

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 21 SEPTEMBER 2022

1.00 PM

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

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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 32)

To confirm and sign the minutes from the previous meeting of 24 August 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/YR22/0464/LB
March Town Hall, Market Place, March
Works to a Listed Building comprising the replacement of front access door (Pages 33 - 44)

To determine the application.

6 F/YR22/0495/O
36 Westfield Road, Manea
Erect up to 9 x dwellings involving the demolition of existing shed (outline application with matters committed in respect of access) (Pages 45 - 64)

To determine the application.

7 F/YR22/0529/F
15 Bridge Street, Chatteris
Replace existing shop front and separate access door with folding doors, and installation of roller shutters to restaurant frontage (retrospective) (Pages 65 - 76)

To determine the application.

8 F/YR22/0701/O
Land North Of 59 And 61, March Road, Coates
Erect up to 4 x self/custom build dwellings (outline application with matters committed in respect of access) (Pages 77 - 96)

To determine the application.

9 F/YR22/0863/F
18 East Park Street, Chatteris
Erect a first-floor rear extension to existing building (Pages 97 - 106)

To determine the application.

10 Items which the Chairman has under item 3 deemed urgent

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

PLANNING COMMITTEE

WEDNESDAY, 24 AUGUST 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 W Sutton and Councillor D Topgood, Councillor S Clark (Substitute)

APOLOGIES: Councillor M Cornwell and Councillor R Skoulding,

Officers in attendance: Nick Harding (Head of Planning), Nikki Carter (Senior Development Officer), Alison Hoffman (Senior Development Officer), Theresa Nicholl (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

P35/22 PREVIOUS MINUTES

The minutes of 27 July 2022 were confirmed and signed as an accurate record, subject to amendment of minute P27/22 second bullet point of questions to officers where Councillor Sutton refers to Barrier Banks it should read Nene and Ouse Barrier Banks.

P36/22 DECLARATIONS OF INTEREST

During the declaration of interests, Councillor Connor reported that he had been advised that on applications F/YR22/0632/RM and F/YR22/0338/F, which he had called in to be considered by Planning Committee as per the Council's Constitution, and linked applications F/YR22/0217/LB and F/YR22/0218/F that he was pre-determined which he does not agree with and feels that this has been judged harshly.

Members and officers made comments as follows:

- Councillor Mrs French asked for an explanation why officers believe the Chairman is already predetermined as her understanding is that when the Chairman decides to bring an application before Planning Committee the Chairman makes a recommendation and the Head of Planning actually makes the decision so she cannot see why the Chairman is pre-determined? She expressed the opinion that if this is the case the authority to call-in applications to committee will be taken away from the Chairman and the Head of Planning and authority given to the Portfolio Holder for Planning to make the determination as it is not right that the Chairman has to sit back and not vote and take part in planning applications which he sits on committee to do.
- Councillor Benney expressed the view that when this method of bringing applications to the Planning Committee was discussed previously it was decided that the Chairman would decide in conjunction with the Portfolio Holder to recommend applications to committee and it is down to the committee to determine the applications. He made the point that the Chairman is part of the Planning Committee and, in his view, to take him away from the committee he feels is wrong, with people paying good money and a lot of money for their planning applications to be heard and this is impeding the process for these applications to be heard in a fair, open and democratic way and the Chairman should be able to consider these applications. Councillor Benney expressed the opinion that, in terms of pre-determination, everyone who sits on the committee starts with an open mind but by the time the report has been read members all have an opinion of some sort that can be swayed and

changed at the meeting, which is the democratic process.

- Councillor Connor stated that he has been undertaking these call-ins for approximately two years and he used to use openness and transparency as his reasons and it is only in the last three months that the terms of calling-in applications has been altered whereby he has had to provide reasons why they should come to committee, not his personal thoughts but for committee to decide whether an application is approved or refused.
- Councillor Mrs Davis stated that her view is that the process was brought in for the Chairman of Planning Committee to be able to call-in applications that were recommended for refusal and when you call them in you are not calling them in as Councillor David Connor but as the Chairman of the Planning Committee so that the wider view of the members of the committee can be obtained and she does not see how this then should then make the Chairman pre-determined.
- Councillor Benney stated that he remembers when this procedure was brought in, with members looking at changing the Constitution to do this and this was an agreement made between the Head of Planning and members, it was agreed that if this was the method and process of bringing applications to this committee and the Head of Planning agreed that he would allow those to be brought forward then the Constitution would not be changed and he feels that this puts members in a position as a member-led Council to changing the Constitution again as, in his opinion, this is not fair on the people members are supposed to represent, they need a fair and full service that is available to them. He feels this service has been running well for several years and it is not right to take the Chairman's vote away due to the Chairman calling an application in and as a committee member he should be allowed to vote.
- Councillor Sutton stated that he does not 100% agree with the other speakers, he thinks that when the Chairman calls an application in and provides the reasons of openness and transparency it is a lot different to giving a specific reason, which leaves the Chairman open to challenge, the committee open to challenge and thus the Council open to challenge so he feels the advice that the Chairman is being given is good advice and if he was in the Chairman's position he would be taking it.
- Councillor Connor reiterated that for around 2 years it was accepted that openness and transparent and he did not provide any specific reason why these applications should be called-in but in the last 3-4 months that has changed significantly, he feels that openness and transparency is what all members want to see on the committee and he was asked to give reasons why these applications should be considered by committee against officer's recommendation. He stated that it is not what he wanted to do but what he has to do to bringing fairness and openness to the residents of Fenland who are paying a lot of money for planning applications and they should get the full service.
- Nick Harding stated that the Constitution was specifically altered at Full Council to facilitate the arrangement whereby applications recommended for refusal under delegated powers went through a consultation process with the Chairman and the Constitution sets out that in the response that the Chairman must give a planning reason why the application has been requested by the Head of Planning to be considered for presentation to committee. He stated that it is correct to say that for a period of 'openness and transparency' (without an explanation of where the issue of openness and transparency lay) was accepted as a 'call in' reason. However, in light of a number of formal complaints regarding decisions made by committee, where the decision has gone against the officers recommendation, he had reflected on whether simply accepting the phrase, 'openness and transparency' was compatible with the requirements of the constitution and he had concluded that it was not. Nick Harding stated that since the change to properly implement the requirements of the constitution, he has given the Chairman the opportunity to explain where the issue of openness and transparency lies, because that can legitimately be a planning reason and if it is not known where the issue of openness and transparency lies, then on what basis is he making a decision on whether or not to allow an application to come to committee. He added that if there was a formal complaint made that asked where the issue of openness and transparency lay, the Head of Planning said that he would not be able to provide an

answer, unless it was given by the Chairman. Nick Harding stated that with regard to the issue of 'predetermination', the Chairman can give a planning reason using words in a way that do not identify what his personal opinion is on that application. He added that as soon as a personal opinion is expressed in that reason, such as 'I believe that planning permission should be given for X because of A, B and C, then this is virtually the same as a ward councillor who sits on the committee, responding to an everyday planning consultation who would be considered to be 'pre determined'. Nick Harding explained that this is why the advice has been given to the Chairman in relation to the meeting today, but the decision on whether or not the Chairman wishes to accept that advice is entirely up to the Chairman.

- Stephen Turnbull, the Legal Officer, stated that one of the main principles of probity in planning is developers, stakeholders and the broader public being reassured that members when they are at committee approach applications with a genuinely open mind and it may be that individual members in their own heads do not have an open mind but there is the need to make sure that watching members of the public and applicants know that applications will be dealt with impartially by members who have not made up their mind before they come to committee, hear the debate, hear the representations, advice from officers and then make their decision, which is the correct way for it to happen. He made the point that if his attention is drawn to a member who said in advance of a committee meeting words to the effect of I don't like this application or I do like this application it his duty to say to that member you are pre-determined and if you go ahead and vote and a member of the public observes what is going on they may well conclude that the committee has already made its mind up and what is the point of having a Planning Committee they might say if members have already decided which way they are going to vote. Stephen Turnbull stated that the proper advice that he has to give to the Chairman or any other member is that you can express your views in whatever way you want but if you are sitting determining a planning application you cannot in the run up to the application express views which demonstrate that you have already made up your mind. He made the point that this is the principle at stake and is embedded in Local Government advice and the legal framework that is operated, therefore, the Constitution requires the Chairman to give planning reasons and if those planning reasons involve an opinion on the merits of an application one way or another, the right approach from him as Legal Officer is to say that the Chairman cannot take part in that debate to reassure the public and other stakeholders that members have not already made up their minds.
- Councillor Marks expressed his confusion and queried that as a ward councillor if someone approaches him and say they have a problem with planning he will ring the Chairman and say is there any possibility that this can be called-in giving a reason and if the Chairman then puts the reason in writing then the Chairman cannot take part but has had nothing to do with this at all so how can the Chairman be pre-determined if he has been given a list of issues that someone is complaining against and stated this cannot happen. Stephen Turnbull responded that in this situation the Chairman simply verbatim reports to officers that this individual has expressed views, that is not the Chairman expressing a view but just passing it on to officers and the same can be applied to can this be called-in as this individual has expressed these views. He stated that what needs to be avoided is the member introducing his own opinions in advance of the planning meeting. Councillor Marks questioned that planning officers can give their own opinions? Stephen Turnbull responded that is correct as they write the reports but members make the decisions and members should not be expressing any view.
- Councillor Connor stated that there are 3 applications that he has made some sort of comment on to bring these applications to committee due to an officer's recommendation of refusal and the issue is not going to be resolved at this meeting with Councillors Benney and Mrs French indicating that they might want to change the Constitution but if this does not take place he may need to get legal advice on what to say if an application needs to be called into Planning Committee that does not implicate him as pre-determined which he will certainly do in the future. He stated that this time he will be following officer advice and will hand over to Councillor Mrs Davis to chair those applications.

- Councillor Mrs French referred to the Chairman stating that up to 3 months ago everything was working fine and this has now changed which she feels has put undue pressure on the Chairman and as Deputy Leader of the Council she is going to recommend to the Leader of the Council that the Constitution be changed for the Portfolio Holder for Planning to make the decisions taking the burden away from the Chairman.
- Councillor Connor stated that he is more than happy with this as it does take up a lot of his time.

P37/22

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

Nikki Carter presented the report to members and drew attention to the update report that had been circulated.

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 Ms Wood, the agent. Ms Wood stated the site is partly brownfield and immediately adjacent to the edge of the town of Chatteris. She expressed the view that the proposed development will facilitate the removal and remediation of a noisy engineering company on the site, which is in the process of moving to another location in Chatteris.

Ms Wood referred to the emerging Local Plan which proposes the allocation of 45 hectares of land for employment purposes in Chatteris and she feels there will be no loss of jobs as a result of this development. She expressed the opinion that this proposal will enable the business to build new premises to replace the existing poor-quality buildings on the site, which members from seeing the site will appreciate is partly constructed with asbestos.

Ms Wood expressed the view that the development will also result in road improvements in West Street and members would have seen on site that West Street is a well-used route towards the Pocket Park, especially with dogs. She stated that the application scheme includes the provision of public open space, which will result, in her view, in a more pleasant walking route that will be better overlooked and thereby safer.

Ms Wood stated that the proposed development will result in the provision of much needed affordable housing, 6 units, which will be able to be provided more quickly than waiting for larger housing schemes to come forward, especially as this is a full application. She made the point that the Council is looking to allocate significant areas of land in this locality for housing development in the next Local Plan so, in her opinion, this proposal would not represent undue encroachment into the countryside with the site's allocations in the Local Plan including over 200 houses to the south-east of this site accessed from Blackmill Road, London Road and Fairbairn Way.

Ms Wood expressed the view that their proposal for 22 homes will contribute quickly to the sustainable growth of the town and provision of choice. She feels the refusal reasons were addressed in her e-mail to members on Monday, but in summary the development will be in character with the area because it will introduce residential use within residential surroundings rather than continuing the industrial use, this locality is evolving into a larger residential location and the development will provide a pleasant area of open space that will form a transition between built development and the countryside beyond.

Ms Wood referred to refusal reason 2, the amenity of 88 West Street, and expressed the opinion that this will be improved by the removal of the industrial use and the provision of new boundary treatment with the nearest house being 5 metres, a car length, from that adjacent bungalow at its closest point and the nearest part of the house at plot one will be a single-storey garage which can be further reduced in height if members prefer and there will be no windows facing this bungalow. Regarding refusal reason 3, Highways, she expressed the view that the Highways Officer was satisfied that his requirements could be overcome by conditions and she has already liaised directly with Highways regarding slight amendments to the plans which they have confirmed to be acceptable so she would anticipate that planning conditions requiring the submission of these plans formally for approval along with a condition regarding the consequential minor changes to the road drainage scheme should be workable.

Members asked questions of Ms Wood as follows:

- Councillor Sutton asked how the new road layout differs from the one it supersedes as he could not see too much difference? Ms Wood responded that neither could she which makes her point, there are minor changes about the way the footway comes down the road, it was going to be on the west/left side and the Highway Officer thought it needed to be on the right due to changes in levels.
- Councillor Benney asked how close is the applicant to having an agreement to the upgrade of this road, with there also being land ownership issues which is not a planning consideration, but to having a workable access committed to this development? Ms Wood responded that the access is part of the planning application, the applicant is in the process of purchasing the site from the current land owners who own most of the site but part of the site is highway land so highway rights are paramount and there is a small part at the southern end of the site which is unknown below ground ownership which is why a Certificate C was served putting a notice in the newspaper asking if anybody claims this land, but it is possible to carry out the improvement works with an associated Section 278 Agreement, which is a highway agreement.
- Councillor Mrs French referred to 9.41 of the officer's report where 25% of affordable housing is being offered, which seems generous, but members have been promised this before and once applicants get planning permission a viability study is undertaken, and then no affordable housing is provided, and she asked what is the likelihood of a viability study being undertaken? Ms Wood responded none as the applicant has agreed to buy the land and it is in the process of being purchased now, he has done his due diligence to make sure he can afford to buy the land with the constraints on it one of which is the requirement for the provision of affordable housing others are for example the demolition of the buildings, remediation of the site, disposal of the asbestos. She stated that affordable housing is one aspect, but the applicant has done the maths and as far as she is concerned affordable housing will be provided, which will be secured through a Section 106 Agreement. Ms Wood reassured members that if there was a situation where for some reason affordable housing was not wanted that would have to be a whole new planning application and it would come back before committee for consideration. Councillor Mrs French expressed the view the allocation is generous as well as over £260,000 for education and she just wonders how this site will be viable if planning permission is granted. Councillor Connor agreed that applications do come back before committee due to applicants promising to provide various allocations on site and then it being unviable, and he is really pleased that the agent has addressed his fears.

Members asked questions of officers as follows:

- Councillor Benney made the point looking at the access for this site there are issues and asked is this something that can be overcome or dealt with by way of conditions? Nick Harding responded that to the best of his knowledge the agent has had an exchange with County Highways, but he is not aware whether or not that Highway Officer has merely looked at the plans in providing the response to the agent or whether there has been the benefit of a physical site visit as well as looking at the drawings. He stated that in the

absence of that knowledge he would not rely purely on a condition as otherwise the committee is effectively agreeing to the principle of that highway improvement but in a way of being blind to what the impact may be in relation to any constraints as there are, for example, trees down that right hand side which is thick with vegetation so it is not known if there are any ditches there and, therefore, he would not want to rely on a condition to solve this problem until there is some written evidence to say the highway work is feasible. Nick Harding stated that a drawing would also need to be submitted by the applicant which would have to be subject to public consultation and there may be representations received that object to the footway on that side of the road so in that situation the application would potentially be brought back to committee for determination again.

- Councillor Mrs Davis referred to the width of the footpath not being able to be determined and asked if this is going to have an impact on what the applicant is allowed to do? Nick Harding responded that a 1.8 metre footway is currently proposed but on the “wrong” side of the road and not achievable as the agent alluded to and there has been a conversation with Highways about moving the footway to the other side of the road and given the constraints that might be found during any survey work it may mean that a 1.8 metre footway is not achievable.
- Councillor Mrs Davis referred to drainage and read the comments of the Highway Officer who says “I can’t object on this basis, but the applicant may be stung later if they don’t consider this now as an acceptable solution” which is talking about the access road appearing to be on the existing road already serving houses in that area, therefore, it is assumed that the drainage system for this area remains unchanged and goes on to say “This assumption isn’t correct. The existing highway drains over edge i.e., water runs off the carriageway into the adjacent soft verge. By including a footway on one side with a kerb upstand, the ability for over edge drainage is removed and the impermeable area increases. The applicant would therefore need to provide a means of drainage for the existing highway during any S278 application”. She feels the officer is saying that the current proposal is not going to work. Nick Harding responded that the S278 process is completely separate to planning and the way that it generally works is that you have a planning highways drawing and the officer at highways will consider whether or not that highway improvement is achievable within the land available within the public highway and there are always going to be technical elements that will be dealt with down the line through the S278 process, detailed design matters which planning is not privy to and is legally separate but as part of any submission of any additional highway details to change the footpath to the other side of the road the Highways Team at the County Council would need to be satisfied that the principle of being able to drain that road is going to be achievable.
- Councillor Sutton referred to elsewhere locations and out in the open countryside and asked how, in officers view, is this proposal any different to Womb Farm and Sutton Road Wisbech, which were agreed under the unallocated land policy? Nick Harding responded that Womb Farm was allocated for employment use and was subsequently changed to residential use given the lack of interest for employment development. He stated that when it comes to development on the edge of settlements, planning officers have to make a careful judgement and there is a degree of subjectivity to that judgement, and he can understand situations within which members may reach a different decision to the one that officers have made. Nick Harding referred to the 3 reasons for refusal, which relate to the design and character of the proposed development considering it to be a too urban character and should be a lower density design; secondly the potential impact on No.88 West Street and thirdly the provision of a footway within the public highway.

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

- Councillor Sutton expressed the opinion that this proposal is at committee a month too early as there seems to be issues around the road and members are being told one thing by one person and something else by another. He feels it would have been easier to have made a decision if members had concrete evidence that the highways can or cannot be delivered. Councillor Sutton stated that he does not like deferrals but in terms of where this application

is he personally cannot see any difference to this scheme to Womb Farm or Berryfields, they are all unallocated land and he does not have a problem with the proposal from this point of view, with the positives being the affordable housing provision and the welcome contribution to education but questioned how committee can approve the application given that members are not sure on highways. He stated that his preferred option today would be to defer the application to get clarification as to whether the highways as suggested can or cannot be delivered.

- Councillor Mrs French agreed with Councillor Sutton, she feels the affordable housing and contribution to education would be welcomed but that the access and highways needs to be resolved. Whilst she does not like deferring applications, she feels that Councillor Sutton is correct on this application.
- Nick Harding stated that having listened to the debate it has given a clue as to where the proposal may go but made the point that there are three reasons for refusal and if members are going to propose a deferral then the understanding is that members are happy with the proposal in every respect other than the matter to which it is suggested there should be a deferral so the first reason for refusal relates to the urban nature of the design of the development then there is the impact on No.88 so members need to be satisfied that they are happy with those two matters and when it comes to the final matter in relation to the improvement of the byway then the deferral would say that committee would wish to see greater detail and a highway response in relation to detailed design of that improvement proposal.
- Councillor Benney stated that this is his area as a local Chatteris person and made the point that there are other developments all along West Street that have not been built out yet and this is just a continuation which, as Chatteris Town Council indicates, links to the Pocket Park so if this development went ahead this would improve the access to this park. He does not feel he could grant this application today with the access not being resolved, the access being the sticking point. Councillor Benney referred to building out in the open countryside and feels that there is nowhere within the town boundary that you could put 22 houses, with Chatteris earmarked as a growth town and it does need to grow, it needs houses but he does not feel it can be passed without the access being committed and if this can be done by way of deferral where refusal reasons 1 and 2 are satisfied as members being happy with the principle of development on that site but deferred on access only to allow the additional work to be undertaken and if it can then the development will go ahead and if the access is not agreed it will not take place, which he is feels is a fair way to proceed rather than a refusal. He referred to 88 West Street and made the point that the agent did say that they would reduce the height of the garage which would improve the visual impact and light and he would like to see these amendments made in the plans when it comes back to committee.
- Councillor Mrs French stated that she would also like to see a management plan as she has been inundated the past few months with phone calls about dust, noise and disturbance on two sites in March and the lives of existing residents should not be made unbearable. Councillor Connor agreed with these comments as it has also happened at a site in Whittlesey.

Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that this application be DEFERRED only to seek clarification that the revised highway improvements are acceptable and achievable.

Members do not support officer's recommendation of refusal for reasons 1 and 2 as they feel that the proposal would not adversely impact the area, with the issue of unallocated land being subjective and the proposal being no different to other developments that have been approved and mitigation measures can be implemented which will lessen the impact on 88 West Street.

(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)

(Councillors Benney, Connor, Mrs Davis, Mrs French, Purser and Sutton declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P38/22 **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

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 Shanna Jackson, the agent. Mrs Jackson made the point that this application seeks approval for amendments to a dwelling which was approved in April 2022 and was previously approved in 2020, with the difference between the schemes including minor changes as detailed in paragraph 9.4 of the officer's report as well as a change in the height of the roof. She stated that the application has been recommended for refusal for the reason that the proposed new roof height would be dominant in the street scene which would harm the character of the area but, in her opinion, from the submitted street scene members will note that there is a lot of variety in this particular street scene and the proposal would be no higher than other properties within the area.

Mrs Jackson stated that the eaves height of the dwelling would be the same as was approved in the previous application and it is just the ridge height that is being increased by 40cm because of a change in the roof pitch to 30 degrees. She expressed the view that the reason the roof pitch has changed is because it represents a more traditional pitch which is consistent with other properties in the area, with the roof previously being submitted at 35 degrees but was reduced to achieve the height requested by officers and to gain approval as the applicants are keen to make a start as various external factors had held them up previously following their 2020 consent.

Mrs Jackson stated that the applicants are now in the position of being able to commence development next week and on reflection the applicants consider a 30-degree pitch represents a betterment in terms of aesthetics of the dwelling and would be more visually appropriate as it would match other properties within the area. She feels that the additional 40cm to what was previously approved would appear negligible when viewed from the public advantage, however, it would allow the roof pitch to match the neighbouring dwellings.

Mrs Jackson expressed the view that the application is deemed acceptable in all other aspects, the point of contention being the ridge height which remains lower than other properties in the street scene. She hopes members can see there is no other harm caused by the proposal and are able to support the scheme accordingly.

Members asked questions of Mrs Jackson as follows:

- Councillor Sutton stated that many occasions at this committee he has made the comment where officers have worked with agents and applicants to bring a scheme forward that was previously deemed not acceptable and he has praised officers for this. In a former life, if she had been that officer that was working with that applicant to bring a scheme to acceptability that was previously unacceptable, he feels she would have been miffed to be back looking at an application trying to get back to the initial position and asked Mrs Jackson if this would be true? Councillor Connor stated that he feels this is a leading question and Mrs Jackson

did not have to answer it.

Members asked questions of officers as follows:

- Councillor Benney asked what is the average and maximum roof height in Fenland? Nick Harding responded that he could not say. Councillor Benney queried what members were looking at as there are some houses that are even higher than this proposal, with one in Wimblington approved that was monstrous and it was stated that it would block the sun out but it has been built and as you drive past it all you see is a nice house and not that it is too high. He made the point that there is permitted development where you can build another storey on your house and officers are arguing over 40cm and if it is too high it must be based on something, what is that something? Nikki Carter responded that in this case it is the fact that the plots between are a quite modest two-storey cottage to the west and a property that has been approved at 8.7 to the east so previously it was no higher than the approved property to the east and it now is so officers would be looking at a transition between the lower property and the approved property where this dwelling is now proposed to be so much higher.
- Councillor Benney asked if the proposal was compared against the highest building in the street? Nikki Carter responded that she is not aware of this.

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

- Councillor Sutton expressed the opinion that the question is not anything to do with how high other buildings are but that the key issue is after all the work done to bring this forward, the applicant has planning permission, and then brings it back to the level where it was negotiated down. He does not feel this is right, members want officers to work with agents and developers and to just submit it again as it was originally should not be allowed.
- Councillor Benney referred to his earlier comment about people paying their money for the planning application process and this is the process. He feels it comes down to whether 40cm makes a difference on a house or not and, in his view, it probably does not.
- Councillor Marks referred to the property in Wimblington mentioned by Councillor Benney, which committee had a lengthy discussion on but if you drive along the bypass and look at it you cannot tell that it is taller and it blends in over a period of time. He questioned whether people are really going to notice 40cm?
- Councillor Mrs French agreed, 40cm is not a lot and if someone is prepared to put a planning application in and want a semi-executive home why not. She feels that more executive homes are needed, and people encouraged to move, with Fenland looking for business people to move into this area and they want executive homes and that is where the economy increases.
- Councillor Topgood agreed with Councillors Benney and Mrs French, he cannot see where 40cm is going to make much of a difference and thinks the proposal will improve the environment in this area. He would be minded to go against officer's recommendation.
- Councillor Mrs Davis queried why if 40cm makes no difference to the planning committee does it make so much difference to the applicant? She feels if she had an answer to this, she may be able to make a decision.
- Councillor Benney responded that, although not an expert, an officer or that this is the case, if you have an extra 40cm that makes the difference in having a room squared off, which makes the room a more usable space.
- Councillor Connor expressed the view that it was mentioned by the agent that the 40cm was to allow for a proper slope to match the next-door property.
- Councillor Benney stated that there is also a minimum pitch you can put on a roof of slate design because of the way the water runs off so whether this has any bearing he is not sure, but members are being asked by the person who is going to live there for another 40cm which he feels is a fair ask.
- Councillor Mrs Mayor asked why this was not picked up at the initial application stage if it is to do with next door and angles as an application was approved that has now been brought back because someone has decided that the roofs do not match next door or whatever,

which does not make sense to her.

- Councillor Sutton stated that the roof height and the pitch would depend upon the footprint so the argument about the pitch is, in his view, a non-argument, it is about roof height.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor that the application be REFUSED as per officer's recommendation, which was not supported by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions in line with the previous consent.

Members do not support officer's recommendation of refusal of planning permission as they feel that the height difference of 40cm makes no impact on LP16(d) on delivering and protecting high quality environments and would provide a better quality of life for the residents of the proposed dwelling.

**P39/22 FF/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)**

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 Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for two dwellings on a parcel of land which already benefits from planning permission for two holiday log cabins, with the application for the log cabins having been implemented and, therefore, remains extant. She expressed the view that the dwellings proposed are for the daughters of the applicant, Mr Hopkin, and they are employed in the family business at Allenby Farm, currently living at Allenby Farm and do not wish to relocate from the village.

Mrs Jackson stated that the site, which already has planning permission for a type of accommodation, is in a prime location for the future occupiers to carry out a self-build project whilst remaining in close proximity to their existing employment and family. She referred to the reasons for refusal which include there being no justification for the proposal in this countryside location, which would undermine sustainability principles, however, in her opinion, the harm in terms of sustainability if any has already been caused by permission for the holiday cabins which officers have acknowledged can be brought onto the site at any time.

Mrs Jackson expressed the view that the question is whether new housing in this location would be less sustainable than the holiday cabins and she would argue that dwelling houses are similar in character to holiday accommodation given that they both provide a type of residential accommodation, with one of the key differences being that holiday accommodation is likely to attract further vehicular movements given that holiday makers will travel to and from the site on excursions and for food and drink by private vehicle. She feels this in stark contrast to the proposed future occupiers who will be in walking distance to their place of work and would, therefore, be less reliant on their private motor vehicles.

Mrs Jackson expressed the opinion that the permission for the holiday accommodation did not contain any restrictions on the time of occupancy throughout the year and, therefore, the cabins could be occupied by holiday makers all year round in very much the same way as a standard dwelling and she would question what the harm would be in having dwellings on this site in lieu of

the permitted holiday cabins. She stated that the application is submitted in outline only and, therefore, the opportunity remains to design an attractive pair of self-build properties which will be of a higher quality, both in appearance and in construction, than the permitted holiday cabins.

Mrs Jackson stated that the site already has permission for two units of accommodation, and it is submitted that the proposal would cause no more harm to the rural locality than the extant permission on site, noting that the boundary hedging will remain on site and will soften the appearance of the dwellings when viewed from the wider locality. She expressed the view that the proposal would be an improvement on the extant permission as it would allow permanent structures on site and first-floor accommodation could be provided which would be a betterment in terms of flood risk providing a safer type of accommodation in the event of flooding.

Mrs Jackson stated that the comments raised in terms of the sequential test have been noted, however, as this site already benefits from planning permission and the scheme would represent an improvement for flood risk, she feels the scheme is sequentially acceptable. She made the point that there are no objections raised by technical consultees including the Environment Agency, North Level IDB and the Highway Authority.

Mrs Jackson hoped that members would be able to appreciate the merits of this proposal in that the site already benefits from planning permission for two units of continuous accommodation and, therefore, in her view, the principle of development on this site is already established, with the application seeking to vary the type of accommodation to provide self-build plots to allow for local residents to stay within the local area and in close proximity to their employment. She feels there is no harm caused in policy terms and the scheme provides a betterment in terms of flood risk.

Members asked questions of Mrs Jackson and the applicant, Mr Hopkin, as follows:

- Councillor Benney referred to the mention that proposal was for family members in the family business and asked what is the business and how will this application help it to grow? Mrs Jackson responded that the family members are living and working on site at the moment, which is a farm, but this proposal allows them to stay within the area to continue to support the business. Mr Hopkin informed members that they are predominantly farmers, they have some stock as well and the proposal will allow them to take on more land and more stock. Councillor Benney asked Mr Hopkin if he is looking to develop and enhance the business by bringing family members in and these properties will allow this to go ahead? Mr Hopkin confirmed this to be the case.
- Councillor Mrs French asked what type of stock is on the farm? Mr Hopkin responded that they have goats, chickens and there are plans for cows as well.
- Councillor Marks asked roughly how far away is the farm from the site? Mr Hopkin responded that it is approximately 50-60 metres.
- Councillor Sutton asked how many acres is farmed? Mr Hopkin responded that he has 540 acres. Councillor Sutton asked how many employees? Mr Hopkin stated himself and two daughters.
- Councillor Mrs Davis asked how many goats does Mr Hopkin have as she is wondering how many staff are required to look after goats and chickens as some people just keep them in their back gardens and she asked if commercial numbers are being talked about? Mr Hopkin responded that there are three goats at present but there are plans to develop a beef herd.

Members asked questions of officers as follows:

- Councillor Mrs Davis referred to the fact that a sequential test has again not been undertaken and asked if this applies to a holiday home as someone will not be displaced from their main residence? Nikki Carter responded that a sequential test would still apply but the previous application was determined under different policy requirements. Nick Harding added that in terms of the application submission it mentions the dwellings would be for occupation by family members but there is no mention of these being tied to the

business or any information on how well the business is doing or a business plan on how the business is intended to grow and on that basis this should be disregarded as a matter to help determine the application as no information has been provided to support this.

- Councillor Mrs French referred to the mention by Mrs Jackson that there is no timescale restrictions for the holiday lets and asked what is to stop the applicant building the holiday lets and someone living in them permanently? Nick Harding responded that as they are holiday accommodation by their definition they could not be someone's main residence.
- Councillor Mrs French made the point that there is over 500 acres being farmed and she is sure that there are a variety of tasks to be undertaken with a business, such as books to be kept. Nick Harding responded that Government policy on agricultural dwellings is clear in that it has to be demonstrated there is a need for people to be present on site and you do not need to be on site to keep books for the business. He stated that the application had not been submitted on the basis of them being agricultural dwellings and no evidence as required by policy had been submitted and therefore committee should not consider the application as if it was for an agricultural dwelling.

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

- Councillor Sutton referred to the previous proposal where the Chairman agreed with officers that the application should be refused and asked if this affects his position considering this application? Councillor Connor stated that this has not been brought to his attention as being an issue. Stephen Turnbull stated that this another application and any member is entitled to look at the new application and assess it on its merits.
- Councillor Sutton stated that if the applicant is claiming that the proposal is for an agricultural worker then the proper process should be followed which is to prove a demonstrable need, which they have not done, and they could not on 540 acres as it could not be justified for two dwellings. He made the point that there is extant permission to put the two holiday lets on the site, which in 2007 there was an urgent need for, and, in his view, officers have got the recommendation right, with it being refused with the Chairman's blessing just a short time ago. Councillor Sutton expressed the view that nothing has changed from that refusal, it is not even close to the village and does not have support from the Parish Council.
- Councillor Murphy agreed with the comments of Councillor Sutton as he feels that the wool is being pulled over members eyes for something the applicant wants that is not necessary or needed.
- Councillor Benney feels there is another side to this proposal, with there being a gentleman who is running a business and he wants to bring his family into it and, whilst he agrees with Councillor Sutton there is a method to do this and this probably should have been undertaken, there is an application for consideration in front of members for two homes. He feels that if someone wants to bring their family into the business and enable the business to grow the committee should do what it can to support this business, with not everyone wanting to live on an estate with other people and houses, and he feels the proposal will provide two nice dwellings. Councillor Benney referred to caravans in Flood Zone 3 in Guyhirn where applications were approved because it is safer to be in a house than it is a caravan as you can put better mitigation measures in to safeguard people. He would be inclined to support the proposal as there are benefits and it is providing homes for members of a family within a business.
- Councillor Connor agreed with Councillor Benney and the Council should be encouraging people to build houses referring to an approval in Wisbech St Mary and whilst the application should probably have been submitted in a different manner members need to determine what is in front of them.
- Councillor Benney referred to the sequential test, which he has been reading up on and he feels that up until three planning committee meetings ago as a committee mitigation measures were being accepted for building in Flood Zone 3, with a lot of the overturns by the committee bringing forward a lot of homes that people are going to live in being assessed on the sequential test and as Councillor Sutton has said people can build in

Wisbech in Flood Zone 3 but cannot build in other locations, such as Benwick and Turves, but Wisbech would flood more often than Benwick and Turves ever will. He expressed the view that all of the mitigations measures put in help safeguard flooding but it will also flood if all the pumps were turned off so he views the sequential test as a blot to development, which is stopping sensible, feasible and viable applications as not everything is going to be built in Flood Zones 1 and 2, with there being a lot of land that is ideal for building on and it is being turned down because of the sequential test. Councillor Benney feels that how the test is undertaken gives an unbalanced view and he does not consider when members have a good application in front of them that is a good enough reason to refuse an application and they need to get back on track by passing these applications assessed on their own merits. In his view, if members adhere to the sequential test requirements religiously good applications will be turned down providing good homes for people and in the past few years the committee has not done this, and it needs to get back to where it was with consistency. Councillor Benney expressed the opinion that if this site is going to flood that badly a house should be built on it to make it safe for the people who are going to live there.

- Councillor Sutton expressed the view that if this application was submitted in the manner it should have been, if it is for a farm worker, then the sequential test is null and void because the dwelling is needed to be where it is.
- Nick Harding confirmed that Councillor Sutton is broadly right but reminded members that the sequential test is not the same as the exceptions test and it is the exceptions test which, amongst other things, determines whether or not mitigations that are proposed on a development are sufficient to deal with the flood risk. He made the point that the sequential test must be passed before you can go on to do the exceptions test and if the sequential test is failed then you cannot go on to consider the exceptions test. Nick Harding added that this is a nationally driven policy where it says the sequential test must be undertaken and you cannot not do it.

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

Proposed by Councillor Benney, seconded by Councillor Connor and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions to include that the dwellings be tied to the business and the requirement for a Section 106 Agreement due to the properties being self-build.

Members do not support officer's recommendation of refusal of planning permission as they feel that there is already permission for holiday accommodation and it would be safer for the dwellings to be permanent houses, it will enable family members to remain on site to enable the business to grow, the benefits of the proposal outweigh the negatives and as the proposal is for family members to enhance the business it is deemed that there is no need for a sequential test as the need for the dwellings exists.

**P40/22 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**

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

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 expressed the view that the scheme is a long time coming and her

only concern is parking, with there being parking issues all over Fenland but especially in Wisbech. She asked if officers are satisfied that the proposed parking is adequate? Alison Hoffman responded that the site is well located to the town and bus station, and it does not necessarily follow that car parking spaces are required as these are 1-bed units and not family homes.

- Councillor Sutton referred to the flats approved at 24 High Street without a lift and this proposal is a 3-storey building and has no lift, but asked if this is a Building Control issue? Alison Hoffman responded that accessibility falls under Building Control but from a planning perspective officers could not insist that a lift be provided.
- Councillor Connor expressed his surprise to learn that this site was in Flood Zone 2 as it is near the River Nene and the area did flood in 1978.

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

P41/22

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

Alison Hoffman 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 Shanna Jackson, the agent. Mrs Jackson stated that this proposal is for an extension to the front to form a new attached double garage and first-floor extension above the existing front projection to form an additional bedroom in the form of a master suite and storage. She expressed the opinion that the applicant is committed to a high-quality design and the proposal is as a result of his desire to invest in his family home and provide a high-quality property which meets his family's needs, which is something that is supported by the National Design Guide.

Mrs Jackson stated that the site is located at the end of a row of houses and provides a natural stop to development along the Barton Road street scene as can be seen on the submitted location plan. She expressed the view that being on the end of a row the dwelling is not in a prominent position amongst the existing development and is in a location which is visually capable of accommodating extensions and alterations.

Mrs Jackson stated that a variety of roof heights is proposed within the development to provide character and visual interest when approaching the site from either direction along Barton Road and it is submitted that variations in roof heights and vertical visual breaks would avoid any undue bulk and massing contrary to the assertions made in the reasons for refusal. She expressed the opinion that it is admirable that the applicant wishes to invest in this property to provide a high-quality living space which meets his family's needs and the scheme before members has been carefully designed to reflect this.

Mrs Jackson made the point that the site is on the end of a row of houses and, in her view, is capable of accommodating the proposed scale and design of the extensions given that it forms a natural end to the street scene. She hoped members would be able to support the application and grant planning permission.

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

- Councillor Mrs French expressed the view that this is a large house, and the applicant wants to put a large extension on it, with there being only one reason for refusal due to

bulk, design and being unduly prominent in the street scene which she feels is a matter of interpretation.

- Councillor Mrs Mayor referred to a previous application where roof heights were being discussed and this property is going to have various different roof heights, with one of the extensions removing light from an existing window in the property which does not sit comfortably with her.
- Councillor Benney made the point that the applicant has designed the proposal this way to take the window out of the existing dwelling. He feels that members should be supporting someone wanting to improve their home, he cannot see anything wrong with the application, which is an addition to his already nice home which he is trying to make nicer.
- Councillor Topgood stated that Wisbech does not just need 1-bed homes, it needs high-quality homes too to bring the money into the town. He feels that this applicant wants to spend money in Wisbech, and he cannot see anything wrong with the application.
- Councillor Connor agreed with the previous speakers, expressing the view that it is perception on what people want and if the applicant wants to improve the dwelling for his own circumstances, he does not think the committee should go against it.
- Councillor Mrs Davis made the point that, whilst she applauds people doing well and wanting to expand their house, it needs to be taken into account the people that live around that property and the impact the proposal will have on the neighbours and the street. She feels the proposal is a step too far, it does not fit in and will stand out, with the property already being huge and a new extension will not add to the look of the property.
- Councillor Mrs French made the point that local residents are all in support of the application according to the officer's report.
- Councillor Murphy stated that if members are worried about roof and roof heights, they should look at a property in London Road Chatteris which has many different roof heights, and nobody has complained about this property.
- Councillor Benney agreed with Councillor Murphy, with this property being approved by officers.

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

Members do not support officer's recommendation of refusal of planning permission as they do not feel the proposal would represent an incongruous and unduly prominent feature in the street scene resulting in significant and demonstrable harm to the character and appearance of the area.

**P42/22 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**

Alison Hoffman 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 made comments, asked questions and received responses as follows:

- Councillor Mrs French made the point that the application is recommended for refusal under LP16, which she feels is open to interpretation. She expressed the view that people want executive and large homes, and she does not see much problem with the application.
- Councillor Mrs Davis stated that she tends to support the application, with the surrounding properties being all different in size and she does not feel this proposal will have an impact

as it is on the end.

- Councillor Benney stated that he remembers when this application was considered at outline stage, which members supported and he thought it would be a grand design, which he would like to see more of in Fenland. In his view, the site is on the entrance to the village and the proposal would enhance the area and the entrance to the village.

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

Members do not support officer's recommendation of refusal of planning permission as they feel the proposal would not be of an incongruous appearance, layout and substantial scale resulting in undue dominance within the street scene and being harmful to the character and appearance of the area.

(Councillor Connor declared that as he had called this application to be determined by committee, he has been advised that he is pre-determined and took no part in the discussion or voting thereon. Councillor Mrs Davis took the Chair)

P43/22

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)

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

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 asked for clarification that there is already permission for 10 dwellings and this proposal is for an additional 9? Alison Hoffman responded that this is correct, the 10 is at the front of the site which committed the road access and improvements, and this proposal is for an additional 9, which is the maximum that can be applied for. Councillor Mrs French asked as there will be 19 dwellings in total will there be any Section 106 requirements? Alison Hoffman responded that these details would be considered when an application is submitted, but on this application, officers can only look at use, location and amount.

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

- Councillor Mrs French made the point that the school is going to be increased by 60 pupils due to the great need and she hopes this proposal would not have a detrimental impact on the school. Councillor Connor agreed that County Council members, particularly Councillor Hoy, have been pursuing this issue for some time.
- Councillor Benney made the point that there is so little to look at on this application and if officers are agreeable, he is not sure what there is to debate.
- Councillor Topgood expressed his reservations about the scheme especially with the expansion of the school and also the state of the road, but he cannot see any reason to refuse it.

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

P44/22

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

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 Alex Patrick, the agent. Mrs Patrick expressed the view that at present this site is an eyesore to its locals with various rubbish often dumped and left and if this application is approved it would facilitate a much-needed home for Mr Carmen and his family. She feels the scheme would not be dissimilar to its existing surroundings, the adjacent Council owned travellers' site and various privately owned travellers' sites.

Mrs Patrick stated that the site has a 9 metre bylaw to the rear which dictates only small development potential such as this proposal. She made the point that they have support from the Gypsy Traveller Liaison Officer, the Highway Authority, along with a place obtained at the local pre-school and a family tree to show the link from the applicant to the local Cunningham family.

Mrs Patrick expressed the opinion that this is a very similar application to the approved F/YR21/0309 at Garden Lane, Wisbech St Mary, F/YR21/1501/F at Wolf Lane, Leverington and F/YR20/1010/F at Sealeys Lane, Parson Drove, which are all small scale in nature, all in Flood Zone 3 and all adjacent existing traveller sites and within 2 miles from this site. In relation to the Flood Zone 3 area, on this occasion if the committee are minded to approve the application, she feels the issue can be addressed by installing an emergency loft window for access to the roof in the event of flooding.

Mrs Patrick referred to the presence of biodiversity and made the point there are no trees on site, it is very sparse and has a drain behind it so, in her view, any Great Crested Newts or bats would not reside in this location but a condition could be placed on an approval to rectify this if it was felt appropriate. Whilst not a planning matter, she stated that Mr Carmen is self-employed, is fully self-sufficient and he will not put a stress on the Council services, temporarily residing with family until this application is decided and although the report mentions half-siblings they are within shared custody with the ex-partner of Mr Carmen and attend schools elsewhere.

Mrs Patrick hoped members would be able to support this application.

Members asked questions of officers as follows:

- Councillor Marks referred to there being a shortage of sites and that there are already 21 sites in this vicinity and asked if they were all full week to week? Theresa Nicholl responded that she asked this question of the officer who managed the Council's Traveller sites on one of her applications that came to committee last month and was told that all of the Council's sites are full and there is a long waiting list.
- Councillor Sutton referred to the lobbying e-mail received from Mrs Patrick and that it forwarded a letter from Murrow Pre-School and asked if officers were aware that they have accepted that the child has a place at the school? Theresa Nicholl responded that she is not the Case Officer for the application, but officers have been advised of it. Nick Harding added that he was aware that the letter had been received but it is in relation to a pre-school place and there was no certainty around how long that place was going to be kept for as there was no date on the letter. In his experience if you are applying to a pre-school, they say yes you can attend from term x and then that place is booked as that pre-school would not want to find itself over-subscribed.

- Councillor Mrs French expressed surprise that the Council's Traveller Officer does not have any up to date information on the requirements of travelling families, there are 22 pitches under the control of the Council and this proposal is for a further one and she really does not see in this area what difference an additional pitch will make bearing in mind the failure of the Council not to have up to date information so it can or cannot be proved there is sufficient land available for travellers. She asked why the Council does not have up to date information? Nick Harding responded that as part of the preparation of the emerging Local Plan a Travellers Needs Assessment was commissioned which was delayed due to Covid as the traveller communities did not want officers to come on site and officers did not want to go on site for fear of spreading the disease but a draft version of the report has now been received and officers are feeding back on this. He made the point that in terms of the recommendation on this proposal officers are not refusing this application on this basis acknowledging that there is not an assessment of need that is up to date, which does count in favour of planning permission but on balance officers have felt that the reasons for refusal outweigh that point.

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

- Councillor Topgood made the point that traveller applications have been covered by committee quite a lot over the past few months and, in his view, one more permanent caravan would not be detrimental, which would allow the applicant to keep his family together. He would go against the officer's recommendation.
- Councillor Mrs Davis stated that she would not be supporting the application for refusal as she does not see how this application is different to that approved at the last committee in Wimblington and committee should be consistent.
- Councillor Mrs Mayor stated that she does have slight concern about the drain to the rear of the site and North Level IDB comments to not place any buildings within 9 metres of this drain, which makes the site very tight. She stated that she will support the application though due to the approval at the committee last month.
- Councillor Clark referred to the rubbish on the site, she travels that area most days and has seen various rubbish dumped on this site, with it being an eyesore.
- Councillor Sutton expressed the opinion that this application should possibly be approved as another pitch is not going to tip the balance of an over-dominance of travellers' site. He made the point that it is right next door to the Council's travellers' site, and he believes buildings can be achieved 9 metres from the drain.

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

Members do not support officer's recommendation of refusal of planning permission as they feel there is the need for this additional pitch for this family, it would not dominate the nearby settled community, it would not detrimentally impact any protected species and whilst it lies within Flood Zone 3 mitigation measures are proposed.

(Councillor Connor declared that as he had called in this application to be determined by committee, he has been advised that he is pre-determined and took no part in the discussion or voting thereon. Councillor Mrs Davis took the Chair)

(Councillors Connor, Mrs Davis and Sutton declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P45/22

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)

Theresa Nicholl presented the report to members and drew attention to the update that had been circulated.

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 Matthew Hall, the agent. Mr Hall stated that members will have noted in the officer's report that there are no technical objections to this application and March Town Council has supported all the previous applications on the site. He made the point that the site is located in Flood Zone 1 and is in an area of approximately 24 residential dwellings located off Flaggrass Hill Road which links with Creek Road.

Mr Hall stated that the majority of this site is covered with concrete hardstanding and some former buildings and, in his view, by removing this the drainage situation would improve with less impermeable areas as on previous applications concerns had been raised by residents regarding localised flooding. He feels the indicative layout allows for a far greater permeable area for this entire site.

Mr Hall stated that all the properties in this area have septic tanks or treatment plants and soakaways for rainwater, which is what this proposal would have as well. He expressed the view that a drainage condition can be applied to any approval ensuring an engineered design is agreed for the site.

Mr Hall expressed the opinion that previously the applicant obtained an ecology report for this site which was submitted with the previous application but the whole site could not be accessed and what has not been indicated in the officer's report is that the applicant obtained a further ecology report that was submitted with the application, which following some site clearance allowed access to the remainder of the site and the recommendations within that report can be implemented as part of a condition. He stated the proposal for this site has been revised as concerns were raised by members and adjacent properties regarding large two-storey dwellings, with this proposal now being single-storey dwellings only.

Mr Hall stated that officers on the previous application also raised concern regarding the visual conflict with the bungalow to the front of the site and it is now shown to match in with single-storey dwellings. He made the point that the applicant has gone away and listened to what members have said and reduced the dwellings all to be single-storey and it was agreed with the officer during the application that the description would be amended to single-storey only.

Mr Hall made the point that a further ecology report has been undertaken on the site, so it has now had two and there are no technical objections to this application.

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

- Councillor Benney remembers when the previous application was before committee and a lot of the members concerns were the two-storey aspect and he is pleased to see this application come back with single-storey dwellings, which has alleviated his concerns although he did support the application previously. He feels the applicant has listened to what the committee said and if committee passes comments and a revised application addresses those comments, he feels members should be supporting the application. Councillor Benney referred to March Town Council not commenting on this occasion, but it has supported the application on the previous times. He acknowledged that the proposal does not propose a footpath but asked how many people who live in this area do not have a car and you would not buy a property in this location without a vehicle so, in his view, the

connectivity is already there making the point that there is no one in his street that does not have a car, with most properties having more than one vehicle. Councillor Benney feels that these properties would make good homes and he feels the applicant has listened and addressed as best he can the concerns of the committee and he feels it would be wrong of the committee to now refuse it after he has undertaken the suggested work. He will be supporting the application, it is Flood Zone 1, and the ecology has been addressed.

- Councillor Mrs French expressed her surprise to see there had been no comments from March Town Council and she has checked with the Town Clerk on the reason and her understanding is that because the Town Council has its meetings on the first Monday and the planning meeting on the third Monday of the month the deadline date was somehow missed but she was informed on previous recommendations it was to approve including the two-storey ones. She stated that she knows the site well, it is part of her County Council Division, there are other dwellings past this site that have been built and been there for many years and she feels, as Councillor Benney said, the agent was asked to go away and look at the proposal and he has done this so she will be supporting this application.
- Councillor Connor expressed the view that he will be supporting the application as those that live in Flaggrass Hill will have a car they are not going to walk to Tesco or up town.
- Councillor Topgood made the point that Fenland is a rural community, there are rural areas that do not have buses or have paths so questioned whether no building takes place in rural areas. He feels you cannot keep adding to the towns you need to build in other places as well and people who buy these properties will have cars so he will be going against officer's recommendation.
- Councillor Connor made the point that there is nowhere in the centre of the town that you can actually build so you have to build out.
- Nick Harding stated that, as the Case Officer mentioned in her presentation, committee determined the last application and one of the reasons that it was refused was on the matter of principle so on any proposal to grant the application contrary to the officer's recommendation an explanation needs to be given as to why it is now being viewed differently.
- Theresa Nicholl stated that she has not had any ecology information submitted as part of this application and as far as she can see it was not on the previous application either. The Chairman allowed Mr Hall to address this issue. Mr Hall stated that it was a report by Howard Hillier, and they were asked for this report at validation and it was on the public planning portal when he looked on Friday. He stated that the previous application, which he was not the agent for, has an ecology report also on the planning portal. Councillor Mrs French stated that members need to believe what their officers are saying but there must have been a communication error somewhere so asked for this to be checked out.

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

Members do not support officer's recommendation of refusal of planning permission as they feel the previous application was refused as it was deemed unsuitable only by that committee not by this committee, the concerns about the height of the building have been addressed by reducing the dwellings to single-storey and that LP16 (d) is subjective, with this proposal not deemed to be adversely impacting on the settlement pattern.

(Councillor Connor made the point that when the previous application for this site had been considered he took no part in the discussion and voting thereon, but as this is a new application he can participate, which is supported on legal advice)

(Councillors 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)

P46/22

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

Nick Harding presented the proposed conditions to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Murphy as a local councillor. Councillor Murphy stated that he wanted to make a statement so that it is clear to Chatteris Town Council and the people he represents in Chatteris that he will not be speaking on this application as a planning committee member, and he has been advised about speaking against the conditions as they are detrimental and pre-conceived to the officer's decision. He feels there is no longer free speech or common-sense prevailing.

Councillor Murphy made the point that these are his opinions only, he is not against conserving buildings per se but single small properties such as this he believes there has to be some give and take working together for the betterment of the property. He stated that when he read the conditions being imposed on this property he was staggered and feels it is no wonder developers shy away from restoring these properties and let them fall into disrepair as there is no way they can afford to renovate to this degree to be able to re-sell and no one can afford to purchase the property with these conditions.

Councillor Murphy expressed the view that he can see the reasons to preserve the general exterior, which the developer is happy to do and he agrees with, but when it comes to the windows, the doors and drainpipes etc and there are a lot of these etc's in the conditions which he feels is ludicrous as they are to be replaced in perpetuity with 1800s materials and he feels that nobody can live like this in this day and age. He expressed the opinion that people want comfortable and stress-free maintenance.

Councillor Murphy stated that it is possible to implement conditions of this type referring to refurbishment of Chatteris House years ago when it was turned into six apartments and four houses but, in his view, this cannot be undertaken in a single property as is in front of members today. He feels common sense is needed but recognises that this is not a planning matter or reason.

Councillor Murphy referred to the reasons why he supported this application, backing up Chatteris Town Council, on visual impact, scale, character, appearance and NPPF policies 185c, 191, 192c, 195b and 195d, which he feels can all be taken with ambiguity.

Members asked questions of officers as follows:

- Councillor Marks asked that as the building is in a derelict state it will have to be re-rendered so why it is being specified what paint can be used? Nick Harding responded that if paint is used that ends up sealing the outside of the building it could end up with damp and condensation problems.
- Councillor Sutton asked that if these conditions are not placed on this application could it have huge implications for other properties and leave the door open for others to follow? Nick Harding responded that it would be considerably more difficult for officers to apply conditions of this nature on other buildings if it does have the specified conditions removed as the issue would be consistently raised with officers.

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

- Councillor Benney stated that looking at these conditions, the ones being disputed such as the paint he feels is a sensible one, it needs the right paint to allow the building to breathe and he feels it is not very costly either, and whilst it would ideally be better for the windows to be double glazed it is acknowledged that this cannot happen with owning a Listed Building and the aluminium or iron guttering, he feels it currently has plastic, but if this is a condition it is the same labour cost to install and would only be the price difference between plastic and iron, which would be more but on the scale of the job would not be a lot of money difference. He referred to the requirement for a Level 3 Historic Understanding of Historic Buildings which he feels is where the real money will be spent and will stop this development coming forward and as much as he would like to say remove all these conditions the committee cannot. Councillor Benney made the point that the property is a Grade II Listed Building and it was brought as such and when you start doing work on it, it does become expensive, which he does not agree with or like, but to go against something like recording under Level 3 Historic England's Understanding will leave the Council open to challenge and possibly fined. He expressed the view that the conditions highlighted in the report are fair and whilst he does not like to see conditions restrictive to a project being brought forward, especially one such as this which is desperately in need of work doing to it, he cannot see where these conditions can be removed.
- Councillor Topgood stated that looking at these conditions, as someone who has dealt with Listed Buildings a lot, he feels there is nothing that is unreasonable and whilst some, such as the survey will cost a lot, he cannot see any way round this. He referred to the paint and made the point that people do not realise what the damage the wrong paint can make to a Listed Building. Councillor Topgood expressed the view that the conditions should be kept.
- Councillor Marks stated that he agrees in principle with the previous speakers, however, his biggest concern is this will again be like a lot of other properties in Chatteris, and March and will not get spent on. He feels this property should never have been allowed to get in this condition in the first place and the Council should have gone to the owner four years ago informing him what he needed to do. Councillor Marks expressed the view that this will take another year to two years and then the property will just fall down, and the owner will come back and say there is nothing viable to do.
- Councillor Sutton stated the cost of these works are huge but with this particular application the applicant brought the property as a Grade II Listed Building so he must have known what was ahead of him and if the committee is foolish enough to not agree officer's recommendation, he feels there will be repercussions in the future. He expressed the opinion that members should not be involved with setting conditions, he has been on planning committee for around 12 years and not once has any member of this or previous committees brought up issues of concern with conditions, with it only being a concern to members about them not being too onerous and he does not believe officers make it onerous as they have to apply conditions that is aligned with the proposal and this should be supported and that conditions should be down to officers to apply, with members making decisions on land use.
- Councillor Mrs French stated that she agrees with Councillor Marks comments with regard to the length of time this property has been allowed to deteriorate. She feels a Section 215 notice should have been placed on the property years ago and then if no action was taken a Section 216, which occurred very recently elsewhere, and she would like to see more of this happening due to the state of some of the buildings across Fenland. Councillor Mrs French made the point that there has to be conditions, the owner brought the property and is lucky to have obtained planning permission so now they need to adhere to the conditions if they are going to bring it back into a reasonable state.
- Councillor Mrs Davis stated that the most onerous condition is where you have to use consultants and asked if there is anyway the applicant could work with the Conservation Officer to limit the cost of that report. Nick Harding responded that there is best practice and standard that the conservation consultant would have to work to and depending upon when

that work is done the Council may not have a Conservation Officer in post.

F/YR22/0217/LB

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

F/YR22/0218/F

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

(Councillor Connor declared that, as he had already considered the conditions applicable to these applications, he was pre-determined and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair)

(Councillor Murphy declared that, as he had already considered the conditions applicable to these applications, he was pre-determined and once he had spoken as a local councillor took no part in the discussion and voting thereon)

P47/22

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)**

Theresa Nicholl presented the report to members and drew attention to the update that had been circulated.

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 Andy Brand, an objector. Mr Brand stated that together with his wife and four daughters he lives at 5 Askham Row, which, in his view, is the property that is most impacted by this retrospective planning application. He stated that both himself and his wife are Town Planners and have both worked for Fenland District Council, with his wife currently validating planning applications for the Council but does not have any decision-making functions in the planning department. He stated that he has also been appointed recently as a project manager for the Doddington Neighbourhood Plan Group, which is seeking to promote sustainable development whilst protecting the character of the village and considers that he is well placed to comment on planning policy matters.

Mr Brand expressed the opinion that the drawings submitted with the application are not correct in terms of the land to the east and the west and that plan also references to the north Megaplants but that business is actually located approximately 400 metres to the north. He feels the proposal clearly conflicts with an important principle of planning policy, protection of the countryside from uncharacteristic and unnecessary development, with that policy position sets out in paragraph 3.11 of the adopted Local Plan and paragraph 174 of the NPPF, with this presumption against the proposal development applying in full against this planning application.

Mr Brand expressed the view that this proposal is unnecessary in the context of Local Plan Policy LP3 and alleged biodiversity benefits cannot be given weight in favour of the proposal as those works themselves do not require planning permission. He feels the officers have correctly drawn to the committee's attention an appeal in Coates where a similar proposal was dismissed on the very same basis of the harm caused by this proposal, with the Coates appeal site being around one fifth of the size of this planning application so the impact would be greater in this proposal.

Mr Brand expressed the view that planning law requires decisions taken in accordance with the

Development Plan unless material considerations indicate otherwise and the situation here is that there is clear non-compliance with planning policies which have been identified by officers and tested at appeal in Coates. He stated that the Council has a legal duty to have regards to this previous appeal decision and to act consistently in its decision making, with the proposal being in his view unnecessary, unauthorised and unacceptable and must, therefore, be refused planning permission.

Mr Brand stated that as a parent before undertaking the unauthorised development on the land the applicant advised that he intended to plant an orchard behind his property given that planning permission is not required for planting trees this caused no concerns. His children's play equipment is situated within 2 metres of the boundary of the application site and was erected on his garden before the applicant purchased the agricultural field, with the play equipment having a raised platform that is 1.5 metres as shown on a photograph on the screen and enables his children access to the monkey bars and slide and is plainly visible from the application site and the applicant would have been fully aware of its location and use but for reasons that have not been explained to him or any prior discussion the applicant then decided to erect a chicken enclosure adjacent to his children's play equipment, with the enclosure being around two thirds the size of a one-bed flat and, in his view, excessive in size and could hold several hundred chickens according to guidance.

Mr Brand referred to the view that his children have of the chicken enclosure displaying another photo and the officer's report correctly identifies that the full use of the site could have been used as land being grazed, which is correct but it is not correct to say that the chicken enclosure building could be erected in this location without planning permission on land used for agricultural, which is not being used or sought for. He stated that he has spoken to many people who keep or have kept chickens and he has been made aware of the noise and smell issues and that they attract vermin.

Mr Brand referred to the Parish Council highlighting this issue as part of its recommendation that planning permission should be refused. He feels that the impacts are unnecessary and if the applicant wishes to keep chickens on the land there is no good reason why they cannot be accommodated closer to his property, with them being kept in the applicant's garden before the unauthorised development was undertaken and its placement within a few metres of where his children play is unnecessary and unacceptable.

Mr Brand questioned why the applicant wishes to have the enclosure that they walk to and from regularly so close to his children's play equipment, with his children feeling intimidated by the building being so close to the area they used to enjoy playing in. He expressed the view that the impact on his children's enjoyment of the garden is unacceptable and unnecessary, with him asking the applicant to move the structure but his unreasonable response was not moving.

Mr Brand stated that he has not been able to read the applicant's personal circumstances statement which was submitted earlier this month and it is unclear to him why this has been submitted so recently. He expressed sympathy for whatever those personal circumstances are but he does not consider these to justify the grant of planning permission for a development which is unacceptable contrary to planning law and has such a level of impact on his family.

Mr Brand expressed the opinion that the planning application is unacceptable in relation to planning policy matters and creates unnecessary impacts on his children's use of the garden. He urged members to refuse planning permission.

Members asked questions of Mr Brand as follows:

- Councillor Marks asked if Mr Brand was saying that if the chicken coop is moved he would be happy with the rest of the development? Mr Brand responded that as a parent he would be much more happy with that situation but as a Town Planner the land use is unacceptable in his view as well as officers view and the Coates appeal decision.

Councillor Marks stated that apart from the chicken coop the development looks like trees so what is seen in the garden with a 6 foot fence surrounding it and could he actually see the chicken coop. Mr Brand stated that they can see the proposal from their property, but not from the ground floor or from the garden, but his children have the elevated play equipment.

- Councillor Benney expressed the view that living next door to a barking dog is bad enough and chickens can be noisy and also smelly and asked if the chicken run impacts his life in any way in being close to his property and family at present? Mr Brand responded that the chickens have only been put in the enclosure very recently as far as he is aware so at present it does not but due to the size of the building it could house a number of chickens and he feels the impact from this would be substantial, but it is a wait and see situation. He feels that some sort of impact assessment should have been submitted with the application.
- Councillor Sutton asked Mr Brand whether he had any vermin or rats on his property to date? Mr Brand responded that neighbours have had vermin in their gardens but he has not seen anything in his garden yet. Councillor Sutton stated that he will have. Councillor Mrs French agreed, she used to keep chickens and she had to get rid of them as she was fed up with the rats and once you have got them it is a job to get rid of them.
- Councillor Connor stated that he was at the Parish Council meeting when Mr Brand gave his presentation, but did not take part only observed, but the Parish Council voted to refuse this application on the grounds that it is a retrospective application and as Mr Brand would be aware a retrospective application has to be given the same weight as a normal planning application. He referred to the Parish Council making further comments reviewing the size and location of the chicken run considering it to be more appropriate if this was located behind the applicant's property. Councillor Connor expressed the view that whilst the Parish Council have objected, one of the reasons does not mean too much and the other reason is more of an informative in that they would rather it was moved and asked if Mr Brand agreed with this? Mr Brand stated that he does not agree, he was at the Parish Council meeting and heard the reasons given and they were saying that they objected to the application and why could it not be behind the applicant's property.

Members received a presentation, in accordance with the Public Participation Procedure, from Gregg Pelling, a supporter. Mr Pelling stated that he lives at 4 Askham Row with his partner and two children, being a neighbour of Mr Brand to the east and a field neighbour of Mr Craske also to the east. He stated that he cares about this proposal as it is his long-term plan to stay in his house until he is old and this decision has significant impact on the future plan for his field.

Mr Pelling expressed the view that the objections claim urbanising and he looked at the definition of urbanising and its says to make urban in nature or to industrialise so he then checked the definition of urban and that theory does not match the plans or the application so he feels this is a moot point by the definition. He referred to an objection point being that the introduction of a domestic garden will set a precedent for further harm and expressed the opinion that this is quite the opposite as the combined purchase of the land was a protective measure by the residents of Askham Row to avoid any housing development to the rear, which he feels would be urbanising, not trees and bushes.

Mr Pelling stated that in the objection there is a lot of reference to Fenland Local Plan and specific LPs and he has dissected and examined some of these, with, in his view, there being plenty of extracts that support the nature of this application, with even in the pre-text there being the mention of biodiversity support as well as pollution reduction through the planting of trees. He feels the objection is quite right in that LP12, part A, sub-section C does oppose the application but that sub-sections A, B, D, E, F, G, H, I, and K as a minimum abide with the cause or often support it, with K seeing the land becoming protected against flooding with substantial planting.

Mr Pelling referred to Policy LP16 and the objection highlighting sub-section D, which he feels is

not clear cut as it mentions “resilience to climate change” and “reinforces local identity” and, in his view, the transformation of what was a pesticide and fertiliser exhausted field into a biodiverse array of native planting and oxygen producing trees is a clear counter to climate change. He expressed the opinion that Government policy around tree planting and tax relief available for decarbonising through tree planting is the biggest demonstration of this, with the local identity of Doddington being an attractive leafy green village as is the feel of a walk around the village which will only be strengthened by the addition of another beautiful garden.

Mr Pelling referred to LP19 which he feels strongly supports the application with biodiversity and ecological restoration of recreational habitats and there is evidence of LP19 in action with the result of the works with animals and insects returning and flourishing, showing photos of these animals and insects on the land. He displayed a photo of a bee hive in the field, which shows that honeycomb comes in lots of different colours and displayed an extract from UK Bee Keeping which shows where the different colours come from, with a significant amount being from the native planting in the applicant’s area and DEFRA have produced a Healthy Bee Plan for 2030 which supports the work done in the garden and creation of this habitat.

Mr Pelling expressed the opinion that the way the plan supports bee colonies gives argument against the LP12 sub-section C defence as it supports the expansion of the existing character of the Doddington area and a positive impact on pollination of the farmland specifically mentioning sub-section C. He displayed a photo showing the view from his garden, which shows at garden level and fence height next to nothing is visible other than the outline of the back of the field and tree line which gives the area its character, with nothing having been interrupted by what has taken place in that garden.

Mr Pelling stated that he does have a DEFRA licence to keep hundreds of chickens and pigs in his field so any concerns about the vermin or smells that may come from the applicant’s three hens would be massively outweighed by what he has the right to do now.

Members asked questions of Mr Pelling as follows:

- Councillor Marks referred to the last photo displayed and asked if there are alpacas at the bottom of the garden? Mr Pelling responded that these are sheep but this is Megaplants land, with that business intending to put shire horses on the land but it is not suitable at present so for the next two years sheep will utilise the site and after this time the land will be more suitable for shire horses. Councillor Marks asked if they were fed nuts and similar stuff as he wanted to understand about the vermin issue. Mr Pelling responded that he is not aware as it is not his land, but there have not been any rats with the sheep.
- Councillor Mrs Davis stated that on the site visit members were able to go into the garden and the land behind and were aware that the gardens alongside were already beginning to be “urbanised” so she can see why Mr Pelling would support the application because he is obviously intending to go the same way? Mr Pelling responded that until this application was submitted he was not aware there was any issue, all he has done at the moment is erect a fence, create chicken housing that could house up to around about 100 chickens and created an apiary for bees. He made the point that he has a DEFRA licence and it is his understanding that the use of chickens and bees are considered to be a domestic activity as well as an agricultural activity, with trees encouraged for planting and supporting any agricultural activity as well as fencing so his understanding is that what he has undertaken lies within the realms of agricultural land usage.
- Councillor Mrs Davis expressed the opinion that if she brought a house in Askham Row and then one neighbour wanted 100 chickens, another neighbour wanted 200 chickens and other animals this is not what she signed up for. Mr Pelling responded that an agricultural use is being talked about and he got an DEFRA licence on this land as agricultural land for agricultural use for chickens so this application by turning it into a garden is putting a limit on the number of chickens so if you wanted to protect those houses from enormous amounts of livestock then granting planning permission is the way to do that as his DEFRA licence

allows him to keep pigs, chickens and other animals.

- Councillor Sutton made the point that Mr Pelling is making a big issue about the DEFRA licence and asked how he came about it? Mr Pelling responded that it was a birthday present from his partner, he had always wanted to keep pigs and his partner went through the process had to fill in an enormous amount of paperwork and he was issued with a licence from DEFRA for keeping livestock, but he has not purchased any yet.
- Councillor Topgood stated that he keeps bees having four hives and has also kept chickens in the past and chickens absolutely decimate gardens but does Mr Pelling not think it would have been an idea for the chicken coop to be the opposite end of the field? Mr Pelling responded that his personal one is significantly larger but it is not covered and he does not have any stock currently due to the bird flu issue and the one in the application is roughly about 25% the size of his, with the applicant having three hens. He expressed the view that when chickens get their segregated area you soon know whether they are going to overcome the area as the ground gets stripped and in the applicant's area the ground is not being stripped which gives you an indication of how sparse the chicken population is with three chickens and in the size of site he has you are not going to see the noise and smells because it is that limited and although he does not believe it can be a planning condition the applicant has no desire to get more chickens. He stated that he had 10 chickens before a fox got in and there was not a smell, rodent or noise issue and no one keeps cockerels as it is acknowledged that would be anti-social.
- Councillor Topgood expressed the view that it is difficult as the committee is basically in the middle of a neighbourhood dispute and he can see the benefits of the garden with biodiversity but he can also see the objector's point of view. Mr Pelling stated that he has met with both parties individually to try and find a middle ground but feels his intervention was a little bit late as things had escalated by then and the issue is that he is not sure there is a way to legislate a happy ending for everyone.
- Councillor Mrs Davis asked if officers can comment on what permitted development can take place on agricultural land? Theresa Nicholl responded that the application being considered is not for agricultural land it is for a change of use from agricultural to garden land so if permission was granted for the current application then permitted development rights would exist the same as they do for the curtilage of any dwelling so in theory you could build buildings up to half the area of that garden as long as it met other stipulations. She stated that in terms of agricultural land, as Mr Pelling has referred to, it would have to be an agricultural unit and if there was a holding number issued it would have to be classed as an agricultural unit but because it is going to be she believes below 5 hectares and it is in such close proximity to dwellings you would not need permission to keep animals as it would be agricultural but you would need permission for any buildings to house those animals. Mr Pelling stated that this in line with guidance he was given, as he is below 5 hectares if he wanted a solid building then it would require permission. Theresa Nicholl stated that within 400 metres of a protected building, which is any dwelling, so whilst animals might be allowed to be kept on land as long as it remains in agricultural use not garden any permanent building on there would need planning permission. Mr Pelling feels that one of the difficulties, reading between the details, is the construction of the chicken enclosure, which is effectively a very high fence and the issue then comes in that it has to be covered through bird flu legislation which effectively forms a top which although it is a netting over a fence construction does putting a net over the top making it become a building, which, in his opinion, it does not as it was not a building to start with it is a modification in line with DEFRA requirements.

Members received a presentation, in accordance with the Public Participation Procedure, from Kevin Craske, the applicant. Mr Craske stated that the officer has recommended refusal on one point only as all other aspects of this application have been accepted as being agricultural or not amounting to development or in keeping with a countryside setting. He feels the point in case is the encroachment of the domestic garden into the wide open countryside in detriment to the character of the setting and that the Coates proposal F/YR20/0107/F has set a precedent.

Mr Craske expressed the view that the application conforms to multiple aspects of Fenland planning policy which has been overlooked and the use of Coates as a reference point is completely invalid. He stated that the land was acquired to protect it from development and he has been working tirelessly towards biodiversity and enhancing the landscape by ensuring it blends in using native planting and trees similar to those in the surrounding landscape thus retaining the distinctive Fenland character as required by the Local Plan and there might be a seat to rest and enjoy the numerous animals that visit them all contributing to personal well-being.

Mr Craske stated that he has highlighted how this proposal facilitates the health and well-being of Fenland residents, with most of his neighbours having visited the site and stating how much joy they receive from the improvements he has made and the increased level of wildlife as do many users of the nearby public footpath. He referred to LP12 and LP16 and that he is enhancing biodiversity habitat whilst retaining and increasing natural features of the setting, ie trees, hedges, grasses, bushes and the pond, all adding to the sustainability of the setting as the planting matures offering even further habitat, with a number of birds and small critters that drink from the water at his pond being unbelievable and magic to observe and if this does not add to local landscape character he does not know what does.

Mr Craske stated that the officer has equally commented how there will be no adverse impact on residents of Askham Row given that there is a 2 metre high close boarded fence between the properties and the chicken coop itself is only 1 metre square and can only hold a maximum of 5 chickens, with the run being 9 metres by 3 metres which is where Mr Brand gets his calculations of 720 chickens from. He stated that he has no intention of getting more, and will accept a restriction on numbers of chickens if desired to five or even three.

Mr Craske expressed the view that the site now attracts a wider array of wildlife, birds, bats, bees, insects, dragonflies etc which were not present previously and that is due to his efforts to support and provide habitat to the natural environment as in LP19, which the Council are encouraged to support. He referred to much being made of the Coates development as a benchmark, which in his view is totally inappropriate and does not give credence to the very different settings, he showed pictures of Coates which he feels shows that Coates site is in a very obviously wide and open landscape expanding for miles even beyond the pictures with the nearest built up area behind this development being over 4 miles to Thorney and 6 miles to Guyhirn within uninterrupted views which is very stark contrast to Askham Row which is only 85 metres from commercial premises on one side, 100 metres on the other and 250 metres to the rear making that benchmark inappropriate by the officer and each case should be considered on its own individual setting characteristics.

Mr Craske referred to the next picture on the screen taken on 10 August, which shows the setting of their site in the centre and, in his view, is very clearly different to Coates, with to the left a field owned by No.8 with the intended use for equestrian and the field to the right owned by No.4 whose use is like the application site, trees, orchard, bees, fencing, etc. He stated that the field to the bottom is owned by Megaplants, the garden centre, whose intended use is equestrian and he feels it is obvious that there are large developments to the left and right of the picture, the hospital with Doddington Court retirement community adjacent on the left and on the right Askham Village Community Care Home, both projecting further into the very same setting of the application site.

Mr Craske stated that the bottom left photo shows further housing development visible in the setting with one house currently with a second to be built shortly with a further two behind, which presents a clear delineation of the built up area in this setting with this small secluded parcel of land being surrounded by multiple businesses which, in his view, is nothing like the Coates wide open countryside with far reaching views there being no comparison and the planning assessment has rather considered this site in a generic countryside form which is, in his view, incorrect. He stated that he green highlighted homes at the top of one of his pictures are the houses which submitted comments in full support of this application as they are very pleased with what he is

trying to do not only to protect the site from development but also to bring wildlife into the area which he has been very successful in doing.

Members asked questions of Mr Craske as follows:

- Councillor Mrs Davis stated that on the site visit members saw the double gates in the fence and asked what are the gates for? Mr Craske responded that he has right of access over the land across to the public footpath, which is for occasional use to bring in bits and pieces.
- Councillor Mrs Davis asked Mr Craske why he has continued to add what is referred to as domestic paraphernalia when he knew that this application could be potentially refused? Mr Craske responded that he is not aware of what domestic paraphernalia is being referred too but a chair has been added.

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

- Councillor Sutton expressed the view that the officer's recommendation is correct as the applicant can do most of the things he wants do, the same as Mr Pelling can do, in an agricultural field and he does not need the change of use to undertake lots of these activities. He stated that in regards to the chickens he can assure that there will be rat infestations as his daughter had some chickens some years ago and now does not have any because she could not get rid of the rats. Councillor Sutton stated that he owns a property in the locality and the tenants asked to keep chickens and he agreed that they could have them and then had to reverse the decision as he had that many complaints from the neighbours about the rats, so he believes the recommendation is right. He does not think it would be of any great detriment to what is contained in the confidential appendix to keep it as agriculture as all the things suggested can still be undertaken at the back of the field without a change of use. Councillor Sutton expressed the view that there is a precedent set with the Inspector's decision in Coates despite what the applicant says agricultural land is still be referred to. He feels if this is granted then the other land either side will follow.
- Councillor Topgood stated that he is at a loss as to why the applicant is applying for a change of use because they can keep animals on agricultural land and do what they want with it within reason and he can only think that in the future that the land will become building plots or they will want to use it as their garden. He made the point that they can landscape the land, put a pond in, have animals on the land all without change of use.
- Councillor Mrs Mayor made the point that the actual application is change of land to domestic purposes, which is not farmland as Mr Pelling was talking about because he has a DEFRA licence and he will be a "farmer", but this application is to change the land to domestic garden use. She stated that if it is currently agricultural land and he wants to make it garden it requires a change of use.
- Councillor Marks asked if it goes from land for agricultural use to normal garden use then the applicant cannot build anything and would have to submit a planning application? Theresa Nicholl responded that unless permitted development rights were removed he would have the full permitted development rights on that land that goes with any dwelling but there are things that could be done that are domestic that do not need planning permission such as tables and chairs, umbrellas, things that are moveable and if permission was granted unless the permitted development rights were taken away they could build freestanding buildings as it would be land within the curtilage of their dwelling house.

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

5.56 pm

Chairman

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F/YR22/0464/LB

**Applicant: Mr Clive Lemmon
March Civic Trust**

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

March Town Hall, Market Place, March, Cambridgeshire PE15 9JF

Works to a Listed Building comprising the replacement of front access door

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks listed building consent for the removal of the existing front main external entrance doors and their replacement with new hardwood external grade entrance doors at March Town Hall.
- 1.2 Insufficient justification has been provided as to why the wholesale replacement of the access doors at March Town Hall is necessary, nor have any public benefits been articulated. A repair approach could potentially be taken which would not result in the wholesale loss of historic fabric. Like for like repairs can be undertaken without consent and as such represents a more sustainable approach overall.
- 1.3 Given the lack of sufficient information provided, and as per Paragraph 199 of the NPPF, great weight should be given to the asset's conservation. 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.
- 1.4 Given the clear conflict with the relevant policies, it is considered that to grant the applications would be indicative of a failure of the Council to fulfil its duties under Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.5 Consequently, the recommendation is to refuse both applications.

2 SITE DESCRIPTION

- 2.1 March Town Hall is a landmark building on the market place, built in 1900 as a civic building. The use of the premises has evolved over time; although it retains its community use.
- 2.2 The building is located within March Conservation Area and since February 1985 has been a Grade II Listed Building.

3 PROPOSAL

- 3.1 This application seeks listed building consent for the removal of the existing front main external entrance doors and their replacement with new hardwood external grade entrance doors which are proposed to be lockable within the existing structural openings.
- 3.2 Full plans and associated documents for this application can be found at:

[F/YR22/0464/LB | Works to a Listed Building comprising the replacement of front access door | March Town Hall Market Place March Cambridgeshire PE15 9JF \(fenland.gov.uk\)](https://www.fenland.gov.uk/planning/works-to-a-listed-building-comprising-the-replacement-of-front-access-door-march-town-hall-market-place-march-cambridgeshire-pe15-9jf)

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR20/0941/LB	Works to a Listed Building comprising the replacement of 8 x windows to North elevation and 4 x windows to West elevation with double glazed timber units	Granted 06/11/2020
F/YR18/1086/LB	Works to a Listed Building comprising of replacement casements to 15no first-floor (windows 1-15) and repairs to casements to 7no ground floor windows (windows 16-22) on north, south and east elevations including 5no windows with secondary glazing	Granted 07/02/2019
F/YR18/0369/LB	Works to a Listed Building comprising of repairs to 15no first-floor and 7no ground floor windows on north, south and east elevations	Withdrawn
F/YR03/0389/LB	Internal and external alterations and extensions	Granted 18/11/2003
F/YR03/0388/F	Change of Use to multi-purpose community facilities and offices including internal and external alterations and extensions	Granted 18/11/2003
F/YR01/0739/LB	Installation of burglar alarm system	Granted 17/09/2001
F/94/0416/LB	Erection of an external commemorative bell and stone plaque	Granted 21/10/1994
F/92/0907/LB	Internal alterations to ground-floor offices and provision of an external	Granted 04/06/1993

	ramp	
F/0799/81	Change of use of part ground floor from Magister's Court to offices Town Hall Market Place March	Deemed Consent CCC 16/02/1982

5 CONSULTATIONS

5.1 FDC Conservation Officer (20/06/2022)

An application has been received with regards to replace the existing front doors on a like-for-like basis.

Unfortunately, the heritage statement submitted with the application does not articulate why this is necessary. The existing doors appear to match exactly those which are indicated on an original plan for the building, a copy of which has been/is on display in the Town Hall..... In the light of any evidence to the contrary therefore, it must be assumed that the existing doors represent surviving, original fabric.

Good conservation practice recommends that wherever possible, maintenance and repair is prioritised over wholesale replacement. It is more sustainable, both to the environment, and to the significance of a listed building.

The heritage statement submitted provides no information as to the necessity of replacing these doors, and so I find it difficult to be able to form a balanced decision.

Paragraph 194 of the NPPF states that the level of details provided by an applicant should be 'sufficient to understand the potential impact of the proposal on their [the asset's] significance, and paragraph 202 states that where there is less than substantial harm, the harm should be weighed against public benefit. Furthermore, paragraph 199 states that 'great weight should be given to the asset's conservation'.

The application therefore appears to propose the wholesale loss of a pair of original doors, without sufficient explanation as to the reasons why this may be necessary. This therefore does not fulfil the requirements of paragraph 194 of the NPPF. No public benefit has been put forward to justify the change (which therefore does not fulfil the requirement of para 202). The heritage statement does say that the proposed entrance doors 'will be lockable', but it is presumed (without information to the contrary), that the current doors are also lockable. It is not clear therefore, if this is the reason behind the application. I am therefore, in a position, without further information, of following guidance in para 199 to 'give great weight to the asset's conservation'.

Clarifications were sought from the agent and the following comments subsequently provided.

5.2 FDC Conservation (30/08/2022)

My response to this application remains largely the same.

The agent states that the doors appear to have had previous spliced repairs, but does not indicate why this continued approach is no longer suitable. It may be that the repairs are no longer holding, in which case the same approach can be taken, chasing back to sound wood and making further repairs. The threshold/weather moulding at the base of the door is 'showing wear and tear', but it is not clear to what degree. This could simply mean that it needs a new coat of paint. If more works are required, this element of the door could be replaced as a like-for-like repair.

If there is 'considerable draft', then draft proofing measures can be taken, and if the doors are becoming difficult to lock, it is to be presumed that a repair approach would also be feasible for this element of the doors.

It remains that there is not clear or sufficient justification for wholesale replacement of the door, when a repair approach seems to be equally feasible.

This approach remains consistent with advice given to other owners of listed buildings and other similar applications across the district.

If replacement is insisted upon, listed building consent will be necessary, subject to the condition of the doors being beyond all feasible repair and subject to joinery conditions (usual scale drawings indicating a like-for-like replacement in terms of profile etc).

However, like for like repair can be undertaken without consent and should be a cheaper and more sustainable approach over all.

Therefore, I feel the additional statement provided by the agent does not provide the level of information required to justify a wholesale replacement of these doors, when a repair approach is the appropriate way forward.

I cannot support an approval based on the information submitted.

5.3 The March Society

Thank you for inviting The March Society to comment.

We have no objection to this application except to ask that consideration can be given to the locking system to ensure the security of the building.

5.4 Cambridgeshire Constabulary

Thank you for the opportunity to comment on this planning application, I have viewed the documents including the heritage statement 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.

Taking into consideration with what is allowed for listed buildings, perhaps consideration can be given to the security of the locking system, BS 3621 locks with additional deadlock (locking system) and security enhanced hinges, to ensure the door is as secure as possible and allowing the most appropriate security for the building.

I have no further comments at this time.

5.5 Local Residents/Interested Parties

No comments received.

6 STATUTORY DUTY

- 6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.2 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 2 – Applications to be determined in accordance with the development plan

Para 10 – A presumption in favour of sustainable development

Para 194 – Need to describe the significance of the heritage assets

Para 197 – LPA should consider sustaining and enhancing heritage assets and putting them to viable uses

Para 199 – Weight should be given to the significance of the heritage asset, the more important the asset the greater the weight

Para 202 – Substantial harm should be weighed against the public benefits of the proposal

7.2 National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3 National Design Guide 2021

Context

Identity

7.4 Fenland Local Plan 2014

LP6 – Employment, Tourism, Community Facilities and Retail

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

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP7 – Design

LP23 – Historic Environment

7.6 **March Neighbourhood Plan 2017**

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved along with the level of provision and quality of recreational land facilities.

8 **KEY ISSUES**

- **Principle of Development**
- **Heritage Impacts**

9 **ASSESSMENT**

Principle of Development

- 9.1 Policy LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. The principle of development is therefore supported subject to the significance and the likely impacts on the heritage asset.

Heritage Impacts

- 9.2 This application includes the removal of the existing front main external entrance doors and their replacement with new hardwood external grade entrance doors which are proposed to be lockable within the existing structural openings.
- 9.3 March Town Hall is a Grade II Listed Building and has been listed since February 1985. The site is a landmark building on the market place within March Conservation Area.
- 9.4 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.
- 9.5 Policies LP16 and LP18 of the Fenland Local Plan 2014 seek to protect and enhance heritage assets. Chapter 16 of the NPPF 2021, C1, C2 and I1 of the NDG 2021 are also relevant.
- 9.6 Paragraph 194 of the NPPF states that applicants are required to describe the significance of the heritage assets affected. The level of detail should be proportionate to the assets' importance to understand the potential impact of the proposal on the assets' significance.
- 9.7 Paragraph 199 of the NPPF states that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the assets' significance.
- 9.8 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.9 Further to consultations with Fenland District Council's Conservation Officer with regard to the impact of the proposal on the heritage of the building and the surrounding conservation area, it was considered that the proposal in its current

form is unacceptable. The heritage statement submitted with the application does not articulate why the wholesale replacement of the doors is necessary.

- 9.10 The wholesale loss of the original doors, without sufficient explanation as to why this loss may be necessary, the proposal does not accord with paragraph 194 of the NPPF as the application does not include a sufficient level of detail to understand the need and the potential impact of the proposal on the assets' significance.
- 9.11 In addition to the above, no public benefits were put forward as part of the original submission to justify the loss of the original doors and the consequent harm to the asset. The application therefore does not accord with paragraph 202 of the NPPF.
- 9.12 Given the lack of detail provided as part of the original submission, clarifications were sought from the agent and it was confirmed that the main arch around the door is to be maintained and repainted; the existing doors appear to have had sections of timber spliced into them; there is considerable draught through/around the doors; the doors are becoming difficult to lock; the threshold/weather moulding at the base of the door is showing wear and tear. It was also confirmed that the proposal would be new hardwood doors to match the existing size and look painted black.
- 9.13 Following the submission of these further details, further comments were provided by the FDC Conservation. The comments reiterated that there is no clear or sufficient justification for the wholesale replacement of the doors. The agent confirmed that the doors have had previous spliced repairs, however they did not indicate why this continued approach is no longer suitable. It is therefore considered that a repair approach could be taken.
- 9.14 The agent also confirmed that the threshold/weather moulding at the base of the door is showing wear and tear, however it is not clear to what degree. This could simply mean that the threshold/weather moulding needs a new coat of paint. However, if more works are required, this element of the door could be replaced as like-for-like repair.
- 9.15 The agent also confirmed that there is considerable draft through/around the doors. Draft proofing measures can be undertaken as detailed in the detailed comments from the FDC Conservation Officer in section 5.2 above.
- 9.16 Given that a repair approach seems to be equally feasible and without clear or sufficient justification as to why the wholesale replacement of the original doors are necessary, the application as it stands is considered to be contrary to Policy LP16, LP18 and the NPPF.
- 9.17 Like for like repairs can be undertaken without listed building consent and represent a more sustainable approach overall.

10 CONCLUSIONS

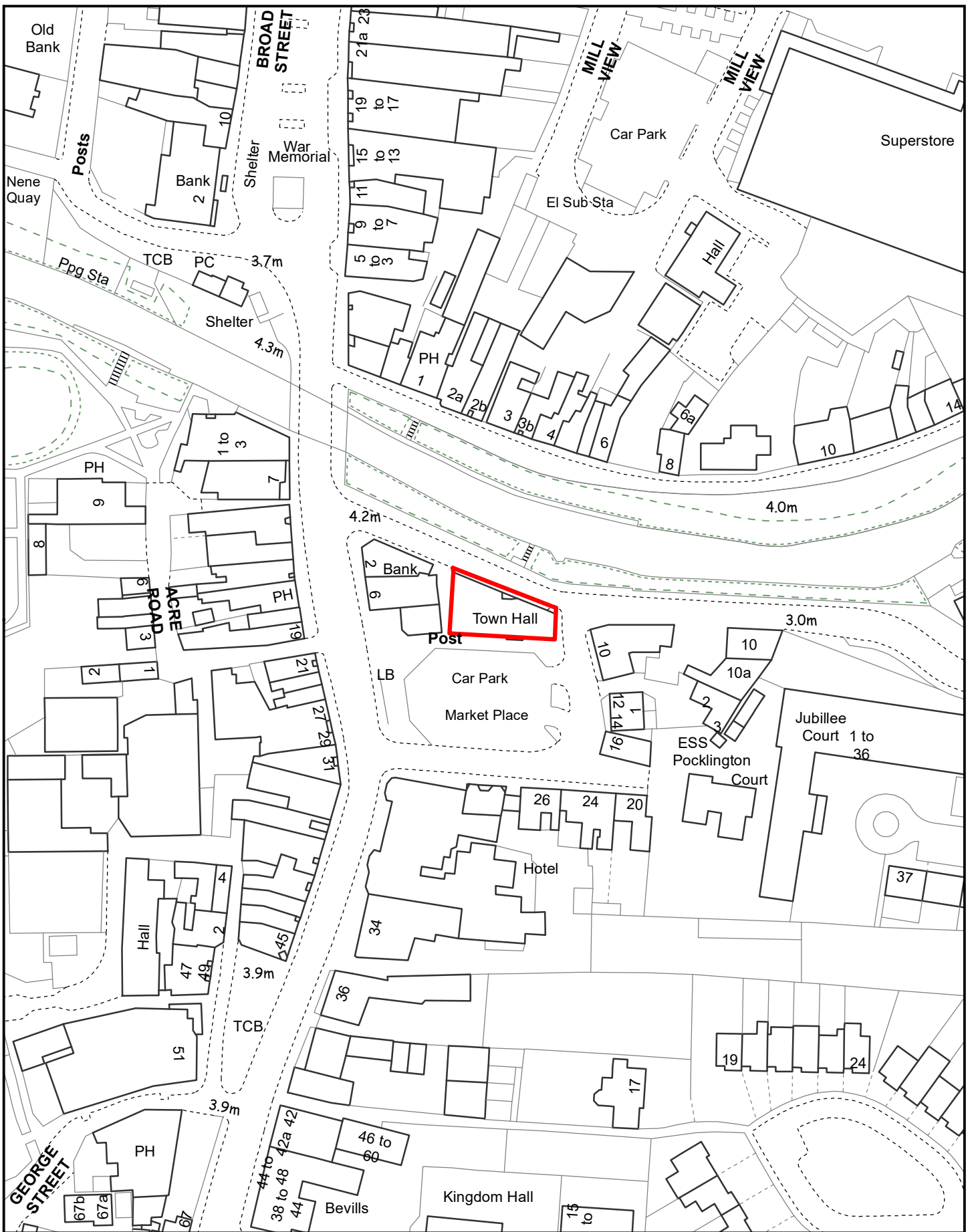
- 10.1 This application does not provide sufficient justification for the wholesale replacement of the original doors at March Town Hall. No public benefits have been put forward to justify the replacement.
- 10.2 Given the lack of sufficient information, as per paragraph 199 of the NPPF, great weight should be given to the assets' conservation. This application is therefore

considered to be contrary to Policy LP16 and LP18 of the Fenland Local Plan 2014 and the NPPF 2021.

11 RECOMMENDATION

11.1 Refuse; for the following reasons:

1	<p>Policies LP16 and LP18 of the Fenland Local Plan requires that development proposals describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, including harm to the setting of the asset. Furthermore, paragraph 194 of the NPPF also states that applicants should describe the significance of any heritage assets affected. Paragraph 199 of the NPPF states that 'great weight should be given to the asset's conservation' and Paragraph 200 of the NPPF requires that applications should have clear and convincing justification for harm to heritage assets. In addition, Paragraph 202 requires harm to heritage assets to be weighed against public benefit.</p> <p>The application provides insufficient justification for the works proposed, which would result in the total loss of original, surviving fabric of the building. These works would cause less than substantial harm to the significance of the listed building with no public benefits having been identified. The application is therefore contrary to the aforementioned polices.</p>
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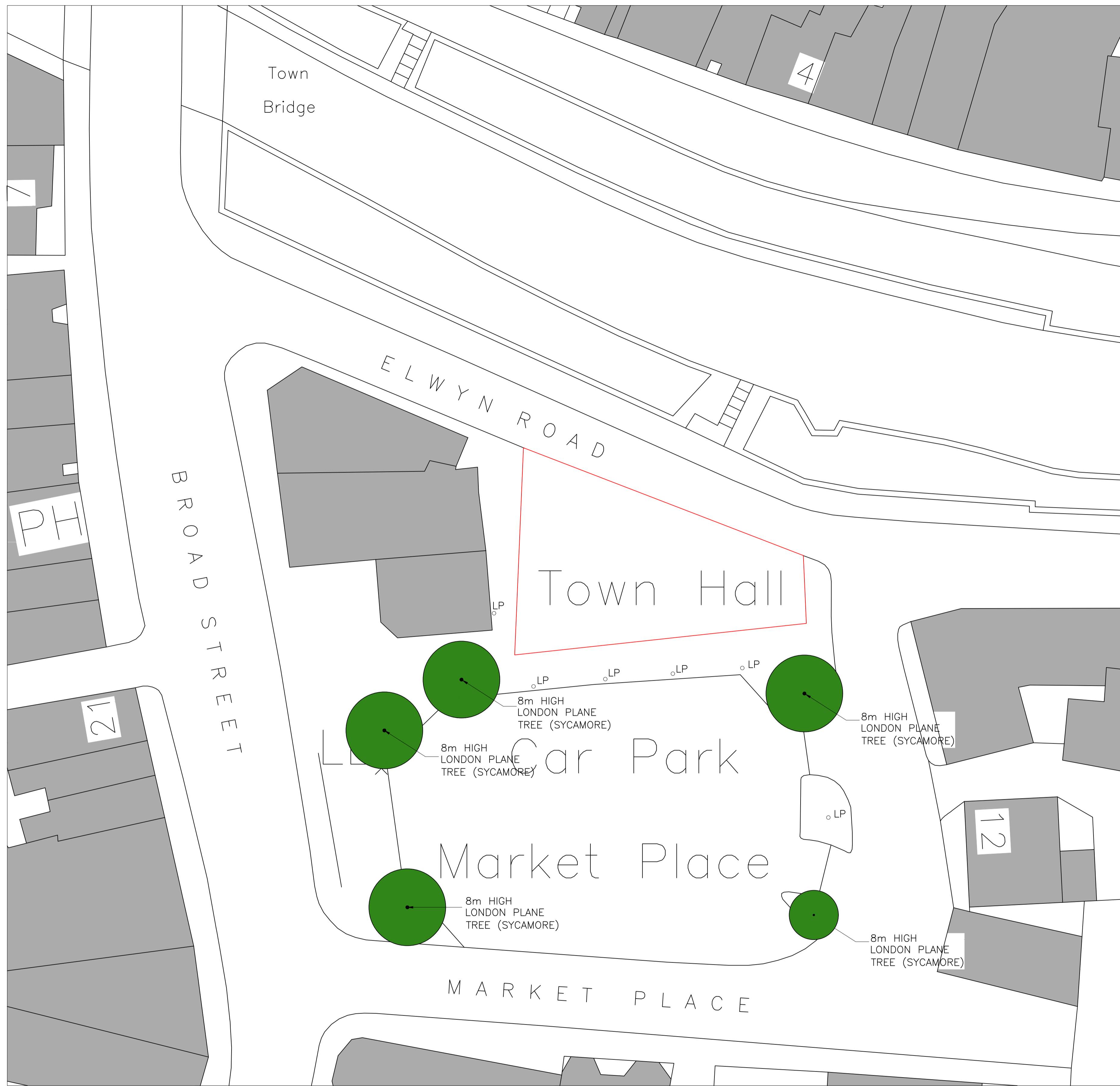
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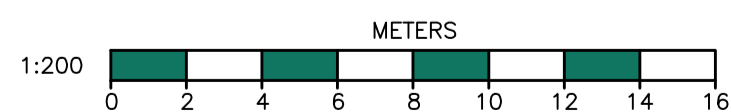
F/YR22/0464/LB

Scale = 1:1,250





EXISTING / PROPOSED SITE PLAN 1:200



LEGEND

- CONCRETE SLABS (NON SLIP)
- PERMEABLE BLOCK PAVING (NON SLIP)
- WASTE BINS
- GRASS
- VEGETATION
- GRAVEL
- PROPOSED HEDGING

LOCATION PLAN 1:1250

Scale bar: 0 10 20 30 40 50 METERS

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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.

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

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

REVISIONS	DATE

MORTON & HALL CONSULTING LIMITED

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ

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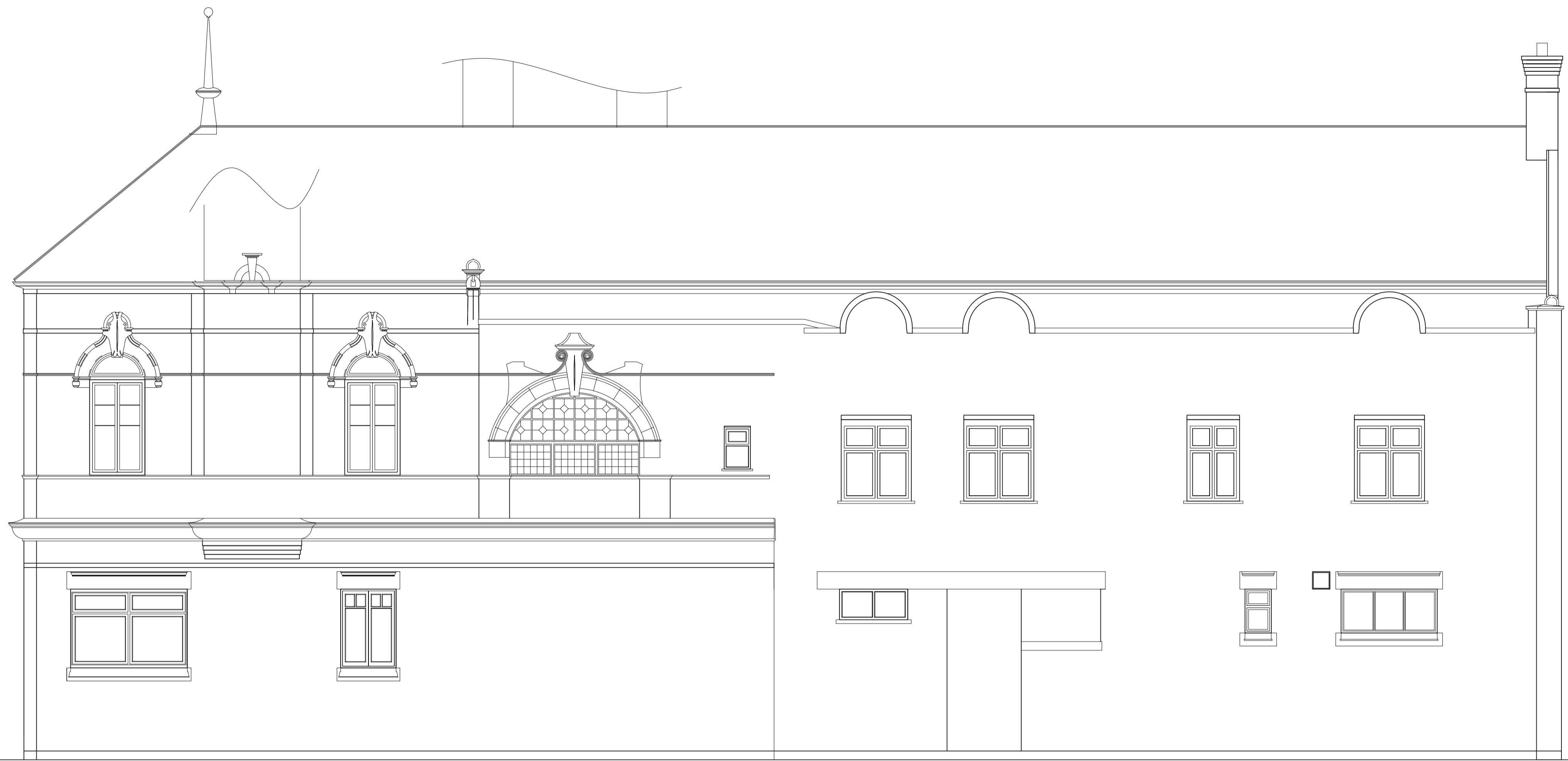
ABC Fenland District Council
winner Building Design Awards
Building Excellence in Fenland

CLIENT
March Civic Trust

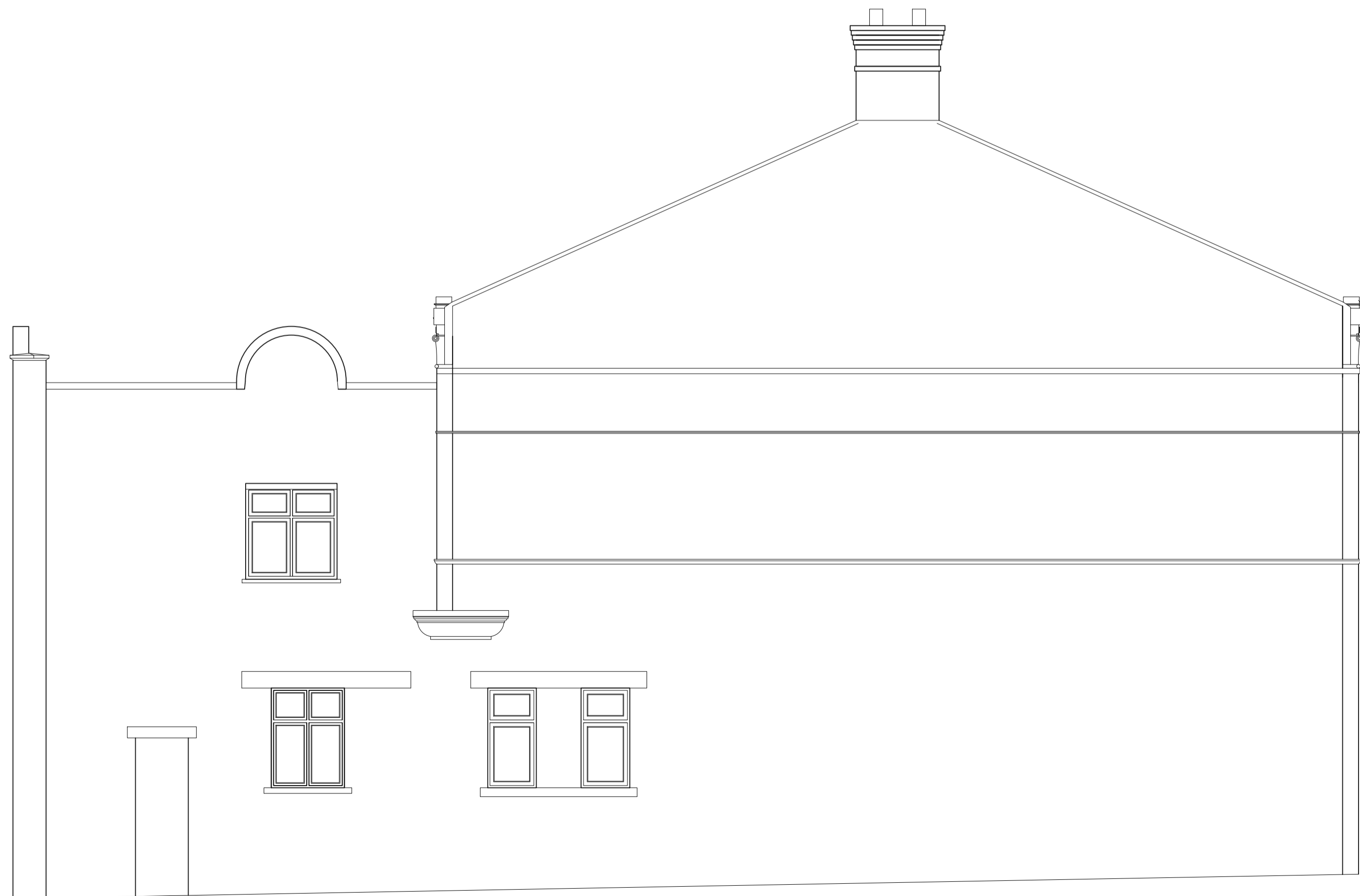
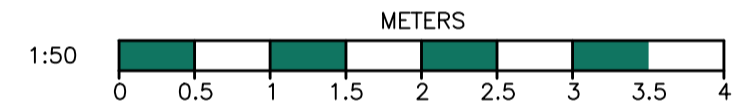
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March Town Hall
Market Place, March
PE15 9JF

TITLE
Existing Site Plan &
Location Plan

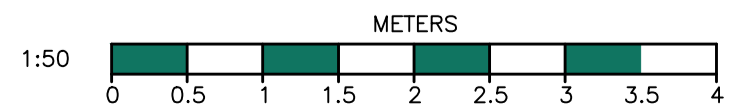
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CHECKED	
DATE Aug 2020	DRAWING NUMBER H5948/03
SCALE As Shown	



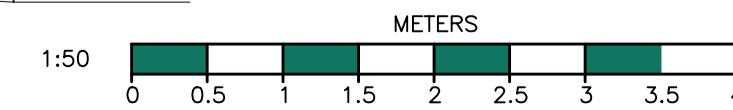
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EXISTING WEST FACING ELEVATION
(1:50) (NO CHANGE)



EXISTING EAST FACING ELEVATION
(1:50) (NO CHANGE)



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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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E-mail: info@mortonandhall.co.uk Website: www.mortonconsultingengineers.co.uk

Fenland District Council
LABC
LABC BUILDING EXCELLENCE AWARDS
winner

Building Design Awards
winner
Building Excellence in Fenland

CLIENT
March Civic Trust

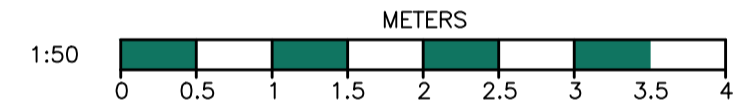
PROJECT
March Town Hall
Market Place, March
PE15 9JF

TITLE
Existing Elevations
(East, West & North)

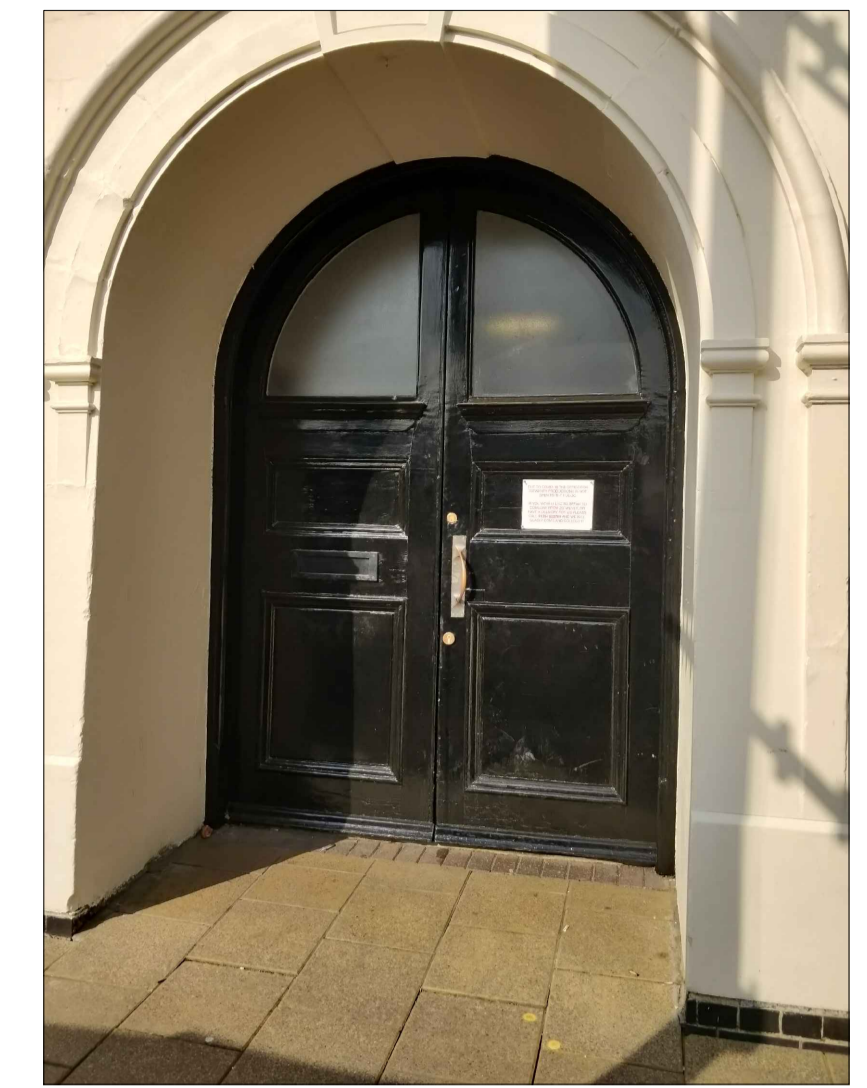
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CHECKED	
DATE Aug 2020	DRAWING NUMBER H5948/02
SCALE As Shown	



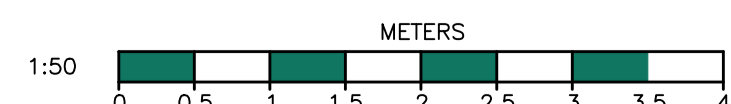
EXISTING SOUTH FACING ELEVATION(1:50)



EXISTING DOORS TO BE REMOVED AND REPLACED WITH HARDWOOD FEATURES



PROPOSED SOUTH FACING ELEVATION (1:50)



SET NEW HARDWOOD DOORS, PAINTED BLACK WITH EXISTING STRUCTURAL OPENING

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

A	FRONT ACCESS DOOR	MAR 2022
	REVISIONS	DATE

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Client: Fenland District Council
 Building Design Awards winner
 Building Excellence in Fenland

CLIENT
 March Civic Trust

PROJECT
 March Town Hall
 Market Place, March
 PE15 9JF

TITLE
 Existing & Proposed
 Elevation (South Facade)

DRAWN	J.Scotcher	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H5948/01A
DATE	Aug 2020	SCALE	As Shown

F/YR22/0495/O

**Applicant: Newman
PB Development & Investments Ltd**

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

36 Westfield Road, Manea, March, Cambridgeshire PE15 0LN

Erect up to 9 x dwellings involving the demolition of existing shed (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

1.1 The site lies predominantly within the countryside and relates more to the countryside than the built-up area of Manea. The development is out of keeping with the character and pattern of development of this part of Manea which predominantly consists of frontage linear housing and would introduce a discordant and urbanising effect to the area. As such the proposal is contrary to Policies LP2, LP3, LP12 Part A (c) and (d) and LP16 (d) of the Fenland Local Plan, which enable only small village extensions which make a positive contribution to the character and local distinctiveness of the area. The proposal also fails to recognise the intrinsic character and beauty of the countryside in relation to paragraph 174(b) of the NPPF.

2 SITE DESCRIPTION

- 2.1 The site comprises a rectangular parcel of maintained grassland described in the application as 'grass paddock' with a stated site area of 1.50 ha which lies behind No.36 Westfield Road and which extends to the Westfield Road frontage to incorporate the side garden of No.36 and also a large brick and tiled outbuilding pertaining to No.36. Site levels within the site range from +5.2m OD for the south-east (front) corner of the site down to +1.5m OD for the north-west (rear) corner of the site.
- 2.2 The site is enclosed and screened to the south-western flank boundary by a continuous and mature hedge line, to the north-western (rear) boundary by an extensive belt of trees and to the north-eastern flank boundary by a continuous, albeit less extensive hedge line. Agricultural land lies to the rear of the site beyond a footpath which runs parallel with Darcey Lode which runs along the site's rear boundary.
- 2.3 No.36 Westfield Road to the front comprises a 2-storey semi-detached Victorian dwelling which lies at the north-eastern end of a long line of 2-storey former local

authority dwellings which front onto Westfield Road. Glebe Close, a circa 1960's housing development lies to the rear of this line of frontage housing to the side of the site on its south-west side. More intermittent housing fronts onto Westfield Road further along the road on the north-east of the site, whilst Manea Fire Station stands directly opposite the site on the south side.

3 PROPOSAL

- 3.1 This outline proposal relates to the erection of up to 9 x dwellings involving the demolition of the existing outbuilding to No.36 Westfield Road whereby all matters are reserved except for access.
- 3.2 An indicative site layout drawing has been submitted with the application which shows how up to 9 x dwellings with associated plot parking and shared surface spine access road leading from Westfield Road could be accommodated on the site. The indicative site layout also shows a proposed surface water attenuation basin to be provided at the rear of the site at the head of the shared surface road and also indicative native hedge boundary planting. 3 no. new parking spaces are shown for No.36 Westfield Road to compensate for the domestic parking which would be lost as a result of the indicated alignment of the proposed access road to serve the proposed development to the rear. No indicative elevational drawings have been submitted for the application given its outline nature, although it is indicated that the dwellings are likely to be 2-storey.
- 3.3 The application is supported by the following documents/reports:
- Design and Access Statement
 - Flood Risk Assessment
 - Tree Survey Report
 - Arboricultural Assessment
 - Preliminary Ecological Assessment
 - Tree Protection Plan
- 3.4 Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY (from year 2000)

Reference	Description	Decision	Date
F/YR07/0983/O	Erection of 2 houses involving demolition of existing outbuilding Land North East Of 36 Westfield Road, Manea	Granted	06.11.2007

F/YR10/0495/ EXTIME	Erection of 2 houses involving demolition of existing outbuilding (renewal of planning permission F/YR07/0983/O)	Land North East Of 36 Westfield Road, Manea	Granted	20.08.2010
F/YR13/0424/ EXTIME	Erection of 2 houses involving demolition of existing outbuilding (renewal of planning permission F/YR07/0983/O and F/YR10/0495/EXTIME)	Land North East Of 36 Westfield Road, Manea	Granted	01.08.2013
F/YR17/0111/O	Erection of up to 2no dwellings involving demolition of existing outbuilding (Outline with all matters reserved)	Land North East Of 36 Westfield Road, Manea	Granted	05.04.2017

- 4.1 It should be noted from the site history that planning permission was granted by the Council for the minor dwelling applications above on the basis that the proposals were considered to represent appropriate infill frontage development at this location which would not be harmful to the character and appearance of the area.

5 CONSULTATIONS

5.1 Environment Agency

We have no comment to make on this application as all dwellings will be within Flood Zone 1.

5.2 CCC Highways

Comments:

Highways have no objection to this outline application in respect to access subject to any future reserved matters application showing car parking and turning arrangements that meet FDC parking standards.

Condition 1. Prior to 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.

5.3 Natural England

No objection based on the plans submitted.

Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

5.4 PCC Wildlife Officer

“The application scheme is acceptable but only if conditions are imposed” (details of a soft landscaping scheme to include recommended biodiversity enhancements, a Construction Environmental Management Plan (CEMP) for biodiversity, the provision of bat and bird boxes and use of native planting species of native provenance).

5.5 Cambridgeshire Fire and Rescue Service

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 should the Planning Authority be minded to grant approval with regard to the above application.

5.6 Middle Level Commissioners

Comments not received.

5.7 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have ‘No Objections’ to the proposal.

As a result of the demolition of an existing structure and in the event that planning permission is granted, this service considers it necessary for inclusion of the unsuspected contaminated land condition.

Given the scale of the proposal and close proximity to existing residents, the applicant needs to consider the potential for adversely impacting on their amenity during the development stage. We therefore ask the applicant to produce a Construction Management Plan (CMP) that sets out how adverse impacts such as noise and dust will be mitigated in order to protect those existing sensitive uses in the area. This can be submitted as a pre-commencement condition in the event permission is granted.

An effective CMP should include the following elements as a minimum;

- Notices to be posted on site to keep residents and other neighbours advised of anticipated events*
- Letters to be hand delivered to residents in advance of noisy or other work being undertaken that may cause a disturbance*
- No noisy work before 8am or after 5pm weekdays, or before 8am or after 1pm Saturdays or at any time on a Sunday or Bank or Public Holiday*
- Water suppression techniques to control dust during development*
- Loads delivered / collected from site to be covered including use of skips*
- Constructor to describe how noise will be minimised to prevent disruption to adjacent occupiers*
- A complaints / contact book to be kept on site and used to record details of complaints.*

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.

5.10 Manea Parish Council

Refuse – Not a brownfield site. Backland development. Entrance opposite Fire Station exit. Lack of infrastructure. No Affordable homes.

5.11 Local Residents/Interested Parties

Thirteen letters of support received (two each from residents of School Lane, Old Dairy Yard and Scholars Close, one each from Fallow Corner Drove, Straight Road, Williams Way, Westfield Road and Cox Way, Manea and two from residents of Chatteris) on the following grounds:

- Scheme provides good use of land for housing on land which is not currently being used for agricultural gain and of no value
- Opportunity to provide further self-build homes in the village to continue the self-build ethos which will benefit both villagers and local businesses
- Good location for Manea to expand further as a popular village without detriment to local amenity
- Well-thought out housing plan with good sized gardens to the dwellings.
- The density of development is comfortable given the land is of substantial size
- Scheme will provide self-builders the unique opportunity to get onto the housing ladder
- Current shortage of quality building plots and good quality homes in the area

Two letters of objection received from residents of Gleb Close and Westfield Road, Manea on the following grounds:

- Density of development
- Scheme would be out of character / not in keeping with the area
- Would lead to loss of hedgerows / bio-diversity
- Visual impact
- Overlooking / loss of residential privacy
- Loss of view / outlook
- Would devalue properties
- Would cause building precedent

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2 – 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 62 – The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to... or build their own homes);

Paragraph 69 – Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly;

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 124 – Planning policies and decisions should support development that makes efficient use of land;

Para 126 – The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...;

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

Para 174 – Planning policies and decisions should contribute to and enhance the natural and local environment;

National Planning Practice Guidance (NPPG)

Process for determining a planning application.

National Design Guide 2021

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

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022 and represents the first stage of the statutory process leading towards the adoption of the Plan. It is considered that the policies of this plan should carry extremely limited weight in decision making at this time given the very early stage which the Plan is at in accordance with Paragraph 48 of the NPPF. Of relevance to this application are the following policies:

Policy LP1: Settlement Hierarchy
Policy LP2: Spatial Strategy for the Location of Residential Development
Policy LP4: Securing Fenland's Future
Policy LP5: Health and Wellbeing
Policy LP7: Design
Policy LP8: Amenity Provision
Policy LP11: Community Safety
Policy LP12: Meeting Housing Needs
Policy LP13: Custom and Self Build
Policy LP18 – Development in the Countryside
Policy LP20: Accessibility and Transport
Policy LP22: Parking Provision
Policy LP24: Natural Environment
LP25: Biodiversity Net Gain
Policy LP27: Trees and Planting
Policy LP28: Landscape
Policy LP32: Flood and Water Management
LP34: Air Quality
LP49: Residential site allocations in Manea

8 KEY ISSUES

- **Principle of Development**
- **Character and appearance**
- **Flood risk and drainage**
- **Whether proposed access arrangements would be acceptable**
- **Design / residential amenity (indicative only)**
- **Ecology**
- **Other Matters - Affordable housing / Infrastructure**

9 BACKGROUND

- 9.1 The current outline application proposal for up to 9 x dwellings at this undeveloped site to the rear of No.36 Westfield Road has been the subject of a previous preliminary enquiry submitted in 2021 showing a similar indicative linear backland housing scheme to that now proposed, albeit that that preliminary proposal showed 12 x dwellings instead of the 9 x dwellings as now proposed.
- 9.2 It was confirmed in the advice letter for that enquiry that Manea is identified as being a 'growth village' for the purposes of Policy LP3 of the Fenland Local Plan (2014) and the settlement hierarchy and that for these settlements development and new service provision within the existing urban areas will be appropriate. However, this is on the basis of compliance with Policy LP12A that development is in keeping with and reflecting the character of the area and that there are no significant issues in respect of flood risk, highways, visual or residential amenity.
- 9.3 In this respect, the footnote for Policy LP12A clarifies that the developed footprint excludes gardens and paddocks on the edge of settlements where that land relates more to the surrounding countryside than the built up area. In this context, it was considered that the proposal site to the rear of No.36 Westfield Road was separated from the development footprint of Manea village (in this case) by surrounding gardens and paddocks, a rural track and the proposed access and verges to the site itself, which was considered to be at odds with the character of the area.
- 9.4 Accordingly, that indicative housing scheme was considered by officers to be contrary to local plan and national policy advice and also National Design Guide guidance whereby it was considered without prejudice that the proposed scheme was unlikely to receive support from officers were a planning application to be subsequently submitted. It was acknowledged that the description of the development related to self-build dwellings whereby if the proposal fell within the legal definition as set out under the Self-Build and Custom Housebuilding Act 2015 (as amended) that the Council would have a duty under Sections 2 and 2A of the aforementioned Act to have regard to the Self-Build and Custom Build register and ensure that enough planning permissions are granted annually for the district to meet identified demand. As such, weight would be given to this position depending on the identified demand for this kind of housing, although it was further advised that in this case that the indicated self-build nature of the indicative scheme was not a sufficient reason in itself to overcome the identified constraints of the proposal.

10 ASSESSMENT

Principle of Development

- 10.1 The spatial strategy and settlement hierarchy for Fenland is set out in Policy LP3 of the Fenland Local Plan (adopted 2014) ('the local plan'). Manea is designated as a growth village whereby development and new service provision either within the existing urban area or as small village extensions will be appropriate, albeit of a considerably more limited scale than is appropriate to the market towns.
- 10.2 The proposed site does adjoin the edge of the settlement of Manea and so in principle a small village extension adjoining the settlement would meet Policy LP3 in principle whereby the site is located within a sustainable position within close

proximity to bus stops and local village services, whilst a continuous footpath runs along Westfield Road to the village centre. Therefore, in the broad terms as set out in Policy LP3, the proposal would be acceptable.

- 10.3 The policies of the emerging Fenland Local Plan carry extremely limited weight in decision making at this time as referenced above in this report. Policy LP1 of the emerging Local Plan ('Settlement Hierarchy') identifies Manea as a 'Large Village'. Policy LP1 states that proposals within the settlement boundaries will be supported in principle whereby that land falling outside the settlement boundaries is defined as countryside. Policy LP1 goes on to state that development in the countryside (i.e. that land falling outside the boundaries of all settlements in the hierarchy) will be restricted to that development which is appropriate within the countryside (as defined). The majority of the proposed development site falls outside the defined red line development boundary and would as a consequence of this be contrary to LP18 of the emerging Local Plan relating to development in the countryside.

Character and Appearance

- 10.4 Policy LP12 Part A of the adopted local plan sets out that for villages that 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. Additionally, any proposal will need to satisfy the applicable policies of the local plan (including the settlement hierarchy) as well as criteria a – k of that policy as summarised as follows:
- (a) The site is in or adjacent to the existing developed footprint* of the village (except for those villages listed in the settlement hierarchy in Policy LP3 as being 'Small' or 'Other' villages, where only infill sites will normally be considered favourably)
 - (b) It would not result in coalescence with any neighbouring village
 - (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland
 - (d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance;
 - (e) It would not extend existing linear features of the settlement, or result in ribbon development;
 - (f) The site retains and respects natural boundaries such as trees, hedgerows, embankments and drainage ditches
 - (g) The site retains and respects ecological, heritage and biodiversity features
 - (h) It would not result in the loss of important spaces within the village
 - (i) It would not result in the loss of high grade agricultural land, or if so, comprehensive evidence is provided to justify the loss. This should include an assessment of all alternative reasonable opportunities in the locality to develop on lower grades of agricultural land
 - (j) It would not put people or property in danger from identified risks
 - (k) It can be served by sustainable infrastructure provision, such as surface water and waste water drainage and highways.
- 10.5 Policy LP2 of the local plan concerns the facilitation of health and wellbeing of Fenland's residents. Development proposals should positively contribute towards creating a healthy, safe and equitable living environment. One of the criteria towards achieving these aims concerns creating sufficient and the right mix of homes to meet people's needs and in the right location.

- 10.6 Policy LP16 concerns the delivery and protection of high-quality environments across the district. Proposals for all new developments are required to meet the criteria set out in this policy. Criteria (d) states that development “makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, 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”.
- 10.7 The pattern of development along this section of Westfield Road is predominantly frontage development, albeit that the 1960’s built Glebe Close to the rear of this established frontage line is the ‘historical’ and notable backland housing exception to this general norm, whilst Dunvegan Close further along Westfield Road to the south-west of Glebe Close is a more modern exception. In contrast, the long strip of undeveloped grassland which exists to the rear of No.36 Westfield Road the subject of the current outline application is consistent in its undeveloped and tranquil appearance with the similarly undeveloped adjacent and parallel long strips of undeveloped grassland plots which exist behind their respective frontage dwellings leading down Westfield Road from Old Dairy Yard and which combined currently serve as a ‘green’ natural break between Glebe Close and Old Dairy Yard.
- 10.8 The applicant’s quoted examples within the submitted Design and Access Statement of where the local planning authority has granted planning permission for sites within Manea which it is posited are prime examples of why the built form of Manea is considered to be ‘*diverse, inclusive and adaptable*’ have been noted. However, cited application F/1797/88/O which related to residential development on ‘Land south-west of the fire station’ in Westfield Road comprising 0.85 ha contains an historical permission, whilst cited application F/YR14/0244/O for the erection of 5 no. dwellings at ‘Land to rear of 35 Westfield Road’ also has a lapsed permission whereby it is noted that the site area for that proposal showed the red line having a limited depth beyond existing frontage dwellings along this south side of Westfield Road. Cited application F/YR/16/0107/O for the erection of 29 x dwellings at ‘Lavender Mill, Fallow Corner Drove’ has an extant permission by virtue of a subsequent reserved matters submission relating to the development of a commercial site framed unusually on two sides by frontage housing (commercial buildings now removed – site cleared) where the development of this site for housing was seen as a planning gain. The last cited application, F/YR22/0084/O, relating to 26 dwellings on ‘Land North of 96A to 100 Westfield Road, Manea’, and perhaps most relevant to the current application, was refused planning permission by Fenland District Council on 5 July 2022 in part as (Refusal reason 1):
- “The site lies predominantly within the countryside and relates more to the countryside than the built-up area of Manea and therefore would be out of keeping with the character and pattern of development of this part of Manea and would introduce an urbanising effect to the area which is predominantly rural and tranquil in nature with limited frontage development”.*
- 10.9 It is considered that the site the subject of the current outline application, namely that land to the rear of No.36 Westfield Road comprising a large, green rectangular tract of land bordered by mature hedgerows and trees similarly relates more to the open countryside beyond to the north of Westfield Road than the established built-up area of the village which, as previously stated, is characterised by frontage housing along this section of Westfield Road. It is noted that the applicant has asserted that the land was previously within the curtilage of a structure and can be

classed as 'brownfield' by definition and therefore can be described as PDL (Previously Developed Land) for this reason. Whether this can strictly be argued to be the case or not, the undeveloped grassland behind No.36 nonetheless has a distinctly separate and open feel to it from the more domesticated front and side area to No.36 which forms the immediate residential curtilage to the dwelling whereby the footnote to Policy LP12 Part A states that “ **The developed footprint of the village is defined as the continuous built form of the settlement and excludes...(b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the open countryside than to the built-up area of the settlement...**”.

- 10.10 As such, the proposed development would appear as a small linear estate as inappropriate backland development extending into the countryside to the rear of the existing built-up area. As a consequence, the development would not be in keeping with the pattern of development and would not preserve the character or appearance of this part of Manea due to its scale and location. The development would therefore have an incongruous and urbanising effect upon land which is currently rural and tranquil in nature. The proposal would therefore be contrary to Policy LP12 criteria (c) and (d) of the adopted local plan. Similarly, the proposal is contrary to Policy LP16 (d) as it would not make a positive contribution to the local distinctiveness and character of the area or enhance its local setting. Furthermore, it would erode the local setting. Accordingly, the development would fail to recognise the intrinsic character and beauty of the countryside as set out in paragraph 174 (b) of the NPPF.
- 10.11 It is considered that the above issues could not be overcome with a particular design of housing because the issues concern the location and also the scale of the proposed development within a predominantly non-domestic setting and the proposal is therefore unacceptable in principle for this reason.
- 10.12 The case is made by the applicant that the Council should view the submitted proposal favourably as the dwellings proposed by the current application would be intended and marketed as self-build where it is stated by the applicant that Manea has a long-standing self-build/custom-build culture. Whilst this may be the case (and it is noted the number of third party representations made in favour of the proposal on this basis), the Council's most up to date held figures for self-build housing planning permissions for the district show that the Council currently has a healthy surplus of self-build planning permissions either as extant or implemented for the district in excess of government required targets for this form of housing. As such, this current surplus capacity does not outweigh in the planning balance the amenity harms which this report has identified would occur with the proposal.

Flood Risk and Drainage

- 10.13 The site lies predominately within Flood Zone 1 representing the lowest risk of flooding, although the north-west (rear) extremity of the site lies within Flood Zones 2/3 representing a medium to high risk of flooding. The indicative site layout plan submitted shows that this rear strip of land would not be built over by dwellings and would be adjacent to a proposed attenuation basin which would serve the proposed development in which surface water from permeable areas would run into whereby surface water from the site currently drains into Darcey Lode to the immediate rear of the site.
- 10.14 The Environment Agency has not raised any flood risk objections to the submitted scheme on the basis that all of the dwellings would be sited within Flood Zone 1.

The applicant has submitted a Flood Risk Assessment (FRA) for the scheme and has applied the Sequential and Exception Tests as part of the FRA process whereby it is stated in the FRA that *“Although the north-western part of the site is in Flood Zone 3, the access and dwellings are located in Flood Zone 1. It is therefore not possible to undertake the development at an alternative site with a lower probability of flooding. The site is considered to pass the Sequential Test. The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed... Section 5 of this Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The development is considered to pass the Exception Test”*.

- 10.15 Given the aforementioned application of the Sequential and Exception Tests required for the FRA and given that the Environment Agency are not objecting to the proposal on flood risk grounds, it is considered that no flood risk objections can reasonably be sustained to the proposal under Policy LP14 of the adopted local plan or the requirements of the NPPF. Should planning permission be granted, details concerning drainage could be adequately dealt with through planning conditions to comply with Policy LP14.

Transport / Traffic

- 10.16 Policy LP2 of the adopted local plan requires development proposals to provide and maintain effective, sustainable and safe transport networks to ensure access to all essential services.
- 10.17 Policy LP12 Part A (k) requires any proposal to be served by sustainable infrastructure provision, which includes highways.
- 10.18 Policy LP15 (C) requires that development should have regard to criteria which includes the site being located and designed so that it can maximise accessibility and help to increase the use of non-car modes (e.g. walking and cycling) and specifically that proposals which include new public highway should ensure such new highway complements and enhances the character of the area, possibly through the preparation of a public realm strategy for larger development schemes. The policy adds that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified and arrangements secured for their implementation which will make the development acceptable in transport terms.
- 10.19 The matter of Access falls to be considered for the current outline application. The proposed development would be served by a 6m width shared service access road with 0.5m service zones extending to the rear of the site with indicated turning head from a new vehicular access point to be created from Westfield Road which would replace the current domestic access arrangements. The new service road would require the demolition of the existing large outbuilding which currently stands within the side grounds of No.36 Westfield Road. 2.4m x 43m visibility splays are shown in each direction along Westfield Road from the centre point of the proposed new access whereby part of the existing mature frontage hedge along Westfield Road would be required to be removed to facilitate the new access arrangements where shown access ramp details onto the new service road behind would be in accordance with CCC Highways specification.

- 10.20 The application is not accompanied by a Transport Statement, albeit this is an outline application for 'up to' 9 x dwellings, although CCC Highways have been consulted on the application as a statutory consultee. The site falls within the 30mph speed limit, whilst the site is within easy walking/cycling distance of the village centre. CCC Highways have responded by saying that they have no objections to the application proposal in respect to the indicated access arrangements subject to any future reserved matters application showing car parking and turning arrangements that meets FDC parking standards.
- 10.21 Whilst CCC Highways have not made any comments regarding the additional volume of traffic which would be generated along Westfield Road by the proposed development, it is considered that the introduction of 'up to' 9 x dwellings at this site would not amount to a significant intensification of use of the highway in terms of daily / weekly vehicle movements.
- 10.22 In the circumstances, the proposal would not be contrary to Policy LP2, LP12 or LP15 of the adopted local plan.

Design / residential amenity (indicative only)

- 10.23 Policy LP16 of the adopted local plan states that high quality environments will be delivered and protected throughout the district. LP16 (e) specifically states that development shall not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy and loss of light, whilst LP16 (h) states that development shall provide sufficient private amenity space [for the end user], suitable to the type and amount of development proposed. Policy LP2 echoes LP16 where it states that development should avoid adverse impacts.
- 10.24 Matters of Scale, Layout, Appearance and Landscaping (Design) are reserved matters which do not fall to be considered for the current outline application. However, the submitted indicative site layout plan shows how up to 9 x detached dwellings with a combination of garages and hardstanding parking spaces could be accommodated at the site to run either side of the proposed spine access road. Compensatory parking is shown leading off the spine access road at the front to serve 36 Westfield Road.
- 10.25 No tracking drawing details have been submitted to demonstrate that a refuse collection vehicle could satisfactorily access the site and then to be able to be turned around in the indicated rear turning head at the end of the proposed service road to egress the site in forward gear. The adopted RECAP Waste Management Design Guide SPD (2012) advises that residents should not have to move waste more than 30 metres to any designated storage area within the boundaries of their respective property and that any designated storage area within the boundaries of the property should not be more than 25 metres distance from the collection point. The SPD adds that where properties do not share waste containers that residents should take their waste storage containers to the collection point for the purpose of emptying, which is either within the curtilage of the property or the kerbside depending on the requirements of the particular local authority and that for containers with two wheels that the distance between the collection point and the collection vehicle must not exceed 25 metres.
- 10.26 The dwelling shown to be sited nearest to the highway (Westfield Road) for the proposed development on the indicative site layout plan would be sited approximately 85 metres away, whilst the dwelling shown to be sited furthest away from the highway at the end of the proposed service road would be sited

approximately 290m away. Thus, a back land scheme such as the indicative scheme submitted could have issues for refuse collection if, for example, refuse collection vehicles were not able to access and egress the site satisfactorily or depending upon the Council's refuse collection policy (such as if the road would be adopted or depending upon the road surface) or if individual or collective refuse location points did not meet the aforementioned RECAP guidance. However, the proposed access road is indicated at 6m width to serve up to 9 x dwellings and it is noted that CCC Highways have not commented on this particular issue for their highways response other than to indicate that the proposed access arrangements would be otherwise satisfactory from a highway safety perspective.

- 10.27 The applicant has stated that refuse collection for the scheme would be fully compliant with Fenland District Council's refuse guidelines and would be informed by the RECAP SPD and the toolkit which the guidance contains. Given this and given that Layout is a reserved matter for the current outline application, it is considered that this issue can be sufficiently addressed at detailed consideration stage should planning permission be granted for the current outline application. However, it is considered prudent that any subsequent reserved matters submission be accompanied by a refuse collection strategy to inform the final design of the proposed scheme which can be conditioned on any planning permission granted for the current application.
- 10.28 The submitted Design and Access Statement states that a mix of house types would be provided and that an active street frontage would be maintained, adding that the proposed dwellings would reflect the local vernacular with the use of traditional materials and finishes and have roof spans across the narrowest plan dimension. Additional landscaping would be provided to augment existing site boundary vegetation which would be retained/trimmed back. It is stated that optimum use would be made of sustainable building materials and renewable forms of energy, namely 'fabric first', and that the dwellings would promote disabled access.
- 10.29 The indicated proposed site layout shows that the site would be large enough to accommodate up to 9 x dwellings at an appropriate scale, design and orientation with good sized rear gardens which would not significantly adversely affect the amenity of neighbouring residential users with regard to overbearing effects, loss of light, overshadowing, loss of privacy/overlooking or noise/light pollution whereby neighbours would be indirectly affected by the impacts of the proposed development given the distance of the proposed dwellings to the flank boundaries of the site and the forward line of adjacent dwellings onto Westfield Road. Cited loss of outlook and loss of property values within third party representations received are not material planning considerations.
- 10.30 Any residential impacts which were to occur could be lessened were existing established flank hedgerows to the site to be retained, which is indicated. Additionally, a Construction Management Plan (CMP) could be imposed on any planning permission granted for the submitted scheme to lessen the incidence of noise and disturbance arising from the development, such as working times, delivery times, storage of plant and machinery and dust prevention measures.
- 10.31 As such, it is considered that the issue of residential amenity could be satisfactorily dealt with through the submission of a subsequent reserved matters application to accord with Policies LP2 and LP16 (e), although this does not remove the objections in principle to this backland development scheme at this location for the reasons as identified above.

Ecology/Biodiversity/Trees

- 10.32 Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site taking into account locally designated sites and the special protection given to internationally and nationally designated sites in Policy LP19, whilst Policy LP16 (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 10.33 The application site comprises grassland bounded by hedgerows and mature trees, although no trees on the site are listed as being subject to a Tree Preservation Order, and also a traditional brick and tile storage building which is proposed to be replaced by the current application and which has some structural roof damage. Ecological surveys and, if necessary, individual species surveys are required to be carried out pre-determination whereby Section 40 of the Natural Environmental and Rural Communities Act 2006 places a public sector duty upon local planning authorities to conserve biodiversity. Section 180 of the NPPF states that when determining planning applications that local planning authorities should refuse planning permission if significant harm to biodiversity resulting from development cannot be avoided (through locating to an alternative site with less ecology impact), or unless adequately mitigated or, as a last resort, compensated for. Such consideration requires sufficient ecological investigation to assess if there are any particular protected species present so that they can be taken into account in the consideration of the proposal.
- 10.34 Policy LP19 of the adopted local plan states that planning permission should be refused for development that would cause demonstrable harm to a protected species or habitat unless the need for and public benefits of the development clearly outweigh the harm and mitigation or compensation measures can be secured to offset the harm.
- 10.35 A detailed Preliminary Ecological Assessment (PEA) (Hillier Ecology, December 2021) has been undertaken of the site. The survey for the assessment found the stable outbuilding to have negligible potential to support roosting bats, that there were no suitable roosting features within the building and no evidence of bat usage. The trees on the site were considered to have negligible potential to support roosting bats with an absence of potential roosting features and no evidence of bat usage was similarly found. The site and surrounds were found to offer moderately suitable foraging and commuting habitat for bat species and no further bat surveys are required. No species of bird were recorded during the survey, although suitable nesting habitat is present on the site and in the surrounds and no further bird surveys are required. The survey for badger produced a negative result with no badger setts and no evidence was found of badgers using the site and no further badger surveys are required. The site was found to be unsuitable to support a viable population of reptiles and no further reptile surveys are required. A habitat assessment of the site and surrounds was carried out to look at its suitability to support hedgehog and it is thought that the site was suitable for supporting such species, although no further Hedgehog surveys are required. Overall, the survey for the ecological assessment has found the site to be of low ecological value and will benefit from the opportunity for biodiversity enhancement offered by the proposed development.
- 10.36 The Wildlife Officer has been consulted on the PEA and has advised that the proposal scheme is acceptable, but only if acceptable planning conditions are

imposed, namely details of a soft landscaping scheme to be submitted for implementation to include recommended biodiversity enhancements, a Construction Environmental Management Plan (CEMP) for biodiversity, the provision of bat and bird boxes and use of native planting species of native provenance. He concludes that the PEA outlines that the proposed development can avoid negative impacts on ecological material concerns whilst also maintaining the biodiversity value of the site so long as the mitigation and compensation measures recommended within the report are followed and that the conditions recommended will ensure that these mitigation and compensations are included within the application documentation. He adds that the indicative layout already includes significant ecological mitigation and compensation and that the inclusion of these stated measures will ensure at least that no net loss of biodiversity would result from the proposal.

- 10.37 No ecology objections are therefore raised to the proposal under LP Policies 16 and 19 of the adopted local plan.

Affordable Housing / Infrastructure

- 10.38 Policy LP5 Part A (a) of the adopted local plan requires developments of between 5-9 dwellings to provide 20% of the dwellings as affordable homes where the exact tenure mix would be informed by the latest Strategic Housing Market Assessment (SHMA). However, Policy LP5 has been superseded by the NPPF which states that where Major developments involving the provision of housing is proposed, that at least 10% of the total number of homes should be made available for affordable housing. However, one of the exceptions to this requirement is where applicants wish to build or commission their own homes, e.g. self-build and custom-build. The current application is predicated on the basis that the dwellings would all be for self-build/custom-build purchasers where it is stated in the application that there is an ongoing demand for such homes to be built within Manea. In any event, the current application is for 'Up to 9 x dwellings' and is not a Major application by definition. Whilst noting Manea Parish Council's comments that no affordable housing is to be provided for the submitted housing scheme, the requirement for affordable housing does not therefore fall to be considered for the current application.

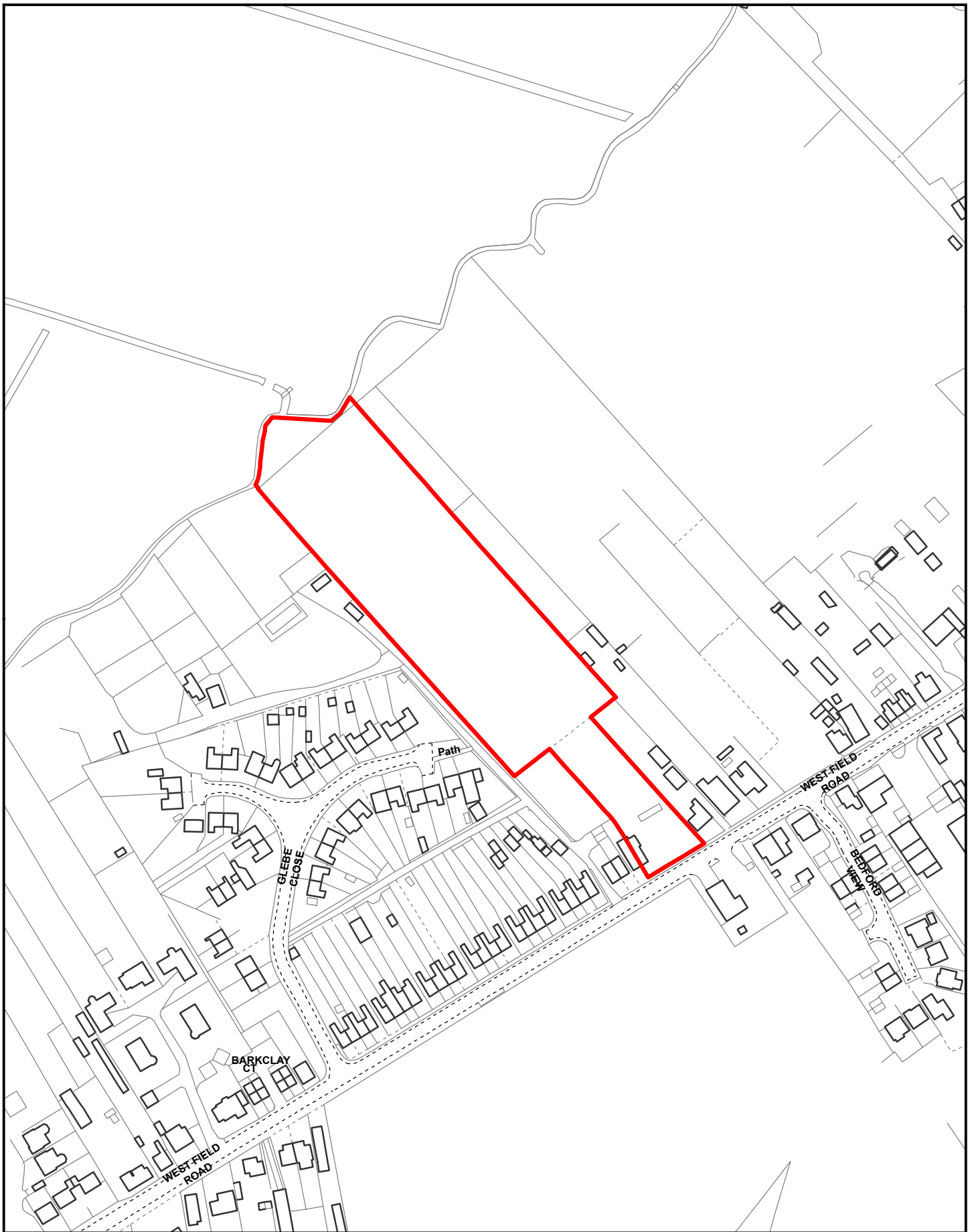
11 CONCLUSIONS

- 11.1 The application is unacceptable in principle as the proposed site relates more to open countryside than the built area of Manea and is out of keeping with the pattern of development and character of this part of the village which is predominantly countryside with linear frontage development existing along this section of Westfield Road. As such, the development would not contribute positively to the character and local distinctiveness of the area.
- 11.2 In other respects, the development could be made acceptable by imposing conditions if a grant of planning permission were being recommended. However, this does not outweigh the fundamental issues identified and the conflicts arising with development plan policy as set out in the report above whereby the inclusion of self-build/custom-build housing for the submitted scheme does not outweigh these fundamental issues of concern.

12 RECOMMENDATION

Refuse; for the following reasons:

1	<p>The site lies predominantly within the countryside and relates more to the countryside than the built-up area of Manea. The development is out of keeping with the character and pattern of development of this part of Manea which predominantly consists of frontage linear housing and would introduce a discordant and urbanising effect to the area. As such the proposal is contrary to Policies LP2, LP3, LP12 Part A (c) and (d) and LP16 (d) of the Fenland Local Plan, which enable only small village extensions which make a positive contribution to the character and local distinctiveness of the area. The proposal also fails to recognise the intrinsic character and beauty of the countryside in relation to paragraph 174(b) of the NPPF.</p>
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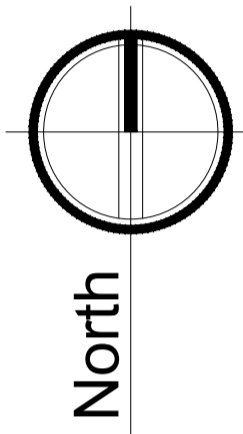
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F/YR22/0495/O

Scale = 1:2,500





Existing trees retained and further enhanced with new tree planting for bio-diversity enhancement of site

Proposed Surface water detention pond to discharge to the Darcey Lode along the northern boundary of the site.

New native species hedge planting to boundary. (Subject to future reserved matters application)

Existing hawthorn hedge retained and trimmed back towards boundary. (Subject to future reserved matters application)

Indicative new tree planting.

Existing hedge retained to boundary.

3 No. car parking spaces and turning for 36 Westfield Road.

New 1.8m high boundary fencing for 36 Westfield Road

Existing out-building removed shown dotted

2.4 x 43m visibility splay to entrance

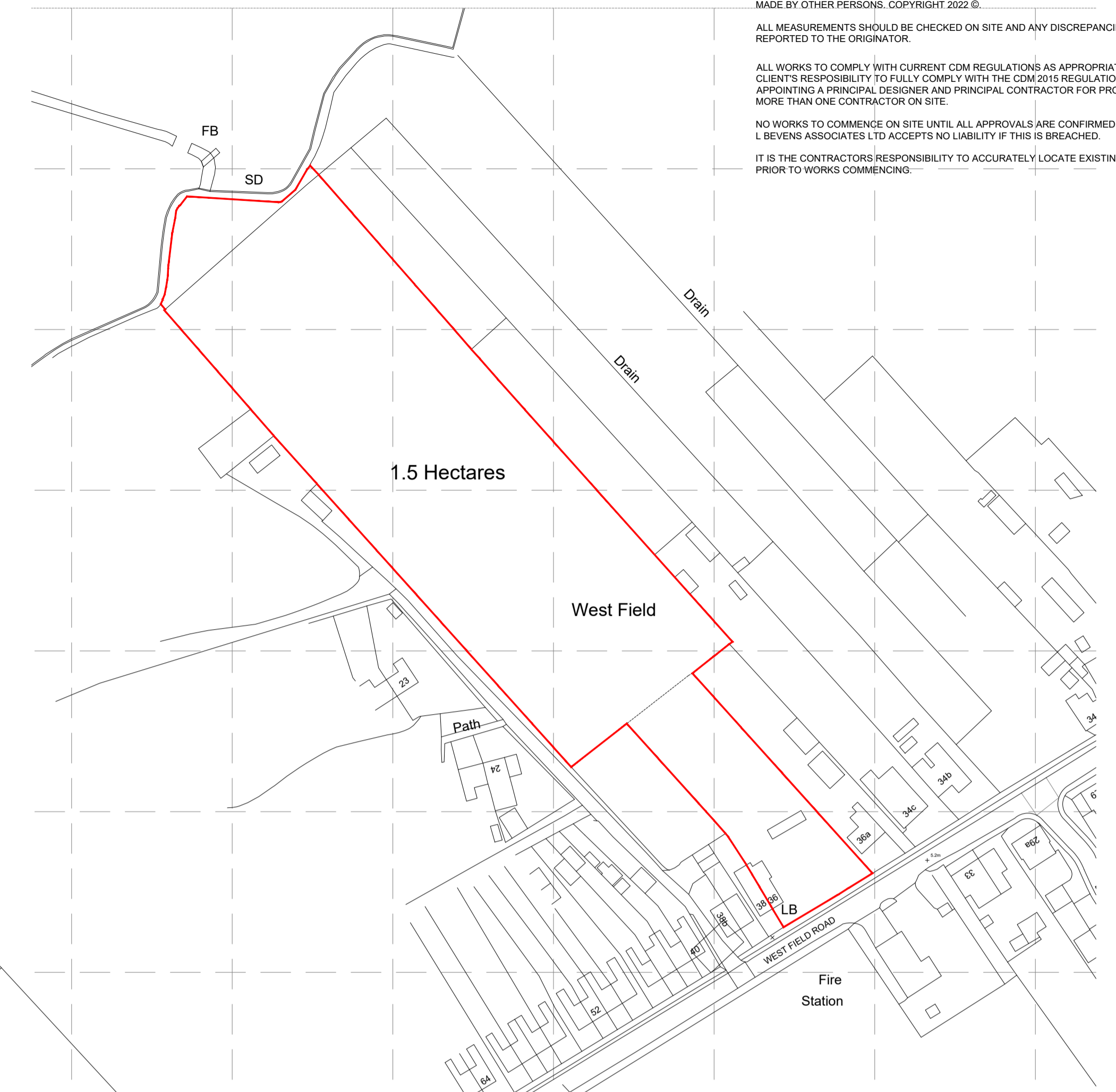
Existing gate and access removed.

Typical detail for Access Way Ramp in accordance with Cambridgeshire County Council specification

Existing hedge partially removed to allow for wider access into site.

2.4 x 43m visibility splay to entrance

Indicative Layout Site Plan 1:500



Location Plan 1:1250

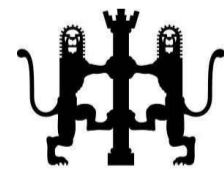
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ALL WORKS TO COMPLY WITH CURRENT CDM REGULATIONS AS APPROPRIATE. IT IS THE CLIENT'S RESPONSIBILITY TO FULLY COMPLY WITH THE CDM 2015 REGULATIONS INCLUDING APPOINTING A PRINCIPAL DESIGNER AND PRINCIPAL CONTRACTOR FOR PROJECTS WITH MORE THAN ONE CONTRACTOR ON SITE.

NO WORKS TO COMMENCE ON SITE UNTIL ALL APPROVALS ARE CONFIRMED IN WRITING. L BEVENS ASSOCIATES LTD ACCEPTS NO LIABILITY IF THIS IS BREACHED.

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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLIENT
 PB Developments & Investments Ltd/Newman

PROJECT
 Proposed residential development at 36 Westfield Road, Manea, Cambridgeshire.

DRAWING TITLE
 Indicative Layout Site Plan
 Location Plan

SCALE	DATE	DRAWN	CHECKED
1:500 & 1:1250 @ A1	March 2022	LB	
DRAWING NUMBER	REVISION		
CH21/LBA/591/OP-1-101			

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F/YR22/0529/F

**Applicant: Mrs Monika Kabaran
Bridge Cafe**

**Agent : Mrs Emine Yurdakul
Pera Solutions Ltd**

15 Bridge Street, Chatteris, Cambridgeshire, PE16 6RD

Replace existing shop front and separate access door with folding doors, and installation of roller shutters to restaurant frontage (retrospective)

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 the ground floor unit of a two-storey semi-detached house which is currently used as a café-restaurant (Bridge House), which lies within the Chatteris conservation area.
- 1.2. The site has had two previous approvals to replace the existing shop front with folding doors (F/YR20/1019/F & F/YR21/0281/F). However, the installed doors do not reflect the most recent approved plans. Furthermore, roller shutters have been installed to the bifold doors, access door and ground floor sash window which were not included within the original approved scheme. This proposal seeks to regularise the installation of the roller shutters and the changes to the installed doors.
- 1.3. The proposals result in a loss of proportion and loss of fascia to the existing shop front, and the introduction of roller shutters results in harm to the character and heritage of the area, contrary to Policies LP16 and LP18 of the Fenland Local Plan. Furthermore, the design of the shutters does not conform with the required standards of Policy LP17 (e).
- 1.4. As such, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The application site is the ground floor unit of a two-storey semi-detached house which is currently used as a café-restaurant (Bridge House), which lies within the Chatteris conservation area. The building is of 19th century origin and contains a modern, though sympathetic and well-scaled shop front, having been converted from a residential property, though planning history does not indicate when this change took place.

3 PROPOSAL

- 3.1. The site has had two prior approvals to replace the existing shop front with folding doors (F/YR20/1019/F & F/YR21/0281/F). However the installed doors do not reflect the most recent approved plans. Furthermore, roller shutters have been installed to the bifold doors, access door and ground floor sash window which were not included within the original approved scheme. This proposal seeks to regularise the installation of the roller shutters and the changes to the installed doors.
- 3.2. The works also include changes to the signage on the premises, however this will be considered separately under F/YR22/0530/A.

4 SITE PLANNING HISTORY

F/YR21/0281/F	Replace existing shop front and separate access door with folding doors	Granted 05.05.2021
F/YR20/1019/F	Replace existing shop front with folding doors	Granted 21.12.2020
F/YR04/3681/F	Variation of Condition 02 of planning permission F/99/0197/F to operate between the hours of 11.00 to 22.30 on Sundays and Bank Holidays	Granted 03.09.2004

5 CONSULTATIONS

5.1. Conservation Officer (FDC) – original comments received 20.06.2022

For clarity, references to the proposed signage (being considered under a separate application F/YR22/0530/A) have been removed from the below comments.

- 1. This application seeks retrospective planning permission for the replacement of an existing (replica) shop front with folding doors and installation of roller shutters [...]*
- 2. 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.*
- 3. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8 195, 197,199, 200, and 202. The following comments are made:*
- 4. 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. The heritage statement incorrectly affirms that the proposal will not impact the character of the building, but also fails to consider the impact on the character and appearance of the conservation area.*

5. *The applications are not supported. The following comments are made:*
- i. *Planning history indicates that approval was granted for a replacement shop front under /FYR20/1019/F with minor amendments to the scheme under F/YR21/0281/F. No objection was raised to the replacement shop front due to the fact that the previous shop front was a modern installation to a converted mid-19th century residential building, rather than a surviving historic shop. The previous shop front displayed good proportions, detailing and materials. The proposed shop front displayed similar characteristics in a more modern design and style. Due to the fact that there would be no loss of historic fabric, it was considered that there would be a neutral impact on the character or appearance of the conservation area. The approval was subject to the condition that precise product details for the bi-fold doors would be submitted for approval prior to the commencement of works. **It is within this context that this proposal is considered.***
 6. *The use of roller shutters was not part of either earlier application. They have been installed during the course of the works and are therefore currently unauthorised. The current planning application seeks to regularise this fact by gaining planning approval retrospectively. However, the use of roller shutters is contrary to policy LP17 (e) of the local plan which states that 'proposals for new shop frontages should avoid the use of external roller shutters. Where it can be demonstrated that they are necessary, shutters should be of an open grille design and integrated into the design of the shop front'.*
 7. *Therefore, had the initial application included an element for a roller shutter, the application would have been recommended for refusal, or amendment to remove these elements. It therefore does not follow, that advice would now be contrary to policy, and recommend approval of this element in retrospect.*
 8. *Furthermore, the application does not, in accordance with LP17 (e), demonstrate that shutters of any kind are necessary. The slight increase in the expanse of glass from the previous shop front to the current bi-fold doors is not sufficient reason, and the appearance of the roller shutter box, (when shutters are open) detracts from the sleek appearance of the intended modern shop front, and the shutters when closed, adversely impacts the street scene and therefore the character and appearance of the conservation area.*
 9. *Roller shutters present a harsh, defensive façade, which has negative connotations, and therefore negative impacts on an area. A further roller shutter has been installed over an historic sash window to the north end of the elevation. Given that this is not even part of the shop front, this seems even more incongruous and out of context.*
 10. *In addition to the roller shutters, the bi-fold doors as constructed are not in accordance with that previously approved under F/YR21/0281/F. They are taller in scale and have involved the removal of historic brickwork and therefore resulted in the loss of important fascia space. This lack of*

proportion and encroachment on the first-floor windows would have led to a recommendation for an alteration, had this been submitted as part of the original scheme.

11. *The application offers no justification of public benefit for these changes over and above what would have been gained under the previous approved application, yet there is an increase in the level of harm.*
12. [...]
13. *Given the loss of proportion, loss of fascia, introduction of unjustified roller shutters [...], the application is contrary to policy and overall does not preserve or enhance the character or appearance of the conservation area. The application is therefore not supported.*

RECCOMENDATION: REFUSE

5.2. Conservation Officer (FDC) – revised comments received 20.07.2022

I note that the images for the first incident of damage pre-date the application for a new shop front (F/YR20/1019/F), and while the second incident of damage did occur after the second application (F/YR21/0281/F), the shop front was installed only relatively recently, giving sufficient time for a withdrawal of the 2021 application, and a resubmission of an application with an integrated security shutter. I therefore feel that a retrospective application for a roller shutter still cannot be supported on conservation grounds, though you may be able to take a balanced judgment. I also feel that a grille shutter, if a shutter is found to be a justified necessity, would provide sufficient protection to the business. The window glass may be damaged, but this is replaceable, and a grille would still provide the protection to the business which is required, and would achieve an acceptable compromise.

5.3. Designing Out Crime

Thank you for the opportunity to comment on this application. 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 area covering the last 3 years. At present, I consider this to be an area of low vulnerability to crime.

Crime stats are as follows.

Business burglary – 0

Robbery – 1 (Not at the location)

Public Order – 1

Criminal Damage – 2

Bike Theft – 3 (Not at the location)

Violence – 2

I have no further comment at this stage.

5.4. Chatteris Town Council – Support

5.5. Environment Agency – We have no comment to make on this application.

5.6. Environment & Health Services (FDC)

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

5.7. **Cambridgeshire County Council Highways Authority** – *Highways do not have an objection to this application. Please ensure the doors do not open towards the footway.*

5.8. **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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;

Para 125 – Good design is a key aspect of sustainable development;

Para 130 – Planning policies and decision should ensure developments are sympathetic to local character and history;

Section 16 – Conserving and enhancing the historic environment

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context

Identity

7.4. Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP16 – Delivering and Protecting High Quality Environments

LP17 – Community Safety

LP18 – The Historic Environment

7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the

adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP10 – Shop Frontages, Security Shutters and Canopies
LP23 – Historic Environment

8 KEY ISSUES

- **Principle of Development**
- **Impact on Character and Heritage**
- **Community Safety**

9 ASSESSMENT

Principle of Development

- 9.1. The proposals seek to alter the fabric of an existing building within the settlement of Chatteris. The principle of development in terms of replacing the shop front was established during consideration of the earlier approvals of F/YR20/1019/F and F/YR21/0281/F relating to similar proposed works.

Impact on Character and Heritage

- 9.2. Policies LP16 and LP18 of the Fenland Local Plan seek to protect and enhance heritage assets. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant. Consideration is given to the potential impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.3. In comparison to the doors previously approved (2.0m high by 4.8m wide for the main doors and 2.0m high by 1.65m wide for the separate access door), the installed main bifold doors are 2.65m high by 4.8m wide and the separate access door is 2.65m high by 1.65m wide. As such, whilst the width openings are the same, the height of this installed doors have increased, which has led to the removal of historic brickwork and resulted in the loss of important fascia space above the doors. Consultations with the Conservation Officer resolve that had these door proportions and subsequent loss of fascia been submitted as part of the original scheme, recommendations for alteration would have been sought to ensure a more sympathetic frontage in the context of the Chatteris conservation area.
- 9.4. Notwithstanding, it is considered that the overall increase in scale of the doors do not cause significant harm to the character of the area, on balance with the agreed scheme.
- 9.5. Moreover, and perhaps more importantly, the unauthorised installation of roller shutters to the main doors, access door and a separate sash window on the front elevation has resulted in a harsh, defensive façade, which has negative impacts on the character and overall appearance of the conservation area and do result in harm to the character and heritage of the area, contrary to Policies LP16 and LP18 of the Fenland Local Plan.

Community Safety

- 9.6. Policy LP17 (e) of the Fenland Local Plan states that proposals for new shop frontages should avoid the use of external roller shutters, but that where the need for shutters can be demonstrated as necessary, should be of an open grille design and integrated into the design of the shop front.
- 9.7. Evidence provided by the applicant, and corroborated through consultation with Cambridgeshire Constabulary's Designing Out Crime Team, established that the site has been previously vandalised on two occasions, with the shop front windows broken. Further evidence relating to the incidents, the installation date of the unauthorised shutters, other methods of security already installed and evidence of issues with insuring the premises was also submitted by the applicant for consideration.
- 9.8. It is pertinent to consider the timeline of these incidents in relation to the site's recent planning history and works:
- **25.02.2020** First instance of criminal damage
 - **21.12.2020** Approval of F/YR20/1019/F to replace existing shop front with folding doors
 - **05.05.2021** Approval of F/YR21/0281/F to replace existing shop front and separate access door with folding doors
 - **30.09.2021** Second instance of criminal damage
 - **11.10.2021** Installation of shutters at site
- 9.9. It is noted that the first instance of criminal damage occurred prior to the approval of the original application F/YR20/1019/F, however this scheme did not include proposals to install shutters within the proposed replacement shop front at this time. Furthermore, the revised scheme considered under F/YR21/0281/F did not propose the addition of shutters, although given that an incident of damage had already occurred the scheme could have been revised to include these at this time, although this was not pursued.
- 9.10. It is also worth noting that given the limited amount of time between the second instance of damage and the installation of the shutters less than two weeks later suggests that the sourcing of the shutters may have already been being pursued prior to the second incident occurring. As such, it could be argued that this could have been included within the scheme under F/YR21/0281/F or by subsequent variation to this application.
- 9.11. Notwithstanding, in accordance with Policy LP17 (e), the site already has CCTV installed and it is noted that the applicant's insurance company have refused cover for criminal damage without further security measures to be installed. As such, the submitted evidence appears to demonstrate the need for additional security measures (such as shutters) to be installed. However, in order to comply with the full requirements of LP17 (e) the installed shutters should be of an open grille design.

9.12. It is considered that, as per the comments provided by the Designing Out Crime Team, the site is within an area of low vulnerability to crime and that shutters of an open grille design, coupled with the existing site CCTV security, would provide sufficient deterrent to vandals whilst providing an acceptable compromise to the impact on the character of the conservation area. The Case Officer did attempt to negotiate with the applicant to amend the shutters' design to an acceptable style on a number of occasions, however the applicant was unwilling to amend the design of the shutters to accord with Policy.

9.13. Therefore, as the installed shutters are not of an open grille design, they do not accord with Policy LP17 (e), and can therefore not be supported.

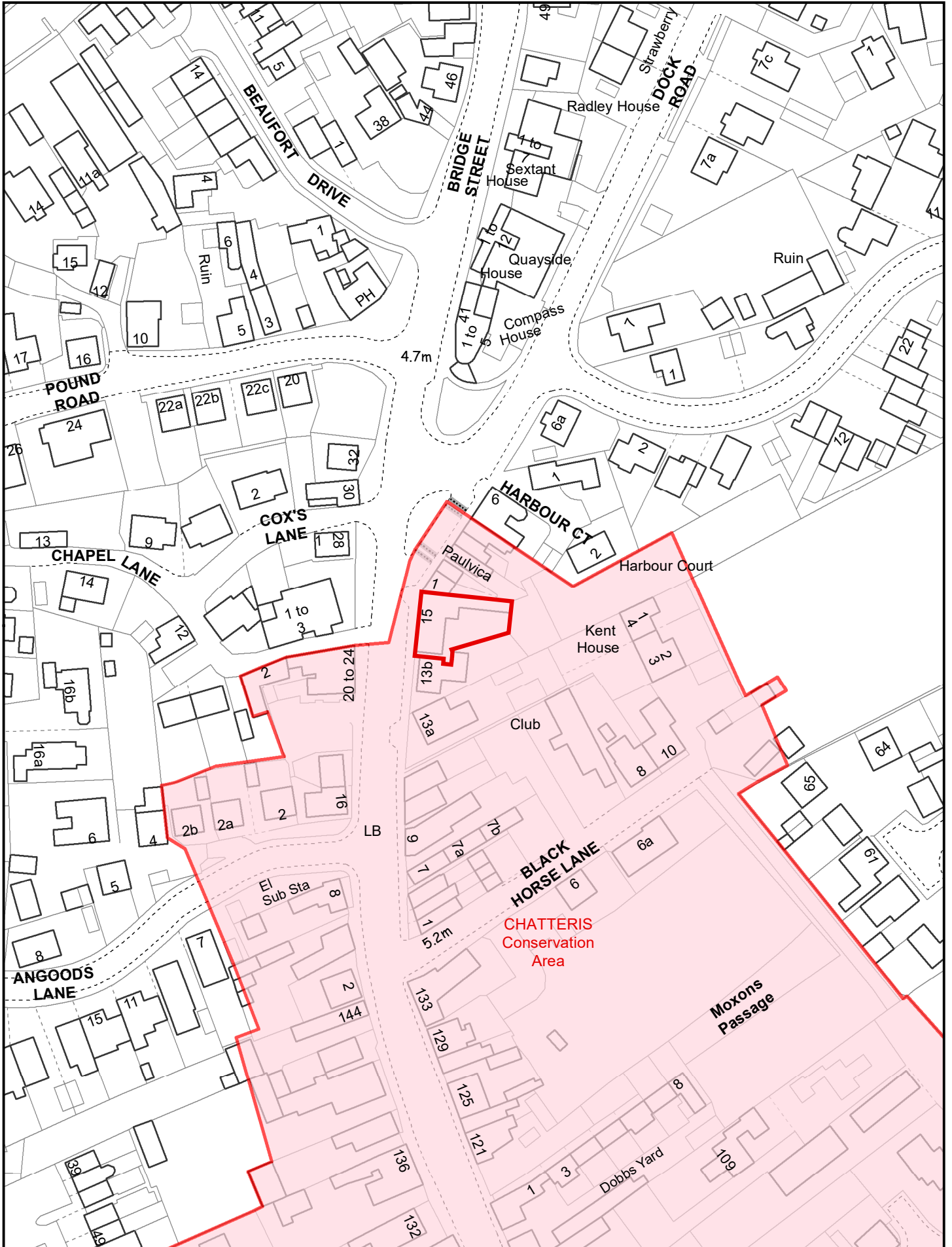
10 CONCLUSIONS

10.1. This application seeks to regularise unauthorised changes to earlier approved schemes for similar works in relation to the resizing of installed bifold doors and the installation of roller shutters to the front elevation of the premises. The installed doors are considered to be acceptable, on balance. However, the shutters result in harm to the character and appearance of the Chatteris conservation area contrary to Policies LP16 and LP18 of the Fenland Local Plan and their design does not conform to the full requirements of Policy LP17 (e). Therefore, the recommendation must be one of refusal.

11 RECOMMENDATION

Refuse, for the following reason;

1	<p>Policy LP17 (e) states proposals for new shops fronts should avoid the use of external roller shutters. Where it can be demonstrated that they are necessary, shutters should be of an open grill design and integrated into the design of the shop front. Furthermore, Policies LP16 and LP18 seeks to ensure development protects, conserves and enhances the historic environment.</p> <p>The installed shutters are not of an open grille design and are therefore contrary to requirements of Policy LP17 (e) of the Fenland Local Plan (adopted May 2014). The proposed development does not preserve or enhance the character and setting of the conservation area which it is located as the introduction of roller shutters results in harm to the character and heritage of the area, by virtue of introducing a harsh and defensive façade within the streetscene, contrary to Policies LP16 and LP18 of the Fenland Local Plan (adopted May 2014).</p>
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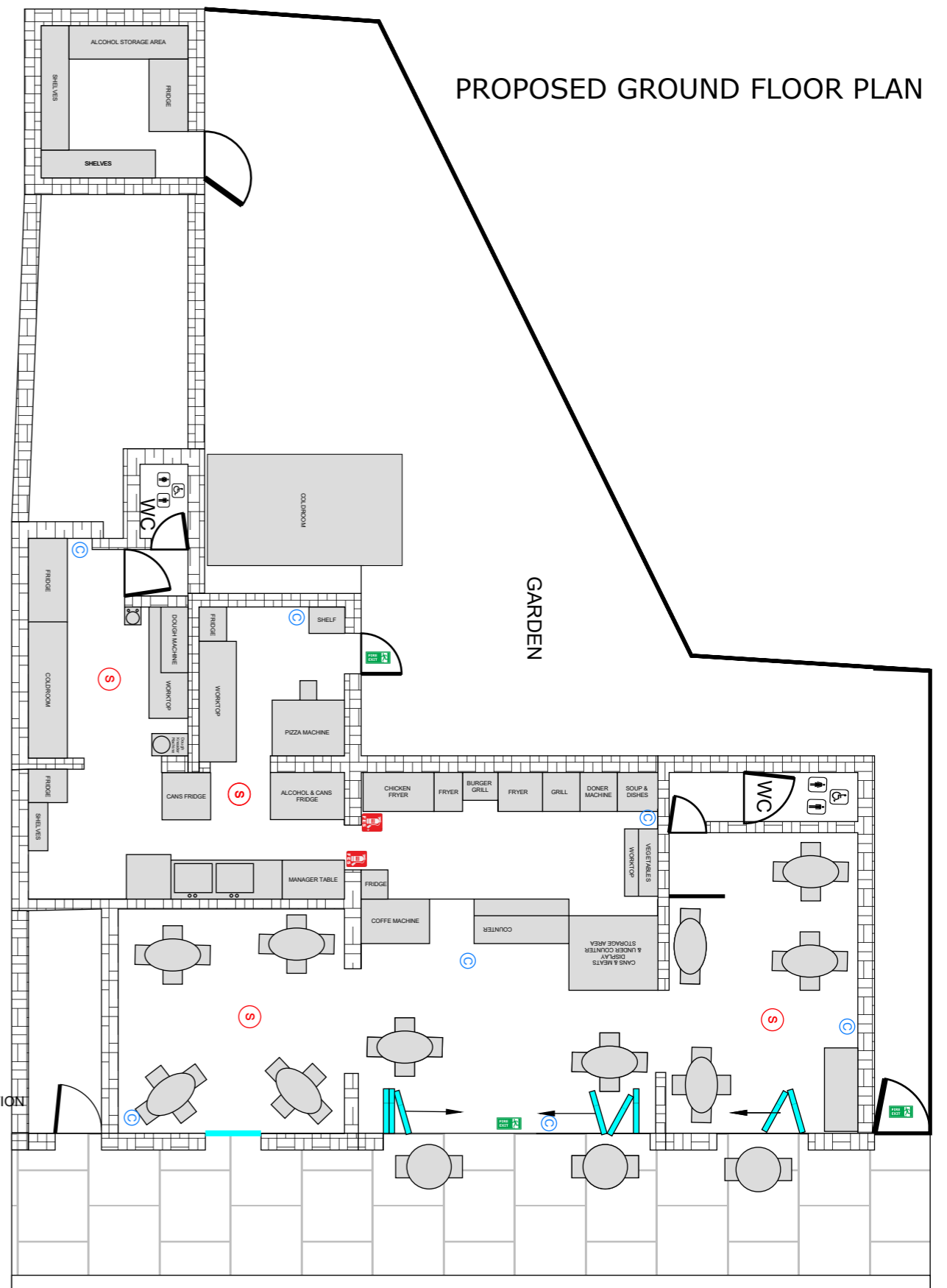
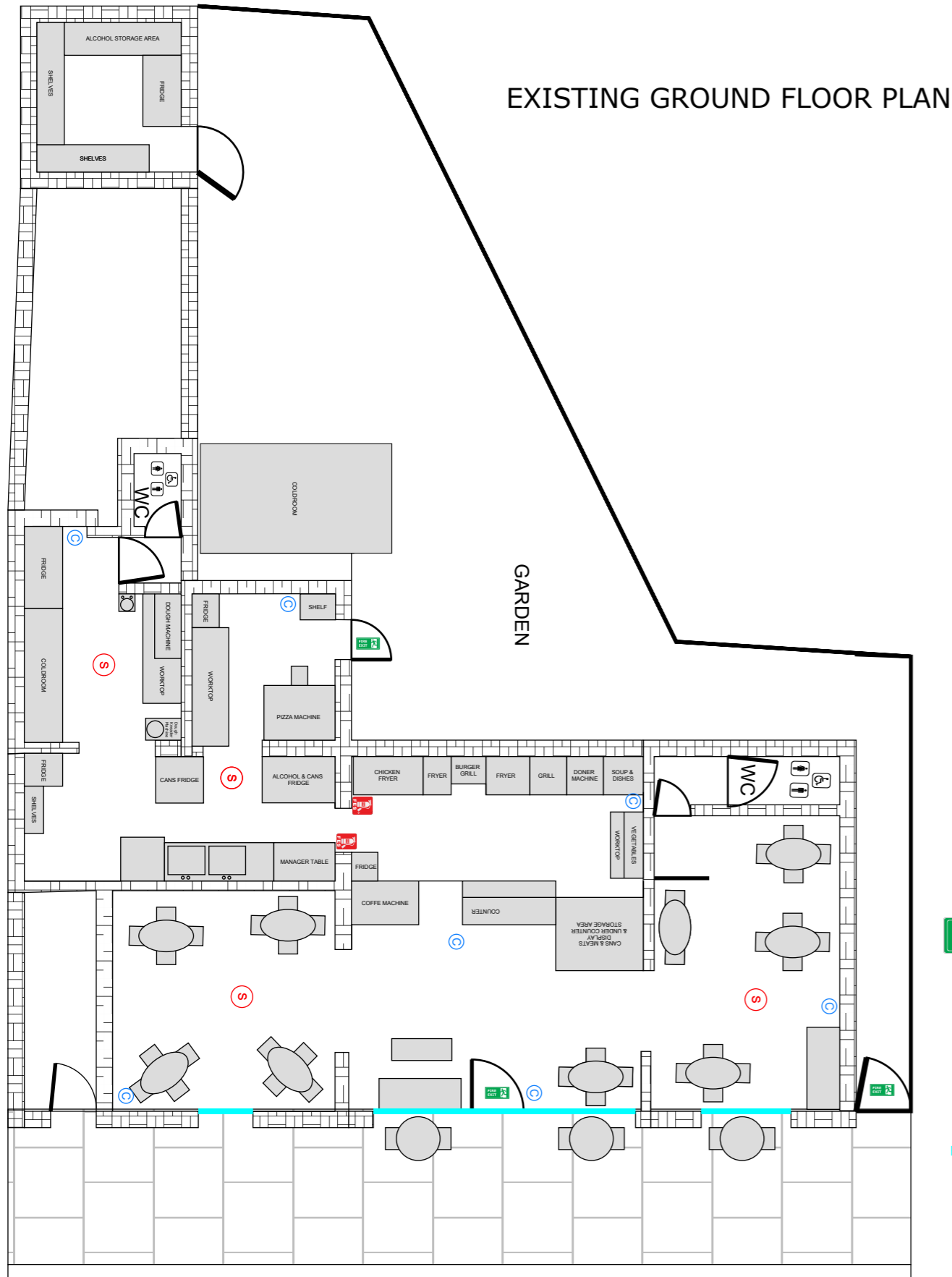
Created on: 08/09/2022






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F/YR22/0529/F

Scale = 1:1,250





-  FIRE EXIT
-  SMOKE DEDECTOR
-  SECURITY CAM
-  FIRE EXTINGUISHER STATION
-  WINDOW

NOT FOR CONSTRUCTION



UC
 91 High Street, Wealstone,
 Harrow HA3 5DL
 M: 0740 522 65 76
 E-Mail : info@ucmechanicalengineering.com
 http://www.ucmechanicalengineering.com/

CLIENT
 MONIKA JOANNA
 KABARAN

PROJECT
 BRIDGE HOUSE
 PROJECT

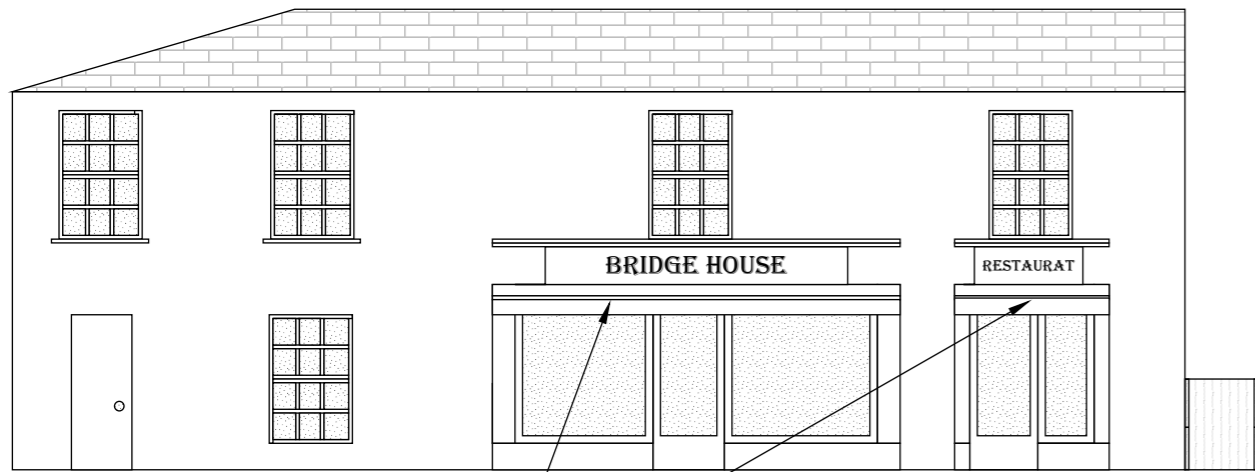
DATE
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DESCRIPTION
 EXISTING &
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 GROUND
 FLOOR PLAN

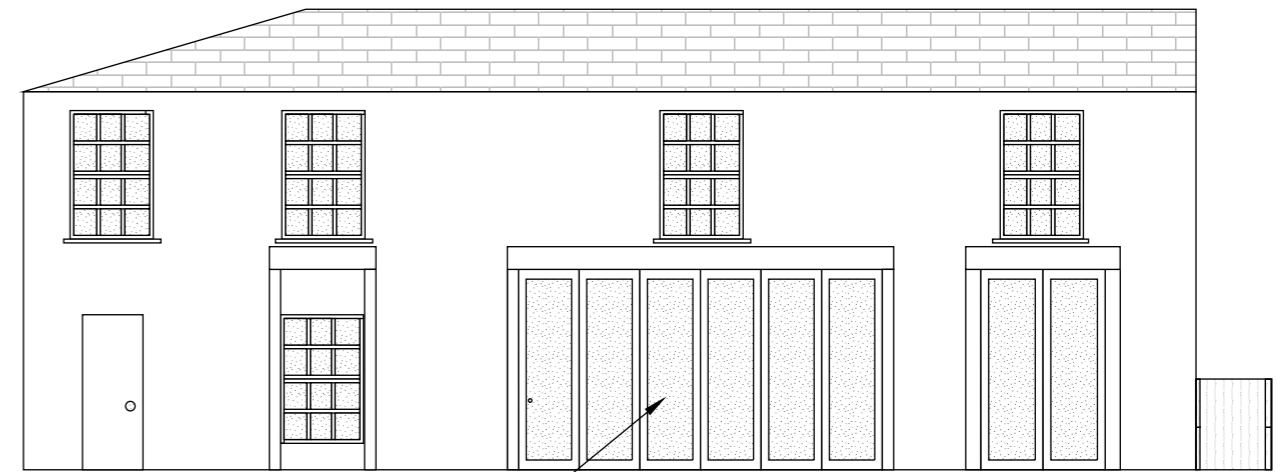
CLIENT ADDRESS
 15 BRIDGE STREET,
 CHATTERIS
 PE16 6RD

EXISTING FRONT ELEVATION PLAN



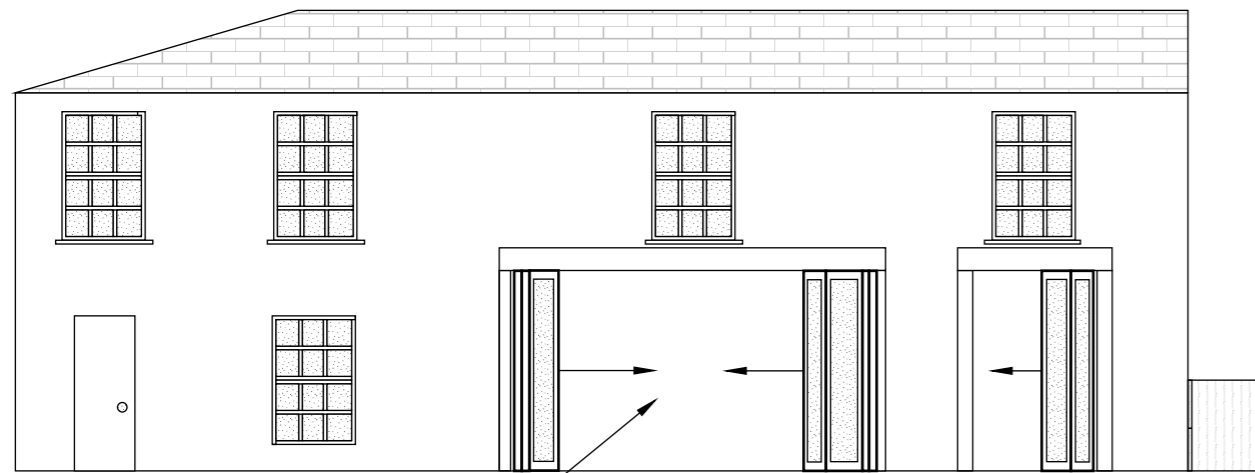
Retractable Awnings

PROPOSED FRONT ELEVATION PLAN (SHOWING DOORS, DOORS ARE CLOSED)



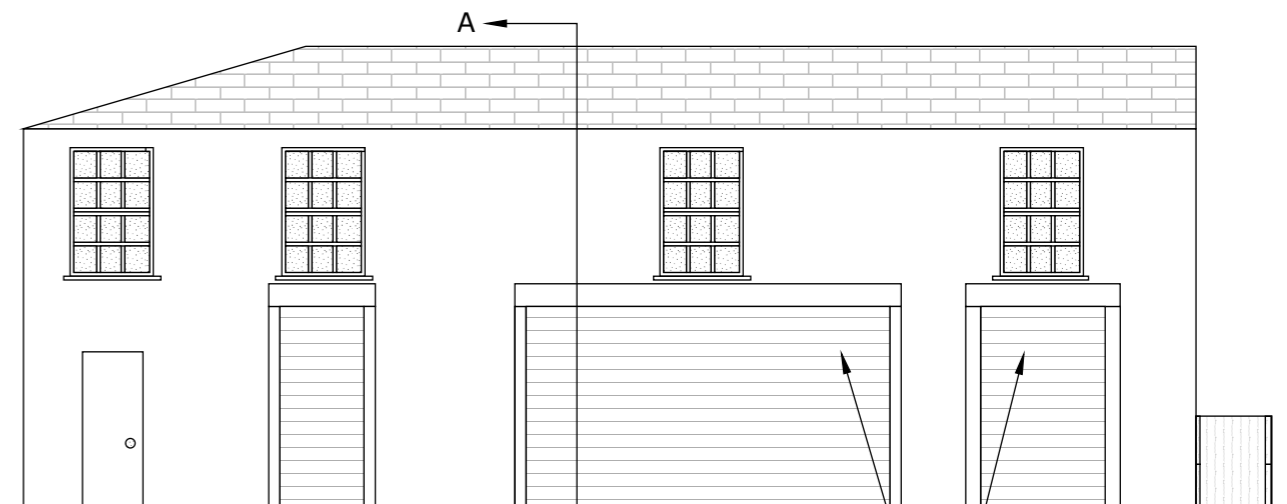
Folding Door

PROPOSED FRONT ELEVATION PLAN (SHOWING DOORS, DOORS ARE OPEN.)



Folding Door

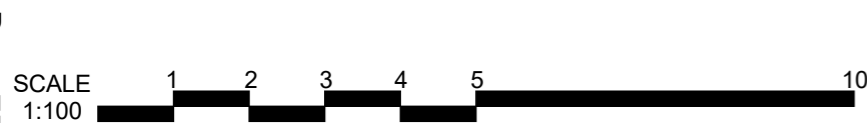
PROPOSED FRONT ELEVATION PLAN (SHUTTER IS CLOSE)



Shutter

SHUTTER A-A' SECTION

NOT FOR CONSTRUCTION



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F/YR22/0701/O

Applicant: Mr & Mrs Klimczuk

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

Land North Of 59 And 61, March Road, Coates, Cambridgeshire

Erect up to 4 x self/custom build dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The principle of development is not strictly supported as the site does not adjoin the built form and whilst the proposal is for self/custom build dwellings the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 1.2 The site is considered to relate more to the surrounding countryside than the built form and the proposal would enclose the open field beyond the frontage development, would result in an in-depth incursion into the open countryside and would not therefore respect the local distinctiveness and character of the area. Furthermore, it would set a precedent for further in-depth development in the vicinity. As such, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area.
- 1.3 It is considered that a policy compliant scheme may be achievable in relation to residential amenity (subject to suitable refuse collection arrangements) and parking/highways matters. There are no issues to address in relation to flood risk and drainage and ecology impacts are considered acceptable subject to conditions.
- 1.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the Minerals and Waste Planning Authority consider extraction is unlikely to be feasible, there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.

2 SITE DESCRIPTION

The application site is located to the north east of 59 and 61 March Road, Coates. It comprises of maintained grassland with post and rail fencing enclosing the land. The eastern most boundary of the site is open (apart from an unestablished hedge) to the ditch and agricultural land beyond. To the north is a belt of trees. Access is via the shared tarmac acces off March Road, serving 4 existing dwellings (55-61 March Road) and then via the accesses currently serving 59 and 61 March Road

to the land to the rear. The application site is located in Flood Zone 1. There are open views of the site afforded when travelling along March Road due to the surrounding countryside.

3 PROPOSAL

3.1 The application seeks outline planning permission for up to 4 self/custom build dwellings with matters committed in respect of access only.

3.2 Full plans and associated documents for these applications can be found at:

[F/YR22/0701/O | Erect up to 4 x dwellings \(outline application with matters committed in respect of access\) | Land North Of 59 And 61 March Road Coates Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR22/0701/O)

4 SITE PLANNING HISTORY

F/YR22/3092/COND	Detail reserved by condition 3 (landscaping) of appeal decision APP/D0515/D/22/3295939 relating to planning application F/YR22/0303/F (Erect a detached double garage for existing dwelling)	Pending
	61 March Road	
F/YR22/0303/F	Erect a detached double garage for existing dwelling	Refused 28/03/2022
	61 March Road	Allowed on Appeal 24/06/2022
F/YR21/0712/F	Change of use of land from agricultural to equine use involving the erection of a stable block, hardstanding and 1.5m high post and rail fence (retrospective)	Granted 08/12/2021
	North of 55 March Road	
F/YR20/3023/COND	Details reserved by condition 9 (Landscaping) of planning permission F/YR19/0819/F (Erect a 2-storey 5-bed dwelling with detached garage and the temporary siting of 2 x caravans and 2 x storage containers)	Approved 15/04/2020
	55 March Road	
F/YR20/0275/F	Erect a 2-storey 5-bed dwelling with detached 2-storey garage/gym and the temporary siting of 2no caravans and 2no storage containers	Granted 22/6/2020
	55 March Road	

F/YR19/0819/F	Erect a 2-storey 5-bed dwelling with detached garage and the temporary siting of 2 x caravans and 2 x storage containers 55 March Road	Granted 20/11/2019
F/YR19/0744/F	Erect 1 x dwelling (2-storey, 6-bed) with a detached double garage with storage above, and the temporary siting of a caravan (during construction) 61 March Road	Granted 16/10/2019
F/YR19/0481/VOC	Variation of conditions 8 and 9 (plot 3 only) relating to planning permission F/YR19/0233/VOC (Variation of condition 11 to enable amendment to approved plans of planning permission F/YR17/0978/F (Erection of 4 x dwellings (comprising of 2 x 2-storey 5-bed and 2 x single-storey 4-bed) and the formation of an access) for Plot 3 only to add an attached garage; change door and window materials to polyester powder coated aluminium; change size and position of study window; omit roof light on south east elevation; and rear window/door alterations.)) relating to temporary facilities and construction management plan 59 March Road	Granted 9/8/2019
F/YR19/0466/F	Erect 1 dwelling (2-storey 5-bed) with detached 2-storey triple garage and temporary siting of 2no caravans (during construction) 57 March Road	Granted 17/7/2019
F/YR19/0233/VOC	Variation of condition 11 to enable amendment to approved plans of planning permission F/YR17/0978/F (Erection of 4 x dwellings (comprising of 2 x 2-storey 5-bed and 2 x single-storey 4-bed) and the formation of an access) for Plot 3 only to add an attached garage; change door and window materials to polyester powder coated aluminium; change size and position of study window; omit roof light on south east elevation; and rear window/door alterations.	Granted 8/5/2019

59 March Road

F/YR19/0175/VOC	Variation of condition 11 to enable amendment to approved plans of planning permission F/YR17/0978/F (Erection of 4 x dwellings (comprising of 2 x 2-storey 5-bed and 2 x single-storey 4-bed) and the formation of an access) for Plot 1 only to move siting of dwelling 2.0 metres to north west, alter design of dwelling to 2-storey 5-bed and elevational changes	Granted 14/5/2019
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55 March Road

F/YR18/3075/COND	Details reserved by Conditions 02, 04, 06, 07, 08 & 09 of planning permission F/YR17/0978/F (Erection of 4 x dwellings (comprising of 2 x 2-storey 5-bed and 2 x single-storey 4-bed) and the formation of an access)	Approved 20/9/2018
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F/YR17/0978/F	Erection of 4 x dwellings (comprising of 2 x 2-storey 5-bed and 2 x single-storey 4-bed) and the formation of an access	Granted 12/1/2018
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5 CONSULTATIONS

5.1 Town Council

The Town Council recommend refusal of this application due to Lp12, the access road, this is also back land development.

5.2 Cambridgeshire County Council Highways

Highways have no objections to this outline application.

The width of the shared surface drive is 5.5m. It is wide enough for passing vehicles. This should be acceptable by the LPA. However, this will not be acceptable for adoption in the future. The requirement for shared surface is width 6.0m width block paved carriageway with 0.5m paved maintenance strips and no surface delineation.

Subject to this the future reserved matters application to provide car parking that meets FDC parking standards.

Conditions

1. Prior to the first occupation of individual dwellings their associated on-site parking /turning shall be laid out 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).

5.3 Environmental Health (FDC)

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

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

Due to the close proximity to existing noise sensitive dwellings and to protect the amenity of their occupants, the following condition should be imposed in the event that planning permission is granted

NOISE CONSTRUCTION HOURS

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

5.4 Refuse Team (FDC)

In broad principal we have no objection to this development however the following points regarding access would need addressing:

- To allow access the private road would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface etc. which may be caused during vehicle operations. This would include the existing private road which is not currently accessed during waste collections.

- A swept path plan would be required to demonstrate that an 11.5m refuse vehicle could access the site turn and leave the site in a forward direction, this would include access along the existing private road.

- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.

- Refuse and recycling bins will be required to be provided as an integral part of the development.

5.5 Wildlife Officer (FDC)

Recommendation:

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

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

Pre-commencement Condition(s) –

- No development shall take place (including any demolition, ground works, site clearance) until a method statement detailing how the line of trees to the north and the ditch will be protected during construction of the proposal has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:*

a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) persons responsible for implementing the works;*
- d) disposal of any wastes arising from works.*

The works shall be carried out strictly in accordance with the approved details in the first planting season after works have commenced and shall be retained in that manner thereafter.

Post-Commencement Condition(s) -

- 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.

Assessment/Comment:

The site as a whole does not have any ecologically significant habitats within the redline boundary, however immediately adjacent to the boundary is a line of trees and a ditch that may be being used as important commuting habitat for a variety of species.

Considering the proposed landscaping within the plans it is considered possible that within the appropriate stand off protection (5m from the ditch and tree line) there will be no negative impact of the construction and the new landscaping will be quite beneficial.

A condition requesting a detailed landscaping plan has been included as to ensure that all species used in the boarder vegetation are native and not invasive on the bordering habitats. All species used within the landscaping plan should be of local providence.

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*

5.6 Natural England (summary)

Please refer to Natural England’s letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England’s generic advice on other natural environment issues is set out at Annex A.

5.7 County Planning, Minerals & Waste

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

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, a relatively small development, consisting of a site area of 0.69 ha, and that there are dwellings to the south and west of site. The MWPA considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of dwellings 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, subject to the following informative being included in any permission:

“The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. In this instance, the Planning Authority considers that prior extraction is unlikely to be feasible and that there is an overriding need for the development. Prior extraction of the resource has, therefore, not been required in this instance. However, the applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”

5.8 Local Residents/Interested Parties

1 objection has been received from March Road, Coates in relation to the following:

- Proposal would impact, hinder and restrict access
- Impact view and enjoyment of property
- Noise from doubling number of dwellings
- Loss of privacy
- Impact on sewage system used by 4 existing dwellings

8 Supporting comments have been received (1 from Plover Road, 1 from Hemmerley Drive, 1 from Viking Way, 1 from Crescent Road, all Whittlesey and 1 from Willowbrooke Drive, 1 from North Green, 1 from Coates Road and 1 from Minuet Paddocks, all Coates) in relation to the following:

- Good use of land locked between houses, ditch and bridleway
- Better than using farmed land
- Shortage of homes, demand for houses like these
- Require good balance from affordable to aspirational, better balance of types of homes
- In keeping with/would complement development to the front
- Provides sustainable housing
- Houses look desirable
- Ample hedging, positive impact to local wildlife and environment
- Great to see more self builds, positive impact on local economy

Comments, where they relate to planning matters will be addressed in the sections below.

However, it should be noted that this application is an outline with matters reserved except access hence the design of the dwellings, layout and all other details are indicative only.

Furthermore, this land remains agricultural even as maintained grassland, there has been no application to change its use.

The loss of view is not a planning consideration.

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 – N3

Homes and Buildings – 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

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

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

Policy LP1 – Settlement Hierarchy

Policy LP2 – Spatial Strategy for the Location of Residential Development

Policy LP5 – Health and Wellbeing

Policy LP7 – Design

Policy LP8 – Amenity Provision

Policy LP11 – Community Safety

Policy LP12 – Meeting Housing Needs

Policy LP13 – Custom and Self Build

Policy LP18 – Development in the Countryside
Policy LP20 – Accessibility and Transport
Policy LP22 – Parking Provision (Appendix 6)
Policy LP24 – Natural Environment
Policy LP25 – Biodiversity Net Gain
Policy LP26 – Carbon Sinks and Carbon Sequestration
Policy LP27 – Trees and Planting
Policy LP28 – Landscape
Policy LP32 – Flood and Water Management
Policy LP51 – Residential site allocations in Coates

Delivering and Protecting High Quality Environments in Fenland 2014

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

Policy DM4 – Waste and Recycling Facilities

The Whittlesey Draft Neighbourhood Plan 2021-2040

This neighbourhood plan has been formally submitted to Fenland District Council for independent examination and is the subject of 'Regulation 16' consultation until 1 September 2022.

Due to the current stage of progression of the plan it carries little, but some, material weight in decision making. However the following policies of the emerging plan are of relevance to this application:

Policy 1 – Spatial Planning

Policy 2 – Local Housing Need

Policy 7 – Design Quality

Policy 8 – Historic Environment

The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5: Mineral Safeguarding Areas (MSAs)

8 KEY ISSUES

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

9 BACKGROUND

9.1 The frontage development, which resulted in an incursion into the open countryside from the continuous built frontage to the west, was originally granted under F/YR17/0978/F. The scheme was considered contrary to Policy LP12 and LP16 in respect of the creation of a linear form of development in the countryside and the scale and appearance of the dwellings. It was however primarily allowed as the Council were unable to demonstrate a 5 year supply of housing, whereby the 'tilted balance' under para 7 (now para 11) of the NPPF applied.

9.2 The Council can currently demonstrate a sufficient supply of housing (6.69 years) and as such the 'tilted balance' would not apply in the case of this current application.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the Fenland Local Plan 2014 identifies Coates as a 'limited growth village' where development within the existing urban area or a small village extension will be acceptable in principle, subject to compliance all other relevant policies which are considered in the sections below.
- 10.2 The proposed development is located on land to the north east of, but does not immediately adjoin the existing built form (the site is separated from the gardens of 59 and 61 March Road by an area of maintained grassland) and as such the principle of development is not strictly supported.
- 10.3 Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self build homes, which is supported by para 62 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.
- 10.4 The proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.
- 10.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Coates as a medium village; Part B advises that land outside settlement boundaries is defined as countryside where development is restricted (as set out in LP18), this site is outside of the defined settlement. LP51 defines residential site allocations in Coates and this site does not have such an allocation. As such the proposal would also be considered contrary to the aforementioned policies of the emerging local plan.

Design considerations and visual amenity of area

- 10.6 The application is in Outline with all matters reserved hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider the impact of development of this site on the character of the area.
- 10.7 Policies LP2 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.
- 10.8 Policy LP12A supports development in villages subject to compliance with criteria a to k. However, the scheme is considered to be contrary to the following:

10.9 *Policy LP12A (a): The site is adjacent to the existing developed footprint of the village.*

The footnote for Policy LP12 clarifies that the developed footprint excludes gardens and paddocks on the edge of the settlement where that land relates more to the surrounding countryside than the built-up area;

The application site is located on maintained grassland, does not adjoin and is beyond the gardens that serve the frontage development of 55-61 March Road. As such is considered to relate more to the surrounding countryside than the built form.

10.10 *Policy LP12A (c): It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland;*

Policy LP12A (d): The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance;

Development on the north-eastern side of Feldale Lane and March Road is limited to linear development which affords views of and retains the openness of this edge of settlement location. The proposal would enclose the open field beyond the frontage development, would result in an in-depth incursion into the open countryside and would not therefore respect the local distinctiveness and character of the area. Furthermore, it would set a precedent for further in-depth development in the vicinity. As such, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.

10.12 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP7 and LP28 seek to ensure developments relate well to the site, its local and wider context and contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness. The proposal would therefore be contrary to the aforementioned policies.

Residential Amenity/Health and wellbeing

10.13 The application is in Outline with all matters reserved hence detailed design would be subject to a subsequent application should this scheme be successful. It is however necessary to consider whether a policy compliant scheme could be achieved.

10.14 The development proposes to utilise the existing private shared access off March Road and then an access between 59 and 61 March Road. There is potential for additional noise and disturbance as a result of the additional traffic alongside existing dwellings, with a separation distance of 3m – 3.5m between these and the access. Given the proposal is for 4 dwellings this impact is not considered to be significantly adverse, providing that a bound material is used for the access to reduce noise.

10.15 The site is a sufficient distance from existing dwellings and of a sufficient size that a policy compliant scheme in relation to privacy, light, outlook and overshadowing could be achieved.

10.16 The indicative site plan indicates a bin collection area within the site. It is understood that currently the Council's refuse vehicles do not utilise the private road for collection and have advised that the private road (including the existing section) would need to be constructed suitably for a 26 tonne refuse vehicle and indemnity would be required from landowners or future management company against any potential damage to the road surface, which may be caused during vehicle operations. No information has been provided as to whether the existing access has been constructed to the required specification and as such it is unclear whether it would be necessary for residents to bring their bins for roadside collection on March Road. If this is the case drag distances would be far in excess of the 30m maximum set out in Policy DM4 and RECAP guidance, the site itself is at least 100m from March Road. Whilst the policies of the emerging local plan carry extremely limited weight in decision making, Policy LP8 carries forward these requirements.

Parking and Highways

10.17 The existing private access off March Road is 5.5m wide at the junction leading to a 5m drive which is currently shared by 4 existing dwellings. It is proposed to utilise this and then create a 5.5m wide access to serve up to 4 new dwellings. Due to the location of the site the length of the shared access is in excess of 210m and whilst only serving up to 4 additional dwellings is not ideal in terms of width for a shared surface of this length. Nevertheless, the LHA have no objections to the scheme subject to a condition to secure retention of on-site parking and turning and it is considered that due to the size of the site suitable parking and turning could be achieved.

Flood Risk and Drainage

10.18 The site is located in Flood Zone 1, the lowest risk of flooding, hence the sequential and exception tests are not applicable to this site. It is also at a low/very low risk of surface water flooding.

10.19 The issue of foul drainage has been raised by a local resident, this would be dealt with under building regulations should the application be successful.

Ecology

10.20 The Council's Wildlife Officer has been consulted on the scheme and advises that the site as a whole does not have any ecologically significant habitats within the redline boundary, however immediately adjacent to the boundary is a line of trees and a ditch that may be being used as important commuting habitat for a variety of species. On this basis he has recommended a condition to ensure that these features are adequately protected, in addition to a landscaping condition to secure a suitable scheme.

10.21 The site is located with a SSSI impact zone and Natural England have advised that there should be appropriate consideration of recreational pressure impacts. The proposal is for up to 4 additional dwellings and as such there is not considered to be a significant impact in this regard.

Waste and Minerals

10.22 The site is located within a Sand and Gravel Mineral Safeguarding Area (MSA) 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.

10.23 Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which are relevant in this case. Development within MSAs which is not covered by the exemptions is only permitted where it is demonstrated that:

(i) the mineral can be extracted where practicable prior to development taking place; or

(j) the mineral concerned is demonstrated to not be of current or future value; or

(k) the development will not prejudice future extraction of the mineral; or

(l) there is an overriding need for the development (where prior extraction is not feasible).

10.24 The application documentation does not make any reference to the safeguarded minerals, or Policy 5, consequently criteria (i) – (k) have not been demonstrated as being met.

10.25 With regards to (l) the Minerals and Waste Planning Authority (MWPA) considers that, although the extent of the resource within the site is unknown, the nature of the development, size of the site and proximity of dwellings means that complete prior extraction is, in this case, unlikely to be feasible and that should the Council be of the view that there is an overriding need for the development, the MWPA will be content that Policy 5 has been addressed.

10.26 As detailed above, the proposal is for self/custom build dwellings, however the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and a sufficient supply of housing (6.69 years), hence there is no overriding need for the development and it is considered contrary to the aforementioned policy.

11 CONCLUSIONS

11.1 The principle of development is not strictly supported as the site does not adjoin the built form and whilst the proposal is for self/custom build dwellings the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this.

11.2 The site is considered to relate more to the surrounding countryside than the built form and the proposal would enclose the open field beyond the frontage development, would result in an in depth incursion into the open countryside and would not therefore respect the local distinctiveness and character of the area. Furthermore, it would set a precedent for further in depth development in the vicinity. As such, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area.

11.3 It is considered that a policy compliant scheme may be achievable in relation to residential amenity (subject to suitable refuse collection arrangements) and parking/highways matters. There are no issues to address in relation to flood risk and drainage and ecology impacts are considered acceptable subject to conditions.

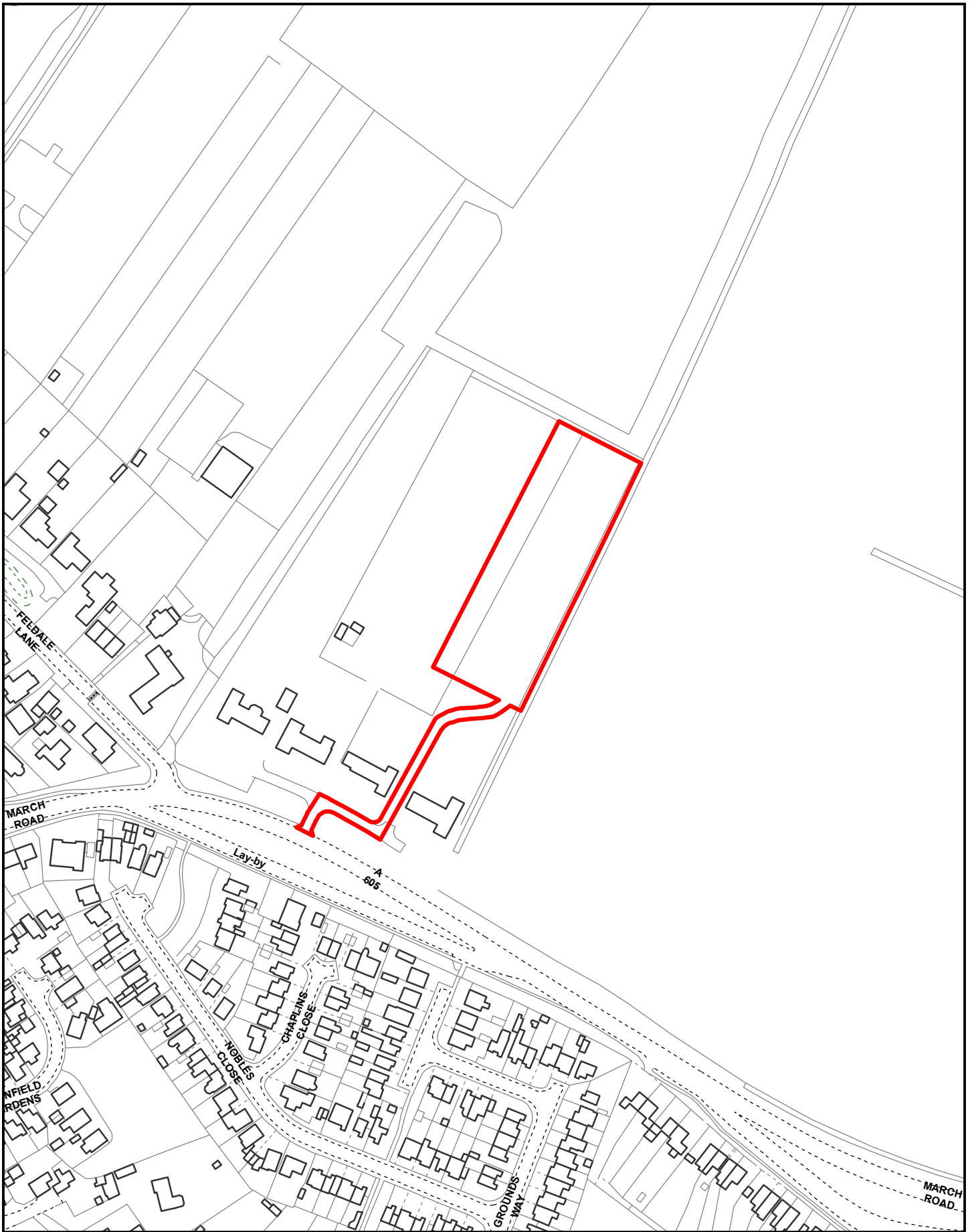
11.4 The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed in Policy 5, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible there is no overriding

need for the development and as such the proposal is contrary to the aforementioned policy.

12 RECOMMENDATION

Refuse for the following reasons:

1	<p>Policies LP2, LP12 and LP16 of the Fenland Local Plan 2014, DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, paras 130 and 174 of the NPPF 2021 and Chapters C1, I1 and I2 of the NDG 2021 seek to ensure that developments avoid adverse impacts, create high quality environments, which provide a positive contribution to local distinctiveness, are informed by the settlement pattern and local built environment and recognise the beauty and character of the countryside.</p> <p>The site is considered to relate more to the surrounding countryside than the built form and the proposal would enclose the open field beyond the frontage development, would result in an in-depth incursion into the open countryside and would not therefore respect the local distinctiveness and character of the area. Furthermore, it would set a precedent for further in-depth development in the vicinity. As such, the proposal is considered to create a significant adverse impact on the character and visual amenity of the area, contrary to the aforementioned policies.</p>
2	<p>Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.</p> <p>The site is located within a Sand and Gravel Mineral Safeguarding Area, the development is does not fall within any of the exemptions listed, there has been no demonstration that criteria (i) – (k) have been complied with and whilst the MWPA consider extraction is unlikely to be feasible, there is no overriding need for the development and as such the proposal is contrary to the aforementioned policy.</p>



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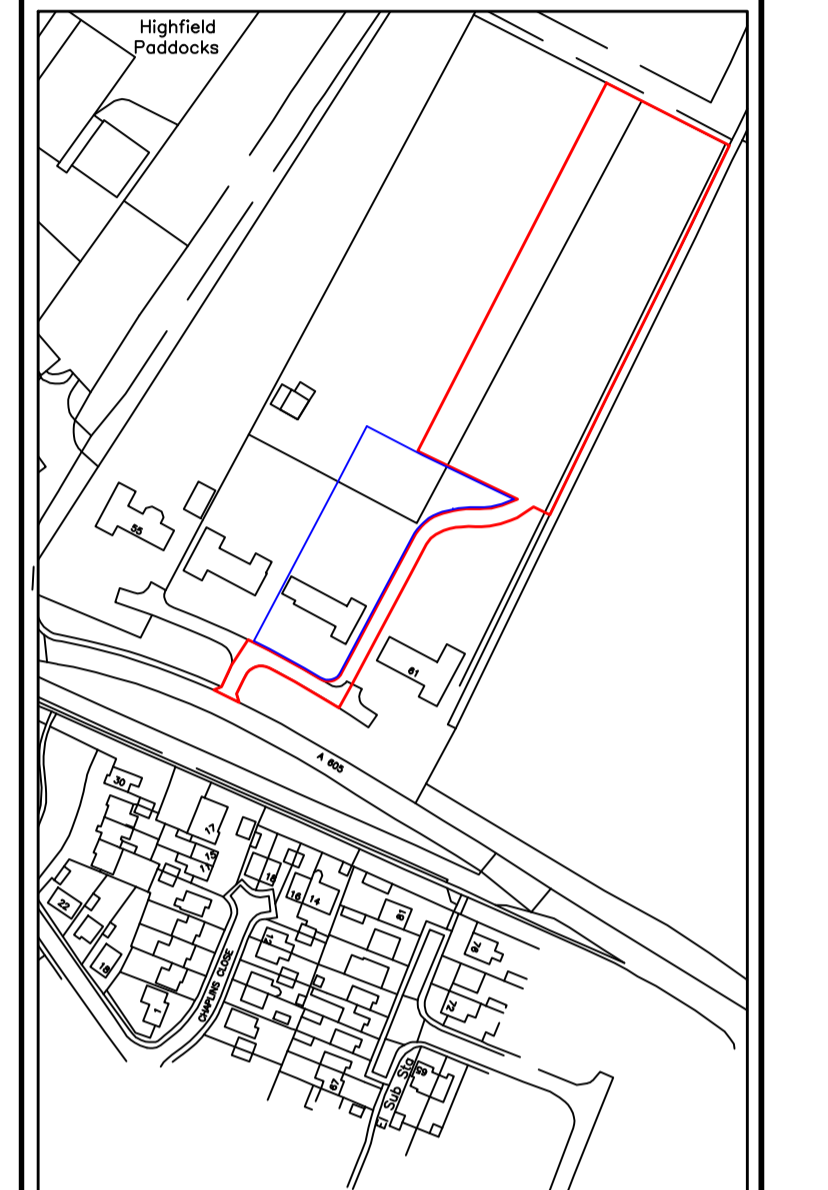
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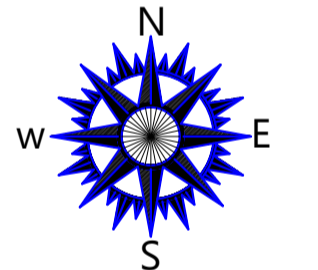
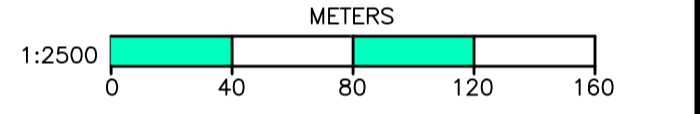


Highfield Paddocks

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 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



LOCATION PLAN (1:2500)
Licence number 100022432



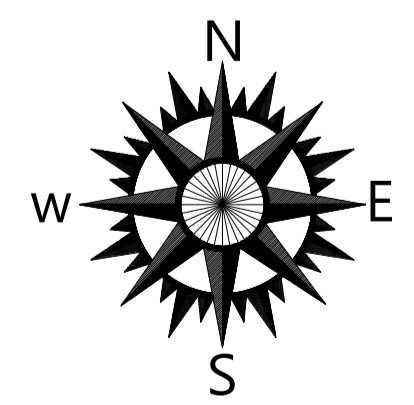
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A	CLIENTS COMMENTS	APR 22
	REVISIONS	DATE

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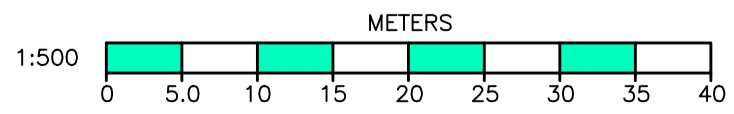
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— APPLICATION SITE
 — LAND OWNED BY APPLICANT



EXISTING SITE PLAN (1:500)



CLIENT	Mr & Mrs Klimczuk
PROJECT	Land to Rear of 59 & 61 March Road Coates PE7 2BZ
TITLE	Existing Site Plan & Location Plan
DRAWN	G. Boreham
CHECKED	
DATE	March 2022
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H8257/01b



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 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
 - LAND OWNED BY APPLICANT
 - HOUSEHOLDER BIN LOCATIONS

E	PLANNERS COMMENTS	JUN 22
D	CLIENTS COMMENTS	APR 22
C	CLIENTS COMMENTS	APR 22
B	CLIENTS COMMENTS	APR 22
A	CLIENTS COMMENTS	MAR 22
	REVISIONS	DATE

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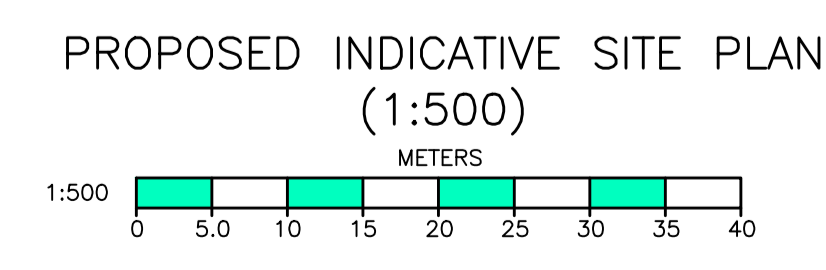
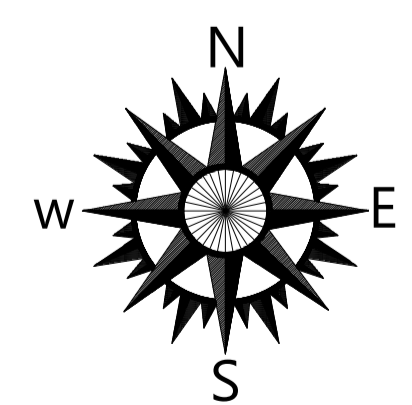
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CLIENT
 Mr & Mrs Klimczuk

PROJECT
 Land to Rear of 59 & 61 March Road Coates PE7 2BZ

TITLE
 Proposed Indicative Site Plan

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE March 2022	DRAWING NUMBER H8257/02E
SCALE As Shown	



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F/YR22/0863/F

Applicant: Mr Mark Williams

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

18 East Park Street, Chatteris, Cambridgeshire, PE16 6LD

Erect a first-floor rear extension to existing building

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks to erect a first-floor rear extension to the existing building at 18 East Park Street, which is situated within Chatteris Conservation Area and within the vicinity of numerous Grade II Listed Buildings.
- 1.2 Due to the proximity of the first-floor extension on the boundary between the site and the neighbouring property there is potential for overbearing and overshadowing to the neighbouring property to the detriment of residential amenity. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16.
- 1.3 The proposed extension by virtue of its depth will create a mass of building which will create an incongruous feature which will detrimentally impact upon the character of the surrounding area. If permitted the development would result in a prominent and incongruous feature within the street scene to the detriment of the character of the area and is therefore contrary to Policy LP16.
- 1.4 Subsequently, the recommendation is to refuse this application.

2 SITE DESCRIPTION

- 2.1 The application site is situated on the western side of East Park Street within the market town of Chatteris. There are numerous Grade II Listed Buildings within the immediate vicinity of the site; the closest being to the north of the site at 14 East Park Street and the east at 7 and 9 East Park Street.
- 2.2 The building on site is currently occupied by the Police Firearms Officers Association and is a 2-storey detached building with a single-storey element situated to the rear of the main building. The single-storey element has a depth of approximately 25 metres and extends westwards within the site.
- 2.3 The application site is situated within Flood Zone 1.

3 PROPOSAL

- 3.1 This application seeks to erect a first-floor rear extension to the existing building at 18 East Park Street.
- 3.2 The proposed first-floor extension will form a training room and office space. The extension will be situated above the existing single-storey element to the rear of the main building. The extension will have a depth of approximately 23 metres and a width of 5.6 metres. The roof proposed will be dual-pitched with an eaves height of 3.8 metres and a ridge height of 7.6 metres approx, to match the existing 2-storey building.
- 3.3 The fenestration proposed to serve the first-floor extension include 4 south facing dormer windows.
- 3.4 The materials proposed will be a grey cement board cladding to the new walls facing west with slate roof tiles. The north facing side elevation will include a increase in height of 150mm to the brick wall with materials to match those existing.

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/0523/F	Siting of a portacabin for use as a training room	Granted 28/07/2017
F/YR15/0832/F	Alterations to existing building to include: replacement entrance door with a timber door and infill panel, and change of window colour from blue to grey (vinyl)	Granted 13/11/2015
F/YR14/0753/F	Change of use from Police Station to offices (B1) and conversion of existing garages to Police Museum (D1).	Granted 10/11/2014
F/YR04/3212/F	Formation of a disabled access to rear	Granted 27/05/2004

5 CONSULTATIONS

5.1 Chatteris Town Council

Support

5.2 FDC Environmental Health

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

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

5.3 FDC Conservation

This is a large modern building, in a large plot. It provides a neutral contribution to the character and appearance of the conservation area and setting of nearby listed buildings and due to the size of the plot, will be able to absorb the extension without resulting in a negative impact on the character or appearance of the conservation area or settings.

I therefore have no objection to this application.

5.4 CCC Highways

Highways have no objections to the above application.

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para 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

Chapter 16 – Conserving and enhancing the historic environment

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2021

Context

Identity

Built Form

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.5 Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP5 – Health and Wellbeing
LP7 – Design
LP8 – Amenity Provision
LP23 – Historic Environment
LP32 – Flood and Water Management

8 KEY ISSUES

- Principle of Development
- Heritage and Visual Amenity of the Area
- Residential Amenity
- Flood Risk

9 ASSESSMENT

Principle of Development

- 9.1 The scheme is for a first-floor rear extension to the existing building. Policy LP16 supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance.
- 9.2 Policy LP2 seeks to ensure that the proposed development does not result in harm to the amenity of the area or the environment in general.
- 9.3 Policy LP18 seeks to ensure that the development does not adversely impact upon the Conservation Area or surrounding Listed Building.
- 9.4 Flood risk should be considered as per Policy LP14.
- 9.5 The broad principle of development may therefore be acceptable subject to the policy considerations set out below.

Heritage and Visual Amenity of the Area

- 9.6 The application site is situated within Chatteris Conservation Area and will be situated within the vicinity of numerous Grade II Listed Buildings. Upon consultation with the FDC Conservation Officer, no objections were raised given that the building on site is a large modern building on a large plot which provides a neutral contribution to the character and appearance of the conservation area and the setting of the neighbouring listed buildings. As such, the scheme is considered to comply with Policy LP18 with regard to impacts on the historic environment.
- 9.7 Notwithstanding this, the extension will have a depth of approximately 23 metres and will be situated to the rear of the existing building on site. Whilst this first-floor extension will not be visible from East Park Street, it will be highly visible from

Victoria Street between No. 1 and the Salvation Army building. The depth of the extension will increase the mass of the rear extension on site significantly, thus creating an incongruous and dominant feature within the street scene along Victoria Street. As such, the scheme is considered to be contrary to Policy LP16 in this regard.

Residential Amenity

- 9.8 A residential property is situated immediately north of the application site at No. 16 East Park Street. The dwelling to the north is a 2-storey dwelling. The dwelling features a single-storey extension situated adjacent to the northern boundary of the neighbouring site.
- 9.9 The proposed fenestration will face southwards and therefore is unlikely to include any adverse overlooking impacts to neighbouring property.
- 9.10 The proposed first-floor extension will have a depth of 23 metres when measured from the rear elevation of the existing building on site. The extension will create a 2-storey element extending the entire length of the neighbouring private amenity space. The introduction of a first-floor extension on site will create significant adverse overbearing impacts upon the neighbouring property at No. 16. The extension will effectively box in a significant section of the rear of the property and will create significant overbearing impacts when using the rear garden of the neighbouring property.
- 9.11 In addition to this, given the direction of sun travel from east to west, the proposed first-floor extension will create significant overshadowing impacts throughout the entire day given that the depth of the extension will extend the entire length of the neighbouring amenity space.
- 9.12 Due to the proximity of the first-floor extension, there is potential for both significant overbearing and overshadowing impacts upon the neighbouring property to the north. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to Policy LP2 and LP16.

Flood Risk

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

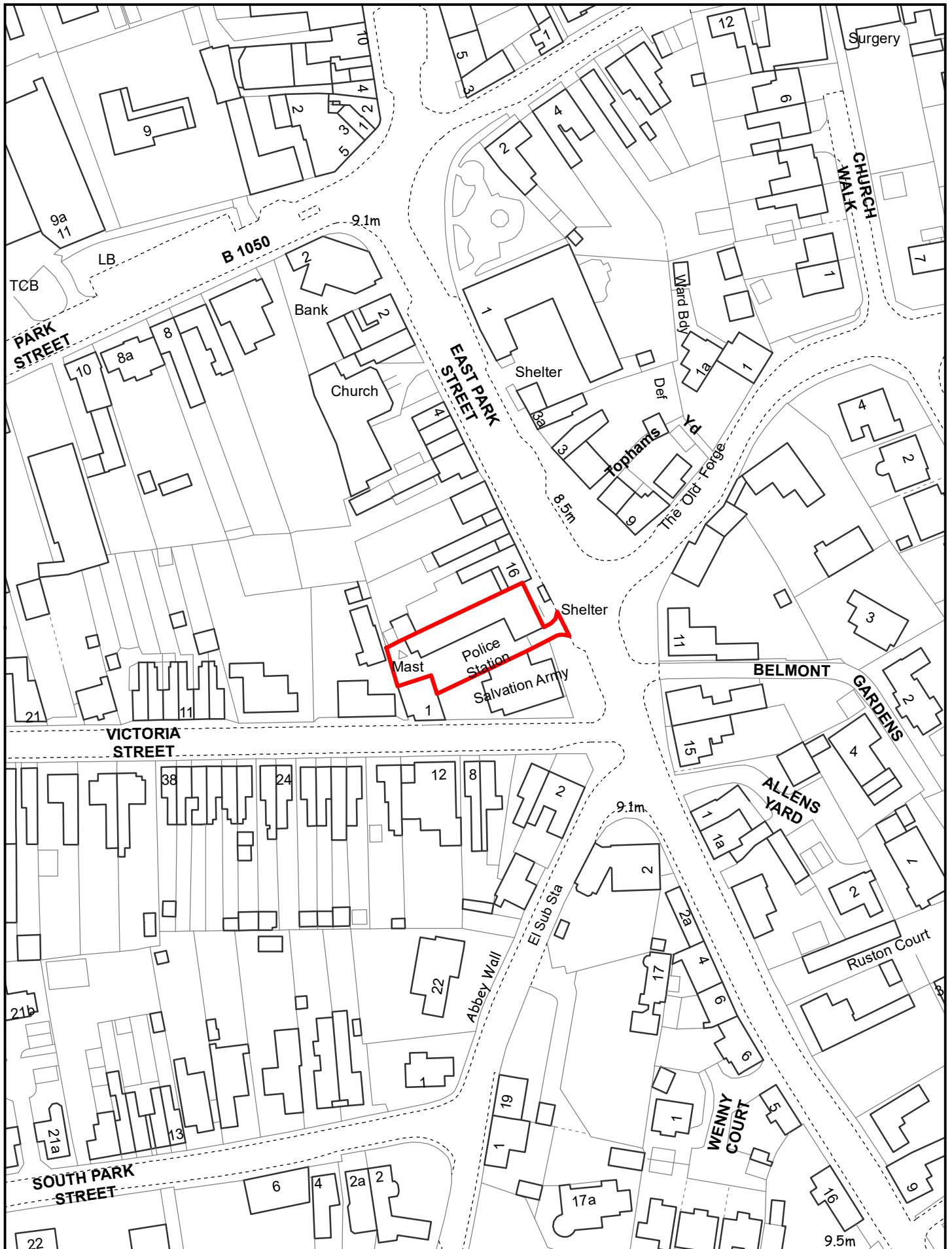
10 CONCLUSIONS

- 10.1 To conclude; Policy LP2 and LP16 seek to ensure that the development does not adversely impact or affect the amenity of neighbouring users. Due to the proximity and depth of the first-floor extension, it is considered that the scheme would cause significant visual, overbearing and overshadowing impacts to the neighbouring property at 16 East Park Street, as well as an adverse visual impact arising from the creation of an incongruous and dominant feature when viewed from Victoria Street. The proposal is therefore considered to be contrary to Policies LP2 and LP16 of the Fenland Local Plan 2014.

11 RECOMMENDATION

Refuse; for the following reasons:

1	<p>Policies LP2 and LP16 of the Fenland Local Plan seek to ensure that the development does not adversely affect the amenity of neighbouring users. Due to the proximity of the first-floor extension on the boundary between the site and the neighbouring property there is potential for overbearing and overshadowing to the neighbouring property to the detriment of residential amenity. The creation of such an unappealing living environment for the neighbouring occupiers would be contrary to the above policies.</p>
2	<p>Policy LP16 of the Fenland Local Plan requires development to make a positive contribution to the local distinctiveness and character of the area and to respond to and improve the character of the local built environment. The proposed extension by virtue of its depth will create a mass of building which will create an incongruous feature which will detrimentally impact upon the character of the surrounding area. If permitted the development would result in a prominent and incongruous feature within the street scene of Victoria Street to the detriment of the character of the area and is therefore contrary to the above policy of the Fenland Local Plan 2014.</p>



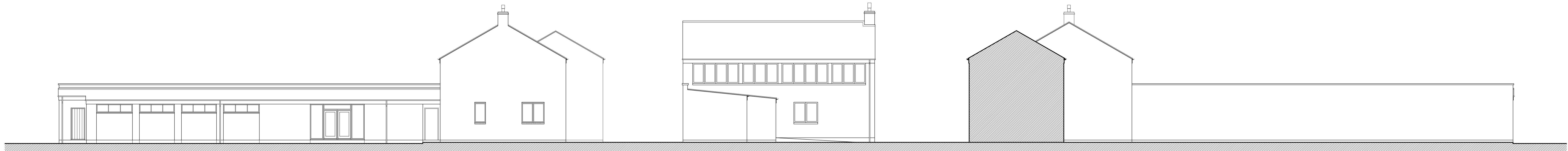
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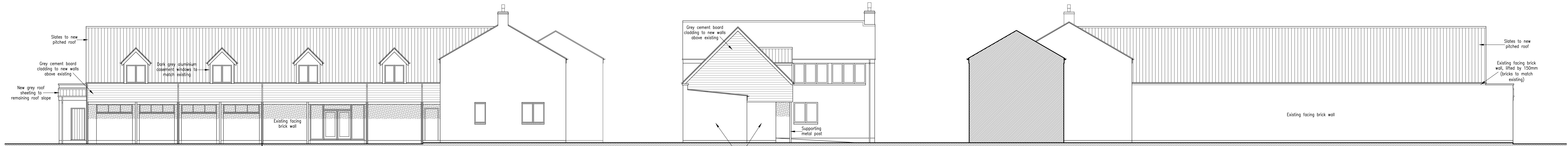




Existing Side Elevation 1:100

Existing Rear Elevation 1:100

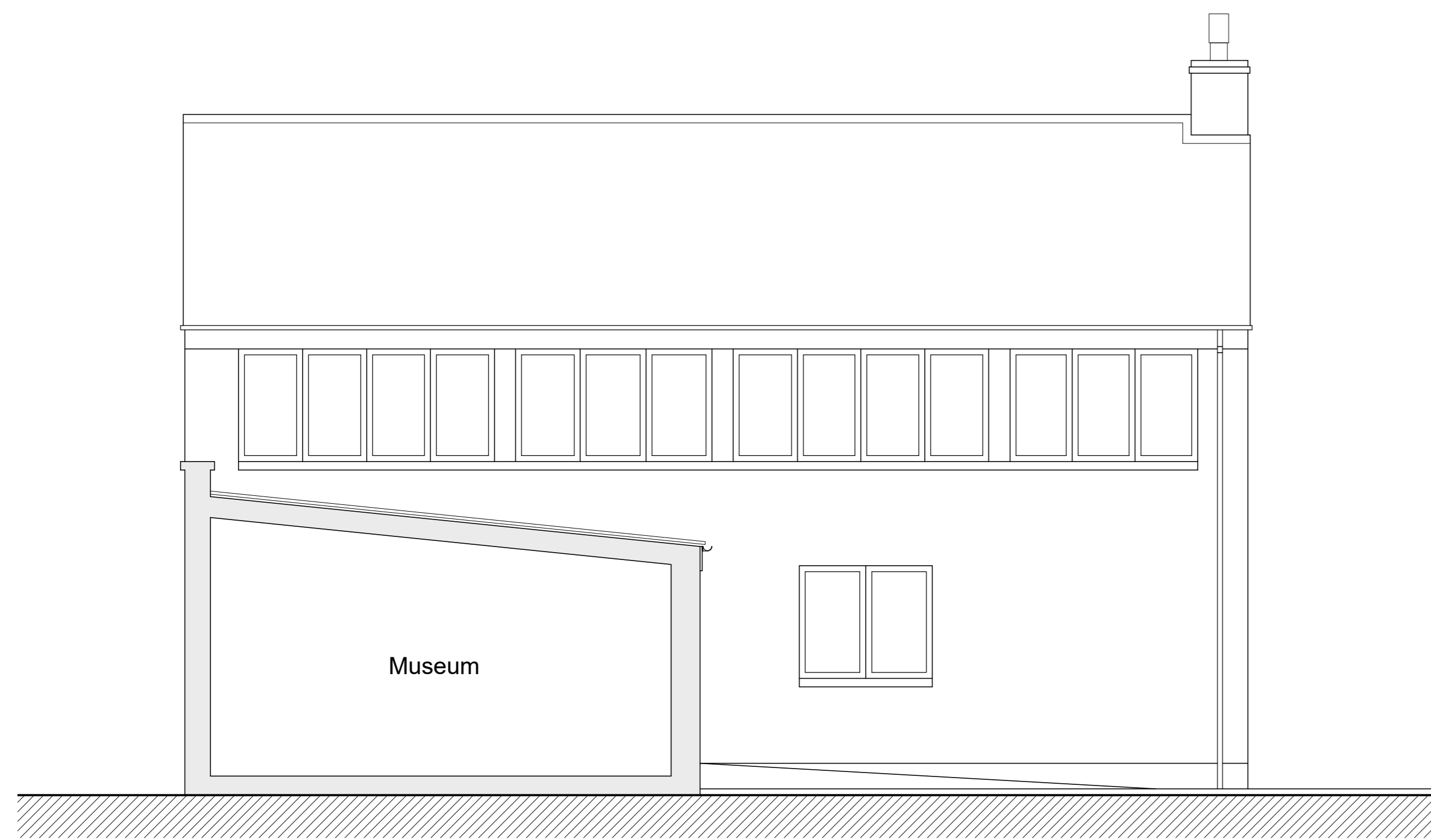
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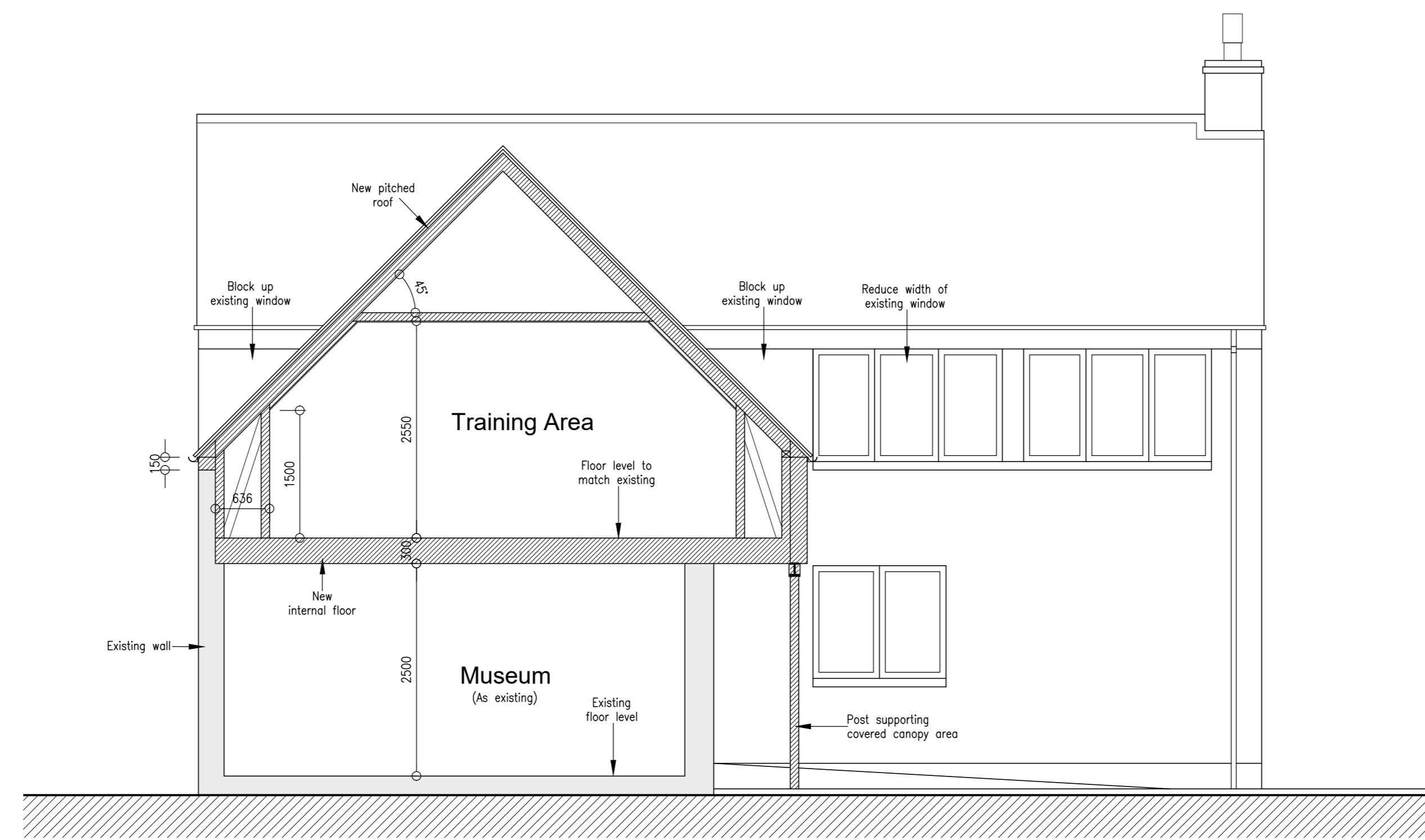
Proposed Side Elevation 1:100

Proposed Rear Elevation 1:100

Proposed Side Elevation 1:100



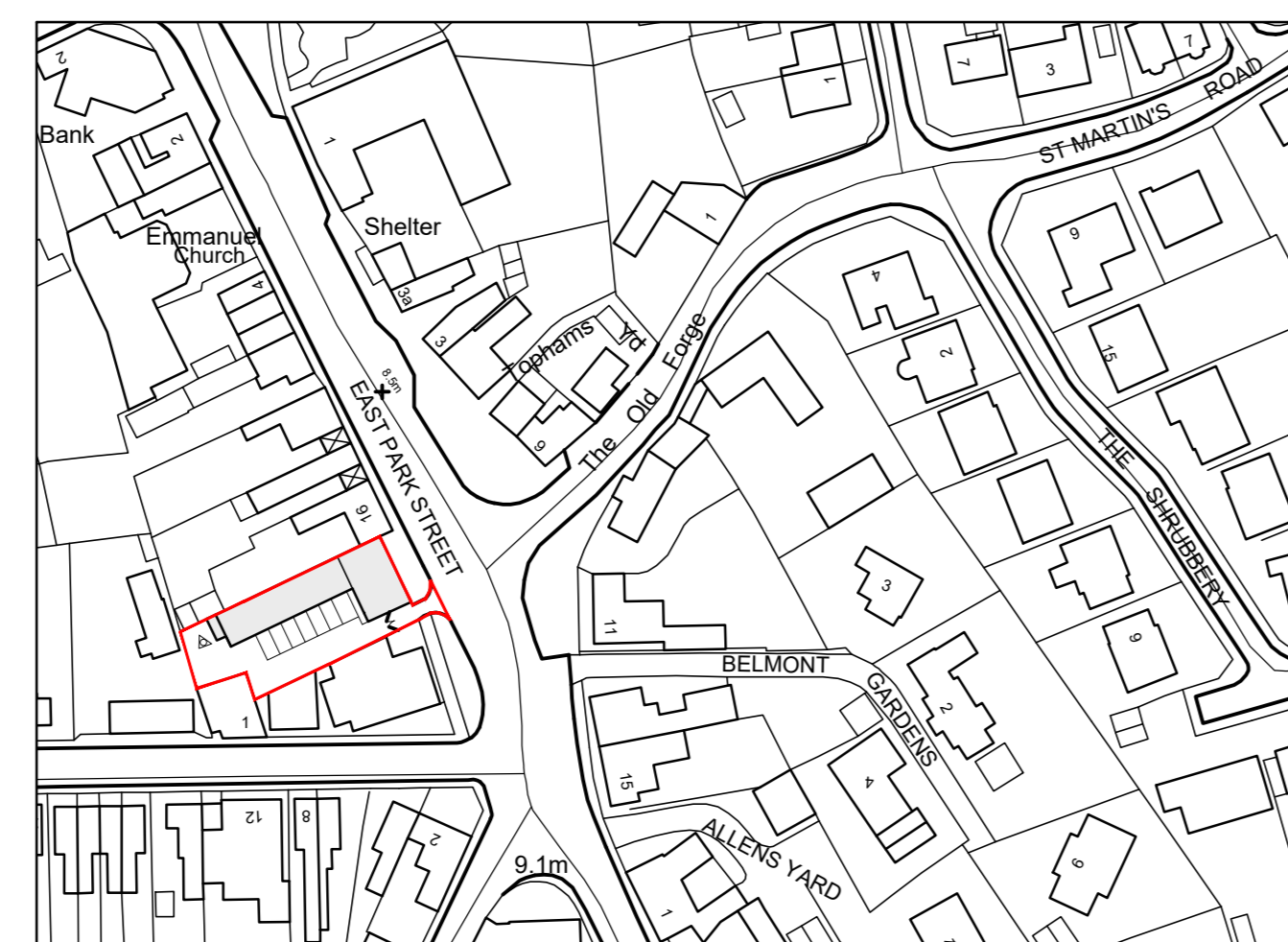
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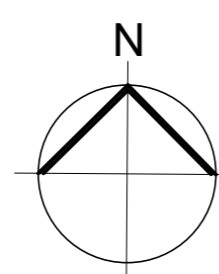
Proposed Section Elevation 1:50



Proposed Site Plan 1:500



Location Plan 1:1250

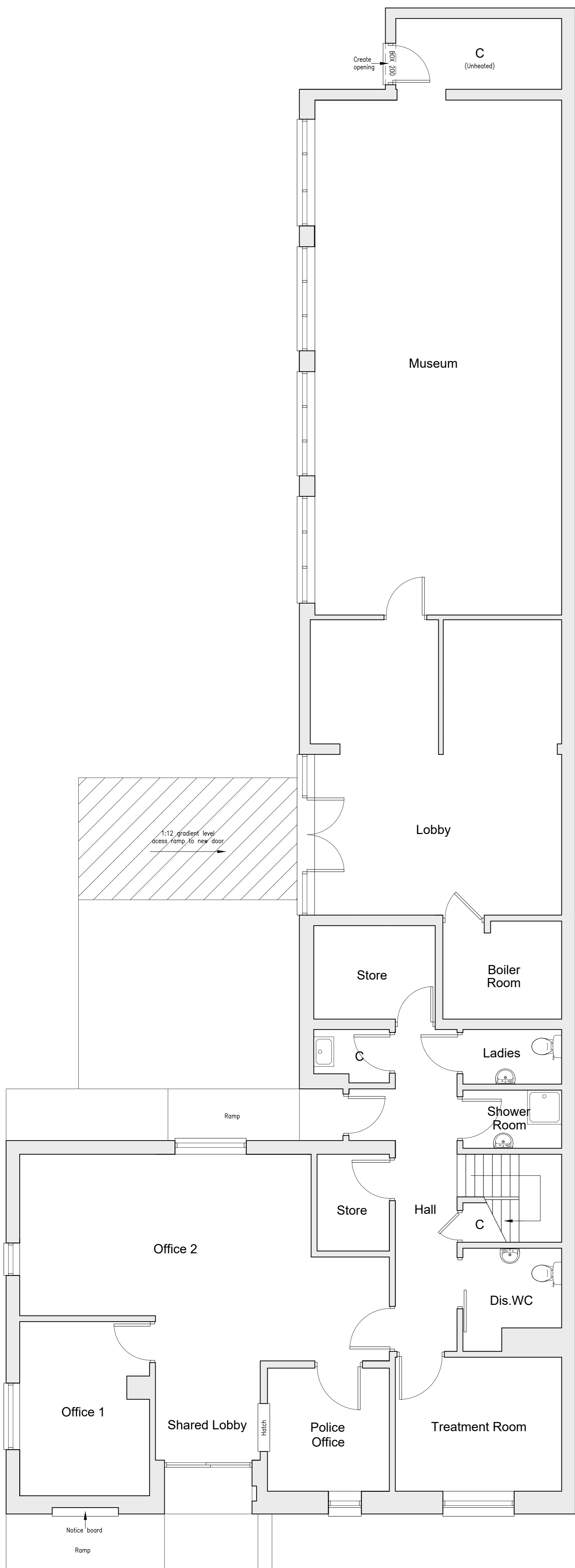


A.	REVISIONS	PAPER SIZE	DATE
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CLIENT	PROJECT	SITE	DRAWING
MR M WILLIAMS - PFOA	PROPOSED FIRST FLOOR REAR EXTENSION	POLICE FIREARMS OFFICERS ASSOCIATION THE OLD POLICE STATION 18 EAST PARK STREET CHATTERS PE16 6LD	ELEVATIONS AND SECTIONS

PETER HUMPHREY ASSOCIATES
 ADDRESS: 2 CHAPEL ROAD, WISBECH CAMBS, PE13 1RG.
 TELEPHONE: 01454 466066
 EMAIL: info@peterhumphrey.co.uk
 WEB: www.peterhumphrey.co.uk



Existing Ground Floor Plan 1:50



Existing First Floor Plan 1:50

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CLIENT
MR M WILLIAMS - PFOA

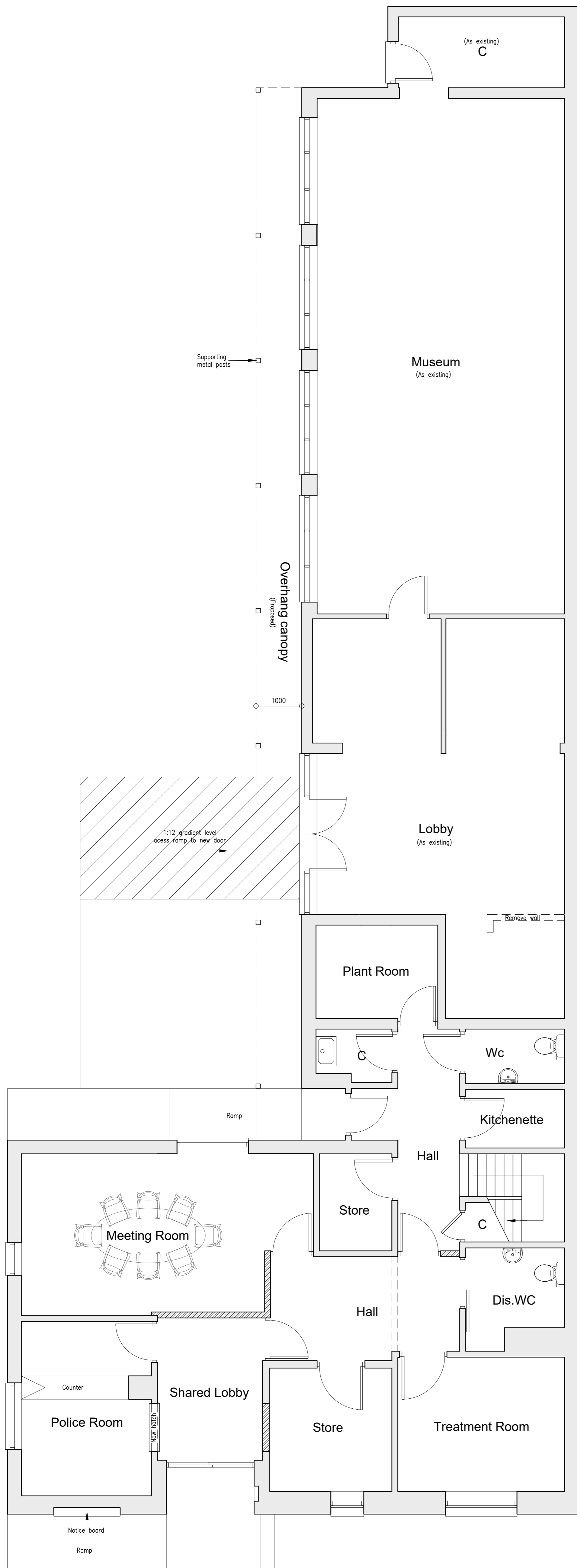
PROJECT
PROPOSED FIRST FLOOR REAR EXTENSION

SITE
POLICE FIREARMS OFFICERS ASSOCIATION
THE OLD POLICE STATION
18 EAST PARK STREET
CHATTERIS
PE16 6LD

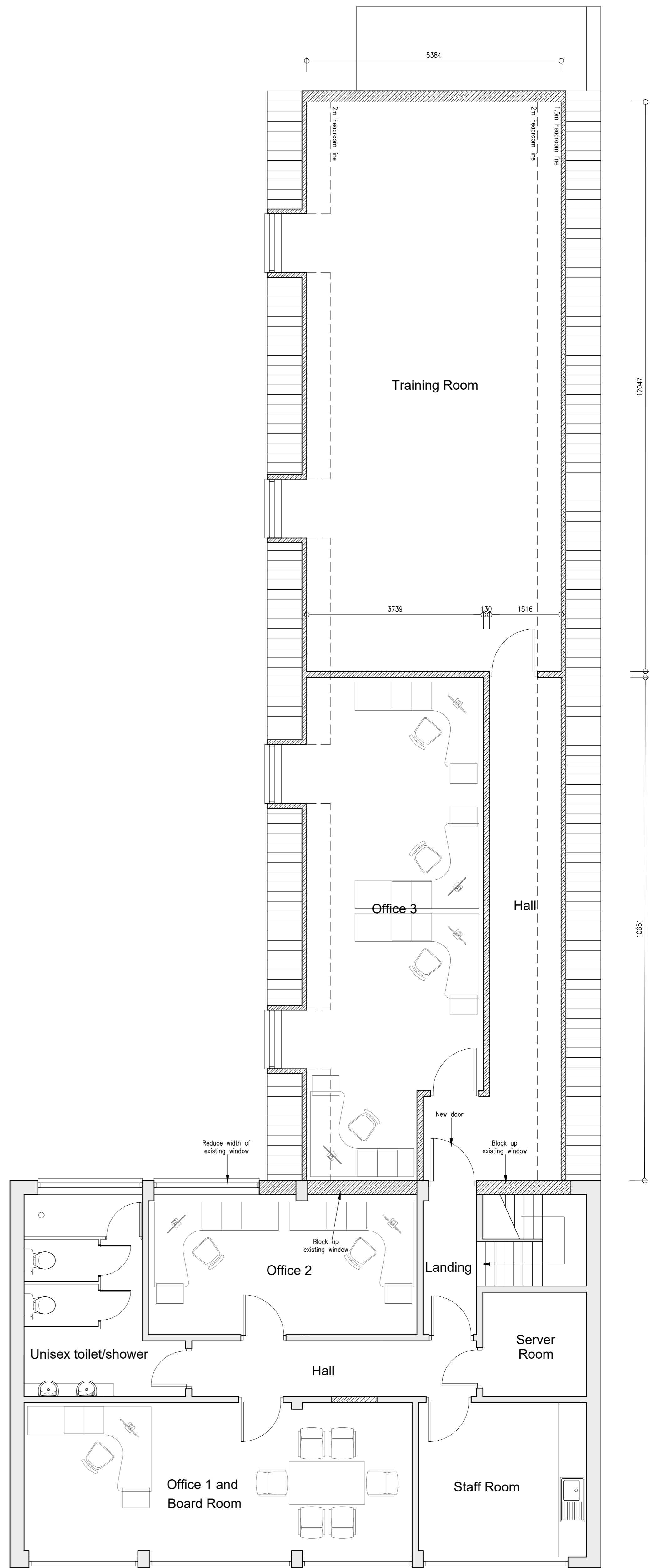
DRAWING
EXISTING FLOOR PLANS

PETER HUMPHREY ASSOCIATES

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Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

REVISIONS		
JOB NO.	PAPER SIZE	DATE
6450/02A	A1	APRIL 2022

Notes:
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The Construction (Design and Management) Regulations 2016:
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.

CLIENT
MR M WILLIAMS - PFOA

PROJECT
PROPOSED FIRST FLOOR REAR EXTENSION

SITE
POLICE FIREARMS OFFICERS ASSOCIATION
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DRAWING
PROPOSED FLOOR PLANS



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