benefit of the applicant and any future occupiers. The requirement for the use of sympathetic modern materials to be recorded on a schedule will inform future occupiers of the relevant significance of areas/parts of the building and will therefore inform future maintenance and management of the building again to the benefit of the applicant and any future occupiers.

Condition 12 - *Rainwater goods shall be cast iron or aluminium, finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 12 has been drafted with reference to Section 17. 2. The requirement of Rainwater goods to be submitted and approved will enable the preservation of the special architectural interest of the building. Standard plastic upvc would detract from this interest and would not last as long as a cast aluminium alternative. The durability of material it therefore also to the benefit of the applicant and any future occupiers.

Condition 13 - *Prior to the commencement of this element of the works, cross section drawings at a scale no smaller than 1:5 and elevation drawings at a scale no smaller than 1:10 of all new windows and doors, including details of glazing, glazing bars, sills, lintels and finish shall be submitted to, and agreed in writing by the Local Planning Authority. Windows shall be repaired or replaced on a like for like basis. The works shall be carried out in accordance with the approved details and thereafter retained.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 13 has been drafted with reference to Section 17. 1 and 2. This condition will enable the preservation of the special architectural interest of the building. This condition will not prevent the maintenance of the windows, but their detailing should be maintained due to the fact that the building is designated as being one of special and architectural interest and therefore protected in law. If any future owner wishes to alter the doors or windows they would have to, by law, submit a listed building consent in any case. This is a standard condition imposed on many listed building applications where loss of historic joinery is part of that application.

Condition 14 – *Notwithstanding the approved plans, and for the purposes of clarification, the following features shall be retained: Georgian fireplace to Bedroom 1; road sign for Whaleys Yard; internal doors and cupboard doors, unless otherwise agreed in writing by the Local Planning Authority.* This condition will maintain the special architectural and historical interest of the listed building in accordance with Policy LP18 of the Fenland Local Plan 2014.

Condition 14 has been drafted with reference to Section 17. 1a and 1c. These elements of the listed building are protected by the designation as they contribute to the special architectural and historic interest of the listed building. The

application does not provide sufficient information as to understand their treatment within the works and this condition therefore allows for their preservation, unless otherwise agreed in writing by the Local Planning Authority.

Condition 15 is a standard approved plans condition to ensure the works are carried out in accordance with the plans submitted.

Overall, these conditions are considered to comply with law and policy and are seen as necessary in order to preserve the special interest of the listed building, as defined in law. Any costs arising are not imposed by the Council or by the conditions, but are an unavoidable factor in owning and maintaining a listed building and therefore are not a matter for consideration in determining reasonable conditions. These conditions are therefore considered to be necessary, relevant to the development, enforceable, precise and reasonable in all other aspects as per Paragraph 56 of the NPPF.

5 F/YR22/0218/F CONDITIONS

5.1 The conditions proposed on the planning permission are considered to be reasonable in planning terms in order to ensure that the development complies with policies set out within the Fenland Local Plan 2014. Conditions have been recommended by the Conservation Officer, Environmental Health Officer and PCC Wildlife Officer to ensure that the proposal remains policy compliant prior to, during and post development. A commentary on each of the conditions is provided below:

Condition 1 is a standard time limit condition to ensure the works are begun before the expiration of 3 years to ensure compliance with Section 51 of the Planning and Compulsory purchase Act 2004.

Condition 2 - *No full or partial demolition shall be permitted before a building recording programme to Level 3 of Historic England's 'Understanding Historic Buildings, A Guide to Good Recording Practice' 2016, has been commissioned and completed and approved in writing by the Local Planning Authority.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 2 has been drafted with reference to Section 17. 1a and clarified by Paragraph 205 of the NPPF. Local Planning Authorities should require developers to record an advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Condition 3 - *No works of full or partial demolition shall commence until a sequenced methodology for the necessary works of full or partial demolition, stabilisation and rebuild has been submitted and approved in writing by the Local Planning Authority.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 3 has been drafted with reference to Section 17. 3, which states that listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before a contract for the carrying out of works of redevelopment has been made.

Condition 4 - *No works of full or partial demolition shall commence before a contract and timetable for the carrying out of works of redevelopment has been made and submitted to and approved in writing by the Local Planning Authority.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 4 has been drafted with reference to Section 17. 3, which states that listed building consent for the demolition of a listed building may be granted subject to a condition that the building shall not be demolished before a contract for the carrying out of works of redevelopment has been made.

Condition 5 - *Notwithstanding the details submitted, a separate schedule of salvageable materials, their safe storage and proposed reuse will be required to be submitted to and approved in writing by the Local Planning Authority, before any works of full or partial demolition shall commence.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 5 has been drafted with reference to Section 17. 1c which states that the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.

Condition 6 - *Prior to the first occupation of the property, the chimney stacks to the living room and bedroom 2 as detailed on drawing 080/203/B shall be reinstated.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 6 has been drafted with reference to Section 17. 1a, 1b and 2. The approval of the roof structure will enable the preservation of the exterior appearance of the building which in turn will maintain the special architectural and historical interest of the listed building within the setting of the Chatteris Conservation Area ensuring that no visual harm is introduced upon the surrounding Conservation Area.

Condition 7 - *During construction, if there is any shortfall of salvaged material, these shall be made up with handmade replacements or responsibly sourced reclaimed material to match the existing and viewed on site and approved in writing by the Local Planning Authority.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 7 has been drafted with reference to Section 17. 1 and 2. The approval of new materials will ensure that any new material to be used within the works will not impact upon the exterior appearance of the building, which will ensure that the works proposed do not introduce harm to the character of the Conservation Area.

Condition 8 - *Prior to the commencement of above ground development, details of mortar mixes and brick bonds shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 8 has been drafted with reference to Section 17. 1b and 2. The submission of mortar mixes and brick bonds are required as the potential use of cementitious mortar will damage the surviving historic, reclaimed or salvaged brickwork and as such will introduce harm to the character of the Conservation Area.

Condition 9 - *Rainwater goods shall be cast iron or aluminium, finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.* This condition will maintain the special and historic interest of the listed building and the character and appearance of the conservation area in accordance with Policy LP16 and LP18 of the Fenland Local Plan 2014.

Condition 9 has been drafted with reference to Section 17. 2. The requirement of Rainwater goods to be submitted and approved will enable the preservation of the character of the Conservation Area. Standard plastic upvc would introduce harm to the character and would not last as long as a cast aluminium alternative.

Condition 10 - *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, a Method Statement detailing how this unsuspected contamination shall be dealt with.* This condition will ensure that the development complies with approved details in the interests of the protection of human health and environment.

Condition 10 has been drafted upon consultation with Environmental Health to ensure that any unsuspected contamination is adequately dealt with in the interests of protecting human health and the environment.

Condition 11 - *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.* This condition will ensure that the amenity of adjoining properties is protected.

Condition 11 has been drafted upon consultation with Environmental Health to ensure that the proposed development does not adversely impact upon surrounding residential amenity with regard to noise.

Condition 12 - *Prior to the commencement of the development hereby approved, a method statement detailing the methodology to be used should signs of bats be identified, shall be submitted to and approved in writing by the Local Planning Authority.* This condition will minimise disturbance to bats and ensure compliance with national and international legislation.

Condition 12 has been drafted upon consultation with PCC Wildlife Officer to ensure that a method statement detailing the methodology to be used should signs of bats be identified on site is submitted and approved by the Local Planning Authority. In the UK all bat species and their places of rest or shelter are fully protected from damage and disturbance under the Wildlife and Countryside Act 1981 and the Conservation (Habitats & c.) Regulations 1994 (implementing the EC Habitats Directive). This is a pre-commencement condition to ensure that the works proposed do not damage or disturb protected species during development.

Condition 13 is a standard approved plans condition to ensure the works are carried out in accordance with the plans submitted.

These conditions are considered necessary to ensure that the proposed development does not cause any harm to the character of the Conservation Area in compliance with Policy LP16 and LP18; that the development does not adversely impact upon neighbouring amenity during construction in compliance with Policy LP16; that the development does not impact upon human health or the environment and that the works do not damage or disturb protected species during development. These conditions are therefore considered to be necessary, relevant to the development, enforceable, precise and reasonable in all other aspects as per Paragraph 56 of the NPPF.

6 CONCLUSION

The recommended conditions are considered to be reasonable and proportionate to the development proposed. As set out in the original report it was considered that a recommendation to have granted both applications would have been 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. To approve these applications without the recommended conditions would be further indication of a failure to fulfil these duties and would conflict with the requirements of national and local policy. As such it is considered that these should be included with the grant of the applications.

7 RECOMMENDATION

Approve conditions; as set out below:

F/YR22/0217/LB

1	Time Limit
2	No full or partial demolition shall be undertaken before a building recording programme to Level 3 of Historic England's 'Understanding Historic Buildings, A Guide to Good Recording Practice' 2016, has been commissioned and completed and approved in writing by the Local Planning Authority. Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.

3	<p>No works of full or partial demolition shall commence until a sequenced methodology for the necessary works of full or partial demolition, stabilisation and rebuild has been submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
4	<p>No works of full or partial demolition shall commence before a contract and timetable for the carrying out of works of redevelopment has been made and submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the details submitted, a separate schedule of salvageable materials, their safe storage and proposed reuse will be required to be submitted to and approved in writing by the Local Planning Authority, before any works of full or partial demolition shall commence.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the commencement of works, a drawing at a scale of no smaller than 1:20 scale showing details of the roof structure shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p> <p>This is a pre-commencement condition to ensure that the works preserve and enhance the building in an appropriate manner in the interests of the importance of the Listed Building.</p>
7	<p>Prior to the first occupation of the property, the chimney stacks to the living room and bedroom 2 as detailed on drawing 080/203/B shall be reinstated.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
8	<p>During construction, if there is any shortfall of salvaged material, these shall be made up with handmade replacements or responsibly sourced reclaimed material to match the existing and viewed on site and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
9	<p>Prior to the commencement of above ground works, details of mortar mixes and brick bonds shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained.</p>

	Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.
10	<p>Prior to any external brickwork painting being undertaken, details of the type of paint used shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
11	<p>Internal wall, floor and ceiling finishes shall be replaced on a like-for-like basis and a schedule of room finishes to be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained. Where materials are unknown, or cannot be identified, vapour permeable, and sympathetic or traditional materials shall be used, and their use recorded on the schedule in order to form a record of works to the listed building.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
12	<p>Rainwater goods shall be cast iron or aluminium, finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
13	<p>Prior to the commencement of this element of the works, cross section drawings at a scale no smaller than 1:5 and elevation drawings at a scale no smaller than 1:10 of all new windows and doors, including details of glazing, glazing bars, sills, lintels and finish shall be submitted to, and agreed in writing by the Local Planning Authority. Windows shall be repaired or replaced on a like for like basis. The works shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with and Policy LP18 of the Fenland Local Plan 2014.</p>
14	<p>Notwithstanding the approved plans, and for the purposes of clarification, the following features shall be retained: Georgian fireplace to Bedroom 1; road sign for Whaleys Yard; internal doors and cupboard doors, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and are made in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
15	Approved Plans

1	Time Limit
2	<p>No full or partial demolition shall be permitted before a building recording programme to Level 3 of Historic England's 'Understanding Historic Buildings, A Guide to Good Recording Practice' 2016, has been commissioned and completed and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
3	<p>No works of full or partial demolition shall commence until a sequenced methodology for the necessary works of full or partial demolition, stabilisation and rebuild has been submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
4	<p>No works of full or partial demolition shall commence before a contract and timetable for the carrying out of works of redevelopment has been made and submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the details submitted, a separate schedule of salvageable materials, their safe storage and proposed reuse will be required to be submitted to and approved in writing by the Local Planning Authority, before any works of full or partial demolition shall commence.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the first occupation of the property, the chimney stacks to the living room and bedroom 2 as detailed on drawing 080/203/B shall be reinstated.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
7	<p>During construction, if there is any shortfall of salvaged material, these shall be made up with handmade replacements or responsibly sourced reclaimed material to match the existing and viewed on site and approved in writing by the Local Planning Authority.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
8	<p>Prior to the commencement of above ground development, details of mortar mixes and brick bonds shall be submitted to and agreed in writing by the</p>

	<p>Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
9	<p>Rainwater goods shall be cast iron or aluminium, finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.</p> <p>Reason - In order to maintain the special architectural and historic interest of the listed building and the character and appearance of the conservation area and are made in accordance Policy LP16 and Policy LP18 of the Fenland Local Plan 2014.</p>
10	<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, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.</p>
11	<p>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.</p> <p>Reason - To protect the amenity of the adjoining properties in compliance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>
12	<p>Prior to the commencement of the development hereby approved, a method statement detailing the methodology to be used should signs of bats be identified, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To minimise disturbance to bats and ensure compliance with national and international legislation which protects them. In the UK all bat species and their places of rest or shelter are fully protected from damage and disturbance under the Wildlife and Countryside Act 1981 and the Conservation (Habitats & c.) Regulations 1994 (implementing the EC Habitats Directive). Planning Policy Statement 9 Biodiversity and Geological Conservation requires developers to minimise disturbance to protected species and incorporate suitable mitigation and enhancement into development.</p> <p>This is a pre-commencement condition to ensure that the works proposed do not damage or disturb protected species during development.</p>
13	Approved Plans

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

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

1 EXECUTIVE SUMMARY

- | |
|--|
| <p>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.</p> <p>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.</p> <p>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.</p> |
|--|

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 18th 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-19th 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 \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/development-control/development-control-applications/development-control-applications/F/YR22/0217/LB)

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 \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning-and-building-control/development-control/development-control-applications/development-control-applications/F/YR22/0218/F)

4 SITE PLANNING HISTORY

4.1. 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. Nos 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 forthcoming, 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 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 (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 bring 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

7.1. National Planning Policy Framework (NPPF)

Para 8 – Achieving sustainable development

Para 47 – Planning law requires applications to be determined in 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.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2019

Context - C1,C2

Identity – I1

Built Form – B2

Movement – M3

Homes and Buildings – H2, H3

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

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 18th 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 of 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 within 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 proposed 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, however 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 22nd 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 approved 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 should consent be approved.</p>
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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</p>
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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.

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.

PLANNING COMMITTEE DATE: 27th July 2022

Agenda No: 5

APPLICATION NO: F/YR22/0217/LB & F/YR22/0218/F

SITE LOCATION: 130 High Street, Chatteris

UPDATE

As set out in the report, 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.

Clarification has been sought from the PCC Wildlife officer with regard to the submitted biodiversity checklist. They noted that whilst a Preliminary Bat Survey should have been submitted with the application due to the building pre-dating 1914, however also suggested that given the condition and location of the building, it is not felt that there would have been a high likelihood of bats within this.

The PCC Wildlife Officer noted that going forward, a method statement covering what to do if any signs of bats are found and what those signs look like should be submitted.

Resolution: No change to the recommendation which is to refuse both applications as per Section 12 of Agenda item 5 on page 48-49.

F/YR22/0390/F

Applicant: Mr K Craske

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

Land North Of 5-7, Askham Row, Benwick Road, Doddington Cambridgeshire

Change of use of land to domestic purposes including erection of chicken run and formation of a pond (retrospective)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

1.1. This application is for the retrospective change of use of land to domestic purposes which includes the erection of a chicken run and the formation of a pond.

1.2. It is considered that the cumulative impact of the change of use, erection of chicken run and formation of a pond will result in an urbanising encroachment into the open countryside, which would significantly detrimentally impact upon the character and visual amenity of the area.

1.3. In addition to this, the introduction of a domestic garden in this location would set a precedent for the creation of further cumulative harm.

1.4. As such, the development is considered to be contrary to Policy LP12 Part A (c) and Policy LP16 (d) of the Fenland Local Plan 2014, DM3 (d) of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Paragraph 130 of the NPPF.

2 SITE DESCRIPTION

2.1 The application site is situated to the north of 5-7 Askham Row, part of a recent residential development, at the edge of the settlement of Doddington. The site is surrounded by agricultural land, with the 10 dwellings along Askham Row to the south.

2.2 The site is accessed from the rear garden of No.7 Askham Row, the applicant's property, as well as via the public footpath which runs to the west of Askham Row and a link across the adjacent field.

2.3 A 2 metre (approx) close boarded fence sits between the rear boundaries of No. 5 and No. 6 Askham Row and the application site.

- 2.4 The application site is situated within Flood Zone 1 and a Green Great Crested Newts Zone.

3 PROPOSAL

- 3.1 This application seeks retrospective permission for the change of use of land to domestic purposes, which includes the erection of a chicken run and formation of a pond.
- 3.2 The site is enclosed by a 1.5 metre post and rail fence on the north, east and western boundaries of the site. A 1.2 metre fence and gate will facilitate the boundary between the site and the boundary of No. 7.
- 3.3 The chicken run is situated in the south-west corner of the application site and has a footprint of 9.6 x 3 metres approx. The height of the chicken run will measure 1.95 metres approx. and will be constructed in a timber frame with a mesh infill. The chicken run is situated approximately 8.5 metres north of the boundary fence of No. 5.
- 3.4 The pond is situated within the north-west corner of the site. The invert level of the pond will be 0.8 metres, with the bank being 0.33 metres above ground level.
- 3.5 Various trees have been planted within the site and mixed native hedgerows are proposed along the east and west boundaries. Low level planting has also been planted adjacent to the 1.2 metre fence between No. 7 and the application site.
- 3.6 The applicant has submitted a statement in support of the application which includes an outline of personal circumstances. It is considered that this information is 'exempt' under the Local Government Act and is therefore confidential. As such this is contained within the confidential appendix to this report. Should Members wish to discuss this the meeting would need to go into confidential session.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR22/0390/F | Change of use of land to domestic purposes including erection of chicken run and formation of a pond \(retrospective\) | Land North Of 5-7 Askham Row Benwick Road Doddington Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

- 4.1 None pertaining to the application site.

5 CONSULTATIONS

- 5.1 **Doddington Parish Council (19/05/2022)**

Doddington Parish Council, at a recent meeting voted to object to this application on the grounds that it is a retrospective application.

- 5.2 **Doddington Parish Council (19/05/2022)**

Further to Doddington Parish Council's objection to this application that was sent to you this morning, the Council wishes to make further comments as follows:

During its discussions members reviewed the size and location of the chicken run and considered that it would be more appropriate if this item was located behind the applicants property rather than in its current position which is behind a neighbours property.

5.3 Definitive Map Team

Thank you for consulting with the Definitive Map service at the County Council on the above planning application.

Public Footpath No.17, Doddington runs along the access into the site. To view the location of the public footpath please view our interactive mapping online which can be found at <https://my.cambridgeshire.gov.uk/mycambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width. If you require a copy of the Definitive Map & Statement, this can be requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

No gates may be erected on a Public Right of Way without the consent of the Highways Authority. Any proposals to erect a gate should be referred to the Highways Authority for consideration.

Whilst the Definitive Map team has no objection to this proposal, should you be minded to grant planning permission then we would be grateful if the following informatives are included:

- *Public Footpath No.17, Doddington must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public highway).*
- *No alteration to the Public Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).*
- *Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them*
- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way*
- *Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

5.4 CCC Minerals and Waste

The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (k)). The application documentation does not appear to make any reference to the safeguarded minerals, or Policy 5. Consequently criteria (i) – (k) have not been demonstrated, leaving criterion (l), which states that:

*“development will only be permitted where it has been demonstrated that there is an overriding need for the development (where prior extraction is not feasible) **”*

It is noted that the proposed development is, as per the description, the change of use from an agricultural field to a private garden. It a relatively small development, with a site area of 0.54 ha, and there are dwellings located to the south of site. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development, and size of the site means that complete prior extraction is, in this case, unlikely to be feasible.

Should the Planning Authority be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.

5.5 CCC Archaeology

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

Although this site lies in an area of archaeological potential, with relict medieval or post-medieval ridge and furrow agricultural traces visible on aerial imagery present in several areas north of Benwick Road and a possible moated site present some 350m to the north-west, within the vicinity of the application site these features are heavily degraded by subsequent modern ploughing regimes. In September 2015 a trial trench evaluation, consisting of 9 trenches, was undertaken in advance of construction of the properties at Askham Row in order to evaluate the archaeological potential of this road-frontage location (Cambridgeshire Historic Environment Record reference ECB4536). A small assemblage of pottery dating from the Iron Age through to the post-medieval period was found in the topsoil and subsoil, and is likely to be associated with manuring. No archaeological features were identified. Similarly an evaluation at Askham House to the west in 2008 identified only a single undated post-hole in the north-western corner of the evaluation area (CHER ref ECB3088).

In light of the results of these adjacent investigations we therefore have no objections, and no requirements for this (retrospective) development as proposed.

5.6 FDC Arboricultural Officer

Looking at what they have planted and the numbers, it all looks good.

They have chosen a range of native species and fruit trees, so the biodiversity is good and many opportunities for foraging for wildlife.

5.7 FDC 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, the noise climate or be affected by ground contamination.

5.8 PCC Wildlife Officer

Clarifications were provided by the PCC Wildlife Officer with regard to the Great Crested Newts risk zones who confirmed that the GCN risk zones are hard boarders with no buffers. In addition to this clarification, the following comments were provided:

If the application was to be disturbing habitat which may have GCN within it then the first step would be a desk study identifying all ponds that may contain GCN within a 250m radius of the site (for a small development 500m for a large one). If ponds are discovered then either further surveys to determine presence are needed or the DLL scheme can be used (which is when the GCN risk zones come into play).

However as this is a nature pond which purpose is to create wildlife habitat I do not think these surveys are necessary in the first place. I do not think the application presents a risk to either killing or disturbing a GCNs resting place (this is assuming there are no significant ground works as part of the application).

5.9 Local Residents/Interested Parties

6 letters of support were received from residents of Askham Row prior to the statutory consultation process being undertaken. As such these have been disregarded in terms of the Scheme of Delegation. 4 further letters of support (3 from residents of Askham Row and 1 from Hospital Road) were received. The reasons for support are as follows:

- Poplar trees planted along the western edge of the footpath and during 2023 the land will no longer be visible from the footpath
- Stock fence to be erected along footpath which will further obstruct
- DEFRA licenses granted on adjoining land
- Land previously heavily farmed
- Work completed to return wildlife to the area
- Approval of houses along Askham Row demonstrates that change of use is acceptable
- Wildlife and poultry good for the environment
- Askham Row built on agricultural land
- Encourage and provide for wildlife

1 objection was received with regard to the above scheme. The reasons for objection are as follows:

- Children not able to use their play equipment (raised platform of 1.5 metres) within the rear garden as it overlooks the site/close proximity to chicken enclosure
- View of the development from the north facing first floor bedrooms

- Greenhouse within existing garden which used to be a chicken run
- Out of character with existing garden sizes along Askham Row
- Concerns raised regarding planning permission for a beehive on site
- The proposed chicken enclosure could house 720 chickens based upon the ratio of the Poultry Club of Great Britain guidance
- Development highly visible from the Doddington Circular Walk
- No noise or odour considerations
- No analysis of impacts arising from avian flu
- Permitted Development Rights if application granted
- Application site is located within the countryside/urbanises the countryside
- Sets a harmful precedent
- Harm to the enjoyment of neighbouring property
- Concerns regarding Great Crested Newts
- No information provided on biodiversity net gain
- Loss of agricultural land
- Located on land which is of high archaeological interest
- Clear breach of planning policy
- FDC Environmental Health comments do not consider the scale of the chicken enclosure and the amount of chickens which could be accommodated
- Not clear why a Great Crested Newts survey is not being undertaken given the national guidance
- Plans do not reflect the earth bund construction
- Contrary to previous appeal decisions
- Coates Appeal, planning reference F/YR20/0107/F

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)

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

Para 11 – A presumption in favour of sustainable development

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

Para 130 – Achieving well-designed places

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a positive contribution to local distinctiveness and character of the area

8 KEY ISSUES

- **Principle of Development, Design Considerations and Visual Amenity**
- **Residential Amenity**
- **Flood Risk**
- **Other Matters**

9 ASSESSMENT

Principle of Development, Design Considerations and Visual Amenity

- 9.1 This application seeks retrospective consent for the change of use of land to domestic purposes including the erection of a chicken run and formation of a pond.
- 9.2 Policy LP12, Part A of the Fenland Local Plan 2014 states that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside and the site would be located in or adjacent to the existing developed footprint of the village. Policy LP12 also clarifies that the developed footprint of the village is defined as continuous built form of the settlement and excludes gardens, paddocks, and other undeveloped land on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area, such as the land within the application site.
- 9.3 Policy LP16 of the Fenland Local Plan 2014 seeks to deliver and protect high quality environments across the district. LP16 (d) states that development should make a positive contribution to the local distinctiveness and character of the area, enhance its local setting, respond to and improve the character of the local built environment, provide 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 the landscape character of the surrounding area.
- 9.4 Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD July 2014 seeks to ensure developments make a positive contribution to local distinctiveness and character of the area. DM3 (d) states that in order to satisfy the criteria of LP16 (d), all development as a minimum should ensure that the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features (including boundary treatment) of the proposed development, which should aim to improve and reinforce positive features of local identity.
- 9.5 Paragraph 130 of the NPPF also seeks to ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character.
- 9.6 Askham Row is comprised of 10, 2-storey detached dwellings with rear gardens that create a strong established curtilage line, with a clear delineation between the

built-up form and the agricultural land to the north which creates a clear distinction between the urban environment and open countryside.

- 9.7 Prior to the development on site, the land was used for agricultural purposes. The trees, hedges as well as the low-level planting do not constitute development and the pond and associated earth bund are considered to be for outdoor recreation and as such is an appropriate feature in a countryside setting.
- 9.8 The development however does introduce domestic structures, which, in combination with the features described above, creates an urbanising encroachment into the open countryside to the significant detriment to the character and visual amenity of the area. In addition to this, the depth of the site is approximately 98 metres (measured from the rear boundary of No. 7) and a width of 56 metres. The scheme will create a significantly sized domestic garden within an agricultural area which would appear incongruent and out of character. The development would also set a precedent for adjoining properties to introduce domestic gardens within the open countryside, introducing further harm and eroding the countryside character.
- 9.9 It is therefore considered that the combination of the use of the land to the north of 5-7 Askham Row as domestic land, the erection of the chicken run, formation of the pond and various planting has altered the character and appearance of the land and has also resulted in a residential use encroaching into the countryside and has therefore adversely impacted upon the character of the surrounding area and therefore is contrary to Policy LP12, Part A and Policy LP16 (d) in this respect.

Residential Amenity

- 9.10 Residential properties sit to the south of the application site at No. 5 and 6 Askham Row and the developments on site are therefore likely to be somewhat visible to these neighbouring properties. Given the presence of the close-boarded fences which form the north facing boundary of these neighbouring properties, it is unlikely that the visual impacts from the retrospective development will be adverse.
- 9.11 A letter of objection was received from a neighbouring property regarding the chicken run and a request to re-position the chicken run which is situated in the south-western corner of the application site approximately 8.5 metres north of the boundary fence of No. 5 and approximately 53 metres from the rear elevation of the host dwelling at No. 5. Concerns were also raised with regard for the potential of a large number of chickens to be kept on site given the size of the structure. Given that the previous use for the land was agricultural and any future use for agriculture would not constitute development, a significant number of livestock could be kept on site without planning permission and therefore it is not considered reasonable to seek the relocation of the chicken enclosure or noise and odour assessments given that livestock can be kept on site without planning permission.
- 9.12 The applicant has submitted a statement setting out personal circumstances in support of the application. These are contained within the confidential appendix to this report. It would be inappropriate to discuss these in detail within the report, however, in summary, it is not considered that these are material to the determination of the application.

Flood Risk

9.13 The application site lies within Flood Zone 1; accordingly, there are no issues to address in respect of Policy LP14.

Other Matters

9.14 The letter of objection received highlighted a number of concerns with regard to the retrospective development which have not already been addressed in the assessment above.

9.15 Concerns were also raised regarding a potential beehive on site and whether this would require planning permission. The keeping of bees does not require permission and therefore does not need to be addressed under this application.

9.16 The letter of objection also highlighted the earth bund on the section does not reflect what has been constructed on site. The applicant has confirmed that if works should re-commence on site, that the earth bund will be +330mm from ground level and therefore the plans accurately reflect what is proposed on site.

9.17 The letter of objection highlighted that the application site is located within a Great Crested Newts (GCN) Green Risk Zone and within 50 metres of a Yellow Risk Zone and therefore should be subject to an appropriate survey. The LPAs ecologist confirmed that given the location of the application site within a Green GCN zone, then the need for a survey is unlikely. In addition to this, they considered that the scheme includes a nature pond which is unlikely to present a risk to killing or disturbing a habitat with GCN within it.

9.18 With regard to the site being located on land which is of high possibility of archaeological interest, upon consultation with CCC Archaeology, it was confirmed that there are no objections or requirements for the retrospective development.

9.19 This application has been referred to Committee by the Head of Planning on advice of the Committee Chairman. This advice noted that a similar application was passed at Chatteris previously at Planning Committee. The planning reference for this application is F/YR20/0266/F. This application was for the erection of a 1.8m (approx) high post and wire fence, a hen house and the formation of an access at Land West of Meadow Farm.

9.20 The above application was approved as the majority of the elements of the proposal, including the keeping of poultry, erection of fences and the use of the existing access track did not require planning permission. The remaining elements that did require permission were considered acceptable as they complied with the necessary policies of the Fenland Local Plan 2014 as being for agricultural purposes, rather than creating a domestic feature within the countryside. As such this case is not considered to be comparable to the current application.

9.21 However, a similar scheme, which is somewhat more comparable to this application, and referred to by the objector, is a development at 24 Feldale Lane, Coates which was dismissed at appeal (planning reference F/YR20/0107/F). The Coates application was slightly different in the respect that the shed and greenhouse were of a different form and scale to the chicken run proposed under this application. Notwithstanding this, the application site at Coates was significantly smaller (61 metres x 19 metres) than the site under this application. The inspector dismissed the appeal at 24 Feldale Lane as the use of the site as domestic garden land, erection of two buildings combined with the vegetable garden etc altered the character and appearance of the land resulting in a

residential use encroaching into the countryside, with negative effects on the rural character of the area which conflicts with Policy LP12(A). This does indicate that such development can be found unacceptable and the refusal of such can be defended at appeal

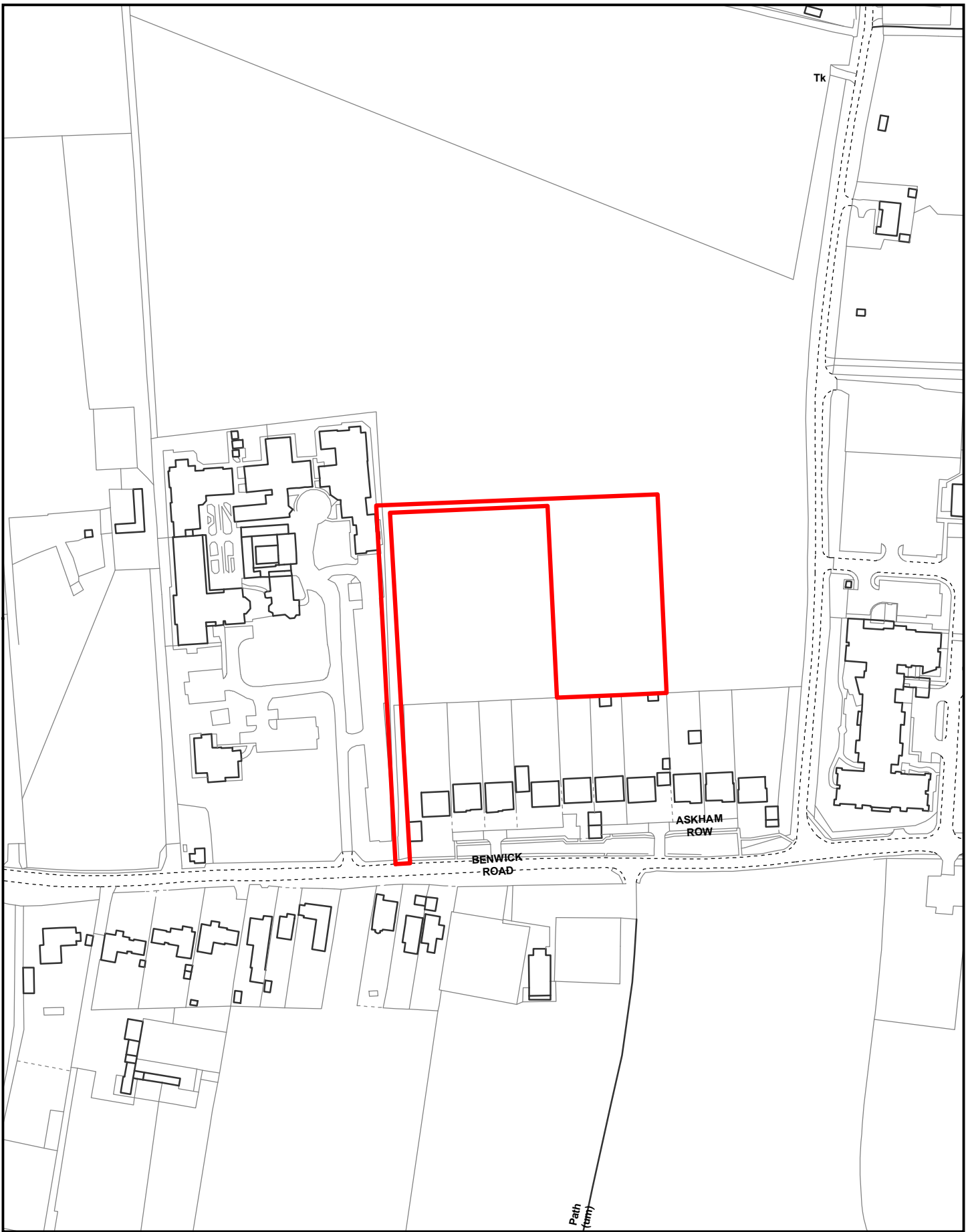
10 CONCLUSIONS

- 10.1 The combination of the use of the land to the north of 5-7 Askham Row as domestic land as well as the erection of a chicken run and formation of a pond is considered unacceptable due to the encroachment that the proposed domestic garden introduces on the open countryside.
- 10.2 The domestic garden area will urbanise the open countryside to the significant detriment of the character and visual amenity of the area. The introduction of such would also set a precedent which would result in the creation of further cumulative harm on the open countryside.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	Policy LP12 Part A (c) and Policy LP16 (d) of the Fenland Local Plan 2014, DM3 (d) of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 and Paragraph 130 of the NPPF require that developments do not adversely impact upon the character and appearance of the open countryside. The development creates a significantly sized domestic garden which results in an urbanising encroachment into the open countryside to the significant detriment of the character and visual amenity of the area. In addition, this would set a precedent for the creation of further cumulative harm. As such, the development is contrary to the aforementioned policies.
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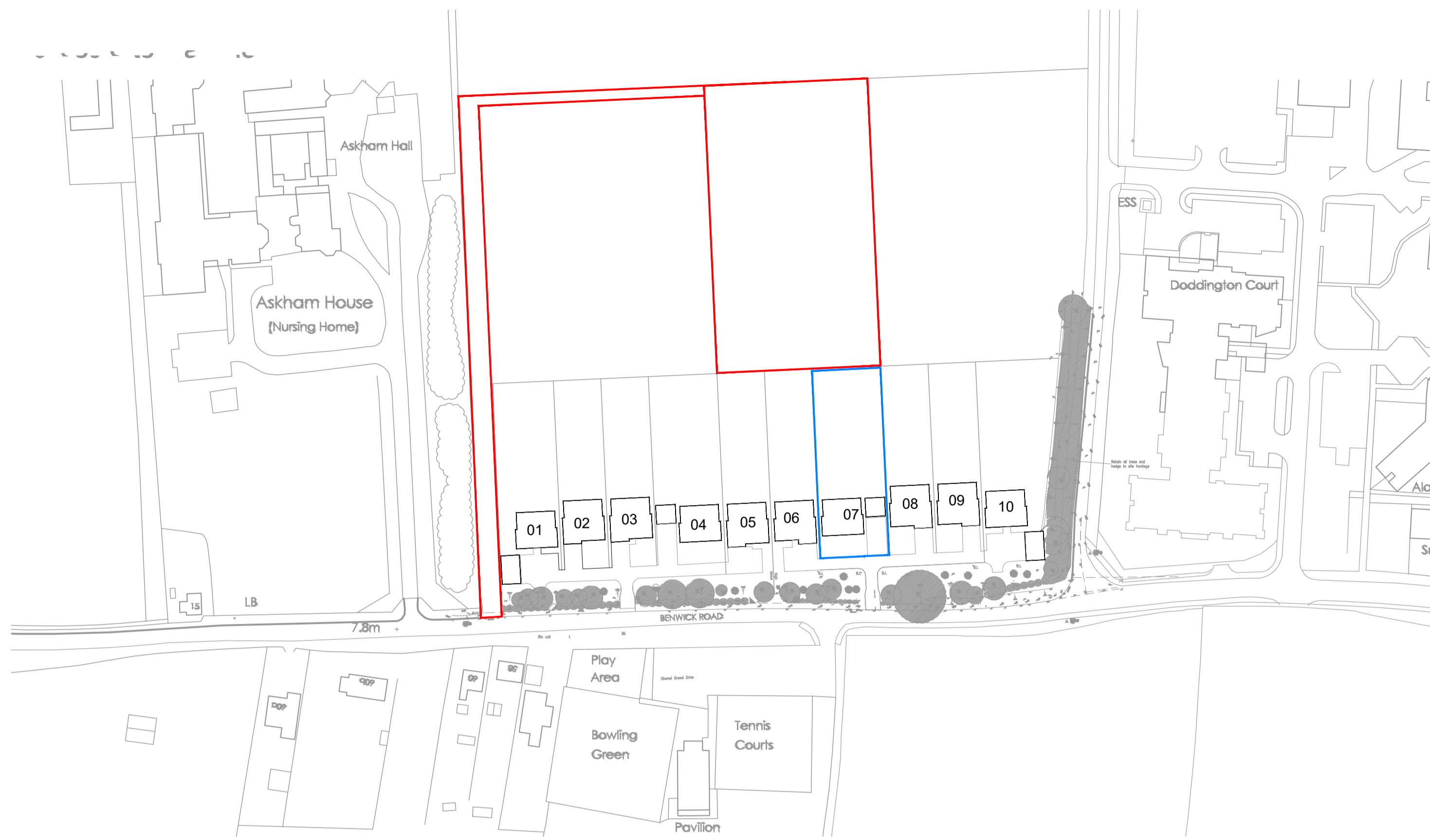
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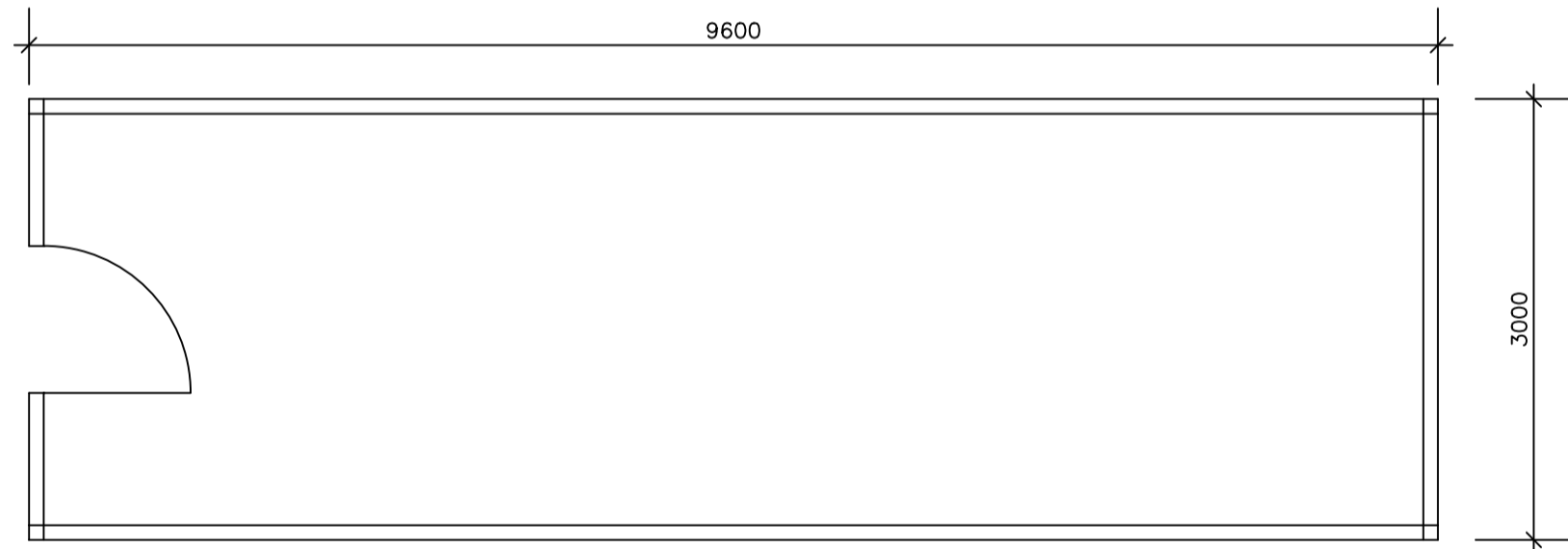
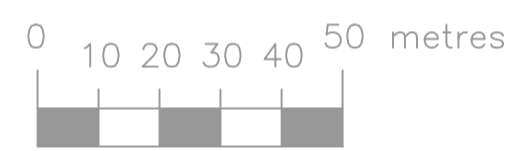
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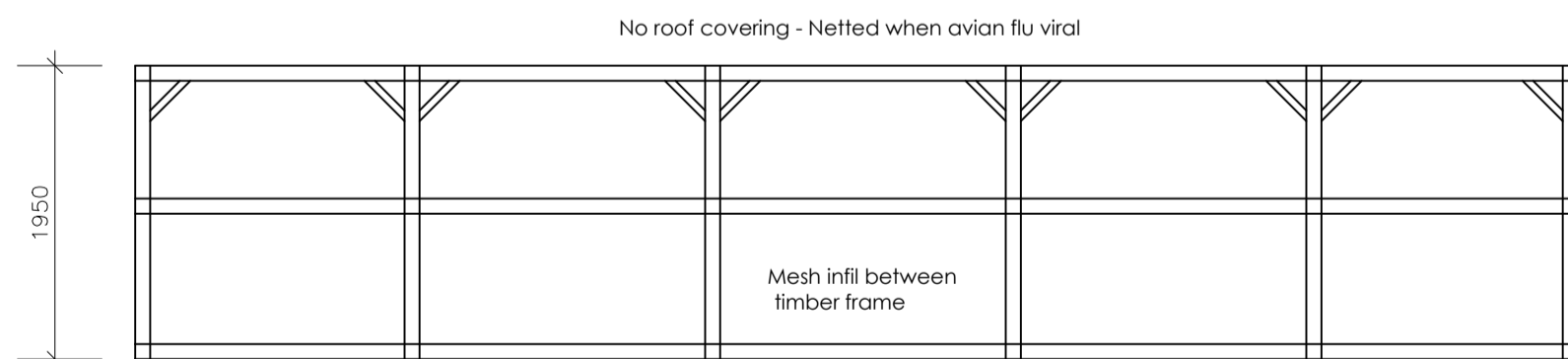


7 ASKHAM ROW

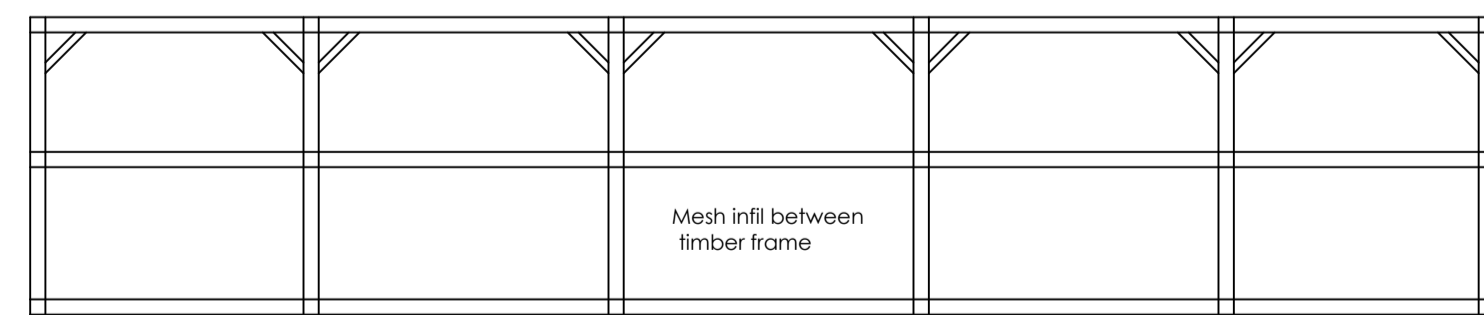
LOCATION PLAN 1:1250



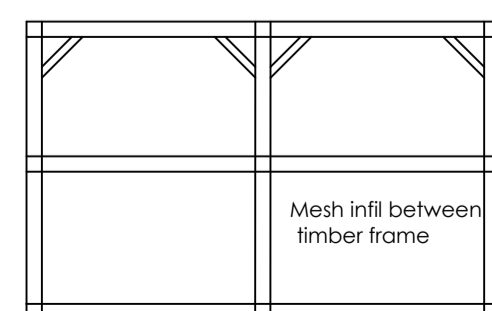
Floor Plan Chicken Run 1:50



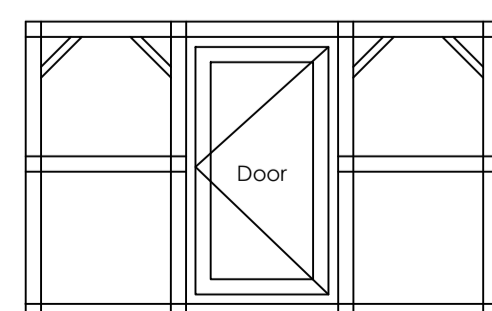
Side Elevation 1:50



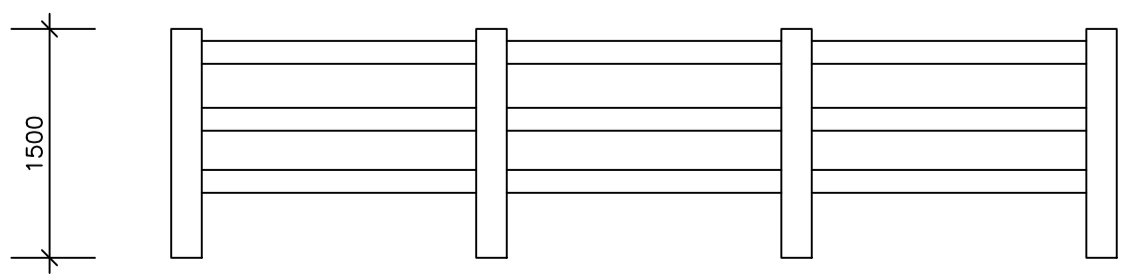
Side Elevation 1:50



Rear Elevation 1:50

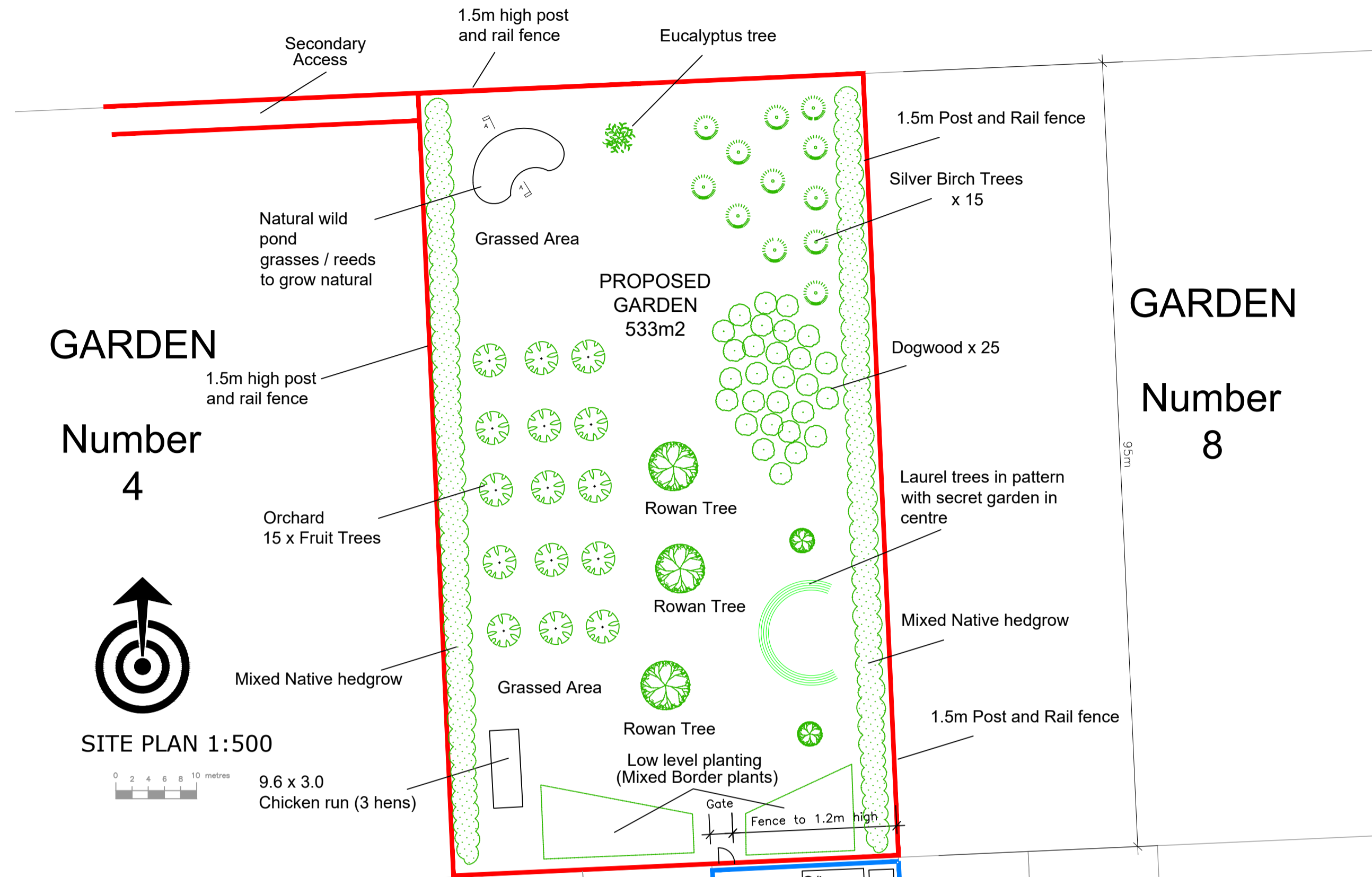


Front Elevation 1:50



Fence Elevation 1:50

MEGAPLANT LAND - EQUINE APPLICATION TO BE SUBMITTED



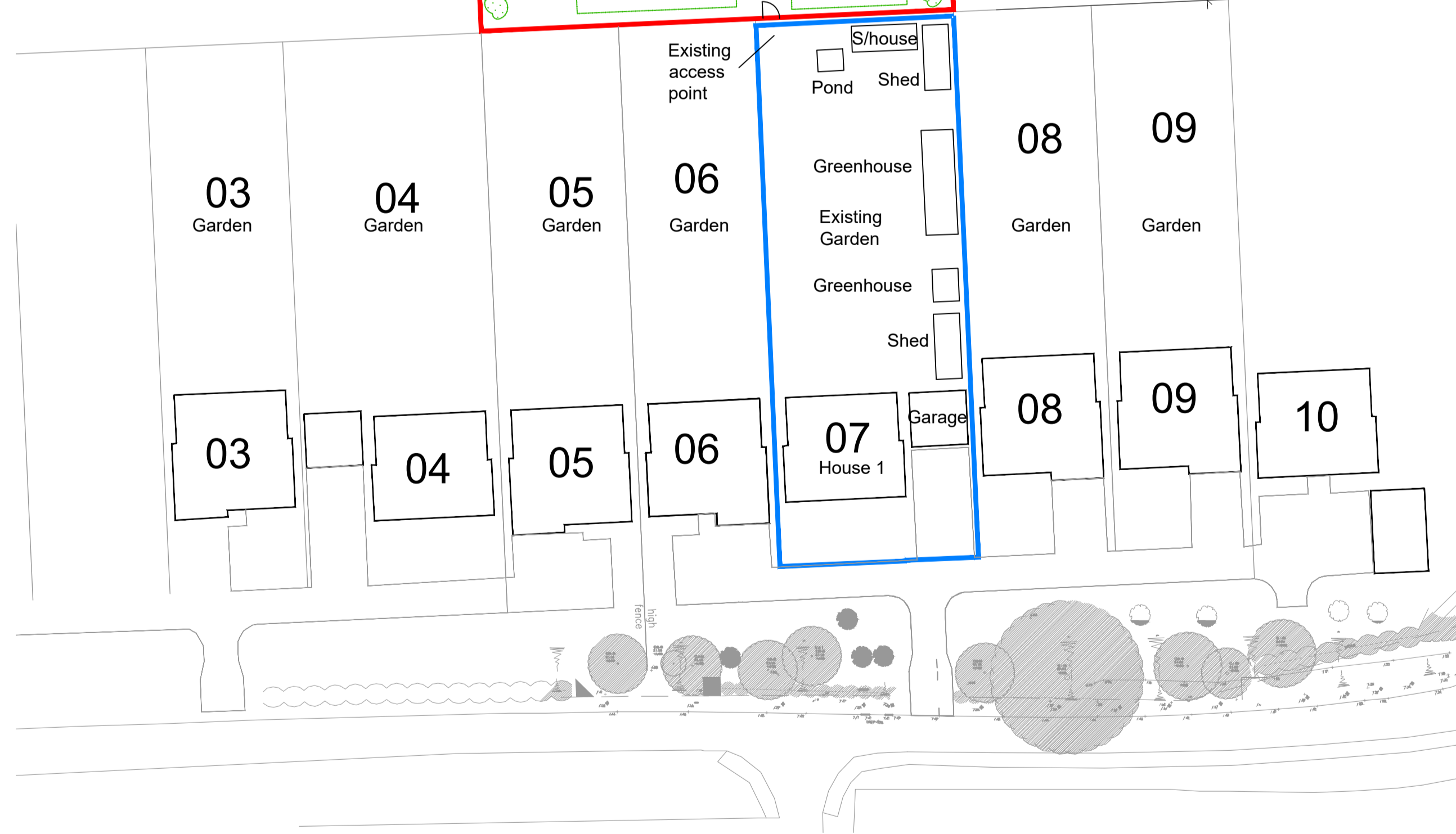
GARDEN Number 4



SITE PLAN 1:500



9.6 x 3.0 Chicken run (3 hens)

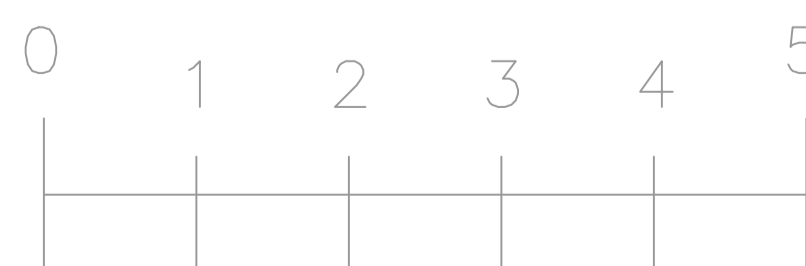


GROUND LEVEL

Bank +330mm

Invert -800mm

Pond Section 1:50



Revision:	
Project:	7 Askham Way Doddington
Description:	SKetch 001
Date:	08-03-2022
Scale & Sheet Size:	1:50 / 100 @ A1
Drawing Ref:	

SK01b



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of the Local Government Act 1972.

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